

Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the 9th annual National Charter Schools Week, to be held May 5 through May 9, 2008, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, especially their impressive results closing America's persistent achievement gap, and improving and strengthening our public school system.

(2) supports the ideas and goals of the 9th annual National Charter Schools Week; and

(3) encourages the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week long celebration in communities throughout the United States.

SENATE RESOLUTION 557—SUPPORTING THE GOALS AND IDEALS OF NATIONAL TRAIN DAY

Mr. LAUTENBERG (for himself, Mrs. HUTCHISON, Mr. BAUCUS, Mr. BIDEN, Mr. CARPER, Mrs. CLINTON, Mr. DORGAN, Mr. DURBIN, Mr. KERRY, Mr. MENENDEZ, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DOMENICI, Ms. SNOWE, Mr. CRAPO, Mr. COCHRAN, Mr. SPECTER, Mr. LIEBERMAN, Mr. BAYH, and Mr. BROWN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 557

Whereas, on May 10, 1869, the “golden spike” was driven into the final tie at Promontory Summit, Utah, to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States;

Whereas, in highly populated regions, Amtrak trains and infrastructure carry commuters to and from work in congested metropolitan areas providing a reliable rail option, reducing congestion on roads and in the skies;

Whereas, for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country;

Whereas passenger rail provides a more energy-efficient form of transportation compared to autos or air travel;

Whereas passenger railroads emit only 0.2 percent of the travel industry's total greenhouse gases;

Whereas Amtrak annually provides intercity passenger rail travel to over 25,000,000 Americans residing in 46 States;

Whereas an increasing number of people are using trains for travel purposes beyond commuting to and from work;

Whereas our railroad stations are a source of civic pride, a gateway to our communities, and a tool for economic growth; and

Whereas Amtrak has designated May 10, 2008, as National Train Day to celebrate the way trains connect people and places: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Train Day, as designated by Amtrak.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4733. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. NELSON, of Florida, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

SA 4734. Mr. ENSIGN (for himself and Mr. REID) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra.

SA 4735. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra.

SA 4736. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra.

SA 4737. Mr. REID (for himself, Mr. DORGAN, Mr. BINGAMAN, Mrs. BOXER, Mr. LEVIN, Ms. STABENOW, Mr. LEAHY, Mr. SCHUMER, Mr. BROWN, Mr. SANDERS, Mr. DURBIN, Mr. KERRY, Mr. MENENDEZ, Ms. LANDRIEU, Mr. CARPER, Mr. INOUE, Mr. LAUTENBERG, Mr. SALAZAR, Mr. REED, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4738. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4739. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4740. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4741. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4742. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

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SA 4748. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4749. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4733. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. NELSON of Florida, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

On page 34, between lines 14 and 15, insert the following:

(d) COMMUNICATION AND OUTREACH.—

(1) IN GENERAL.—The Director shall—

(A) work to enhance communication and outreach to States, local communities, and property owners about the effects of—

(i) any potential changes to National Flood Insurance Program rate maps that may result from the mapping program required under this section; and

(ii) that any such changes may have on flood insurance purchase requirements; and

(B) engage with local communities to enhance communication and outreach to the residents of such communities on the matters described under subparagraph (A).

(2) REQUIRED ACTIVITIES.—The communication and outreach activities required under paragraph (1) shall include—

(A) notifying property owners when their properties become included in, or when they are excluded from, an area having special flood hazards and the effect of such inclusion or exclusion on the applicability of the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to such properties;

(B) educating property owners regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

(C) educating property owners regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) for such properties and the contents of such properties;

(D) educating property owners about flood map revisions and the process available such owners to appeal proposed changes in flood elevations through their community; and

(E) encouraging property owners to maintain or acquire flood insurance coverage.

On page 34, line 15, strike “(d)” and insert “(e)”.

SA 4734. Mr. ENSIGN (for himself and Mr. REID) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____ FERNLEY FLOOD COMPENSATION.

(a) DEFINITIONS.—In this section:

(1) COVERED PERSON.—The term “covered person” means a United States citizen, an alien lawfully admitted for permanent residence, the City of Fernley, Lyon County, a person that is not an individual, or a school district.

(2) **FERNLEY FLOOD.**—The term “Fernley flood” means the breach of the Truckee Irrigation Canal on January 5, 2008, and subsequent flooding of the City of Fernley, Nevada.

(3) **INJURED PARTY.**—The term “injured party” means a covered person that suffered damages resulting from the Fernley flood.

(b) **COMPENSATION AND SOURCE OF FUNDS.**—

(1) **COMPENSATION.**—Each injured party shall be eligible to receive from the United States compensation for damages suffered as a result of the Fernley flood.

(2) **SOURCE OF FUNDS.**—The Director shall compensate each injured party for damages resulting from the Fernley flood from the permanent judgment appropriation under section 1304 of title 31, United States Code.

(c) **INSURANCE AND OTHER BENEFITS.**—The Director shall reduce the amount to be paid to an injured party relating to the Fernley flood by an amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature relating to the Fernley flood that were paid, or will be paid, to that injured party.

(d) **ACCEPTANCE OF AWARD.**—The acceptance by an injured party of any payment under this section shall (excluding claims relating to life insurance benefits)—

(1) be final and conclusive as to any claim of that injured party relating to damages suffered because of the Fernley flood; and

(2) constitute a complete and full release of all claims of that injured party relating to the Fernley flood against the United States, the State of Nevada, Lyon County, Nevada, the City of Fernley, Nevada, and the Truckee-Carson Irrigation District.

(e) **REGULATIONS.**—Not later than 90 days after the date of enactment of this Act, the Director shall promulgate and publish in the Federal Register interim final regulations to carry out this section.

SA 4735. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.

The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota, authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to reimburse the non-Federal interest for funds advanced by the non-Federal interest for the Federal share of the project, only if additional Federal funds are appropriated for that purpose.

SA 4736. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

On page 10, between lines 16 and 17, insert the following:

(3) **ACCURATE PRICING.**—In carrying out the mandatory purchase requirement under paragraph (1), the Director shall ensure that the price of flood insurance policies in areas

of residual risk accurately reflects the level of flood protection provided by any levee, dam, or other the man-made structure in such area.

On page 31, after line 14 add:

“(v) The level of protection provided by man-made structures.”

On page 10, after line 16, insert:

(d)—upon decertification of any levee, dam, or man-made structure under the jurisdiction of the Army Corps of Engineers, the Corps shall immediately provide notice to the Director of the National Flood Insurance program.

SA 4737. Mr. REID (for himself, Mr. DORGAN, Mr. BINGAMAN, Mrs. BOXER, Mr. LEVIN, Ms. STABENOW, Mr. LEAHY, Mr. SCHUMER, Mr. BROWN, Mr. SANDERS, Mr. DURBIN, Mr. KERRY, Mr. MENENDEZ, Ms. LANDRIEU, Mr. CARPER, Mr. INOUE, Mr. LAUTENBERG, Mr. SALAZAR, Mr. REED, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) **IN GENERAL.**—Except as provided in subsection (b) and notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on December 31, 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) **RESUMPTION.**—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is \$75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(c) **EXISTING CONTRACTS.**—In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, negotiate a deferral of the delivery of the oil for a period of not less than 1 year, in accordance with procedures of the Department of Energy in effect on the date of enactment of this Act for deferrals of oil.

SA 4738. Ms. STABENOW (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 19, insert the following:

(e) **STUDY ON GRAND RIVER FLOODWALL.**—

(1) **IN GENERAL.**—The Director and the Corps of Engineers, in conjunction with the City of Grand Rapids, shall conduct a study on the Grand River Floodwall in Grand Rapids, Michigan, to determine if such Floodwall (which is built one foot above the existing 100-year flood levels) is adequate to provide flood protection.

(2) **NO COST TO CITY.**—The study required under paragraph (1) shall be conducted at no cost to the City of Grand Rapids.

(3) **TERMS OF ANALYSIS.**—In making the determination required under paragraph (1), the Director and the Corps of Engineers shall—

(A) use the best and most appropriate geologic, hydrologic, climate data, and flood modeling available;

(B) fully analyze and identify—

(i) the overall risk of failure of the Grand River Floodwall to the City of Grand Rapids;

(ii) the existing flood protection measures provided by such Floodwall; and

(iii) the risk remaining to the City of Grand Rapids after consideration of the existing flood protection measures provided by such Floodwall; and

(C) assign a realistic cost to taking measures to insure against the remaining risk identified under subparagraph (B).

(4) **NO UPDATE OF FLOODMAPS UNTIL STUDY COMPLETED.**—During the period beginning on the date of the enactment of this Act and ending on the date on which the study required under paragraph (1) is completed, the Director may not issue any updated flood insurance rate maps for the City of Grand Rapids.

SA 4739. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968; to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AIRLINE MERGERS.

In reviewing the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall consider any potential adverse effects on competition in urban and rural areas with fewer than 200,000 residents.

SA 4740. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . STUDY ON EXISTING CODE-SHARING AGREEMENTS AND PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES.

The Secretary of Transportation shall conduct a study on the proposed merger between Delta Air Lines and Northwest Airlines to assess whether, because of existing code-sharing agreements between Northwest Airlines, Air France, and KLM Royal Dutch Airlines—

(1) such merger would provide greater access to United States air transportation

markets by Air France and KLM Royal Dutch Airlines; and

(2) such increased access would be in the United States public interest.

SA 4741. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AIRLINE MERGERS.

In reviewing the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall consider whether Northwest Airlines or Delta Air Lines would be able to continue business operations if such proposed merger does not occur.

SA 4742. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ____ . STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON RURAL AREAS.

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on rural areas since deregulation of the airline industry in 1978.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

(c) DEFINITION.—In this section, the term “rural areas” means areas having fewer than 50,000 residents.

SA 4743. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AIRLINE MERGERS.

The Comptroller General of the United States shall conduct a study of, and submit a report to Congress regarding, the effect of the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, on—

(1) the compensation of executives of such companies; and

(2) the liabilities of the employee pension benefit plans of such companies relating to employees that are not executive-level employees.

SA 4744. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AIRLINE MERGERS.

(a) IN GENERAL.—For any covered airline merger, the waiting period described in section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) for that covered airline merger shall expire on the latter of—

(1) the date that is 1 year after the date of enactment of this Act; or

(2) the date that such waiting period otherwise expires under section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) (including such later date as may be set under subsection (e)(2) or (g)(2) of such section).

(b) DEFINITION OF COVERED AIRLINE MERGER.—In this section, the term “covered airline merger” means any acquisition of voting securities or assets of a person in the air transport services industry—

(1) relating to which—

(A) a notice is filed pursuant to the rules under section 7A(d)(1) of the Clayton Act (15 U.S.C. 18a(d)(1)) during the 1-year period beginning on the date of enactment of this Act; or

(B) the waiting period described in section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) has not expired on the date of enactment of this Act; and

(2) that the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice determines is likely to result in layoffs in, or reductions in air transport services to, rural areas.

SA 4745. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ____ . STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON NEW COMMERCIAL AIRLINE ENTRIES INTO RURAL MARKETS.

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on new commercial airline entries into rural markets.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

SA 4746. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . STUDY ON IMPACT OF PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES ON AIR TRANSPORTATION MARKET IN EUROPE.

The Secretary of Transportation shall conduct a study on the proposed merger between Delta Air Lines and Northwest Airlines—

(1) to estimate, if such merger were completed, what share of the air transportation market in Europe such merged entity would have, taking into consideration the Open Skies Initiative; and

(2) to determine whether permitting such merger would violate any trade agreement with respect to which the United States is a party.

SA 4747. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ____ . STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON RURAL AREAS.

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on rural areas since deregulation of the airline industry in 1978.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

(c) DEFINITION.—In this section, the term “rural areas” means areas having fewer than 50,000 residents.

SA 4748. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ____ . ACTION BY STATE ATTORNEYS GENERAL AGAINST DELTA AND NORTHWEST MERGER.

Congress encourages the Attorney General of any State adversely impacted by the proposed Delta and Northwest merger to bring an action under the Clayton Act to enjoin the merger or recover any appropriate damages.

SA 4749. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . AIRLINE MERGERS.

The Comptroller General of the United States shall conduct a study of, and submit a report regarding, whether the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, will harm air transport services in rural areas.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN, Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled. The hearing will be held on Thursday, June 5, 2008, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony regarding off-highway vehicle management on public lands.

Because of the limited time available for the hearing, witnesses may testify