

agencies to ensure that American industry meets varying demands of national emergencies. Such measures involve mandates to keep industry producing critical resources for our military and first responders in times of crisis, and initiatives for maintaining crucial investments in strategic technologies.

During the Korean war, what was then the Senate Banking & Currency Committee—the precursor to today's Committee on Banking, Housing and Urban Affairs—authored the Defense Production Act to ensure the availability of key industrial resources for the Department of Defense, DOD. Over time, the Defense Production Act has been amended to include energy supply, emergency preparedness, and critical infrastructure protections, thereby allowing civilian agencies to respond rapidly to crises such as natural disasters and terrorist attacks.

In the last several months, the Committee on Banking, Housing, and Urban Affairs received two reports mandated by law from the Government Accountability Office and Department of Homeland Security. These reports highlighted major shortfalls in the administration's application of DPA authorities. Furthermore, I have been informed that in 2004, FEMA and other Federal agencies conducted their own internal review of DPA authorities and made several recommendations to the White House's Homeland Security Council. The White House chose not to act on those recommendations, and Congress has still not been fully briefed on these findings.

In a perfect world, we would fully analyze and incorporate appropriate findings of pertinent reviews. Unfortunately, due to time constraints of the current legislative session, including our work on measures to address the crisis in our financial system, it is clear that a complete assessment now of their conclusions would be impossible. But we should not simply reauthorize this act for another 5 years. The recommendations gathered in these valuable reports should be reviewed, considered for legislation in a workable bill, and enacted into law in the near future; not 5 years from now.

Simply put, granting a 1-year extension would provide our agencies with the authorities they need in the short term, but will also maintain the expectation that in 2009 the Banking Committee and the U.S. Senate will conduct a thoughtful review of these recommendations in hearings, mark-up, and floor consideration. I look forward to working with my colleagues in the Senate, as well as in a new administration, to see to it that the DPA is modernized to address the challenges of the 21st century. In the meantime, I thank my colleagues for working with me to approve this 2009 reauthorization.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the

table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 6894) was ordered to a third reading, was read the third time, and passed.

NEED-BASED EDUCATIONAL AID ACT OF 2008

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 1777, and the Senate proceed to its immediate consideration.

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

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (H.R. 1777) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that a Leahy-Hatch amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 5653) was agreed to, as follows:

(Purpose: To amend the Improving America's Schools Act of 1994 to extend the favorable treatment of need-based educational aid under the antitrust laws)

On page 2, strike lines 5 and 6 and insert the following: "Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking '2008' and inserting '2015'."

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1777), as amended, was read the third time, and passed.

WHITE MOUNTAIN APACHE TRIBE RURAL WATER SYSTEM LOAN AUTHORIZATION ACT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1080, S. 3128.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3128) to direct the Secretary of the Interior to provide a loan to the White Mountain Apache Tribe for use in planning, engineering, and designing a certain water system project.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee

on Indian Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "White Mountain Apache Tribe Rural Water System Loan Authorization Act".

SEC. 2. DEFINITIONS.

(a) MINER FLAT PROJECT.—The term "Miner Flat Project" means the White Mountain Apache Tribe Rural Water System, comprised of the Miner Flat Dam and associated domestic water supply components, as described in the project extension report dated February 2007.

(b) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Commissioner of Reclamation (or any other designee of the Secretary).

(c) TRIBE.—The term "Tribe" means the White Mountain Apache Tribe, a federally recognized Indian tribe organized pursuant to section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. 476 et seq.).

SEC. 3. MINER FLAT PROJECT LOAN.

(a) LOAN.—Subject to the availability of appropriations and the condition that the Tribe and the Secretary have executed a cooperative agreement under section 4(a), not later than 90 days after the date on which amounts are made available to carry out this section and the cooperative agreement has been executed, the Secretary shall provide to the Tribe a loan in an amount equal to \$9,800,000, adjusted, as appropriate, based on ordinary fluctuations in engineering cost indices applicable to the Miner Flat Project during the period beginning on October 1, 2007, and ending on the date on which the loan is provided, as determined by the Secretary, to carry out planning, engineering, and design of the Miner Flat Project in accordance with section 4.

(b) TERMS AND CONDITIONS OF LOAN.—The loan provided under subsection (a) shall—

(1) be at a rate of interest of 0 percent; and

(2) be repaid over a term of 25 years, beginning on January 1, 2013.

(c) ADMINISTRATION.—Subject to section 4, the Secretary shall administer the planning, engineering, and design of the Miner Flat Project.

SEC. 4. PLANNING, ENGINEERING, AND DESIGN.

(a) COOPERATIVE AGREEMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall offer to enter into a cooperative agreement with the Tribe for the planning, engineering, and design of the Miner Flat Project in accordance with this Act.

(2) MANDATORY PROVISIONS.—A cooperative agreement under paragraph (1) shall—

(A) specify, in a manner that is acceptable to the Secretary and the Tribe, the rights, responsibilities, and liabilities of each party to the agreement; and

(B) require that the planning, engineering, design, and construction of the Miner Flat Project be in accordance with all applicable Federal environmental laws.

(b) APPLICABILITY OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.—Each activity for the planning, engineering, or design of the Miner Flat Project shall be subject to the requirements of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. DURBIN. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.