

surely we can find better things to do with our time as a congress than bash the courts.

Why then is something as arbitrary as a bill that would strip our Federal courts of their authority to hear an issue that the highest court in our land has never spoke on at the top of our list of "things to do"? Need I remind my colleagues that the Supreme Court has never, since the inclusion of the words "under God" into the Pledge of Allegiance back in 1954, discussed or ruled on its constitutionality? Why then do we need this legislation at all? Why then do we need to offer this legislation now? It is our rights as individuals that are at stake right now—not the sanctity and preservation of the Pledge.

I urge my colleagues to vote "no" on this amendment.

Mr. NADLER. Mr. Chairman, how much time do I have left?

The CHAIRMAN. The gentleman from New York has 1½ minutes.

Mr. NADLER. Mr. Chairman, I will not use the 1½ minutes. I will simply say that this amendment is dangerous for the same reason that the bill is dangerous. We should not say, in the case of this amendment, to someone who is a plaintiff in a court in a pending case, we are going to shut the courthouse door in your face because we are afraid the Supreme Court might issue a decision. It has not done it yet, but we are afraid the Supreme Court might issue a decision that we disagree with. We do not trust the courts. We do not agree with them. Never mind that George Bush has appointed two new members of the Court. We still do not agree with it, and, therefore, we are going to try to strip them of their jurisdiction.

That way strips the protection of our liberties from us. We need the courts to protect our liberties. Our constitutional rights can only be vindicated by the courts stepping in when the political branches of government violate the rights of unpopular minorities. That is what the courts have done throughout our history, and we need that protection to continue. And that is why this bill is not only subversive of our constitutional rights, but unconstitutional.

The bill ought to be defeated. The amendment ought to be defeated.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. AKIN).

The amendment was agreed to.

Mr. AKIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MARCHANT) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2389) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Pledge of Allegiance, had come to no resolution thereon.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3044

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to remove my name from cosponsorship of H.R. 3044.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken later today.

#### COMMENDING NASA ON COMPLETION OF THE SPACE SHUTTLE'S SECOND RETURN-TO-FLIGHT MISSION

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 448) commending the National Aeronautics and Space Administration on the completion of the Space Shuttle's second Return-to-Flight mission.

The Clerk read as follows:

#### H. CON. RES. 448

Whereas, on July 4, 2006, the National Aeronautics and Space Administration performed a successful launch of the Space Shuttle Discovery;

Whereas this mission, known as STS-121, marks the second Return-to-Flight mission;

Whereas the crew of the Discovery consisted of Colonel Steve Lindsey, Commander Mark Kelly, Piers Sellers, Ph.D, Lieutenant Colonel Mike Fossum, Commander Lisa Nowak, Stephanie Wilson, and Thomas Reiter;

Whereas the STS-121 mission tested Space Shuttle safety improvements, building on findings from Discovery's flight last year, including a redesign of the Space Shuttle's External Tank foam insulation, in-flight inspection of the shuttle's heat shield, and improved imagery during launch;

Whereas the STS-121 mission re-supplied the International Space Station by delivering more than 28,000 pounds of equipment and supplies, as well as added a third crew member to the International Space Station;

Whereas, due to the overall success of the launch and on-orbit operations, the mission was able to be extended from 12 to 13 days, allowing for an additional space walk to the two originally scheduled;

Whereas the success of the STS-121 mission is a tribute to the skills and dedication of the Space Shuttle crew, the National Aeronautics and Space Administration, and its industrial partners;

Whereas all Americans benefit from the technological advances gained through the Space Shuttle program; and

Whereas the National Aeronautics and Space Administration plays a vital role in sustaining America's preeminence in space; Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the National Aeronautics and Space Administration be commended for—*

(1) the successful completion of the Space Shuttle Discovery's STS-121 mission; and

(2) its pioneering work in space exploration which is strengthening the Nation and benefiting all Americans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Con. Res. 448, the concurrent resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in hearty support of H. Con. Res. 448, which commends the National Aeronautics and Space Administration for its successful completion of the space shuttle's second return-to-flight test mission. NASA gave the United States a birthday present and the best fireworks show imaginable with the breathtaking launch of the Discovery mission, also known as STS-121, on the Fourth of July this year.

The shuttle *Discovery* spent nearly 13 days in orbit, 9 of which were spent docked to the international space station. During the 18th shuttle mission to the international space station, the STS-121 crew members delivered over 28,000 pounds of equipment and supplies and transported one additional crew member to the station for a 6-month stay. The astronauts also performed three successful space walks to test equipment and to conduct maintenance.

This Discovery mission is an essential building block for the Vision for Space Exploration to the Moon, Mars, and Beyond. NASA is already fast at work on preparation for the next shuttle launch, with a window that begins on August 28, just a little more than a month away. This mission will resume the assembly of the international space station with the delivery of two truss sections and a set of solar arrays.

NASA Administrator Mike Griffin, the Discovery crew, and the men and women of NASA deserve accolades from the American public for a successful STS-121 mission and for effectively reviving America's space program to the heights of its glory. These astronauts represent the best of humankind. As the President stated upon the return of the Discovery crew on Monday: "Your courage and commitment to excellence have inspired us all, and a proud Nation sends its congratulations on a job well done. America's space program is a source of great national pride."

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I urge the passage of H. Con. Res. 448. Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished chairman and ranking member of the full committee and the chairman and ranking member of the subcommittee, Mr. PAUL of Texas, Mr. BOEHLERT and Mr. CALVERT, and those of us enthusiastically in support of this very, very important resolution.

I would like to first of all acknowledge the human factor, and that is to call out the names of COL Steve Lindsey, CDR Mark Kelly, Piers Sellers, Ph.D., LTC Mike Fossum, CDR Lisa Nowak, Stephanie Wilson and Thomas Reiter, congratulations to these very expert, profound and committed Americans, brave Americans, and to really congratulate their efforts and the STS-121; to commend, as I said, my colleague from Texas, for allowing us today to acknowledge how important this launch is.

It was launched safely and it reen-tered safely. In addition, STS-121 was the 115th shuttle station, and the 18th to visit the space station, on which we left a very new member of the able space station family. This particular launch had a special emphasis because it was launched on July 4th, the Nation's birthday. What a spectacular event.

I would simply say in addition to its launch, the important work that was done, the important space exploration that was done by two of the members of the team, two crew members, Piers Sellers and Mike Fossum, ventured outside the Space Shuttle three times on space walks. I remember as a child the amazing experience that one would see and envision as the initial space launches began, and then subsequently as we saw the space walks that began, but then to be able to acknowledge when one astronaut stepped first on the Moon.

During the first space walk, they prepared the international space station's railcar for restoration and successfully tested whether the combination of the space shuttle's robotic arm and orbital boom sensor system could be a platform to make repairs.

During the second space walk, they restored the station's mobile transport. On the third space walk, Sellers and Fossum tested methods of repairing a damaged orbiter.

Let me just simply say as we look at all of the work, Mission Specialist Thomas Reiter remained in the international space station and he was the backup. Stephanie Wilson from my community, as many of you know, the astronauts live in Houston, let me also pay special tribute to Stephanie Wilson, the second African American woman to go into space. Lisa Nowak added to this pool of outstanding women.

So allow me to close by simply saying that this was unique not only because of its launch on July 4th, but because of the new culture of safety; because I questioned whether this launch should go forward in light of the safety engineer's comments and the controversy before the launch. But now, in the new culture of safety, NASA vetted those concerns and NASA continued to vet them throughout the launch. They did an extensive review of the space shuttle before reentry. This pronounces that we are ready, we are ready to take on the responsibility, and we are ready to accept risk but not without every attention to safety.

So I would simply say to my colleagues, I ask enthusiastically that we support this resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina (Mr. MILLER) be able to manage the rest of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CALVERT. Mr. Speaker, I am happy to yield 4 minutes to the gentleman from Texas (Mr. PAUL), the author of this resolution and a great supporter of the great work of NASA.

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to sponsor H.Con.Res 448, a resolution commending the people of the National Aeronautics and Space Administration for the latest mission of the Space Shuttle Discovery, and I thank the Science Committee and the House leadership for their assistance in bringing this resolution to the floor.

Successfully launched on July 4th, this mission, known as STS-121, marks the second mission of the return-to-flight sequence. STS-121 originally was scheduled to perform just two space walks. However, due to the overall success of the launch, the mission was extended from 12 days to 13 days, allowing for an additional space walk.

Among the tasks that were performed on this mission are tests of shuttle safety improvements to build on findings from Discovery's flight last year, including a redesign of the shuttle's external fuel tank's foam insulation, inflight inspection of the shuttle's heat shield, improved imagery during launch, and the ability to launch a shuttle rescue mission. The external tank, which underwent work during the mission to reduce foam loss, performed well this time, especially early in the flight.

The STS-121 mission also bolstered the international space station by making a key repair and delivering more than 28,000 pounds of equipment and supplies, as well as adding a third crew member to the space station.

STS-121 was NASA's most photographed mission in shuttle history, as

more than 100 high definition, digital, video and film cameras assessed whether any debris comes off the external tank during the shuttle's launch.

Mr. Speaker, the success of STS-121 is a tribute to the skills and dedication of all NASA employees, especially the Space Shuttle Discovery crew of Colonel Steve Lindsey, Commander Mark Kelly, Piers Sellers, Ph.D., Lieutenant Colonel Mike Fossum, Commander Lisa Nowak, Stephanie Wilson and Thomas Reiter.

I would like now to close with a particular quote that is very pertinent for what we are doing here with this resolution. This comes from a famous author of the last century, who might have been one of the most famous, who wrote a book that many Members of this Congress may well have read. The interesting thing about this quote, it comes from an individual who was not much in favor of big government. As a matter of fact, she was in favor of very, very limited government, and she introduced the ideas of libertarianism to millions of Americans.

But nevertheless, it just happened that NASA was her favorite government agency, and therefore after the Moon landing in 1979 she wrote very favorably about NASA, which in some ways contradicted her philosophy, but it also spoke to the tremendous brilliance and success of the Moon exploration program.

That author that I want to quote is the author of *Atlas Shrugged*, Ayn Rand, who wrote this shortly after the Moon landing in 1969. And although this is written in praise of the Moon landing, it applies to all those individuals who participated in STS-121.

The quote goes this way: "Think of what was required to achieve that mission. Think of the unpytting effort; the merciless discipline; the courage; the responsibility of relying on one's judgment; the days, nights and years of unswerving dedication to a goal; the tension of an unbroken maintenance of a full, clear mental focus and honesty. It took the highest, sustained acts of virtue to create in reality what had only been dreamt of for millennia."

I encourage all my colleagues and all Americans to join me in commending NASA for completing this mission and all of NASA's work.

Mr. MILLER of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Speaker, I rise today in support of the resolution, and I rise, Mr. Speaker, to make note of the heroes in our society and the heroines in our society.

As I do so, I am reminded of a statement that calls to our attention the notion that a great person or great people will always rise to the occasion, and our astronauts have truly risen to the occasion. They are making it possible for us to travel not only to the planets, but also to the stars and beyond. They have truly risen to the occasion.

However, just as a great person will always rise to the occasion, it takes an even greater person to make the occasion, and I want to salute as well the many persons, some of whom are non-descript, who help make it possible for a great person to rise to the occasion: the janitors who work as a part of this team, all of the contractors and subcontractors who are a part of this team. Every person associated with this effort deserves to be commended for the outstanding job that has been done.

So today we celebrate not only those who rise to the occasion, but also those who make the occasion.

Mr. CALVERT. Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of North Carolina. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I rise to congratulate the crew and all of the NASA employees on the successful completion of their mission, known as STS-121, the second return-to-flight mission. The mission serves as another example of the historic accomplishments of each of NASA's centers.

I am proud to say that the NASA Glenn Research Center in Cleveland, Ohio played an essential role in the mission. Over the last year, NASA Glenn's researchers and scientists have worked to improve the safety of the shuttle.

Glenn's supersonic 8 by 6 foot wind tunnel was used to make detailed measurements of the ways in which the shuttle would be affected by the absence of what is called the protuberance air load ramps, PAL. The PAL ramp is used to smooth the airflow over the exterior cables and fuel lines. The information gained from the tests was used to decide to fly without the PALs, which is the biggest aerodynamic change in the history of the space shuttle.

Glenn has also been part of a team testing NOAX, a material designed to fill spaces in the shuttle's surface. On the third space walk, shuttle astronauts tested the compound's performance during the intense heat of re-entry. Early indications are that the experiment went very well.

Glenn also has experiments in the international space station that will further the safety of human presence in outer space. For example, this mission began an experiment on the space station that will improve the detection of fire in a microgravity environment.

NASA is deserving of thanks and congratulations from Congress. I support this resolution. I thank Congressman PAUL for offering it, and I want to thank all of my colleagues who have been supportive of this program and who understand its relationship to the future of our Nation and the future of the world.

Mr. CALVERT. Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I regret that there are no NASA facilities in my district. We are available if NASA has the need of additional facilities.

Mr. Speaker, I rise in strong support of this resolution. As the adult who sat transfixed as a child in my elementary school classroom and watched as we launched first Alan Shepard, then Gus Grissom and then John Glenn into space, and sat and watched transfixed each time we put human beings into space, it is a remarkable accomplishment. I feel as much in awe of the crew of STS-121 as I felt as a small child in watching those first Mercury flights.

It is an accomplishment that requires great skill, and, as we have been painfully reminded on two occasions, it is one that still requires great physical courage. This is not a safe undertaking. It cannot be made safe. It requires great physical courage for the crew to fly into space to pursue space travel as they do.

It is also a remarkable accomplishment for the team of employees at NASA who remained on the ground and for all the contractors as well, the team at the National Aeronautics and Space Administration.

The crew of the STS-121, again, I know that Mr. CALVERT has already said who they were, Colonel Steve Lindsey, Commander Mark Kelly, Piers Sellers, Ph.D., Lieutenant Colonel Mike Fossum, Commander Lisa Nowak, Stephanie Wilson and Thomas Reiter, specifically launched into orbit above the Space Shuttle Discovery, the second return-to-space flight after the disaster, the tragedy of a few years ago.

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Colonel Lindsey said after landing STS-121 that there were two goals for the mission. The first was to complete the return-to-flight tasks begun with the first return-to-flight mission in July of 2005 by flying an improved external tank and testing shuttle repair procedures while in orbit, which apparently is considerably more difficult than conducting those repairs in a garage bay or in a bay.

The second goal was to prepare the international space station for future assembly and to boost the number of people living on the space station from two to three.

Both of those goals were successfully completed by the mission. For the first time since 2003, the international space station now has three members. European Space Agency astronaut Thomas Reiter joined Russian Pavel Vinogradov and American Jeff Williams.

In addition to those goals, the crew was able to make never-before-seen high-resolution images of the shuttle during and after the July Fourth launch, making that mission the most photographed in the shuttle mission.

And the tragedy a few years ago has reminded us, or should remind us, that

that ability to look at the shuttle and figure out its current status, its current condition is one that is critical to successful safe future flights.

There were many high-definition digital, video and film cameras documenting the launch and the climb into orbit, and they did help determine whether the shuttle had experienced any damage and whether there were any concerns with return to Earth such as the tragedy that came upon the Discovery.

They also performed inspection of the shuttle heat shield while in space. And on their third space walk during the mission, they tested different techniques for inspecting and repairing the reinforced carbon segments that protect the shuttle's nose cone and the right leading edge, again, an important safety concern because of the Discovery tragedy.

The crew also delivered 28,000 pounds of equipment and supplies to the international space station and repaired a rail car on the international space station.

Through this successful launch and the technological advances that the crew made while in space, we can look forward in the not-too-distant future to the complete assembly of the international space station.

Mr. Speaker, it also increases, the successful mission increases, the likelihood that we can keep the Hubble space telescope in service, perform necessary repairs as well as routine maintenance, to the extent that you can call that routine maintenance.

Mr. Speaker, the flights of the Discovery showed that the team of NASA employees and contractors still have the right stuff or still are deserving of our awe and admiration, as the awe and admiration I felt as a child for those first Mercury astronauts.

Mr. Speaker, there being no further speakers, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I yield myself such time as I may consume. Once again, I want to congratulate the crew, the NASA team, the contractors for the successful completion of STS-121. We look forward to future success as we continue our journey exploring the unknown and to do things that require skill, technical expertise, courage, and the will to succeed.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 448.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CALVERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

#### MT. SOLEDAD VETERANS MEMORIAL PROTECTION ACT

Mr. HUNTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5683) to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States, as amended.

The Clerk read as follows

H.R. 5683

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Mt. Soledad Veterans Memorial has proudly stood overlooking San Diego, California, for over 52 years as a tribute to the members of the United States Armed Forces who sacrificed their lives in the defense of the United States.

(2) The Mt. Soledad Veterans Memorial was dedicated on April 18, 1954, as "a lasting memorial to the dead of the First and Second World Wars and the Korean conflict" and now serves as a memorial to American veterans of all wars, including the War on Terrorism.

(3) The United States has a long history and tradition of memorializing members of the Armed Forces who die in battle with a cross or other religious emblem of their faith, and a memorial cross is fully integrated as the centerpiece of the multi-faceted Mt. Soledad Veterans Memorial that is replete with secular symbols.

(4) The patriotic and inspirational symbolism of the Mt. Soledad Veterans Memorial provides solace to the families and comrades of the veterans it memorializes.

(5) The Mt. Soledad Veterans Memorial has been recognized by Congress as a National Veterans Memorial and is considered a historically significant national memorial.

(6) 76 percent of the voters of San Diego supported donating the Mt. Soledad Memorial to the Federal Government only to have a superior court judge of the State of California invalidate that election.

(7) The City of San Diego has diligently pursued every possible legal recourse in order to preserve the Mt. Soledad Veterans Memorial in its entirety for persons who have served in the Armed Forces and those persons who will serve and sacrifice in the future.

#### SEC. 2. ACQUISITION OF MT. SOLEDAD VETERANS MEMORIAL, SAN DIEGO, CALIFORNIA.

(a) ACQUISITION.—To effectuate the purpose of section 116 of division E of Public Law 108-447 (118 Stat. 3346; 16 U.S.C. 431 note), which, in order to preserve a historically significant war memorial, designated the Mt. Soledad Veterans Memorial in San Diego, California, as a national memorial honoring veterans of the United States Armed Forces, there is hereby vested in the United States all right,

title, and interest in and to, and the right to immediate possession of, the Mt. Soledad Veterans Memorial in San Diego, California, as more fully described in subsection (d).

(b) COMPENSATION.—The United States shall pay just compensation to any owner of the property for the property taken pursuant to this section, and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States with respect to the taking of the property. Payment shall be in the amount of the agreed negotiated value of the property or the valuation of the property awarded by judgment and shall be made from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code. If the parties do not reach a negotiated settlement within one year after the date of the enactment of this Act, the Secretary of Defense may initiate a proceeding in a court of competent jurisdiction to determine the just compensation with respect to the taking of such property.

(c) MAINTENANCE.—Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the Secretary of Defense shall manage the property and shall enter into a memorandum of understanding with the Mt. Soledad Memorial Association for the continued maintenance of the Mt. Soledad Veterans Memorial by the Association.

(d) LEGAL DESCRIPTION.—The Mt. Soledad Veterans Memorial referred to in this section is all that portion of Pueblo lot 1265 of the Pueblo Lands of San Diego in the City and County of San Diego, California, according to the map thereof prepared by James Pascoe in 1879, a copy of which was filed in the office of the County Recorder of San Diego County on November 14, 1921, and is known as miscellaneous map No. 36, more particularly described as follows: The area bounded by the back of the existing inner sidewalk on top of Mt. Soledad, being also a circle with radius of 84 feet, the center of which circle is located as follows: Beginning at the Southwesterly corner of such Pueblo Lot 1265, such corner being South 17 degrees 14'33" East (Record South 17 degrees 14'09" East) 607.21 feet distant along the westerly line of such Pueblo lot 1265 from the intersection with the North line of La Jolla Scenic Drive South as described and dedicated as parcel 2 of City Council Resolution No. 216644 adopted August 25, 1976; thence North 39 degrees 59'24" East 1147.62 feet to the center of such circle. The exact boundaries and legal description of the Mt. Soledad Veterans Memorial shall be determined by survey prepared by the Secretary of Defense. Upon acquisition of the Mt. Soledad Veterans Memorial by the United States, the boundaries of the Memorial may not be expanded.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HUNTER) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. HUNTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the legislation under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise to ask my colleagues' support for H.R. 5683, the

Mt. Soledad Veterans Memorial Protection Act. Since 1954, a 29-foot cross has stood atop Mt. Soledad in San Diego, California, memorializing the sacrifices of American soldiers during World War I, World War II, and the Korean conflict.

This beautiful and historic memorial cross was erected and is maintained by a private organization, the Mt. Soledad Memorial Association, with the permission of the city of San Diego.

Over the years, the memorial association has added many elements to this memorial, including over 1,700 granite plaques commemorating individual servicewomen and men on concentric walls, bollards, pavers, and a flag pole proudly flying the American flag. The memorial cross now is fully integrated as a centerpiece of the multifaceted Mt. Soledad Veterans Memorial. It is without question a world-class war memorial, dedicated to all of those, regardless of race, religion or creed, who have served our armed services.

In 1989, a single plaintiff brought suit against the city of San Diego because he stated he was offended by the sight of the cross. The district court found that presence of this memorial cross violated the California Constitution's guarantee of free exercise and enjoyment of religion without discrimination or preference and ordered the removal of the display.

The city of San Diego, like other municipalities faced with similar court orders, endeavored in good faith to divest itself of the memorial property by selling it to a private party who could choose to display the memorial cross.

In this case, however, the Ninth Circuit Court of Appeals found that the method of sale violated the California Constitution's ban on aid to sectarian purposes. On May 3, 2006, the district court ordered the city of San Diego to comply with the original injunction.

The city has appealed that order to the Ninth Circuit Court of Appeals, and the United States Supreme Court Justice Anthony Kennedy has stayed enforcement of the order pending the outcome of that appeal.

In 2004, the United States Congress designated the Mt. Soledad Veterans Memorial a National Veterans Memorial and authorized the Federal Government to accept the donation of the memorial from the city of San Diego. The voters of San Diego passed, by an overwhelming 76 percent, a ballot measure providing for the donation. But in response to a complaint by the same lone plaintiff, a San Diego County superior court judge invalidated the citywide referendum as violating the California Constitution.

The vast majority of the citizens of the city of San Diego favor finding a way to keep the Mt. Soledad Memorial intact, even if that means giving up ownership of the parkland property on which it is located.

A 1994 ballot measure authorizing the sale of the property also passed with 76