

policy in Iraq which I think is important, indeed, perhaps historical. It recognizes that we should begin a phased redeployment of our forces. It recognizes that we also must maintain certain missions in Iraq—counterterrorism operations, training Iraqi security forces, and protecting our forces. But it does emphasize we should begin on a date certain going forward to take out our forces at a pace and a level decided by operational commanders. There is a goal—not a fixed deadline—but a goal that our combat forces—those not performing these residual missions—should be out of Iraq by March 31, 2008.

This is a solution proposed essentially by the Iraq Study Group. It has been recommended, endorsed by the public sentiment of the American people by a wide margin. It allows us to continue missions that are critical to the safety and security of not only ourselves but of the region, but it does, we hope, disengage us from a potential and sometimes very real civil war in Iraq.

I hope that in the deliberations with the House, we can come up with a measure that combines the best elements of both versions of the spending bill. I hope we can bring this to the President and discuss it with him. It does represent, I think, the sentiment of the American people. It does represent not only the sentiment that we change course in Iraq, but, as this budget does, we fully fund our forces in Iraq.

I am hopeful we can make progress and that we can send to the President a bill, after discussing it with him, that could be signed rather than vetoed. That is my hope at this moment.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Tennessee. Mr. ALEXANDER. Mr. President, I believe I am to be recognized for 20 minutes.

The PRESIDING OFFICER. That is correct.

THE GREAT AMERICAN OUTDOORS

Mr. ALEXANDER. Mr. President, I wish to make remarks about three matters of importance to the great American outdoors, all of which have been happening this week and which are important for our country.

First, I wish to comment on a provision the Senate struck from the Iraq supplemental appropriations bill this morning when we were considering it. We struck it in a procedural move based upon a point of order I raised. The provision was a billboard amnesty proposal that was inserted into the middle of legislation that was supposed to be in support of our troops.

I called it a billboard amnesty proposal because it suddenly would have treated as legal billboard sites that have been illegal for 40 years and effectively would have gutted the Highway Beautification Act of 1965, which is one of the legacies of a former First Lady, Lady Bird Johnson.

I think this deserves a little attention and a little explanation before we leave it because it was a full-scale assault on one of the most important pieces of legislation that helps keep our country beautiful at a time when we are growing and struggling to preserve open spaces.

There are three problems with this billboard amnesty proposal, as I saw it. First, the proposal would have done for the billboard industry something the law doesn't allow for churches, doesn't allow for schools, doesn't allow for businesses, doesn't allow for any other structures that since 1965 have been on illegal or nonconforming sites.

This is what was happening. In 1965, at the urging of President Johnson and Mrs. Johnson, the Nation decided it would restrict billboards, both in terms of their location and their size. As we often do with legislation, we looked ahead and said the billboards could not be located in some places and had to be within a certain size. As the interstate system grew across the country, much of it is relatively free of large billboards or has a limited number of billboards.

The question then arose about what do we do about the billboards and signs that were already up prior to 1965. The decision was made by the Congress at that time to say we will leave those signs up, we will grandfather them in. As long as they stay up, they are fine, but when they fall down, they will be gone. In other words, we have been waiting for 40 years for those sites to die a natural death. That was the compromise in 1965. Many of these billboards are large billboards and are in places we don't want—rural areas, scenic areas across the country—but that was the decision we made.

The problem with this legislation, as it came into the supplemental appropriations bill for troops, is it said suddenly all the billboards in 13 States that are on sites where it would be illegal to put a new billboard were suddenly legal. In other words, it was instant amnesty, overnight amnesty for illegal billboards.

There are a lot of billboards like this. For example, in the State of Tennessee, there are nearly 3,000 billboards on sites where they would not be permitted under current law, but when those billboards fall down, they can't ever put them back up. We have known that for 40 years. In North Carolina, there are probably 2,600 illegal sites, in the sense that when the billboards wear out, fall down, act of God knocks them out, they can't be put back up. In South Carolina, there are 2,200; in Florida, 6,000; in Oklahoma, 1,400; and in Alabama, 912. In a moment, I will put in the list of those in each State.

What the provision that we struck from the bill said was, because there were some hurricanes down South, in all these places where billboards on illegal sites were knocked down by a hurricane, they could be put back up. That raises a lot of questions. What is

the difference between a billboard being destroyed by a hurricane and being destroyed by lightning, or it becoming water damaged, or it falling down because it is rotting, or some other act of God?

The whole idea in 1965 was when the billboards wore out, or an act of God destroyed them, they were gone. They were gone. We have been waiting for 40 years for that to happen. So in comes the billboard lobby and, suddenly, we have first a proposal to exempt all these billboards across the country— instant billboard amnesty for all the billboards in every State—even though the hurricanes were in the South.

Finally, that original proposal from the billboard industry got narrowed down to 13 States, which included Tennessee—we don't have a lot of hurricanes in Tennessee—and Kentucky. Hurricanes in Kentucky?

I think what is happening here is the billboard lobby is doing its best to reclaim all those billboards that have been illegal for 40 years by saying because of this hurricane or that drought or that lightning strike, suddenly we want them rebuilt in every State. That is a pretty good thing for all the billboard companies, because by and large they have bought them up from all the small farmers. They weren't worth very much because the owners knew when they fell down, the billboards could never be replaced. So what could be better for the big billboard lobby than to suddenly get instant amnesty for all these sites and instant riches overnight for those companies?

I don't blame them for trying, but I think the Senate was exactly right to say, wait a minute, we can't do this. Not only is it an affront to the troops to be cavalierly talking about a wet kiss to the billboard lobby in the middle of a debate when we are supposed to be helping the troops in Iraq, I think it is an affront to Lady Bird Johnson and all those across America who, for 40 years, have tried to keep our country, about which we sing, beautiful. One of our greatest values is we sing and believe in America the beautiful.

This motion was put into the legislation by the Democratic leader. I want to make very clear I don't question his motives, and I respect what he does. I appreciate the courteous way in which he treated the discussion he and I had on this. I told him if there were some injustices that have to do with States in the South that have been somehow unevenly treated by the law or impacted by the hurricanes in a way nobody anticipated, I would be glad to work with him and other members of the Environment and Public Works Committee, on which I serve, to correct those injustices. But the Senator from Florida, Mr. MARTINEZ, was a cosponsor of my amendment to get rid of this provision. The Senator from Alabama, Mr. SHELBY, was a cosponsor of my amendment to stop this billboard amnesty. So who is the billboard lobby trying to protect here, when the Senators from those States—Tennessee,

Alabama, and Florida—say we don't need that sort of protection? But I am happy and willing to work on that legislation.

I also wish to make it clear to my colleagues this is not a new subject for me. In the 1980s, when I was Governor of Tennessee, the legislature and I—and the legislature was Democratic at the time—made 10,000 of our State roads scenic highways. We put little mockingbirds up, and we said no new billboards and no new junkyards. Tennessee is a beautiful State, and we wanted people to enjoy it as they drove across the country. The only regret I have is we didn't think of cell towers being invented. We all use them, for our cell phones and our BlackBerries. In Tennessee, they seem to be having a contest to see who can invent the biggest and the ugliest cell tower and stick it in the most scenic place. But we created those scenic highways in a bipartisan way.

In the mid-1980s, I was chairman of the President's Commission on Americans Outdoors, with Gilbert Grosvenor, the head of National Geographic, and Pat Noonan, president of The Conservation Fund, and one of our major recommendations was a system of scenic byways, which the Congress has now created across our country.

Our people want to see our beautiful country and they want reasonable limits on what we are doing. They certainly don't want to see us, in the middle of legislation to support our troops, to have suddenly attached to the appropriations bill an instant billboard amnesty proposal. I am glad that is out of the bill, and I congratulate the Senate for doing what we did this morning. It will come up through the regular committee, if we ever need to do that. The proposal was a big wet kiss to the billboard lobby, and a kissing line in which I don't care to stand, and I appreciate the Senate action.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from several organizations—Scenic America, the U.S. Conference of Mayors, the National League of Cities, the American Planning Association, and other groups—expressing their deep concern about the provision we knocked out of the supplemental appropriations bill that would have gutted the Highway Beautification Act.

Following that, I wish to include a chart from Scenic America that has a list of the number of nonconforming billboards in every State. There are 63,000 of those sites where it would be illegal to put up new billboards. The whole thrust of this billboard amnesty proposal would have been to turn those illegal sites into legal sites overnight, beginning with these 13 States and perhaps expanding to other States in the future.

Also, I wish to include two newspaper articles, one from the Washington Post and one from USA Today, which alerted the Senate this week to this provision in the appropriations bill, which

slipped in very quietly under the heading of "highway signs."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 27, 2007.

Hon. LAMAR ALEXANDER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALEXANDER: We are writing to express our deep concern about a provision related to the Highway Beautification Act's rules governing the destruction of nonconforming signs by hurricanes that was added to the Senate's supplemental appropriation bill. We strongly believe this legislation would do significant harm to the core principles underlying this 42-year-old law and will impair the ability of state and local governments to remove nonconforming billboards from their communities. Moreover, it will also undermine local governments' ability to regulate nonconforming land uses in general by carving out an exception to long-standing legal and regulatory practices not available to any other business entity. Because this is a substantive measure that properly belongs within the jurisdiction of the Environment and Public Works Committee, and because it would be extraordinarily damaging to communities in 13 states, we urge you to seek the removal of this provision from the final bill.

As you know, this is the third attempt within the past year to weaken this important provision of the HBA and, once again, the offending legislation avoided the formal scrutiny of the authorizing committees with jurisdiction. Policy matters of this importance deserve to be dealt with directly through appropriate legislative channels, not through nongermane appropriations measures.

But this legislation is wrong not just procedurally, it is wrong on its merits. This measure permits state legislatures in FEMA Regions IV and VI to opt-out of one of the last remaining effective provisions of the Highway Beautification Act, which is already heavily weighted to the advantage of the outdoor advertising industry. One of the principal compromises made at the time of the HBA's passage was that nonconforming signs would be removed by attrition over time. These signs, often many decades old, are located in places that no longer permit them and are, by definition, undesirable. Like all nonconforming land uses they are subject to permanent removal when they are destroyed by acts of God. They cannot be replaced or rebuilt for the simple reason that it is now illegal to build a new sign at that location.

Each state currently defines what constitutes "destroyed" in its agreement with the federal government implementing the law. Usually, "destruction" is defined as some percentage of the structure or the value of the sign. When a nonconforming sign is harmed in a storm, and crosses the threshold from merely damaged to destroyed, its permit is revoked and it must be permanently removed, just as any nonconforming structure would be under similar circumstances. Case law and common practice have long held that the owner of a nonconforming destroyed structure is not entitled to compensation and certainly cannot rebuild it. Billboards are—and should be—no exception. Congress should not treat billboard companies differently from any other business that owns nonconforming structures destroyed in hurricanes.

We are deeply concerned that the continued weakening of the enforcement provisions of the HBA will render the nonconforming designation meaningless, in effect con-

verting these signs into permanent structures. Incidentally the legislative language permits these signs to be rebuilt with modern materials that will make them virtually indestructible, a notion completely at odds with the original intention of the law. The crippling of the storm-destruction provision effectively removes any hope that the thousands of old, nonconforming billboards littering our highways will ever be removed. Many of these signs are over 30 years old; some, much older. They were purchased with full knowledge that they were subject to destruction by natural causes and ultimate removal, and should not be granted special protection, particularly given their notoriously adverse impact on the quality of community life.

The provision requires state legislative action in order to take effect, and in virtually every instance in recent years state legislation dealing with billboards overrides local authority. Ultimately, local prerogatives will almost certainly be trampled, and, in fact, will need to be in order for the bill to have its intended effect of protecting the interests of billboard companies. This is an instance where a federal standard protects local governments better than a policy crafted in state legislatures.

In addition, you should be aware that the outdoor advertising industry has been embroiled in significant legal and administrative disputes involving the potentially improper rebuilding of nonconforming signs destroyed in recent hurricane seasons. This measure is a transparent effort to short-circuit ongoing court cases as well as administrative disputes between FHWA and state departments of transportation and between state DOT's and the industry. Further, Congress should not be swayed by spurious claims of hardships faced by sign companies or advertisers in the wake of recent storms. Most of the destroyed signs are owned by very large media corporations which purchased the signs from the original owners with full knowledge of their nonconforming status, and affected local businesses face no shortage of alternative signs for their advertising messages.

This provision is an affront to the core principles of well-established federal law and threatens local authority, and represents a violation of congressional procedures and basic democratic principles. A supplemental appropriation bill should not be used to make substantive changes to a policy that is completely nongermane to its purpose. Citizens and stakeholders should not be frozen out of the legislative process in an effort to promote the interests of a powerful industry. We strongly urge you to protect American communities, the prerogatives of local governments, and the long-standing federal interest in the beautification of our national highway system by seeking the removal of this provision from the supplemental appropriations bill.

If you would like further information about this issue and its implications, please don't hesitate to contact Kevin Fry, the president of Scenic America.

Thank you for your consideration of this important matter.

Sincerely,

Scenic America, The United States Conference of Mayors, National League of Cities, The American Planning Association, The American Society of Landscape Architects, The American Institute of Architects, The Surface Transportation Policy Partnership, The National Association of Towns and Townships.

BILLBOARDS IN EVERY STATE

(Source: Scenic America)

STATE	CONFORMING	NONCONFORMING	TOTAL
Alabama	4,697	912	5,609
Alaska	0	0	0
Arizona	1,788	444	2,232
Arkansas			
California	8,081	2,919	11,000
Colorado	1,162	501	2,200 (incl.others)
Connecticut			
Delaware	6,168	11	6,179
Florida	15,455	6,033	21,488
Georgia	7,717	1,545	9,262
Hawaii	0	0	0
Idaho	1,183	96	1,279
Illinois	13,000	2,000	15,000
Indiana	unknown	unknown	unknown
Iowa	unknown	unknown	3,700
Kansas	2,938	2,469	5,407
Kentucky	2,621	563	3,184
Louisiana	3,663	775	4,438
Maine	0	0	0
Maryland	unknown	unknown	4,194
Massachusetts	unknown	unknown	4,104
Michigan	14,240	3,293	17,533
Minnesota			approx. 5,000
Mississippi	unknown	unknown	4,000
Missouri	2,855	8,696	11,551
Montana	unknown	unknown	3,156
Nebraska	4,137	1,365	5,502
Nevada	1,171	17	1,188
New Hampshire	385	172	557
New Jersey	unknown	unknown	unknown
New Mexico	unknown	unknown	unknown
New York	2,744	1,702	4,446
North Carolina	5,892	2,684 (?)	8,576
North Dakota	2,537	691	3,228
Ohio	5,758	5,278	11,036
Oklahoma	3,626	1,401	5,027
Oregon	1,601	149	1,750
Pennsylvania	8,838	3,219	12,057
Rhode Island	64	41	105 (?)
South Carolina	4,234	2,214	6,448
South Dakota	3,500	2,500	6,000
Tennessee	7,512	2,988	10,500 (est.)
Texas	14,529	930	15,459
Utah	818	145	1,144
Vermont	0	0	0
Virginia	4,121	2,247	6,368
Washington	unknown	unknown	1,950
West Virginia	unknown	unknown	unknown
Wisconsin	7,177	4,677	11,854
Wyoming	1,365	1,147	2,512
TOTAL	165,577	63,824	256,223

[From washingtonpost.com, March 27, 2007]
**BILLBOARD KING REID LOOKS TO LEAVE MARK
 ON SENATE WAR FUNDING MEASURE**
 (By Elizabeth Williamson)

In a (quite) large sign that protecting U.S. troops isn't the only thing on Senate Majority Leader Harry Reid's mind these days, the Nevada Democrat inserted an item into the Senate's Iraq war funding bill—safeguarding billboards.

Senate debate began yesterday on the bill, which provides \$122 billion for the wars in Iraq and Afghanistan; sets a goal of March 31, 2008, for withdrawing U.S. troops from Iraq; and—if Reid has his way—allows thousands of billboards destroyed by bad weather to be rebuilt.

For the senator, who has referred to himself as the King of Billboards, "it's a constituent issue, but it's a value that he believes in," said Reid spokesman Jon Summers.

The battle over billboards began in 1965, when the Highway Beautification Act set a policy that "nonconforming" billboards—defined by states but usually meaning those packed closely together, or in scenic areas—would be allowed to die of natural causes. As storms and other acts of God destroyed them, their owners would not be permitted to replace them. Recent hurricanes have fueled a fight between the powerful Outdoor Advertising Association of America (OAAA), which wants to roll back the federal law, and opponents led by Washington-based Scenic America, which decry billboards as "visual pollution."

On March 15, Reid wrote Senate Appropriations Committee Chairman Robert Byrd (D-W.Va) asking for a provision that "clarifies" the rules governing rebuilding of "outdoor structures" after natural disasters.

"This is a matter of personal importance to me," the majority leader wrote, a comment that "goes back to the values," Summers said. Meaning that out west, "there's a big sense of independence, and your property is your property," Summers said.

About 40 billboard companies operate in Nevada. Over the past two years, Reid's Searchlight Leadership Fund has received \$6,000 in contributions from the OAAA's political action committee.

The OAAA represents a booming industry that earned \$7 billion nationwide in revenue last year, but it emphasizes the role of billboards in advertising local businesses. Association spokesman Ken Klein said Reid's amendment aims to reverse "a pattern of overreaching" by the federal government, which threatened to withhold highway funds to Florida when companies rebuilt nonconforming billboards hit by hurricanes in 2004. Reid's bill would have prevented such actions.

Kevin Fry, president of Scenic America, said: "The bill carves out an exception to local land-use rules for a single industry that is not available to any other . . . One might reasonably ask why legislation affecting the South and Southeast was introduced by a senator from Nevada."

Reid's request went to the Appropriations subcommittee on transportation, which pared it back to apply to 13 mostly hurricane-prone states, instead of all 50. The law would come up for renewal in 24 months.

Scenic America is fighting the amendment, which "sets a destructive precedent that will certainly be revisited anytime natural disasters take their toll on nonconforming billboards," Fry said. "The two-year time frame is a joke."

The OAAA sees the measure as a "positive step," Klein said. "Senator Reid is a long-time supporter of mobility, tourism and property rights. We appreciate those principles."

[From USA TODAY, March 27, 2007]
BILL WOULD SHELTER UNSIGHTLY BILLBOARDS
 (By Kathy Kiely)

WASHINGTON.—A bill the Senate takes up today to provide emergency funds for military operations and Katrina victims also would help billboard advertisers that donated tens of thousands of dollars to Democrats and Republicans for the 2006 election.

A provision tucked into the \$122 billion measure at the request of Senate Majority Leader Harry Reid, D-Nev., would exempt older billboards in 13 Southern states, stretching from Florida to New Mexico, from regulation under the 1965 Highway Beautification Act.

The provision would let billboard companies rebuild signs damaged by hurricanes even if the new ones violate laws regulating the size and placement of outdoor advertising. Reid says he's trying to protect the rights of businesses hurt by the storms: "Why shouldn't they be able to replace their property like anybody else?"

Kevin Fry of Scenic America, a non-profit group that opposes Reid's move, says there's a good reason: The billboards are eyesores that would be barred today.

Fry says Reid's efforts would be "a grotesque weakening" of the Highway Beautification Act, a legacy of President Lyndon Johnson's wife, Lady Bird. It lets states regulate billboards along federal highways.

Fry says states often prohibit signs that are too large, too close together or located along rural and scenic routes. About 75,000 signs built before the regulations remain, Fry says: "It's the worst kind of blight."

Hurricanes destroyed some in Florida and Gulf Coast states in 2004 and 2005. Hal Kilshaw, vice president of Lamar Advertising of Baton Rouge, one of the advertising firms pushing to rebuild, says, "States should be able to decide," not Washington.

For the 2006 election, the Outdoor Advertising Association's political action committee (PAC) gave \$143,000 to Republican and Democratic candidates for Congress, according to PoliticalMoneyLine, a non-partisan group that tracks contributions. Lamar gave \$70,000 to congressional candidates, the group says.

Reid's PAC received \$16,000 from outdoor advertisers, according to PoliticalMoneyLine. In a letter to senators last week, Reid said the exemption "is a matter of personal importance to me."

Mr. ALEXANDER. Mr. President, I wish to, in the remaining time, mention two other proposals that have to do with the great American outdoors.

Yesterday, a group of 17 Senators and Congressmen from North Carolina and Tennessee took a historic step by writing a letter to Secretary of the Interior Dirk Kempthorne about the so-called "Road to Nowhere" through the Great Smoky Mountains National Park.

The point of the letter was to suggest to the Secretary three things:

No. 1, Mr. Secretary, bring to a conclusion within 30 days the environmental impact statement that has been going on for several years about whether to build this road—the \$600 million "road to nowhere" through the park—and recommend, Mr. Secretary, that no road should be built. That is the first step.

The second step is one we can take ourselves in the Congress once the Department of the Interior has said that no proposal for road construction

would be appropriate environmentally. The 17 of us believe we should reprogram the remaining money from the environmental impact statement, which we judge to be \$5 million, \$6 million or \$7 million, and give it to the citizens of Swain County, NC, who have waited since 1943 for just compensation for the promise the Government made to them at that time to compensate them for the road that was flooded when Fontana Dam was built.

The third thing we asked the Secretary to do was in the next administration budget for fiscal year 2009, recommend to us what the rest of the cash settlement should be to Swain County, and include the next installment of that settlement in the budget, but without taking the money from the National Park budget.

What is historic about this is it was not just the number of Senators and Congressmen, it was the fact it was Senator DOLE from North Carolina as well as Senator CORKER from Tennessee. It was Congressman SHULER, a Democrat from North Carolina, as well as DAVID DAVIS, a Republican from Tennessee. We also have support from the Governors of both Tennessee and North Carolina for the proposed cash settlement to Swain County in lieu of the road.

The road is a bad idea. It has been a bad idea for a long time. The Great Smoky Mountains National Park is the largest, most visited national park in the United States by a factor of three, with 10 million visitors a year. It is managed as if it were a wilderness area. This road, costing more than \$600 million, would go straight through the most pristine part of the largest wilderness area in the eastern United States. And \$600 million I believe is an understatement of what it might cost. There would be very difficult places to go through. It is hard to think it could be built without spending a lot more money.

I congratulate the Congressman from North Carolina, Mr. SHULER. He grew up on one side of the Great Smoky Mountains in Swain County, and I grew up on the other side in Blount County. Fifteen years ago, I was president of the University of Tennessee and he was its quarterback. Today, he is now the Democratic Congressman from Swain County and that area, and I am the Republican Senator from east Tennessee. We agree on what to do, and we believe it is time for the Secretary of the Interior to accept our suggestion, say there will be no road, and let us get busy giving the people of Swain County \$6 million or \$7 million this year, and in future years compensate them properly.

Also Congressman SHULER and I and others say that in this process we must do a better job of helping the descendants of those who once lived in what is today the Great Smoky Mountains National Park to be able to get across Fontana Lake to the gravesites. That may seem a small matter to those who have not heard of this before, but that

park was taken, by land condemnation oftentimes, from those people and their families and their ancestors. It was then given to the Federal Government. There is a great sense of ownership of that park by the people of North Carolina and Tennessee, and it is only right that as a part of this settlement we make it easier for Swain County to help descendants of those who once lived within the park to get to their historic gravesites.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a copy of the letter from the 17 Members of Congress from North Carolina and Tennessee to the Secretary of the Interior.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 28, 2007.

Hon. DIRK KEMPTHORNE,
Secretary, Department of the Interior,
Washington, DC.

DEAR MR. SECRETARY: Considering the significant environmental and economic costs associated with building the North Shore Road—or the so-called “Road to Nowhere” through the Great Smoky Mountains National Park—we ask that you begin immediately to work with us to provide a cash settlement to the citizens of Swain County, North Carolina, rather than further constructing the road.

We recommend these three steps:

First, within the next 90 days, the National Park Service’s Environmental Impact Statement (EIS) should endorse a cash settlement to Swain County instead of any further construction on the North Shore Road.

Second, upon completion of the EIS, the Administration should support legislation that will be introduced in Congress to reprogram the funds remaining from those originally appropriated for the EIS, currently about \$6 million, and give those funds to Swain County as the first installment of the settlement.

Third, in January 2008, as a part of its fiscal year 2009 budget request to Congress, the Administration should include in its budget the next installment of the full cash settlement to Swain County. This funding should come from outside the National Park Service budget in the form of a special request.

The United States made a commitment to Swain County in 1943, when it flooded a highway in connection with the creation of the Fontana Dam, to build a new road through what had become the Great Smoky Mountains National Park. The U.S. Supreme Court, however, held in 1946 that there is no legal obligation to satisfy that commitment by building another road. A cash settlement instead of a road is precisely the kind of “common sense adjustment” that the Supreme Court envisioned.

A road through the Park would damage the largest and most pristine wilderness area in the eastern United States. Such a road would cost at least \$600 million, more than 75 times the annual roads budget of the Great Smoky Mountains National Park. In addition, a good highway now exists outside the Park between Bryson City and Fontana.

This sort of settlement has been recommended by the elected Swain County Commission and the governors of North Carolina and Tennessee, and is supported by the undersigned members of the North Carolina and Tennessee congressional delegations.

After over 60 years of controversy, it is time to bring this matter to a close. The so-

lution we are endorsing will protect America’s most visited national park, save taxpayers hundreds of millions of dollars, and fulfill a promise to the citizens of Swain County, North Carolina.

Sincerely,

Lamar Alexander, Elizabeth Dole, Bob Corker, U.S. Senators; Heath Shuler, David Davis, G.K. Butterfield, Zach Wamp, Bob Etheridge, Lincoln Davis, Walter Jones, Bart Gordon, Mike McIntyre, Jim Cooper, Brad Miller, John Tanner, David Price, Steve Cohen, Members of Congress.

Mr. ALEXANDER. Finally, Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. ALEXANDER. Mr. President, last night I attended the annual meeting of the National Parks Conservation Association, and I spoke to them, and I wish to repeat a suggestion and a proposal I made there.

I said to these leading conservationists from across the country that 22 years ago, in 1985, President Reagan asked me to head up what we called the President’s Commission on Americans Outdoors. It was to be a successor to Laurance Rockefeller’s Commission on Outdoors a generation earlier. The Rockefeller Commission was one that was remembered for advocating a lot of Federal action, such as the Land and Water Conservation Act and the Wild and Scenic Rivers legislation.

Our commission in the mid-1980s looked around the country and called for a prairie fire of concern and investment community by community to keep our outdoors great. We identified threats to the outdoors at that time: exotic pollutants, loss of space through urban growth, and the disappearance of wetlands. We recommended some strategies for dealing with the future, which have become fixtures in the outdoor movement, such as conservation easements, scenic byways and greenways, and we recommended \$1 billion a year from the sale of renewable assets, such as oil, to succeed the Land and Water Conservation Fund.

Mr. President, since I see no one here, may I ask unanimous consent for an additional 5 minutes to complete my remarks?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, another generation has passed. There are new challenges and new opportunities. My proposal to the conservationists last night was it is now time for a third President’s Commission on Americans Outdoors to follow the Rockefeller Commission in the 1960s and our commission in the 1980s. It would be an opportunity to look ahead for another generation and tell our country what we need to do to create places for us to enjoy the outdoors in appropriate ways, an opportunity to create a new conservation agenda.

There is some unfinished business that is obvious. Special Federal support for conservation easements ex-

pires this year. The conservation royalty, which we enacted in the last Congress, giving one-eighth of the money we acquire from drilling in the Gulf of Mexico to the Land and Water Conservation Fund, is only a beginning to fully funding land and water conservation. We need to codify the Environmental Protection Agency’s new clean air rules about sulfur and nitrogen, which are so important to the Great Smoky Mountains National Park, as an example. Urban growth is still swallowing up open space.

There are new challenges and opportunities that were barely on the agenda 25 years ago: Climate change, the 100th birthday of the National Park System in 2016, invasive species, and new technology which offers both promise and challenge.

For example, in terms of promise, carbon recapture from electricity plants fueled by coal—that could help make us energy independent, clean the air, and deal with global warming all at once; or at the John Smith National Water Trail in Virginia, Verizon has a wireless system so you can learn about 400 years of history as you go along the water trail, using your cell phone.

On the other hand, technology threatens America’s landscape, the landscape of which we sing. I mentioned earlier that 25 years ago the Tennessee Legislature and I created 10,000 miles of scenic parkways with no new junkyards or billboards, and I didn’t think of cell towers at the time. We now have 190,000 cell tower sites nationwide, many of them in scenic places, many of them ugly. That is unnecessary. If we had thought about it, cell towers could be camouflaged, co-located on a single structure, or located below the ridge tops. We should have thought about it and made more of a policy about it.

At the same time, while it gives many in the conservation movement a stomach ache to think about it, we are about to add to the American landscape tens of thousands of giant wind turbines that are twice as tall as the Neyland Football Stadium at the University of Tennessee, with turbines that stretch from 10-yard line to 10-yard line. Obviously, there is a place for wind power in our energy future, but isn’t it right that we should stop and say: Do we want them on our seashores and the foothills of the Great Smokies and along the rim of the Grand Canyon? I don’t think we would. It would be a chance for us to have a consensus about the blessings of technology and a consensus about view sheds and landscape conservation; in short, a new strategy and consensus for America, the beautiful.

I think this is our greatest opportunity to get around the table and take advantage of different ideas, put them together, and go ahead. We did that 20 years ago. We had private property advocates and open space enthusiasts and conservationists and outdoor recreation people. We were all around the

same table. We had a pretty good rapport. I think we made a difference over the last two decades.

The other day, Tennessee's unusually Democratic newspaper, the Tennessean, in Nashville, praised President Bush's centennial initiative for national parks—\$100 million a year, \$3 billion over 10 years—to help celebrate the 100th birthday of our park system, which some have called the best idea America ever had. The Tennessean said in its editorial, and cautioned its readers:

Just because George Bush said it, doesn't mean it's wrong.

Sometimes I think I need to say the same thing to my Republican friends about climate change. Just because Al Gore said it, doesn't mean it is wrong. I think we ought to work together to celebrate the 100th anniversary of the parks, to figure out what we want to do about climate change, scenic byways, open space, protecting private property rights, and providing more outdoor recreation opportunities. We can do that and now is a good time to do it. Why not have a Third President's Commission on Americans Outdoors? I believe the next President should appoint that commission and that we who care about those issues should take time to help him or her be ready with an agenda.

For me, the great American outdoors is not about policy and politics. I grew up hiking on the edge of the Great Smoky Mountains, camping there on a regular basis. I still live there. I breathe the air I try to keep clean and hike in the park I want to maintain. I want to protect the views of the foothills because I look at them when I am home, where I am going tomorrow morning. I enjoy riding on the scenic parkways and walking on the greenways, and every summer for 25 years, our family has gone to the Boundary Waters canoe area in Minnesota because it is quiet and clean and we like to catch and eat walleyes.

I believe there is a huge conservation majority in our country, and I believe the next President can capture that majority and help us create a new conservation agenda. It is time to create a Third President's Commission on Americans Outdoors.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I ask to address the Senate as if in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

HOME OWNERSHIP

Mr. ISAKSON. Mr. President, I rise to address a very serious subject. A lot of times when we come down here to speak, we are given speeches to make, and a lot of times on topics we don't know very much about.

In my professional career, in my life before I got into politics, I spent 33 years selling houses. I had a company that sold thousands of houses every year in Atlanta, GA. I understand the joy of home ownership, the responsibility of home ownership, and the huge benefit of home ownership, I guess, as well as anybody.

I have always said that the thing which separates the United States of America from every other country in the world is the fact that we are a nation of homeowners, and the rest of the world, substantially, is nations of renters. We all know that when you have an investment in something and you own it versus you are just leasing it, you take a lot better care of it.

The single-family housing industry, the principle of our Constitution for the wide diversity in private ownership of land, is the single most important asset that binds our country together. It is the common interest that every citizen has, and it has become known, as we all know, as the American dream.

Today, the Washington Times, Washington Post, New York Times, all have carried articles regarding predatory lending, subprime mortgage markets. The Federal Reserve Chairman, Ben Bernanke, has made a statement that they will be looking at regulations to deal with the subprime market. I think that is appropriate, but it is very important we understand what the problem really is.

There are a lot of people who will tell you the problem is predatory lending. Well, predatory lending is a horrible thing, but it is like the term "obscenity" was referred to in the Supreme Court, something that is in the eyes of the beholder—you cannot necessarily define it but you know it when you see it.

The subprime market has in some cases been referred to as "predatory lending," and it is not. In fact, it is interesting history, where the subprime market came from.

Fannie Mae, which was headed about 10 years ago by Jim Johnson, who wrote a book, "Showing America a New Way Home," committed itself to widening the ownership of single-family housing. They recognized that in some cases, single-family housing was out of the reach of certain parts of society, so they created mortgage-backed securities to buy mortgages in the subprime market. The subprime market is subprime because the borrower is not necessarily a grade-A credit risk. But as we all know, at one time or another in our lives, none of us have always been a grade-A credit risk. It proliferated. That is why home ownership in the United States of America went

from 67 percent of the public live in a home they own to now to 70 percent of the public live in a home they own.

What has happened in recent months, because of some factors I am going to address, is the foreclosure rates have skyrocketed and the vast proportion of those loans that have been foreclosed on are subprime loans.

There are a lot of people rushing to talk about doing away with subprime loans. There are a lot of people talking about calling them predatory loans and regulating whether they can exist, and they are, with all due respect, missing the point. The mortgage industry has made some mistakes, but it is not the mistake of trying to show Americans a new way home; it is a mistake in five areas which I want to delineate for one second.

During the course of the subprime market's evolution and the wider distribution of home ownership, the underwriting of loans became less than what it should have been. Some examples: no documentation, where people could qualify for the loan and have it underwritten on documentation that was based basically on what they said they made and what they said they were worth; no-downpayment loans, where people could make loans with no downpayment, no equity. I want to talk about that subject for just one second.

I entered the business in 1967, and the Congress, in its wisdom—to widen the dispersity of home ownership—created the 235 FHA Program. They would loan you up to \$18,500, which doesn't sound like a lot, but that would buy a lot of house in 1967. You could borrow it for \$200 down, and the rest of it was a loan. If you did not have the \$200, they allowed sweat equity, which meant you and your wife could go in and paint the living room, dining room, and kitchen, and they would give you that credit. The loans proliferated and home ownership expanded, but because they really had no equity in the property, those houses started going into foreclosure, and the next year was one of the roughest—1969—one of the roughest years in the market.

Congress held congressional investigations. What had turned out was that an attempt to originally expand home ownership had become an opportunity to make less than good loans to a lot of people who were not ready to borrow those funds.

There is a third reason—the proliferation of loans like interest-only. Interest-only is a very sophisticated way to borrow. I understand real estate investment, and real estate investment is best when leveraged but only when leveraged right. When you loan someone 100 percent of the value of what they are buying, you have to be very careful in your underwriting criteria or else they really do not feel like they have equity in the proposition.

ARMs and variable-rate mortgages, adjustable and variable rate mortgages—they are sophisticated lending