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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. MILLER of Michigan).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 19, 2006.

I hereby appoint the Honorable CANDICE S. MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Monsignor Robert Sheeran, President, Seton Hall University, South Orange, NJ, offered the following prayer:

Lord God, bless America, our land and our people. Bless America, among the greatest of all human endeavors.

Lord God, make America worthy of the dreams of our Founders. Worthy of the sacrifices of those who have gone before us and who have given their lives for us. Make America worthy of the calling and leadership that You place on our shoulders in this our generation.

Let wisdom, goodness and generosity grow and take deeper root in our people and in this chosen body of representatives.

This day, Lord, You have given to us as our day. These hours before us are ours, set before us to do good as You show us the good, and to avoid evil as You show us the way.

May our work, in some small way, be part of Your work, never in vain and always to the glory of Your Holy Name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Louisiana (Mr. JINDAL) come forward and lead the House in the Pledge of Allegiance.

Mr. JINDAL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 5117. An act to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

WELCOMING MONSIGNOR ROBERT SHEERAN

(Mr. FERGUSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FERGUSON. Madam Speaker, I would like to welcome Monsignor Robert Sheeran to the House floor and thank him for taking time to be our guest chaplain today. Monsignor Sheeran is joining us in part because Seton Hall University is celebrating its sesquicentennial this year. The celebration started last year on October 1, and for the past year Seton Hall University in South Orange, NJ, where Seton Hall is located, has been celebrating its 150th anniversary.

New Jersey's largest Catholic university was founded in 1856 by Bishop James Roosevelt Bayley and named after the first American-born saint, Mother Elizabeth Ann Seton. Seton Hall is the oldest diocesan university in the United States.

Monsignor Sheeran has a long history with Seton Hall University, receiving his bachelor's degree in classical languages, and, finding his way back to his alma mater in 1980, he served as rector of Saint Andrew's College Seminary. He was then appointed assistant provost of the university in 1987 and promoted to associate provost in 1991.

After another short leave, he returned to Seton Hall to hold the position of executive vice chancellor in 1993, and 2 years later he was appointed to be president of Seton Hall University, and is still serving as president today.

I am honored to welcome Monsignor Robert Sheeran to the United States House of Representatives. On behalf of the whole House, I congratulate him on Seton Hall's milestone.

WELCOMING MONSIGNOR ROBERT SHEERAN

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Madam Speaker, it gives me great pleasure to welcome to the United States House of Representatives today's guest chaplain, Monsignor Robert Sheeran, a friend and an innovative leader who serves as the 19th president of my alma mater, Seton Hall University, which happens to reside in my 10th Congressional District of New Jersey.

After studying at Seton Hall as an undergraduate, Monsignor returned to the university in 1980 to serve as rector of St. Andrew's College Seminary. In 1987, Monsignor Sheeran was appointed assistant provost of the university.

Under his leadership, the school saw a marked decrease in undergraduate attrition.

After completing Harvard University's management development program in 1989 and being promoted to the assistant provost in 1991, he was selected as a fellow of the American Council on Education. Upon his return to Seton Hall, he was appointed executive vice chancellor, a post he held until his appointment as president 2 years later.

Under Monsignor Sheeran's leadership, Seton Hall has moved forward technologically, with the distinction of being named one of the most connected college campuses in the United States by Forbes magazine. Under construction is a new science and technology center which will help train graduates to compete in the workforce of the future.

In addition, the White House School of Diplomacy and International Relations has formed an innovative partnership with the United Nations, which is of special interest to me as a member of the House International Relations Committee and one of the two congressional delegates to the United Nations serving in the House.

I hope that Seton Hall will play a constructive role in confronting the many foreign policy challenges our Nation faces. I know my colleagues join with me in welcoming Monsignor Sheeran and thanking him for his devoted service throughout his life.

REDUCING EXPOSURE TO SECONDHAND SMOKE

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Madam Speaker, while this week we are discussing ways to treat disease with stem cells, let us not overlook what we should also be doing to prevent disease.

Each year nearly 50,000 adult nonsmokers die from lung cancer or heart disease from secondhand smoke. A recent U.S. Surgeon General report found 60 percent of nonsmokers, about 126 million people, have biologic evidence of nicotine, carbon monoxide and tobacco-specific carcinogens in their systems from secondhand smoke.

In adults, secondhand smoke can increase the risk of developing lung cancer and heart disease by up to 30 percent. And in children secondhand smoke leads to premature birth, asthma, respiratory illness and ear infections.

Encouraging smoke-free workplaces will help to reduce $10 billion in annual medical costs. Offering deductions in health insurance, and smoking-cessation treatment are just a couple of ways that the Federal Government and employers can cut health care costs.

To learn more about ways to save lives and money in health care, I urge my colleagues to visit my Web site at murphy.house.gov.

THIS IS THE TIME FOR PEACE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, the Book of Ecclesiastes says there is a time for war and a time for peace. This is the time for peace.

Now is the time to stop the disintegration into a worldwide conflict. Now is the time to show the world that the United States is strong enough to be a leader in peace, not war. Now is the time to call for an immediate cessation of violence in the Middle East. Now is the time to commit the United States diplomats to multiparty negotiations with no preconditions. Now is the time to reaffirm our support for Israel by showing leadership and diplomacy.

Unilateralism breeds unilateralism. And then the awful dialectic of conflict moves as a force beyond our control and takes its deadly toll. One hundred civilians a day are being killed in Iraq. Things are spinning out of control. The war on terror has become a war of errors. We must bring a halt to this march of folly.

Communication is the controlling factor. Diplomacy is the controlling factor.

There is a time for war and a time for peace. This is the time for peace.

ISRAELI COWBOYS V. HEZBOLLAH OUTLAWS

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, what is playing out in southern Lebanon is analogous to the days of yesteryear in the Old West. It is the cowboys versus the outlaws.

There is a basic human right to self-defense. There is a basic right to shoot back when shot at. You don't have to duck, run or hide. And there is a further right to keep on shooting back until the bad guys stop shooting.

This is taking place in the gunfight with Hezbollah outlaws and Israeli cowboys, just like the Old West.

Hezbollah, a fancy name for a gang of terrorists, are kidnappers and killers, and they are hiding out in the hills of southern Lebanon. They are a state within a state. They are spreading terror. That's what terrorists do. They started shooting at Israeli citizens, kids and soldiers, and they won't stop no matter what we do. The outlaws have fired 1,100 rounds, and they will shoot thousands more because they preach death to Israel.

So, Madam Speaker, what's a cowboy to do? Well, shoot back and keep on shooting until the Hezbollah gang stops, gives up, or is rounded up and locked up.

It is a basic human right to defend yourself and take out the outlaws. And that's just the way it is.

REJECT OMAN FREE TRADE AGREEMENT

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today in opposition to the Oman Free Trade Agreement. This deal is an expansion of a failed trade model that does not guarantee even the most basic labor standards, and it is simply unacceptable.

We are talking about an agreement with a country that our own State Department says does not meet the minimum requirements for trafficking people into forced labor. Even more shocking, labor unions don't even exist in Oman. Instead, workers are supposed to be represented by committees that actually are run by management.

In fact, Oman has only fixed one out of 10 areas where they are not compliant with the ILO. This is unacceptable.

We cannot preach about spreading freedom and opportunity around the world while ignoring the lack of labor and human rights standards in our trade bills. I urge my colleagues to reject the Oman Free Trade Agreement.

VENEZUELA AND OUR ENERGY SECURITY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, today more than ever our energy supply is a matter of national security. Venezuela is our fourth largest supplier of crude oil, but since the Castro ally Hugo Chavez came to power, production has dropped sharply. As Chavez purchases Russian arms and assembles a regional anti-American coalition, many predict that decline will continue.

According to the Wall Street Journal, a GAO study found that a 6-month disruption in Venezuelan output would increase oil prices by $11 a barrel, costing our economy about $23 billion. Rather than respond to such a crisis after it arises, we should take the initiative to encourage exploration here at home, diversify our energy supplies by promoting alternatives, including nuclear power.

Finally, since the lack of freedom and democracy is synonymous with instability, we should consider the promotion of these values in Venezuela not only a moral imperative, but in our national interest as well.

VOTE ''NO'' ON OMAN FREE TRADE AGREEMENT

(Mr. MICHAUD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHAUD. Madam Speaker, if we are really serious about national security, especially given the bipartisan

outrage over the Dubai Ports World situation earlier this year, we must reject the Oman Free Trade Agreement.

The Oman agreement allows foreign tribunals to second-guess American decisions about who can operate our ports and dictate to us what is in our national security interest.

Simply put, foreign tribunals should not determine what is a security threat to the United States. We should. This provision should not be in this trade agreement, period.

It is bad enough that we are asked to support agreements that will ship our jobs overseas, that undermine our environment, and ask us to stick our head in the sand over serious human rights violations, but it is simply outrageous to ask Congress to support legislation that can undermine the security of our Nation.

Whether you consider yourself a free trader or not, I cannot think of one Member of Congress who would support weakening our national security, and this agreement does that. I urge my colleagues to vote ''no'' on the Oman Free Trade Agreement.

VETO HUMAN EMBRYO RESEARCH

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, President Ronald Reagan famously said, ''We cannot diminish the value of one category of human life, the unborn, without diminishing the value of all human life.''

Yesterday the United States Senate passed a bill that authorizes the use of Federal tax dollars to fund the destruction of human embryos for scientific research.

While supporters of the bill argue this debate is a battle between science and ideology, that really misses the point.

If the Castle-DeGette bill returns to the Congress tonight, we will simply decide whether Congress should take the taxpayer dollars of millions of prolife Americans and use them to fund the destruction of human embryos for research.

You see, I believe that life begins at conception; that a human embryo is human life. I believe it is morally wrong to create human life to destroy it for research, and I believe it is morally wrong to take the tax dollars of millions of prolife Americans who believe that life is sacred and use it to fund the destruction of human embryos for research.

This debate then tonight will not be about what an embryo is. It will be about who we are as a Nation and whether we respect fully half of our country. On behalf of those millions of prolife Americans, Mr. President, veto this bill.

□ 1015

CONNECT THE DOTS

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, after 9/11 there were calls to connect the dots. And as we approach the first anniversary of Katrina, with wildfires raging across the West, it is time to connect the dots dealing with natural disaster.

Former National Parks Director, Roger Kennedy, wrote an outstanding op-ed in the New York Times yesterday entitled '' Houses to Burn,'' and recently published a book '' Wildfires in America.'' He documents that we in government are part of this problem. We construct roads and infrastructure into hazardous areas. We don't have appropriate building codes, and often we don't even enforce the building codes that we have. We even build, as the Federal Government did, Los Alamos Research Laboratories in the midst of an area that has burned repeatedly decade after decade for centuries. And it is only going to get worse by sprawl and global warming.

It is time for government at all levels to connect the dots, to reduce and ultimately protect Americans from wildfires and other natural disasters, to make our communities more livable and our families safer, healthier and more economically secure.

BORDER SECURITY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, when I am in my district there is one issue that tops all others with our constituents; it is the issue of border security.

In this environment, Madam Speaker, every town has become a border town and every State has become a border State. And our constituents are sending the message, and they couldn't be clearer, secure our Nation's borders.

I want to thank our House Republican leadership for standing up to the Senate and their Reid-Kennedy immigration reform bill, which would, among many other things, grant amnesty to those who break our laws in coming to this Nation.

Madam Speaker, it is time to halt illegal entry into this country. It is time to halt the flow of illegal drugs and weapons into this great Nation, and it is time to secure our borders.

I thank the Republican leadership for working on this issue, for standing firm. It is what the American people want to see done.

EMBRYONIC STEM CELL RESEARCH

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Madam Speaker, both Houses have passed legislation that would ensure funding for important research on embryonic stem cells and hold great promise of cures for diseases that have confounded scientists for years, diseases that have taken and continue to take many lives.

Cord blood, while important, is only a small part of the answer. Adult stem cells is an unknown and too far into the future.

Meanwhile, our loved ones continue to suffer and die.

We in the Congressional Black Caucus Health Brain Trust work to improve the quality and length of life of minorities and all Americans. H.R. 810 becoming law is a critical part of that effort.

A veto of this legislation would be conceding our country's moral leadership and leadership in medical science. A veto would put Americans at the mercy and largesse of other countries for our well-being. A veto of this legislation would be a veto of the right of many to a cure, to wellness and to life itself.

We have to stand up against the conservative fundamental ideologues of the right, and we must stand up for life, for this important research, embryonic stem cell research, which has the potential to give the gift of life to millions.

I cannot believe the President would veto a bill like this, but if he does, we owe it to our country to override.

ISRAEL'S SELF-DEFENSE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, on June 25, Hamas terrorists from Gaza carried out a cross-border attack into Israel, killing two soldiers and kidnapping a third. Shortly thereafter, Hezbollah terrorists from Lebanon attacked Israeli soldiers, killing three and capturing two. Just yesterday, Hezbollah fired missiles into Israel at a rate of one per minute for a full hour. Rather than using diplomacy to deescalate the situation, Iranian President Ahmadinejad falsely claimed Israel was trying to reoccupy Lebanon and, once again, denied the existence of the Holocaust.

I agree with President Bush when he said yesterday ''The root cause of the problem is Hezbollah.'' President Bush further said that Israel has a right ''to defend herself from terrorist attacks.'' The kidnapped Israeli soldiers need to be released. Hamas and Hezbollah need to turn away from the current path of terror, violence and intimidation. We must stand with Israel in her fight against misguided religious extremism and those who glorify death over life. We must stand with Middle Eastern allies to establish peace.

In conclusion, God bless our troops, and we will never forget September 11.

EMBRYONIC STEM CELL RESEARCH

(Mr. COOPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOPER. Madam Speaker, virtually every family in America has been stricken with one dread disease or another. It may be cancer, it may be heart disease, it may be diabetes, Parkinson's, Alzheimer's. The list goes on and on. And finally, there are scientific breakthroughs called embryonic stem cell research that allow hope for a cure.

Sadly, the President of the United States is about to veto the legislation that this Congress has finally passed to give these families hope. This is a sad day for America because the President has never vetoed any other bill. He is the first President since Thomas Jefferson to endorse all our legislation as if it were perfect, except for this one bill, the bill that gives hope to virtually all American families.

Why, Mr. President, are you vetoing hope for Parkinson's victims, vetoing hope for cancer victims, for diabetes victims, for Alzheimer's victims?

Why, Mr. President are you, alone, standing in the way of hope and progress for our people?

WAR ON TERROR

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, there have been many reminders across the world recently of why we and the global community must maintain our commitment to fighting terror.

From the 1-year anniversary of the horrific bombings in London to the upcoming 5-year anniversary of September 11, we are constantly reminded of why our resolve and perseverance are crucial. America has shown the world that a strong, vibrant Nation faced with adversity can come together, unlike any nation on Earth. America has distinguished itself as the shining beacon of democracy throughout the world. When attacked, and freedom is in danger, we have proven that freedom will prevail.

Madam Speaker, I want to commend our troops for their sacrifice, their dedication and their bravery. They are freeing people from oppression so they may enjoy the same freedoms that Americans cherish. They are fighting a global war on terror, and they are winning

IN SUPPORT OF EMBRYONIC STEM CELL RESEARCH

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, yesterday the House of Representatives gave a victory to those hoping for cures for some of the most terrible illnesses of our time by defeating a fake bill on stem cell research.

Today, it is back to the calendar. The only reason we are considering this bill is to give our colleagues political cover when the President vetoes the bill that will provide real hope for cures, the Castle-DeGette embryonic stem cell legislation.

Let's make one thing clear this morning. A Presidential veto of the Castle-DeGette stem cell research bill will slow, if not stall, the real hope for cures and slam the door of hope right in the face of millions of Americans suffering from scores of incurable diseases.

The New Testament tells us that religious leaders in biblical times attacked Jesus for healing the sick on the Sabbath. We have religious leaders today who want to sit in judgment of today's healers.

Each of us on the floor today has a friend or family member who could benefit from increased embryonic stem cell research, whether they suffer from spinal cord injury, Alzheimer's or juvenile diabetes.

We must remember those who suffer and the compassion of the New Testament, not play political games with the hopes and prayers of the American people.

EMBRYONIC STEM CELL LEGISLATION

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Madam Speaker, scientific discovery should never compromise our moral integrity. Embryonic stem cell research, which they call hope, which some call hope, destroys human life.

What they do, in essence, is they create a new human life. They fertilize an embryo, the essence of life. Then they take that embryo and destroy it, the essence of human life. It is a destructive concept for our society. And government has no business funding research that creates life in order to destroy it. And at its essence, that is what embryonic stem cell research does. It is not progress. It is a breakdown in medical ethics, and government should not support it or endorse it.

Additionally, embryonic stem cell research has not produced a single medical treatment, whereas ethical adult stem cell research has produced 27, at least, disease and condition recoveries for cerebral palsy and spinal cord injuries.

We need to actually encourage human life, not destroy it. And I urge the President to veto this unethical research.

EMBRYONIC STEM CELL RESEARCH

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute.)

Mr. MCGOVERN. Madam Speaker, President Bush has not vetoed a single bill, even though this Republican Congress has passed some really lousy legislation. It is amazing to me that he would choose his first veto on a bill that is critical to finding cures for cancer, Alzheimer's disease, Parkinson's disease, MS, and so many other diseases.

H.R. 810, the Stem Cell Research Enhancement Act offers real hope, and the President should not veto it. Washington Republicans, worried that a veto of this important and popular bill will damage them politically, are also pushing two other bills.

The American people will not be deceived. They know that H.R. 810 is the real deal, and that it deserves to become law.

This week the American Medical Association and 92 other organizations sent out a letter stating, and I quote, ''Only H.R. 810 will move stem cell research forward in our country. This is the bill that holds promise for expanding medical breakthroughs. The other two bills are not substitutes for a 'yes' vote on H.R. 810.'' They conclude by saying that H.R. 810 is the ''pro-patient and pro-research bill.''

Madam Speaker, President Bush has a choice to make. He can act on behalf of his extreme right wing, or he can act on behalf of millions of Americans who are suffering from terrible diseases. I hope he makes the right choice.

ISRAEL'S SELF-DEFENSE

(Mr. JINDAL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JINDAL. Madam Speaker, I rise in strong support of Israel's right for self-defense. The killing of Israeli soldiers and the kidnapping of their soldiers by Hamas and other groups were unprovoked acts of war.

Israel's response to these acts of war is designed to secure the release of its soldiers, end ongoing rocket strikes by terrorist groups and deter further attacks on its citizens.

Israel is exerting its right to defend itself by carrying out operations, both inside Gaza and southern Lebanon.

This strike took place following Israel's full withdrawal from Lebanon, a move that was applauded by the international community and fully certified by the U.N. Security Council.

Hezbollah, since then, has launched dozens of unprovoked attacks since Israel withdrew from Lebanon, including the firing of hundreds of rockets and mortars at civilian areas and the kidnapping of a number of Israelis.

During the past 6 months alone, nearly 1,000 short-range rockets have been

fired into Israel landing on homes and in schools. An additional 150,000 Israeli citizens and numerous strategic facilities are now within range of these missiles and their ability to reach Israel.

Israel's actions are aimed at securing the release of its soldiers and degrading the abilities of Hamas and Hezbollah to threaten its citizens with ongoing barrages of rockets.

Madam Speaker, that is why I ask the United States to stand at Israel's side as it defends itself.

□ 1030

EMBRYONIC STEM CELL RESEARCH DESERVES FEDERAL FUNDING

(Mr. CLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLAY. Madam Speaker, I rise to urge my colleagues to reject the cynical attempt to politicize a critical health care issue that offers hope to millions of Americans, embryonic stem cell research. Last year a bipartisan coalition in this House voted for hope, and we should not abandon that today.

In my State almost 1 million people suffer from chronic diseases like diabetes, cancer, Parkinson's disease, Alzheimer's, and spinal cord injuries, and I will not turn my back on them.

Expanding Federal support for stem cell research is also vital to helping America maintain our leadership in medicine and the life sciences. And for minorities and lower-income Americans who suffer from higher rates of chronic diseases, embryonic stem cell research could unlock the secrets to closing the health care disparities gap.

The American people support this research because they know that someone they love will be helped. We should not sacrifice that hope on the altar of partisan politics.

THE ECONOMY

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Madam Speaker, thanks to the tax relief passed by Republicans in Congress, our economy continues to roll, creating 5.4 million jobs in just 2 years. And because our taxes have been lowered, Americans are working, saving, and investing even more.

That means Republican progrowth tax policies have actually resulted in higher tax revenues, which in turn means that the budget deficit has now dropped from $423 billion to $296 billion.

Madam Speaker, despite the opposition of the Democrats, the deficit is down, after-tax incomes are up, homeownership is at an all-time high, and more Americans are working today than ever before. In my district a worker in Mesquite is entering the workforce, a family in Jacksonville can better afford to send their daughter to college, a newlywed couple in Dallas can now put a down payment on a home, and a small business owner in Garland can hire three new workers.

The numbers and stories reveal that tax relief is working and making the lives of Americans better. That is why we will continue to fight the Democrat agenda of excessive taxation, mind-numbing and senseless litigation that will only close down small businesses and hurt our jobs.

GOP MISGUIDED PRIORITIES ARE NOT HELPING MIDDLE-CLASS FAMILIES

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Madam Speaker, House Republicans are ignoring the priorities of America's families. Once again they refuse to bring up one single bill that will help working families who are struggling to make ends meet.

This morning I would like to offer my Republican colleagues a challenge: Name for me one bill that you have passed into law this year that has significantly helped middle-class Americans.

The American people want a government that works for them, and right now under this House Republican majority, they are not getting it. Middle-class Americans are struggling. For 5 years their wages have remained stagnant, while everything else, housing and health care, energy costs, food, and college costs, has increased dramatically. If you factor in inflation, hourly wages are only .7 percent higher today than they were in 2001. Weekly wages are about the same.

It is no wonder that a large majority of Americans are concerned about their futures. But House Republicans refuse to listen.

Madam Speaker, America works best when we work together for the common good. It is time for a change in Washington.

UNIVERSITY OF WEST GEORGIA

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I rise today to congratulate the University of West Georgia on its centennial anniversary. For the past 100 years, West Georgia has been educating some of our State's brightest minds, and I know the school will continue providing educational excellence for many years to come.

West Georgia's roots are humble. In 1906, it was founded as the Fourth District A&M School, a charter member of the university system of Georgia. In January 1908, the school opened its doors to students, enrolling 52 boarding pupils and 58 day pupils. Those first students would hardly recognize West Georgia today, home to more than 10,000 pupils and over 100 programs of study.

Yet despite the changes of the past 100 years, one thing has remained the same, and that is the dedication of the staff, faculty, students, and community. I want to congratulate university president Dr. Beheruz Sethna, the city of Carrollton, County of Carroll, and the entire West Georgia community on reaching this historic milestone.

Madam Speaker, I ask that you join me in congratulating the University of West Georgia, and here is to another 100 years of educating Georgia's students.

WHILE REPUBLICANS DIVIDE AND DISTRACT, DEMOCRATS ARE UNITED ON NEW DIRECTION FOR AMERICA

(Ms. CORRINE BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Madam Speaker, I whipped up my snake oil this morning. Snake oil, that is what every 2 years the Republicans whip out. Snake oil this week in Congress. That is, passing legislation that they know will never come into law.

But Democrats are united in taking America in a new direction.

This week marks the second anniversary of the release of the 9/11 Commission recommendations. House Republicans have refused to institute their recommendations, receiving Ds and Fs from the 9/11 Commission on protecting the homeland.

House Democrats want to make the recommendations into law as soon as possible. We want to secure the 25 million passengers who ride Amtrak each year, our neighborhoods, our ports, and our borders. Democrats want to ensure all Americans have access to good-paying jobs by raising the minimum wage and ending outsourcing. We want to make college more affordable.

This time the American people will not be fooled. No more snake oil.

We want to make college more affordable for middle class families by making some college tuition costs tax deductible, expanding Pell Grants and cutting interest costs on student loans in half.

For too long, House Republicans have ignored the needs of hardworking middle class families. Their attempts to distract and divide won't work. The American people are ready for a change.

IN SUPPORT OF H.R. 810, STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, today is certainly a momentous day. President Bush is about to veto the first bill

of his 6-year Presidency, and we will have the opportunity to override this veto and reaffirm the House of Representatives' support for lifesaving medical research.

I take this moment to remind my colleagues of what H.R. 810 and stem cell research can do. Embryonic stem cells have the unique ability to become any other kind of bodily cell. These cells have the potential to help researchers find cures, that is right, cures, for diabetes, Alzheimer's, ALS, cancer, heart disease, Parkinson's, the list goes on.

Under H.R. 810 these cells would be extracted from embryos that are already created for in vitro fertilization and are no longer needed. Use of these surplus embryos would only be done with the consent of the donor.

I urge my colleagues to vote in favor of the override and put us on the path to saving lives.

IT IS TIME TO RAISE THE MINIMUM WAGE

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Madam Speaker, it is past time to raise the minimum wage. It was last raised in 1997. Currently, a person working full time at $5.15 an hour will make $10,712 per year. The poverty line is $13,461 for a family of two.

We must raise the minimum wage. No one should work full time and stand in a welfare line. No one should work full time and live below the poverty line. People do not want welfare. People want self-care.

It is time to raise the minimum wage.

IN HONOR OF SETON HALL UNIVERSITY'S 150TH ANNIVERSARY

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Madam Speaker, I rise today to congratulate Seton Hall University on its 150th anniversary and recognize the extraordinary contributions the university has made to my home State of New Jersey.

As Seton Hall marks a century and a half of achievements, I join my fellow New Jerseyans in commending this esteemed university and its faculty, led by Monsignor Robert Sheeran.

Seton Hall, located in South Orange, is New Jersey's largest Catholic university, and it was founded in 1856. Today, after 150 years, Seton Hall has become both a pillar of academic life in New Jersey and an invaluable member of the South Orange community.

I proudly join the residents of the Ninth District of New Jersey in congratulating the students, faculty, and administration of Seton Hall University and wishing them a happy 150th anniversary.

PHARMACEUTICAL COMPANIES BRINGING IN RECORD PROFITS FROM MEDICARE PART D PLAN

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, the American taxpayer is being ripped off by the Republican prescription drug law. Any Republican who wants to dispute this fact should take a look at yesterday's New York Times. Under the headline ''A Windfall from Shifts to Medicare,'' we have yet another example of how the pharmaceutical companies are reaping record profits while the American taxpayer is left holding the bill.

Before the Republican law went into effect this year, more than 6.5 million low-income Americans received help with their prescription drug bills through Medicaid. Under the Medicaid system, States could purchase the drugs at the lowest available prices. While this was good news for the taxpayer, it certainly cut into the profits of the pharmaceutical companies.

So now those 6.5 million Americans have been moved into the Republican plan, and they are no longer receiving the lowest prices. And the higher costs, adding up to as much as $2 billion this year alone, will be passed on to the American taxpayer.

And House Republicans still claim to be fiscal conservatives? House Republicans sold out to the pharmaceutical companies, and now the American taxpayers are paying the price.

PROVIDING FOR CONSIDERATION OF H.R. 2389, PLEDGE PROTECTION ACT OF 2005

Mr. GINGREY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 920 and ask for its immediate consideration.

The Clerk read the resolution, as follows

H. RES. 920

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the Majority Leader and Minority Leader or their designees. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 920 is a structured rule, and it provides 1 hour of general debate that is equally divided and controlled by the majority leader and minority leader or their designees. This resolution waives all points of order against consideration of the bill, and it makes in order only those amendments that are printed in the Rules Committee report accompanying the resolution. It provides that the amendments printed in the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Further, it waives all points of order against the amendments printed in the report, and it provides one motion to recommit with or without instructions.

Madam Speaker, I rise today in support of House Resolution 920 and, of course, the underlying bill, H.R. 2389, the Pledge Protection Act of 2005.

□ 1045

Madam Speaker, I would first like to take this opportunity to thank my friend and colleague from Missouri, Representative TODD AKIN, the author and lead sponsor of the underlying bill. As an original cosponsor of H.R. 2389, I am glad to see that we will have the opportunity to set the record straight and defend our traditions against a few activist judges who would supplant the will of the people with their own personal agenda.

Yesterday, this House had the opportunity to debate and vote on an amendment to the Constitution defining marriage as the union between one man and one woman. Unfortunately, the necessary two-thirds vote in support of the amendment simply was not there. While some may characterize yesterday's debate as an act of futility, I

wholeheartedly disagree. Yesterday's vote put each and every Member of this House on record with their constituents and with the American people as to where they stand on defending our culture, on defending our values, against a few activist judges seeking to turn our society upside down.

I make mention of this because I anticipate that the opponents of this underlying bill will attempt to make the same arguments against this bill as they did yesterday against the Marriage Protection Act. And, Madam Speaker, they were wrong yesterday, and they continue to be wrong today.

The Pledge Protection Act, as well as the Marriage Protection Act, represents more than just the underlying issues of our Pledge of Allegiance or the traditional definition of marriage. These bills affirm that it is the American people, not a few activist judges, that have the right to create laws and establish the policies that will shape their lives.

Now, I know that the opponents of this bill will also try to confuse and confound this debate by arguing that there are other more pressing things to consider and that this Congress has passed nothing of importance to the American people. Well, Madam Speaker, I have to ask myself, where were they? Where were these individuals when we passed H.R. 4297, that cut taxes and prevented tax increases for millions of Americans? Where were they when we passed lobbying reform out of this House with bipartisan support? Where were they when we passed out of this House comprehensive border security legislation? Where were they when we passed 10 of 11 appropriations bills that fund the operations of this government? Where were they when we passed legislation to increase oil production through domestic production and refinery capacity to bring down the price of gasoline?

Madam Speaker, I could go on and on, but I believe I have made my point that this House has a proven track record of passing legislation important to the American people and their families, and the Pledge Protection Act simply builds upon that track record.

H.R. 2389 will affirm the ability of Americans across this country to recite the Pledge of Allegiance anytime, anywhere, with or without the phrase ''one Nation under God.'' The point is, the individual will get to choose.

Since the days of colonial America and the founding of this great Nation, the vast majority of our citizenry has celebrated and honored the role of Almighty God in shaping the history of this great land and defending her through many trials and tribulations and in lifting her up as a shining city on a hill.

As our founders set forth in the Declaration of Independence, ''We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.''

Madam Speaker, the recognition of a higher authority above human law and above temporal law is fundamental to the establishment and preservation of our fundamental rights and liberties. Those who would divorce the recognition of a higher authority from the rights he secures are guilty of throwing the baby out with the bath water.

If our fundamental rights come from human beings, then human beings can take them away. But because our rights are endowed to us by our creator, no man, no woman, no government can take them away. Therefore, we in this Congress have an obligation to uphold the ability of citizens across this great land to recite and pledge their allegiance to the flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Madam Speaker, I reserve the balance of my time

Mr. HASTINGS of Florida. Madam Speaker, I thank Dr. GINGREY for the time, and I yield myself such time as I may consume.

Madam Speaker, I listened to Dr. GINGREY, and I have the misfortune of reading the paper every now and again. Dr. GINGREY, you are quoted as saying yesterday in the discussion with reference to banning gay marriage, the quote says, ''This is probably the best message we can give to the Middle East in regards to the trouble we are having over there right now.''

I say to you, sir, that I find that very confusing in the sense that I don't understand how, with all of the things going on in this country and around the world, that gay marriage, yesterday, was the most important thing that we could contribute to the horror of what is going on in the Middle East.

But I don't intend to use much of my time this morning, frankly. I really am embarrassed for the House of Representatives today. Why? Let's be clear about what the priorities are for the majority and what they are for the rest of the world.

Today, the Federal minimum wage purchases less than it has at any point in the last 50 years. Let me repeat: The Federal minimum wage purchases less than it has at any point in the last 50 years. It hasn't been raised in 9 years, and today the House is going to spend its time protecting something that all of us say every morning in the House of Representatives, the Pledge of Allegiance.

In the last year, 23 percent of all Americans say they or someone in their family have had to stop medical treatment because of the cost, and today the House will spend its time attempting to turn the independent judiciary into an echo chamber of the right wing of this particular majority.

If today is anything like the typical day of the past 3 years, three American soldiers will die in Iraq or Afghanistan, the Taliban will get a little stronger in Afghanistan and the civil war will continue to be enhanced in Iraq. And the American people will watch their Congress do nothing, but listen to a bunch of demagogues who claim a crisis in the United States courts.

The Middle East is literally going up in flames, as is California, and Katrina's problems haven't been solved, and Congress' response is to criticize Federal judges.

Today in America, 110 people will be treated in an emergency room for their wounds from a handgun and there is an epidemic of violence with reference to handguns, particularly by our youth in this country. 1,500 people will die of cancer today in America, and 1,900 people will die of heart disease. And the United States House of Representatives will speechify about patriotism.

Let me tell you something, Madam Speaker: Patriots try to solve real problems and not seek out remedies to perceived problems. Yesterday in this country we had people die of hunger and malnutrition. In some parts of this country, the infant mortality rate rivals that of sub-Saharan Africa. We have a public education system that ranks below that of almost any other Western nation. We have a looming Social Security crisis, and health care costs are spiraling out of control. And what do we do? Speechify about patriotism.

These are some of the problems, just some of the problems, confronting the American people today. And what is the majority's response to this? Today we will make sure that the Pledge of Allegiance is safe from so-called activist judges.

I could go on and on, but I have already taken more time than this deserves. Court-stripping bills such as this are, according to the Chief Justice of the United States of America, John Roberts, and let me quote the Chief Justice of America, they are bad policy.

I hope the American people are paying attention to their priorities, the priorities of the Republican majority.

Madam Speaker, I reserve the balance of my time.

Mr. GINGREY. Madam Speaker, I yield myself 20 seconds.

I just wanted to respond to my friend from Florida. I didn't see that quote. I need to grab that newspaper that he was referring to. It sounds like I was either misquoted or my words were taken out of context.

Yesterday I spoke several times, and I mainly was speaking about our value system as a great Nation. We were talking about values yesterday from my perspective and the image that we present to the rest of the world, and particularly at this time to the countries in the troubled Middle East. So I don't know what the exact quote was, but I just want to try to clarify that

Madam Speaker, I am proud to yield 2 minutes to my colleague on the Committee on Rules, the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Madam Speaker, I would like to thank the gentleman from Georgia for yielding me time, and I rise in support of the rule and the underlying bill.

I am a proud cosponsor of the Pledge Protection Act, and, like many of my West Virginia constituents, I am disappointed that this legislation is necessary.

I was disappointed 4 years ago when two judges of the Ninth U.S. Circuit Court of Appeals ruled that our Pledge, our statement of shared national values, was somehow unconstitutional.

I do not take legislation that removes an issue from the jurisdiction of this court system lightly. This legislation is appropriate, however, because of the egregious conduct of the courts in dealing with the Pledge of Allegiance. By striking ''under God'' from the Pledge, the Ninth Circuit has shown contempt for the Congress which approved the language, and, more importantly, shows a complete disregard for the millions of Americans who proudly recite the Pledge as a statement of our shared national values and aspirations.

One of the many great things about living in a Nation under God, indivisible, with liberty and justice for all, is that no one is required to recite the Pledge if they disagree with its message.

We are a Nation that respects minority opinions. Those who disagree with the Pledge have every right to attempt to convince others of their point of view and convince Congress to change it. That is how our system works. Instead, the Ninth Circuit would allow the opinion of one person who disagrees with the Pledge to override the opinions of tens of millions of Americans who want to express their belief that America is in fact one Nation under God.

I am proud to stand with the vast majority of Americans and certainly the vast majority of West Virginians who support our Pledge of Allegiance the way that it is. We do not need Federal judges to dictate what our Pledge says. I hope my colleagues will join me and support the Pledge Protection Act.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased at this time to yield 6 minutes to my good friend, the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking member of the Appropriations Committee.

Mr. OBEY. Madam Speaker, I thank the gentleman for the time.

Madam Speaker, for 9 years there has been no increase in the minimum wage. Meanwhile, CEOs of the largest corporations in this country have seen their pay rise to record heights, almost 200 times the size of the paycheck for an average worker in this country.

For the last month, we on this side of the aisle have been trying to get the majority party to allow for a simple, straight up or down vote on increasing the minimum wage. We tried over a month ago to attach it to the appropriations bill for the Department of Labor, and we succeeded. When we did, the majority party decided they would not allow that bill to come forward because they didn't like the results.

We are now told, if you read Congress Daily put out by the National Journal, we are now told that the Speaker of the House, Mr. HASTERT, is against the minimum wage increase; we are told that the Majority Leader of the House, Mr. BOEHNER, is against the minimum wage increase. But they don't want to evidently face this issue up or down.

□ 1100

So the article in CQ this morning says, ''It is unlikely that GOP leaders would allow an up-or-down vote on a wage increase. Rather GOP aides say that if they craft a bill, it would likely include so-called sweeteners.''

Madam Speaker, I am proud of the fact that on this side of the aisle, our Members do not have to be maneuvered and cajoled and enticed into voting for a minimum wage increase. I am pleased by the fact that on this side of the aisle, Members do not need sweeteners in order to do what is right on this issue.

So we are trying today to attach the minimum wage increase to this bill. There are those on the other side of the aisle who will say that is inappropriate. Well, the previous speaker just recited part of the Pledge of Allegiance. When we stand on this House floor every day and take that pledge, we pledge to provide liberty and justice for all; not for most, not just for CEOs, not just to the wealthiest 1 percent of people in this country, but for all.

This Congress has provided $50 billion in tax cuts this year for people who make $1 million or more a year, and yet it is steadfastly refusing, on the direction of the top Republican leadership of this House, it is steadfastly refusing to do anything at all on the wage front for people who live life on the underside.

I think it is disgraceful for a Member of Congress, or for this Congress, to allow a pay raise for Members of Congress to go through at the same time that they are trying to block an increase in the minimum wage for the poorest people among us.

We have 15 weeks between now and the election. Do you realize, Madam Speaker, that we are going to spend 4 of those weeks in town here, and 11 weeks we are going to be spending back home campaigning for reelection? Meanwhile we will have taken no action to provide a Manhattan-like project on the energy front so that we are not stuck with $3 and $4 gasoline prices.

This Congress will have taken no action to provide health care for every child in this country. It will have taken no action to guarantee that we provide as much protection for the average worker in a company as we do for the board of directors and the CEO if that company goes bankrupt. We are taking no action to make college more affordable for every family in this country. We are not doing any of that.

Cannot we at least provide a minimal increase in the minimum wage for people who are living on life's edge? That is what we are asking you to do. I am amazed that we are told that we cannot do it.

Oh, you have time to strip a court from jurisdiction, just like you had time to call the Congress back to stick your nose in the family affairs of the Terry Schiavo family, but you do not have time and you do not have the will to provide some decent economic help to people who need it more than virtually anybody else in this society.

Shame on every one of you who will not move on this issue.

Mr. GINGREY. Madam Speaker, I yield myself 1 minute just in response to the gentleman from Wisconsin.

Madam Speaker, a couple of weeks ago on another rule that I was managing, this same issue was brought up, had really nothing do with the subject at hand, but was in regard to the minimum wage. I pointed out in a little colloquy with the gentleman from Wisconsin that I did not vote for that congressional pay raise, and he said that he did not either.

I just want to point out, this gentleman from Georgia, to the gentleman from Wisconsin that this just once again proves that cheese and crackers occasionally go good together. So I do not disagree with the gentleman on that particular point.

Madam Speaker, at this time, I yield 4 minutes to the author, the distinguished author, of this bill, the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Madam Speaker, I came here to discuss, I thought there would not be much discussion on the rule, because that is what we are supposed to be debating and discussing right now, the rule on the Pledge Protection Act.

Instead, most of the discussion that seems to come from the other side is complaining about priorities. I did not know that this is where we were going to complain about priorities. I suppose there are some connections.

It seems that judging by the comments in the Rules Committee yesterday, that the Democrats have a very hard time understanding the importance of the Pledge or the words ''under God'' or even the first amendment, which is about free speech. They seem to consider that to be a rather minor thing, and that perhaps may fit in with their view of government.

But I would recall that if you were to summarize what America stands for, we have always stood for the idea, the simple principle, that there is a God, even though we disagree as to who He might be, who gives basic inalienable rights to all people, and that it is the job of government to protect those rights.

That is, in a sense, a formula that Americans have gone to war about through the ages. That is why we went to war with King George, that is why

we fought the War of Independence, because we believed in that basic formula.

The Democrats are saying now that formula is not very important, we should not give it time to discuss it or think about it. But if they spent a little more time thinking about it, they would realize that is why we are in the war against these radical Islamists, why we fight the war of terror, why our sons and daughters are overseas.

The reason we fight is because these terrorists take away people's innocent lives and blow them up for political statements. We fight because these terrorists want to terrorize, to take away people's freedom. And the other side, the Democrats, want to cut and run from that fight. They would not want to cut and run if they understood the importance of those basic principles and that inalienable rights are impossible without a recognition of God, and that is why the Pledge bill is important and not irrelevant or trivial.

And so while we hear all of these discussions about, oh, you are not doing this, you are not doing that, you are not doing the other thing, fortunately government can do more than one thing at a time. There are many people at work in government.

The energy bill was brought up. I am surprised that the Democrats would mention the energy bill. It would be an embarrassment to me if I were a Democrat, and the Republicans had brought an energy bill on this floor in 2001, and it was killed by Democrats in the Senate. 2002, we brought an energy bill. That was killed by Democrats in the Senate. 2003, we brought an energy bill. It was killed by the Democrats in the Senate. And 2004, the Democrats killed it again. Finally in 2005, we get an energy bill.

If I were a Democrat, I would not be talking about energy prices after basically filibustering an energy bill for 5 years.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume before yielding to the distinguished minority whip from Maryland, my very good friend, a Member of this body who works tirelessly, tirelessly to alleviate the squeeze on America's middle class.

Madam Speaker, I would like to respond to my friend from Georgia who was responding to my friend from Wisconsin Mr. OBEY when he says cheese and crackers go together. And the context, as I understand it, was that you did not vote for the pay raise.

The question is, do you favor and can you push for the minimum wage? Cheese and crackers may very well go together, but they need to be washed down with milk or Coca-Cola. And the fact of the matter is people living on the minimum wage cannot buy cheese, crackers, Coca-Cola or milk, and so somewhere along the line that needs to be understood

Madam Speaker, I yield 3 minutes to the distinguished gentleman from Maryland (Mr. HOYER), my good friend.

Mr. HOYER. Madam Speaker, I thank the gentleman for yielding me time.

The gentleman who just spoke previously on the other side of the aisle was wrong, and he misstates the position of the Democrat Party. Indeed, he misstates the need for this bill. There is no court case that is pending that has shunted this aside, of articulation of ''under God.'' In fact, the Supreme Court said the litigant did not have standing.

Madam Speaker, I believe that our Pledge of Allegiance with its use of the phrase ''one Nation under God'' is entirely consistent with our Nation's cultural and historic traditions.

I also believe that the United States District Court in Sacramento, in September of 2005, holding that use of this phrase is unconstitutional is wrong. I want the gentleman to hear me. I believe the decision was wrong.

As a matter of fact, as the gentleman knows, 383 people on the floor of this House, overwhelming numbers of Democrats and Republicans, said it was wrong. The gentleman may recall that resolution.

But this court-stripping bill is not necessary. In fact, the Department of Justice is seeking to overturn the district court's decision. For political reasons, the other side of the aisle does not want to allow the judicial procedure to continue as our Founding Fathers perceived it to be in the best interests of our Nation, a Nation of laws.

Yet today with this radical court-stripping bill, our Republican friends completely overreact to this lone district court decision, which I believe is clearly likely to be overturned.

This legislation would bar a Federal court, including the Supreme Court, from reviewing any claim that challenges the recitation of the Pledge on first amendment grounds. If we are a Nation of laws, we must be committed to allowing courts to decide what the law is.

Let us be clear. This bill is unnecessary and, I believe, probably unconstitutional. It would contradict the principle of Marbury v. Madison, intrude on the principles of separation of powers, degrade our independent Federal judiciary, which, by the way, is a pattern of the majority party that is constantly wanting to undermine the judiciary. It is an end run.

Furthermore, Madam Speaker, the House should not be spending its time today addressing a single Federal court decision that should be overturned on appeal. My goodness, how many bills we would have to have to disagree with every court opinion that comes down.

What we should be doing, Madam Speaker, is taking up legislation providing a long overdue increase in the Federal minimum wage, which has stood at $5.15 per hour since 1997, the longest period of time that we have not raised the minimum wage since Ronald Reagan and George Bush were President of the United States, in which case it was a longer period of time.

An estimated 6.6 million, indeed some estimate as many as 18 million people, are impacted by the minimum wage. Yes, we are raising this issue now because it is the right thing to do whenever you do it, in whatever forum you do it, at whatever time you do it. It is time that we take people working in America every day, playing by the rules, take them out of poverty. Let's do it now. Give us this opportunity. Give them a chance.

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

We have heard on both sides reference, of course, to our Founding Fathers in this debate. Madam Speaker, deep concern that Federal judges might abuse their power has long been noted by America's most gifted observers, including Thomas Jefferson and Abraham Lincoln.

Thomas Jefferson lamented that, this is the quote, ''the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary; . . . working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped . . . ''

In Jefferson's view, leaving the protection of individuals' rights to Federal judges employed for life was a serious error.

Listen to what Abraham Lincoln said, Madam Speaker, in his first inaugural address in 1861. ''The candid citizen must confess that if the policy of the government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the people will have ceased to be their own rulers, having to that extent practical resigned their Government into the hands of eminent tribunal.''

That is the concern that we express today in this debate, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

□ 1115

Mr. HASTINGS of Florida. Madam Speaker, I look forward to the day that somebody offers a bill to eliminate the Court. I mean, you talk about Jefferson and Madison. I don't know how many of you have read the Federalist Papers and clearly understand the dynamics of establishing the Federal judiciary and the importance of the separation of powers.

That is what they went to war about or with King George, it was to make sure that we had a separation of powers. I travel in countries all over this world where the leaders of the country dictate to the courts, if they have any.

I don't want to see America in that position, and I believe my good friend from California feels likewise.

Madam Speaker, I yield 3½ minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, we are here today because the Republican leadership has

made a stunning decision that it thwart the will, a bipartisan will of the House of Representatives, a bipartisan majority will of the House of Representatives to increase the minimum wage. They have decided that they are not going to follow the rules of democracy. They are not going to let this body reflect over 80 percent of the American people that believe that the minimum wage that is stuck at 1997 levels should be brought up to date for those workers who work hard every day.

In fact, when the Appropriations Committee spoke on a bipartisan majority, they refused to bring the bill to the floor, because it had an increase in the minimum wage that was put there by Mr. OBEY and Mr. HOYER. We just see last week, 26 Members of the Republican Party of this House wrote the majority leader demanding action before we leave in August.

Two Members of the Republicans voted for our motion on the previous question and we will offer it again today. So what we now understand is there is a majority. If we want to strip somebody of authority, maybe we ought to strip the Republican majority in this House of its authority to block the democratic will of both Members of this House who are duly elected under the Constitution and reflecting the will of the American people to increase the minimum wage. Forget stripping the Court of its authority. Let us strip the Republican leadership.

Just last week the Republican leader, Mr. BOEHNER, completely misrepresented the record on the minimum wage when he suggested that he had never heard from the Democrats about the minimum wage in an odd-numbered year.

Now, maybe Mr. BOEHNER doesn't know odd from even. But the fact of the matter is we introduced a minimum wage bill in 1997. I believe that is an odd-numbered year. We introduced a bill in 1999, another odd year; 2001, another odd year; 2005 an odd year.

We wrote to Mr. BOEHNER, as the chairman of that committee, time and again in 1991, asking for hearings and a markup. We asked again in October of 1999. In March of 2001 we sent Mr. BOEHNER letters from the members of the committee again asking for actions; in March of 2001 and in July of 2001. There have been numerous events calling upon the majority leader and the Speaker of this House to provide for an increase in the minimum wage.

It goes on and on and on. I have 30 here that I would like to enter into the RECORD. I suspect there are hundreds where the Democrats have asked time and time again this leadership to provide us an up-or-down vote on the minimum wage. Why do we do that? Because, as Mr. OBEY and Mr. HOYER pointed out, 6 million workers in this country are stuck in a wage that this Congress set in 1997.

No other workers in this country are stuck at that wage except these individuals. These are people who get up every day and go to work at very difficult jobs at the lowest wage you can pay in this country legally, and they go every day and every week and every month. At the end of the year, at the end of the year, they end up poor.

By official action of this Congress, they end up poor. The gas that they buy to go to work is not at 1997 prices. The bread and the milk they buy to bring back to their families is not at 1997 prices. The health care they hope to buy someday for themselves and their family is not at 1997 prices, nor is the housing where they rent homes.

These are people, because of the official action of the Republican leadership of the House of Representatives, these people must continue to be impoverished. Yet we tell them that we value their work.

No, we don't. We ought to strip this Republican leadership so that these people can have economic justice so that they can share in some of the liberties and freedoms that the other side talks about so much. It is very hard to share in liberties and freedom at $5.15 an hour, very difficult to do that. But the Republicans wouldn't understand that, because they just don't understand the plight nor do they care about the plight of these workers. That is why we should raise this minimum wage.

Minimum Wage Legislation Introduced By Democrats in Odd-Numbered Years

1. 105th Congress 1997: H.R. 2211 ''American Family Fair Minimum Wage Act of 1997''—Republican-controlled E&W Committee refused to take action on the bill.

2. 106th Congress 1999: H.R. 325 ''Fair Minimum Wage Act of 1999''

3. 107th Congress 2001: H.R. 665 ''Fair Minimum Wage Act of 2001''

4. 109th Congress 2005: H.R. 2429 ''Fair Minimum Wage Act of 2005''

Letters to Ed and Workforce Chairman Goodling From Ranking Democrat William Clay Requesting Action on the Minimum Wage—in Odd-Numbered Years

5. March 1, 1999, asking for hearing and markup of minimum wage legislation.

6. October 29, 1999

Letters To Ed and Workforce Chairman Boehner from Senior Member Miller Requesting Action on the Minimum Wage—in Odd-Numbered Years

7. March 2, 2001 from all 22 Democratic Members of the Committee requesting hearings on H.R. 665 to increase the minimum wage

8. July 16, 2001 from George Miller requesting, among other things, ''immediate action to increase the minimum wage.''

Press Events/Statements/Reports—in Odd-Numbered Years

9. Ranking Member Clay Makes a Statement in Ed and Workforce Committee urging passage of the minimum wage, October 7, 1999.

10. Ranking Member Clay asks unanimous consent in the Education and Workforce Committee to bring up H.R. 325 to increase the minimum wage, November 3, 1999.

11. Democrats issue ''A Mid-Term Report Card, the Republicans Failed Labor Education and Health Care Record'' with section entitled ''Republicans Continue to Block a Fair Minimum Wage'' and notes no committee action ''[d]espite the submission to the committee's chairman for repeated written requests for a markup of minimum wage legislation . . .'' November 29, 1999 (Report).

12. Statement on the Introduction of the Fair Minimum Wage Act of 2001 (February 7, 2001)

13. Miller Introduces Legislation to Increase the Minimum Wage, February 27, 2003 (press release)

14. ''Bush Administration Assault on Working Families—First 100 Days'' calls for Republicans to stop blocking an increase in the minimum wage. April 26, 2001 (Report)

15. This Christmas, Congress Should Help the Less Fortunate by Raising Minimum Wage, December 14, 2005. (press release)

16. House Again Refuses to Give Minimum Wage Workers a Raise, July 12, 2005 (press release)

17. Miller Calls for Minimum Wage Increase, May 18, 2005 (press release)

Sample of Dear Colleagues Sent in Odd-Numbered Years on Minimum Wage

18. Support a Fair Increase in the Minimum Wage, January 8, 2003 (Miller)

19. Support an Increase in the Minimum Wage, January 31, 2003 (Miller)

20. Co-sponsor the Minimum Wage, February 25, 2003 (Miller)

Sampling of Floor Statements (Congressional Record) on Minimum Wage by Key Democrats in Odd-Numbered Years

21. Rep. George Miller, October 25, 2005:

''Mr. Speaker, today I rise on behalf of millions of American working men and women who are in desperate need of a raise. It has been a disgraceful 8 years since Congress last voted to raise the national minimum wage which is stuck today at only $5.15 an hour. A person making the minimum wage today would have to work for the better part of an hour just to afford a single gallon of milk or a gallon of gasoline.'' (Congressional Record, Page H9049)

22. Rep. George Miller, May 18, 2005:

''Mr. Speaker, today, together with 100 of my colleagues, we are introducing legislation to raise the Federal minimum wage from $5.15 to $7.25 over 2 years. Senator Edward Kennedy is introducing identical legislation in the Senate. Two reports that are also being released today, one by the Center for Economic and Policy Research and one by the Children's Defense Fund, make obvious the importance of raising the minimum wage for workers, children, and families.'' (Congressional Record, Page E1024)

23. Rep. George Miller, February 27, 2003:

''Mr. Speaker, today I am honored to be joined by 73 of my colleagues in introducing legislation to increase the minimum wage. The legislation that we are introducing today provides for a $1.50 increase in the minimum wage, in two steps. Our bill raises the minimum wage from its current level of $5.15 per hour to $5.90 sixty days after enactment and raises it again to $6.65 one year thereafter. In addition, the legislation extends the applicability of the minimum wage to the U.S. Commonwealth of the Northern Mariana Islands. Our bill is identical to legislation introduced in the other body by the Democratic Leader, Mr. Daschle, and 34 of his colleagues.'' (Congressional Record, Page E333)

24. Rep. George Miller on CNMI, July 26, 2001:

''Today, I am joined by more than 40 cosponsors as we introduce the ''CNMI Human Dignity Act,'' which would require that the Americans living in the US/CNMI live under the same laws as all of our constituents in our home districts. This legislation would extend U.S. immigration and minimum wage laws to the US/CNMI.'' (Congressional Record, Page E1442)

25. Rep. Rob Andrews, May 23, 2001:

''That compassion is sorely lacking when there has been a commitment by the majority not to move a bill to raise the minimum

wage of many of those parents that we are talking about today.'' (Congressional Record, Page H2601)

26. Rep. Major Owens, March 7, 2001:

''What we are experiencing today is the beginning of warfare on a large scale which has a psychological significance. It is very strategic. After we roll over ergonomics, it is going to be Davis-Bacon's prevailing wage act. It is going to be onward marching toward the elimination of any consideration of any minimum wage from now until this administration goes out of power.'' (Congressional Record, Page H664)

27. Rep. George Miller, November 3, 1999:

''Now the Republicans tell us that we cannot afford a prescription drug benefit for our seniors, that we cannot afford a Patients' Bill of Rights to protect our families against managed care and HMOs that deny them care, that we cannot afford a minimum wage for our low-income workers in this Nation, and that we cannot extend the fiscal security of social security by even one day. No, the Republicans still want to try to pass tax breaks for the wealthiest individuals, corporations, and special interests in this country. When in this session, in the last remaining 8 or 10 days of this session, when is it that Republicans are going to start thinking about our elderly, our children, and the working families of this Nation?'' (Congressional Record, Page H11376)

28. Rep. William Clay, June 18, 1997:

''Mr. Speaker, I would like to bring to your attention an important editorial that appeared in the St. Louis Post-Dispatch, Monday, June 16, 1997. It brings to light the harsh reality of a GOP plan that deprives welfare participants of minimum wage.'' (Congressional Record, Page E1251)

29. Rep. George Miller on CNMI, April 24, 1997:

''Mr. Speaker, today I am introducing legislation to address the systematic, persistent, and inexcusable exploitation of men and women in sweatshops in the Commonwealth of the Northern Mariana Islands, a territory of the United States of America. . . . This legislation will increase the minimum wage in the CNMI in stages until it matches the Federal level.'' (Congressional Record, Page E748)

30. Rep. George Miller, September 5, 1997:

''This is not a matter of conjecture, this is a matter of record that hundreds of thousands of workers on a regular basis are denied their overtime pay. That overtime pay is the difference of whether or not they can provide for their family or not provide for their family. That minimum wage pays the difference of whether or not they need public assistance or they do not need public assistance, whether they can provide child care or they cannot provide child care for their children as they work.'' (Congressional Record, Page H6931)

Mr. GINGREY. Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, how much time remains on both sides?

The SPEAKER pro tempore. Eleven minutes remain for the gentleman from Florida; the gentleman from Georgia, 16½.

Mr. HASTINGS of Florida. Madam Speaker, a young man whose sensitivities have shown through on this subject of countless others who are less fortunate, I am pleased to yield 2 minutes to my good friend from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Madam Speaker, if this issue were not so serious it would be a joke. The Republican majority today is talking about a Pledge of Allegiance where they are saying that we should include the words ''under God'' as they have been historically in our country. They preach God all the time. They even call themselves the Christian Coalition. But you look at their policies, and you would not see anything Christian about their policies.

My Aunt Rosemary was mentally retarded. If she didn't come from my family and have all of the financial support to give her, all of the support she needed, under the Republican Medicaid budget, she would have to live in the right State in order to get the support of services she needed because this Republican Congress has cut funding for the developmentally disabled in this country.

The very people who are treating the most vulnerable people in our society, the handicapped, the people who are living in group homes, in institutions, those people are being paid the least. They are being paid the minimum wage. They are taking care of God's children, God's children, and yet this majority says they want to make sure they stand up for God.

Where is their religiosity when it comes to standing up for the children of God? Where is their sense of justice when it comes to making sure that we treat others with the dignity and respect that God would have us treat one another with?

This is a joke, Madam Speaker, that this majority would talk about God and yet not even work to raise the wages of the very people that are taking care of the children of God.

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

The gentleman from Rhode Island, I greatly respect. The other side, making points about minimum wage or mental health parity and implying that these are the godly things to do, then I think in a way that they are inadvertently making my case.

Let us go along with the wishes outlined in this bill to keep ''under God'' in our Pledge of Allegiance, as we stand up every day and honor our flag. That, indeed is what it is all about. I thank them for helping to make the case for this particular piece of legislation, H.R. 2389.

I do hope that we have a recorded vote on the rule, and obviously on the bill, and I look forward to wide, maybe unanimous, bipartisan support on this issue.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield 30 seconds to the gentleman from Rhode Island (Mr. KENNEDY) to respond.

Mr. KENNEDY of Rhode Island. Madam Speaker, in 1960 my uncle, President Kennedy, in one of his remarks in the inaugural address said, ultimately, our truest test here on Earth, we need to make sure we do God's will, because God's work is ultimately our own.

I find it so interesting that when it comes to our implementing the kinds of things that this gentleman would say we are somehow being inconsistent; it is really my point that the gentleman is being inconsistent, saying that he is for making sure we have God in our Pledge of Allegiance, but that God does not exist anywhere else in the Republican majority positions.

Mr. HASTINGS of Florida. Before the gentleman from Georgia goes forward, may I say that we have but one more speaker, and then I will be prepared to close if the gentleman is prepared to close.

Mr. GINGREY. Madam Speaker, to my good friend from Florida, at this time I have no additional speakers. I will reserve to close.

Mr. HASTINGS of Florida. Before yielding to the distinguished minority leader whom I believe will cause in November the priorities of this House to change substantially, and to protect not only minimum wage earners, but the middle class of this country better than we have, I would like to come to today's discussion.

I find it difficult to believe that God would want us to strip the courts of their powers to interpret the laws of this land, albeit with the divergent opinions. I shudder that my colleagues do not understand the dynamics of the Federal judiciary.

But let me do something, perhaps not dramatic, perhaps a little melodramatic. Under Madam Speaker are the words ''In God we trust.'' I have been in this body 14 years, and I have had the distinct privilege, as have many other Members of the House of Representatives, of opening these proceedings with other speakers in the chair, at least five times, from my memory.

Every time that I participated in the opening proceedings, we said the Pledge of Allegiance, and we used the term ''God.'' I don't have as many of these as I want, and minimum wage workers don't have this many, and the middle class is suffering immensely in this country. But on our money is ''In God we trust.''

Please understand this. Only once has a court ruled that you cannot say the Pledge of Allegiance in this country, and that law was stricken down. I ask you, please, to listen to the Chief Justice when he says that court-stripping would be bad policy.

You may have the right intention, but you are doing it in the wrong way.

Madam Speaker, I yield 1 minute to the distinguished minority leader, Ms. PELOSI.

Ms. PELOSI. I thank the distinguished gentleman from Florida for his leadership on this important issue, and for his eloquence on it as well.

Madam Speaker, my Republican colleagues on the other side of the aisle, I have really good news for you. The pledge to the flag and the words ''under

God'' are not in trouble. They are very safely ensconced in the Pledge of Allegiance, which, as our colleague mentioned, we pledge every single day that this body comes to order, school children across the country, the beginning of meetings all over our country. The profession of our pledge to the flag, and one Nation under God, is safe and it is sound.

That is why it is hard to understand why you would take up the time of this Congress to bring something to the floor that is so out of touch with the concerns of America's middle class. We are talking about democracy here and the intentions of our Founding Fathers. Essential to a democracy is a strong, thriving and growing middle class.

The policies of this Congress, this Republican Congress, undermined the security and the size of that middle class. That is why, if you are at home with someone who is sick, or a child home from school, and you happen to turn on the TV, and you see the proceedings of Congress, what would an American think? What they are doing is totally irrelevant to my life, totally irrelevant to my life, whether it is the health of my family, the education of my children, the economic security of our family and the safety of my neighborhoods.

Why isn't Congress addressing the concerns of America's great middle class? Why, indeed, are the Republicans taking up the time, day in and day out, with their proposals which have no prospect of success, which have no basis in reality, and which, in fact, undermine the Constitution of the United States which each one of us takes an oath of office to support and defend.

Why, instead of having this conversation, which as Mr. HASTINGS and others have said, this is not at risk. We all agree. One Nation under God. What a beautiful pledge. We all agree.

□ 1130

So rather than addressing the concerns of the American people, we are making here an all-out assault on the Constitution of the United States, which, thank God, will fail. Court-stripping. Court-stripping.

Fundamental to our democracy is the separation of powers, a system of checks and balances, but this Republican Congress says that Congress should strip the courts of the power to be a check and a balance to the other branches of government.

They have said in their meetings that Marbury v. Madison, which established precedent of judicial review, was wrongly decided. Over 200 years of precedent on judicial review they say was wrongly decided, and therefore, they can strip the courts of the ability to review the constitutionality of an act of Congress. That means by a simple majority, and if the other body were willing and the President were to sign, by a simple majority they can amend the Constitution with bills that are not constitutional but have no court to judge that constitutionality.

It is absolutely wrong, and Justice O'Connor said recently on this subject that this was brought up at the time of desegregation. They tried to use it then. Thank God, thank God, thank you, God, they failed. Thank God they failed.

What we should be talking about today is what is important, the issues that are important to America's middle class. Again, when people ask me what are the three most important issues facing the Congress I say the same thing: our children, our children, our children; their health, their education, the economic security of their families, which includes the pension security of their grandparents, the healthy environment and safety of the neighborhoods in which they live, a world at peace in which they can thrive.

But turn on the television and tune in to C–SPAN and see what is going on in Congress, and what do you see? The politics of divide and distract. It is really sad, as Mr. KENNEDY said. It would be almost a joke but it is just really not that funny.

So let us instead vote, when we have a chance to vote on this rule, against the previous question; and that vote will be a vote to increase the minimum wage. That is relevant to the lives of the American people. In fact, it is relevant to the lives of millions of American people, many of them single moms. Many of them single moms.

Right now, minimum wage is $5.15 an hour. If you work full time at the minimum wage you make about $10,000. If you are two wage earners in a family and you both work full time and make the minimum wage, you make $20,000. You are below the poverty line for a family of four. Imagine two wage earners working full time. Is that fair? Is that just? I do not think so.

This Congress had no hesitation to give itself a raise over the past 9 years, $30,000 in raises. That $30,000 would take a minimum wage worker 3 years to earn just the increase in salaries that Congress gave itself. So there is no justice in what we are talking about here.

I quoted another debate on this subject, the recent encyclical of Pope Benedict XVI. This is a quote from Cardinal McCarrick, quoting the Pope quoting a saint. In his encyclical, ''God is Love,'' Pope Benedict talks about the responsibilities of politicians, people in government, and he quotes Saint Augustine who said that unless politicians, people who are in the public domain, are there to promote justice, they are just a bunch of thieves. Saint Augustine said, unless politicians were there in office to promote justice, they were just a gang of thieves. The Pope quoted Saint Augustine and the cardinal quoted the Pope in his farewell address to us.

It is true, it is true, how can we be talking about justice, how can we be talking about our Constitution, how can we be talking about under God if we do not even meet the simple test of fairness to America's middle class, which is central to our democracy? How can we be talking about that here when people are suffering in our country? They do not know how they are going to pay for their health bills, and millions of them do not have health insurance. In fact, 6 million more people in America do not have health insurance since President Bush became President, a 70 percent increase in the cost of health insurance since President Bush and this Republican Congress went to work on the American people.

So the injustices are there. The opportunity is here, and it is being ignored because the priority of the Republicans in Congress is to distract and divide the country. It is time for the politics as usual to end. It is time for this House to be the marketplace of ideas that our Founders intended, where we come to do the work of the American people, where they tell us to make laws to grow our economy, to make our country strong militarily, and then the health and well-being of the American people, make our country strong in the unity and the reputation that we have in the world.

Instead, we have this freak show one day after another of a rollout of distractions and divisions that is unworthy of this House, unworthy of the American people and certainly does not honor the vision of our Founding Fathers, the sacrifices of our men and women in uniform or the aspirations of our children.

So I urge my colleagues to vote ''no'' on the previous question, and that vote will be a vote to increase the minimum wage, which is, again, $5.15 an hour. It has not been increased in 9 years. While the price of gas, food, health care and everything else has gone up, the purchasing power has gone down.

Let us not be a bunch of thieves. Let us be a deliberative body that is here to promote justice. Vote ''no'' on the previous question. Vote ''no'' on this court-stripping bill which dishonors the oath of office that we all take.

Mr. GINGREY. Madam Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN), the author of the bill.

Mr. AKIN. Madam Speaker, the question has been placed: Is there really a need for this legislation? And I think the statement was made, inaccurately, that there was just only one time that the Pledge had been challenged as being unconstitutional.

The words ''under God'' were found by the Ninth Circuit to be unconstitutional. It was not once. It was done first by a three-judge panel there. They came to the conclusion that school kids are not allowed to say the Pledge of Allegiance. They were then backed up by the entire Ninth Circuit that supported that same position.

The case then went to the U.S. Supreme Court. If we could be so assured that the phrase ''one Nation under

God,'' Madam Speaker, that is over your head is safe, if the words ''in God we trust'' on our money is safe, well, then certainly the words ''under God'' in our Pledge should be safe. So the Supreme Court could simply have ruled this is a ridiculous and a silly case that the Ninth Circuit has sent to the Supreme Court; we strike down their decision. They could have ruled that way.

I was there when the case was heard. The President's attorney recommended that the Court dismiss the case based on lack of standing of the person who brought the case. And one of the Supreme Court judges said we consider that the lower courts will take care of whether or not somebody has standing; that is not the kind of issue we consider. And yet on deliberation, instead of striking the Ninth Circuit decision, the Court said, oh, we are going to dismiss it for lack of standing.

That gives many of us very little cause to not be concerned not only with our Pledge, but with the money that says ''in God we trust,'' ''in God we trust'' over the Speaker's chair, and ''one Nation under God'' on our money. So it is a matter of debate whether or not there is a threat here, but this is the same Court who not so long ago made the decision that we could also ignore the fifth amendment and redistribute private property to other people without it being for government use. If they would ignore the fifth amendment, is it possible they might turn the first amendment upside down and use it as a tool of censorship? Certainly, many authorities think so.

This bill has merit, and it needs serious consideration. We take an oath of office to uphold the Constitution. That includes the first amendment, and this is about free speech, not censorship.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

It is hard to correct my friend from Missouri. I said to him last night, earlier yesterday, as it were, in the Rules Committee that he is an engineer and I am a lawyer of 44 years standing, twice a judge as it were, and I understand a little bit about how the Federal judiciary works. I said to him that I do not come into his engineering association to tell them how to construct bridges and tunnels, and not that there is any premium on lawyers or judges having clarity, but he muddies the water on this subject.

I would urge him to understand that it was under President Eisenhower that the words ''under God'' were put in the Pledge of Allegiance. Somehow or another, during World War I and World War II, without the words ''under God,'' we managed to win those wars. Somehow or another we were not a godless society any more than we are not today.

Please understand that the pendulum swings in the Federal judiciary, and there may be a day when things that you envision are important for the Court to undertake constitutionally will allow for some more liberal Congresspersons to come along than you and strip the courts of those powers.

We have a beautiful system of checks and balances in this country. Madam Speaker, I would urge that we do not impinge upon that territory.

I urge all Members to vote ''no'' on the previous question so I can amend the rule and provide this House with yet another chance to vote on legislation to increase the Federal minimum wage.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Florida. My amendment provides that immediately after the House adopts this rule it will bring H.R. 2429, the Miller-Owens minimum wage bill, to the House floor for an up-or-down vote. This bill will gradually increase the minimum wage from the current level of $5.15 an hour to $7.25 an hour after about 2 years.

A footnote right there; I am so proud of my State. By petition, the State of Florida passed a minimum wage with an acceleration clause pegged to the cost of living. Hurrah for Florida.

The bill is identical to language that was included in the Labor-HHS appropriations bill that was blocked by the majority leadership last month. It is also identical to the language that we on the Democratic side have tried to bring to this floor in recent weeks.

Madam Speaker, every day that we fail to bring legislation to the floor to increase the minimum wage is another day we turn our backs on America's low-income and middle-class families who desperately need our help. These workers, as many have said, struggle every day to make ends meet. Many minimum-wage earners work two and three jobs just to get by, and it is unconscionable that we have waited this long to offer even a little relief to those in this Nation who need it most.

There is a statistic that was quoted very recently, but no offense to rich people, but America's corporate executives collectively, when paired down in the first 4 hours of any given year that they worked, they earn in 4 hours more money than a minimum-wage earner makes all year long.

It has been nearly a decade since this House voted to increase the minimum wage. The minimum wage, as I said earlier, is now at its lowest level in 50 years.

□ 1145

A full-time minimum-wage earner makes just $10,700 a year, an amount that is $5,000 below the poverty line for a family of three.

I am going to cut it off right here, Madam Speaker, and go back to my original remarks. We have not done anything about genocide in Darfur; the Middle East is in flames. California is suffering forest fires. We have left the Hurricane Katrina victims by the wayside with more hurricanes looming to come during this hurricane season. The deficit is at an all-time high and accelerating. The national debt is crippling this Nation. And the middle class, we didn't fully fund education to the extent that we left no children behind. We are not putting sufficient police on the streets in order to be able to protect our Nation. Our homeland is vulnerable in more ways than one, including the containers that go on our aircraft and those that are not inspected in our ports. I could go on and on, including the potential for $4-a-gallon gas prices.

And what we are going to do? We are going to strip the courts. We ought to strip some of these people that are in the business of stripping the courts.

Mr. GINGREY. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I rise again in support of this rule and in recognition of the importance of the underlying bill, H.R. 2389, the Pledge Protection Act of 2005.

I want to express my appreciation to my colleagues who participated in the preceding debate on this rule, and I want to ask my colleagues to continue their participation as we move into the general debate.

I also want to again commend Representative AKIN, both a friend and a colleague, for leading the charge in defense of not only our Pledge of Allegiance, but also many of our time-honored traditions that are currently under assault by some activist judges, as he just enumerated.

As I stated yesterday, we did not raise these issues; a few activist judges did when they decided to throw out precedent and make new law without one vote cast in either a legislature or at the ballot box. So it is now the responsibility of this Congress to stand up for the will of the American people and sanction our Pledge of Allegiance. Let us affirm this is ''one Nation under God, indivisible, with liberty and justice for all.''

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 920, RULE FOR H.R. 2389 THE PLEDGE PROTECTION ACT OF 2005

At the end of the resolution add the following new section:

''SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one

motion to recommit with or without instructions.''

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. GINGREY. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adopting the resolution.

The vote was taken by electronic device, and there were—yeas 224, nays 200, not voting 8, as follows:

[Roll No. 382]

YEAS—224

Aderholt	Foley	McCaul (TX)
Akin	Forbes	McCotter
Alexander	Fortenberry	McCrery
Bachus	Fossella	McHenry
Baker	Foxx	McHugh
Barrett (SC)	Franks (AZ)	McKeon
Bartlett (MD)	Frelinghuysen	McMorris
Barton (TX)	Gallegly	Mica
Bass	Garrett (NJ)	Miller (FL)
Beauprez	Gerlach	Miller (MI)
Biggert	Gibbons	Miller, Gary
Bilbray	Gilchrest	Moran (KS)
Bilirakis	Gillmor	Murphy
Bishop (UT)	Gingrey	Musgrave
Blackburn	Gohmert	Myrick
Blunt	Goodlatte	Neugebauer
Boehlert	Granger	Ney
Boehner	Graves	Norwood
Bonilla	Green (WI)	Nunes
Bonner	Gutknecht	Nussle
Bono	Hall	Osborne
Boozman	Hart	Otter
Boustany	Hastings (WA)	Oxley
Bradley (NH)	Hayes	Paul
Brady (TX)	Hayworth	Pearce
Brown (SC)	Hefley	Pence
Brown-Waite, Ginny	Hensarling	Peterson (PA)
Burgess	Herger	Petri
Burton (IN)	Hobson	Pickering
Buyer	Hoekstra	Pitts
Calvert	Hostettler	Platts
Camp (MI)	Hulshof	Poe
Campbell (CA)	Hunter	Pombo
Cannon	Hyde	Porter
Cantor	Inglis (SC)	Price (GA)
Capito	Issa	Pryce (OH)
Carter	Istook	Putnam
Castle	Jenkins	Radanovich
Chabot	Jindal	Ramstad
Chocola	Johnson (CT)	Regula
Coble	Johnson (IL)	Rehberg
Cole (OK)	Johnson, Sam	Reichert
Conaway	Jones (NC)	Renzi
Crenshaw	Keller	Reynolds
Cubin	Kelly	Rogers (AL)
Culberson	Kennedy (MN)	Rogers (KY)
Davis (KY)	King (IA)	Rogers (MI)
Davis, Jo Ann	King (NY)	Rohrabacher
Davis, Tom	Kingston	Ros-Lehtinen
Deal (GA)	Kirk	Royce
Dent	Kline	Ryan (WI)
Diaz-Balart, L.	Knollenberg	Ryun (KS)
Diaz-Balart, M.	Kolbe	Saxton
Doolittle	Kuhl (NY)	Schmidt
Drake	LaHood	Schwarz (MI)
Dreier	Latham	Sensenbrenner
Duncan	LaTourette	Sessions
Ehlers	Lewis (CA)	Shadegg
Emerson	Lewis (KY)	Shaw
English (PA)	LoBiondo	Sherwood
Everett	Lucas	Shimkus
Feeney	Lungren, Daniel E.	Shuster
Ferguson	Mack	Simmons
Fitzpatrick (PA)	Manzullo	Simpson
Flake	Marchant	Smith (NJ)
Sodrel	Tiahrt	Smith (TX)
Souder	Tiberi	Westmoreland
Stearns	Turner	Whitfield
Sullivan	Upton	Wicker
Sweeney	Walden (OR)	Wilson (NM)
Tancredo	Walsh	Wilson (SC)
Taylor (NC)	Wamp	Wolf
Terry	Weldon (FL)	Young (AK)
Thomas	Weldon (PA)	Young (FL)
Thornberry	Weller	

NAYS—200

Abercrombie	Green, Gene	Oberstar
Ackerman	Grijalva	Obey
Allen	Harman	Olver
Andrews	Hastings (FL)	Ortiz
Baca	Herseth	Owens
Baird	Higgins	Pallone
Baldwin	Hinchey	Pascrell
Barrow	Hinojosa	Pastor
Bean	Holden	Payne
Becerra	Holt	Pelosi
Berkley	Honda	Peterson (MN)
Berman	Hooley	Pomeroy
Berry	Hoyer	Price (NC)
Bishop (GA)	Inslee	Rahall
Bishop (NY)	Israel	Rangel
Blumenauer	Jackson (IL)	Reyes
Boren	Jackson-Lee (TX)	Ross
Boswell	Jefferson	Rothman
Boucher	Johnson, E. B.	Roybal-Allard
Boyd	Jones (OH)	Ruppersberger
Brady (PA)	Kanjorski	Rush
Brown (OH)	Kaptur	Ryan (OH)
Brown, Corrine	Kennedy (RI)	Sabo
Butterfield	Kildee	Salazar
Capps	Kilpatrick (MI)	Sánchez, Linda T.
Capuano	Kind	Sanchez, Loretta
Cardin	Kucinich	Sanders
Cardoza	Langevin	Schakowsky
Carnahan	Lantos	Schiff
Carson	Larsen (WA)	Schwartz (PA)
Case	Larson (CT)	Scott (GA)
Chandler	Leach	Scott (VA)
Clay	Lee	Serrano
Cleaver	Levin	Shays
Clyburn	Lewis (GA)	Sherman
Conyers	Lipinski	Skelton
Cooper	Lofgren, Zoe	Slaughter
Costa	Lowey	Smith (WA)
Costello	Lynch	Snyder
Cramer	Maloney	Solis
Crowley	Markey	Spratt
Cuellar	Marshall	Stark
Cummings	Matheson	Strickland
Davis (AL)	Matsui	Stupak
Davis (CA)	McCarthy	Tanner
Davis (FL)	McCollum (MN)	Tauscher
Davis (IL)	McDermott	Taylor (MS)
Davis (TN)	McGovern	Thompson (CA)
DeFazio	McIntyre	Thompson (MS)
DeGette	McNulty	Tierney
Delahunt	Meehan	Towns
DeLauro	Meek (FL)	Udall (CO)
Dicks	Meeks (NY)	Udall (NM)
Dingell	Melancon	Van Hollen
Doggett	Michaud	Velázquez
Doyle	Millender-McDonald	Visclosky
Edwards	Miller (NC)	Wasserman Schultz
Emanuel	Miller, George	Waters
Engel	Mollohan	Watson
Eshoo	Moore (KS)	Watt
Etheridge	Moore (WI)	Waxman
Farr	Moran (VA)	Weiner
Fattah	Murtha	Wexler
Filner	Nadler	Woolsey
Frank (MA)	Napolitano	Wu
Gonzalez	Neal (MA)	Wynn
Gordon		
Green, Al		

NOT VOTING—8

Evans	Gutierrez	McKinney
Ford	Harris	Northup
Goode	Linder	

□ 1213

Ms. McCOLLUM of Minnesota, Mr. AL GREEN of Texas and Mr. POMEROY changed their vote from ''yea'' to ''nay.''

Mr. SULLIVAN changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 257, nays 168, not voting 7, as follows:

[Roll No. 383]

YEAS—257

Aderholt	Foxx	Miller (FL)
Akin	Franks (AZ)	Miller (MI)
Alexander	Frelinghuysen	Miller, Gary
Baca	Gallegly	Mollohan
Bachus	Garrett (NJ)	Moran (KS)
Baker	Gerlach	Murphy
Barrett (SC)	Gibbons	Musgrave
Bartlett (MD)	Gilchrest	Myrick
Barton (TX)	Gillmor	Neugebauer
Bass	Gingrey	Ney
Beauprez	Gohmert	Norwood
Berkley	Goode	Nunes
Berry	Goodlatte	Nussle
Biggert	Gordon	Ortiz
Bilbray	Granger	Osborne
Bilirakis	Graves	Otter
Bishop (GA)	Green (WI)	Oxley
Bishop (UT)	Green, Al	Pastor
Blackburn	Green, Gene	Paul
Blunt	Gutknecht	Pearce
Boehlert	Hall	Pence
Boehner	Hart	Peterson (MN)
Bonilla	Hastings (WA)	Peterson (PA)
Bonner	Hayes	Petri
Bono	Hayworth	Pickering
Boozman	Hefley	Pitts
Boren	Hensarling	Platts
Boustany	Herger	Poe
Boyd	Herseth	Pombo
Bradley (NH)	Higgins	Porter
Brady (TX)	Hobson	Price (GA)
Brown (SC)	Hoekstra	Pryce (OH)
Brown-Waite, Ginny	Hostettler	Putnam
	Hulshof	Radanovich
Burgess	Hunter	Rahall
Burton (IN)	Hyde	Ramstad
Buyer	Inglis (SC)	Regula
Calvert	Issa	Rehberg
Camp (MI)	Istook	Reichert
Campbell (CA)	Jenkins	Renzi
Cannon	Jindal	Reyes
Cantor	Johnson (CT)	Reynolds
Capito	Johnson (IL)	Rogers (AL)
Carter	Johnson, Sam	Rogers (KY)
Castle	Jones (NC)	Rogers (MI)
Chabot	Keller	Rohrabacher
Chandler	Kelly	Ros-Lehtinen
Chocola	Kennedy (MN)	Ross
Coble	King (IA)	Royce
Cole (OK)	King (NY)	Ryan (WI)
Conaway	Kingston	Ryun (KS)
Cramer	Kirk	Salazar
Crenshaw	Kline	Saxton
Cubin	Knollenberg	Schmidt
Cuellar	Kolbe	Schwarz (MI)
Culberson	Kuhl (NY)	Sensenbrenner
Davis (KY)	LaHood	Sessions
Davis (TN)	Latham	Shadegg
Davis, Jo Ann	LaTourette	Shaw
Davis, Tom	Leach	Sherwood
Deal (GA)	Lewis (CA)	Shimkus
Dent	Lewis (KY)	Shuster
Diaz-Balart, L.	Linder	Simmons
Diaz-Balart, M.	LoBiondo	Simpson
Doolittle	Lucas	Smith (NJ)
Drake	Lungren, Daniel E.	Smith (TX)
Dreier	Mack	Sodrel
Duncan	Manzullo	Souder
Edwards	Marchant	Stearns
Ehlers	Marshall	Sullivan
Emanuel	Matheson	Sweeney
Emerson	McCaul (TX)	Tancredo
English (PA)	McCotter	Tanner
Everett	McCrery	Taylor (NC)
Feeney	McHenry	Terry
Ferguson	McHugh	Thomas
Fitzpatrick (PA)	McIntyre	Thornberry
Flake	McKeon	Tiahrt
Foley	McMorris	Tiberi
Forbes	Melancon	Turner
Fortenberry	Mica	Upton
Fossella	Miller (FL)	Walden (OR)
Walsh	Westmoreland	Wolf
Wamp	Whitfield	Young (AK)
Weldon (FL)	Wicker	Young (FL)
Weldon (PA)	Wilson (NM)	
Weller	Wilson (SC)	

NAYS—168

Abercrombie	Hinojosa	Owens
Ackerman	Holden	Pallone
Allen	Holt	Pascrell
Andrews	Honda	Payne
Baird	Hooley	Pelosi
Baldwin	Hoyer	Pomeroy
Barrow	Inslee	Price (NC)
Bean	Israel	Rangel
Becerra	Jackson (IL)	Rothman
Berman	Jackson-Lee (TX)	Roybal-Allard
Bishop (NY)		Ruppersberger
Blumenauer	Jefferson	Rush
Boswell	Johnson, E. B.	Sabo
Boucher	Jones (OH)	Sánchez, Linda T.
Brady (PA)	Kanjorski	
Brown (OH)	Kaptur	Sanchez, Loretta
Brown, Corrine	Kennedy (RI)	Sanders
Butterfield	Kildee	Schakowsky
Capps	Kilpatrick (MI)	Schiff
Capuano	Kind	Schwartz (PA)
Cardin	Kucinich	Scott (GA)
Cardoza	Langevin	Scott (VA)
Carnahan	Lantos	Serrano
Carson	Larsen (WA)	Shays
Case	Larson (CT)	Sherman
Clay	Lee	Skelton
Cleaver	Levin	Slaughter
Clyburn	Lewis (GA)	Smith (WA)
Conyers	Lipinski	Snyder
Cooper	Lofgren, Zoe	Solis
Costa	Lowey	Spratt
Costello	Lynch	Stark
Crowley	Maloney	Strickland
Cummings	Markey	Stupak
Davis (AL)	Matsui	Tauscher
Davis (CA)	McCarthy	Taylor (MS)
Davis (FL)	McCollum (MN)	Thompson (CA)
Davis (IL)	McDermott	Thompson (MS)
DeFazio	McGovern	Tierney
DeGette	McNulty	Towns
Delahunt	Meehan	Udall (CO)
DeLauro	Meek (FL)	Udall (NM)
Dicks	Meeks (NY)	Van Hollen
Dingell	Michaud	Velázquez
Doggett	Millender-McDonald	Visclosky
Doyle		Wasserman Schultz
Engel	Miller (NC)	
Eshoo	Miller, George	Waters
Etheridge	Moore (KS)	Watson
Farr	Moore (WI)	Watt
Fattah	Moran (VA)	Waxman
Filner	Murtha	Weiner
Frank (MA)	Nadler	Wexler
Gonzalez	Napolitano	Woolsey
Grijalva	Neal (MA)	Wu
Harman	Oberstar	Wynn
Hastings (FL)	Obey	
Hinchey	Olver	

NOT VOTING—7

Evans	Harris	Ryan (OH)
Ford	McKinney	
Gutierrez	Northup	

□ 1223

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BLUNT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2389.

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

There was no objection.

PLEDGE PROTECTION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 920 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2389.

□ 1225

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of 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, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Missouri (Mr. BLUNT) and the gentleman from New York (Mr. NADLER) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. BLUNT. Mr. Chairman, I yield myself such time as I may consume.

As we approach this bill today, Mr. Chairman, I want to make the point that clearly the Pledge of Allegiance is well understood by this body and the Members of this body. It is repeated here every day. The words of the Pledge are words that we have learned since our childhood:

''I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.''

When Congress passed the bill adding the words ''under God,'' Congress stated its belief that those words in no way run contrary to the first amendment, but recognize ''only the guidance of God in our national affairs.''

Two words, ''under God,'' in the Pledge helped define our national heritage as the beneficiaries of a Constitution sent to the States for ratification ''in the year of our Lord,'' as the ratification statement said, 1787, by a founding generation that saw itself as guided by a providential God. These two words were added to the Pledge in the 1950s, and at that time President Eisenhower made the point that in those days of Cold War, those days after World War II, that it was important that we realize that there was something bigger than ourselves and that our country was guided by that.

For decades children have been reciting the Pledge of Allegiance in classrooms across America. The Pledge of Allegiance is an important civic ritual. It binds us together as Americans. But last year that daily ritual was halted in the Ninth Circuit Court of Appeals. The court actually told teachers and children in Alaska and Arizona, in California and Hawaii, in Idaho and Montana, in Nevada, Oregon, and Washington that they could not recite the Pledge of Allegiance as they had for decades in their classrooms.

The Court's reasoning? The words ''under God'' constituted a violation of the establishment clause of the first amendment. According to the court, it was unconstitutional to lead students, even voluntarily, in the Pledge of Allegiance because it included the phrase ''under God.''

Any of the phrases in the Pledge do not need to be subject to this kind of court interpretation. The Pledge of Allegiance, an act of Congress, modified by the Congress in 1950s, still continues to be the Pledge of Allegiance said by school students and Members of this body and others all over the country today. Judges should not be able to rewrite the Pledge. Passing this bill will protect the Pledge from Federal judges and will strike an important blow for self-government.

This legislation, Mr. Chairman, is in the spirit of the first judiciary act, the Judiciary Act of 1789, drafted by individuals who had drafted the Constitution, voted on by Members who had been at the drafting of the Constitution, all willing to define the role of the Federal courts and to narrow the role of the Federal courts, as this bill proposes to do.

I look forward to the debate.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I really hate to be an ''I told you so,'' but when, in 2003, we considered legislation to strip the Federal courts of jurisdiction, in that case to hear cases challenging the Defense of Marriage Act, I warned that there would be no end to it.

In fact, when we first marked up this bill, I asked my friend, the chairman of the Constitution Subcommittee, whether there would be other court-stripping bills. He assured me that this and the marriage court-stripping bill were the only ones ''so far.'' As we know, he was being, as always, truthful.

Our former colleague Bob Barr, the author of the Defense of Marriage Act, whose legislation Congress was purporting to protect in that case, said, no thanks.

He wrote: ''This bill will needlessly set a dangerous precedent for future Congresses that might want to protect unconstitutional legislation from judicial review. During my time in Congress, I saw many bills introduced that would violate the takings clause, the second amendment, the 10th amendment, and many other constitutional protections. The fundamental protections afforded by the Constitution would be rendered meaningless if others followed the path set by this bill.'' Z! EXT .033 ...HOUSE... K19JY7 PERSONAL COMPUTERJ049060-K19JY7-033-*****-*****-Payroll No.: -Name: -Folios: - -Date: mmddyy -Subformat:

□ 1230

Bob Barr was right. Today it is the turn of the religious minorities.

Once upon a time in this country a student could be expelled from school for refusing to cite the Pledge because it was against his or her religion. In 1943, the Supreme Court in West Virginia Board of Education v. Barnette held that children, in that case Jehovah's Witnesses, had a first amendment right not to be compelled to swear an oath or recite a pledge in violation of their religious beliefs.

This legislation would, of course, strip those families of the right to go to court and to defend their religious liberty. Schools would be able to expel children for acting according to the dictates of their religious faith, and Congress will have slammed the courthouse door in their faces.

As dangerous as this legislation is, even for an election season, it is part of a more general attack on our system of government which includes an independent judiciary whose job it is to interpret the Constitution even if those decisions are unpopular. It is their job to protect individual rights, even if the exercise of those rights in given instances are unpopular.

Sometimes we do not like what the court says. I don't like that the Supreme Court struck down part of the Violence Against Women Act, or that they struck down part of the Gun Free Safe Schools Zones Act, or that they are misapplying, in my opinion, the commerce clause and the 11th amendment in order to gut some of our civil rights laws. I really didn't like it that Republican-appointed justices traversed, perverted justice in order to put someone in the White House who got more than half a million votes less than the other candidate who really won the election.

I don't hear my colleagues on the other side screaming about judicial activism by unelected judges in these cases.

As wrong as I believe the current Supreme Court to be on many issues, I understand that we cannot maintain our system of government and especially our Bill of Rights if the independent judiciary cannot enforce those rights, even if the majority doesn't like it.

Again, I will refer to the Soviet Stalinist Constitution of 1936, which had many rights in it, freedom of speech, freedom of association, freedom of the press, freedom of religious and antireligious propaganda, as they quaintly put it. But, of course, it wasn't worth the paper it was written on because they had no judicial enforcement of it, and if you tried to bring a lawsuit to enforce your right, they shot you before they brought you to court. Any constitutional right without the ability to enforce it in court is no right.

This House appears infected with hostility toward the rule of law. This bill is a perfect example. Even more egregious is the way it has reached the floor. The Judiciary Committee twice voted against reporting this bill to the House. The ''no'' vote was bipartisan. Now the Republican majority is abusing its power to bring it to the floor anyway.

Neither the Parliamentarian nor the Congressional Research Service has been able to find any other case like this. They report, ''We found one instance of a bill, a joint resolution, between the 100th Congress and the current Congress, in which a committee specifically voted not to report a measure that was later considered by the House.'' That measure was a 1996 agriculture bill that was rejected in committee and later folded into a reconciliation bill.

Now the Republican majority exceeds even that arrogance. We are asked to vote on a bill that guts our system of government and guts the protection of our individual rights when the committee tasked with the consideration of this bill rejected it. It must be an election year.

To return to Justice Jackson and the flag salute case, he observed that, and I quote because it is very apposite here, ''The very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty and property, to free speech, a free press, freedom of worship and assembly and other fundamental rights may not be submitted to vote. They depend on the outcome of no elections.''

But now some would strip the courts of any ability to protect these individual rights against a temporarily intolerant majority.

As to the complaints about unelected judges, I would refer my colleagues back to their high school civics textbooks. We have an independent judiciary precisely to rule against the wishes of the majority, especially when it comes to the rights of unpopular minorities. That is our system of government and it is a good one and we should protect it.

As Alexander Hamilton said in Federalist Number 78, ''The complete independence of the court of justice is peculiarly essential in a limited Constitution. By a limited Constitution, I understand one which contains certain specified exceptions to the legislative authority; such, for instance, as that it shall pass no bills of attainder, no ex post facto laws, and the like. Limitations of this kind can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void. Without this, all reservations of particular rights or privileges would amount to nothing.''

Where would this bill leave religious liberty? The Republicans tell us State courts can protect those rights. What would this mean? It would mean that your rights might be protected in one State, but not in another. I thought the 14th amendment to our Constitution settled that issue.

One of the reasons we have a Supreme Court is so that the Federal

Constitution means the same thing in New York as in California or Mississippi or Minnesota. This country must be one country, not 50 separate countries.

We are really playing with fire here. Do you really hate unpopular religious minorities so much that you are willing to destroy the first amendment? I urge my conservative colleagues especially to shape up and act like conservatives for once. We live in a free society that protects unpopular minorities, even if the majority hates them or hates the expression of their opinion.

If someone doesn't want to recite the Pledge of Allegiance or doesn't feel conscientiously able to recite the words ''under God,'' that is their privilege. Our Constitution protects it, our civil liberties protect it, this country should protect it, and I urge the defeat of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BLUNT. Mr. Chairman, I yield 3 minutes to the principal sponsor of the bill, my colleague from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I rise to introduce the Pledge Protection Act and just to give a quick and brief history as to why it is important. We have heard some discussion that this is really not necessary, that we can rest assured that the words of the Pledge of Allegiance will just stand firm forever. Unfortunately, that is not what our recent history shows.

First of all, three judges on the Ninth Circuit Court in California ruled that the words ''under God'' are unconstitutional. They were supported by the entire Ninth Circuit.

The case went to the Supreme Court, and I was there at the hearing at the Supreme Court. The President's attorney there argued that the Supreme Court should kick the case out because the person, Mr. Newdow, bringing the case did not have standing. The response of one of the Judges was, as a Supreme Court we never kick a case out based on standing, because we assume the lower courts have already taken care of that.

Why did the Supreme Court do this? They could easily have ruled that the Pledge is just fine, that it is completely constitutional. Is that their ruling? No. They kicked the case out based on standing.

So we believe that there are not five Judges on the Court, which is what it would take to uphold the Pledge of Allegiance. Hence we use a constitutional authority granted to us from the Founders that wrote the Constitution to protect the Pledge of Allegiance. That constitutional authority is known as Article III, section 2.

What we do is we create a very simple fence around the Federal court system. We say just regarding the Pledge of Allegiance, that no Federal Court has authority to hear a claim that the Pledge is unconstitutional. So we put a fence around the Federal court system.

Well, what does that mean, if somebody really wants to make a claim that the Pledge is unconstitutional? It means that they go to their local State courts, with the ultimate decisions being made in 50 separate supreme courts and a court here in the District of Columbia. So that is the reason for why we need to pass the Pledge Protection Act.

It seems a bit ironic that some people will complain about the fact that we have no respect for the Constitution and that we are eroding the separation of powers, and yet it is the very Constitution that gives Congress the authority and the responsibility to stand up to the Court when they are misusing the Constitution. If you claim you respect the Constitution, part of that is the first amendment, and the first amendment to the Constitution is about free speech. It is not about censorship.

To say that a child cannot say the Pledge of Allegiance is a form of censorship. The Court has already ruled that no child has to say the Pledge. But now the Court wants to go the other step and say no, we are going to use the first amendment about free speech to say that you cannot say the Pledge. We must step in.

Mr. NADLER. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, anytime we consider legislation like this, one can be assured that veterans benefits have either just been cut or are about to be cut. Instead of addressing the real issues of patriotism, such as the adequacy of health care funding for veterans or the fact that the number of veterans waiting for benefit determinations has increased by approximately 80,000 since last year alone, we are going to use this bill to divert attention from those more pressing issues.

Mr. Chairman, this bill is aimed at the Ninth Circuit Court of Appeals case, Newdow v. U.S. Congress, which held that the words ''under God'' in the Pledge are unconstitutional in the context of public school recitations. I happen to disagree with that decision and I agree with the dissent in that case which stated, ''Legal world abstractions and ruminations aside, when all is said and done, the danger that 'under God' in our Pledge of Allegiance will tend to bring about a theocracy or suppress someone's belief is so miniscule as to be de minimis. The danger that the phrase represents to our first amendment's freedoms is picayune at best.''

I agree with that language, Mr. Chairman. So as we discuss the constitutionality of ''under God'' in the Pledge, we must recognize that every bill that is introduced, every hearing we have, every vote that we take on the issue enhances the importance of this issue and these actions serve to chip away at the de minimis argument and actually increase the chance that the court will ultimately decide that the Pledge is unconstitutional.

The simple fact is that we need to respect the Constitution and the right of courts to decide whether the Pledge is constitutional or not. But the majority will not do that. H.R. 2389 is a court-stripping bill as the bill does not address the substance of the arguments pro and con, it just prohibits Federal courts, including the Supreme Court, from deciding the case.

This bill is a blatant attempt to prevent the judicial branch from doing its job. The foundation of our democracy rests on the principle of checks and balances of power among three coequal branches, and this bill is a flagrant disregard of that principle. In addition, this bill will result in unprecedented confusion as each State court will decide how to interpret the Federal Constitution.

It also sets a poor precedent that at any time we are considering a bill that might be found unconstitutional by the courts, we might just prohibit the courts from saying so by taking away their right to hear the case.

Mr. Chairman, this bill would strip Federal courts from their ability to hear cases that are clearly within Federal jurisdiction because those cases address Federal constitutional rights and individual liberties guaranteed under the Bill of Rights, and many rights may be involved because the bill is not limited to cases addressing the words ''under God.'' The recitation of the Pledge may in some situations implicate the right of free speech, the right of freedom of association, the right to free exercise of religion, the establishment clause protections, all guaranteed under the first amendment of the Constitution.

The passage of this bill will mean that there will be no Federal law on a Federal constitutional question, not even a supreme law of the land to guide other Federal or State courts on the matter or to definitively state the law when there are inconsistent decisions in different States. So a Federal constitutional right could be applied inconsistently to American citizens simply because they live in different parts of the country.

The need for a Federal review of many different rights that may be involved is not speculative. For example, Mr. Chairman, even before the words ''under God'' were in the Pledge, the Supreme Court in 1943 held in West Virginia Board of Education v. Barnette that a compulsory flag salute and accompanying Pledge were unconstitutional when required of a public school student in violation of the student's religious beliefs.

In that case, the lawsuit was originally filed in Federal Court and was never considered in State court. If this legislation passes, State courts won't even have to follow prior Supreme Court precedents. The reason that State courts are prohibited from ignoring Supreme Court precedent is if they

do so, the Supreme Court is there, ready and willing and able to reverse the State court's decision. But no more under this bill. We may well end up with 50 interpretations and applications of a single Federal constitutional right.

For over 200 years, since Marbury v. Madison in 1803, the Supreme Court has been the final arbiter of what is constitutional and what is not. So while Congress has the power to regulate jurisdiction of Federal courts, the court-stripping language of H.R. 2389 grossly exceeds that power in violation of the principles of separation of powers.

□ 1245

If this court-stripping idea had been around in 1954, Congress could have prohibited the Supreme Court from hearing issues involving student assignment to public schools. We never would have had the decision of Brown v. Board of Education, or it could have passed in the 1960s, and the decision in the Federal court in Loving v. Virginia, to overrule the will of the people of Virginia and require Virginia to recognize racially mixed marriages, might not have ever happened.

The judges in those decisions were described just as judges are described today: liberal, rogue, unelected, lifetime appointed activist judges. But they made the right decisions in those cases. The truth is that we rely on Federal courts to determine and enforce our constitutional rights.

America is more politically and religiously diverse than it was in 1943, but instead of embracing that diversity, this bill would jeopardize our fundamental rights. We should instead adhere to the wisdom of the Supreme Court in the Barnette case which said, and I quote, ''The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy and place them beyond the reach of majorities and officials, and to establish them as legal principles to be applied by the courts. One's right to life, liberty and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.''

Mr. Chairman, there are numerous legal, civil rights and religious organizations opposed to this legislation, including the American Bar Association, the ACLU, the American Jewish Committee, the Anti-Defamation League, the Baptist Joint Committee, the Constitutional Project, the Leadership Conference on Civil Rights, Legal Momentum, the National Women's Law Center and People for the American Way.

Mr. Chairman, I will ask unanimous consent to insert those letters into the RECORD at the appropriate time, and there are other organizations, of course, that are opposed to the bill. I urge my colleagues to vote ''no'' on this legislation.

JUNE 14, 2006.

Protect Separation of Powers and Religious Minorities' Longstanding Constitutional Rights; Oppose Final Passage of H.R. 2389.

DEAR REPRESENTATIVE: We, the undersigned religious, civil rights, and civil liberties organizations, urge you to oppose H.R. 2389, the ''Pledge Protection Act,'' misguided legislation that would strip all federal courts, including the Supreme Court, from hearing First Amendment challenges to the Pledge of Allegiance and from enforcing longstanding constitutional rights in federal court.

The signatories to this letter include organizations that supported the court challenge to the constitutionality of including ''under God'' in the Pledge of Allegiance, organizations that opposed that challenge, and organizations that took no position on the matter. We are united, however, in believing that H.R. 2389 threatens the separation of powers that is a fundamental aspect of our constitutional structure. Beyond this, while the legislation ostensibly responds to the controversy surrounding ''under God'' in the Pledge of Allegiance, this legislation sweeps far more broadly, with potentially severe constitutional implications for religious minorities who are adversely affected by government-mandated recitation of the Pledge.

First and foremost, we are opposed to H.R. 2389 because this legislation, by entirely stripping all federal courts, including the Supreme Court, of jurisdiction over a particular class of cases, threatens the separation of powers established by the Constitution, and undermines the unique function of the federal courts to interpret constitutional law. This legislation deprives the federal courts of the ability to hear cases involving religious and free speech rights of students, parents, and other individuals. The denial of a federal forum to plaintiffs to vindicate their constitutional rights would force plaintiffs out of federal courts, which are specifically suited for the vindication of federal interests, and into state courts, which may be hostile or unsympathetic to these federal claims, and which may lack expertise and independent safeguards provided to federal judges under Article III of the Constitution.

In addition, as drafted, the bill would deny access to the federal courts in cases to enforce existing constitutional rights for religious minorities. Over sixty years ago, the Supreme Court decided the case of West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943). In Barnette, the Supreme Court struck down a West Virginia law that mandated schoolchildren to recite the Pledge of Allegiance. Under the West Virginia law, religious minorities faced expulsion from school and could be subject to prosecution and fined, if convicted of violating the statute's provisions. In striking down that statute, the Court reasoned: ''To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds . . . If there is any fixed star in our constitutional constellation, it is that no official, high, or petty can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.'' 319 U.S. at 639–40.

Moreover, a panel of the U.S. Court of Appeals for the Third Circuit, holding unconstitutional two provisions of a Pennsylvania law mandating recitation of the Pledge, said, ''It may be useful to note our belief that most citizens of the United States willingly recite the Pledge of Allegiance and proudly sing the national anthem. But the rights embodied in the Constitution, most particularly the First Amendment, protect the minority—those persons who march to their own drummers. It is they who need the protection afforded by the Constitution and it is the responsibility of federal judges to ensure that protection.'' Circle School v. Pappert, 381 F.3d 172, 183 (3d Cir. 2004).

H.R. 2389 would undermine the longstanding constitutional rights of religious minorities to seek redress in the federal courts in cases involving mandatory recitation of the Pledge. As a result, this legislation will seriously harm religious minorities and the constitutional free speech rights of countless individuals.

H.R. 2389 also raises serious legal concerns about the violation of the principles of separation of powers, equal protection and due process. The bill undermines public confidence in the federal courts by expressing outright hostility toward them, threatens the legitimacy of future congressional action by removing the federal courts as a neutral arbiter, and rejects the unifying function of the federal judiciary by denying federal courts the opportunity to interpret the law. We strongly believe that this legislation as drafted will have broad, negative implications on the ability of individuals to seek enforcement of previously constitutionally protected rights concerning mandatory recitation of the Pledge. We therefore urge, in the strongest terms, your rejection of this misguided and unwise legislation.

Sincerely,

American Civil Liberties Union.
American Humanists Association.
American Jewish Committee.
Americans for Democratic Action.
Americans United for Separation of Church and State.
Anti-Defamation League.
Baptist Joint Committee.
Buddhist Peace Fellowship.
Central Conference of American Rabbis.
Disciples Justice Action Network (Disciples of Christ).
Equal Partners in Faith.
Federation of Jain Associations in North America (JAINA).
Friends Committee on National Legislation.
Human Rights Campaign.
Jewish Council For Public Affairs (JCPA).
Leadership Conference on Civil Rights.
Legal Momentum (formerly NOW Legal Defense and Education Fund).
National Council of Jewish Women.
National Council of Negro Women, Inc.
National Family Planning and Reproductive Health Association (NFPRHA).
National Gay and Lesbian Task Force.
People For the American Way.
Secular Coalition for America.
Sikh Coalition.
The Interfaith Alliance.
The Workmen's Circle/ Arbeter Ring.
Union for Reform Judaism.
Unitarian Universalist Association of Congregations.
Woodhull Freedom Federation.

JUNE 9, 2006.

Oppose the ''Pledge Protection Act,'' H.R. 2389.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: We, the undersigned organizations dedicated to protecting women's reproductive health and rights, write to urge you to oppose H.R. 2389, the so-called ''Pledge Protection Act.'' The implications of this bill go far beyond the context of the Pledge of Allegiance. This bill would set a dangerous precedent that would disrupt the traditional separation of powers and undermine the longstanding role of the federal

judiciary in safeguarding constitutional rights, including the right of reproductive choice.

H.R. 2389 would deny all federal courts—including the U.S. Supreme Court—the jurisdiction to hear any cases concerning the interpretation or constitutionality of the Pledge of Allegiance. The bill would irreparably alter the relationship between the judicial branch and the two other branches of the federal government by depriving the federal courts of their traditional role as interpreters of the U.S. Constitution. Even more disturbing, unlike other previous versions of court-stripping legislation, H.R. 2389 deprives even the U.S. Supreme Court of jurisdiction, divesting the Court of its historical role as the final authority on the U.S. Constitution.

We are deeply concerned about legislation like H.R. 2389 that strips federal courts of their important role in safeguarding constitutional rights and freedoms. While the target today is a controversial view of the Pledge of Allegiance and the separation of church and state (a view that the Supreme Court has not endorsed), there can be no doubt that anti-choice lawmakers and their allies in Congress intend to use this strategy to achieve other policy goals that they are unable to accomplish without toppling the delicate constitutional balance of powers that has served this country for more than 200 years. In the past, Republican leadership has discussed ''jurisdiction stripping'' measures to achieve other social policy goals. While they have claimed that the time is ''not quite ripe'' to apply this legislative tactic to the issue of abortion, in fact, anti-choice lawmakers have already made the attempt—in 2002, when considering the Federal Abortion Ban. Although that particular effort failed, passage of H.R. 2389 would set a dangerous precedent for future attempts to strip federal courts of jurisdiction to hear cases regarding reproductive choice. The federal courthouse doors should not be closed to women seeking to vindicate their right to obtain critical reproductive health services.

For these reasons, we urge you to oppose H.R. 2389.

Sincerely,

Center for Reproductive Rights.
Choice USA.
Feminist Majority.
Legal Momentum.
NARAL Pro-Choice America.
National Abortion Federation.
National Council of Jewish Women.
National Family Planning and Reproductive Health Association.
National Organization for Women.
National Partnership for Women & Families.
National Women's Law Center.
Planned Parenthood Federation of America.
Sexuality Information and Education Council of the U.S. (SIECUS).

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, June 7, 2006.

Re Oppose the ''Pledge Protection Act of 2005'' (H.R. 2389): It Threatens Constitutional Protections and Civil Rights.

DEAR JUDICIARY COMMITTEE MEMBER: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil rights coalition, we urge you to vote against H.R. 2389, the ''Pledge Protection Act of 2005.'' LCCR strongly opposes any proposal that would eliminate access to the federal judiciary for any group of Americans. H.R. 2389 would do just that: it would deny constitutional rights to religious minorities by stripping the courts of jurisdiction to hear some cases.

For decades, the judicial branch has often been the sole protector of the rights of minority groups against the will of the popular majority. Any proposal to interfere with this role through ''courtstripping'' proposals would set a dangerous precedent that would harm all Americans. Allowing the courthouse doors to be closed to any minority group, as H.R. 2389 would do to religious minorities, is not only unnecessary in itself, but will also set a dangerous precedent that will undermine the rights of other minority groups that may need to turn to the courts for justice.

Further, H.R. 2389 threatens the separation of powers established by the Constitution, and undermines the unique function of the federal courts to interpret constitutional law. It deprives federal courts of the ability to hear cases involving religious and free speech rights of students, parents, and other individuals. The denial of a federal forum to plaintiffs to vindicate their constitutional rights would force them out of federal courts, which are specifically suited to hear such cases, and into state courts, which may be hostile or unsympathetic to these federal claims and which may lack the expertise and independent safeguards that distinguish Article III courts.

In West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943), the Supreme Court recognized the importance of protecting the religious beliefs of all Americans, by striking down a West Virginia law that required schoolchildren to recite the Pledge of Allegiance. The Court reasoned: ''To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds.'' H.R. 2389 would slam the federal courthouse doors to all religious minorities trying to do nothing more than vindicate a fundamental, existing constitutional right that they have had for over 60 years.

LCCR urges you to vote against H.R. 2389 because of the dangers it poses to constitutional protections and to the enforcement of civil rights laws. If you have any questions, please feel free to contact Rob Randhava, LCCR Counsel or Nancy Zirkin, LCCR Deputy Director. Thank you for your consideration.

Sincerely,

WADE HENDERSON,
Executive Director.
NANCY ZIRKIN,
Deputy Director.

BAPTIST JOINT COMMITTEE
FOR RELIGIOUS LIBERTY,
Washington, DC, June 6, 2006.

DEAR REPRESENTATIVE: The Baptist Joint Committee (BJC) urges members of the Judiciary Committee to vote no on H.R. 2389, the so-called ''Pledge Protection Act,'' when considered during markup tomorrow. The BJC is a 70–year-old organization committed to the principle that religion must be freely exercised, neither advanced nor inhibited by government. We oppose any legislation that seeks to strip the federal courts of their fundamental role in protecting individual liberties.

The existence of an independent judiciary, free from political or public pressure, has been essential to our Nation's success in protecting religious liberty for all Americans. Indeed, the role of the federal courts has long been recognized as essential in the battle for full religious liberty. As Justice Jackson stated in the case of West Virginia State Board of Education v. *Barnett*: ''The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.'' 319 U.S. 624, 639 (1943).

Moreover, the result of any particular case does not undermine the important role of the judiciary. The misnamed ''Pledge Protection Act'' represents a dangerous attack on our tradition of religious freedom, on the constitutional separation of powers and indeed our system of government. It represents an unwarranted attempt to restrict the power of the federal judicial system.

Whatever the motivation, there is insufficient basis to depart from a long-standing congressional custom against using jurisdiction-stripping to control the federal courts. Federal judicial review has consistently supported the proper separation of church and state so vital to all Americans, and we must trust that the courts will continue to do so. We ask the Judiciary Committee to reject H.R. 2389.

Sincerely,

J. BRENT WALKER,
Executive Director.
K. HOLLYN HOLLMAN,
General Counsel.

UNITARIAN UNIVERSALIST
ASSOCIATION OF CONGREGATIONS,
Washington, DC, June 6, 2006.

DEAR REPRESENTATIVE: On behalf of more than 1,050 congregations that make up the Unitarian Universalist Association, I urge you to oppose H.R. 2389, the ''Pledge Protection Act''. As a tradition with a deep commitment to religious pluralism, we believe that this legislation would seriously undermine the First Amendment protections of the Constitution, and particularly the rights of religious minorities, by stripping federal courts, including the Supreme Court, of jurisdiction over cases concerning the Pledge of Allegiance.

In resolutions dating back to 1961, the highest policy-making body of the Unitarian Universalist Association has repeatedly affirmed the right of all Americans to religious freedom, including the right of religious minorities in public schools to not recite the Pledge of Allegiance. The Supreme Court has agreed in the case of West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943) that the Pledge cannot be mandatory for public school students.

Despite the Barnette ruling, we know from experience that the practice of mandatory recitation continues. By eliminating the mechanism for religious minorities to seek relief from this practice through appeals to a federal court, H.R. 2389 would have the practical effect of all but eliminating the right itself. As a result, we believe that this legislation will seriously harm religious minorities and the constitutional free speech rights of countless parents and children, many of whom are members of Unitarian Universalist congregations and are involved in our religious education programs.

By undermining the power of federal courts to protect constitutional rights affirmed by the U.S. Supreme Court, we believe that H.R. 2389 would weaken the separation of powers in a way that we find deeply troubling.

The congregations of the Unitarian Universalist Association collectively affirm and promote the right of conscience and the use of the democratic process in society at large. We are committed to the ideals of the founders of this nation, including religious liberty and religious pluralism, as well as the balance of powers that protects such rights.

I urge you to preserve the rights of religious minorities, as well as the constitutional separation of powers, by opposing the ''Pledge Protection Act.''

In Faith,

ROBERT C. KEITHAN,
Director.

RELIGIOUS ACTION CENTER
OF REFORM JUDAISM,
Washington, DC, June 6, 2006.

DEAR REPRESENTATIVE: On behalf of the Union for Reform Judaism, whose more than 900 congregations across North America encompass 1.5 million Reform Jews, and the Central Conference of American Rabbis (CCAR), whose membership includes more than 1,800 Reform rabbis, I ask you to oppose H.R. 2389, the Pledge Protection Act, when it is marked up by the House Judiciary Committee tomorrow.

As you know, the bill would strip federal courts, including the Supreme Court, of their authority to hear First Amendment cases pertaining to the Pledge of Allegiance. By supporting this legislation, you risk compromising the traditional—and vital—system of checks and balances upon which our government was founded. In addition, the bill threatens the ability of members of religious minorities to seek the protection of the federal courts in cases where they feel coerced into reciting the Pledge.

What this legislation places at stake is nothing less than the principle of the separation of powers that has allowed our nation to flourish for more than two centuries. Americans of all religious backgrounds, and of none, hold differing views about the inclusion of the phrase ''under God'' in the Pledge of Allegiance. The Movement I have the honor of representing, for example, took no position when the Supreme Court heard a case concerning the Pledge two years ago. Yet H.R. 2389 is not about that contentious issue. By removing cases involving the Pledge from the jurisdiction of the federal courts, Congress would undermine the ability of those courts to interpret constitutional law, the very core of the courts' functions. Plaintiffs seeking to have their federal rights upheld should not be forced to defend those rights in state courts.

In addition, H.R. 2389 threatens the rights of members of religious minorities, such as Mennonites, Buddhists, and others who in the past have been adversely affected by being forced to recite the Pledge in violation of Supreme Court rulings. Were H.R. 2389 to become law, elementary school students who are punished for declining to participate in the recitation of the Pledge based on their religious teachings would not be able to have their rights upheld in federal court. Under H.R. 2389 as currently drafted, even the Supreme Court would not be allowed to hear the case and uphold the child's rights. As a people who have long known the dangers inherent in limiting the protections afforded religious minorities, we are particularly sensitive to this effort to restrict courts from protecting such minorities.

The dangers of Congressional tampering with the jurisdiction of the federal courts and restricting their ability to uphold the rights of religious minorities could not be graver. The very values upon which our nation was founded—separation of powers and religious liberty—are threatened by H.R. 2389. I strongly urge you to oppose this perilous legislation.

Sincerely,

MARK J. PELAVIN,
Associate Director.

NATIONAL COUNCIL OF JEWISH WOMEN,
New York, NY, June 6, 2006.

Hon. JAMES SENSENBRENNER,
Chairman, House Judiciary Committee,
Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I am writing on behalf of the 90,000 members and supporters of the National Council of Jewish Women (NCJW) in opposition to the ''Pledge Protection Act of 2005'' (H.R. 2389) which would strip all federal courts, including the Supreme Court, from hearing First Amendment challenges to the Pledge of Allegiance and from enforcing longstanding constitutional rights in federal court.

NCJW is a volunteer organization, inspired by Jewish values, that works to improve the quality of life for women, children, and families and to ensure individual rights and freedoms for all. As such we must oppose the passage of any legislation that threatens religious liberty and an individual's access to the judicial process.

This bill threatens the separation of powers that is a founding principle of our nation and a key source of our liberties. In addition, it would impose religious and ideological conformity regardless of individual conscience, by preventing dissenting voices from appealing to the courts.

This attempt to restrict access to the courts is part of a larger campaign to roll back political and religious freedom by crippling the ability of the judicial branch of government to defend civil and individual rights. If this bill moves forward, it would undermine constitutional rights and the judiciary.

As Jews, we know that the power of the majority can become the tyranny of the majority if left unchecked. H.R. 2389 would undermine the longstanding constitutional rights of religious minorities to seek redress in the federal courts in cases involving mandatory recitation of the Pledge.

Sincerely,

PHYLLIS SNYDER,
President.

THE AMERICAN JEWISH COMMITTEE,
Washington, DC, June 7, 2006.

Re Pledge Protection Act of 2005 (H.R. 2389).

DEAR REPRESENTATIVE: On behalf of the American Jewish Committee, the nation's oldest human relations organization with over 150,000 members and supporters represented by 33 regional offices nationwide, I urge you to oppose the Pledge Protection Act of 2005 (H.R. 2389).

While AJC has not taken a position on the constitutionality of including ''under God'' in the Pledge of Allegiance, we believe that the federal courts must be available to hear cases in which individuals contend that their First Amendment rights have been violated. H.R. 2389 would strip all federal courts, including the Supreme Court, of the jurisdiction to hear First Amendment challenges to the Pledge. This legislation threatens the separation of powers that is a fundamental aspect of our constitutional structure and has potentially severe constitutional implications for religious minorities and others who are adversely affected when the government impermissibly seeks to mandate the recitation of the Pledge.

Furthermore, this legislation would undermine public confidence in the federal courts, threaten the legitimacy of future congressional action by removing the federal courts as a neutral arbiter, and reject the unifying function of the federal judiciary by denying federal courts the opportunity to interpret the law.

Finally, as drafted, the bill would deny access to the federal courts—even the Supreme Court—when individuals seek redress in cases involving mandatory recitation of the Pledge. As a result, this legislation will seriously undermine constitutional guarantees of freedom of speech and religion. Coercing students to say the Pledge of Allegiance is contradictory to the very principles of conscience which both our Constitution and the Pledge of Allegiance itself represent. Students' First Amendment rights were protected in the U.S. Supreme Court's landmark decision in West Virginia State Board of Education v. Barnett, 319 U.S. 624 (1943) (striking down a West Virginia law that mandated schoolchildren to recite the Pledge of Allegiance), and, more recently, in the decision of a federal appellate court in Circle School v. Pappert, 381 F.3d 172 (3d Cir. 2004) (holding that a Pennsylvania law mandating the recitation of the Pledge, even when it provided a religious exception, violated the Constitution because it violated the free speech of the students). H.R. 2389 contradicts these significant decisions by removing from the federal courts the jurisdiction to hear these types of cases.

For all of these reasons, the American Jewish Committee urges you to vote against this misguided and unwise legislation. Thank you for your consideration of our views on this important matter.

Respectfully,

RICHARD T. FOLTIN,
Legislative Director and Counsel.

THE INTERFAITH ALLIANCE,
Washington, DC, June 9, 2006.

DEAR REPRESENTATIVE: As the president of the Interfaith Alliance, I am writing to urge you vote ''No'' on passage of the ''Pledge Protection Act'' (H.R. 2389). The Interfaith Alliance is a nonpartisan, clergy-led organization that represents over 150,000 members. We are committed to promoting the positive and healing role of religion in public life and challenging those who employ religion to promote intolerance.

If passed, H.R. 2389 would strip all federal courts, including the U.S. Supreme Court, from hearing any cases that have to deal with the Pledge of Allegiance. The Interfaith Alliance has not taken a position either for or against the inclusion of the phrase ''under God'' in the Pledge of Allegiance. We will advocate, however, for the right of any person of faith or of no faith at all to receive a fair hearing by the federal courts if they feel their Constitutional rights have been violated by this or any other imposition of sectarian religious references in public places. No citizen's rights or opportunities should depend on religious beliefs or practices.

This bill is not only an assault on the freedom of conscience guaranteed by our Constitution; it also undermines the federal courts' role of providing access to justice to those who are in the religious minority and those in religious majorities who believe that religious choices should be couched in freedom and never imposed by law. If passed, H.R. 2389 would slam the courthouse door and reduce the phrase ''Equal Justice under Law'' to just a hollow phrase above a courthouse that is off-limits to those who fall outside of the Judeo-Christian tradition.

It is time for congress to stop trying to curtail the power of the federal judiciary, a fundamental component of our nation's system of checks and balances. The efforts to prevent the courts from hearing cases on gay marriage and the Pledge of Allegiance, among others, appear to be nothing more than an attempt to pander to a political base.

Americans of all faiths—Buddhists, Hindus, Sikhs, Muslims, Christians and Jews—and those who profess no faith—must have the right to practice their religions and raise challenges when they feel that there is a specific violation of the clause in the First

Amendment which guarantees that ''Congress shall make no law respecting an establishment of religion.'' How strange the times when the democratic process founded to protect the rights of minorities is being used to jeopardize or abolish the rights of minorities in the name of religion.

Although this legislation most directly affects those who do not adhere to the mainline religious traditions in our nation, in truth it diminishes any of us who see religious liberty as a non-negotiable part of our American democracy. H.R. 2389 is bad for the Constitution. It is bad for religion.

If there is anything that we at The Interfaith Alliance can do to assist you in this important matter, please do not hesitate to contact Preetmohan Singh, Senior Policy Analyst.

Sincerely,

Rev. Dr. C. WELTON GADDY,
President, The Interfaith Alliance, Pastor of Preaching and Worship, North Minister Baptist Church (Monroe, LA).

THE CONSTITUTION PROJECT,
Washington, DC, September 21, 2004.

HOUSE OF REPRESENTATIVES,
The Capitol,
Washington, DC.

DEAR MEMBERS OF THE HOUSE OF REPRESENTATIVES: I write on behalf of the Constitution Project to urge you to oppose H.R. 2028, the ''Pledge Protection Act of 2003.''

The Constitution Project, based at Georgetown University's Public Policy Institute, specializes in creating bipartisan consensus on a variety of legal and governance issues, and promoting that consensus to policymakers, opinion leaders, the media, and the public. We have initiatives on the death penalty, liberty and national security, war powers, and judicial independence (our Courts Initiative), among others. Each of our initiatives is directed by a bipartisan committee of prominent and influential businesspeople, scholars, and former public officials.

Our Courts Initiative works to promote public education on the importance of our courts as protectors of Americans' essential constitutional freedoms. Its co-chairs are the Honorable Mickey Edwards, John Quincy Adams Lecturer at the John F. Kennedy School of Government at Harvard University and former chair of the House of Representatives Republican Policy Committee (R–OK), and the Honorable Lloyd Cutler, a prominent Washington lawyer and White House counsel to Presidents Carter and Clinton.

In 2000, the Courts Initiative created a bipartisan Task Force to examine and identify basic principles as to when the legislature acts unconstitutionally in setting the powers and jurisdiction of the judiciary. The Task Force was unanimous in its conclusion that some legislative acts restricting courts' powers and jurisdiction are unconstitutional. The Task Force also concluded that some legislative actions, even if constitutional, are undesirable. (The Task Force's findings and recommendations are published in Uncertain Justice: Politics and America's Courts 2000.)

Our Task Force arrived at seven bipartisan consensus recommendations, including the following, which are relevant to the legislation at hand:

1. Congress and state legislatures should heed constitutional limits when considering proposals to restrict the powers and jurisdiction of the courts.

2. Legislatures should refrain from restricting court jurisdiction in an effort to control substantive judicial decisions in a manner that violates separation of powers, due process, or other constitutional principles.

3. Legislatures should not attempt to control substantive judicial decisions by enacting legislation that restricts court jurisdiction over particular types of cases.

4. Legislatures should refrain from restricting access to the courts and should take necessary affirmative steps to ensure adequate access to the courts for all Americans.

Specifically, our Task Force was unanimous in its view that there are some constitutional limits on the authority the legislature to restrict court jurisdiction in an effort to control substantive judicial decisions. In particular, separation of powers, due process, and other constitutional provisions limit such authority. Task Force members had differing views about the scope and source of the constitutional limit on the legislature's power in this area. For instance, some believed that restrictions on jurisdiction become unconstitutional when they undermine the essential role of the Supreme Court. Others relied on a reading of the Vesting Clause of Article III, which places judicial power—the power to decide cases—in the hands of the courts alone. Nonetheless, all believed that constitutional limitations exist.

Apart from the constitutionality of laws restricting federal court jurisdiction, the Task Force was also unanimous in its view that legislative acts stripping courts of jurisdiction to hear particular types of cases in an effort to control substantive judicial decisions are undesirable and inappropriate in a democratic system with co-equal branches of government. Legislative restriction of jurisdiction in response to particular substantive decisions unduly politicizes the judicial process, and attempts by legislatures to affect substantive outcomes by curtailing judicial jurisdiction are inappropriate, even if believed constitutional. (Indeed, it was striking that members reflecting a broad ideological range—from, for example, Leonard Leo of the Federalist Society to Steven Shapiro of the American Civil Liberties Union—agreed that restrictions on jurisdiction to achieve substantive changes in the law are unwise and undesirable policy.)

The Task Force was also unanimous that legislation that restricts access to the courts and precludes individuals from using a judicial forum to enforce rights is undesirable and unconstitutional. Rights are meaningless without a forum in which they can be vindicated. Therefore, access to the courts at both the federal and state levels is essential in order for rights to have effect. Legislatures have the duty to ensure meaningful access to the courts and legislative actions that preclude this are undesirable and unconstitutional.

Our Task Force reached these conclusions and recommendations rightly. From its beginning, our system of constitutional democracy has depended on the independence of the judiciary. Judges are able to protect citizens' basic rights and decide cases fairly only if free to make decisions according to the law, without regard to political or public pressure. Similarly, the judiciary can maintain the checks and balances essential to preserving a healthy separation of powers only if able to resist overreaching by the political branches. Indeed, the cornerstone of American liberty is the power of the courts to protect individual rights from momentary excesses of political and popular majorities.

In recent years, as part of the polarization and posturing that increasingly characterize our national and state politics, threats to judicial independence have become more commonplace. Attacks on judges for unpopular decisions, even those made in good faith, have become more rampant. Politicians are responding to unpopular decisions and litigants by attempting to restrict courts' powers in certain kinds of cases. However, Americans have much to lose if we do not exercise self-restraint and instead choose short-term political gain at the expense of judicial independence. The independence of our judiciary is, as Chief Justice Rehnquist described, ''one of the crown jewels of our system of government.''

In conclusion, while Article III of our Constitution gives Congress the power to regulate federal court jurisdiction, this power is not unlimited, and Congress should not—and in some instances may not —use its power to restrict federal court jurisdiction in ways that infringe upon separation of powers, violate individual rights and equal protection, or offend federalism. H.R. 2028 is poised to do all three by stripping federal courts—including even the U.S. Supreme Court—of the authority to hear cases involving the Pledge of Allegiance, even when such cases involve First Amendment issues of free speech and freedom of religion. It sets the dangerous precedent of transferring questions of federal and constitutional law exclusively to state courts and preventing American citizens from seeking protection of fundamental rights in federal court, and it threatens the critical and unique role that the federal courts play in constitutional balance of powers, interpreting and enforcing constitutional law, and providing legal certainty.

For these reasons, as well as those detailed our Task Force's findings and recommendations, the Constitution Project urges you to oppose H.R. 2028. Thank you for your consideration.

Sincerely,

KATHRYN A. MONROE,
Director, Courts Initiative.

AMERICAN BAR ASSOCIATION,
Washington, DC, July 18, 2006.

Re H.R. 2389, the Pledge Protection Act of 2005.

DEAR REPRESENTATIVE: We understand that the House is scheduled to consider H.R. 2389 tomorrow. We are writing to express our opposition to this legislation, which would strip from all federal courts jurisdiction to hear constitutional challenges to the interpretation of, or the validity of, the Pledge of Allegiance.

Our views on H.R. 2389 are informed by our long-standing opposition to legislative curtailment of the jurisdiction of the Supreme Court of the United States and the inferior federal courts for the purpose of effecting changes in constitutional law. The ABA has taken no position on the underlying issues regarding recitation of the Pledge of Allegiance in public schools; instead, our strong opposition to H.R. 2389 and other pending legislation that would strip the federal courts of jurisdiction to hear selected types of constitutional cases is based on our concern for the integrity of our system of government.

This legislation would authorize Congress to use its regulatory power over federal jurisdiction to advance a particular legislative outcome by insulating it from constitutional scrutiny by the federal judiciary. In addition to being constitutionally suspect, this legislation would establish a dangerous precedent if enacted. As a matter of policy, Congress should not jettison our foundational principles because of current dissatisfaction with a controversial decision of the Supreme Court or lower federal courts by permanently stripping the jurisdiction of the federal courts to hear certain categories of cases. Rather than strengthening its legislative role, Congress, by pressing its own

checking power to the extreme, imperils the entire system of separated powers.

If enacted, H.R. 2389 would restrict the role of the federal courts in our system of checks and balances and thereby limit the ability of the federal courts to protect the constitutional rights of all Americans. Indeed, this legislation would leave the state courts as the final arbiters of federal constitutional law, creating the possibility that some state judges might choose not to follow Supreme Court precedents. Because the legislation would nullify the Supremacy Clause in certain classes of cases, the Constitution could mean something different from state to state; and, contrary to the expressed intentions of the Framers, our fundamental rights and the balance of power among the branches would be subject to evanescent majority opinion.

At a time when Congress is accusing the federal courts of overstepping their constitutional role and calling for judicial restraint, we urge you to likewise exercise legislative restraint and demonstrate your continued commitment to the doctrine of separation of powers and a government composed of separate but coequal branches by voting to defeat passage of H.R. 2389.

If you have any questions regarding our position, please have your staff contact Denise Cardman, Deputy Director of the Governmental Affairs Office.

Sincerely,

ROBERT D. EVANS

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, June 6, 2006.

Re Don't Shut the Federal Courthouse Doors to Religious Minorities; Oppose H.R. 2389

DEAR REPRESENTATIVE: The American Civil Liberties Union strongly urges you to oppose H.R. 2389, ''the Pledge Protection Act of 2005.'' H.R. 2389 is an extreme measure that would remove jurisdiction from all federal courts, including the Supreme Court, over any constitutional claim involving the Pledge of Allegiance or its recitation.

H.R. 2389 would slam shut the federal court house doors to religious minorities, parents, schoolchildren and others who seek nothing more than to have their religious and free speech claims heard before the courts most uniquely suited to entertain such claims. Further, by entirely stripping all federal courts of jurisdiction over a particular class of cases, H.R. 2389 raises serious legal concerns, violating principles of separation of powers, equal protection and due process. The bill undermines public confidence in the federal courts by expressing outright hostility toward them, threatens the legitimacy of future congressional action by removing the federal courts as a neutral arbiter, and rejects the unifying function of the federal judiciary by denying federal courts the opportunity to interpret the law. H.R. 2389 would deny the U.S. Supreme Court its historical role as the final authority on resolving differing interpretations of federal constitutional rights. As a result, each of the 50 state supreme courts would be a final authority on these federal constitutional questions. This would potentially create a situation where we could have as many as 50 different interpretations of any relevant federal constitutional question.

It is in apparent recognition of many of these concerns that no federal bill withdrawing federal jurisdiction in cases involving fundamental constitutional rights has become law since the Reconstruction period. Federal courts were established to interpret federal law and to ensure that the states and the government did not violate the protections in the federal constitution. An effort to deny the federal courts, particularly the U.S. Supreme Court, of jurisdiction over the very sort of claim they were established to hear—governmental conduct that violates a constitutional right—is an extreme attack on the role of federal courts in our system of checks and balances. It strikes at the very intent of the Founders.

While the supporters of this bill see it as an appropriate response to recent court decisions that they dislike concerning the words ''under God'' in the Pledge, the impact of H.R. 2389 would NOT be limited merely to that issue. This bill would remove jurisdiction over ALL constitutional claims, related to the pledge, from ALL federal courts. This could potentially undermine decades of well-established Supreme Court precedents by denying access to the federal courts in cases brought to enforce existing constitutional rights for religious minorities. For example, over sixty years ago, the Supreme Court decided the case of West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943). In Barnette, the Supreme Court struck down a West Virginia law that mandated schoolchildren to recite the Pledge of Allegiance. Under the West Virginia law, religious minorities faced expulsion from school and could be subject to prosecution and fined, if convicted of violating the statute's provisions. In striking down that statute, the Court reasoned: ''To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds * * *. If there is any fixed star in our constitutional constellation, it is that no official, high or petty can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.'' 319 U.S. at 639–40.

In 2004, a panel of the U.S. Court of Appeals for the Third Circuit held that a Pennsylvania law mandating recitation of the Pledge, even when it provided a religious exception, violated the Constitution because it violated the free speech rights of the students. Circle School v. Pappert, 381 F.3d 172 (3d Cir. 2004). In Pappert, the court found that: ''It may be useful to note our belief that most citizens of the United States willingly recite the Pledge of Allegiance and proudly sing the national anthem. But the rights embodied in the Constitution, particularly the First Amendment, protect the minority—those persons who march to their own drummers. It is they who need the protection afforded by the Constitution and it is the responsibility of federal judges to ensure that protection.'' Pappert, 381 F.3d at 183.

First comes marriage then comes the Pledge . . . Where will it end? Passage of H.R. 2389 would set a dangerous precedent for responses by Members of Congress to court decisions with which they disagree. In the 109th Congress alone, Congress is considering court-stripping legislation related to the Pledge of Allegiance, marriage, governmental acknowledgement of God, and impeachment of judges for considering certain religion cases.

Over the years, Congress has considered legislation designed to strip court jurisdiction on the issues such as public school busing, voluntary prayer and abortion. Fortunately, none of those proposals was adopted by Congress because legislators understood that setting a precedent for stripping the courts of their jurisdiction over a particular issue might, in the future, be used by some other group of advocates, when in the majority, to establish its views as the law of the land, safely out of the reach of the courts. We urge members of this Committee to oppose passage of H.R. 2389 and not to abandon this tradition of thoughtfulness and restraint.

Please do not hesitate to contact Terri Schroeder at (202) 675–2324 if you have any questions.

Sincerely,

CAROLINE FREDRICKSON,
Director.
TERRI A. SCHROEDER,
Legislative Analyst.

AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE,
Washington, DC, June 7, 2006.

Reject Efforts to Slam Federal Courthouse Doors on Religious Minorities and Vote ''No'' on H.R. 2389

DEAR REPRESENTATIVE: Americans United for Separation of Church and State urges you to vote ''No'' on passage of H.R. 2389, the ''Pledge Protection Act,'' which is being marked up by the House Judiciary Committee this week. Americans United represents more than 75,000 individual members throughout the fifty states and in the District of Columbia, as well as cooperating houses of worship and other religious bodies committed to the preservation of religious liberty. H.R. 2389 is an extreme and unwise proposal that will undermine the crucial separation of powers at the heart of our government and deny religious minorities from seeking enforcement of their longstanding constitutional rights in the federal courts.

H.R. 2389 would deprive all federal courts—including the U.S. Supreme Court—of their ability to hear cases involving the Pledge of Allegiance and to enforce longstanding constitutional rights against coerced recitation of the Pledge. Americans United firmly believes that the text, history and structure of the Constitution, together with important policy considerations, should lead the Judiciary Committee to soundly defeat this dangerous and misguided bill, as well as any other court-stripping proposal.

THE PLEDGE PROTECTION ACT IS UNCONSTITUTIONAL

Article III, Section I of the United States Constitution creates the Supreme Court and provides the Congress with the power to establish ''such inferior Courts as the Congress may from time to time establish.'' Section 2 of Article III delineates sets of cases that the federal courts may hear, provides for areas of original jurisdiction of the U.S. Supreme Court, and also provides for the appellate jurisdiction of the Supreme Court in other areas ''with such Exceptions, and under such Regulations as the Congress shall make.''

Under Section 2, Congress may have some degree of authority to limit the Supreme Court's appellate jurisdiction, as well as the jurisdiction of lower federal courts. Although the extent of this congressional authority is in dispute and has been the subject of academic commentary over the years, there are clear limits to this authority—and these limits are also found in the Constitution. With the Pledge Protection Act, Congress makes its limited—and disputed—power in Section 2 more important than the fundamental due process rights of citizens and the fundamental notion of separation of powers underlying our government.

THE PLEDGE PROTECTION ACT WOULD VIOLATE DUE PROCESS RIGHTS AND UNDERMINE THE SEPARATION OF POWERS

Basic due process demands an independent judicial forum capable of determining federal constitutional rights. This legislation deprives the federal courts of the ability to hear cases involving fundamental free exercise and free speech rights of students, parents, and other individuals. Congress' denial of a federal forum to plaintiffs in a specified class of cases would force plaintiffs out of federal courts, which are specially suited for the vindication of federal interests, and into

state courts, which may be hostile or unsympathetic to federal claims, and which may lack expertise and independent safeguards provided to federal judges under Article III of the Constitution. It is in apparent recognition of this concern that no federal bill withdrawing federal jurisdiction over cases involving fundamental constitutional rights with respect to a particular substantive area has become law in decades.

Political frustration with controversial court decisions during the second half of the twentieth century provoked Congress to propose a number of court-stripping measures designed to overturn court decisions touching on a wide variety of issues, including: anti-subversive statutes, apportionment in state legislatures, ''Miranda'' warnings, busing, school prayer, abortion, racial integration, and composition of the armed services. All of these measures failed to pass Congress. In each instance, bipartisan concerns over threats to the American system of government and constitutional order gave way to a recognition of these court-stripping measures for what they truly were: attempts to circumvent the careful process required for amendments to the U.S. Constitution. As Professor Michael J. Gerhardt stated in his testimony regarding the ''Constitution Restoration Act of 2004'' before the Subcommittee on Courts on September 13, 2004: ''Efforts, taken in response to or retaliation against judicial decisions, to withdraw all federal jurisdiction or even jurisdiction of inferior federal courts on questions of constitutional law are transparent attempts to influence, or displace, substantive judicial outcomes. For several decades, the Congress, for good reason, has refrained from enacting such laws.'' Like so many failed court-stripping measures that have come before it, the Pledge Protection Act represents yet another illegitimate short cut to amending the Constitution, is against the weight of history, and must fail.

THE PLEDGE PROTECTION ACT IS EXTREME, UNWISE, AND REPRESENTS MISGUIDED POLICY

As drafted, the bill would slam the courthouse doors to religious minorities trying to gain protection for their fundamental constitutional religious and free speech rights. Over sixty years ago, the Supreme Court decided the case of West Virginia State Board of Education v. Barnette, 319 U.S. 624 (1943). In Barnette, the Supreme Court struck down a West Virginia law that mandated schoolchildren to recite the Pledge of Allegiance. Under the West Virginia law, religious minorities faced expulsion from school and could be subject to prosecution and fined, if convicted of violating the statute's provisions. In striking down that statute, the Court reasoned: ''To believe that patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds . . . If there is any fixed star in our constitutional constellation, it is that no official, high, or petty can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion.'' 319 U.S. at 639–40.

Moreover, a panel of the U.S. Court of Appeals for the Third Circuit, holding unconstitutional two provisions of a Pennsylvania law mandating recitation of the Pledge, said, ''It may be useful to note our belief that most citizens of the United States willingly recite the Pledge of Allegiance and proudly sing the national anthem. But the rights embodied in the Constitution, most particularly the First Amendment, protect the minority—those persons who march to their own drummers. It is they who need the protection afforded by the Constitution and it is the responsibility of federal judges to ensure that protection.'' Circle School v. Pappert, 381 F.3d 172, 183 (3d Cir. 2004).

The Pledge Protection Act is an attack on our very system of government. Americans United strongly urges you to leave the independence of the federal judiciary in tact, protect longstanding constitutional rights of religious minorities in the federal courts, and respect free speech rights of countless individuals by rejecting this misguided legislation.

If you have any questions regarding this legislation or would like further information on any other issues of importance to Americans United, please do not hesitate to contact Aaron D. Schuham, Legislative Director, at (202) 466–3234, extension 240.

Sincerely,

REV. BARRY W. LYNN,
Executive Director.

PEOPLE FOR THE AMERICAN WAY,
Washington, DC, June 7, 2006.

House of Representatives,
Washington, DC.

DEAR COMMITTEE MEMBER: On behalf of the more than 900,000 members and activists of People For the American Way, we write to urge you to oppose H.R. 2389, the ''Pledge Protection Act of 2005,'' when it comes before the Committee today, June 7. This legislation would violate the First Amendment, and would set a terrible precedent against the separation of powers embodied in our Constitution that protects the fundamental rights of all Americans.

H.R. 2389 would eliminate any role for the federal courts, including the U.S. Supreme Court, in challenges concerning the constitutionality of the Pledge of Allegiance. This would have an immediate and dramatic impact on the ability of individual Americans to be free from government-coerced speech or religious expression. For example, this legislation would bar the federal courts from enforcing the U.S. Supreme Court's 1943 decision in West Virginia State Board of Education v. Barnette, which barred a local school district from forcing children to recite the Pledge of Allegiance over their religious objections.

Apart from being unwise as a matter of policy, H.R. 2389 appears to be an unconstitutional overreach of Congress' power under Article III regarding the federal judiciary, particularly in light of the Fifth Amendment's due process clause and the Fourteenth Amendment's equal protection clause. Further, it would contradict common sense, and more than 200 years of constitutional history, to allow Congress to circumvent the words ''Congress shall make no law'' by eliminating effective enforcement of the First Amendment by the courts and the U.S. Supreme Court. We agree with U.S. Senator Barry Goldwater who stated about a similar attempt to strip federal courts of jurisdiction over fundamental rights more than twenty four years ago: ''If there is no independent tribunal to check legislative or executive action all the written guarantees or rights in the world would amount to nothing.''

Nor are state courts the appropriate sole and final venue for enforcement of federal constitutional rights. Indeed, H.R. 2389 raises the prospect of 50 different interpretations of the First Amendment. Guarantees of such fundamental rights as freedom of religion, freedom of speech and freedom from governmental religious coercion should not and cannot properly be relegated to such jurisprudential uncertainty. We note that the Reagan Administration, hardly an opponent of federalism, rejected historical and textual arguments for removing jurisdiction over federal constitutional questions to state courts:

''Nor does it seem likely that the [Constitutional] Convention would have developed the Exceptions Clause as a check on the Supreme Court in such a manner that an exercise of power under the Clause to remove Supreme Court appellate jurisdiction would . . . vest [the power] in the state courts. Hamilton regarded even the possibility of multiple courts of final jurisdiction as unacceptable.''

In addition, H.R. 2389 expressly sets the precedent for future Congresses to completely bar U.S. citizens from raising any judicial challenge to federal action. State courts can only assert jurisdiction over the federal government if it consents to be sued. Failing that consent, individuals would be left without recourse to unconstitutional actions of the Congress or the executive branch. Unreviewable federal power to infringe on fundamental individual rights of American citizens is alien to our republic.

Finally, H.R. 2389 threatens to disrupt the framework of checks and balances on governmental power embodied in the U.S. Constitution through the separation of powers by setting the precedent for Congress to remove legislation from constitutional review by the judicial branch. For all practical purposes, Congress could become the sole arbiter of constitutionality on any subject within its powers—or indeed outside its powers since it could legislate away any challenge to congressional interpretation of its own authority. Litigation over the meaning of Article III, a necessary part of the inevitable court challenge to H.R. 2389, could in of itself result in a constitutional crisis deeply damaging to the separation of powers.

H.R. 2389 would set a terrible precedent for separation of powers and protection of individual rights. We urge you to reject the premise that Congress is above the Constitution and vote no on this legislation.

Sincerely,

RALPH G. NEAS,
President.
TANYA CLAY,
Director, Public Policy.

SECULAR COALITION FOR AMERICA,
Washington, DC, June 9, 2006.

DEAR REPRESENTATIVE: The Secular Coalition for America urges you to oppose H.R. 2389, the so-called Pledge Protection Act. Passage of this act would curtail the ability of the judiciary to make Constitutional determinations. It would interfere with the current protection of checks and balances provided by having three independent branches of government.

It is up to the U.S. Senate to approve or disapprove of federal judges. Thus the elected legislative body has both the right and the duty to ensure that our judiciary is of the highest quality. Once they are seated, it is essential that the judicial branch maintain its independence. By allowing the judiciary to be free of political pressures and majority rule, minorities in our nation gain the protections afforded by the First Amendment freedom of religion. This protection has allowed members of minority religions (such as Jehovah's Witnesses) as well as nonreligious Americans to be free of government required religious exercises. Individuals have been free to exercise their own decisions of conscience in public schools and governmental bodies.

Nontheists oppose the 1954 change to the Pledge of Allegiance, which turned that patriotic exercise into a statement of religiously-based division of Americans and used religion as a tool for political gain and theism as a litmus test for patriotism. By inserting religion into government, Americans who do not believe in God are relegated to a second-class citizenship. Regardless of

whether or not individuals support the revision of the pledge however, it is up to the judicial branch to enforce the Constitution, including the Bill of Rights.

Our nation has respected the separation of powers which our founders so wisely created to prevent anyone branch from gaining too much power. Congress must not encroach on the judiciary's power to resolve constitutional issues. If Congress passes constitutional laws, they should be upheld on judicial review. If Congress passes laws deemed to be unconstitutional, it is the duty of the judiciary to overturn such laws. Without such checks and balances, the rights of minorities guaranteed in the Bill of Rights would be meaningless; the Constitution could not be enforced; and a tyranny of the majority would ensue.

Passage of HR 2389 creates a slippery slope that would leave the judicial branch constrained to address only those issues of which Congress approves. Any time the judicial branch makes a decision unpopular with Congress, it could simply pass legislation taking away the court's jurisdiction. Passing this type of court-stripping legislation would subvert the will, not only of the people, but of the founders of our great nation.

Sincerely,

LORI LIPMAN BROWN, Esq.,
Director, Secular Coalition for America.

AMERICAN HUMANIST ASSOCIATION,
Washington, DC, June 8, 2006.

Re Oppose H.R. 2389, the ''Pledge Protection Act of 2005.''

DEAR REPRESENTATIVE, The American Humanist Association (AHA) stands in opposition to H.R. 2389, the ''Pledge Protection Act of 2005,'' which would prevent all federal courts from hearing cases challenging or interpreting rights granted by the First Amendment as they relate to Pledge of Allegiance cases. We urge you to vote against this bill, which would compromise long held American legal principles of due process and separation of powers by shutting the federal courthouse doors to large numbers of Americans.

If passed, the Pledge Protection Act would set a dangerous precedent by stripping federal courts of judicial independence and paving the way to preventing federal judges from ruling on other controversial social issues from abortion and gun control to school vouchers and school prayer. As we warned with the Marriage Protection Act of 2005 (H.R. 1100), attempts by Congress to strip the judiciary of their power to review legislation are inequitable and will open the door to more of the same. If the Pledge Protection Act passes it will fuel the fires for similar bills.

Denying access to the federal court system is unacceptable to religious and Humanist minorities who have a due process right to have their cases heard.

The Pledge Protection Act presents a serious separation of powers concern. Federal courts are uniquely prepared to interpret federal constitutional concerns and to serve as a check on the constitutionality of actions of Congress and the Executive branch. That's why constitutional concerns are raised when an attempt is made to block the courts from reviewing and interpreting the constitutionality of a single act.

Congress should not disrupt the balance of power intended by our Founding Fathers. Restricting the federal courts' ability to protect First Amendment rights severely undermines the American judicial system.

Humanists are particularly concerned about this bill because it would violate judicial independence in order to undermine American citizens, in this case those of a minority faith or no religion, the right to access federal courts to challenge a piece of legislation.

In the past Congress has rejected attempts to withdraw controversial issues from the scope of federal courts and the AHA encourages you to do so again at this important juncture. We urge you to defend due process and separation of powers and vote no on the Pledge Protection Act.

Sincerely,

MEL LIPMAN,
AHA President.

Mr. BLUNT. Mr. Chairman, yielding myself 15 seconds, I would like to point out that clearly this is in absolute agreement with Marbury v. Madison. Even in that case, the Chief Justice dismissed cases later when the Federal courts had not been granted jurisdiction.

Granting jurisdiction is the constitutional job of this body.

Mr. Chairman, I yield 4½ minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Chairman, I thank my distinguished colleague from Missouri for yielding me time.

The question was posed by the gentleman from New York and others is this Pledge Protection Act, H.R. 2389, constitutional? Is the whole concept of ''under God'' part of our Pledge constitutional? I submit this humble penny with Abraham Lincoln's picture on it. Do you know what it says on the side? ''In God We Trust.''

Behind the Speaker's chair, ''In God We Trust.''

At the Supreme Court they pray every day, asking for God's blessing. So Surely when we have a pledge, we should be able to use the word ''under God.'' Throughout our history this concept, as the United States being a providential Nation, has been the cornerstone of our success.

Would our Founding Fathers, if they were here today, decide to take ''under God'' from the Pledge? I do not think so. In fact, let's go and look at what the Founding Fathers talked about. This belief in our Nation being under God is a central part of our heritage. History bears this out.

Even before independence, a central theme among all forefathers was that our liberty flowed from our Creator. Josiah Quincy was one of these leaders. Not a lot of people know who he was. He was a charismatic leader in the American Revolution and outstanding lawyer. He wrote a series of anonymous articles for the Boston Gazette in which he opposed the Stamp Act and other British colonial policies. He, along with John Adams, bravely defended the British soldiers at a trial for the Boston Massacre, to show the world that the colonialists valued the rule of law above all.

In 1774, he was sent as an agent to argue the colonial cause for independence in England. He perished on the journey over. Yet, before he left, these are his immortal words that he uttered: ''For under God, we are determined that wheresoever, whensoever, or howsoever we shall be called to make our exit, we will die free men.''

Our Founding Fathers uttered similar statements time and time again, my colleagues, yet perhaps never more eloquently than the Declaration of Independence when even Thomas Jefferson penned the famous lines that ''we hold these truths to be self-evident: that all men are created equal; that they are endowed by the Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness.''

This same man who first wrote about separation of church and state also acknowledged, ''The God who gave us life, gave us liberty at the same time.'' And so over the years our Nation's leaders have freely expressed their beliefs in a higher providence for this country.

In our darkest hour, President Lincoln during the Civil War and later President Kennedy during the civil rights movement reaffirmed that this Nation was founded under God, and that all men and women living here are entitled by God to equal liberty.

Even more recently, in the midst of the Cold War, my colleagues, President Reagan argued that ''freedom prospers when religion is vibrant and the rule of law under God is acknowledged.''

So the whole idea of under God has been passed on from generation to generation. We are blessed by this concept. The Constitution was drafted to guard our liberties, obviously, our God-given liberties, and wisely established a system of checks and balances for our government structure. Mr. AKIN pointed these out. The power of Congress to limit jurisdiction of the courts is one of those primary checks on the power of the judiciary. So this is all according to procedures that our Founding Fathers established.

Article III, section 2 grants Congress the power to limit the jurisdiction of Federal courts. So what we are doing today is according to the Constitution.

The Pledge Protection Act invokes the constitutional powers and removes the Pledge from the jurisdiction of Federal courts. I ask you to support this act. I urge my colleagues for future generations to acknowledge our providential point in history.

Mr. NADLER. Mr. Speaker, the gentleman is commenting and his entire speech was about the desirability or the worth of the words ''under God,'' which I think almost everybody agrees with. The issue in this bill is court-stripping. Do we take away from the courts the right to decide, to protect people's rights?

Mr. Speaker, Mr. STEARNS may be right in everything that he is saying, but he does not seem to have the confidence that the courts will agree with him, because if he did, he would not be supporting this legislation.

Mr. STEARNS. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield myself 10 seconds so I can yield to the gentleman from Florida.

Mr. STEARNS. Would you agree that we here in Congress can have the right in the separation of powers to overrule the Supreme Court?

Mr. NADLER. To overrule the Supreme Court? Certainly we do not have that.

Mr. STEARNS. Not to overrule, but to pass laws here to check the balance of the Supreme Court?

Mr. NADLER. We have the right, but I do not believe we have the right, given the fact that the Bill of Rights postdates the grant of the jurisdiction-setting authority in the Constitution, I do not think we have the right to take away from the Supreme Court the ability to protect constitutional rights.

Mr. Chairman, I yield 5 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, when I listed the organizations opposed to the bill, I inadvertently left off Americans United for Separation of Church and State and the National Council of Negro Women.

Mr. NADLER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me time.

As the gentleman pointed out, the gentleman from Florida gave a very compelling argument for why it is appropriate to have ''under God'' in the Pledge of Allegiance, and therefore concludes that since he thinks that is in jeopardy, based on the court case now moving through the judicial system arguing for stripping away the jurisdiction of the court to decide that issue.

But the bill before us goes far beyond the issue of under God, and that is why I would like to ask if the majority whip, I would like to use my time to make sure that you and I have the same understanding of the purpose of this bill.

Let's say, for example, that a school board in West Virginia decides that every student in the school system must recite the Pledge of Allegiance at the beginning of the school day. And a Jehovah's Witness family goes to court, to State court, after this bill is passed and says, it is a violation of our religious principles to pledge allegiance to anyone other than God. We are prepared to make all kinds of statements with respect to our regard for the country, but we cannot pledge allegiance to anyone but God.

And then that case goes to the State courts, and the West Virginia Supreme Court decides that, no, the school board is right. They have the right to compel every student in that school system to recite the pledge, even if it violates their religious principles. Or maybe it is telling an Orthodox Jewish child that they have to remove their skull cap for the recitation of the Pledge, and they say, no, if the West Virginia school board ruled that way, the individual's right to exercise their religious principles by keeping their skull cap on when they are outside and in this public arena is trumped by the school board's policy.

Should the U.S. Supreme Court be able to take that case on appeal that compels a decision that a State court, that compels the recitation of the Pledge in a way that violates the fundamental free exercise of religion of a student? That is my question.

Mr. BLUNT. If my friend is yielding to me, the principal sponsor of the bill, Mr. AKIN, has said he would like to respond to that. If that is appropriate, I would like for that to be our response.

Mr. BERMAN. Mr. Chairman, I yield to the gentleman from Missouri (Mr. AKIN) 1 minute of the remaining time I have.

Mr. AKIN. Mr. Chairman, as the gentleman made the scenario, let's assume the bill passes that we are discussing now, is signed by the President.

Mr. BERMAN. My assumption is this bill is now law.

Mr. AKIN. Now is law. What happens then is you are going to a particular State, you are saying West Virginia. And what happens is that a school board or something like that in the State decides to just basically go against what is already established Supreme Court policy.

From 1944, the Supreme Court made the ruling that nobody is required to say the Pledge of Allegiance. We have no interest in changing that. We think that is good policy.

Mr. BERMAN. Mr. Chairman, reclaiming my time. Because under this bill, they can decide to violate that Supreme Court decision, and the West Virginia Supreme Court, now the final arbiter of it, says, we did not like that decision in the first place, and now the Supreme Court cannot take jurisdiction of this case, so they decide to reverse, for West Virginia purposes, the Barnette case that the Supreme Court decided in 1944, and this bill strips away the jurisdiction of the Supreme Court to say, you did not follow our precedent.

Mr. AKIN. What you are saying is, first of all, you are making, obviously you are taking this to a pretty extreme situation. You are saying a whole series of courts in West Virginia are going to overturn Supreme Court policy on the fact that people have to say the Pledge.

So first of all, they are going completely against what the Federal courts have already established. They then expose themselves to the checks and balances within that State. In at least 45, probably more, of the States, there are provisions where those judges can be removed by the people of that State.

Mr. BERMAN. Reclaiming my time. If you had stripped away the right of the U.S. Supreme Court, of the Federal courts to decide whether segregated schools, whether the doctrine of separate and equal should stand or whether it violated the 14th amendment of the Constitution, there are many States in this country where every State court would have affirmed that separate is equal, is compliant with the 14th amendment, and in many of those States, the voters in those States would have been quite happy with that decision.

You have eliminated the Supreme Court's ability to review fundamental decisions involving first amendment rights.

Mr. NADLER. Mr. Chairman, I will yield the gentleman 30 seconds, and yield for an answer to how he would have prevented, under this bill, all the States from negating the Supreme Court's Brown v. Board of Education ruling.

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Mr. AKIN. Well, the situation is that you are dependent on this bill with the various checks and balances on the Supreme Courts in the States. That is, those justices could be impeached for violating the Supreme Court.

Mr. BERMAN. And the voters of that State.

Mr. AKIN. And the voters of that State. It depends on the State laws.

Mr. BERMAN. The first amendment was to protect the exercise of religion, even if the majority didn't like that religion.

Mr. AKIN. The bottom line is we have a system of republics. We have a system of federalism. We have 51 established republics, one federated and 50 States.

Mr. BLUNT. Mr. Chairman, I yield 2 minutes to my neighbor from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Chairman, I come to the floor today to support this legislation that will preserve America's Pledge of Allegiance. This Congress is working to strengthen America to taking steps to continue job creation, keeping our economy growing, providing the tools that we need to fight the war on terrorism and address the problems that are leading to high energy prices.

However, we also have a responsibility to take a few minutes today to reinforce the spirit and unity of the American people by protecting our Pledge. The Pledge of Allegiance is not just a statement that our kids rehearse in schools, it is an expression of we as Americans.

The American people are united by devotion, not just to our flag but to our country. Our devotion is not just to our public, but to our principles, including liberty and justice for all. Our shared Pledge of Allegiance should not be rewritten on a whim by a few judges against the will of the overwhelming majority of American public.

That is why this legislation is so important, and I appreciate Mr. BLUNT's and Mr. AKIN's leadership on this issue. The Pledge Protection Act, which has 197 cosponsors, passed the House in the

108th Congress by a wide margin. Article III of the Constitution gives Congress the authority to pass this legislation. We should use this authority with restraint.

But when it comes to protecting America's Pledge of Allegiance, we should take these thoughtful steps to exercise the will of the American people.

Mr. NADLER. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in opposition to this bill, and it does pain me to be on the other side of a piece of legislation that so many of my friends are advocating so sincerely on the other side.

Mr. Chairman, I yield to no one in my commitment to the Pledge of Allegiance, and the Pledge of Allegiance that includes the words ''under God.'' However, it does not follow that the appropriate way to deal with this issue is to strip Federal courts of their jurisdiction to hear cases relating to the Pledge of Allegiance.

First of all, I don't believe that my colleagues who support H.R. 2389 realize the consequences of this bill, even though we just had a discussion about what those consequences might be. H.R. 2389 does not strip State and local courts from jurisdiction related to the Pledge, only the Federal courts, and specifically strips the U.S. Supreme Court of its ability to overrule State supreme courts in this matter.

So, for example, if the highest court in a State like Massachusetts rules that it is unconstitutional under the Constitution for the State schools to start their day with a Pledge of Allegiance, including the words, ''under God,'' H.R. 2389 would prohibit the U.S. Supreme Court from overturning that decision. Such a result would be ironically and supremely counter to the stated goals of this bill's proponents.

But that is what would become the result of this language becoming law. Members on my side of the aisle should seriously consider the consequences of the precedents that are being set.

Republican support for court-stripping makes it that much easier for the other side to someday strip a conservative Supreme Court of jurisdiction on an issue paramount to our liberty. For example, if our judges on the Court remain devoted to the second amendment, rather than upholding a universal gun ban that is put into place by a future President and Congress, and the other party, they will accuse our President of stripping the court in order to get their way.

Here we are neutering our ability to have protections for the constitutional things we believe in the future, in order to achieve a temporary, I might even say a political, goal in the Pledge of Allegiance.

The supporters of H.R. 2389 will come to regret this day when they are being quoted by some future liberal Congress in order to strip the Court of a decision made to protect our liberties.

Mr. Chairman, let us consider the long-term consequences of our actions and let us look before we leap. I would suggest that we vote ''no'' on this. That is the Reagan and conservative position.

Mr. BLUNT. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the distinguished majority whip.

Mr. Chairman, with respect, religion in the United States is rightly pluralistic. We are or in no way should we be theocratic at all. As a matter of fact, one of the great threats in the world today, jihadism, is born out of theocracy.

That doesn't mean, though, that this country should be godless. One of my greatest, one of the great sayings I love is if there is no God, nothing matters. But if there is a God, nothing else matters. We should remember that today.

Abraham Lincoln said we do not claim to have God on our side, but we strive to be on his. We should not and cannot rewrite history to ignore our spiritual heritage. It surrounds us. It cries out for our country to honor God and to seek and supplicate His will in our country's life.

Today the people from my State of Tennessee would listen to this debate, or even talk about a reference to God on our money or in the Halls of Congress or in our Pledge and say, please, let common sense and logic win the day and prevail versus legal mumbo jumbo.

In closing, let me just thank God, on the floor of the House, for not turning away from us even though we seem to be turning away from Him.

Mr. NADLER. Mr. Chairman, I now yield 3 minutes to the distinguished ranking member of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the ranking chairman of the Constitutional Subcommittee, Mr. NADLER, for yielding to me. I commend him for the incredible work that we have done to try to bring understanding to how difficult and unworkable this so-called Pledge Protection Act is.

Mr. Chairman, I hold in my hands this letter that has just come in to the Judiciary Committee from the American Bar Association, their Governmental Affairs Office.

The controlling sentence is this: ''As a matter of policy, Congress should not jettison our foundational principles because of current dissatisfaction with the controversial decision of the Supreme Court or lower Federal courts by permanently stripping the jurisdiction of the Federal courts to hear certain categories of cases. Rather than strengthening its legislative role, Congress, by pressing its own checking power to the extreme, imperils the entire system of separated powers.''

Ladies and gentlemen, this unconstitutional court-stripping bill, and it would be found unconstitutional if enacted, is only the latest attempt by a Congress to force a pluralist society into a one-size-fits-all set of beliefs. This is a remarkable violation of the separation of powers and the establishment clause.

If the act were to become law, it would clearly be held unconstitutional. Only State courts would be able to constitutionally challenge the Pledge, and so we would therefore end up with a 50-State collection of views as to what the free exercise clause, the establishment clause, meant in this context.

In addition, think of what this means to those groups that depend on this provision of our law not to be able to bring their issues to the court. This legislation would strip all Federal courts, including the Supreme Court, from hearing first amendment challenges to the Pledge of Allegiance and from enforcing longstanding constitutional rights in the court, and would slam the Federal courthouse door on religious minorities trying to do nothing more than enforce a fundamental constitutional right that they have had for over 60 years.

Please, let us turn this Pledge Protection Act down this afternoon.

AMERICAN BAR ASSOCIATION,
GOVERNMENT AFFAIRS OFFICE,
Washington, DC, July 18, 2006.

Re H.R. 2389, the Pledge Protection Act of 2005.

DEAR REPRESENTATIVE: We understand that the House is scheduled to consider H.R. 2389 tomorrow. We are writing to express our opposition to this legislation, which would strip from all federal courts jurisdiction to hear constitutional challenges to the interpretation of, or the validity of, the Pledge of Allegiance.

Our views on H.R. 2389 are informed by our long-standing opposition to legislative curtailment of the jurisdiction of the Supreme Court of the United States and the inferior federal courts for the purpose of effecting changes in constitutional law. The ABA has taken no position on the underlying issues regarding recitation of the Pledge of Allegiance in public schools; instead, our strong opposition to H.R. 2389 and other pending legislation that would strip the federal courts of jurisdiction to hear selected types of constitutional cases is based on our concern for the integrity of our system of government.

This legislation would authorize Congress to use its regulatory power over federal jurisdiction to advance a particular legislative outcome by insulating it from constitutional scrutiny by the federal judiciary. In addition to being constitutionally suspect, this legislation would establish a dangerous precedent if enacted. As a matter of policy, Congress should not jettison our foundational principles because of current dissatisfaction with a controversial decision of the Supreme Court or lower federal courts by permanently stripping the jurisdiction of the federal courts to hear certain categories of cases. Rather than strengthening its legislative role, Congress, by pressing its own checking power to the extreme, imperils the entire system of separated powers.

If enacted, H.R. 2389 would restrict the role of the federal courts in our system of checks and balances and thereby limit the ability of the federal courts to protect the constitutional rights of all Americans. Indeed, this legislation would leave the state courts as

the final arbiters of federal constitutional law, creating the possibility that some state judges might choose not to follow Supreme Court precedents. Because the legislation would nullify the Supremacy Clause in certain classes of cases, the Constitution could mean something different from state to state; and, contrary to the expressed intentions of the Framers, our fundamental rights and the balance of power among the branches would be subject to evanescent majority opinion.

At a time when Congress is accusing the federal courts of overstepping their constitutional role and calling for judicial restraint, we urge you to likewise exercise legislative restraint and demonstrate your continued commitment to the doctrine of separation of powers and a government composed of separate but coequal branches by voting to defeat passage of H.R. 2389.

If you have any questions regarding our position, please have your staff contact Denise Cardman, Deputy Director of the Governmental Affairs Office.

Sincerely,

ROBERT D. EVANS.

Mr. BLUNT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. I thank the distinguished majority whip for yielding.

Mr. Chairman, I rise in strong support of the Pledge Protection Act and commend its author, the gentleman from Missouri (Mr. AKIN) for his yeoman's work on this thoughtful legislation.

As a member of the Judiciary Committee, I admire my colleagues on the other side of the aisle for their intellectual acumen and their commitment to their view and their philosophy of government. But while each of us may have a different philosophy of government, we don't get to have different facts.

The clear policy of Article III, section 2 of the United States Constitution reads, ''In all other cases before mentioned, the Supreme Court shall have developed jurisdiction, but it is the law and the fact with such exceptions and under such exceptions as the Congress shall make.'' It is black letter law in the Constitution of the United States of America that this body, this Congress, shall have the authority to set the jurisdiction of the courts.

So if I may say, respectfully, let us stop with all the conversation about anticonstitutional action being taken. In fact, restricting the Federal courts' jurisdiction is a common practice in the House of Representatives, and a long litany of recent legislation, like the Black Hills National Forest, the recent Class Action Fairness Act, attests to that.

But we are here about the business of protecting the contents of the Pledge of Allegiance, which some Federal courts have either resolved as unconstitutional or left unresolved.

We stand here today to say those words, which appear above you, Mr. Chairman, in the phrase ''in God we trust'' in our national model, words which were reflected in our founding documents that speak of a Nation that believes its rights are endowed by our Creator, and words that President Abraham Lincoln spoke at Gettysburg, that this is one Nation under God, be protected and vouchsafed in our Pledge.

Let us take this jurisdiction away, which is our constitutional power to do, and leave that power with the people of the United States and the States severally.

Mr. NADLER. Mr. Chairman, I yield to the gentleman from Texas for a unanimous consent request.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. I thank my colleague for yielding.

Mr. Chairman, I rise today in support of H.R. 2389, the Protect the Pledge Act.

I strongly support the Pledge of Allegiance. In fact, in the 107th Congress I introduced H.J. Res. 103, an amendment to the Constitution that would affirm that the Pledge of Allegiance in no way violates the First Amendment.

Unfortunately, Congress did not pass the resolution before it adjourned for the 107th Congress.

As an original cosponsor of H.R. 2389, I believe it is necessary to protect the Pledge of Allegiance from unnecessary court battles, but without infringing on the rights of the people.

Article III of the Constitution states that Congress has the power to define jurisdiction of Federal district and appellate courts.

This bill still allows for our system of checks and balances to work as it has for over 200 years.

The Pledge of Allegiance is an important symbol of the privileges and rights that our Founding Fathers fought so desperately to preserve.

It deserves protection from those trying to remove the words ''under God.''

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

The CHAIRMAN. The gentleman has 3½ minutes.

Mr. NADLER. The other side?

The CHAIRMAN. They have 13½ minutes.

Mr. BLUNT. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the majority whip for yielding. I especially thank Mr. AKIN for bringing this bill before this Congress. When we first met, he approached me with this bill, and I said, oh yes, Article III, section 2, I will sign on. Then we got to know each other after that. So it is a proud moment for me to stand here and stand with the gentleman from Missouri and God-fearing and God-loving people across this country.

□ 1315

The question about the constitutionality of court-stripping Article III, section 2, I think Mr. PENCE addressed it very well. Black-letter language in the Constitution was such exceptions and under such regulations as the Congress shall make, and those exceptions are legion.

In fact, the landmark case is Ex parte McCardle 1869 where Congress had authorized Federal judges to issues writs of habeas corpus, and they purported to be acting under its authority under Article III, section 2 to make those exceptions.

But in reviewing the statutes the Supreme Court's jurisdiction granted, they were not at liberty to inquire into the motives of the legislature. We can only examine its power under the Constitution. In fact, the majority decision on the Supreme Court said this: ''Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause. And this is not less clear upon authority than upon principle.'' Ex parte McCardle, 1869.

And I would point out that Justice Scalia in the Hamdan case so recently wrote in his opinion, albeit in dissent, he said that ''the Court . . . cannot cite a single case in the history of Anglo-American law . . . in which a jurisdiction-stripping . . . was denied immediate effect in pending cases.'' But ''by contrast, the cases granting such immediate effect are legion . . . they repeatedly rely on the plain language of the jurisdictional repeal as an 'inflexible trump,''' and we know in our current experience in Congress, we have done this several times, particularly the Daschle case with Blackhawk Timber.

Mr. BLUNT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the distinguished majority whip for yielding. I certainly thank the gentleman from Missouri (Mr. AKIN) for his leadership on this issue.

Mr. Chairman, the author of the Declaration of Independence, Thomas Jefferson, once wrote: ''Can the liberties of a Nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God?''

Now, I have heard Democrat after Democrat saying that we should not be debating the Pledge Protection Act here today. Apparently, whether the phrase ''one Nation under God'' is stripped from our Pledge by activist judges is of little importance to them, but it is to most Americans, and it should be to our Democrat colleagues as well.

Mr. Chairman, what we are debating here today is nothing short of our very liberty. What could be more worthy of this body than a debate about our liberty?

When our forefathers gave birth to this new Nation, they also gave birth to a radical, revolutionary idea in history, the idea that our rights do not emanate from the State, that they are granted to us from the Almighty.

Who among us have forgotten the words enshrined in our Declaration of Independence that we are endowed by our Creator with certain unalienable rights? The answer appears to be some of our Democrat colleagues.

Nothing is more central to the foundation of our very liberty than the acknowledgment of God in public life, not the Christian God, the Jewish God or the Muslim God, but God, the Creator, as broadly defined and acknowledged and worshipped in many faiths and traditions.

But, Mr. Chairman, there is now a concerted effort among some, including apparently the Ninth Circuit Court of Appeals, to chase God from the schoolhouse, the courthouse and the statehouse, not to mention our very Pledge of Allegiance.

Through H.R. 2389, using our powers under Article III, section 2, we should stop them and protect liberty by enacting the Pledge Protection Act.

Mr. BLUNT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DREIER), the chairman of the Rules Committee.

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

Mr. DREIER. Mr. Chairman, I thank my very good friend, the distinguished majority whip, for yielding time, and I congratulate my friend from Missouri (Mr. AKIN) for having shown his very strong commitment to the U.S. Constitution. As we all know, the specificity is Article III, section 2.

As I was talking to a friend of mine in Los Angeles yesterday, he was asking, what are you bringing up in the Rules Committee today? When I told him that we were bringing this measure to deal with the Ninth Circuit Court's decision, basically throwing out the use of ''one Nation under God'' in the Pledge of Allegiance, he, like most people, was horrified. He said, let us look at the natural extension of the Ninth Circuit Court's decision.

Well, for starters, in the County of Los Angeles, Mr. Chairman, we have already seen the removal of the cross from the seal of the County of Los Angeles. It seems kind of silly, and there obviously is a lot of outrage in southern California about that.

But then one must conclude that the natural extension of this, when we have dealt with the seal of the County of Los Angeles, let us look at some of the cities in California: The City of Angels, Saint Francis, San Francisco, San Diego, another saint. I found that my city that I reside in, the city of San Dimas, is the name for the reformed saint of thieves, San Dismas.

But one must come to the conclusion that if we are going to continue down this road, that the west coast would become what many in the country probably already believe it is, and that would be the lost coast, and I find that to be a very troubling sign, that we are moving in the direction to overturn that wise decision that was made by the United States Congress in the 1950s when President Eisenhower was here.

I think that we should realize that common sense needs to be applied when we look at an instance like this. The Ninth Circuit Court in California clearly overreached, Mr. Chairman, and as we look at how far they could go, I find the direction to be very, very troubling.

I thank my friend for yielding.

Mr. BLUNT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Chairman, the concern about the Constitution is certainly worthwhile, but when it says very clearly Article III, section 2, that in all other cases except those specified or mentioned, the Supreme Court shall have appellate jurisdiction both as to law and fact with such exceptions and under such regulations as the Congress shall make, it also allows us to set the jurisdictions of the local courts.

So, clearly, this is something that is constitutional to take up. As an old judge and a former chief justice of an appellate court, those things are important to us.

Our friend from New York indicated that it seems like some of us do not have much faith in the Supreme Court, and he is right, some of us do not. I would submit to you that while they are lingering under this infirmity or disability of being prepositionally challenged, that this is a good issue to take up and to remove jurisdiction on.

For example, in the 10th amendment it says all the things not specified are reserved to the States and to the people. The Supreme Court seems to think that means reserved from the States and from the people. They are prepositionally challenged. They think freedom of religion means freedom from religion.

There is so much rewriting of history, the separation of church and state. It is not in the Constitution. That is in a letter that Thomas Jefferson wrote to the Danbury Baptists about not specifying a specific denomination, and at the same time Madison wrote the first amendment, Jefferson wrote those words in a letter, they came to church, a nondenominational Christian church, right down the hall in Statuary Hall. For about 60 years there was a church down there.

So the question before us is, is this an issue we want to remove from the Supreme Court's consideration until they remove or are able to overcome the disability of being prepositionally challenged? I certainly think it is.

Mr. BLUNT. Mr. Chairman, I yield myself 1½ minutes just to say that this debate clearly, once again, emphasizes the responsibility of the Congress to decide the jurisdiction of the courts.

It does not decide who has to say the Pledge of Allegiance. It does not decide separate but equal. In fact, separate but equal was decided by the Supreme Court just like the Dred Scott case was decided by the Supreme Court, which is why Abraham Lincoln, in his inaugural address, specifically talked about the danger of the Congress and the country letting the Court be the sole decision of these kinds of issues.

This is an issue that clearly resonates to the heart of what we are about as a country. It is the heart of what we are about as a people. All of our documents, our coins, our institutions, the Constitution, the Declaration of Independence, all have recognized a being superior to ourselves.

We think that protection for that phrase and other phrases in the Pledge is appropriate. Certainly we have not anticipated that State courts, who, by the way, were also recognized by the early Congress as appropriate determiners of some Federal laws, and early congressional determination in an early Supreme Court decision was that Federal laws that have been upheld by the State courts would not be subject to Federal review. This is in line with our responsibilities. It would be a responsibility some would like to suggest is different than it is, but it is our responsibility.

Mr. Chairman, I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, every word that we have heard uttered on this floor by the majority side has, as Mr. SCOTT said, increased the likelihood of the courts ordering that the words ''under God'' in the Pledge of Allegiance cannot be recited in a public, in a school situation where there is an imputation of coercion or pressure because the students are, in fact, under the direction of the State agent, namely, the teacher.

As someone who very deeply believes in God, I think it is insulting to say that the words ''under God'' are not important, and yet that is the defense that is offered in court because the Constitution says there should be no establishment of religion. Well, saying that schoolchildren must recite the Pledge of Allegiance with the words ''under God'' is not an establishment of religion. The defense is, no, it is not because this is de minimis; it is not important; it is minor. I do not believe the words ''under God'' are minor or de minimis, unimportant. I think that it is an insult to religion.

But that whole question is for the courts, not for us, and here we are seeing another bill to strip the courts of jurisdiction. We are getting to a point where it is becoming boilerplate in any controversial issue to say the courts shall not have jurisdiction.

Consider this, the Defense of Marriage Act, the Pledge, we passed the bill a few weeks ago on the floor here saying that no funds should be expended to enforce a court order in some court in Indiana because we do not like what the courts do, or we think we might not like what the court will do; we will strip them of jurisdiction.

This is a danger to all our constitutional rights. The only thing that protects our rights as Americans, that

protects our freedom of speech, religion, press, assembly, et cetera, is the ability to go to court and tell the President or the Governor or whoever, you cannot do that, you cannot force them to do that, you cannot put them in jail for not doing it. Without the protection of the court, rights are meaningless.

There is a maxim in law: There is no right without a remedy. What we are doing here is saying to people who are unpopular, to people who may not want to recite the words ''under God,'' they may be wrong and unpopular, but we are saying you cannot go to court to defend yourself and assert your constitutional rights. It is very dangerous. As was pointed out before, if we had done that before, we would still have segregation in this country because in every State we would have stripped the Supreme Court of the ability to declare separate but equal schools unconstitutional. The State courts would have soon said it is fine, and we would still have Jim Crow.

Almost lastly, we should not have a separate law in every State. We should not have the Constitution mean different things in New York and New Jersey. We should be one country. That is why the Supreme Court is vested with jurisdiction to rule on appeals from the State supreme courts.

Finally, this bill is itself unconstitutional. Someone said that the courts have upheld Congress' ability to limit jurisdiction. Sure, they have. Every single case has upheld limitations to jurisdiction, regardless of subject matter, never with regard to constitutional claims, not one case in the history of the Republic.

At a hearing that was held 2 years ago on a similar bill, the majority witness, the Republican witness, professor of constitutional law, said the following: ''The due process clause of the fifth amendment requires that a neutral, independent and competent judicial forum remain available in cases in which the liberty or property interests of an individual or entity are at stake. The constitutional directive of equal protection restricts congressional power to employ its power to restrict jurisdiction in an unconstitutionally discriminatory manner,'' which is what this bill does.

There is no ability, for example, to constitutionally provide that Republicans, but no one else, may have access to the Supreme Court. No one will think Congress could do that. This bill is clearly unconstitutional for the same reason.

Mr. Chairman, I yield back my time.

□ 1330

Mr. BLUNT. Mr. Chairman, I yield the balance of our time to the gentleman from Missouri (Mr. AKIN).

The CHAIRMAN. The gentleman from Missouri is recognized for 2 minutes.

Mr. AKIN. Mr. Chairman, I would like to start by quoting a person who I believe is the founder, or at least acknowledged as the father, of the Democratic Party, Thomas Jefferson. His words encased in stone on his monument read: ''The God that gave us life gave us liberty.'' It goes on to say: ''Can the liberties of a people be secure if we remove the conviction that those liberties are the gift of God?''

The author of our Declaration well understood that it is impossible to assert that we have inalienable rights and at the same time ignore the person that gave us the inalienable rights, the God that provided those rights itself.

This question goes to the heart of what America has always stood for and always fought for. We believe that there is a God that gives basic rights to all people, and it is the job of the government to protect those rights. If the courts come to the decision that we cannot acknowledge God, then we have ripped the heart out of the logic of what makes America, the fact that our rights come from God Himself, and we have thumbed our nose at Thomas Jefferson and our Declaration and our 300-plus years of history.

Now we have good reason to fear that the Court will not be content to ignore just the fifth amendment and say that you can take private property from people and redistribute it without a public purpose, but that they may also decide to take the first amendment and turn it upside down and use it as a sword of censorship rather than an oasis of free speech.

I am not persuaded by the pious hand-wringing of liberal activists who flinch not at the courts' unfettered march to create some imagined utopia at the expense of the separation of powers in the Constitution itself.

It is time for the Congress to reassert our legislative authority. It is time for the Congress to signal an end to the courts' freewheeling forays of unchecked legislative license.

Mr. WELDON of Florida. Mr. Chairman, I rise in strong support of H.R. 2389, the Pledge Protection Act of 2005. This legislation is important to ensuring that over-zealous Federal courts do not strike down the U.S. Pledge of Allegiance. In Newdow, Ninth Circuit ruled that the pledge was unconstitutional. The U.S. Supreme Court struck down the Newdow decision based not on the substance of the issue, but rather because it found that Newdow did not have standing. The Supreme Court did not address the underlying question regarding whether the phrase ''under God'' was constitutional. The Ninth Circuit is expected to rule on this issue in March 2007.

The bill before us would prohibit Federal courts from ruling on issues related to the Pledge of Allegiance. Article III, Section 2, Clause 2 of the U.S. Constitution gives the Congress the authority to set such limits. The Constitution states:

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to law and Fact, *with such Exceptions, and under such Regulations as the Congress shall make* [emphasis added].

Mr. Chairman, today, by passing this law, we are making those exceptions.

I rise in strong support of this legislation and urge my colleagues to join me in support of it.

Mr. CARDIN. Mr. Chairman, I rise today in opposition to H.R. 2389—the Pledge Protection Act—a bill which does not protect the Pledge of Allegiance, but instead endangers the constitutional balance between the legislative and judicial branches.

I believe in the Pledge of Allegiance. In the wake of the Ninth Circuit Court of Appeals opinion in Newdow v. U.S. Congress in 2002, the House acted swiftly to affirm our support of the Pledge as it has existed since 1954. I voted in favor of a resolution that disagreed with the court's opinion that the words ''under God'' in the Pledge violate the Establishment Clause of the Constitution.

My opinion today remains the same: the Pledge of Alliance is a simple, eloquent statement of American values. Each morning millions of school children pledge allegiance not only to the flag but to the Nation and our values and our principles. This act, like the prayer that opens each session of the House and the call that brings the Supreme Court to order, reminds us all of the greater context of our purpose.

I oppose this legislation, not because I do not support the Pledge of Alliance, but because I know that this legislation does not achieve its goal. This legislation takes a bold step towards a radical concept which undermines the constitutional checks and balances so crucial to our system of Government. We have taken steps to protect the Pledge and we will continue to do so—but this is not the way.

This bill proposes to strip the courts of their just jurisdiction. While the Congress is granted the power to create and establish Federal courts and this jurisdiction, this power has always been used to promote judicial efficiency. It has not, and should not, be used to stifle debate on any issue regarding fundamental rights and liberties.

Since the Supreme Court decided the case of Marbury v. Madison in 1803, the judiciary has performed its unique role of interpreting laws of this country. This bill is unconstitutional because it would fly in the face of 200 years of our constitutional tradition. I cannot imagine our democracy could long endure a system in which the Congress may take from the courts the ability to hear cases regarding the freedom of speech, the freedom of religion, civil rights, or privacy.

The 108th Congress considered this legislation, and the Senate refused to pass this measure. Indeed, in this Congress the House Judiciary Committee refused to favorably report the bill to the full House.

The courts are now properly continuing to review constitutional challenges regarding the Pledge of Allegiance. The Supreme Court has dismissed a case regarding the Pledge, and the Ninth Circuit is again reviewing this matter. Congress has gone on record in support of the Pledge.

It is important that the courts remain as the neutral decision makers in constitutional cases. The Founders wisely enshrined the concept of judicial independence into the Constitution. Federal judges are given lifetime tenure, and Congress is prohibited from reducing their pay during their service in office.

Congress has indeed considered whether to intrude on the province of the Federal courts

throughout the history of this country. Congress wisely rejected President Franklin D. Roosevelt's plan to ''pack the court'' by increasing the size of the Supreme Court. In the 1970s Congress considered, but rejected, effort to strip jurisdiction away from the courts in the areas of civil rights and privacy cases, as a result of Supreme Court decisions of the 1950s and 1960s.

In many ways, this type of legislation is a thinly-veiled attempt to circumvent Article V of the Constitution, which gives Congress the ability to propose an amendment to the Constitution, and therefore overturn a constitutional decision of the Supreme Court. Congress and ultimately the states have the ability to amend the Constitution at their discretion, but under Article III of the Constitution the courts have the obligation to interpret the law and Constitution when ''cases or controversies'' arise in a lawsuit that is properly brought by parties before the court.

This bill would close the door to Federal courts. When there is no court to hear a case, then there is no liberty. A law without a venue for debate is a law without moral force. As the Ranking Member of the Helsinki Commission, I have seen too many countries run by dictators whose first actions are to shut down the independence courts and make them answerable to what the executive and the legislature wanted them to do. We cannot go down this path in the United States, and undermine our citizens' confidence in an independent judiciary that will decide cases without fear or favor.

I urge my colleagues to reject this legislation and attack on the independence of the judiciary, and oppose this legislation.

Mr. UDALL of Colorado. Mr. Chairman, at best this bill is a mistake. At worst, it is a cynical political stunt. Either way, it should not pass.

It seeks to end the ability of Federal courts—including the Supreme Court—''to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, the Pledge of Allegiance'' as the pledge is now worded.

It responds to a 2002 decision of the Court of Appeals for the Ninth Circuit that both the 1954 law that added the words ''under God'' to the pledge and a local school district's policy of daily recitation of the pledge as so worded were unconstitutional. (The ruling later was modified to apply only to the school district's recitation policy.)

The Supreme Court reversed that decision because the plaintiff did not have legal standing to challenge the school district's policy. But the Republican leadership evidently finds the possibility of a similar lawsuit so alarming—or maybe they think it presents such a political opportunity—that they back this bill to keep any Federal court from hearing a lawsuit like that.

I cannot support such legislation.

It mayor may not be constitutional—on that I defer to those with more legal expertise than I can claim. But I have no doubt it is not only unnecessary but even misguided and destructive.

I have no objection to the current wording of the Pledge of Allegiance. After the Ninth Circuit's decision, I voted for a resolution—approved by the House by a vote of 416 to 3—affirming that ''the Pledge of Allegiance and similar expressions are not unconstitutional expressions of religious belief'' and calling for the case to be reheard.

But this bill is a different matter. It may be called the ''Pledge Protection Act,'' but that is inaccurate and even misleading—because it not only fails to protect the pledge but also would undercut the very thing to which those who recite the pledge are expressing their allegiance.

It doesn't protect the pledge because even if it becomes law people who don't like the way the pledge's current wording would still be able to bring lawsuits in state courts. So, even if Colorado's courts upheld the current wording, the courts of other States might not. And the bill says the U.S. Supreme Court could not resolve the matter.

That would mean there would no longer be a single Pledge of Allegiance, but different pledges for different States—and the Constitution's meaning would vary based on State lines. That would directly contradict the very idea of the United States as ''one Nation'' that should remain ''indivisible'' and whose defining characteristics are devotion to ''liberty and justice for all.''

And that would be completely inconsistent with the idea of the Republic (symbolized by the flag) to which we pledge allegiance when we recite what this bill pretends to ''protect.''

How ironic—and how pathetic.

As national legislators, as U.S. Representatives, we can and should do better. We should reject this bill.

Mr. DINGELL. Mr. Chairman, I rise in strong opposition to H.R. 2389. Here we are again considering needless court-stripping legislation that would destroy our constitutional system of checks and balances. This time we wrap it in the flag and call it the Pledge Protection Act.

We dealt with this same legislation two years ago, and it failed to become law. I ask my colleagues, why are we bringing this same legislation up for consideration again 2 years later?

Could it be an election year? Could my colleagues in the majority want to rally a certain part of their base? The real question is whether the majority will put election year political concerns ahead of the good of the Nation? Unfortunately, with this action, it looks like the answer is yes.

This is another extraordinary piece of arrogance on the part of the House of Representatives to pass legislation which would strip American citizens of their right to access the Federal courthouse. Can you imagine anything more shameful than telling an American citizen you cannot go into court to have your concerns addressed, heard by the courts of your Nation?

The right for a citizen to access the courts to decide questions of policy is as old as the Magna Carta, and it is important to us as anything else in the Constitution. Here we calmly say, ''You cannot have access to the Federal courts, including the Supreme Court.'' Shame, shame, shame, shame.

This is a precedent which is going to live to curse us, and we are going to live to regret this day's labor because other precedents will be following this, wherein we strip the rights of citizens under the Second Amendment, the thirteenth, fourteenth, and fifteenth amendments.

The Congress has considered these kinds of questions before. It is to be anticipated if this works, we can look to see this kind of abusive legislation considered in this body again. And you can be certain that somebody is sitting out there now thinking of new rights we can strip because we disagree with them.

I do not believe that we should strip the Federal courts of jurisdiction when it comes to issues related to the Equal Protection Clause of the Constitution. It drastically interferes with the separation of powers between the three branches of our government.

While I will always defend the autonomy and the power of the legislative branch, the principle of judicial review that Chief Justice John Marshall set out in the 1803 decision Marbury v. Madison is law. This landmark case established that the Supreme Court has the right to pass on the constitutionality of an act of Congress. To whittle away one of the bedrock powers of the judicial branch is wrong for the Union and wrong for our citizenry.

Tinkering with the foundation of our judicial branch could come back to haunt us. You can be almost certain with the passage of this legislation that there are interests out there deciding what other rights can be stripped of American citizens because we disagree with them. Maybe a future Congress will want to strip court challenges to gun control legislation by gun owners or sportsmen.

Mr. Chairman, we live in one Nation, under God, with liberty and justice for all. If we pass this bill, we begin to hollow out the true meaning of the pledge, the Constitution and what it means to live in this great Nation.

Like I did 2 years ago, I strongly oppose this legislation and urge my colleagues to do the same.

Mr. HOLT. Mr. Chairman, I rise in opposition to H.R. 2389, which would strip from the federal courts and the Supreme Court the ability to hear any cases related to the Pledge of Allegiance. This bill eliminates the basic principle of judicial review that was established by the Supreme Court in Marbury v. Madison back in 1803.

This bill should not have come to the floor today because it seeks to make a dangerous change to our Nation's system of checks and balances. For that reason, this bill was rejected by the House Judiciary Committee. Yet, the Majority has brought it up today to intentionally divide the House. This is not the first time. We have seen this before. In September two years ago, we had this same vote, and I opposed it then.

The judiciary was designed to be the one branch of the federal government that is insulated from political forces. This independent nature enables the federal judiciary to thoughtfully and objectively review laws to ensure that they are in line with the Constitution. Throughout the development of our Nation, this check has been vital to protecting the rights of minorities.

Although the Constitution gives Congress the power to limit the jurisdiction of the federal judiciary and the appellate jurisdiction of the Supreme Court, I am certain that the founding fathers did not intend for Congress to use this power to shape the jurisdiction of the courts along ideological lines. This legislation will set a dangerous precedent by allowing Congress to avoid judicial review so that it can pass legislation that it thinks may be unconstitutional. This is a clear abuse of Congressional authority and a cynical attempt to question the patriotism of Members of this institution.

Like every Member of this body, I am proud to recite the Pledge of Allegiance as a way to express my loyalty to this Nation and its

founding principles. I make it a point during my town meetings in New Jersey to lead my constituents in reciting the Pledge of Allegiance. I share the view of many Members that the current text of the Pledge of Allegiance is constitutional including the phrase ''under God''. I expressed my support for the Pledge in its current form when I joined many of my colleagues in voting for a resolution that urged the Supreme Court to recognize the constitutional right of children to recite the pledge in school. That resolution was an appropriate way for me, as a Member of Congress, to express my belief in the constitutionality of the Pledge of Allegiance.

Unfortunately, those who support this legislation seek to alter our delicate system of checks and balances and make their own decisions unchallengeable—as if they were infallible. They are attempting to alter the intended framework of our government, which has met the needs of a diverse population and allowed us to remain indivisible in times of crisis for more than 200 years. We should not make this dangerous change to upset the balance of power established by our Founding Fathers and enshrined in the Constitution.

I urge my colleagues to oppose this bill.

Mr. BONNER. Mr. Chairman, I rise today in support of H.R. 2389, ''The Pledge Protection Act.''

As I rise to address this body, I am reminded by the words above the Speaker's chair, ''In God We Trust'' and the significance those words hold for our great Nation. From the unalienable rights that Mr. Jefferson penned in the Declaration of Independence to the money that is minted just blocks from this Chamber, our Nation has and will continue to publicly recognize God's providence and guidance. However, the recognition of God contained within the Pledge of Allegiance has provided leverage for some courts to claim that reciting our Pledge is unconstitutional.

In 1954, this body recognized the need to add the phrase ''under God'' to our Pledge and for 46 years this was hailed by Americans and remained uncontested. Yet in 2002, these two words were exploited by courts claiming that it is unconstitutional for the Pledge of Allegiance to remain a part of American life. Congress acted swiftly to reverse the damage caused by such a ruling and preserve the patriotic act of reciting the Pledge. In 2002, both Houses of Congress overwhelmingly supported resolutions rebuking the court and upholding the Pledge of Allegiance. However, Congress failed to invoke our authority to prevent activist courts from destroying the American institution that is the Pledge of Allegiance.

The Pledge embodies our patriotism and must be preserved. It serves to remind this body, at the beginning of each daily session, of our devotion to country. Protecting the Pledge ensures that the ideals of America will continue for generations to come.

Mr. Chairman, I urge my colleagues to join with me in support of this bill to prevent the federal judiciary from hearing cases against the Pledge of Allegiance.

Mr. SHAYS. Mr. Chairman, today, I urge my colleagues to vote against H.R. 2389, the Pledge Protection Act.

The phrase ''under God'' belongs in our Pledge of Allegiance to the Flag of the United States of America and the words In God We Trust belong on our currency. The Ninth Circuit Court of Appeals made a serious error in Newdow v. U.S. Congress when they declared our Pledge unconstitutional.

When the phrase under God was added to the Pledge of Allegiance in 1954, I was in elementary school and remember feeling the phrase belonged there. It appropriately reflects the fact that a belief in God motivated the founding and development of our great Nation.

The Declaration of Independence states, ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights . . .'' Our forefathers understood it was not they, but He, who had bestowed upon all of us those most cherished rights to life, liberty and the pursuit of happiness upon which our model of government is based.

At Gettysburg, President Abraham Lincoln acknowledged we were a Nation under God and, during his Second Inaugural Address, he mentioned our Creator 13 times.

Those historic speeches, the Pledge of Allegiance, our currency and the Declaration of Independence are not prayers or parts of a religious service. They are a statement of our commitment as citizens to our great Nation and the role God plays in it.

Our founders envisioned a government that would allow, not discourage or punish, the free exercise of religion and we are living their dream.

I oppose the Pledge Protection Act because I have faith in our Constitution and do not believe we should preclude judges from hearing issues of social relevance, simply because we may disagree with their ultimate decisions.

While the courts may, from time to time, produce a ruling we question, the principle of judicial review is essential to maintaining the integrity of our system of checks and balances and I fear the path we appear to be on. We are a Nation under God, and in Him we trust.

Mr. CARDOZA. Mr. Chairman, I rise in opposition to H.R. 2389, the Pledge Protection Act.

While I strongly support the Pledge of Allegiance and the use of the term under God, I oppose this misguided legislation because it would strip all federal courts, including the Supreme Court, of the jurisdiction to hear First Amendment challenges to the Pledge of Allegiance.

In the process, this legislation would strip federal courts of their important role in safeguarding Constitutional rights and freedoms. It will also work to undermine public confidence in the federal courts by expressing outright hostility to their role as a neutral arbiter of constitutional claims.

Through passage of this legislation, this body is endorsing the dangerous premise that Congress is above the Constitution. So in response, I ask my colleagues this question: do you believe our founding fathers designed the Constitution to protect the people from their government, or to regulate the conduct of its citizens?

I submit that if we strip federal courts of their judicial independence, nothing stops Congress from preventing courts to rule on other freedoms protected in our Bill of Rights, including freedom of speech, the right to bear arms, freedom of worship and freedom to assemble. Is that really the precedent we want to establish?

I believe we need our judicial system to protect our rights—and this bill prohibits the courts from doing just that. Indeed, I believe enactment of this legislation would have a dramatic impact on the ability of individual Americans to be free from government-coerced speech or religious expression.

In our system of democracy, our government works on a system of checks and balances. Instead of stripping power from the courts, I believe we should follow the process prescribed in our Constitution—consideration of a Constitutional amendment. In fact, as a member of the California Legislature, I passed a bill calling on Congress to pass a Pledge protection amendment, and I believe that is the appropriate way to address this issue.

I happen to believe that the inclusion of the term under God in the Pledge is appropriate and constitutional. Further, should the Supreme Court ever rule that the term is unconstitutional, I would vote for a constitutional amendment to it ensure its presence. I support the Pledge because it is an important part of our American fabric, and an important symbol of the rights our founding fathers fought so desperately to preserve—liberty and justice for every American.

But our justice is protected by our independent judiciary. Let us keep it that way for all Americans. Oppose this bill and support and protect our Constitutional rights.

Mr. BLUMENAUER. Mr. Chairman, I oppose the ''Pledge Protection Act'' because of its potential ramification for the judicial process. This legislation seeks to prohibit all federal courts, including the Supreme Court, from hearing any case that challenges the constitutionality of the Pledge of Allegiance.

This legislation is a response to recent challenges in the 9th Circuit Court involving the statement ''under God.'' While I do not agree with the court's decision, we are heading down a slippery slope when we authorize Congress to use its power over the courts to limit jurisdiction of constitutional challenges.

This seemingly bipartisan legislation is another attack on our principles of civil liberties and equal protection, just as we saw on yesterday's vote on the ''Marriage Protection Act,'' to please the most extreme of the Republican base. It is not worth undermining our system of checks and balances.

Yesterday, the state's domestic laws; today, the Pledge of Allegiance; tomorrow . . .?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to H.R. 2389, the Pledge Protection Act of 2005.

This bill precludes any Federal judicial review of any constitutional challenge to recitation of the Pledge of Allegiance—whether it be in the lower Federal courts or in the highest court in the land, the U.S. Supreme Court. Effectively, if passed, this extremely vague legislation will relegate all claimants to State courts to review any challenges to the pledge. This possibility will lead to different constitutional constructions in each of the 50 States.

The only way to make this bill palatable is to adopt the Jackson-Lee amendment, which provides for an exception to the bill's preclusion for cases that involve allegations of coerced or mandatory recitation of the Pledge of Allegiance, including coercion in violation of the First Amendment or the Equal Protection clauses. Opposing the Jackson-Lee amendment is tantamount to endorsing the coercion of children to mandatory recitation of the Pledge of Allegiance.

Closing the doors of the Federal courthouse doors to claimants will actually amount to a

coercion of individuals to recite the pledge and its ''under God'' reference in violation of West Virginia State Board of Education v. Barnette. In Barnette, the Supreme Court struck down a West Virginia law that mandated school children recite the Pledge of Allegiance. Under the West Virginia law, religious minorities faced expulsion from school and could be subject to prosecution and fines, if convicted of violating the statute's provisions. In striking down that statute, Justice Jackson wrote for the Court:

''To believe in patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds . . . If there is any fixed star in our constitutional constellation, it is that no official, high, or petty can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.''

H.R. 2389 would strip parents of their right to go to court and defend their children's religious liberty. If this legislation is passed, schools could expel children for acting according to the dictates of their faith and Congress will have slammed the courthouse door shut in their faces. When I was a child, I always wondered why, when the rest of the class recited the Pledge of Allegiance, one little girl always sat quietly. Today, I understand that it was because she was of the 7th Day Adventist faith and therefore reciting the ''under God'' provision would force her to undermine her religious faith. If H.R. 2389 were law back then, the school administrators could have forced her to say the pledge and she would have no recourse in the Federal courts.

The problem with this bill is that it does not protect religious minorities, Mr. Chairman.

Article III, Section I of the U.S. Constitution vests ''the Judicial Power of the United States . . . in one supreme court.'' The list of subject matter areas which the Federal courts have the power to hear and decide under section 2 of Article III establishes that, ''The Judicial power shall extend to all cases . . . arising under this Constitution.'' For over 50 years, the Federal courts have played a central role in the interpretation and enforcement of civil rights laws. Bills such as H.R. 2389 and the Federal Marriage Amendment we debated yesterday are bills to prevent the courts from exercising their article III functions and prohibiting discrimination. We cannot allow bad legislation such as this to pass in the House, and thereby eviscerate the Constitution and the values upon which this nation was originally founded. In the 1970s, some Members of Congress unsuccessfully sought to strip the courts of jurisdiction to hear desegregation efforts such as busing, which would have perpetuated racial inequality. We did not allow it then, and we should not allow it now.

H.R. 2389, as drafted, insulates the Pledge of Allegiance as set forth in section 4 of title 4 of the United States Code from constitutional challenge in the Federal court. The Jackson-Lee amendment protects children from being coerced or forced into reciting the Pledge of Allegiance against their will.

However, the statute and the pledge are subject to change by future legislation bodies. This means that if some future Congress decides to insert some religiously offensive or discriminatory language in the Pledge, the matter would be immune to constitutional challenge in the Federal courts.

Mr. Chairman, I ask unanimous consent to place in the RECORD a copy of a letter dated July 18, 2006 from the American Bar Association which supports my claims.

Mr. Chairman, I ask that my colleagues vote to protect religious minorities, vote to protect judicial review, vote to protect separation of powers, and vote to protect access to the Federal courts. I urge my colleagues to vote against H.R. 2389.

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I support our national Pledge of Allegiance 100 percent. I strongly believe the Pledge teaches America's children national pride and a sense of civic responsibility.

However, I oppose H.R. 2389, the ''Pledge Protection Act.'' This bill is merely a reaction to one federal case: Newdow vs. U.S. Congress.

The 9th Circuit Federal court in Newdow held that the Pledge of Allegiance violated the Established Clause of the Constitution. The court ruled that the phrase ''one nation under God'' within the Pledge impermissibly takes a position with respect to the identity and existence of God.

I disagree with the 9th Circuit's ruling in the Newdow case. However, I don't believe the way to protect the Pledge of Allegiance is by banning all federal courts from hearing cases dealing with the Pledge, which is what H.R. 2389 does. H.R. 2389 goes way too far. In fact, it violates the Constitution and the very spirit of the Pledge itself.

The federal courts, not the United States Congress, have the power to interpret and enforce rights protected under the Constitution. That is what the famous Marbury vs. Madison case was all about: separation of powers. But, H.R. 2389 violates the constitutional separation of powers principle, because it strips all federal courts of their power to make rulings on an individual's right to choose whether to recite the Pledge of Allegiance.

To ensure that America remains an indivisible and proud Nation, it is very important that we protect the Pledge of Allegiance, but it is even more important that we do not violate the Constitution and undermine the federal courts to do so.

Therefore, I oppose H.R. 2389.

Mr. TIAHRT. Mr. Chairman, I rise today in strong support of H.R. 2389, The Pledge Protection Act, offered by Representative TODD AKIN.

This legislation protects our Pledge of Allegiance by preventing radical judges and liberal lawyers from questioning the constitutionality of the phrase ''under God.''

The preamble of the Declaration of Independence states: ''We hold these Truths to be self-evident, that all Men are created equal, that they are endowed, by their Creator, with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.''

Our national motto is: ''In God We Trust.''

The opening announcement at the United States Supreme Court is: ''God save the United States and this honorable court.''

Unless there is a law limiting the jurisdiction of Federal courts, we will continue to see lawsuits such as the one that is trying to ban the Pledge of Allegiance in schools because it mentions ''One nation under God.''

The Constitution gives Congress the power to limit the jurisdiction of Federal courts in Article III, Section 2. Maintaining checks and balances on the power of the Judiciary Branch and the other two branches is vital to keep the form of government set up by our Founding Fathers.

I am proud to be a co-sponsor of The Pledge Protection Act and will vote in favor of this legislation.

God Bless America!

Mrs. MALONEY. Mr. Chairman, I rise today in strong opposition to H.R. 2389, the ''Pledge Protection Act.''

This legislation represents an attempt by the Majority to strip the federal courts of jurisdiction over yet another important issue. The effect of H.R. 2389 would be to prevent individuals who have legitimate cases from ever reaching a courtroom. The U.S. Constitution clearly states that a separation of powers, ensured by a system of checks and balances established by our Founding Fathers more than 200 years ago, must exist among the three branches of government. What the proponents of this bill want to do is to tell the courts what cases they can and cannot hear.

This bill is wrong and costs too high a price. I urge my colleagues to vote ''no'' on H.R. 2389.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 2389

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pledge Protection Act of 2005''.

SEC. 2. LIMITATION ON JURISDICTION.

(a) IN GENERAL.—Chapter 99 of title 28, United States Code, is amended by adding at the end the following:

''§ 1632. Limitation on jurisdiction

''(a) Except as provided in subsection (b), no court created by Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, the Pledge of Allegiance, as defined in section 4 of title 4, or its recitation.

''(b) The limitation in subsection (a) does not apply to—

''(1) any court established by Congress under its power to make needful rules and regulations respecting the territory of the United States; or

''(2) the Superior Court of the District of Columbia or the District of Columbia Court of Appeals;''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 99 of title 28, United States Code, is amended by adding at the end the following new item:

''1632. Limitation on jurisdiction.''.

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109–577. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. WATT

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109–577.

Mr. WATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. WATT:

Page 2, lines 12 and 13, strike '', and the Supreme Court shall have no appellate jurisdiction,''.

The CHAIRMAN. Pursuant to House Resolution 920, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Mr. Chairman, in many ways my amendment is quite simple. It simply preserves the authority of the United States Supreme Court to do its job. My amendment, however, is fundamental in its simplicity because it reflects the cornerstone of our constitutional framework, a framework that recognizes three coequal branches of government, each with its own area of responsibility, each serving as a check and balance on the others.

For over 200 years, the separation of powers doctrine has worked well, vesting the legislative power with the Congress, the executive power with the President, and the judicial power with the Supreme Court and other inferior Federal courts. At the pinnacle of the judiciary is and has been the one Court mandated by the Constitution, the United States Supreme Court.

I have offered this amendment before, and I offer it today because the very idea of Congress unilaterally cutting off all Federal court review of a constitutional issue is both unprecedented and likely unconstitutional, but it is also impractical and imprudent.

Despite the substantial body of scholarship that suggests that Congress does not have the authority to strip the Supreme Court of this appellate jurisdiction in the manner proposed by this bill, let's for the sake of argument concede that it does have that authority, and let me address the imprudence of this bill.

As legislators exercising the legislative power committed to us by the Constitution, the compelling question is: Why would we want to do what this bill would have us do? What could possibly motivate this Congress to adopt this bill as sound public policy? How does this bill do anything to protect the Pledge of Allegiance? What respect does it show for our venerable institutions? How does it unify us as a Nation?

I suggest to you that this bill makes the Pledge far more vulnerable to assorted, distasteful interpretations than the current law that exists at present.

I appeal to our common sense. Under the bill as drafted, the likelihood that different opinions on the Pledge will issue from State, territorial and the District of Columbia courts is either ignored or deliberately sheltered from challenge. Rather than protect the Pledge of Allegiance, this bill invites a patchwork of interpretations from all over the country.

What if your State is the State that determines that your child can no longer recite the words ''under God'' in the Pledge? Will you move to a neighboring State? Move across the country? Wherever you find a friendly State interpretation? But what if there is no Federal constitutional determination, and State legislatures are left to change the law upon acquiring the appropriate majority. Would you become a nomad? Would you move from State to State in search of the right position for your child?

The bill eliminates every single recourse that you have. It establishes a mechanism under which an individual's Federal rights would depend entirely on the happenstance of location. Ultimately coercing children to recite the Pledge without the language ''under God'' may be prohibited in one place but not another. Constitutional protections could be strong in one State and weak or nonexistent in another.

My amendment would restore the obligation of the Supreme Court to exercise its role as the final arbiter of the Constitution. Even if the proponents of this measure believe the Federal, district, and circuit courts of appeal should be removed from the process, the role of the U.S. Supreme Court in establishing uniform standards to apply to all Americans wherever they reside should certainly be protected.

I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman's time has expired.

Mr. AKIN. Mr. Chairman, I rise to claim the time in opposition to the amendment, and I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman for yielding this time and for his leadership on this issue.

This issue that is in front of us today is an example of congressional restraint, congressional restraint with regard to a court that is out of control.

The Ninth Circuit Court has thrown it back at this Congress time and time again, and the activism that has taken place out there in the ninth circuit brings me to some things that would be more drastic solutions to this than this very careful, very narrow, very gently defined legislation that we have before us. It only deals with the words ''under God'' in the Pledge.

We could do far more. In fact, I voted to split the ninth circuit in half. I would vote to abolish them if they continue this kind of behavior, throwing this into the face of the American people. We are not doing that. We are very carefully, very narrowly addressing something that the American people are asking for, very well within the jurisdiction of the United States Congress. And any Member who votes against this legislation may have their opinions, as Mr. WATT does, that they are either knowingly or inadvertently or perhaps even willfully conceding some power and authority this Congress has to control the courts.

In the end, it is the Congress that controls the courts. It is not three separate but equal branches. In the end, the congressional structure is set up for the Congress to determine the final authority over the judicial branch of government through the pursestrings. For all of our judicial courts and all of our appellate courts, everything is a creature of Congress, except the Supreme Court, which is also a creature of Congress, but established by the directive and the mandate of the Constitution.

Mr. Chairman, we have the authority to do this. It is a very narrowly and carefully defined piece of legislation.

The Watt amendment is a gutting amendment. It kills the bill. It hands this authority over to the Supreme Court, which is our very number one concern. We simply want to, with legislation, reflect the values of the American people, reflect the values of the history and the legacy of our Founding Fathers, and our rights that come from God within this Pledge. I urge we oppose the Watt amendment.

Mr. AKIN. Mr. Chairman, I yield myself the balance of my time.

Essentially what our bill does, if you want to put it in a simple word picture, we are creating a fence. The fence goes around the Federal judiciary. We do that because we don't trust them. We don't trust them because of previous decisions and because of the simple fact that there are not five votes on the Supreme Court to protect our beloved Pledge of Allegiance. And 80 percent to 90 percent of Americans would like to leave the Pledge of Allegiance the way it is.

So what does this amendment do? This amendment simply opens a big hole in the fence. So the gentleman from Iowa was absolutely right: this is a gutting amendment. There is absolutely no reason to pass the bill if this amendment were to pass. We simply allow the Supreme Court to come in whenever they choose, turn the first amendment upside down and simply say to kids, you are not allowed to say the Pledge of Allegiance, and we are going to use the first amendment from now on as a weapon instead of for free speech to censorship on the courts.

So I am not persuaded by the pious hand-wringing of liberal activists who flinch not at the courts' unfettered march to create some imagined utopia at the expense of the separation of powers. It is time for us to do our job as Congressmen. It is time to assert ourselves, that we will not give unchecked legislative authority to the courts. We have been too long rolling

over to them. It is time to stand up and say on the Pledge of Allegiance, enough is enough.

Mrs. BIGGERT. Mr. Chairman, I rise today in support of the Watt Amendment, which would restore the Supreme Court's jurisdiction over questions related to the Pledge of Allegiance.

The Pledge of Allegiance is an important expression of our shared values, and it should be preserved in its current form. I fully support the Pledge of Allegiance and urge my colleagues to do the same.

The intent of this bill is good. In fact, I was a cosponsor of this bill in the 108th Congress. However, that was before the provision was added to restrict the Supreme Court from hearing cases involving the Pledge of Allegiance. The bill we vote on today again strips the Supreme Court's jurisdiction over this important constitutional issue.

I recognize that Congress clearly has the authority under Article III of the Constitution to define the jurisdiction or the federal district and appellate courts. But constitutional scholars say there is no direct precedent for making exceptions to the appellate jurisdiction of the Supreme Court.

I would caution my colleagues to think twice before tampering with authorities clearly granted in the Constitution. The issue today may be the Pledge, but what if the issue tomorrow is Second Amendment rights, civil rights, environmental protection, or a host of other issues that members may hold dear?

I would also ask my colleagues, do we really want 50 different versions of the Pledge of Allegiance? I certainly don't think so.

The Watt amendment would restore to the bill the Supreme Court's jurisdiction over questions related to the Pledge of Allegiance, changing the bill back to the way it was originally introduced in the 108th Congress when I was a cosponsor.

I revere the Constitution and the Pledge of Allegiance. I believe that ''Under God'' are two of the most important words in the Pledge. I also believe that the Supreme Court should be the final arbiter of all federal questions. That's why I urge you to support the Watt Amendment to the Pledge Protection Act.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WATT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109–577.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. JACKSON-LEE of Texas:

Page 3, line 2, insert after ''recitation'' the following: '', except in a case in which the claim involved alleges coerced or mandatory recitation of the Pledge of Allegiance, including coercion in violation of the protection of the free exercise of religion''.

The CHAIRMAN. Pursuant to House Resolution 920, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would imagine that Members across the campus in their offices and maybe even committee rooms are moved by the impassioned pleas by my friends on the other side of the aisle, so I want to make a pledge, and that is that I have stood on the floor of the House and acknowledged the importance of having our schoolchildren and others of America acknowledge and say the Pledge of Allegiance every single day. I stand by that statement.

What bothers me is when Members come to the floor and vote, they will look to the name of the proponent and they will simply vote ''no.'' They will not understand the crux of the debate. They will not understand the sheer quarrel or the sheer amazement that we have with this particular legislation in the first place.

This legislation deals with the idea of protecting the Pledge of Allegiance by denying access to the courthouse. My amendment is simple. It gives real meaning to the Pledge of Allegiance and the patriotism that is felt when it is recited by making it clear that no one can be forced or coerced to recite the Pledge of Allegiance or retaliated against for not reciting it in those cases where doing so violates one's religious beliefs.

What is the hindrance of Members agreeing to allow one to be able to access the courts on the simple ground that it violates one's religious beliefs?

□ 1345

In this way, my amendment ensures that the Pledge of Allegiance is being recited freely, voluntarily and without coercion or fear of retaliation. In this way, a recited Pledge of Allegiance remains sacrosanct, and our national commitment to religious freedom is preserved.

Might I cite for my friends a quote from President Reagan, the great communicator himself, who said in 1983, ''The first amendment of the Constitution was not written to protect the people of this country from religious values, it was written to protect religious values from government tyranny.''

What I would suggest is to close the courthouse door is an example of government tyranny. It means that if my 6-year-old friend by the name of Hazel, who had a religious belief, whose family had a religious belief, who was allowed to sit silently in her seat when all of us stood to say I pledge allegiance, that little girl, if forced by any school system to do so, now has the courthouse door closed to her.

It means that we are ignoring the West Virginia State Board of Education versus Barnett case that mandated that school children recite the Pledge of Allegiance. This was done in West Virginia. Under West Virginia law, persons who on religious grounds refused to recite the Pledge faced expulsion from school. But Justice Jackson wrote, ''To believe patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institution to free minds.''

Mr. Chairman, I have said it is good and good news to say the Pledge and to have our school children say the Pledge. This amendment is very clear. It does nothing to this particular legislation, other than to say that if your grounds are religious based, based on religion, based on your defined religious beliefs, why are you denying them the right to go into the courthouse on religious beliefs only?

That is the question that clergy are asking across America. That is the question that the American Bar Association, representing lawyers of all political persuasions, are asking at this time.

And I beg of my colleagues to understand that we are protectors of liberty. We are protectors of the first amendment. We are not to denounce the first amendment. We are not to ignoring the first amendment. We are not to stomp on the first amendment. And I would beg to say that if we call ourselves protecting the flag, the very flag that soldiers in Iraq and Afghanistan are now on the battlefield shedding their blood, veterans, and we would deny Americans the right to utilize the constitutional branch of government created by the Constitution and created by this body.

Shame on us if we cannot accept the entreaty of a little girl named Hazel, who sat next to me in a school a few short years ago, I might add, lonely, unprotected, fearful, sitting isolated while we stood to say the Pledge. I am grateful that I had a teacher that understood that we would not stigmatize her, discriminate against her, and she had her freedom.

This is an important amendment to ensure that all of our freedom is protected. I ask my colleagues for a vote for religious freedom and liberty and to allow the Jackson-Lee amendment to go forward.

Mr. Chairman, I have an amendment at the desk. I thank the members of the Rules Committee for allowing this amendment to go forward.

Mr. Chairman, my amendment gives real meaning to the Pledge of Allegiance and the

patriotism that is felt when it is recited by making it clear that no one can be coerced or forced to recite the Pledge, or retaliated against for not reciting it in those cases where doing so violates one's religious beliefs. In this way, my amendment ensures that the Pledge of Allegiance is being recited freely, voluntarily, and without coercion or fear of retaliation. In this way, a recited Pledge of Allegiance remains sacrosanct and our national commitment to religious freedom is preserved.

Mr. Chairman, my amendment draws inspiration from President Reagan, the Great Communicator himself, who said in 1983:

The First Amendment of the Constitution was not written to protect the people of this country from religious values; it was written to protect religious values from government tyranny.

H.R. 2389 precludes Federal judicial review of any constitutional challenge to recitation of the Pledge of Allegiance—whether it be in the lower Federal courts or the U.S. Supreme Court. My amendment does not disturb this legislative judgment except in the limited instance of cases involving claims of coercion and mandatory recitation. In other words, my amendment is intended to protect religious values from government tyranny. Nothing less, nothing more.

Mr. Chairman, in West Virginia State Board of Education v. Barnett, the Supreme Court struck down a West Virginia law that mandated schoolchildren recite the Pledge of Allegiance. Under West Virginia law, persons who, on religious grounds, refused to recite the Pledge faced expulsion from school and could be prosecuted and fined for violating the statute. In striking down that statute, the great Justice Robert Jackson wrote for the Court:

To believe patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds . . . If there is any fixed star in our constitutional constellation, it is that no official, high, or petty can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

Mr. Chairman, my amendment is important for another reason. H.R. 2389, as drafted, insulates the Pledge of Allegiance from constitutional challenge in Federal court.

However, the pledge itself is subject to change by future legislative bodies. This means that if some future Congress decides to revise the Pledge to include religiously offensive or discriminatory language in the Pledge, the authority of the government to compel a person to recite that Pledge could not be challenged in Federal court. None of us would want that to happen. My amendment ensures that it won't.

Mr. Chairman, my amendment protects religious minorities. My amendment protects judicial review. My amendment protects the separation of powers. My amendment strengthens the Pledge by ensuring that it recited voluntarily. My amendment ensures that the Pledge, like the oath all Members of Congress take, is ''given freely, without mental reservation or purpose of evasion.'' I urge all Members to support the Jackson-Lee amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentlewoman's time has expired.

Mr. AKIN. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. AKIN. Mr. Chairman, I yield 3 minutes to my distinguished colleague from Arizona, TRENT FRANKS.

Mr. FRANKS of Arizona. Mr. Chairman, may I first remind all of us of words we each spoke not so long ago.

''I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God.''

Mr. Chairman, when we swore this oath, we did not say that we would protect the Constitution from everyone except rogue judges.

The issue that brings us to the floor this day is an act on the part of the Ninth Circuit that ruled that the words ''under God'' in a voluntary Pledge of Allegiance by our school children is unconstitutional.

It astonishes me, Mr. Chairman, that we even have to address such an insane conclusion. I truly believe that if we had lived in the days of the Founding Fathers and accused them of intending to outlaw school children from saying the words ''under God'' in their voluntary Pledge of Allegiance, they would have challenged us to a duel for impugning their honor in such an egregious and outrageous fashion.

Mr. Chairman, when judicial supremacists on the bench desecrate the very Constitution that they are given charge, the sacred charge to defend, those of us in this Congress who have also made an oath to defend the Constitution must respond accordingly.

The Constitution of the United States, Mr. Chairman, does not prohibit school children from saying the words ''under God'' in a voluntary Pledge of Allegiance. It is that fundamentally simple.

Indeed, the Constitution does say that the Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Mr. Chairman, when the Ninth Circuit decision said school children cannot voluntarily say the words ''under God'' in their Pledge of Allegiance, these judges, sir, were prohibiting the free exercise thereof.

This legislation would take such a decision away from such rogue judges.

Mr. Chairman, if Congress forsakes their oath and their duty to defend the Constitution and allows this magnificent document to fall prey to activist judges, we relegate this Republic to an arrogant judicial oligarchy. It is an abrogation of our oath of office and it tramples on the blood of our Founding Fathers and the soldiers who died to give us America and her rule of law.

There would be nothing left to us at that point but to board up the windows in this building and go home and quit pretending to be defenders of the United States Constitution or representatives of the greatest Republic in the history of humanity.

Mr. Chairman, it is not too late. I urge this amendment be rejected, and the bill be passed as written.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

Ms. JACKSON-LEE of Texas. Mr. Chairman, in the spirit of reflection of this disastrous bill, I ask unanimous consent to withdraw my rollcall vote only because I believe that we would denigrate the protection of religion even further by subjecting my very good amendment to a rollcall vote. It should be already included in this.

The CHAIRMAN. Without objection, the gentlewoman's request for a recorded vote is withdrawn, to the end that the amendment stands rejected by voice vote.

There was no objection.

So the amendment was rejected.

AMENDMENT NO. 3 OFFERED BY MR. AKIN

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109–577.

Mr. AKIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. AKIN:

Add at the end the following:

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date of the enactment of this Act and apply to any case that—

(1) is pending on such date of enactment; or

(2) is commenced on or after such date of enactment.

The CHAIRMAN. Pursuant to House Resolution 920, the gentleman from Missouri (Mr. AKIN) and a Member opposed each will control 5 minutes.

Mr. NADLER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from New York will control the 5 minutes in opposition.

The Chair recognizes the gentleman from Missouri.

Mr. AKIN. Mr. Chairman, could I just ask, is the other side going to be speaking on the amendment?

The CHAIRMAN. Mr. NADLER has claimed the 5 minutes in opposition, so I assume he is going to speak.

Mr. AKIN. That is a good assumption.

Mr. Chairman, the purpose of this amendment and the reason it was added, to some degree in a last-minute nature, was because of the Hamden decision. The Hamden decision, a majority of the Supreme Court on an Article III, section 2 question said that because a particular issue, in this case it was Gitmo, was being considered in the courts, that the article III, section 2 language didn't apply.

Now, this is completely inconsistent with all previous rulings of the Supreme Court. But we thought, just to be safe, that what we would do here would be to add language that makes it clear that not only does this bill consider any future cases that are brought before the court, the Federal courts, but also existing cases, in this case, again, the challenge to the Pledge that is already in the Federal court system and is before the Ninth Circuit out in California and some of the States in the West. So that was the reason for this technical and perfecting amendment, certainly to clarify, just simply to clarify that this bill would apply not only to future legislation but cases that are currently before the Court.

Along those lines, I think it is very important for us to once again affirm the importance of our discussion and our debate here today. It is ultimately the job of the legislative branch and the executive branch to provide some check and balance on the Supreme Court.

There would be no argument from me if the Supreme Court based all of their decisions on the rules, that is the U.S. Constitution. However, the Supreme Court has gone beyond that increasingly, and it is our concern that they will go well beyond the U.S. Constitution in considering this case.

We have every reason to believe that we do not have five Justices that will support the Pledge. We have every reason to believe that the Pledge could easily be struck, and it is for that reason that this bill has been introduced.

Now, some would say that, in fact I believe the minority leader called what is going on on this floor a charade. I think that is a rather harsh way of describing people that have a genuine interest in the Pledge of Allegiance, have a genuine interest in the heart of what this good Nation was based on, the idea that there is, in fact, a God that grants basic inalienable rights to all people, and that the job of government is to protect those basic rights.

Part of that U.S. Constitution includes the first amendment, and the first amendment has to do with free speech. I can understand the use of the first amendment to say to someone, you are not required to give an oath that you don't believe in. But I cannot understand how you can look at free speech as a tool to censor school children across America from saying that they cannot, they are going to censor the Pledge of Allegiance, they cannot say the Pledge of Allegiance.

This is the time for this Congress to stand up, to be strong, and to take notice of the fact that the Court will no longer be making these forays of absolutely unchecked legislative decisionmaking. And it is time for us to stand up and say no to a Court that is effectively trying to create their own set of rules instead of reading the U.S. Constitution.

Mr. Chairman, I think that there is good evidence from the way that the Court has handled the fifth amendment in allowing the redistribution of private property willy nilly, without a government purpose, I think there is good reason to be concerned as the Court has taken to itself a power to tax, which is unconstitutional. There is good reason for us to be concerned about the Court's overrunning their constitutional bounds.

It is time for us to show the backbone to stand up to the Court. It is time for us to say no to this unregulated, general legislative authority.

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

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are now down to the heart of the matter. This entire spectacle is aimed at a possible decision by one Court that the directed recitation by school children under the instruction of their teacher of the phrase ''under God'' may violate the first amendment rights of those children.

Let's be clear. Nowhere in the United States is the use of the phrase ''under God'' prohibited in the public schools. In the only two cases in which the Court ruled that the directed recitation of the phrase ''under God'' violated the establishment clause, the Supreme Court vacated one ruling, and has issued a stay preventing the second ruling from interfering with the recitation of the Pledge.

For this we need to take a chain saw to the Constitution? For this we need to endanger the religious liberty of religious minorities like the Jehovah's Witnesses, who were thrown out of school because their religion barred them from saying the Pledge?

Only the Supreme Court protected their rights in violence against Jehovah's Witnesses that ensued.

This bill would not only prevent the Supreme Court from ruling on the constitutionality of directing school children to recite the phrase ''under God,'' it would also overturn the 1943 Supreme Court Jehovah's Witnesses case and allow the punishment or expulsion of school children for refusing to recite a pledge that violates their religion or their conscience.

□ 1400

We may be endowed, Mr. Chairman, by our Creator with certain unalienable rights, but people can, and routinely do, violate and take away those rights. That is why we need a Supreme Court, to protect these rights even when political majorities will not.

Supporters of this bill have candidly said they disagree with the Supreme Court, and that, in their opinion, the Supreme Court has gone beyond its powers, and that we, in effect, should overrule it and prevent them from ruling in these cases. We have heard this before. Look at the notorious ''Southern Manifesto'' against the Supreme Court decision in the Brown v. Board of Education 50 years ago: ''We regard the decisions of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal judiciary undertaking to legislate, in derogation of the authority of Congress, and to encroach upon the reserved rights of the States and the people.''

That is what we hear whenever people disagree with the Supreme Court, in the school desegregation cases and now. And this amendment makes the point of the bill explicit.

The sponsors are afraid of what the Supreme Court may do in a pending case on this subject that may come before them and therefore explicitly strip the Federal courts of jurisdiction even over a pending case. This is Congress saying to a specific plaintiff, we do not approve of your claim of a violation of your constitutional right; so we are going to shut the courthouse door in your face.

This is a dangerous enterprise. I respect my friend's concerns and his right to disagree with the courts, but we must not destroy our Constitution and the one independent bulwark of our liberty. I urge defeat of this bill.

Mr. Chairman, I yield for the purpose of making a unanimous consent request to the distinguished ranking member of the Judiciary Committee, Mr. CONYERS.

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

Mr. CONYERS. Mr. Chairman, I rise today to oppose this amendment and am against any amendment that would throw out any case currently pending in the Court.

This amendment would add language making it explicit that this already unconstitutional bill is effective immediately and applies to all pending and future litigation. As it currently stands, this bill does nothing to protect religious minorities from being coerced into reciting the Pledge, in violation of their First Amendment right of free speech. This amendment would effectively throw out any case that is currently pending in court in which a child's right to be free from religious persecution is being vindicated, and would slam the courthouse door shut in their faces.

H.R. 2389 as a whole is premature and should not be on our list of priorities.

What I find particularly troubling about this bill, setting aside all of the concerns that I have already stated, is its timing. It seems that my colleagues in the majority have lost sight of our priorities. At a time of record budget deficits and gasoline prices, when we are engaged in a quagmire in Iraq, when more than 45 million people are uninsured in this nation, and every day workers are seeing their pensions and health care benefits jeopardized,

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 benefitting 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.''

□ 1415

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 reentered 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 gentlewoman 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 unpitying 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 realty 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 people to make the occasion, and I want to salute as well the many persons, some of whom are nondescript, who help make it possible for a great people 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 reentry. 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.

□ 1430

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

percent of the vote, as did a 2005 ballot measure directing the city to donate the memorial property to the Federal Government.

The efforts of the city to vindicate the desires of the citizenry, however, have been stymied by one plaintiff and a few judges who find the city of San Diego's display of the decades-old memorial cross impermissible under the California Constitution.

H.R. 5683 vests title and possession of the Mt. Soledad Veterans Memorial, a national memorial honoring the war dead and veterans of the United States Armed Forces, in the United States. Once the memorial property belongs to the United States, the constitutionality of the property transfer, as well as the display of the cross as an element of the Mt. Soledad Veterans Memorial, will be determined under the establishment clause of the United States Constitution.

Applying the establishment clause to the government's display of religious symbols, the United States Supreme Court has determined that displays of religious symbols on government property are unconstitutional only if their purpose is entirely religious and they include no secular components.

Most recently the Supreme Court has determined that the establishment clause analysis of passive monuments like this one is driven by the nature of the monument and by our Nation's history. In the case of the Mt. Soledad Veterans Memorial, it is surrounded by a plethora of secular symbols. In fact, Mr. Speaker, there are some 1,700 memorials that make up this overall veterans memorial.

In accordance with the United States' long tradition of memorializing members of the Armed Forces who die in battle with religious symbols, the memorial cross serves a legitimate secular purpose of commemorating our Nation's war dead and veterans. Therefore, the display of the Mt. Soledad memorial cross on Federal property as part of a larger memorial is constitutional.

In fact, Mr. Speaker, we have many pictures of large crosses in national cemeteries and other national property or Federal property across this Nation, and we will display those at the appropriate time.

The memorial cross on Mt. Soledad is not only a religious symbol, it is a venerated landmark, beloved by the people of San Diego for over 50 years. It is a fitting memorial to all persons who have served and sacrificed for our Nation as members of the Armed Forces.

Passage of H.R. 5683 will preserve the beautiful memorial for the families of those who have died in service, for all current military servicemembers, for veterans, for the citizens of San Diego and for the Nation.

For the RECORD, Mr. Speaker, I would like to submit letters of support from Jerry Sanders, mayor of San Diego; San Diegans for the Mount Soledad National War Memorial; the American Legion; AMVETS; Veterans for Foreign Wars of the United States; Disabled American Veterans; the American Center for Law and Justice; and Robert and Sybil Martino, the parents of a soldier who gave his life in the war on terror and was honored for his sacrifice at the Mt. Soledad Memorial

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 19, 2006.

STATEMENT OF ADMINISTRATION POLICY—H.R. 5683—ACQUISITION OF MT. SOLEDAD VETERANS MEMORIAL

(Rep. Hunter (R) CA and two cosponsors)

The Administration strongly supports passage of H.R. 5683 to protect the Mount Soledad Veterans Memorial in San Diego. In the face of legal action threatening the continued existence of the current Memorial, the people of San Diego have clearly expressed their desire to keep the Mt. Soledad Veterans Memorial in its present form. Judicial activism should not stand in the way of the people, and the Administration commends Rep. Hunter for his efforts in introducing this bill. The bill would preserve the Mount Soledad Memorial by vesting title to the Memorial in the Federal government and providing that it be administered by the Secretary of Defense. The Administration supports the important goal of preserving the integrity of war memorials.

JULY 18, 2006.

Hon. DUNCAN HUNTER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HUNTER: As the U.S. House of Representatives prepares to consider the Mt. Soledad Veterans Memorial Protection Act (H.R. 5683), I write in support of this bill.

As you know, I have strongly voiced my support for maintaining the integrity of the Mt. Soledad Memorial as a multi-faceted site that recognizes veterans of all wars and all faiths.

H.R. 5683 provides that, ''The United States shall pay just compensation to any owner of the property for the property.'' As acknowledged in the legislation, ''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.''

I believe this legislation provides a possible means of preserving the integrity of the memorial and for that reason I support these efforts.

Sincerely,

JERRY SANDERS,
Mayor.

SAN DIEGANS FOR THE MOUNT SOLEDAD NATIONAL WAR MEMORIAL,
San Diego, CA, July 19, 2006.

Hon. DUNCAN HUNTER,
House Armed Services Committee,
Washington, DC.

DEAR CHAIRMAN HUNTER: San Diegans for the Mount Soledad National War Memorial applauds your efforts on behalf of the vast supermajority of San Diegans, including thousands of veterans, to maintain the integrity of this important monument to those courageous heroes who have fought and died in defense of this great Nation.

By joining Congressmen Issa and Bilbray in introducing legislation that would transfer the site of the memorial to the federal government, you are upholding the will of over 75 percent of San Diegans who voted Yes on Proposition A to keep Mount Soledad as it is, where it is. You are also drawing a clear line in the sand against those who seek to undermine the history and heritage of our great Nation by eradicating from the historic record the heroic individual sacrifices that have not only preserved our own freedom, but liberated millions of people across the globe.

As Chairman of the committee that spearheaded the overwhelmingly successful referendary petition drive and subsequent ''Yes on Prop A'' campaign last July, and a practicing Jew, I am pleased to offer you the full support of San Diegans for the Mount Soledad National War Memorial and any further necessary assistance in preserving this sacred monument on behalf of the people of San Diego and the United States of America.

Thank you.

Sincerely,

PHILIP L. THALHEIMER,
Chairman.

MAY 15, 2006.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: My wife and I would like to express our support for the effort initiated by Representative Duncan Hunter of California and the Mayor of San Diego to save the cross at Mt. Soledad wherein the Federal Government would take the property by eminent domain as a veteran's memorial.

Our son Captain Michael D. Martino, USMC, was killed in action in Iraq on November 2, 2005, when his Cobra Helicopter was shot down by a SA 16. This past week our son's Camp Pendleton unit, which had just recently returned from Iraq, dedicated plaques at Mt. Soledad to honor him and his fellow pilot Major Gerry Bloomfield for their heroic service. There is no better place to honor our fallen heroes than under that cross, overlooking the country they fought and died to preserve.

Our son loved his country and the many rights and liberties it provided, especially our right to freedom of religion. A few in this country would like to see the cross removed from Mt. Soledad and thus deny the majority their rights to religious expression. This cross is no more an affront to personal beliefs than the thousands of crosses in Arlington Cemetery.

Is it fair to the majority who have served or fallen for our Nation and wish to keep the cross for the sake of the few who look to strip all religion from our country, under a false interpretation of the separation of church and state? Our son died with a strong belief that he was fighting to preserve the freedom of all Americans. Please let us have OUR freedom from activist judges and their personal interpretation of our Constitution.

Mr. President, please take the Memorial at Mt. Soledad under federal ownership.

You are always in our prayers.

Sincerely,

ROBERT A. AND SYBIL E. MARTINO.

JUNE 21, 2006.

Hon. DUNCAN HUNTER,
Chairman, House Armed Services Committee
Washington, DC.

DEAR CHAIRMAN HUNTER: As the leaders of the Nation's four largest veterans organizations, we respectfully request your assistance on an issue that is important to former military personnel and to American values.

The Mt. Soledad Veterans Memorial is a historic site overlooking the Pacific Ocean that has stood for over 52 years as a tribute to our Nation's Armed Forces. This veterans memorial is the first and last thing that

ships see as they arrive or depart from one of the world's largest naval installations. Unfortunately a small group of plaintiffs wish to destroy the integrity of the Memorial and the courts have complied by requiring that the Memorial's centerpiece cross be removed by August 1, 2006. We believe that destruction of the Memorial is an affront to the sacrifices made by America's veterans and is contrary to the will of citizens of San Diego, 76 percent of whom voted in a recent referendum to try to preserve the Memorial. Accordingly, we request that the Congress pursue all available legislative options to take federal possession of the Memorial with the intention of preserving the Veterans Memorial in its current form.

Sincerely,

THOMAS L. BOCK,
National Commander, the American Legion.
PAUL W. JACKSON,
National Commander, Disabled American Veterans.
JAMES R. MUELLER,
Commander-in-Chief, Veterans of Foreign Wars of the U.S.
EDWARD W. KEMP,
National Commander, AMVETS.

JUNE 29, 2006.

Hon. DUNCAN HUNTER,
Chairman, House Armed Services Committee, Washington, DC.

DEAR CHAIRMAN HUNTER: As the leaders of the Nation's four largest veterans' service organizations, we write to you today in appreciation for introducing with Representatives Issa and Bilbray a measure which would provide for the immediate acquisition of the Mount Soledad Veterans Memorial by the United States. While this step is extraordinary, our organizations feel it is the appropriate measure to take.

As we noted in our letter to you last week, we believe that the destruction of this Memorial is an affront to the sacrifices made by America's veterans and is contrary to the will of the citizens of San Diego. This Memorial has stood in its historic location overlooking the Pacific Ocean for 52 years, a silent tribute to the sacrifices made by veterans past, present and future.

As we answered the call in the past to serve this country, so we will answer the call now. Accordingly, we offer to help in any way we can to aid you in preserving this hallowed Memorial.

Sincerely,

THOMAS L. BOCK,
National Commander, the American Legion.
PAUL W. JACKSON,
National Commander, Disabled American Veterans.
JAMES R. MUELLER,
Commander-in-Chief, Veterans of Foreign Wars of the U.S.
EDWARD W. KEMP,
National Commander, AMVETS.

AMERICAN CENTER FOR LAW & JUSTICE,
Washington, DC, July 17, 2006.

Congressman DUNCAN HUNTER,
Rayburn House Office Building, Washington, DC.

CONGRESSMAN HUNTER: We write today in support of your legislation to protect the war memorial at Mt. Soledad, H.R. 5683.

We believe the public has a vital interest in ensuring that centuries-old American traditions and practices are not declared unconstitutional without careful and accurate judicial review of all issues involved. The Establishment Clause does not require that crosses, Stars of David, and other religious symbols be removed from Mount Soledad, Arlington National Cemetery, and the countless other places across the country where the lives and sacrifices of veterans are commemorated. The longstanding, venerable tradition of using crosses and other religious symbols on memorials and in the public square is fully consistent with the Supreme Court's Establishment Clause analysis in its County of Allegheny v. ACLU (1998), ACLU of Kentucky v. Mercer County (2005), Elk Grove Unified School District v. Newdow (2004), and Van Orden v. Perry (2005) decisions.

Your actions, those of other Members and the Departments of Defense and the Interior, and the citizens of San Diego, to help preserve the integrity and sanctity of memorials honoring the lives and sacrifices of veterans are well taken and constitutionally permissible.

To remove the Mt. Soledad cross is an insult to the men and women who fought to protect our freedoms. To allow activist organizations to strip religious symbolism from public life would cut against America's heritage and remove a vital component which makes our country unique.

We applaud your efforts and stand ready to assist you as you continue your fight to save the war memorial at Mt. Soledad.

JAY A. SEKULOW,
Chief Counsel.
COLBY M. MAY,
Senior Counsel & Director.

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

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

Mr. Speaker, as the chairman said a moment ago, this bill is intended to preserve the Mt. Soledad Veterans Memorial in San Diego, California, and it allows for the immediate acquisition of this memorial by the United States Government.

The distinguished chairman, my friend from California, feels obviously very strongly about this issue, and apparently the people of that region also feel very strongly about it, by virtue of a vote that they took, a popular vote, indicating some 76 percent support for this idea.

Mr. Speaker, for that reason I will not be opposing the resolution. I will have some speakers who would like to speak to the issue.

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

Mr. HUNTER. Mr. Speaker, I yield 5 minutes to the gentleman from San Diego, California (Mr. ISSA), who has been a real champion in this effort to preserve the memorial.

□ 1445

Mr. ISSA. Mr. Speaker, I rise today in strong support of this acquisition by the Federal Government, because it is so consistent with how we as Americans have honored our war dead and those who have given in service to our country.

I just want to point out for a moment a picture of Mt. Soledad, of the actual cross, and then, Mr. Speaker, as you look at pictures of the other Federal sites, the amazing thing is how similar they are. These are sites which are not contested. They are not contested because our Founding Fathers didn't want the establishment of a religion, but they didn't want a godless society; just the opposite, they wanted a freedom for people to observe their God as they chose fit. Particularly when we deal with those who have fallen in support of this country, they should be free to honor them with or without symbols that they find comfort in.

I think, Mr. Speaker, as we consider this important piece of legislation, I think it is important that we realize that that cross is about men and women who have given their lives and a symbol that says they gave their life for their country. It is an arbitrary symbol, but it is not a symbol without meaning. It stands, like those crosses in faraway lands of Americans who fell in Tripoli, Americans who were buried at Normandy, and of Americans who have never been returned home from the sea. It stands as a symbol of their passing and their sacrifice.

Mt. Soledad, no one ever doubted that this was a war memorial. No one ever doubted that. In fact, people found comfort in this symbol to those men and women in San Diego, the home of both Marines and Navy, for more than 100 years. No one ever found that this was inappropriate to honor our dead. What they found was one person, one out of 2 million people, who said, I am offended, I want no cross. It offends me.

Mr. Speaker, the definition of offensive language and offensive behavior and signs like the swastikas and other symbols of hate are just that. They are unique symbols that people have no doubt are designed to offend.

This cross was never intended to offend. Just the opposite; it was intended to do what it does for the vast majority of San Diegans and people who come to our fair city. It honors our war veterans for the sacrifice they made. That is the symbolism it has. That is the reason that hundreds of thousands of people climb that hill every year to spend a moment to look at the cross, but, more importantly, to look at the pictures of the men and women throughout the lower part of this memorial who, in fact, are there on plaques to be observed and remembered for their sacrifice.

I ask full support of this resolution.

Mr. BUTTERFIELD. Mr. Speaker, I yield 5 minutes to a distinguished member of the House Armed Services Committee, the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I would like to begin by saying I appreciate the sensitivity of my colleagues on this issue who believe this bill is about veterans. I, too, have a deep appreciation of our veterans and the sacrifices they have made for our Nation and our freedoms.

If this bill were nothing more than a veterans issue, we would have a very simple decision before us today. But, unfortunately, that is not the case. The courts have told us time and time again what this issue is about. It is about a demonstrated preference of one religion over all others. It is about a uniquely religious symbol on public land. Make no mistake about it, this bill is not about preserving a veterans memorial. It is about preserving a 29-foot cross that sits within the boundaries of a veterans memorial, a veterans memorial that is supposed to honor all veterans.

Yet towering over the American flag, and the plaques, names, and photos of honored veterans, and I can see many of their faces in the plaques today, is a 29-foot symbol of one religion, and that is why we are here today.

A district court ruling on the memorial noted, ''Even if one strains to view the cross in the context of a war memorial, its primary effect is to give the impression that only Christians are being honored.''

I can certainly understand, Mr. Speaker, the emotion that this issue has generated. Believe me, I can understand that emotion. But as today's discussion has proven, this issue has become more about a cross than about a veterans memorial. Our focus should be on the veterans, and it should be inclusive of all veterans.

Mr. Speaker, I would like to take a moment to share the words of one of my constituents who just recently wrote me. He says, ''My father, a Bronze Star recipient for being wounded twice during D-Day, died a few years back, and I would like to pay tribute to his service to our country by purchasing a plaque to honor him.

''Mt. Soledad is one mile from where I live, and it would be the most logical choice, given its beautiful location and proximity.

''However, my father, being a practicing Jew, would be dishonored by the cross.'' That was the way he felt he would see it. ''Shouldn't,'' he asked, ''a war memorial pay homage to all who served and defended this country?''

And he continues to write, ''It is un-American to create a memorial to veterans which is not all-inclusive.

''There are many things,'' he writes, ''which could be erected as a tribute, but a cross, a crescent moon, a statue of Buddha, or a Star of David, are completely inappropriate and illegal.

''This is all about religion, because if the monument being considered were a statue of a dove or a soldier, we would not even be having this conversation.''

Mr. Speaker, I say to you, I fully understand the sensitivity of this issue. Believe me, it would be easy to vote with the majority on this issue. But the easiest decision, or the most popular one, is not always the right one.

In the words of James Fenimore Cooper, and I quote, ''It is a besetting vice of democracies to substitute public opinion for law. This is the usual form in which masses of men exhibit their tyranny.''

The beauty of our Constitution is that it protects the voice of the minority, so I ask you to join me in protecting that minority today.

Mr. HUNTER. Mr. Speaker, I yield 5 minutes to the gentleman from San Diego, California (Mr. BILBRAY), a gentleman who has worked tirelessly to preserve the memorial.

Mr. BILBRAY. Mr. Speaker, I rise in strong support of this resolution. This memorial is in my district. It is a very prominent memorial, not just in the landscape, but in the history of San Diego County.

I remember as a child my father driving me past this memorial and looking up and saying this is one of the few memorials in the country that recognize the heartbreak of what went on in Korea. As a Korean veteran, he was also very much impressed with the fact that San Diegans set aside a memorial for the Korean war.

Frankly, I am shocked in a time of war, a time when our men and women are out exchanging deadly fire with the enemy, that we are talking about destruction of a war memorial. It is a war memorial dedicated to 800-plus people that never came back from the Korean war, the missing in action.

Now, in San Diego County, we have many religious symbols on public lands. We have a cross to Father Serra on Presidio Hill. We have a cross to Cabrillo, who found San Diego Harbor. We have Point Lomo. We have a county synagogue in our county park, and we have a cross on Mount Helix that was set aside by a gentleman for his wife. We are not asking to tear those religious symbols down.

All I have to say, Mr. Speaker, is we have enough tolerance for a cross to Father Serra. If we can find the tolerance to save a major historical building such as the synagogue, Beth Israel Synagogue, if we can find the tolerance to have a cross for Cabrillo, my God, can't we find the tolerance to preserve a war memorial to 800,000 missing in action in Korea? This really is about common sense, common decency and tolerance.

Mr. Speaker, there are those who will find excuses to attack what they may not like, but this is not about religion; it is about the tolerance of our heritage and the memorials to those who have fought for our heritage across the board. I would just like to point out, if somebody wants to say that this is somehow a Christian conspiracy, that Phil Thalheimer, the chairman of Save the Cross, happens to be of the Jewish faith, his family survived the terrible Holocaust in Europe.

One of his biggest statements, that his family always talked about, the first thing that the Fascists wanted to do was to destroy religious symbols when his parents were trying to escape.

Now, Mr. Speaker, the State of California has many religious symbols, and we do too here. All I have to say is I don't think anybody in California or in this Chamber is asking for the cross in Father Serra's hands to be taken off that statue in Statuary Hall. The fact is that both of the statues for California happen to be someone who is affiliated with the Christian faith. But their affiliation with Christianity does not change the historical significance or the justification and the logic of us honoring him here in Washington.

Mr. Speaker, we are asking today to do a very easy thing. Understand that mistakes can be made by courts; but the voters have said very clearly they do not find offense in a memorial to veterans. They do not find offense to this symbol for these people, for the people that committed so much for America.

I would ask anyone who thinks that the cross is offensive, because it is a religious symbol, to go to the memorial and walk around the wall of it. You will see every religious symbol thinkable around that memorial that have been dedicated.

If we take this cross down because someone may take offense to a religious symbol, when will they next go for the Star of David, the star or crescent? They will go after the other symbols that somebody may take offense to.

Mr. Speaker, I think we need to honor our war dead, our missing in action from Korea. We should honor ourselves by showing that tolerance is not a politically correct catch term, but truly is the sign of an enlightened people, that as Moses looks down on us here, we will be proud to have him guide us on this vote.

I ask for a ''yes'' vote on this, and ask you, for the people of the 50th District of California, to support their will, support their veterans, and vote ''yes'' on this resolution.

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

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

Just to make one point, what we are doing with this legislation is taking ownership that we have already designated by law the memorial at Mt. Soledad, the Korean war memorial. We have already designated this memorial as a Federal memorial. What we are doing is taking ownership of the memorial.

So for those who don't like it and who think that it is unconstitutional, that memorial will still be intact and will be subject to any attacks that they or others may want to make on the memorial.

What it simply does is transfer title of the memorial, of the property, to the Federal Government. I think that is absolutely appropriate in light of the fact that these are veterans from all over America who are represented on those 1,700-plus little memorials that make up this big memorial. So it is absolutely reasonable and appropriate that the Federal Government, having designated this as a Federal memorial,

takes ownership of the property as a Federal memorial.

□ 1500

Mr. BUTTERFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I had not intended to speak on this matter, but the eloquence of the gentlewoman from California and the remarks of the distinguished gentleman from California have moved me to stand up and say a few words.

I do not know why in a pluralistic society, in a great democracy that we are, that we have become, that we continue to be, that we look to find things and issues to divide us rather than to unite us.

I am not of the Christian faith. Christian symbols do not offend me. They stand for things that are good and decent and pure and idealistic, and I think that is wonderful. But to make them the symbol of something public is something that I do find offensive.

We talk about so often our Judeo-Christian heritage. I am not sure what that means exactly. I know it means that somebody is reaching out to try to include me and my small faith when they want to look pluralistic.

I know that my dad fought in World War II. I know that I had relatives who went to Canada to join the Royal Mounted Police because they were in World War II fighting the Nazis before the United States of America did. I know that people of all faiths of this great Nation died in that war and all other wars that we fought, and continue to die today as you read the list of people coming back, tragically killed by terrorists.

I do not know why we have to put a religious symbol on the entire monument. There is nothing wrong with the crucifix in the hands of whoever wants to hold it, even in Statuary Hall. Nobody is saying remove that cross. That is an individual sign of faith, not a collective societal sign of faith.

The gentleman from California justifies it by saying it is a symbol of our heritage. I beg to differ. It is not a collective symbol of our heritage because it is not the symbol of my heritage, though I respect it as a symbol of somebody else's heritage. And if, indeed, the only symbol up there was a statue of Buddha or a Muslim symbol or a Jewish Star of David, I would object as strenuously.

If you cannot represent all religions, then represent no religion. They did not die in a crusade. It was not a religious Korean war. Why put the symbol of Christianity or any other religion there?

Make it a monument for people who fought and died for freedom of liberty, who died for freedom of religion, who died for people's ability to express themselves in a free society. That was the intent, and I think that is something we would all be proud of, and we are proud of the veterans.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his statement. How much time do both sides have left?

The SPEAKER pro tempore (Mr. LINDER). The gentleman from California (Mr. HUNTER) has 5½ minutes remaining. The gentleman from North Carolina (Mr. BUTTERFIELD) has 11½ minutes remaining.

Mr. HUNTER. Do we have the right to close?

The SPEAKER pro tempore. The gentleman is correct.

Mr. HUNTER. In that case, we would like to reserve our time.

Mr. BUTTERFIELD. I do not have any additional speakers, Mr. Speaker, and I yield back the balance of my time.

Mr. HUNTER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I want to thank all Members for engaging in this debate. I think it is a good one and a healthy one, and I would like to point out to all Members that preserving this memorial, that is, transferring it to the United States of America, is supported strongly by the American Legion, by the Veterans of Foreign Wars of the United States, by the Disabled American Veterans, and by AMVETS and by all of their national commanders.

Mr. Speaker, let me point out that there are dozens and dozens not only of crosses but of Stars of David and other religious symbols on Federal property throughout this country.

I noticed during the debate here that we are standing under a statement, ''In God we trust,'' that stands over the Speaker's chair, arguably a target for a constitutional argument that it violates separation of church and State.

Now, in answer to my friend from New York and his statement that why did we have to go and put this cross on this memorial, this memorial is 52 years ago. It is a memorial that has evolved and grown since not only the Korean war but actually right after the turn of the century, like so many memorials that we have.

Today, there is not really just one memorial. There are really 1,701 memorials in composite because there are 1,700 plaques to people that gave everything they had to the United States of America.

This last letter that I received in support of this from the parents of Captain Martino, who fell in Iraq last year, saying please do not let them tear down the memorial, reminded me to look back and look at some of the other people that are on this memorial. There is a thread of patriotism between every American alive today and those who served our country and those who fell for our country, those 619,000 Americans who died in the last century, those 2,500-plus Americans who have given their lives in Iraq and the 300-plus Americans who have given their lives in Afghanistan. There is a thread of patriotism between those people.

So for Captain Martino, who gave his life in Iraq just last year because of that, and for his family, somebody is able to teach at a synagogue or a church today or a college; because of a machine gunner in Belleau Wood early in this century, a businessman is able to operate freely in Cincinnati; and because of people who fell in the Korean war, a young couple is able to walk down the streets without being arrested in Washington, D.C.

So the freedoms that we have are combined by a thread to every single person who gave that full measure of devotion to our country, and whether we like it or not and whether the courts like it or not, the people, the families, the service people, think that those threads come together in little monuments and memorials throughout this country, not the least of which is Arlington Cemetery, but also not the least of which is 3,000 miles away on Mt. Soledad overlooking the Pacific Ocean where the 1st Marine Division embarked for those incredible fights in the island chains, taking back Guadalcanal, Iwo Jima and other islands in the Axis Powers in World War II. That is a point of embarkation. It is a point where many families last saw their loved ones.

This memorial has a thread of patriotism and a thread of meaning to the people of the United States, not just San Diego, and it is fully appropriate that the United States of America, having made this memorial a national memorial, now takes ownership of the memorial.

Mr. Speaker, 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. HUNTER) that the House suspend the rules and pass the bill, H.R. 5683, as amended.

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. HUNTER. 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.

EXPRESSING SYMPATHY FOR THE PEOPLE OF INDIA IN AFTERMATH OF THE DEADLY TERRORIST ATTACKS ON JULY 11, 2006

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 911) expressing sympathy for the people of India in the aftermath of the deadly terrorist attacks in Mumbai on July 11, 2006, as amended.

The Clerk read as follows:

H. RES. 911

Whereas on July 11, 2006, during evening rush hour, seven major explosions occurred

on busy urban commuter trains in the Indian financial capital of Mumbai, killing as many as 200 and wounding more than 700 innocent civilians;

Whereas the Mumbai attacks occurred shortly after a series of grenade attacks took the lives of at least eight people and injured approximately 40 others in tourist areas of Srinagar, Kashmir;

Whereas India has been a strong partner of the United States in the Global War on Terror and offered immediate assistance to the United States after the terrorist attacks of September 11, 2001;

Whereas the United States and India are both multicultural, multireligious democracies that oppose terrorism in all its forms and will continue to work steadfastly to overcome terrorist ideology and establish international peace and security;

Whereas the bombings have been condemned by leaders from around the world, including from those attending the Group of Eight (G–8) meeting in Saint Petersburg, Russia; and

Whereas the United States stands with the people and the Government of India and condemns in the strongest terms these atrocities, which were committed against innocent people as they went about their daily lives: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest possible terms the July 11, 2006, terrorist attacks in Mumbai and Srinagar;

(2) expresses its deepest condolences to the families and friends of those individuals killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) expresses its solidarity with the Government and people of India in fighting and defeating terrorism in all its forms; and

(4) expresses its support for the enhancement of relations between the United States and India, with the goal of combating terrorism and advancing international peace and security.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 911.

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

There was no objection.

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

At the outset, let me acknowledge the leadership of Mr. WILSON and Mr. CROWLEY in sponsoring this important and timely resolution, as well as that of the current cochairs of the India Caucus, Ms. ROS-LEHTINEN and Mr. ACKERMAN, as well as the leadership of Mr. HYDE and, of course, Mr. LANTOS, the distinguished ranking member.

I would also like to express appreciation to House leadership for scheduling floor time today for this measure.

On July 11, 2006, more than 200 people were killed and over 700 others injured in seven bomb blasts that targeted several locations on the local railway network in Mumbai, India's commercial capital during evening rush hour. Meanwhile, earlier that same day, grenade attacks in Srinagar, Kashmir targeted tourists, killing eight innocent civilians and wounding over 40 more.

Although the motivations behind this attack are still a bit vague, previous attacks have been designed to provoke communal conflict and to disrupt the Indian economy. However, India's multicultural and multiethnic democracy is enormously resilient, and the warped schemes of those who planned and executed these attacks have so far, thankfully, come to naught.

Mr. Speaker, it is self-evident that these brutal terrorist attacks are an affront to the world community, and they have, appropriately, been thoroughly and unequivocally condemned by leaders and ordinary citizens around the globe.

For example, in the immediate aftermath of the attacks, President and Mrs. Bush issued a statement on behalf of the American people expressing their deepest condolences to the friends and families of the victims.

The President spoke for all Americans when he noted that ''The United States stands with the people and the Government of India and condemns in the strongest terms these atrocities which were committed against innocent people as they went about their daily lives. Such acts only strengthen the resolve of the international community to stand united against terrorism and to declare unequivocally that there is no justification for the vicious murder of innocent people,'' said President and Mrs. Bush.

More recently on July 17, representatives at the Group of Eight Summit in St. Petersburg, Russia also condemned these ''barbaric terrorist acts'' and emphasized their unity with India in a common resolve to intensify efforts to combat anarchistic acts of terrorism and uphold the rule of law.

Mr. Speaker, tribute must be paid to the people of Mumbai who not only responded with great compassion to families of those who were killed and injured in the attacks, but who demonstrated such courage and resolve in almost immediately restoring normalcy in that great and bustling city. It is astonishing that in the wake of these attacks not only were Mumbai's trains running the next day, but millions of its citizens overcame their fears and returned to those trains in order to keep that extraordinary city thriving.

Likewise, at a time when international events seem to be spinning dangerously out of control, tribute must also be paid to the leadership of Prime Minister Singh, who has responded to the attacks in Mumbai and Srinagar with firm resolve but measured restraint as the investigation of these attacks unfold.

Here, Mr. Speaker, let me stress that the challenge of establishing a balance between the two ''Rs,'' resolve and restraint, involves the most difficult judgment call in international relations today. Senseless, anarchistic acts tempt human nature. It is easy to succumb to the third ''R,'' revenge, but not infrequently that is the response terrorists most desire because it escalates violence and disorder.

In this context, it is impressive how historically Indian democracy stands out, not only for its size, for its success in amalgamating extraordinary diversity, but for its origin in Gandhi-esque principles, revolution premised on nonviolence, the Indian term ''satyagraha.'' The power of principled nonviolence overwhelmed the power of colonialist arms.

Today, there are models in the world of military reaction to terrorist disorder. These models of escalated violence are understandable, but it will be interesting to see if the model of restraint being established in India today to these unpardonable acts of violence proves more effective, as well as more humane, than military responses.

I urge support for this resolution.

□ 1515

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

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

Just over a week ago, barbarism boarded seven trains in Mumbai, India, and turned them into a horror show. The toll was horrific, over 200 dead, hundreds of others maimed and traumatized. Across the region, shocked, grieving people had suddenly lost parents, spouses, children, brothers and sisters to this random, heinous act.

The explosive devices were placed to cause maximum havoc. Hidden in overhead luggage racks, they tore through the upper bodies of some victims, decapitating many. And they were set to detonate during Mumbai's rush hour to increase the carnage.

I wish to express my personal solidarity with the victims of this sickening, heartless act and with their families, along with the people of India as a whole. With our resolution today, Congress condemns this assault on civilization in the strongest of terms.

Mr. Speaker, as we in Congress move ahead with efforts to improve the geostrategic relationship with India, we now have a fresh incentive to forge ever-closer ties. At a time such as this, we consider what our two great democracies have in common: our values, our aspirations, our hopes, and our respect for human life.

Mr. Speaker, it is an irony of timing in the legislative process that the legislation we are considering today is referred to as H. Res. 911, but this coincidence serves to remind us of a common experience. In India, as in the United States, it is a tragic outcome of the civilized world's struggle with terrorism that the world's largest democracy and its oldest are both victims of terrorist attacks. Both of our great nations are targeted by terrorists hell-

bent on destroying the innocent and frightening our governments into submission and appeasement.

Let us reaffirm today that the terrorists will not succeed. The civilized and peace-loving nations of the world are joining forces to combat this evil ideology. Good will prevail. Life will triumph over death. Together, India and the United States will hold aloft the bright beacon of freedom and democracy to lead the way.

Mr. Speaker, this is far from the first such incident in India. Let it be the last, and let us send an unequivocal message that we stand with our brothers and sisters in Indian in the face of the barbarous onslaught in Mumbai.

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

Mr. LEACH. Mr. Speaker, I am honored to yield to the distinguished chairman of the Middle East Subcommittee, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for such time as she may consume.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the chairman for yielding me this time.

Today I rise in strong support of H. Res. 911, and I would like to join my fellow Members of this Chamber in expressing our heartfelt sympathies to the families and friends of the victims.

Last Tuesday, as all of us know, the explosions in India's financial capital of Mumbai killed 207 people, wounding an additional 800. As the deadly bombings occurred during Mumbai's rush hour, aimed at killing as many innocent civilians as possible, they constitute the most heinous acts of terrorism.

The United States stands in solemn support of the Indian people in the face of this terrible tragedy. As cochair of the Congressional Caucus on India and Indian Americans, which I am proud to share with the gentleman from New York (Mr. ACKERMAN), I take the everlasting bond between the United States and India very seriously.

Just last night Mr. ACKERMAN and I, along with other colleagues and members of the Indian American community, were together in celebrating this expanding and positive relationship between our two countries. We greatly value India's commitment to democracy, and we are grateful that it stands beside the United States as an ally in the war on Islamofascism.

In the wake of the tragic September 11 attacks, India was the first nation to step forward and offer assistance to our Nation. Five years later, the United States humbly offers its assistance to India. Your loss is our loss. Your struggles are our struggles.

Due to the Indian Government's swift response to the attacks, police have captured five persons suspected to be involved. America stands by the Indian people and its government in their efforts to bring to justice those responsible, and we will work together with India to disrupt and dismantle the networks that have made attacks like these all too possible.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguish chairman of the India Caucus, the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of the resolution and thank the gentleman for yielding me this time.

I want to thank Mr. LANTOS for his leadership, along with Representative LEACH for everything that he has done on this issue, and Congressman WILSON as well; and my cochair of the India Caucus, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her great leadership, and I especially single out Mr. CROWLEY of New York for his role in bringing this resolution to the floor.

Mr. Speaker, sadly on July 11, 2006, we have a date which will join the litany of the all-too-familiar terrorist attacks, along with the July bombings in London last year, the Madrid bombings in 2004, the Bali bombings in 2002, and, of course, the September 11 attacks on us.

What is also sad is this is not the first time Mumbai has been attacked. In fact, Mumbai has suffered from terrorist attacks since 1993. Indeed, India itself has been the victim of various forms of terrorism since its founding.

Last week's bombings are simply a continuation of India's ongoing struggle with terrorists. Eight bombs were planted by terrorists in the western commuter railway in Mumbai on July 11. Seven of them exploded. They were timed for the height of the rush hour, with the obvious premeditated intent to kill and maim as many innocent people as possible. The resulting explosions left as many as 200 innocent people dead and over 700 people wounded. The response by the authorities and the people of Mumbai to aid the wounded and comfort the families and friends was extraordinary.

The bombings horrified decent people everywhere and were condemned by leaders from all over the globe, including the G–8.

Terrorism is a disease. It is a cancer on the body of humanity, and all nations that oppose terrorism should work shoulder to shoulder to make sure that this scourge is not just cured, but eliminated. The Government of India has long recognized this truth, and in the wake of September 11, 2001, and its attacks on the United States, India was indeed the first nation to step forward and offer its assistance to our Nation.

Let us do the same for India. Let us be prepared not just to offer our condolences and sympathy, but our renewed and reinvigorated commitment to defeating terrorism globally.

I thank the Speaker, and I urge my colleagues to stand with India against terrorism and to support them and this resolution.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding me this time, and for my colleagues in their steadfast support of H. Res. 911, expressing our collective sympathy and outrage for the attacks on the good people of India and Mumbai on July 11, 2006.

It harkens back to that tragic day, September 11, when the World Trade Center and the Pentagon were attacked. It harkens back to that brutal devastation of the Spanish train bombing that occurred shortly after. It renews the sense of outrage about the London subway attacks a year ago, and it reminds us of Khobar Towers, the two African American embassies, the USS *Cole* and so many other targets preyed upon by savage individuals who know no bounds of decency, but only know how to destroy the innocent.

To attack a train of peace-loving people on the way to or from work is an absolute atrocity, and so we join together with our good friend India, this strong partner in the global war on terror, a strong partner in our humanitarian ties to help other nations in their time of need, one of the world's largest democracies, who has been there through thick and thin to assist not only our Nation, but nations around the world to ensure that we will not stop until we fully prosecute those responsible.

As they investigate, we urge all international partners to assist in this investigation, to take these leads and follow the leads and find, apprehend, detain and sentence the very people who brought this devastating disaster to the fine people of India.

Our prayers are with you. Our support is with you, and it should remind the world for us all to open our eyes to the dangers that lurk among us. The sad reality is that terrorism has destroyed too many lives, and that as a world, not just the United States and Great Britain and a few others, we must stand united in our efforts to eradicate this scourge from our world.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 4 minutes to a distinguish member of the International Relations Committee, the author of this resolution, my good friend, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

I want to join saluting all those who are sponsoring this resolution today. In particular I want to salute the cochairs of the India Caucus, Mr. ACKERMAN and Ms. ROS-LEHTINEN, for their words in support of this resolution today and their leadership as cochairs of the caucus.

I rise to express myself in the strongest way in support of this resolution and extend my sincere condolences to all of the families of all of the victims of last week's bombing in Mumbai, India.

I would like to thank the majority leader for bringing this resolution to the floor today. And in particular once again I want to thank Mr. LANTOS for his leadership and Chairman HYDE for

his leadership on the committee in working with us to bring this important resolution to the floor.

On July 11, 2006, over 200 innocent people were brutally murdered in India's financial capital by terrorists. Right before these coordinated attacks, terrorists killed 8 people and injured 40 more civilians in Kashmir. Attacks like these are a scourge on our world that all democratic nations must join in unison to fight.

By targeting Mumbai's commuter rail service at the height of rush hour, the terrorists had hoped to accomplish the maximum amount of bloodshed for this cowardly act on innocent civilians. But the Indian people responded to the attacks by turning out in hundreds to donate blood, taking bed sheets to turn into stretchers, and offering assistance and comfort to the victims of this attack.

Today as Members of Congress we send our condolences to the families of the victims. We condemn this act of terrorism by these perpetrators of this senseless act of carnage.

□ 1530

And we express our sympathy with all the people of India and all the people of goodwill throughout this world. India has remained a strong ally of the United States in our global fight against terrorism. And the United States will never forget that. The terrorists who have been attacking India since their founding are the same brand of extremists who continue to threaten the United States of America. Our two countries need to increase our cooperation to root out all terrorism.

Since President Clinton's administration, our country has been moving closer to India to create the natural alliance we should have always had. And, thankfully, President Bush recognized what this relationship could become, and just over a year ago, our two nations signed the July 18 declaration. This declared our resolve to transform our relationship and establish a global partnership committed to the values of human freedom, democracy and the rule of law. This relationship will promote stability, democracy, prosperity and peace throughout the world and enhance our ability to work together to provide global leadership in areas of mutual concern and interest.

With this resolution today, we are reinforcing that relationship. We are pledging our support for the Indian Government as it seeks to reassure its people and capture and bring the perpetrators of this horrific crime to justice during these very, very difficult times in India.

I want to thank my over 100 colleagues who have joined us in sponsoring this resolution today. And I ask each and every one of you, my colleagues, for a ''yes'' vote.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Louisiana (Mr. JINDAL).

Mr. JINDAL. Mr. Speaker, I want to thank my colleagues for offering this very important resolution. I rose to speak earlier today on the importance of America standing by our good friend, Israel, as it was attacked by terrorists. I rise today to also speak of the importance for America to stand by our good friend, India, as it too is attacked by terrorists.

On July 11 of this year, a series of seven explosions killed over 200 people on crowded commuter trains and stations in the Indian city of Mumbai. This deadly attack was an attack not only on India but on the very democracy and pluralism that India represents, values that are important for India, but also for America, values that are important in that part and every part of our world.

Nearly 700 people were injured in the blast in the city's western suburbs as commuters made their way home. All seven blasts came within an 11-minute time span. Timers apparently were hidden in pencils and discovered in at least three of these seven sites where these bombs exploded. The bombs were believed to have been made of RDX, one of the most powerful kinds of military explosives.

The attacks obviously reminded many of the terrorist attacks on the London public transportation system last July and the Madrid train bombings in March 2004. They also reminded India, however, of a series of terrorist attacks; for example, a series of bomb blasts in Mumbai in 1993 that killed more than 250 people. The Prime Minister of India, Prime Minister Singh, attended the G–8 summit with a clear agenda. The world community must declare, in his words, ''zero tolerance for terrorism anywhere.'' And he is correct. We must not forget.

March of 1993, there was a terrorist attack in India again that killed 257 people, wounded more than 1,000.

December of 2001, militants attacked India's Parliament, leaving 14 people, including several gunmen, dead.

In September of 2002 militants attacked a temple, killing 33 people, including two attackers.

March of 2003, a bomb exploded in Mumbai, killing 10 people.

August 2003, two taxis packed with explosives blew up outside a tourist attraction, killing 52 people.

October 2005, three bombs killed 62 people.

And in March 2006, bombs killed 20 people.

July 2006, bombs killed more than 140 people.

I applaud my colleagues for offering this resolution. I think it is important that America extend its sympathies and that we stand with the people of India and Israel as they are subject to these terrorist attacks and we help our allies, our democratic allies stand for the very values of pluralism and democracy that are so important to us here at home in America.

Mr. LANTOS. Mr. Speaker, I am honored to yield 1 minute to the distinguished Democratic leader with whom I have the privilege of sharing representation of the great city of San Francisco (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding, thank him for his extraordinary leadership in making foreign policy for our country that is values based, and it makes us safer.

My compliments, Mr. Speaker, to the gentleman from New York (Mr. CROWLEY) and Mr. WILSON of South Carolina for bringing this important legislation to the floor.

Thank you, Mr. LEACH, for your leadership on this as well. I am pleased to be a cosponsor of it.

I wish this resolution expressing the condolences of yet another terrorist attack was not necessary. The people of the United States know only too well the shock and sorrow experienced by the people of India on July 11. We grieve with them and share their resolve to defeat the forces of evil who would perpetrate such heinous and, yes, cowardly acts.

We also salute the bravery of the millions of residents of Mumbai, who got back on those commuter trains the day after the attacks, refusing to alter their lives and thereby concede even a little to the terrorists.

At a time like this, when we are commending the people of India for their courage and expressing the sympathy and condolences of our constituents to the people and the Government of India, it gives us pause to think about how much we owe India. We in the United States came through, a generation ago, a civil rights movement that was inspired by the spirit of nonviolence which was led in India by Mahatma Gandhi. Our own Martin Luther King and Coretta Scott King visited India to learn about nonviolence, and we all know what a tremendous impact it had on succeeding in advancing civil rights in our own country. We will be forever in the debt of India for that magnificent contribution to our own social progress in the United States.

And nobody knows better than Mr. LANTOS the debt of gratitude we owe India for its hospital to His Holiness the Dalai Lama. When I was a brand new Member of Congress, one of the first meetings I was invited to was by Mr. LANTOS to meet His Holiness. He talked about his plan for Tibet. And it has been rough sledding since then, but the Government of India has been a friend to all who are concerned about human rights and respect for the dignity and worth of every person and in the person of His Holiness, a man of peace, a man of balance, a man who would condemn this kind of violence. So India has certainly taken the lead in the nonviolence that influenced our own civil rights movement and the hospitality extended to His Holiness in so many ways as the largest democracy in the world. It is just that democracy and that freedom of movement that, of course, made them a target of these cowards.

So, again, I express the love of freedom and commitment to a democracy that the United States and India share. We will stand together against those who value neither and whose disdain for human life is evidence of the shallowness of the agenda they seek to advance.

The resolution before us is a strong testament to the shared values and the friendship which binds the United States and India. I urge its overwhelming adoption by this House, and again, thank Mr. CROWLEY for his leadership in bringing it to the floor.

Mr. LEACH. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman, Mr. ROYCE, also from California.

Mr. ROYCE. Mr. Speaker, I thank Chairman LEACH for yielding.

Mr. Speaker, as chairman of the Subcommittee on International Terrorism and Nonproliferation, I rise in support of this resolution and to strongly condemn the terrorist attack that took place last week in Mumbai, India.

Last week, eight bombs ripped through crowded commuter trains headed for Mumbai in a well-coordinated terrorist attack which claimed as many as 200 lives and injured hundreds more. Mumbai is, of course, India's commercial capital, teeming with people contributing to India's growing economy. Yesterday, life across that city of over 12 million halted for 2 minutes, 2 minutes of silence to remember those killed a week ago.

The style of the attacks and the targeting of mass transportation share the tactics of al Qaeda and Kashmiri militants, and echo the attacks of London, 7/7, and Madrid, 3/11. The attack in Mumbai took place not long after a series of grenade attacks took eight lives in Kashmir. Tests this week confirmed that the Mumbai bombers used the powerful military explosive, RDX, a weapon that has been favored by the Pakistani-led LeT. LeT has had links to al Qaeda, with a senior al Qaeda leader, Abu Zubaydah, being captured at a LeT safe house in 2002 in Faisalabad, Pakistan.

Mr. Speaker, while we commiserate with India, we must also view these attacks as a reminder that terrorism is indeed a global struggle. It is often said that India and America have a natural bond as two of the largest democracies. Today we share a bond of a common enemy: what the 9/11 Commission identified as Islamist terrorism.

Today our thoughts are with the people of India, and I am confident that the aftermath of these attacks and in that aftermath, we will see all the resilience that is embodied in the Indian people.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to the distinguished member of the International Relations Committee, my friend from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my distinguished colleague for giving me this time. And I rise, of course, in strong support of this resolution.

The United States and India are strong allies and friends, and our friendship will deepen in the years ahead.

Being a New Yorker, and having lived through the catastrophe of the World Trade Center bombings and here in Washington in the Pentagon, we certainly understand the feelings of the people of India because of this horrific terrorist attack killing innocent civilians on the trains.

Mr. Speaker, it makes no difference if terrorists attack Haifa in Israel or blow up children on buses in Tel Aviv in Jerusalem or blow up innocent civilians in Spain, in England, and in India. Terrorism is terrorism. And just as we support Israel and other democracies in the war on terror, we support India in its war on terror as well. And that is why the United States, as the oldest democracy in the world, and India, as the biggest democracy in the world, share so many things in common. And I am delighted that we are working very, very closely with the Indian Government.

And our hearts go out to the people of India, but it is not just sympathy. There has to be a resolve on the part of India and the United States, other democracies and freedom-loving people in the world, to stamp out the scourge of terrorism.

It is very important that we understand what happened. It is very important that we don't mince our words. It is very important that we stand together with the people of India.

So I am delighted that this has strong bipartisan support. I think it is important that the Congress act as one. And I think that in the future, India and the United States will continue to work closely together. Again, we share a common vision.

In the United States, when political campaigns are fought and the opposition party wins, we turn over the reins of government because we are a Nation of laws. The same thing happens in India. When the party in power loses control, they turn over the reins. And since 1947 when India became independent they have done that time and time and time again, unlike some neighboring states. And again, when we look at the vision of the future, the United States and India have the same adversaries. One of them, of course, is terrorism. But when we look at the geopolitical scene in Asia, the United States and India see things very, very closely.

□ 1545

So I am honored to add my voice to all my colleagues who have spoken on behalf of this resolution, to strengthen the U.S.-India relationship, to tell the people of India that we stand with them, we mourn their loss, and we are more resolved than ever with them to fight the war on terror.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member of the full committee and to the chairman of the full committee Mr. LEACH; sponsors of this legislation, two strong advocates, former cochairs of the India Caucus, Mr. CROWLEY and Mr. WILSON, whom I have had the opportunity to work with.

I remember, and all of us have recalled many times on this floor, the unspeakable experience of 9/11, as we are in betwixt two movies that are now coming out to recount again that tragic day. We also recall how the world stood alongside of America in her time of mourning and her time of sheer desperation and despair, for she had lost 3,000-plus of her citizens.

The same time we now come to stand alongside of India for that day of July 11, when not only was there an attack in Kashmir that saw eight people lose their lives, but we know the triggering of the terror act in Mumbai that generated 200 dead and probably many more injured and how many more to die because of their injuries.

So it is important to stand and to acknowledge our sympathy and as well our compassion. But at the same time I want to emphasize that good people everywhere abhor terror, and I hope that the region of South Asia will embrace those in India and offer their greatest sympathy and, of course, their support against the war on terror and those despots, desperate persons, those horrific individuals who would take their own causes and turn them into terror against others so that others' lives might be lost.

We fight on the battlefields of war. We debate in places like the United Nations, and we have heads of state that engage or disagree. But when we lift up against another human being, another nation, in reckless, random terror, there can be no solace. There can be no comfort. There can be no excuse. There can be no acceptance.

So we join with the people of India in acknowledging that, as the largest democracy and the oldest democracy, you have a friend in the United States. You have a democratic ally in the United States. And you have a family of human beings, ourselves, experiencing terror either in terms of ongoing threats or by watching our friends suffer the consequences.

So it is important, if you will, that today this resolution is more than our affirmation of our friendship and sympathy, but also our brotherhood and sisterhood in the war on terror. I look forward to a day when these resolutions will not be the call of the day, but simply that we will extinguish those who think that they can expand their causes by using terror against innocent, democratic, free-loving people around the world, wherever they might be.

And, again, my deepest sympathy to the people of India. And, again, we

stand with you at this time against acts of terror around the world.

Mr. LANTOS. May I inquire, Mr. Speaker, how much time is left for both sides?

The SPEAKER pro tempore. The gentleman from California has 3½ minutes remaining, and the gentleman from Iowa has 6½ minutes remaining.

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

This resolution is a deeply felt emotional resolution expressing our solidarity with the people of India who were subjected to a totally unprovoked and brutal terrorist act.

Next week this body will consider one of the most significant pieces of legislation of the current session of Congress, establishing a relationship in the field of civilian nuclear power between the United States and India. That legislation will usher in a whole new era of the historic geostrategic relationship between these two great democracies.

I earnestly wish that we did not need to deal with this tragedy, but I think it is appropriate that we demonstrate to our friends in India that we are with them in their times of trouble, and we are with them at moments when they plan to accelerate their economic development and move into the 21st century with large-scale civilian nuclear power.

Mr. Speaker, I am delighted to yield the balance of my time to the distinguished Democratic whip, my good friend from Maryland (Mr. HOYER).

Mr. LEACH. Mr. Speaker, I would be delighted to yield 2 minutes to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank my friends for yielding. I am glad that I got here in a timely fashion.

I join with my colleagues in supporting House Resolution 911 expressing our deep sympathy to the people of India in the aftermath of last week's horrific terrorist attacks in Mumbai and strongly condemning these reprehensible and cowardly acts.

I want to commend my colleagues, Representatives JOE CROWLEY and JOE WILSON, for sponsoring this resolution.

On July 11, during the height of the evening rush hour, a series of coordinated explosions shook the heavily traveled commuter rail lines in Mumbai. I am sure that has already been discussed. 207 people were severely injured and killed. Hundreds more were injured less severely. It is my understanding that this represents the deadliest terrorist bombing since the attacks of September 11 of 2001.

Mr. Speaker, in recent years relations between United States and India have improved dramatically. There was a period of time during the Cold War when we did not have good relations, but now the world's oldest democracy and the world's largest democracy are forging a partnership and friendship that I think will redound to the benefit of not only the peoples of India and the peoples of the United States, but, indeed, the peoples of the international community.

In the immediate aftermath of the September 11 terrorist attacks, India pledged its full cooperation and offered the use of all its military bases for counterterrorism efforts. That was their offer to us.

Mr. Speaker, we mourn the loss suffered by our friends in India and offer our prayers to those who have lost loved ones and those injured in those heinous attacks.

Mr. Speaker, I thank my colleagues. Quite obviously this will be a bipartisan effort on behalf of us all. Too few times we act in a bipartisan fashion, but certainly the respect that we have for our democratic friends in India, the respect we have for their history of bringing together almost 1 billion people and soon over 1 billion people together in a democracy and forging a free and open society is one that we can all respect and admire and certainly support.

When friends like those sustain great injury, we share with them a sadness and empathy, and we wish them the best, and we let them know that we will be there for them as they have been there for us.

I thank Mr. LEACH for yielding his time.

Mr. LEACH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, one of the extraordinary aspects of terrorism is that a few can, with relative ease, disrupt peace negotiations between nation-states. The challenge is to see that a small number of terrorists do not destroy the right to peace of the many.

As rightfully angered and concerned as the Indian Government must be, it would be a mistake of historic proportions to allow the violence of July 11 to end the warming dialogue that has commenced between the Indian and Pakistani Governments. There are few places on the globe where war can more easily break out than on the Indian subcontinent. India and Pakistan have fought three wars over the past 60 years, and both now possess nuclear weapons. The will to pursue peace is thus a social imperative. Revenge may be warranted, but real courage rests with maintaining restraint.

Our heart goes out to the families affected by these acts of violence, and our heads congratulate the care with which the Indian Government has refused, to date, to overreact. This Congress sympathizes with our Indian friends and holds in deepest respect the leaders in Delhi who have such difficult decisions to make in the weeks and months ahead.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in support of H. Res. 911, which expresses the House of Representatives' deepest condolences to the people of India and the victims and their families for the terrorist attacks that occurred in Mumbai on July 11, 2006.

India is a strategic friend and ally of the U.S. As the two largest pluralistic, free-market democracies in the world, it is only natural for the U.S. and India to seek closer ties with one another. India has one of the world's largest and fastest growing populations with nearly 1.1 billion people. According to the United Nations, India's population could overtake China by as early as 2030. In addition, Indian Americans have made an indelible mark upon the culture and diversity of our Nation. I was proud to sponsor H. Res. 227 that recognized the contributions of Indian Americans to our Nation, which the House passed earlier this year.

India and the U.S. have a strong history of cooperation. Directly after the September 11, 2001 terrorist attacks, India was one of the first countries to offer immediate aid to the United States. Most recently, the two countries announced an agreement which would allow full trade in civil nuclear energy. In exchange for such trade, India has agreed to separate its military and civilian nuclear programs over the next eight years, placing 14 of its 22 reactors under permanent international safeguards, as well as all future civilian thermal and breeder reactors. It has also agreed to maintain its unilateral moratorium on nuclear testing and to work with the United States toward a fissile material cutoff treaty, which would ban the production of fissile material, like plutonium-239, used in nuclear weapons and other explosive devices.

The bloody attacks that took innocent lives in Mumbai earlier this month demonstrate that terrorism does not discriminate by race, ethnicity, or region. Instead, terrorists target those seeking to live a peaceful and free life. We must hunt the terrorists down and bring them to justice. There is no other way to respond to those so committed to the destruction of life. We must also stand in solidarity with the Indian government, its citizens, and the number of Indian Americans who also lost loved ones. This resolution does just that—making it clear that Congress and the American people are behind them during this difficult period.

Mr. Speaker, in closing let the House of Representatives speak in unison and with clarity on this issue—terrorism has no place in this world and will not be tolerated. I thank the leadership on both sides for allowing this resolution on the floor today and urge an aye vote.

Mrs. SCHAKOWSKY. Mr. Speaker, I rise in support of H. Res. 911, a resolution strongest possible terms the July 11, 2006, terrorist attacks in Mumbai, India.

I would like to express my condolences to the families of the victims and sympathy to the people of India in the aftermath of this deadly terrorist attack. The July 11th attack resulted in the death of hundreds of innocent civilians, and injuries to many more. I have traveled to India, and have been to Mumbai, and its people remain in my heart and mind.

India is the largest democracy in the world and since its establishment, India has been threatened by terrorists trying to undermine its democratic principles. The security of India's democracy is not only important to India, but it is important to every American as well.

I commend the courage of the people of Mumbai, who quickly responded to the attack by turning out to donate blood, taking bed sheets to turn into stretchers, and offering assistance and comfort to the victims of the attack. These same brave citizens resumed using the rail commuter system the very next day.

It is an honor to represent Illinois' diverse 9th Congressional District where so many Indian-Americans reside. My sympathies go out to everyone affected by the Mumbai train bombings. I stand with India, the United States must stand with India, and I encourage this Congress to pass this important resolution.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 911, as amended.

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. LANTOS. 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.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5684, UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Mr. HASTINGS of Washington, from the Committee on Rules, submitted a privileged report (Rept. No. 109–579) on the resolution (H. Res. 925) providing for consideration of the bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement, which was referred to the House Calendar and ordered to be printed.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 1956, BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2006

Mr. HASTINGS of Washington. Mr. Speaker, the Committee on Rules may meet the week of July 24 to grant a rule which would limit the amendment process for floor consideration of H.R. 1956, the Business Activity Tax Simplification Act of 2006.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by noon on Monday, July 24, 2006. Members should draft their amendments to the bill as ordered reported by the Committee on the Judiciary, which was filed with the House on Monday, July 17, 2006.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to ensure that their amendments comply with the rules of the House.

PLEDGE PROTECTION ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 920 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2389.

□ 1558

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of 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, with Mr. SIMPSON (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 3 printed in House Report 109–577 by the gentleman from Missouri (Mr. AKIN) had been disposed of.

AMENDMENT NO. 1 OFFERED BY MR. WATT

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, the pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. WATT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 241, not voting 8, as follows:

[Roll No. 384]

AYES—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Clay
Clyburn
Cooper
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Foley
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Harman
Hastings (FL)
Higgins
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inglis (SC)
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Pryce (OH)
Rangel
Reyes
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—241

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Cleaver
Coble
Cole (OK)
Conaway
Conyers
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Grijalva
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Israel
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw

Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Evans
Gutierrez
Honda
Inslee
Marshall
McKinney
Meek (FL)
Northup

□ 1622

Mr. PICKERING, Mr. HALL, Mrs. MYRICK, and Ms. SCHWARTZ of Pennsylvania changed their vote from ''aye'' to ''no.''

Ms. SOLIS and Messrs. HINOJOSA, MACK, and FOLEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HYDE. Mr. Speaker, during rollcall vote No. 384 on the Watt amendment, I was unavoidably detained. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mr. CLEAVER. Mr. Chairman, on rollcall 384, the Watt amendment to H.R. 2389, I was recorded as a ''no.'' I had intended to vote ''yes'' on the Watt amendment.

The Acting CHAIRMAN. There being no further amendments, pursuant to House Resolution 920, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LINDER) having assumed the chair, Mr. SIMPSON, Acting 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, pursuant to House Resolution 920, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. LAHOOD. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 2389 will be followed by 5-minute votes on suspending the rules and passing H.R. 5683, and suspending the rules and agreeing to H. Res. 911.

The vote was taken by electronic device, and there were—ayes 260, noes 167, not voting 5, as follows:

[Roll No. 385]

AYES—260

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOES—167

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
English (PA)
Eshoo
Farr
Fattah
Filner
Flake
Frank (MA)
Gilchrest
Gonzalez
Green, Al
Grijalva
Harman
Hastings (FL)
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rangel
Reyes
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—5

Evans
Gutierrez
Inslee
McKinney
Northup

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1640

Mr. BACA changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MT. SOLEDAD VETERANS MEMORIAL PROTECTION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5683, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from California (Mr. HUNTER) that the House suspend the rules and pass the bill, H.R. 5683, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 349, nays 74, answered ''present'' 3, not voting 6, as follows:

[Roll No. 386]

YEAS—349

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Owens
Oxley
Pascrell
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanders
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—74

Ackerman
Baldwin
Bean
Becerra
Berkley
Blumenauer
Capps
Cardin
Clay
Conyers
Crowley
Davis (CA)
Davis (IL)
DeGette
DeLauro
Emanuel
Eshoo
Filner
Frank (MA)
Grijalva
Harman
Hinchey
Holt
Honda
Israel
Jackson (IL)
Kanjorski
Kennedy (RI)
Kucinich
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
Meehan
Millender-McDonald
Miller, George
Moore (KS)
Nadler
Neal (MA)
Olver
Pallone
Payne
Pelosi
Price (NC)
Rangel
Rothman
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Solis
Stark
Tauscher
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Woolsey

ANSWERED ''PRESENT''—3

Engel
Kind
Obey

NOT VOTING—6

Bachus
Evans
Gutierrez
Inslee
McKinney
Northup

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1649

Mr. NEAL of Massachusetts changed his vote from ''yea'' to ''nay.''

Mr. MCGOVERN changed his vote from ''nay'' to ''yea.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SYMPATHY FOR THE PEOPLE OF INDIA IN AFTERMATH OF THE DEADLY TERRORIST ATTACKS ON JULY 11, 2006

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 911, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 911, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 8, as follows:

[Roll No. 387]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur

Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Davis (FL)
Evans
Gutierrez
Inslee
Issa
McHugh
McKinney
Northup

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1657

Mr. LEVIN changed his vote from ''nay'' to ''yea.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Resolution condemning in the strongest possible terms the July 11, 2006, terrorist attacks in India and expressing condolences to the families of the victims and sympathy to the people of India.''.

A motion to reconsider was laid on the table.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–127)

The SPEAKER pro tempore (Mr. KUHL of New York) laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 810, the ''Stem Cell Research Enhancement Act of 2005.''

Like all Americans, I believe our Nation must vigorously pursue the tremendous possibilities that science offers to cure disease and improve the lives of millions. Yet, as science brings us ever closer to unlocking the secrets of human biology, it also offers temptations to manipulate human life and violate human dignity. Our conscience and history as a Nation demand that we resist this temptation. With the right scientific techniques and the right policies, we can achieve scientific progress while living up to our ethical responsibilities.

In 2001, I set forth a new policy on stem cell research that struck a balance between the needs of science and the demands of conscience. When I took office, there was no Federal funding for human embryonic stem cell research. Under the policy I announced 5 years ago, my Administration became the first to make Federal funds available for this research, but only on embryonic stem cell lines derived from embryos that had already been destroyed. My Administration has made available more than $90 million for research of these lines. This policy has allowed important research to go forward and has allowed America to continue to lead the world in embryonic stem cell research without encouraging the further destruction of living human embryos.

H.R. 810 would overturn my Administration's balanced policy on embryonic stem cell research. If this bill were to become law, American taxpayers for the first time in our history would be compelled to fund the deliberate destruction of human embryos. Crossing this line would be a grave mistake and would needlessly encourage a conflict between science and ethics that can only do damage to both and harm our Nation as a whole.

Advances in research show that stem cell science can progress in an ethical way. Since I announced my policy in 2001, my Administration has expanded funding of research into stem cells that can be drawn from children, adults, and the blood in umbilical cords with no harm to the donor, and these stem cells are currently being used in medical treatments. Science also offers the hope that we may one day enjoy the potential benefits of embryonic stem cells without destroying human life. Researchers are investigating new techniques that might allow doctors and scientists to produce stem cells just as versatile as those derived from human embryos without harming life. We must continue to explore these hopeful alternatives, so we can advance the cause of scientific research while staying true to the ideals of a decent and humane society.

I hold to the principle that we can harness the promise of technology without becoming slaves to technology and ensure that science serves the cause of humanity. If we are to find the right ways to advance ethical medical research, we must also be willing when necessary to reject the wrong ways. For that reason, I must veto this bill.

GEORGE W. BUSH.

THE WHITE HOUSE, *July 19, 2006*.

□ 1700

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the veto message and the bill will be printed as a House document.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Ohio (Mr. BOEHNER) is recognized for 1 hour.

Mr. BOEHNER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this question.

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

There was no objection.

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

The President today used the veto authority for the first time in his Presidency. Yesterday Congress sent him two bills relating to emerging medical research involving the use of so-called stem cells. Today the President signed one of those bills while vetoing a second. A third bill was supported by a majority of House Members last night, but did not capture the necessary two-thirds vote to be passed under the suspension of the rules.

The bill signed into law by the President today is a positive step forward, and I remain hopeful that we can reconsider the other measure at some point in the future. Our colleagues, ROSCOE BARTLETT, PHIL GINGREY, NATHAN DEAL, and DAVE WELDON, deserve great credit for their hard work on these two measures. Their work brings

new hope in the struggle to find cures that have eluded medical researchers for decades as they search for ways to defeat serious disease.

The President's decision to veto the legislation offered by my friend from Delaware Mr. CASTLE should come as no surprise to anyone. More than a year ago President Bush warned the bill would take us across a critical ethical line by creating new incentives for the ongoing destruction of emerging human life. Crossing this line, the President said, would be a great mistake.

As the President also noted a year ago, there really is no such thing as a ''spare embryo.'' Every man and woman in this Chamber began life as an embryo identical to those destroyed through the process known as embryonic stem cell research. The embryos at issue in this debate are fully capable of growing and being born as healthy babies with loving parents. The notion that embryonic stem cell research relies on ''spare embryos'' that have no value beyond the possibilities for medical research is tragically and deceptively wrong.

Many opponents of the President's decision today are driven by a passion for the preservation of human life and the desire to see developments of cures to chronic diseases. I have great respect for their commitment to this goal, and I think it is a goal that we all share. The passion for the preservation of human life is incomplete if that passion does not extend to the most vulnerable form of human life.

It is wrong to force Americans to allow their tax dollars to subsidize medical research that depends on this destruction of human embryos. The Congress sent the President a bill that would expand the use of Federal tax dollars for this practice, and the President rightly used his veto power to reject it.

Because the vetoed bill originated in the House, the Constitution gives us the duty of receiving the President's veto message and initiating any legislative response. Having now been notified of the President's action, the House will now immediately consider the question of whether to override the President's veto, which would require a two-thirds vote, or to sustain it.

For the reasons I have just articulated, I would urge my colleagues to join me in voting against the motion to override. No just society should condone the destruction of innocent life, even in the name of medical research. The President was right to veto this bill. It would be wrong for this House to overrule the President's decision by voting to override.

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

Ms. DEGETTE. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, today the President of the United States has snuffed out the candle of hope for 110 million Americans who suffer from debilitating diseases like diabetes, Parkinson's, Alzheimer's, nerve damage and many, many more. He snuffed out this candle of hope because he used the first veto of his 6-year Presidency to veto H.R. 810, the embryonic stem cell legislation.

Mr. Speaker, this is the President's first veto in over 1,100 bills. The President issued veto warnings in nearly 150 bills, but he signed all of those bills. The President has signed bills to increase the national debt. He has signed bills to increase tax cuts for wealthy corporations and oil companies. He signed hundreds of post office naming bills, but he decided he would veto this one bill. This is not some minor legislation. This is legislation that would foster the only research that has shown hope for millions of Americans.

He said in his veto message that he was vetoing this legislation because ''American taxpayers would be compelled to fund the deliberate destruction of human embryos.'' One might think that the President would read this bill, his first veto, before he said that, because if he had read that bill, he would know that H.R. 810 specifically does not allow Federal funds to be used for the destruction of embryos. Rather, H.R. 810 says that Federal dollars can be used for the research on embryonic stem cell lines which have already been created with private dollars.

This policy is the same as the policy President Bush looked at in 2001 when he issued an executive order restricting the number of stem cell lines used. What he said at that time was embryonic stem cell research was okay, but he limited it to embryonic stem cell lines in existence as of that day.

So I ask the President, why is it wrong to simply expend Federal money for stem cell lines that have been created by private researchers since that date? It seems wrong, and it is certainly not what this bill is intended to do.

The President wants it both ways. He wants to say that he supports embryonic stem cell research, but he doesn't want to do it in a way that will actually effect cures.

Mr. Speaker, it seems to me that the President is confused about his role as chief executive of this country. We don't live in a theocracy. We live in a constitutional democracy in this country where we form a consensus about ethics and medical research. There is a widespread consensus. The public supports this almost three-quarters. Prolife, prochoice, Democrat, Republican, Independent, all of them share the same concern that we protect lives, but that we expand research in a way that will benefit millions and millions of Americans.

I urge this House to take this very seriously. Don't make a political vote. Think about the lives that could be saved. Think about what H.R. 810 actually does, and vote ''yes'' to override this veto.

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

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the sponsor of the underlying bill, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the distinguished majority leader very much for yielding.

I would just ask everybody, be they at home or here, look to your left and look to your right. There is one of those three people who probably has some form of illness which could be helped by good medical research, and we believe that is embryonic stem cell research.

It is ironic that the President is vetoing a piece of legislation that many of us here on this floor believe is the most significant piece of legislation that he could have signed in the course of time that he has been President of the United States of America. I am disappointed in that, but I would rather look at the bright side of things in the sense that we have advanced, I believe, the cause of medical research in this country.

We have had alternative proposals in terms of embryonic stem cell research. We have had a focus on it. There is a greater education about stem cell research than we ever had in this Congress before and certainly across the United States of America. Hopefully this will end up with greater research being done as far as the NIH and Federal medical involvement in that research is concerned.

The debate has sort of shifted. Back in May of 2005 when we had this debate, we talked about adult stem cells and how they could be better than embryonic stem cells. I think we all should recognize that there is some very good research on adult stem cells, which has been around for a long time, but we should realize now that the debate has turned to how are we going to obtain these pluripotent embryonic stem cells which can help research so much more than anything else we could possibly do. So there had been some progress as far as that is concerned.

A couple of points I want to make, and one is that everybody knows this research is about embryos. What is an embryo? It is a 5-day-old blastocyst no bigger than the point of a pencil. The ones that we are dealing with would never be implanted in a woman and are slated for medical waste. That is very important to understand. The decision has been made by the individuals who created that embryo to have it go into medical waste; and then they make the decision instead of doing that, it will be used for medical research. So these will never become people because that is a decision that has already been made and is behind us at that particular point in time.

It is also very important to point out that this legislation does not fund derivation or the so-called killing of the embryo to obtain the embryonic stem cells. That has nothing to do with this.

This simply funds the research, the potentially life-saving research, for the one in three, the 110 million Americans who have been referred to.

We are not going to stop here. I would just like to address those 110 million people and their families. We are not going to stop here. We are going to continue to advance research. We have offered alternatives to the White House before. They did not want those alternatives. They did not want this legislation. We will go back to that process. We will do everything in our power to help the patients nationwide who might need help.

I think there is more commonality of opinion on this than there was before. Hopefully there will be more openings than we have had heretofore as well.

I know that embryonic stem cell research will progress and eventually be a benefit to mankind. My concern is delay. It is going to happen at some point. It is a time issue. It is a temporal issue, but we are going to have this research. We are going to improve medical research opportunities for everybody.

I just want to quote Ben Franklin at the 1787 Constitutional Convention: ''I have often in the course of the session looked at that sun behind the President without being able to tell whether it was rising or setting. But now at length I have the happiness to know it is a rising and not a setting sun.''

That is how I feel about stem cell research: One day the sun will rise on it, and people will be helped.

□ 1715

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank our distinguished colleague who has worked so hard to bring this legislation forward.

Today, I think, is really a sad day in our country with the President announcing the veto, the only veto that he has used in his entire Presidency, to strike down what I believe is very sound legislation. I think he has placed the dogmatic views of some of his supporters ahead of sound science, ahead of public health, ahead of research, and ahead of our country's best interest.

I am proud to be an original cosponsor of the Stem Cell Research Enhancement Act. Why? Because there are millions of Americans that are afflicted with so many diseases. I believe that this legislation not only gives them hope, it spells out, as a national policy, that we can indeed merge ethics, morality, and sound public policy to address what ails them.

We have all had constituents come to us, parents of children with juvenile diabetes, pleading that the research be able to go forward.

I have always thought that America was the best idea that has ever been born. Today, I think that light of what America represents not only to her own people, but to be the hope and the beacon of light for people around the world, has been diminished by this veto.

I believe that this legislation needs to move on. It should be the public policy and the guidepost in terms of ethics and morality for our country, which is the responsibility of the Congress to set forward, should move forward, and it will when the House of Representatives overrides the President's dubious veto.

Mr. Speaker, unfortunately the President has placed the dogmatic views of some of his supporters ahead of sound science, ahead of public health, and ahead of our country's best interests.

The Stem Cell Research Enhancement Act will not merely advance medical science. It will almost certainly save many thousands of lives and provide hope to millions of Americans afflicted with terrible, debilitating diseases and injuries, including Parkinson's, Alzheimer's, spinal cord injuries, strokes, heart disease, diabetes, burns and arthritis.

I'm proud to be an original cosponsor of this bill and I'm deeply saddened that the President has seen fit to use the first veto of his presidency on this crucial legislation.

H.R. 810 will bring embryonic stem cell research under the National Institutes of Health, ensuring rigorous controls and ethical guidelines on this research that only the NIH can implement.

Congress has a moral imperative to frame these issues and establish a national policy that integrates the best of science and the highest ethical standards.

Without this legislation, much of the critical funding for stem-cell research will be available only from the States, from private sources, or from foreign governments who are investing billions in this field.

If we don't override the President's veto, stem cell research will be curtailed in the United States, but it will not end. Researchers and doctors in the United Kingdom, Sweden, Israel, China, Australia, South Korea, the Czech Republic, and elsewhere are moving full speed ahead on this vital research and will continue to do so.

If the President's veto of this bill is successful, he will only succeed in preventing life-saving cures from reaching American patients sooner, and prevent the establishment of national standards for this research.

Mr. Speaker, science and ethics can and indeed should be joined, and this legislation sets out a comprehensive national policy for this vital research.

The President's veto represents an exercise of political science over real science, and must not be allowed to stand.

Vote to override this veto.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, it is regrettable that there has been so much confusion about the current state of embryonic stem cell research in our country. The choice is not between conducting the stem cell research or not conducting it. That is not the choice. Embryonic stem cell research is legal in America, and nothing in the administration's current policy affects that legality; 400 lines are currently being used to conduct embryonic stem cell research, both in the private sector and by the Federal Government. Indeed, the Federal Government spent $41 million last year on embryonic stem cell research.

The administration's policy simply provides that Federal taxpayer dollars are not used to destroy human embryos. It is false to suggest that medical breakthroughs come only through government research. In fact, the private sector has been responsible for such breakthroughs as the heart drug Sildenafil, Prozac and ibuprofen. Private researchers discovered penicillin and the polio vaccine, conducted the first kidney and lung transplants, and identified the role DNA plays in directing our biologic makeup, all without Federal dollars.

And where is the private sector spending its dollars now? The overwhelming portion of nongovernment money is going to adult and germ cell research, because that is where the promise is. There are over 72 known treatments using adult stem cells. A huge breakthrough with regard to juvenile diabetes has occurred just in the last 6 months. Ductal cells from the patient's own pancreas can be induced to become stem cells that then produce insulin-producing cells. This process was created in the U.S. and has cured eight people of diabetes in Europe using adult stem cells, not embryonic stem cells.

But, Mr. Speaker, no one can deny that this debate involves a profound ethical and moral question. This is a matter of conscience for millions of taxpayers who are deeply troubled by the idea that their resources are being used to destroy human life, and it is a vote of conscience for me.

The private sector can go forward, if it must, with destruction of embryos for questionable and ethically challenged science. But spend the people's money on proven blood cord, bone marrow, germ cell, and adult cell research.

Ms. DEGETTE. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a leader on this issue.

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

Mr. LANGEVIN. Mr. Speaker, I thank the gentlewoman for yielding and for her exceptional leadership, along with Congressman MIKE CASTLE's leadership on this exceptional and important issue.

Mr. Speaker, I rise to express profound disappointment in the decision of the President to veto H.R. 810.

This legislation passed with strong bipartisan support in both Chambers of Congress. It enjoys the support of upwards of 70 percent of the American people and, most importantly, it offers hope and the promise of a cure to the millions of people who are living with the constant challenge and burdens of chronic disease and disability.

Mr. Speaker, when I was injured in an accidental shooting as a young police cadet almost 26 years ago, I was told that I would never walk again. The promise of embryonic stem cell research was at that time unheard of.

While I always held out hope that I would one day walk again, it was not until the tremendous potential and advances in the field of stem cell research that I truly understood how a cure might work. Today I am thrilled to be able to share this hope with millions of others.

We live in exciting times. Today, newly injured patients, many of them teenagers, as I was, are told about developing treatments and scientific progress. They face the world with many of the same challenges I faced in 1980, but they also face the world with the hope and real promise of a cure.

Under the current policy, however, that promise is limited. Embryonic stem cell research has been limited to the lines derived before August 9, 2001, the date of the President's policy announcement.

When the President announced his policy almost 5 years ago, even he acknowledged the tremendous potential of embryonic stem cell research. In fact, that policy allows the research to proceed but only in a very limited way. The resources that we had in 2001 have run out. This research cannot truly move forward without a change in policy. That is why I am disheartened by the President's decision today.

H.R. 810 was crafted according to the ethical guidelines outlined by the President, and it is why I will vote to override his veto today.

It authorizes research only on excess embryos originally created for in vitro fertilization but which are slated for destruction.

It requires informed, voluntary consent of the donor.

The only change to existing policy would be the lifting of the cutoff date of August 9. This is, in fact, not a debate about the ethics of stem cell research, or a debate about when life begins. It is a debate about a date.

H.R. 810 offers our nation's scientists the tools they need to proceed down this historic path. Stem cell research represents the most noble activity in which our government can engage: the protection, promotion, and, indeed, affirmation of the lives of our most vulnerable citizens.

With millions of American patients and their families in mind, I will proudly cast my vote today to override the President's veto. I urge all my colleagues to join me in support of the override.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today as a mother, as a Member of this body, and certainly as a concerned citizen who fears that the untapped potential of stem cell research may be falling by the wayside.

I was disheartened to learn that the President did veto H.R. 810 today because it passed the House by a very significant majority. It is because of my strong respect for and commitment to life that I supported this bill last year.

A sad fact of life is that many of our loved ones suffer from debilitating diseases such as Alzheimer's, diabetes and Parkinson's. But embryonic stem cell research holds promise to cure these illnesses. A visit to the Miami Project, where they are trying to find a cure for paralysis, certainly would convince anyone of the need for this research. They have shown very promising progress.

The bill brings forth hope from embryos that would otherwise be discarded, thrown in the trash. These are embryos that can be used for good and for substantial medical research.

Overriding the veto today will provide promise of hope and promise to millions of Americans suffering from diseases and I urge my colleagues to vote in favor of life by voting ''yes'' to override the President's veto.

Ms. DEGETTE. Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman.

I rise strongly to support stem cell research and ask this House to vote ''yes'' to override the President's veto. I intend to vote ''yes'' to override the veto.

Mr. Speaker, I rise today in support of H.R. 810, the "Stem Cell Research Enhancement Act of 2005." We have an opportunity, and a responsibility, to save lives by supporting this bill, and to help Americans who are suffering.

In order to accelerate scientific progress toward the cures and treatments for a wide variety of diseases and debilitating health conditions, such as Parkinson's Disease, Diabetes, Alzheimer's Disease, Amyotrophic Lateral Sclerosis (ALS), cancer, and spinal cord injuries, it is necessary to expand the number of stem cell lines that can be used in federally funded research.

Our debate today is a historical achievement for two reasons. First, President Bush vetoed this bill, after it passed in both the House of Representatives (238–194) and the Senate (63–37). This was the first time in five and one-half years in office that President Bush has vetoed a bill. This speaks volumes about the failure of our system of checks and balances, the short-sightedness of our executive branch, and the lack of Congressional leadership.

Second, we must reassess and reaffirm the need and commitment of this nation to pursue medical research leadership and scientific innovation. We must do everything in our power to reduce human suffering and better understand human physiology. Today, we must make history. We must override this veto and pass H.R. 810 in order to preserve the ability of our scientists to pursue innovative research with stem cell lines and find effective treatments and cures for the diseases and conditions that plague humankind.

The miracles capable with stem cell research are mind boggling. It may be possible for neurons developed from embryonic stem cells to restore function to paralyzed individuals; breast cancer may be mitigated by embryonic stem cells that mimic and then slow the growth of cancer cells; an embryonic stem cell-aided kidney transplant can help a patient accept a donor organ with minimal dose of drugs; embryonic stem cells can transform and regenerate damaged liver tissue, offering renewed hope to the 1 out of 5 patients who die before they receive a liver transplant.

As a Member of the Science committee, I am dedicated to the advancement of science, to the exploration of creative initiatives, and the pursuit of sound research. When we demonize science, we only hurt ourselves, making it more likely that other countries will stand at the forefront of science and innovation.

According to the National Institutes of Health (NIH), of more than 60 stem cell lines that were declared eligible for federal funding in 2001, only about 22 lines are actually available for study by and distribution to researchers. These NIH-approved lines lack the genetic diversity that researchers need in order to develop effective treatments for millions of Americans.

The policy debate that we have engaged in over the last year has focused on both scientific and moral arguments. This bill is precisely the measured, balanced, rational, and progressive law that we need to further the scope of medicine, while simultaneously defining precise moral guidelines.

At issue in particular is the use of embryonic stem cells, or pluripotent stem cells, versus adult stem cells. The difference is crucial in understanding the immense potential benefit.

Pluripotent stem cells are the most adaptable and unique of all of the stem cell varieties. As opposed to adult stem cells, which are limited to a genre, such as blood cells or bone cells, pluripotent stem cells can eventually specialize in any bodily tissue. Embryonic stem cells are clusters of cells, and cannot develop into a fetus or a human being. The possibilities are literally limitless, and only restricted by time and by funding.

The pluripotent stem cells were derived using non-Federal funds from early-stage embryos donated voluntarily by couples undergoing fertility treatment in an in vitro fertilization (IVF) clinic or from non-living fetuses obtained from terminated first trimester pregnancies. Informed consent was obtained from the donors in both cases. Women voluntarily donating fetal tissue for research did so only after making the decision to terminate the pregnancy.

It is estimated that more than 400,000 excess frozen embryos exist in the United States today and that tens of thousands, and perhaps as many as 100,000, are discarded every year.

When President Bush declared in 2001 that federal funding to stem cell research would be limited, an unprecedented 80 Nobel laureates opposed with this action. They included such notables as James Watson, who co-discovered the DNA double helix, and renowned economist Milton Friedman. In their letter to Mr. Bush, the laureates noted that the embryos to be used in the research were destined for destruction anyway. They wrote, "Under these circumstances, it would be tragic to waste this opportunity to pursue the work

that could potentially alleviate human suffering.''

I ask unanimous consent to submit a copy of this letter to the RECORD.

This bill provides a limited—yet significant—change in current policy that would result in making many more lines of stem cells available for research. If we limit the opportunities and resources our researchers have today, we only postpone the inevitable breakthrough. Our vote today may determine whether that breakthrough is made by Americans, or not.

I urge my colleagues to vote in favor of this bill, to vote in favor of scientific innovation, and to vote in favor of a perfect compromise between the needs of science and the boundary of our principles.

Ms. DEGETTE. Mr. Speaker, I am delighted to yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), another fine leader in this movement.

Mrs. CAPPS. Mr. Speaker, I thank my colleague from Colorado for yielding and for her leadership and, in fact, the bipartisan leadership that has brought us to this point today.

Mr. Speaker, I rise in support of the bill to override the President's veto of H.R. 810.

It is really unfortunate that this veto and other opposition of this bill are born out of misinformation about the issue at hand.

Under H.R. 810, the embryos from which stem cells are extracted for research come from in vitro fertilization only.

Each year thousands of embryos, no bigger than the head of a pin, are created in the process of in vitro fertilization, with the support of Congress, by the way.

A small percentage of these embryos are implanted and will, hopefully, grow into children. The rest will be frozen or discarded. They will not be used to create life. They will never become children. They will be lost without purpose.

But H.R. 810 gives them purpose, and this only with the express approval of the donors.

Now, the majority of Members in both the House and Senate affirmed their support for enhancing our use of stem cells in research because they understand that purpose.

Maybe it really isn't surprising that President Bush has vetoed this bill because he doesn't understand, and it is consistent with his signing into law other bills that have cut funding for medical research, denied proper funding for veterans health care, decreased our Nation's ability to confront true health crises.

This administration has ignored and twisted science in a variety of areas, everything from global warming to abstinence-only education.

The refusal to acknowledge the scientific value of embryonic stem cell research is one more tragic misstep. Let's not be the embarrassment of the world yet again. Let's affirm our commitment to saving lives by overriding this veto. Let's untie the hands of scientists on the verge of cures for the world's most devastating diseases.

I urge my colleagues to support this measure.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I rise in support of sustaining the President's veto of H.R. 810. I strongly oppose H.R. 810, the Stem Cell Research Enhancement Act. An embryo is human life. H.R. 810 would use Federal tax dollars, our tax dollars, to fund the destruction of human life for scientific research. This misguided research is already permitted. What we are debating is who should pay for it. Should it be the taxpayers or private research?

To my colleagues who support this legislation, I share your concern for finding future medical treatments to improve lives. But let's be open in the process and look for ways that do not compromise life in any form, at its beginning, its middle, or end. There is no justification for the destruction of innocent life for the sake of another.

Congress has a moral obligation to protect women and the unborn, and I urge my colleagues to sustain the President's veto and vote ''no'' on this question.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the President's veto of embryonic stem cell legislation flies in the face of the American people's broad support for this bill. In vetoing this bill, the President has gone against more than 70 percent of Americans who support stem cell research using embryos that would otherwise be discarded.

□ 1730

Even worse, he has thumbed his nose at the millions of Americans suffering from incurable diseases. Americans have kept their hopes alive while this administration has played political games and thrown up roadblocks to the promising research that would offer them a cure.

As opposed to legislation we have passed to encourage research on cord blood and adult stem cells, only this bill, the Castle-DeGette bill, would expand research on the embryonic stem cells that have the unique ability to reproduce indefinitely and evolve into any cell type in our bodies.

I have personally seen the potential that this research holds and how it works. Last summer I visited the stem cell labs at the Baylor College of Medicine in my hometown of Houston, where researchers are looking at treatments for heart disease with just a few Federal lines. The message from the researchers I met with was clear. The current policy not only slows medical progress, but will force the world's brightest researchers to abandon the U.S. for countries without this restriction on lifesaving research.

My colleagues opposed to this bill have argued this on moral and religious grounds. They are absolutely right. Regardless of whether one practices Christianity, Judaism, or Islam, every religion in the world tells us to alleviate human suffering.

History has shown, however, that even the most devout have often strayed from this common religious and moral duty. According to the New Testament, religious leaders in Biblical times attacked Jesus for healing the sick on the Sabbath. History has apparently repeated itself, as we have religious leaders today casting similar judgments on the healers of our time. Just like the sick in Biblical times, American families suffering from incurable diseases do not have time for the Federal Government to restrict those who could heal them. To alleviate human suffering, that is the purpose of this bill, and that should be our purpose today.

Let us override this veto.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I thank the gentleman from Ohio for allowing me some time to speak in favor of sustaining the President's veto.

It has been a year since this House passed the Castle-DeGette bill, and in that year science, not Hollywood, has helped us to debunk the myth of a promise for embryonic stem cell research. Hollywood supports it. Science created fraudulent experiments. Before last year's vote, they made arguments supporting embryonic stem cell research. They were coming fast and furious from our colleagues.

During the debate in the Senate, the same arguments came. They cited Dr. Hwang Wook Suk of South Korea and his research. Supporters of his research said that he had cloned a human embryo, that he had found a way to produce embryonic stem cell lines that could be done routinely and efficiently. What happened later? All of his research was debunked. The ethics of his research were called into question. It was revealed that his publications were faked, his experiments were unsuccessful, and the treatment of their egg donors was ethically grossly appalling.

Mr. Speaker, I urge us to reject embryonic stem cell research as the science is not there. Science is very successful in treating patients using adult stem cells and cord blood stem cells, which we agreed to fund and the President signed, and I believe we should support that.

Ms. DEGETTE. Mr. Speaker, of course, the gentlewoman from Pennsylvania refers to the South Korea experiment which was not embryonic stem cell research. Rather, it was somatic cell nuclear transfer, not at issue today. And, furthermore, it only points out why we need Federal oversight and ethics in the United States.

Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, no single action this Congress could take would have a more profound impact on life than increasing Federal funds for biomedical research, biomedical scientists to conduct that research with human embryonic stem cells. Alzheimer's, Parkinson's, brain and spinal cord disorders, diabetes, cancer, at least 58 diseases could potentially be cured through stem cell research, diseases that touch every family in America and in the world.

I stand here as someone who understands the promise of biomedical research all too well. Having been diagnosed with ovarian cancer by chance on a doctor's visit two decades ago, I know firsthand how medical research can save lives. It saved mine. It can quite literally mean the difference between life and death, between hope and despair.

Are there moral issues to consider with respect to stem cell research? Absolutely. But let us not confuse them with the ethical safeguards that this legislation does put in place, allowing research only on embryos that were originally created for fertility treatment purposes and that are in excess of clinical need. By permitting peer-reviewed Federal funds to be used with public oversight, we can have no doubt that this research will be performed with the utmost dignity and ethical responsibility.

The moral issue here is whether the United States Congress is going to stand in the way of science and preclude scientists from doing lifesaving research. We do not live in the Dark Ages. With this vote this Congress has an opportunity to tell the world that we are a country that believes science has the power to advance life. I believe we are. By allowing the President to stop this research from going forward, we risk something very precious.

Mr. Speaker, the world has always looked to America as a beacon of hope precisely because of our capacity to combine the best ideas in the world with abundant resources. Let us continue that tradition. Let us lead the way. Support the veto override.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, this House should override the President's veto of the Stem Cell Research Enhancement Act.

With regard to medical research, science should triumph over politics. Stem cell research offers the best promise of ending diabetes, Parkinson's, and cancer. Americans strongly support the treatment of disease, but we are passionate about finding cures.

America has won more Nobel Prizes in medicine than all European countries combined. This legislation is needed to maintain U.S. leadership.

Mr. Speaker, the leading candidates for President in our country of both the Republican and Democratic Parties support this bill. In the House the Republican chairmen of our most powerful committees, Rules, Ways and Means, Appropriations, and Energy, all support this bill. In the Senate the Republican majority leader and the Chairs of Armed Services, Commerce, Appropriations, Foreign Relations, and Rules all supported this bill.

At worst, the President's stem cell policy will last only 30 more months and be reversed on January 20, 2009, regardless of who wins the Presidency.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield for the purpose of making a unanimous consent request to the gentleman from Rhode Island (Mr. KENNEDY).

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in support of the effort to override this Presidential veto, of people's right to live a life where they can be free from the illness that they are suffering today, and of my colleague Jim Langevin's right to be able to get out of that wheelchair within his lifetime thanks to stem cell research.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished member of the Energy and Commerce Committee, Mr. ENGEL.

Mr. ENGEL. Mr. Speaker, I thank the gentlewoman for yielding.

Today President Bush has cast the first veto of his Presidency on legislation approved overwhelmingly by the House and Senate: the Stem Cell Research Enhancement Act. Frankly, to veto a bill that has the support of 72 percent of the American public is simply unconscionable and indefensible. The President speaks about ethics. I think it is totally unethical not to save lives.

Despite what the critics may say, H.R. 810 does not end life. It honors life. As anyone who suffers from diabetes, Parkinson's disease, ALS, or a whole host of other debilitating health conditions knows, scientists believe embryonic stems cells provide a real opportunity for devising unique treatments for these serious diseases.

Let me be absolutely clear. This is not about cloning. I oppose cloning of human beings. This is about the use of stem cells which would have been discarded anyway. It has been estimated that there are currently 400,000 frozen embryos created during fertility treatments which would be destroyed if they are not donated for research. I would never condone the donation of embryos to science without the informed written consent of donors and strict regulations prohibiting financial compensation for potential donors. Our Nation's scientific research must adhere to the highest critical and ethical standards, and H.R. 810 protects this.

The National Institutes of Health has admitted that U.S. scientists have fallen behind Europe and Asia in stem cell research because of President Bush's policy. While five States have committed significant funding, NIH Director Zerhouni has noted that a patchwork collection of different stem cell policies in States could inhibit critical collaborations. We need a national commitment, and the current stem cells that the President alludes to have been contaminated and are no longer useful.

We must not allow those standing in the way of health and science to compromise the future well-being of our families and loved ones. Simply put, that would not be ethical. Over 200 patient groups, universities, and scientific societies have urged the President to expand the Federal policy on stem cell research.

We must honor life by overriding President Bush's veto.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

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

Mr. GINGREY. Mr. Speaker, I rise today proud to stand with our President to ensure that our society remains a people that values life. The President is a man of his word, and today he made good on his promise and he issued his first Presidential veto against H.R. 810, a move to protect the sanctity of human life.

Mr. Speaker, over the last few days, I have had the privilege to meet and visit with the families of the so-called ''snowflake babies.'' These are children who started out life at frozen embryos, indeed no larger than the point of a pen, whose parents, instead of discarding these precious little lives, allowed them to be adopted.

Each of these families has their own unique story. They are families who have longed for and prayed for children. They are families who now enjoy the blessings of these little ones' smiles and tears, laughter and heartbreak. These children represent what advocates of this bill see as unwanted leftovers, collateral damage on society's path to medical research called for in the Castle-DeGette bill.

Mr. Speaker, the interesting aspect of this debate is that embryonic stem cell research does not have to divide this House of Representatives. I am here today to tell the American people that science has delivered the solution to this ethical divide. Scientists have made extraordinary advances in research that now allow them access to embryoniclike stem cells without destroying the human embryo. The answer that science has given us is that our government can have both, and, most importantly, so can the American people.

Yesterday Members of this House, those who claim to be supporters of all types of embryonic stem cell research, stood in the way of a bill that would have funded these ethical and exciting new breakthroughs.

Mr. Speaker, we need to sustain the President's veto, and I call for my colleagues on both sides of the aisle to do just that.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished Democratic whip, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

The choices before the Members of this House today are clear and straightforward. Will the Members of the Republican majority choose to stand with George W. Bush, who just minutes ago vetoed this legislation, ironically the very first veto of his Presidency, and, as a result, impede medical research into diseases that afflict millions of Americans? Or will the Members of this Republican majority choose to stand with more than 70 percent of the American people; the most respected members of America's medical research community; and 238 Members of this House and 63 United States Senators, including, of course, majority leader BILL FRIST, all of whom support embryonic stem cell research?

There is little question, Mr. Speaker, about the utility of such research. Scientists, including 80 Nobel Laureates, believe that embryonic stem cell research could lead to treatments and cures for diabetes; Parkinson's; Alzheimer's; multiple sclerosis; cancer; and, as the gentleman from Rhode Island indicated, the rehabilitation of nerves.

Dr. Zerhouni, director of the National Institutes of Health, chosen by George Bush, has stated: ''Embryonic stem cell research holds great promise for treating, curing, and improving our understanding and treatment of disease.''

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The American Medical Association and 92 other organizations stated last week in a letter that ''only H.R. 810 will move stem cell research forward.''

Senate Majority Leader FRIST, a heart surgeon, has stated, ''Embryonic stem cells uniquely hold specific promise that adult stem cells cannot provide.''

Nor is there doubt about the need for more stem cell lines, since the lines designated by President Bush in 2001 have proven much less useful than hoped. Dr. Anthony Fauci, director of the National Institute of Allergy And Infectious Diseases, has stated, ''Our institute believes that embryonic stem cell research could be advanced by the availability of additional cell lines. We may be limiting our ability to achieve the full range of potential therapeutic application of embryonic stem cells by restricting research to a relatively small number of lines currently available.'' This legislation seeks to do just what Dr. Fauci says ought to be done.

Mr. Speaker, the Castle-DeGette bill quite simply would authorize Federal funds for research on embryonic stem cell lines derived from surplus embryos at in vitro fertilization clinics that would otherwise be discarded. That would otherwise be discarded. That seems to me to be critical to every Member's decision.

Equally important, the bill would allow Federal funding of embryonic stem cell research only if strict ethical guidelines are followed. We do not pursue this irresponsibly.

Mr. Speaker, this is one of the most important votes that Members will cast in this Congress, and it will be long remembered by the American people. I implore my colleagues, vote to advance ethical embryonic stem cell research, not impede it. Vote to override the President's misguided veto, which will be looked upon years from now as a momentary victory for ideology over medical research and progress.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, earlier today I attended the President's news conference with snowflake babies and their families at which the President announced his veto of H.R. 810. Snowflake babies were adopted as excess embryos. Excess embryos would be destroyed with taxpayers' dollars under H.R. 810 to produce pluripotent stem cells for science.

How can anyone look at these snowflake babies and hear their voices and say that it would be okay to kill them to provide materials for medical research?

President Bush transformed what could have been a day of tragedy into a day of triumph by vetoing H.R. 810 and by taking additional steps to support pluripotent stem cell research that does not destroy embryos.

To the proponents of H.R. 810, scientists, doctors and the public, pluripotent stem cells hold the most promise for understanding human diseases and treating devastating conditions. That is why pluripotent stem cells are coveted.

Yesterday, knowing that the President would veto H.R. 810, this body had the opportunity to approve a bill the President said he would sign to use taxpayer dollars to obtain pluripotent stem cells without destroying embryos. This opportunity is not lost to this Congress.

I urge everyone in this Chamber to sustain President Bush's veto and support bringing back for a vote the Bartlett-Santorum bill, S. 2754, which represents common ground into promising ways the Federal Government can support pluripotent stem cell research without sacrificing life for medicine.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman, and especially appreciate the good work that she and Mr. CASTLE have done.

With the President's action today, and he always keeps his word, he condemned tens of millions of Americans and their families and everybody who loves them to suffer needlessly, and all the while they know their government, when given the opportunity to help, decided to do nothing.

I remember this kind of mugwumpery before. I remember when organ transplants came about. Everybody said, oh, no, we can't do that. If God didn't want you to have a good liver, you can't get one from somebody else. The same thing with blood transfusions, all the way through. Why in the world do we always have such a know-nothing, antiscientific government body that tells our scientists what they can do and can't do?

As one of the scientists in this House, I am appalled at the fact that my country is falling behind in scientific research. I am astonished that we are telling scientists what they can and cannot study. It bothers me that scientists in other countries don't want to come here to study anymore because of the way that this has happened.

If we fail to override this veto tonight, we are putting this country back another 200 years. Perhaps not that much. But any of you who believe that voting for that one bill yesterday and wanting to vote for the second will cover you at home, let me tell you that is not true. Science knows better. Science will bear out that we do not have the lines we need for research, and you will pay the price, I hope, in November.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. SHAYS) for the purpose of a unanimous consent request.

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

Mr. SHAYS. Mr. Speaker, I rise in support of overriding the veto.

I urge my colleagues to join in voting to override the Presidential veto of H.R. 810, the Stem Cell Research Enhancement Act.

I am disappointed the President used his first veto on legislation that has the potential to help millions of Americans affected by debilitating illnesses. I do not believe history will judge his decision kindly.

When the President first allowed this research to go forward in 2001, he could argue that he was setting up reasonable restrictions. I think today it is clear those restrictions are burdensome, ideologically driven and threaten our status as the preeminent country for medical research.

I appreciate that my Leadership has allowed fair debate on this bill and an up-or-down vote, and hope that in the future we will be successful in helping this research to advance.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would like to yield 1 minute to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong support of overriding the President's veto of the embryonic stem cell research bill.

Every time I go to a classroom in my district, I tell those kids, knowledge is power, and one of the reasons America is such a great Nation is because knowledge and freedom couple to drive the frontiers of knowledge forward, as they have in science and medicine. And here is another frontier. Yes, we will push forward. The President cannot fence in knowledge, the pursuit of knowledge, in a free society.

But as we push forward, that research will not be covered and guided by the ethical code developed by NIH. As we push forward, millions of dollars will be wasted on building a parallel infrastructure of expensive equipment so the State and Federal dollars and the private and Federal dollars can be kept separate.

It is a tragedy that our President has vetoed this important bill, and I will vote to override.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Speaker, I rise today in strong support of this landmark stem cell bill and in opposition to President Bush's unbelievable first-ever veto.

We reached an historic crossroad today in Washington. With the stroke of his pen, the President could have signed stem cell hope and ethical standards into law. But, sadly, the President has delayed medical advances for years.

H.R. 810 will provide the Federal resources necessary to unlock the door to lifesaving cures for millions. It was passed after extraordinary debate and historic bipartisan cooperation. It holds the promise of major advancements in science.

I am deeply disappointed by the President's veto, as are millions of Americans and thousands of my fellow Missourians that have been working, hoping and praying for the approval of this bill. We will not soon forget what happened today. We will not give up. This issue has united Americans into action with a powerful voice.

I strongly urge my colleagues to override the President's veto, to continue the work of embryonic stem cell research and to provide hope for those who need it most.

Mr. BOEHNER. Mr. Speaker, I yield 45 seconds to the gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Speaker, medical research in the United States has for decades been the envy of the world. That embryonic stem cell research holds the key to potential treatment for all manner of disease is already well documented in this debate.

As a physician, I am dismayed at the claims that adult stem cells and umbilical cord cells hold the true pluripotentiality of embryonic stem cells. This is simply not true.

I ask my colleagues to vote to override the veto of this bill. Embryonic stem cell research will continue apace in other parts of the world. It is sad that the great progress and potential in this field won't happen in the United States with our superb academic scientific facilities. It is sadder yet that those who oppose this bill don't recognize that embryonic stem cells represent the epitome, the ultimate, in those things prolife, that is, to save the lives of our fellow members of the human race.

Ms. DEGETTE. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, at issue here is the fundamental value of saving lives, a value that we all share regardless of race, culture or religion. Embryonic stem cells have the potential not just to treat some of the most devastating diseases and conditions, but to actually cure them.

The President's veto of this lifesaving legislation is a slap in the face of the millions of Americans suffering from diseases like Alzheimer's, Parkinson's, or debilitating physical injuries, who found new hope for treatment and cures with the passage of H.R. 810. This hope will remain only if researchers have access to the science that holds the most potential and are free to explore, with appropriate ethical guidelines, medical advances never before imagined possible.

The 67 percent of the American public that supports embryonic stem cell research understands this. Why doesn't the President?

There is no question that scientific advancement often comes with moral dilemmas. That is why we have examined and debated difficult ethical and social questions before passing this legislation.

Like many of you, I believe that strong guidelines must be in place with vigorous oversight from the NIH and Congress before allowing federally-funded embryonic stem cell research.

H.R. 810 would strengthen the standards guiding embryonic stem cell research and would ensure that embryos originally created for the purpose of in vitro fertilization could be made available for research only with the consent of the donor.

So today I ask my colleagues to be as determined to find a cure as science allows us to be. We are closer than ever to remarkable discoveries and on the brink of providing hope to millions of individuals who otherwise have none. Congress must not allow the President to once again put ideology before science.

I urge my colleagues to vote to override of the President's veto of the Stem Cell Research Enhancement Act.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 15 seconds to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, I rise to urge my colleagues to override the Presidential veto of H.R. 810. The Senate's 63–37 vote yesterday to loosen the stranglehold on federally conducted stem cell research and set strict ethical standards for performing that research and the strong showing of support by the House in May of last year marked a triumph of science over politics.

Mr. Speaker, I strongly urge my colleagues to support the override of this veto.

Ms. DEGETTE. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I thank the majority leader for yielding me time, and thank you for your continued support on this issue.

I do rise today to voice my support for the President's veto of H.R. 810. With today's vote, the House will place itself alongside the millions of Americans who believe that all life is precious, even at its earliest stages.

This bill, H.R. 810, would make taxpayer dollars available for embryonic stem cell research using embryos remaining from in vitro fertilization procedures.

Mr. Speaker, that is the issue. Taxpayers should not be forced to fund what some consider morally wrong.

It is still questionable whether embryonic stem cell research will even yield results. I believe we should focus our resources on the proven, the successful adult stem cell research that is working to produce real, meaningful results. That we can all agree on.

Proponents of embryonic stem cell research point to their hope of potential lifesaving benefits from such research. I support the goal, but destroying a life to try to save another is not the way to accomplish it.

Mr. Speaker, I urge a ''no'' vote on this legislation.

Ms. DEGETTE. Mr. Speaker, I reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise to join many of my colleagues today in opposing the President's veto of H.R. 810. I do so reluctantly. I think the overriding of a veto of any President should be undertaken with caution, but in this case I believe it is necessary.

When the House considered this bill last year, our debate focused on the ethical dilemmas of embryonic stem cell research. Those dilemmas are real, and they've been thoroughly addressed in the bill we passed.

What hasn't been noted enough, however, is the importance this bill has for American innovation. The President himself has written—quote—''Through America's investments in science and technology, we have revolutionized our economy and changed the world for the better. Groundbreaking ideas generated by innovative minds in the private and public sectors have paid enormous dividends—improving the lives and livelihoods of generations of Americans.''

These words are true—and to his credit, the President has backed them up with his American Competitiveness Initiative, a set of proposals that every Member in this House has embraced.

So I ask my colleagues: what field will prove more crucial to American competitiveness, to human well-being, to economic growth, than the biological sciences? And what area of research holds more promise in the biological sciences than stem cells?

Over the past two decades, three-quarters of the researchers who have won the Nobel Prize in medicine have studied or taught in the United States. Can we really expect to retain the global leadership if we can't even pass a bill, a thoughtful, bipartisan bill, that assures the moral study of embryonic stem cells? ''Assures.'' I use the word deliberately, because no other nation will meet, let alone exceed, the ethical guidelines and constraints embodied in Castle-DeGette. Each of us knows that.

The sooner we pass this bill into law, the sooner America becomes the hub for this research, the sooner our ethical standards become the de facto standards governing stem cell science around the world.

So Castle-DeGette isn't just about taking the scientific lead on embryonic stem cells, it is about taking the moral lead, setting an ethical standard for research that will take place whether this bill becomes law or not. I urge my colleagues to override this veto.

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Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Speaker, last May I voted in support of H.R. 810. I rise again today to override the veto of this legislation.

I want to take this opportunity to reiterate why I believe that expanded Federal funding of stem cell research is good public policy. We are aware of the potential embryonic stem cells hold. They could hold the key to the greatest mysteries of medical science, offering cures for those afflicted with Alzheimer's, Parkinson's, juvenile diabetes, spinal cord injuries and others. I hope they do.

On the other hand, they can be nothing but a source of false hope, another disappointment for those who wish for a return to health either for themselves or their loved ones. The only certainty is that we will never know the answer if our scientists are overly constrained in their efforts. Without the wherewithal of the National Institutes of Health, we face the prospect of numerous State agencies attempting to set up research protocols, something they are not well equipped to do.

Good science takes time. We must not throw caution to the wind at the hint of miraculous cures. Indeed, left unconstrained, this type of research could lead to dangerous outcomes.

H.R. 810 provides ethical guidelines by which federally funded researchers must comply. I believe it would be far preferable to have the Federal Government setting standards in this field rather than a hodgepodge of States and private entities. The Federal Government should lead the way.

I supported President Bush when he announced his plan to allow federally funded research on 60 preexisting lines. Now, though, we only have 22 lines with significant shortcomings that make them of dubious value.

Federally funded U.S. researchers are at a technical disadvantage as they lack access to newer stem cell lines. Our top stem cell biologists are moving into non-federally funded research or even going overseas to pursue their work. We should not allow this to happen.

There is no question that many difficult questions attend this debate, and many feel strongly that there are ethical reasons not to pursue embryonic stem cell research. But I strongly feel there are ethical reasons why we should. I cannot look at a couple whose child is suffering from a debilitating disease in the eye and tell them I am not doing everything as their elected official; I came to find a cure. I cannot look a researcher in the eyes and tell him I will not let him explore the promise.

I urge my colleagues to vote to override this veto.

Ms. DEGETTE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, I thank the majority leader for yielding. In her opening remarks, the chief Democratic sponsor of this bill told us that embryonic stem cell research will cure Alzheimer's. This is yet another example of the misinformation the bill's proponents have been spreading for the past year.

Let me read from a Washington Post article by Rick Weiss: ''Given the lack of any serious suggestion that stem cells themselves have practical potential to treat Alzheimer's, the Reagan-inspired tidal wave of enthusiasm stands as an example of how easily a modest line of scientific inquiry can grow in the public mind to mythological proportions. It is a distortion that some admit is not being aggressively corrected by scientists.''

Said Ronald D.G. McKay, stem cell researcher at the National Institute of Neurological Disorders and Stroke, ''Embryonic stem cell research may never cure any disease.''

However, ethical adult stem cell research has already resulted in nine FDA-approved therapies for major diseases. We should support ethical research that works.

In this binder I have information from established medical journals for over 70, 72 to be exact, successful treatments that have been discovered using ethical research of adult stem cells; not a single embryo has been destroyed in the process.

In this binder I have the successful treatments derived from embryo-destroying stem cell research. Not a single cure. The score is 72–0. All it has to show for itself are failed experiments, disgraced researchers, tumors and dead laboratory rats.

Mr. Speaker, I applaud the President for doing the right thing and vetoing this unethical and unnecessary legislation. I urge all of my colleagues to sustain the President's veto. Reject H.R. 810.

Ms. DEGETTE. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, President Bush made history today by adding a major black mark to a Presidency that began on the comforting note of compassionate conservatism, but is ending with a jarring jab to the sick and the ill.

There have been 1,484 previous formal vetoes of legislation enacted by Congress in the history of this country, but this one may be the most damaging veto ever issued by any President. If the Congress does not override this veto of this bipartisan stem cell research act, this will be remembered as a Luddite moment in American history, when scientific progress was brought to a halt by those who put fear ahead of hope, and ideology ahead of science.

Research is medicine's field of dreams from which we harvest cures, cures which offer hope to millions of American families struggling with Parkinson's, Alzheimer's, heart disease, juvenile diabetes and cancer. Hope is the most powerful four-letter word in the English language. But if we allow this Bush veto to stand, we will snuff out this flickering candle of hope just as the candle was lit.

Vote for the override of this historic veto of scientific progress. Vote to give the American people a reason to believe.

Mr. BOEHNER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I have heard it said that the President's veto is a political game. There are no political games being played here, except yesterday when the authors of this bill that is before us argued that people should vote against H.R. 5526, the Alternative Pluripotent Stem Cell Therapies Enhancement Act. Why would they do that? A bill that would allow a neutral, that is neutral with respect to ethics, opportunity to develop pluripotent stem cell therapies. And yet we are told here that we are allowing ideology to get in the way of science.

What was yesterday's request by those who authored this bill? You know, we have to consider ethics. Science cannot tell us what to do. It tells us what we can do, but it does not tell us what it is ethically appropriate to do.

This country leads the world in medical research, but it also leads the world in ethical action. We should not be losers in either side. Support the President's veto.

Ms. DEGETTE. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Mr. Speaker, like millions of Americans, I, too, am disappointed with the President's veto. In Kansas City, Missouri, a man by the name of Jim and his wife Virginia Stowers started a company called American Centuries. It became one of the most successful companies in this country. A few years ago they decided that they would give back. Both of them are cancer survivors, and so they founded the Stowers Institute. It is an institution in Kansas City, Missouri, designed and funded by this great couple to research all kinds of medical cures. I will tell them later today that no Federal funds can be used.

Behind all of the opposition to stem cell research, there seems to be a subliminal religious tone. I am a fundamentalist in that I believe that the Holy Bible is the inspired and interminable word of God. But I am baffled by my fellow fundamentalists who seem to be utterly opposed to and terror-stricken by the advancement of science, including stem cell research.

The propagation of knowledge by some in our faith seems to be a foreboding foray toward undermining or diminishing the glory of the Creator. However, the opposite is true. When the human intellect makes strides that sets the world agog, it is God from whom all knowledge stems who is honored.

And keep in mind that scientific advancement is not an enemy of faith, but rather a bold statement that God is still active in this universe.

Mr. Speaker, I conclude by just saying that it is a great testament to God if we are able to advance science. It means that His power is supreme.

Because I accept the Bible as the inspired and interminable Word of God, I consider myself to be a Christian fundamentalist. I accept, as an inseparable component of my faith, the omnipotence, omnipresence, and omniscience of God. Therefore, I am baffled by my fellow fundamentalists who seem to be utterly opposed to and terror-stricken by the advancement of science, including stem cell research. The propagation of knowledge and the dismantling of the boundless awe-inspiring mysteries of God's world are viewed by some in our faith as a foreboding foray toward undermining and diminishing the glory of the Creator. However, the opposite is true. When the human intellect makes strides that sets the world agog, it is God, from whom all knowledge stems, who is honored. Let us keep in mind that scientific advancement is not an enemy of faith, but rather a bold statement of Praise.

Contemporary men and women of faith, as always, stand at the crossroads. In a real sense, religion has always been impelled to wage war in some area or another. The pressing question is shall we march across the battlefields of faith with open arms toward the magnificent revelations of God's great truths, or, do we use our inherent power and influence to signal a retreat from the bright and simmering sunshine of expanding scientific scholarship. The potential life-saving issue of stem cell research is before us. The scepter is in the hands of the enlightened community of believers. Our failure to speak out on the medical need for stem cell research will allow earnest but erroneous or misguided souls who wish to constrain such study to force us back to a time when the faithful waged its fiery finger of scorn at the irreverence of scientific inquiry. Like the majority of people of faith, I totally reject the notion that today's community of believers are as troglodytic as our ancestors who refused to peer through the lens of Galileo's telescope. Nonetheless, this is a testing time.

Doctor Harry Emerson Fosdick, the legendary Baptist clergyman of the first half of the 20th century, profoundly addresses the issue of flowering faith in his wonderfully inspiring book, The Modern Use of the Bible: ''If there are fresh things to learn concerning the physical universe, let us have them, that we may find deeper meaning when we say, 'The heavens declare the glory of God.' ''

If there is a great possibility to uncover new cures for the beastly diseases which besiege the human body, the community of faith must implore the researchers to explore, seize, and use them. After all, the One we claim as the Imminent Source and Guide of the Universe is befitting of our very best.

Sure, the scientific research on stem cells must be moral. The institutions of scientific research must understand that there are moral mandates that cannot be infringed or ignored with impunity. When the sway of the intellect becomes extreme, the religious must repudiate and guide it back to equilibrium and reason. Additionally, when the community of faith clings to the debilitating conventionalism of a petrified past, some among us must push against that as well.

Should science succeed in fulfilling the much vaunted optimism expressed by advocates of stem cell therapy, much of the credit should go to the community of faith. Every experiment that leads to greater medical breakthroughs is a discernible display of the earthly presence of God and of the presence of particles of his divinity in us.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the majority leader for yielding me time, and for his leadership today and every day.

Mr. Speaker, never in my 26 years as a Member of Congress have I seen so much hyperbole, misinformation and misattribution of success as in the embryonic stem cell debate.

Despite recent revelations of massive fraud by prominent stem cell researchers in South Korea, despite the fact that there hasn't been anything even close to success of any kind in treating any human being anywhere in the world with embryonic stem cells, despite all of this and so much more, embryonic stem cell proponents demand that tens of thousands of perfectly healthy human embryos be destroyed for taxpayer-funded research.

This is especially troubling in light of the stunning breakthroughs and successes announced almost daily of adult and cord blood stem cell therapies that are today helping men and women with leukemia, sickle cell anemia, and a myriad of other diseases. Ethical stem cell research, Mr. Speaker, has given not only hope, but it has given us real, durable therapies that work.

Arguments were made on this floor, Mr. Speaker, that we are just using spare or leftover embryos as if they exist as a subclass of surplus human beings that can be experimented on or slaughtered at will.

A few hours ago at the White House, several of us met with some of those snowflake children, all of whom were adopted while they were still in their embryonic stage and frozen in what we like to call frozen orphanages. Believe me, watching snowflakes children laugh, smile and act, well, like kids underscored the fact that they are every bit as human and alive and precious as any other child. Under the Castle bill, these so-called surplus humans are throwaways. Adopt them, don't destroy them.

Mr. Speaker, finally, make no mistake about it, those of us who oppose the Castle bill support aggressive stem cell research and judicious application of stem cells to mitigate and cure diseases. That is why I sponsored the Stem Cell Therapeutic and Research Act of 2005. It provides $265 million for comprehensive cord blood and bone marrow stem cells. That is why we support the $609 million in FY 2006 currently been expended under the NIH for ethical stem cells.

Yesterday, Hannah Strege, the first known snowflake embryo adoption, told a small group of us: ''Don't kill the embryos, we are kids and we want to grow up too.'' How come a 7-year-old gets it and we don't. Sustain the veto.

Ms. DEGETTE. Mr. Speaker, I yield 1 minute to the distinguished Democratic leader (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me time. I salute her for her outstanding leadership and stewardship of this bill and her leadership on this issue so important to America's families. I also commend Congressman CASTLE of Delaware for his courage and his leadership as well.

Mr. Speaker, every family in America, indeed every person in this room and in this gallery, is just one diagnosis or one phone call away from needing the benefits of the embryonic stem cell research. Today with his veto, President Bush dashed the hopes of so many Americans who were praying for this legislation and the cures that it can bring. Imagine, the first veto of this President, and it is for a bill vetoing a bill that has the miraculous power to cure.

The Latin root of veto, the Latin translation of veto means ''I forbid.'' President Bush has said today, I forbid allowing the best and brightest minds

to pursue the science that they believe has the most promise and potential to cure.

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President Bush says, I forbid bringing embryonic stem cell research under NIH, ensuring the strict controls and stringent ethical guidelines that only NIH can ensure and impose. President Bush says, I forbid giving our scientists the opportunities they need to ensure that our Nation remains preeminent in science.

Today, I am hoping that the people's House will reflect the American people's will and overturn this short-sighted action, and instead of saying ''I forbid,'' say ''yes'' to the American people.

The opponents of this legislation believe that this is a struggle between faith and science. I believe that faith and science have at least one thing in common: Both are searches for truth. America has room for both faith and science, and thank God for that.

The Episcopal Church, in its letter in support of this legislation says, ''As stewards of creation, we are called to help mend and renew the world in many ways. The Episcopal Church celebrates medical research, and this research expands our knowledge of God's creation and empowers us to bring potential healing to those who suffer from disease and disability.'' It is our duty here in Congress to bring hope to the sick and the disabled, not to bind the hands of those who can bring them hope.

I believe, as Representative EMANUEL CLEAVER has said, I believe that God guided our researchers to discover the stem cell's power to heal. Overturning the President's cruel veto will enable science to live up to its potential to answer the prayers of America's families.

According to many scientists, including 80 Nobel Laureates, embryonic stem cell research has the potential to unlock the doors to treatments and cures to numerous diseases, and we have spoken about them all day, including diabetes, Parkinson's disease, Alzheimer's, Lou Gehrig's disease, multiple sclerosis, cancer and spinal cord injuries, to name a few.

Many of our colleagues both here on the floor and other venues, have shared their personal stories, whether it is a condition of their children or an affliction of their parents. Their generosity of spirit and generosity to share those stories gives us testimony as to the need for this embryonic stem cell research, and it fills a void in science that we know can be filled. I believe that if we know a scientific opportunity for cure, we have a moral responsibility to support it.

Mr. Speaker, this bill will save lives and help us find the cures for diseases in a shorter time span. It is all about time, after all, how much time people have, the quality of their lives in that time frame.

This bill will enable science to live up to the biblical power to cure. I urge all of my colleagues to vote ''yes'' on the override and override the President's cruel veto.

Mr. BOEHNER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. I thank the majority leader for yielding time. I rise in support of the President's veto. I applaud President Bush's courage in doing this, and I encourage all of my colleagues on both sides of the aisle to sustain this veto.

This is not about whether we are going to fund more embryonic stem cell research. We are funding embryonic stem cell research. We funded $38 million of human embryonic stem cell research last year. This is not about whether it is legal or not. It is legal in the United States to do embryonic stem cell research. Indeed, this is really not about whether the United States is going to fall behind in this area of research.

The United States leads the world because of the President's program, publishing 46% of the published research articles on human embryonic stem cell research.

So what is this about, what are we debating today? We lead the world. We are funding it. What are we debating?

What we are debating today in this Chamber is whether or not we are going to use taxpayer dollars to kill more human embryos. That is really what this debate is all about. This business about cures being around the corner, jeepers, I have said this, and nobody has refuted it, they don't have an animal model that shows that embryonic stem cells work and they are safe.

Nobody has gotten an FDA approval to use human embryonic stem cells in a human trial. But we have each year 10, 15 or more clinical trials published in the literature showing adult stem cells and core blood stem cells work.

This is a debate about whether or not we are going to have the imprimatur of the United States Government to say that certain forms of human life can be discarded.

Ms. DEGETTE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentlewoman is recognized for 3 minutes.

Ms. DEGETTE. Mr. Speaker, my colleagues, this is a sad day for America. But what is so sad is that our opponents would so distort the facts to stop research that would benefit so many. Many have talked today about the so-called snowflake babies, embryos which are donated to other couples. I don't oppose that. I think that is great.

But right now couples undergoing IVF treatment have three options for the spare embryos that are necessarily created. They can freeze them for future use by themselves. They can donate them to other couples, as several hundred have done, or they can say that the embryos that are left over should be destroyed as medical waste, and tens of thousands of those embryos have been destroyed.

All we say today, give those couples a fourth choice. Let those embryos that would thrown away as medical waste be donated for ethical embryonic stem cell research. The opponents of this bill also continue to claim that adult stem cell and core blood cells are just as good as embryonic stem cells. Shame on them. This is a bald lie.

Harold Varmus, the former director of the NIH, said just this week, compared to adult stem cells, embryonic stem cells have a much greater potential according to all existing scientific literature. Let's not distort the facts just for a political argument.

This Congress has been politicizing science in a way that the American public disagrees with. Earlier this year, we tried to assert our jurisdiction over end-of-life decisions with the terrible vote that we took in the Terry Schiavo case. Now, today, we are trying to stop ethical scientific research that could help tens of millions of people.

Many on the other side say, well, the taxpayers shouldn't fund this research. Excuse me, I thought we had a national consensus, 72 percent of Americans agree with this precept, people who are Democrats, Republicans, independents, prolife, prochoice. I don't know who decided that they were God and that Congress could not fund this research, because their religious thinking trumps the national consensus.

A majority of my constituents don't think we should fund the war. Does that mean we shouldn't fund the war? Of course not.

We need this ethical research. We need it for our colleague, JIM LANGEVIN, so he can walk again. We need it for our colleague, LANE EVANS, whose Parkinson's has made him so sick that he cannot be here today to vote to override this bill.

Let's give hope to millions of Americans. Let's give hope for ethical research. Let us override this veto.

Mr. BOEHNER. Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. MURPHY) for a unanimous-consent request.

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

Mr. MURPHY. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of sustaining the President's veto. This is not a vote for or against stem cell research. Many U.S. companies and universities are engaged in a great deal of embryonic stem cell research.

In fact, the President and the U.S. Congress have supported this research with over $90 million for embryonic stem cell lines derived from embryos that had already been destroyed with more than 700 shipments to researchers since 2001.

The question is whether to use federal money or U.S. taxpayer dollars to destroy human embryos for research?

The research bears out that several types of stem cell research have been successful. These are adult stem cells and umbilical cord blood stem cells.

However, no research has shown embryonic stem cell research to be fruitful. A year ago

when we debated this issue, a study at Seoul National University in Korea was brought up as an example of success to create the world's first embryonic stem cells from a cloned human embryo. Since then, we've learned that study was filled with erroneous data. The DNA studies on the two preserved stem cells did not match those from the published study and were not cloned human embryonic stem cells.

But, beyond this, we must keep in mind how we use human life and think about where we should draw the line.

Those who support destroying embryos for this research have stated these will be embryos that will be discarded. This is not true.

Many parents would love to adopt these embryos and raise these children as their own. According to the non-partisan RAND Corporation the ''vast majority'' or 88 percent of the 400,000 embryos that have been frozen since the late 1970s are not going to be discarded but are held for family building and not for medical research. In fact, over 21 families who visited the White House last year adopted these embryos in order to fulfill their own dreams of having a family.

Even to refer to these embryos as ones that are unwanted and will be destroyed raises the ultimate question: where do we and where will we draw the line?

If we say a human embryo is unwanted and discardable, we head down the road of asking ''what next?''

Do we view seriously disabled newborns as unwanted? Will it be acceptable to discard them?

This is a road down which we cannot afford to turn.

The research does not support it, morality does not condone it. U.S. taxpayer dollars must not support destroying a life to save a life.

Mr. BOEHNER. Mr. Chairman, I yield to the gentleman from Texas (Mr. BARTON), the chairman of the Energy and Commerce Committee, for a unanimous-consent request.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, as a 22-year Congressman with a 100 percent prolife voting record, minus two votes, I rise in opposition of the Presidential veto and support the effort to override it.

Mr. Speaker, today, I rise in support of H.R. 810 and overriding the President's earlier veto of this legislation. H.R. 810 would expand the number of sources of embryonic stem cell lines that may be used in federally funded scientific research. The bill would allow the limited use of human embryonic stem cells that are derived from embryos that would otherwise be discarded from fertility clinics.

This is not an issue where everyone agrees. There are deeply held views on both sides of the difficult question before us, and I want to emphasize that every one of my colleagues should vote in accordance with their own conscience. I support the bill, and I want to say why.

Stem cells are cells that can differentiate into many different kinds of cells used in the body. They can come from several sources, such as adult stem cells, but many scientists believe that the most potential for productive research lies in embryonic stem cells, which could have the capacity to differentiate into any cell in the body. If researchers can find such a perfect stem cell that can differentiate into any other cell type, we may be able to unlock the cures to hundreds of diseases that afflict us today.

This is more than a sterile, academic matter to me. Diseases like Parkinson's, diabetes, cancer, heart disease, have stricken millions of Americans and continue to take a heavy toll on all of us. I can tell you that it is a living nightmare to watch a loved one suffer from a terrible illness and know that there is nothing that you can do but be by their side. That was the experience I had when my father died of complications of diabetes at the age of 71. It was also the experience I had when my younger brother, Jon Kevin Barton, died of liver cancer at the age of 44.

When my brother was diagnosed, we tried everything. They found his liver cancer when he was just 41 years old. He and his wife, Jennifer, had two children, Jack and Jace. He was a state district judge in Texas. After they told Jon he had liver cancer, we did everything we could, and, in fact, his cancer went into remission for a year. But it came back, and Jon died just three months short of his 44th birthday. That was 6 years ago. Every time I see Jace and Jack and their Mom, I think of Jon and wonder if stem cell research could have allowed him to be alive today.

I do not know for sure, but my heart tells me that stem cell research might have led to treatments that could have helped my brother and my father. We cannot be certain, but maybe the answers for finding cures for many of the diseases that afflict us lie in stem cell research. Many scientists believe that once we can identify a perfect, undifferentiated stem cell line, it will lead to significant scientific breakthroughs and the discovery of cures for many diseases.

It is the hope of a cure for people suffering today and their families that led me to decide to support this legislation. I believe hope is what led President Bush to take the steps he did in August, 2001, when he permitted for the first time Federal taxpayer dollars to be spent on embryonic stem cell research. He recognized the profound benefits that were possible through embryonic research, and he wanted to let the research go forward in a way that respected life and the moral and ethical views of millions of Americans. The President's decision struck a delicate balance between respecting the life of human embryos and giving hope to the American families who are enduring the suffering and loss of debilitating diseases like diabetes and cancer.

But when the President made his announcement in 2001, it was believed that there were at least 60 viable lines of stem cells that could be used for this research. For a variety of reasons, this has turned out not to be the case; not all of these potential lines are now available for research. Currently, there are approximately 22 lines of embryonic stem cells that are available for federally funded research. None of those lines that are currently allowed for Federal research purposes have been shown to have that breakthrough stem cell—the one cell that can differentiate into all 220 cell types in the body.

The President's initial decision reflects the difficulty of this issue. However, when new facts arise on the one hand that tell us the embryonic stem cell lines already used for federal research do not hold the promise we once thought, it should require us to reevaluate that initial decision in light of the facts.

I continue to support the expansion of cord blood and bone marrow stem cell research, and perhaps the breakthrough we are all hoping for will come from adult stem cells. But at this point, we cannot know for sure where the breakthrough will come from, and it is my belief that we need to keep all of our options open while continuing to go forward in a moral and ethical way.

I fully understand that there are people of good conscience that will disagree with me. I completely respect their views and differences of opinion. Like many on the other side of this legislation, I am also strongly pro-life. For over two decades in the United States Congress, I have had a strong pro-life voting record. I remain pro-life, but for the reasons I have given, I intend to vote in favor of this legislation.

As my colleagues continue to debate the merits of this bill, I only ask that we try to respect one another's various points of view and that no one is ridiculed for their beliefs on either side of this complex and difficult issue.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

My colleagues, we have had a very good debate. This is an issue that has been very divisive in this House for the last year or so, and the President has made his position very clear.

But let me make the position very clear that embryonic research with regard to stem cells is occurring and is going to continue to occur. The issue here is whether Federal funds, taxpayer dollars ought to be used to destroy human life in the search for cures for other diseases. That is what the issue is, pure and simple. We all know that this research is going to continue in the private sector with private moneys.

But the debate that we have had is whether it is appropriate to take taxpayer funds to destroy human life to find embryonic stem cells. I believe that my colleagues, enough of my colleagues will stand up today to sustain the President's veto.

With that, Mr. Speaker, I ask my colleagues, to vote ''no'' on overriding the President's veto.

Mr. SCHIFF. Mr. Speaker, it is a momentous event when a president vetoes a bill. It is a pronouncement that the lawmaking body of our federal government is in error and that the difficult lawmaking process has produced legislation not worthy of enactment. For the Stem Cell Research Enhancement Act of 2005, nothing could be further from the truth. I was proud to have voted for H.R. 810 when it first came to the House Floor for a vote in May 2005, and I am proud today to vote to override the President's veto—the first veto of his Administration.

A broad spectrum of lawmakers from both parties and all regions of the country recognize the extraordinary opportunity that stem cell research presents to treat and cure tragic diseases afflicting millions of Americans. Some of these potential treatments were only dreamt about a generation ago. Alzheimer's, paralysis, Parkinson's, diabetes—the list of possible applications for stem cell research

goes on and on. For some of the victims of these diseases, stem cell research provides the only present hope for a cure. To use the President's first and only veto to effectively deny these citizens of their best hope is as tragic as it is wrongheaded. H.R. 810 carefully ensures that this research is conducted in a manner consistent with the highest ethical standards.

There have been numerous times in history when a chief executive has denied the progress of science. We mark these times as setbacks for humanity, and we also recognize that in many cases, progress was only delayed, not curtailed. Despite the setback of this veto, the struggle will continue—both the struggle for Americans seeking to overcome disability and disease, and the struggle to support the scientific community in its quest to find the effective cures and treatments. I am confident that the American people will not allow this veto to forever impede the progress of science.

Mr. DINGELL. Mr. Speaker, I support H.R. 810, the ''Stem Cell Research and Enhancement Act'', and urge my colleagues to reject President Bush's regrettable veto.

We are here to decide once again whether our Nation will move forward in the search for treatments and therapies that will cure a multitude of dreaded diseases that afflict an estimated 128 million Americans. These diseases include Alzheimer's disease, Parkinson's disease, spinal cord injuries or spinal dysfunction, and diabetes. Embryonic stem cell research holds the potential for treating these diseases, and many more.

H.R. 810 is a sensible and targeted path forward. It would impose strict ethical guidelines for embryonic stem cell research and would lift the arbitrary restriction limiting funds to only some embryonic stem cell lines created before August 10, 2001. By removing this arbitrary restriction, H.R. 810 will ensure that researchers can not only continue their work to prolong or save lives, but also conduct such research using newer, less contaminated, more diverse, and more numerous embryonic stem cells.

H.R. 810 does not allow Federal funding for the creation or destruction of embryos. This bill only allows for research on embryonic stem cell lines retrieved from embryos created for reproductive purposes that would otherwise be discarded. This point is critical: if these embryos are not used for stem cell research, they will be destroyed.

President Bush's rejection of this narrow and commonsense measure should be overridden by the people's House.

Mr. BLUMENAUER. Mr. Speaker, every American has a very personal stake in today's discussion on stem cell research. Everyone knows people who would benefit from breakthrough research using stem cells. Indeed, with a hundred million Americans at risk from a variety of diseases ranging from Lou Gehrig's disease, to Alzheimer's, to Parkinson's, to cancer, to juvenile diabetes, it's almost impossible to not know somebody who could potentially be helped by stem cell research. For me, the most important beneficiaries are our children and grandchildren who have not yet shown any symptoms, but who may fall victim to one of these devastating diseases.

H.R. 810 is an opportunity for Congress to clarify the issues and exert leadership in a way that the federal government has in the past. Instead the President vetoed the bill after having passed through the House and Senate. This administration is out of touch with the 70% of the American public who supports stem cell research. We have inadequate access to stem cell lines for research purposes and we are putting forth neither money nor encouragement while we construct artificial boundaries. These misguided policies by the administration will not stop progress from stem cell research, but will delay the day we have these very important therapies to transform people's lives. Americans are losing ground on this vital research to other countries while relinquishing leadership to the states here in our country.

Stem cell research is not about cloning a human being or creating embryos for research purposes. We can maintain prohibitions against cloning of humans while supplying stem cells in an ethical manner from 400,000 embryos already accessible that will otherwise be destroyed.

Every American needs to watch this closely. The stakes in this debate are high both for the potential benefit to the physical condition of all humankind, as well as the establishment of the boundaries between public policy and personal theology.

For me the choice is clear. American families deserve an opportunity for embryonic stem cell research to be conducted in a reasonable, controlled manner, to hasten the day of vital life-saving, life-enriching therapy.

Mr. WEXLER. Mr. Speaker, I am outraged that President Bush has single handedly stifled the advancement of medical research that could provide cures for millions of Americans who are suffering needlessly from a wide range of debilitating diseases. President Bush's decision to use his veto power for the first time in his Presidency on this historic piece of legislation is unconscionable and a misguided attempt to pander to the extreme base in his party. The tireless efforts made by the scientific community, stem cell advocates and supportive Members of Congress finally came to fruition when this body passed the Stem Cell Research Enhancement Act (H.R. 810). This legislation, supported by a majority of Americans, expands the embryonic stem cell lines available for conducting research and allows the federal government to fund this type of undertaking.

Stem cell research (including embryonic stem cell research) offers incredible hope to the sufferers of diseases like Parkinson's, Alzheimer's, multiple sclerosis, cancer and diabetes. Embryonic stem cells are derived from donated embryos that are not used during the process of in-vitro fertilization and would otherwise be discarded. Many scientists believe that embryonic stem cells have greater potential than adult stem cells because they can differentiate into any specialized cell in the body. Additionally, they can be administered to patients without fear of rejection or the need for expensive immunosuppressive drugs.

Unfortunately, in one fell swoop, President Bush has preemptively thwarted medical progress, destroying the hope of millions of Americans desperately waiting for a cure. Medical science is at a crossroads with incredible potential to save and improve the lives of chronic and fatal disease sufferers. At this time, our government should be doing everything possible to advance and explore all avenues of medical research. With polls showing 60 percent of the country supporting embryonic stem cell research, it is indefensible that President Bush chose to ignore the will of the American people by striking down this monumental measure.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise today to support the veto override of H.R. 810, the Stem Cell Research Enhancement Act. This bipartisan legislation would expand Federal funding for embryonic stem cell research.

The House approved this bill last year and it won U.S. Senate approval yesterday. However, despite the measure passing both chambers of Congress, the President has vetoed the legislation, the first of his presidency. I am disappointed the President chose this bill to be his first veto.

The American Medical Association and 92 other organizations, including scientists and researchers support H.R. 810. Federal funding would enable further research to examine many new lines of stem cells—increasing the potential for cures. Each year 8,000 to 10,000 embryos created for in-vitro fertilization are destroyed. H.R. 810 would allow Federally funded research of stem cells, which scientists believe can yield cures for diseases and injuries, to be harvested from surplus frozen embryos that are stored at fertility clinics and slated for destruction.

Human embryonic stem cells are prized because they can replicate themselves and become almost any type of human tissue. We all know someone who can benefit from the research. Science should prevail over politics.

President Bush's veto is standing in the way of hope and progress in curing many diseases such as diabetes, Parkinson's disease, Alzheimer's disease, Lou Gehrig's disease, some cancers, and spinal cord injuries. This veto has ignored our country's healthcare needs and has slowed the potential to eradicate life threatening and chronic diseases.

The President did not make the right choice. This critical life saving bill is greatly needed. I urge my colleagues to support the veto override and reaffirm Congress's support of life saving medical research.

Mr. RAMSTAD. Mr. Speaker, President Bush unfortunately vetoed funding for life-saving research on stem cells from donated, surplus embryos because he maintains it's wrong to ''promote science which destroys life in order to save life.''

As the leading pro-life legislator in Washington, Sen. ORRIN HATCH put it, ''Since when does human life begin in a petri dish in a refrigerator?''

To reduce this issue to an abortion issue is a horrible injustice to 100 million Americans suffering the ravages of diabetes, spinal cord paralysis, heart disease, Parkinson's and Alzheimer's disease, cancer, multiple sclerosis, Lou Gehrig's disease and other fatal, debilitating diseases.

I've met with medical researchers from the University of Minnesota Stem Cell Institute, the Mayo Clinic, the National Institutes of Health and Johns Hopkins University.

As one prominent researcher told me, ''The real irony of the President's policy is that at least 400,000 surplus frozen embryos could be used to produce stem cells for research to save lives. Instead, these surplus embryos are being thrown into the garbage and treated as medical waste.''

Only 22 of the 78 stem cell lines approved by the President in 2001 remain today. This limit on research has stunted progress on finding cures for a number of debilitating and fatal diseases according to scientists and patient advocacy groups.

Mr. Speaker, the scientific evidence is overwhelming that embryonic stem cells have great potential to regenerate specific types of human tissues, offering hope for millions of Americans suffering from debilitating diseases.

Mr. Speaker, it's too late for my beloved mother who was totally debilitated by Alzheimer's disease which led to her death. It's too late for my cousin who died a cruel, tragic death from diabetes in his 20s.

But it's not too late for 100 million other American people counting on us to support funding for life-saving research on stem cells derived from donated surplus embryos created through in vitro fertilization.

Let's not turn our backs on these people. Let's not take away their hope. Let's make it clear that abortion politics should not determine this critical medical research.

Embryonic stem cell research will prolong life, improve life and give hope for life to millions of people.

I urge members to override the President's veto of funding for life-saving and life-enhancing embryonic stem cell research.

Mr. LEVIN. Mr. Speaker, this institution is often called the people's House and today I ask my colleagues to stand in the shoes of the millions of people dealing with incurable or debilitating diseases. Diseases such as juvenile diabetes, Parkinson's, Alzheimer's, multiple sclerosis, or cancer. Diseases that impact them every day . . . their plans for the future.

Let us stand with them today and vote to override the President's veto of the medical research that holds the potential to find a treatment to improve their lives, or, over time, a cure.

The U.S. House has approved this legislation. The Senate has approved this legislation. The reason the American people—72 percent of them in public surveys—support the Federal Government proceeding with this legislation is because in virtually every family there is a life experience with the need for medical breakthroughs.

We can never guarantee the results of scientific research, but without it we guarantee there can be no results.

The President's stem cell policy is not working. Of the 78 existing stem cell lines permitted for use in federally funded research, only 22 of these lines are currently used for research, and many have raised concerns that these lines are genetically unstable, contaminated, and harder to work with than newer lines. Research is practically at a standstill in this country.

The Stem Cell Research Enhancement Act is a well-crafted, bipartisan approach. It is opposed with false arguments that divide Americans when what is involved is an expansion of research on embryonic stem cell lines derived from surplus embryos that were originally created for fertility treatments purposes, are in excess of clinical need and would otherwise be discarded, and have been donated by the individuals seeking fertility treatment through written consent and without any financial involvement.

Let us override the President's veto and take these vitals steps to tap into the promise of research that has the potential to change the face of modern medicine as we know it today. That is a human value that should not be undermined by the people's representatives.

Mr. MORAN of Virginia. Mr. Speaker, last year, I was proud to cosponsor and vote in favor of the Stem Cell Research Enhancement Act, which will expand the Federal policy and implement stricter ethical guidelines for this research.

Embryonic stem cell research is necessary to discover the causes of a myriad of genetic diseases, to test new drug therapies more efficiently on laboratory tissue instead of human volunteers, and to staving off the ravages of disease with the regeneration of our bodies' essential organs.

President George W. Bush's policy on stem cell research limits Federal funding only to embryonic stem cell lines that were derived by August 9, 2001, the date of his policy announcement.

Of the 78 stem cell lines promised by President Bush, only 22 are available to researchers.

Unfortunately these stem cell lines are aged and contaminated with mouse feeder cells, making their therapeutic use for humans uncertain. According to the majority of scientists, if these stem cell lines were transplanted into people, they would provoke dangerous viruses in humans.

What is even more disturbing is the fact that there are at least 125 new stem cell lines, which are more pristine than the lines currently available on the National Institutes of Health registry, and which are ineligible for Federally-funded research because they were derived after August 9, 2001.

This restrictive embryonic stem cell research policy is making it increasingly more difficult to attract new scientists to this area of research because of concerns that funding restrictions will keep this research from being successful.

The Stem Cell Research Enhancement Act, which passed the House on May 25, 2005, simply seeks to lift the cutoff date for lines available for research.

H.R. 810 will also strengthen the ethical standards guiding the Federal research on stem cell lines and will ensure that embryos donated for stem cell research were created for the purposes of in vitro fertilization, were in excess of clinical need, would have otherwise been discarded and involved no financial inducement.

Contrary to what opponents have been saying, the Stem Cell Research Enhancement Act will not Federally fund the destruction of embryos.

This measure makes it clear that unused embryos will be used for embryonic stem cell research only by decision of the donor. No Federally-funded research will be supported by this measure on any embryos that had been created solely for research purposes.

In February 2005, the Civil Society Institute conducted a nationwide survey of 1,022 adults and found that 70 percent supported bipartisan federal legislation to promote embryonic stem cell research.

Let public interest triumph over ideological special interests. Public interest is best served when the medical and the scientific community is free to exercise its professional judgment in extending and enhancing human life.

I urge the Senate to pass the Stem Cell Research Enhancement Act with overwhelming support, and for President Bush to sign it into law when it reaches his desk.

Mr. STEARNS. Mr. Speaker, the argument that embryonic stem cell research can contribute to life-saving research is emotionally persuasive, but it is never justifiable to deliberately end one life, even to save others. There are alternative sources of stem cells without engaging in research that purposefully takes a life. We debated an alternative stem cell bill on this floor yesterday, and it is unfortunate it did not get the support of those Members here today crying aloud how we are denying vital lifesaving research.

Furthermore, we are already funding such research. In 2001, President Bush announced federal funding for the embryonic stem cell lines that had already been created. There are 78 of these approved lines and only 22 of them are currently being used in federally funded research. These lines are so useful that they are used in 85 percent of the published embryonic stem cell studies in the world.

In fact, President Bush's policy is generous. In 2005 NIH spent $38 million, up $13 million from 2004. Most importantly, the current ban on embryonic research does not prevent private funding for embryonic stem cell research. Microsoft Chairman Bill Gates and Newport Beach bond trader Bill Gross are among several private donors who have provided millions of dollars toward embryonic stem cell research.

Proponents also claim that the U.S. is lagging behind the rest of the world in embryonic stem cell research and that increased federal funding would close the gap. The fact is the United States leads the world in embryonic stem cell research. A recent Nature Journal publication states that U.S. scientists contributed 46 percent of all stem cell publications since 1998. Germany comes far second representing 10 percent of studies, and the remaining 44 percent derive from between 16 other countries.

It is unnecessary and morally offensive to use taxpayer money to expand embryonic stem cell research. I urge my colleagues to join me in supporting President Bush's veto.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of this effort to override the President's veto of H.R. 810, the Stem Cell Research Enhancement Act. I am proud to be a cosponsor of this important legislation, which expands stem cell research and ensures that the federal government can implement ethical guidelines.

This bill will provide hope and opportunity for millions of Americans suffering from chronic and life threatening health conditions. This legislation will also ensure that the federal government can implement ethical guidelines over federally-funded research, which will help to set high standards for all research. To be clear, H.R. 810 only allows federal funding for embryonic stem cell research in cases where the cells were created for fertility treatment and will otherwise be discarded.

The expansion of funding to stem cell research has the power to make a real difference in the lives of Americans. Stem cells offer remarkable potential contributions to medical science and improve the lives of millions of people who suffer from incurable diseases such as juvenile diabetes, Alzheimer's, Parkinson's, AIDS, and spinal cord injuries. It may also help us to understand abnormal cell

growth that occurs in cancer, as well as change the way we develop drugs and test them for safety and potential efficacy.

It is Imperative that we move our health care policy in a new direction and support efforts to improve the quality of life. This research is supported by 72 percent of Americans and the majority of the Congress. H.R. 810 is supported by over 200 patient groups, universities, and scientific societies, and has been endorsed by more than 75 national and local newspapers and 80 Nobel Laureates.

For President Bush to use his first veto to ignore this overwhelming support for stem cell research and at the same time extinguish the hopes of millions for cures to chronic and dangerous diseases is an outrage. This veto has made it clear that President Bush has chosen radical ideology over American lives. I urge my colleagues to join me in voting to override this misguided veto.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of overriding the President's veto of the Stem Cell Research Enhancement Act of 2005.

I am extremely disappointed that the President exercised his first veto on a piece of bipartisan legislation that will provide countless number of Americans hope of finding cures for many life-threatening diseases. This Congress has passed many pieces of irresponsible legislation that benefit narrow special interests at the expense of the public good. The President did not veto any of those bills. Now the Congress has finally passed a bipartisan bill that will help find cures to diseases that strike virtually every American family. Yet the President has chosen to veto this landmark bill. In doing so, the President is playing to the extreme right of his own political party. Shame on the President for putting politics over the health of the American people.

We should allow the expansion of federally supported research of human embryonic stem cell lines. The Stem Cell Research Enhancement Act of 2005 would provide federal funding for a wider range of stem cell research while establishing ethical guidelines. The bill also provides that embryos that are otherwise likely to be discarded can be used to develop treatments for debilitating diseases and life-saving cures.

I believe stem cell research holds the promise of scientific breakthroughs that could improve the lives of millions of Americans afflicted with a debilitating disease—such as Parkinson's, diabetes, spinal cord injuries, autoimmune diseases, cardiovascular disease, and cancer—for which there is currently no cure. While it is too late for those who have passed from these terrible diseases, it still not too late for the millions of other Americans hoping that the Congress will override the President's veto and support federally funded research of this potentially life-saving resource. For these patients and their families, stem cell research is the last hope for a cure.

Mr. Speaker, this is an issue that affects every family in America. I strongly urge my House colleagues to vote to override the President's veto on this bipartisan legislation.

Ms. MATSUI. Mr. Speaker, ethical, embryonic stem cell research is a reality. The federal government has two options. We can engage, by participating in the research and influencing the ethical debate within the global community. Or, we ignore the issue and let others lead.

America is the world leader in medical research and development. We cannot cede this ground.

That is why we must be unyielding in our support for the embryonic stem cell research made possible under H.R. 810. And why I would caution my colleagues against accepting any of the weak alternatives being debated.

Mr. Speaker, one of the great equalizers is disease. It ignores age, income and education level. Embryonic stem cell research has the potential to cure and maybe even prevent many debilitating conditions affecting the old and the young, the rich and the poor. Like Diabetes. Parkinson's disease. Alzheimer's. Spinal cord damage. And maybe even bone marrow failure. Families from all walks of life have first-hand experience with these tragedies.

Make no mistake, these potential breakthroughs lie at the end of a long and difficult road. But the research community is committed to this task. Just last week in my hometown of Sacramento, the UC Davis Medical Center hired a top national expert in regenerative medicine to direct the Center's new stem cell research facility.

But every stem cell researcher agrees that this research must use embryonic stem cells. These are the only cells with the flexibility and the potential to fix spinal cord injuries, or cure diabetes. And using the unused embryos from in vitro fertilization clinics gives us an ethical way to obtain them.

Mr. Speaker, it is true that this is a debate about what science tells about stem cell research. And equally, it is about the ethical constraints our democracy rightly agrees to impose on that science. But there is broad consensus on these two points. That consensus is enshrined in H.R. 810.

So the federal government must decide whether it will lend its tremendous weight to embryonic stem cell research. Or whether it will simply remain on the sidelines, pretending that ethical solutions don't exist.

Earlier today, President Bush chose the sidelines. He chose to ignore the issue and allow others to lead. Worse still, he is stifling the hopes of millions of Americans.

And fundamentally, this is a debate about hope. Hope is the light that keeps us going through a dark and torturous tunnel.

I urge my colleagues to think very hard before denying that hope to millions of people across America by supporting anything less than federally-funded embryonic stem cell research. I hope my colleagues will vote to override the President's veto. It is time to go in a new direction.

Mr. STUPAK. Mr. Speaker, This debate on H.R. 810, the Stem Cell Research Enhancement Act, is really one of the most fundamentally important debates that this body can undertake.

H.R. 810 addresses the most basic, essential ethical issues—life, when does it begin, and when should life, including human embryos, be open to experimentation and scientific research.

It is society's ethical obligation to draw boundaries around the possibilities of science. I believe we must draw a boundary that says ''no'' to embryonic stem cell research that requires the killing of embryos that if left to grow would become children. Children who would grow up to become police officers, factory workers, soldiers, government employees, lawyers, doctors, and scientists.

I believe that embryos, as life, should be treated with as much respect as you and I, and I reject the view that embryos are mere medical waste, as some have suggested.

Where do we draw the line as a Nation, and say, we will not cross that line? These proponents of H.R. 810 would not have us draw a line. This legislation leaves too many questions unanswered.

When do embryos become human life? After 40 hours? After 2 days? H.R. 810 is silent on when embryos become human life—it doesn't specify how long these embryos are allowed to grow before they are killed—2 days, 5 days, 14 days, or more!

Proponents of H.R. 810 will claim that their legislation will address the ''ethical manner'' in which this research will be conducted, yet their legislation is silent on the ethics, other than a subsection that directs the secretary to create guidelines in 60 days or less.

As elected leaders, we should set basic guidelines, not leave the guidelines to an unelected and unnamed administration official.

This legislation is unethical and unnecessary. Human embryonic stem cell research is completely legal today in the private sector and eligible for state funding in several states, including California and New Jersey. Since August 2001, over 128 stem cell lines have been created.

Furthermore, human embryonic stem cell research is funded by the federal government today. The National Institutes of Health (NIH) spent an estimated $38 million on Embryonic Stem Cell research in Fiscal Year 2006. 22 human embryonic stem cell lines are currently receiving federal funds. These lines are sufficient for basic research according to NIH director, Dr. Zerhouni.

Finally, embryonic stem cell research remains unproven. Not a single therapy has been developed from embryonic stem cell research. Instead of cures, embryonic stem cell research has led to tumors and deaths in animal studies.

While the promise of embryonic stem cells is questionable, adult stem cells are being used today to save lives. Recognizing this, the National Institutes of Health spent $568 million in Fiscal Year 2006 on adult stem cell research.

Adult stem cells are being used today in clinical trials and in clinical practice to treat 72 diseases including, Parkinson's disease, spinal cord injury, juvenile diabetes, brain cancer, breast cancer, lymphoma, heart damage, rheumatoid arthritis, juvenile arthritis, stroke, and sickle cell anemia.

Let me be clear, I am committed to funding ethical scientific research that will unlock the origins of diseases and develop cures that can help my constituents.

But we cannot let science leap-frog our ethics, our morals, and our legal system.

This is not a partisan issue, and it's bigger than a right to life issue.

I urge Members to vote against H.R. 810 and sustain the President's veto.

Mr. LEACH. Mr. Speaker, the possibility is real that embryonic stem-cell research represents the greatest breakthrough in the history of science. It is, therefore, important that we understand the medical and moral issues at stake.

In 1998, University of Wisconsin scientists for the first time isolated embryonic stem cells in a laboratory. These cells, 30 to 34 in number, are derived from a blastocyst, which is a

group of 150 to 200 cells smaller than the dot at the end of this sentence. A blastocyst, in turn, is derived from a single cell known as a zygote, which comes into being after a sperm and an egg combine.

Blastocysts have been created outside of the body in cell cultures for decades in fertility clinics. More than 400,000 are known to exist in frozen form. Thousands are discarded as medical waste and millions are eliminated naturally every year.

The reason the scientific community is so excited about embryonic stem cells is that they are pluripotent. Unlike other stem cells, they are capable of continuously dividing and being coaxed into forming virtually any of several hundred types of body cells. Health research is conducted in stages—mice before people. At the moment, scientists are encouraged by the results they have obtained from the animal kingdom. Research on mice, pigs and monkeys is so promising that scientists can envision the possibility of creating ''cellular repair kits'' for the human body. If research is supported the regenerative power of embryonic stem cells may soon be harnessed to treat ailments as diverse as spinal-cord injury, diabetes, Alzheimer's, Parkinson's, multiple sclerosis and heart disease.

Profound moral questions encompass embryonic stem-cell research. A blastocyst, which is subject to scientific engineering on a Petri dish, could, if implanted in a uterus, cause a life to form. ''Excess'' blastocysts also could be adopted. As the father of adopted children, I confess to personal enthusiasm for this option.

Nevertheless, the ethical question must be addressed: Is it more moral to throw away as medical waste blastocysts that exceed demand for implanting, or to allow them to be used by scientists to extract therapies for saving life?

More precisely, which is more pro-life: throwing a blastocyst away in a dumpster or placing it on a Petri dish to develop a remedy for heart disease?

The question today is about science and its promise. Tomorrow, a different set of questions may have to be addressed. Could a mother deny a child dying of cancer access to embryonic stem-cell therapy? Could a son or daughter deny a parent suffering from Alzheimer's or Parkinson's disease access to such therapies? Is it not pro-life to save and prolong life?

On most political issues compromise is possible. On ethics, it is not so easy. Indeed, uncompromising approaches to ethics are generally considered admirable. The problem comes when values, as in this case, are in conflict.

Morality is about means as well as ends. For citizens who believe nothing is more important than to protect life at conception, embryonic stem-cell research may be intolerable. For citizens who believe that the prospect of meaningful life begins in a mother, not a Petri dish, the moral imperative of attending the sick and alleviating illness is compelling.

When one group of Americans considers embryonic stem-cell research immoral and another finds it ethically problematic to refuse to seek credible cures for life-threatening disease, the public goal can never be full agreement. But it can be mutual respect.

One approach which this legislation advances is the notion of authorizing federal support for stem cell research involving only those lines derived from blastocysts that would otherwise be thrown away and that were not initially created for the purpose of research.

I recognized that for some even this restrained approach amounts to hubris, to man tampering with nature. But this is what modern science is about: Care, to be sure, must be taken, particularly at this stage of scientific development, not to attempt to clone human life or toy with human reproduction. But careful, moral exploration into disease control is morally defendable. Indeed, for many of us it would be morally derelect to turn our backs on our ailing parents and sick children.

Hence, I am compelled to vote to override this veto.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 235, nays 193, not voting 5, as follows:

[Roll No. 388]

YEAS—235

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bass
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Dreier
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kilpatrick (MI)
Kind
Kirk
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lofgren, Zoe
Lowey
Lynch
Mack
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Regula
Reichert
Reyes
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NAYS—193

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Chocola
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kennedy (MN)
Kildee
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Stupak
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—5

Evans
Gutierrez
Lewis (GA)
McKinney
Northup

□ 1851

Mr. SULLIVAN changed his vote from ''yea'' to ''nay.''

Mr. SHERMAN and Mr. MORAN of Virginia changed their vote from ''nay'' to ''yea.''

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, on account of official business in my district, I missed votes in this Chamber today. I would like the RECORD to show that, had I been present, I would have voted ''yea'' on rollcall votes 384, 387, and 388. I would have voted ''no'' on rollcall votes 382, 383, 385, and 386.

The SPEAKER pro tempore. The message and the bill are referred to the Committee on Energy and Commerce.

The Clerk will notify the Senate of the action of the House.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

Mr. GEORGE MILLER of California. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2830, the pension conference report.

The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2830 be instructed—

(1) to agree to the provisions contained in subsections (a) through (d) of section 601 of the Senate amendment (relating to prospective application of age discrimination, conversion, and present value assumption rules with respect to cash balance and other hybrid defined benefit plans) and not to agree with the provisions contained in title VII of the bill as passed the House (relating to benefit accrual standards); and

(2) to agree to the provisions contained in section 413 of the Senate amendment (relating to computation of guaranteed benefits of airline pilots required to separate from service prior to attaining age 65), but only with respect to plan terminations occurring on or after September 11, 2001.

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 the motion 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.

Any record vote on the postponed question will be taken tomorrow. The postponed vote on H. Con. Res. 448 will also be taken tomorrow.

CONDEMNING THE RECENT ATTACKS AGAINST THE STATE OF ISRAEL

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 921) condemning the recent attacks against the State of Israel, holding terrorists and their state-sponsors accountable for such attacks, supporting Israel's right to defend itself, and for other purposes.

The Clerk read as follows:

H. RES. 921

Whereas on September 12, 2005, Israel completed its unilateral withdrawal from Gaza, demonstrating its willingness to make sacrifices for the sake of peace;

Whereas more than 1,000 rockets have been launched from Gaza into Israel since Israel's disengagement;

Whereas in a completely unprovoked attack that occurred in undisputed Israeli territory on June 25, 2006, Israeli Defense Forces Corporal Gilad Shalit was kidnapped and is being held hostage in Gaza by a Palestinian terrorist group which includes members of Hamas;

Whereas Hamas political leader Khaled Meshaal, in Damascus, Syria, has acknowledged the role of Hamas in holding Corporal Shalit hostage;

Whereas in a completely unprovoked attack that occurred in undisputed Israeli territory on July 12, 2006, operatives of the terrorist group Hezbollah operating out of southern Lebanon killed three Israeli soldiers and took two others hostage;

Whereas Israel fully complied with United Nations Security Council Resolution 425 (1978) by completely withdrawing its forces from Lebanon, as certified by the United Nations Security Council and affirmed by United Nations Secretary-General Kofi Annan on June 16, 2000, when he said, ''Israel has withdrawn from [Lebanon] in full compliance with Security Council Resolution 425.'';

Whereas United Nations Security Council Resolution 1559 (2004) calls for the complete withdrawal of all foreign forces from Lebanon and the dismantlement of all independent militias in Lebanon;

Whereas despite the adoption of United Nations Security Council Resolution 1559, the Government of Lebanon has failed to disband and disarm Hezbollah, allowing Hezbollah instead to amass 13,000 rockets, including rockets that are more destructive, longer-range and more accurate than rockets previously used by Hezbollah, and has integrated Hezbollah into the Lebanese Government;

Whereas the Government of Israel has previously shown great restraint despite the fact that Hezbollah has launched at least four separate attacks into Israel using rockets and ground forces over the past year;

Whereas the failure of the Government of Lebanon to implement all aspects of United Nations Security Council Resolution 1559 and to extend its authority throughout its territory has enabled Hezbollah to launch armed attacks against Israel and recently to kidnap Israeli soldiers;

Whereas Hezbollah's strength derives significantly from the direct financial, military, and political support it receives from Syria and Iran, and Hezbollah also receives important support from sources within Lebanon;

Whereas Iranian Revolutionary Guards continue to operate in southern Lebanon, providing support to Hezbollah and reportedly controlling its operational activities;

Whereas the Government of the United States has enacted several laws, including the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175) and the Iran and Libya Sanctions Act of 1996 (Public Law 104–172), which call for the imposition of sanctions on Syria and Iran for, among other things, their support for terrorism and terrorist organizations;

Whereas the House of Representatives has repeatedly called for full implementation of United Nations Security Council Resolution 1559;

Whereas section 1224 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228) withholds certain assistance to Lebanon contingent on the deployment of the Lebanese armed forces to the internationally recognized border between Lebanon and Israel and its effective assertion of authority in the border area in order, among other reasons, to prevent cross-border infiltration by terrorists, precisely the criminal activity that has provoked the current crisis;

Whereas President George W. Bush stated on July 12, 2006, ''Hezbollah's terrorist operations threaten Lebanon's security and are an affront to the sovereignty of the Lebanese Government. Hezbollah's actions are not in the interest of the Lebanese people, whose welfare should not be held hostage to the interests of the Syrian and Iranian regimes.'', and has repeatedly affirmed that Syria and Iran must be held to account for their shared responsibility in the recent attacks;

Whereas the United States recognizes that some members of the democratically-elected Lebanese parliament are working to build an autonomous and sovereign Lebanon and supports their efforts; and

Whereas both Hezbollah and Hamas refuse to recognize Israel's right to exist and call for the destruction of Israel: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its steadfast support for the State of Israel;

(2) condemns Hamas and Hezbollah for engaging in unprovoked and reprehensible armed attacks against Israel on undisputed Israeli territory, for taking hostages, for killing Israeli soldiers, and for continuing to indiscriminately target Israeli civilian populations with their rockets and missiles;

(3) further condemns Hamas and Hezbollah for cynically exploiting civilian populations as shields, locating their equipment and bases of operation, including their rockets and other armaments, amidst civilian populations, including in homes and mosques;

(4) recognizes Israel's longstanding commitment to minimizing civilian loss and welcomes Israel's continued efforts to prevent civilian casualties;

(5) demands the Governments of Iran and Syria to direct Hamas and Hezbollah to immediately and unconditionally release Israeli soldiers which they hold captive;

(6) affirms that all governments that have provided continued support to Hamas or Hezbollah share responsibility for the hostage-taking and attacks against Israel and, as such, should be held accountable for their actions;

(7) condemns the Governments of Iran and Syria for their continued support for Hezbollah and Hamas in their armed attacks against Israelis and their other terrorist activities;

(8) supports Israel's right to take appropriate action to defend itself, including to conduct operations both in Israel and in the territory of nations which pose a threat to it, which is in accordance with international law, including Article 51 of the United Nations Charter;

(9) commends the President of the United States for fully supporting Israel as it responds to these armed attacks by terrorist organizations and their state sponsors;

(10) urges the President of the United States to bring the full force of political, diplomatic, and economic sanctions available to the Government of the United States against the Governments of Syria and Iran;

(11) demands the Government of Lebanon to do everything in its power to find and free the kidnapped Israeli soldiers being held in the territory of Lebanon;

(12) calls on the United Nations Security Council to condemn these unprovoked acts and to take action to ensure full and immediate implementation of United Nations Security Council 1559 (2004), which requires Hezbollah to be dismantled and the departure of all Syrian personnel and Iranian Revolutionary Guards from Lebanon;

(13) expresses its condolences to all families of innocent victims of recent violence; and

(14) declares its continued commitment to working with Israel and other United States allies in combating terrorism worldwide.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

Mr. PAUL. Mr. Speaker, if neither gentlemen is opposed to the bill, I request the time in opposition.

The SPEAKER pro tempore. Is the gentleman from California opposed to the motion?

Mr. LANTOS. I strongly support this legislation, Mr. Speaker.

The SPEAKER pro tempore. Is the gentleman from Texas opposed to the motion?

Mr. PAUL. I am opposed to it.

The SPEAKER pro tempore. Under clause 1 of rule XV, the gentleman from Texas (Mr. PAUL) will control 20 minutes in opposition.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that the time for debate on this measure be extended for 80 additional minutes to be equally divided.

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

There was no objection.

Mr. HYDE. Mr. Speaker, I yield 30 minutes of my time to the ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he may be permitted to control that time.

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

There was no objection.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, the world is witnessing yet another violent episode in the global struggle between civilization and terror.

The cowardly and deadly attacks on Israel by Hamas and Hezbollah have resulted in a vigorous response by Israel. We shouldn't be surprised. A history of precarious existence in a violent region has persuaded most Israelis that wishful thinking carries deadly costs and has convinced them that their survival depends upon their own willingness to act. And so Israel has acted.

As a result, Israel is now the subject of criticism around the world. The standard condemnations will be uttered, the familiar demands expressed. Israel will once again be excoriated for self-defense by governments that cannot be bothered to assist others or which are even the sources of threats themselves.

Instead of offering help to halt these terrorist attacks, too many of the world's governments will yet again demonstrate their irrelevance to the region's problems or to any possible solution by restricting their contributions to making disparaging comments from the sidelines. We can be certain that terrorism writ large is likely to be verbally assaulted. But were verbal disapprovals as deadly a weapon as are missiles and bombs, the violence and slaughter that are the chosen instruments of the terrorists would be quickly eliminated.

At best, a moral equivalence between the terrorist attacks and Israel's response will be asserted. But it is profoundly immoral to equate assault with defense, to erase the bright line between the deliberate killing of innocents and a determination to protect those innocents.

Were we in the position of the Israelis, how would we ourselves react if missiles were launched from Cuba and rained down on Miami? Any government that would allow terrorists to attack its citizens and do nothing in response but protest or beg for mercy would betray its most sacred trust.

□ 1900

Instead, we should take encouragement from Israel's courageous example and hope that others sleeping in their protective cocoons awake and finally see that this conflict holds enormous stakes for us all. Israel must win its battle against terrorism, or we all will lose.

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

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

Mr. Speaker, I have taken the time in opposition to this resolution because I very sincerely believe that resolutions of this sort actually do more harm than good. I know that it is very good to condemn the violence, and I certainly do agree with that.

But I am convinced that when we get involved and send strong messages, such as this resolution will, that it ends up expanding the war rather than diminishing the conflict, and that ultimately it comes back to haunt us.

Generally speaking, I follow a policy in foreign affairs called noninterventionism. It is not generally acceptable in this current time that we do this, but I think there is every reason to consider it. It certainly was something that the founders talked about.

The Constitution really doesn't authorize us to be the policemen of the world. And for this reason, we should talk about it. And that is why I take this opportunity to do so, with the sincere belief that we would be better off with less intervention overseas.

The founders talked about that, about rejecting entangling alliances. And we have been involved in a lot of entangling alliances since World War I, especially after World War II, and we have been doing a lot of things, losing a lot of men and women and costing a lot of money; and too often, these events have come back to haunt us. There is blow-back from our policy.

The policy of interventionism, which I object to, really doesn't work. It is well intended, and we have these grandiose plans and schemes to solve the problems of the world, but if you are really honest with yourself and you look at the success and failure, it doesn't have a good record. I mean, are you going to defend the great victory in Korea, the great victory in Vietnam? And on and on. The great victory in Iraq?

And I see resolutions like this step in the wrong direction. Actually, I believe it is going to expand the war in the Middle East.

The other reason why I strongly object to interventionism is it costs a lot of money. And someday we will have to deal with that. Supplemental bills come up now to the tune of tens of billions, and next year, already, they are planning to come up with another $100 billion for our intervention overseas. But it is off the regular budgetary process, so it doesn't meet the budgetary restraints that we are supposed to follow. So it becomes emergency funding, although we have been in Iraq for 3 years, and with plans to stay endlessly. We are building permanent bases in Iraq. So there is a lot of cost, and eventually that will come home to haunt us, and it already has.

And then there is the problem of unintended consequences. We went into Iraq for all kinds of reasons, some disproven, and all well intended, and who knows what the real motivations were. But one thing was that we would gain access to oil, and oil would be produced and would help pay the bills. Yet oil, when we went into Iraq was $28 a barrel. Now it is $75 a barrel. That is an unintended consequence.

We have done more to fall into the trap of what Osama bin Laden wanted in Iraq than anything else. And actually we have helped Iran. Iran is stronger. They have probably already more influence with the grass roots, the democratic process in Iraq, than we do. Those are the kind of unintended consequences that, on principle, I strongly object to.

I believe that the founders were correct in advocating avoiding entangling alliances, to have a strong national defense, to defend this country, I believe that is just plain common sense. Most Americans, if you just flat-out put it to them, think we should not be the policemen of the world. Do you think we should be involved in the internal affairs of other nations? People say no. We shouldn't do this. The Constitution doesn't give us the authority to do it.

And we now are in the business of maintaining an empire. A noninterventionist foreign policy concedes up front that is not our goal. We are not supposed to be going overseas and building permanent bases and staying there endlessly. Even the election campaign of 2000 was won partially on the foreign policy issue that, you know, it was said that we shouldn't be the policemen of the world and we shouldn't be in nation building.

I think those are good ideas and the American people agree. They didn't object to it. But each step along the way we dig a deeper hole for ourselves. And that is the general philosophic reasons why I believe nonintervention is beneficial. Intervention is very, very dangerous. Later there will be a lot of specifics that I would like to mention.

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

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

Mr. Speaker, I rise in strong support of this resolution. The conflict now raging in the Middle East is between a stable, pro-Western democracy and the terrorists who seek to destroy it. It is obviously in our country's interest and that of the civilized world as a whole to oppose and denounce the vicious war against Israel by Hezbollah and Hamas. We simply cannot accept a world in which terrorist bands can trigger cross-border conflicts in violation of international law. Even the 22 member states of the Arab League have recognized this fact. They unequivocally denounced Hezbollah for provoking the current crisis because they know that Hezbollah's nihilism threatens not just Lebanon but their own stability.

Hezbollah's contempt for human suffering is total, as it showed once again this morning when its rockets murdered two Israeli Arab children in Nazareth.

Mr. Speaker, Israel is doing all it can to limit the civilian suffering as any civilized, responsible, legitimate government would do. Its air bases, weapons and other military assets are located as far from population centers as they can be. But Hezbollah and Hamas have deliberately placed their weapons among the people, in their homes, in their schools, in their mosques. In a struggle between the two sides, the risk of civilian casualties is naturally disproportionate. The terrorists care nothing for human life, and care only to the extent that they can cynically leverage the damage in their favor in the court of public opinion.

Of course, Mr. Speaker, Israel is not facing just the terrorists Hamas and Hezbollah. Those criminal groups are merely proxies for the real masters of terror, Syria and Iran. If there was ever any doubt as to whether Hezbollah is a wholly owned subsidiary of Iran, it has now been put to rest. The unprovoked murder and kidnapping of Israeli soldiers on undisputed Israeli territory clearly served Tehran's interests. It occurred just days before the G–8 summit in St. Petersburg, which was set to focus on Iran's nuclear projects and transgressions. And, Mr. Speaker, the plot worked. The G–8 was indeed preoccupied with events in the Arab-Israeli arena, rather than with Iran's unrelenting march to secure nuclear weapons. But it is a mark of how alarmed the G–8 members were at the current situation that even Russia joined in the final communique condemning Hezbollah's actions.

Mr. Speaker, U.N. Security Council Resolution 1559, passed in 2004, declared that all foreign forces should be removed from Lebanon, all militias dismantled, and the Lebanese Armed Forces be deployed to the entire border with Israel. In fact, none of this happened. Iranian Revolutionary Guard troops roam freely. And thanks to Hezbollah, Iran has established, effectively, a base in southern Lebanon right on Israel's border.

This is the same Iran that has called for Israel to be wiped off the map, the same Iran that has armed Hezbollah with 13,000 deadly missiles.

Meanwhile, Mr. Speaker, the Lebanese Government stands by, helplessly watching its sovereignty evaporate. Hezbollah and Iran are holding Lebanon hostage as surely as they are holding the two Israeli soldiers.

Mr. Speaker, there will never be real Lebanese democracy or real Lebanese sovereignty as long as Hezbollah is armed and occupies southern Lebanon.

We also know that Syria is the primary culprit behind the Hamas kidnapping of an Israeli soldier, which also took place, unprovoked, on undisputed Israeli territory. It strains credulity to believe that the Syrian regime is merely a passive host for the Damascus-based Hamas leader, Khaled Meshaal. Syria is his master.

Mr. Speaker, how often have we heard the complaint that there would be peace in the Middle East if only the Israelis ended their occupation?

The watchword of this school of thought was land for peace. But as events of the last week have shown, it should have been land for war. Israel ended its occupation of Lebanon and of Gaza. There was not one Israeli citizen in either Gaza or Lebanon when this murderous and cynical pair of attacks took place. And where did the murderers and kidnappers attack from when they invaded Israeli territory? The very places from which Israel withdrew.

How are we ever to establish peace?

How will decent people in the region ever believe in peace if Arab terrorists interpret every gesture of peace as a display of weakness and then act accordingly?

□ 1915

Israel has withdrawn from Lebanon and Gaza. But where is the goodwill on the other side? Since Israel evacuated Gaza, more than 1,000 Hamas rockets have been fired at Israeli homes and Israeli schools. Since Israel evacuated Lebanon, the terrorist gang Hezbollah that occupies south Lebanon has stockpiled 13,000 rockets. As we have learned in recent days, these rockets travel farther and are far more deadly than had been previously believed. No wonder, Mr. Speaker, that Israeli support for Prime Minister Olmert's plan to withdraw from large areas of the West Bank has been plummeting even while Olmert himself enjoys wide support among his people.

Given the stakes, I believe that the United States must support Israel in combating enemies who will not be mollified by anything less than Israel's total destruction. Any result of this fighting that leaves Hezbollah in occupation of southern Lebanon will be a victory for Iran and for Syria, for fanaticism and for terror, and the defeat for Lebanon and for Middle East peace.

That, in my view, is the message of the resolution before us today, Mr. Speaker. And that is why I strongly support this resolution, and that is why I urge all of my colleagues on both sides of the aisle to do likewise.

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

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am proud to yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), our distinguished majority whip.

Mr. BLUNT. Mr. Speaker, I thank the gentlewoman for recognition. And I am grateful to Chairman HYDE and Mr. LANTOS for the hard and thoughtful work they have done on this resolution, for the comments that they have already made, and many of those comments are not going to be better made this evening.

Clearly, we stand here understanding that no country in the world knows more about the importance of a safe society than Israel, knows more the need to protect its borders and citizens than Israel.

The conflict being waged is not one that Israel asked for. It is being fought out of necessity and out of self-defense. No country would tolerate the type of armed aggression that Israelis have witnessed in recent weeks. These deadly rocket attacks have been launched against civilians in Israel by Hamas and Hezbollah with the direct backing, as Mr. LANTOS has said, of Syria and Iran.

In fact, just last night word came out of the region that the Israelis had found and destroyed a truck convoy carrying new deadly rockets across the Syrian border into Lebanon. Those weapons, which reportedly were produced in Iran and transported through

Syria under the knowing eye of that country's government, are the instruments being used by Syria and Iran to wage a proxy war against Israel.

All responsible members of the international community must demand that Syria and Iran immediately cease their financial and military support for these terrorist organizations or face the kind of global isolation and action by the Security Council that they deserve.

Innocent citizens of Lebanon have also been the victims. The Lebanese Government has not been able to gain control over its own security and disarm Hezbollah, as demanded by the United Nations. I believe the Cedar Revolution was real, but democracy is still weak, and the Lebanese Government must resist terrorism or it does not govern.

As Israel engages in a two-front conflict to defend its borders, I am confident that its government is doing all it can to minimize the loss of civilian life. Unfortunately, Lebanese and Palestinian civilians are being caught in the middle. I talked today to friends of mine in Nazareth who were witnesses to the attacks on Nazareth today where innocent Arabs living in Israel have been killed by these terrorist factions. We must put a stop to this. We must stand strong. This is exactly the kind of Islamic totalitarian view of the world that we resist today in Iraq, in Afghanistan, and elsewhere.

Mr. PAUL. Mr. Speaker, I yield 8 minutes to the gentleman from Illinois (Mr. LAHOOD).

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

Mr. LAHOOD. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

I would like to stipulate that in the 12 years I have been in the House, I have visited Lebanon on 10 occasions, and 2 years ago when I was there, I called upon the President of Lebanon, who has the same name as I do, although he is no relation, that he should not extend his term as President of the country, and that troops should be moved into the southern part of the country. I want to stipulate that now so people understand.

I believe this resolution does not go far enough, and I believe the resolution should stipulate some humanitarian interest in the Lebanese people who are the ones that are being injured and killed by the attacks on the country. But I do not believe the current President should be in office. He has extended his term, and that should not have been. They should have moved troops into the southern part of the country and gone after Hezbollah, but that has not happened.

But over the last 10 years, the country of Lebanon, in particular Beirut, has been rebuilt. It has been rebuilt primarily by the assassinated former Prime Minister, who did an extraordinary job and showed extraordinary leadership over the last several years in helping to rebuild the country and helping to rebuild, in particular, the city of Beirut.

Late last week I decried the capture of two Israeli soldiers, and I decried the Hezbollah for doing that. But I also decry the idea that the attacks that are being made are well beyond the boundaries of where Hezbollah is at, well beyond the boundaries of the southern part of Lebanon, to completely shut down the airport, to bomb every road so there is no way for peace-loving people who have no fight in this battle at all to exit the country.

Over 25,000 Americans are trapped in Lebanon, many students, many American students, who go to school at American University of Beirut. And also many peace-loving Americans who are there, many from my home community of Peoria, over 300, who traditionally go to the country in the summertime to visit their mothers and their fathers and their aunts and their uncles, are trapped there.

Now, I give the administration credit for allowing these cruise ships now to come to the Mediterranean and help them exit. But the point that I want to make here is there is nothing in the resolution about the innocent people that are being killed. Over 300 people have been killed in the last 7 days who have no fight in this. They do not live in the southern part of the country. And there are many people that are trapped there. And I wish the resolution would have allowed for some idea that you can go into the southern part, you can go after Hezbollah, you can run them out of the country, and we are well within our right to do that, but not to shut down every way and every means of people to escape the country, not to kill innocent people, not to go into neighborhoods where there are absolutely no Hezbollah.

Mr. LANTOS. Mr. Speaker, will my friend yield?

Mr. LAHOOD. I yield to the gentleman.

Mr. LANTOS. I thank my friend for yielding.

First, let me react to your comment that the resolution does not deal with the loss of innocent life. The resolution expresses its condolences to all families of innocent victims of recent violence.

Secondly, it is critical to prevent the resupply of deadly rockets from Iran and Syria. Unless the airport is closed down, unless the border with Syria is closed down, these deadly weapons will be resupplied in no time. That is why the airport was attacked. That is why the border crossings with Syria were attacked.

Mr. LAHOOD. Mr. Speaker, reclaiming my time, I would say the resolution is not specific to the Lebanese innocent people. It mentions innocent people, but there is no specificity about those Lebanese people, particularly Lebanese Americans who are there visiting their families and the students that are there.

The only road that was not bombed, the only road that was not closed, is the road that goes to Syria. And I know people and I have talked to them that have exited the country through Syria, and the Syrian Government is allowing them to go into Syria, go into Damascus, and take flights out to other parts in order to get back to the United States.

I have served on the Intelligence Committee now for 8 years. There is something I think I know. Hezbollah is well armed. They have all the ammunition they need, and we need to shut them down. We need to eliminate them from the southern part of Lebanon.

I do not buy this idea that they were going to be able to ship arms in through the airport. They have all they need. They have the kind of capability, and they have shown that.

So I have heard that argument that the airport was bombed. I believe it was bombed so you could close off a way for people to get out of there. And I do not quite buy the argument that it was bombed so that they could be resupplied. They do not need to be resupplied. They have got all they need.

Look, I have said pretty much what I wanted to. I know what the debate is going to be about. My obligation is to peace-loving people who live in Lebanon, who have made their homes there. My grandfather on my father's side came to this country in 1895 to Peoria, Illinois, from Lebanon. We have a large Lebanese population in Peoria. And I hope there are others, I think there will be, that will speak up for the common, ordinary, decent people of Lebanon who are suffering as a result.

They want Hezbollah out of the country, and there is no argument with that, but they do not want to see their own neighborhoods, where there is no presence of Hezbollah, to be bombed and innocent people killed.

If this were going on in Israel, which it is, the resolution stipulates that our hearts go out to those people. The innocent, peace-loving people of Lebanon in neighborhoods where Hezbollah does not exist, they get no recognition in this resolution. With all due respect, Mr. LANTOS, they simply do not. They did in a resolution that was prepared earlier on, but that language was taken out.

So I think the resolution is inadequate, and I want to stick up for the people of Lebanon. I want to also compliment the administration for waiving the fees that they were going to charge innocent people for getting outside of the country. Obviously, that was a no-brainer. For getting the cruise ships to come in, to allow helicopters to transport people from the embassy over to Cyprus, all of these things are good things.

I have talked to the administration. I have asked Secretary Rice and her team to talk more about restraint, particularly in the parts of Lebanon that do not deserve to be bombed, where innocent people do not deserve to be killed.

I am just going to wrap up. It is going to take millions of dollars to rebuild areas of Lebanon that have been damaged. I mean, it is going to take millions of dollars to rebuild bridges and roads and infrastructure that have been built over the last 10 years. Beirut was so well positioned. This year in the city of Beirut, they had more tourism. The economy was booming. And now when you see what is happening, not only the innocent life, but so much of the infrastructure has been destroyed. I hope our government is going to be willing to step up and provide some of the dollars to help rebuild the country.

So my objection is that I think the resolution is inadequate, and I want to speak up for the people of Lebanon.

I thank the gentleman from Texas very much for yielding me this time.

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

Before yielding to our distinguished whip, I would like to make a couple of observations. I first visited Lebanon in 1956, in the summer of 1956.

□ 1930

It was the jewel of the Middle East. And what has destroyed Lebanon during the course of the last half century were various terrorist groups, first Arafat's PLO and now Hezbollah.

No one is in favor of hurting a single innocent human being. The fact is that with Hezbollah placing its weaponry in the midst of population centers, collateral damage is unavoidable. Israel has gone to every length to minimize collateral damage.

As a matter of fact, the difference between the tragedies befalling the Lebanese people and the tragedies befalling the Israeli people is very simple: Hezbollah deliberately, deliberately, attacks civilians. Israel does its utmost not to attack innocent civilians.

Mr. LAHOOD. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I am glad to yield to my friend, the gentleman from Illinois.

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

I agree with everything you have said, Mr. LANTOS. My only problem is, why not give the same kind of consideration in the resolution to the common, ordinary, decent people of Lebanon who are being hurt by these attacks? That is really all we were asking earlier on when we presented a resolution to the majority leader's office.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to the distinguished Democratic whip, my good friend, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, first let me say that, unfortunately, there wasn't as much bipartisan drafting of this resolution as I would have hoped.

Hopefully there is no one in this Chamber who does not empathize with those who want peace, those who work for peace, those who are caught in the environment of hate, those who are caught in the environment of attacks on innocent people, those who are harboring in their midst those who attack a nation because of the religion and ethnicity of their population. All of us have empathy for innocent people caught in the grip of terror and terrorism.

But all of us also ought to have the expectation that those people would exorcise from their societies those who undermine peace, security and safety, and the Lebanese people have not done that. They have either not done it because they are incapable of doing it, or they have not done it, as too often I hear verbalized, I tell my friend, because of their sympathy for Hezbollah.

Mr. Speaker, I strongly support this resolution condemning the recent terrorist attacks against our Nation's staunchest democratic ally in the Middle East and supporting Israel's inherent right for self-defense, and I urge Members on both sides of the aisle to support this resolution as well.

Israel is absolutely justified in undertaking the defense of its territory and its people. As the Israeli columnist Ari Shavit recently wrote, Israel's actions are ''not a war of occupation, but rather a war of defense. Not a settlements war, but rather a green line war. A war over the validity of an international border that was drawn, defined and recognized by the United Nations.''

No one should be mistaken: The actions taken by Israel over the last 8 days have been a direct response to the premeditated, unprovoked attacks of Hamas and Hezbollah, terrorist organizations which are underwritten and encouraged by their sponsors, Syria and Iran.

Palestinian militants, including members of Hamas, dug a tunnel 300 yards inside of Israel territory. And when, on June 25th, militants emerged from that tunnel, they killed two Israeli soldiers, wounded three and kidnapped one.

Then last Wednesday, July 12, Hezbollah terrorists crossed Israel's internationally recognized northern border, and in a brazen daylight attack killed three Israeli soldiers and kidnapped two. Another five Israeli soldiers were killed by Hezbollah terrorists when they tried to retrieve the bodies of their fallen comrades.

Mr. Speaker, these premeditated, unprovoked terrorist attacks on Israel are indefensible. One can only imagine the American response if a terrorist group attacked and killed American citizens from just across our border.

It also must be noted that Israel has exercised great restraint over the last year, during which Palestinian militants, as has been referenced on this floor, have launched over 1,000 rockets from Gaza into Israel and Hezbollah has launched four separate attacks on Israel.

While I am convinced that Israel is using every possible effort to avoid civilian casualties, it is clear that the terrorists in Hamas and Hezbollah purposely, purposely, staged their actions from within civilian communities, thereby putting civilians at grave risk.

Furthermore, while Israel makes every effort to minimize civilian casualties, it is clear that the terrorists of Hamas and Hezbollah deliberately attempt to maximize such casualties by indiscriminately firing rockets upon Israeli population centers.

Mr. Speaker, as a first step towards restoring calm, it is absolutely imperative that Israel's soldiers in Gaza and Lebanon be returned unconditionally and unharmed and that indiscriminate rocket attacks on Israeli civilians by Hamas and Hezbollah cease immediately.

It is also long past the time for the international community to facilitate the implementation of Security Council Resolution 1559. If that U.N. resolution had been carried out, there would be no innocent citizens on either side being killed this day. The tragedy of our international community is the United Nations talks a much better game than it ever plays. That resolution, which was adopted in September of 2004, calls for the Lebanese army to control southern Lebanon's border, and for all militias, including Hezbollah, to be disabled and disbanded.

So long as the international community fails to ensure the implementation of Security Council Resolution 1559, I believe Israel as a sovereign nation with an inherent right of self-defense has every right to strike armed terrorists which seek her destruction. Disarming and disbanding terrorist organizations is essential to Middle East peace.

We empathize, we sympathize, we have deep concern for those caught in this web of violence and terror, but that will not rationalize nor will it excuse the lack of action to exorcise those terrorists from the body politic of the Middle East. Until that happens, innocent civilians will ever be at risk.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am proud to yield 2 minutes to my colleague the distinguished gentleman from Florida (Mr. SHAW), who is a staunch supporter of Israel and who has been there many times.

Mr. SHAW. Mr. Speaker, first of all, I would like to associate myself with the previous speaker and his remarks.

Mr. Speaker, I rise today to voice my steadfast support for Israel during this time of crisis and escalating violence. In the strongest possible terms, I condemn Hezbollah's unprovoked attack on Israel.

On July 12, 2006, Hezbollah assaulted northern Israel. This attack killed eight soldiers and took two others hostage. The kidnapping and killing of Israeli soldiers symbolizes a clear act of war by Hezbollah, which the government of Lebanon has failed to take apart and has even included in its cabinet.

Hezbollah's continued violence against Israel is financed and supported by Syria and Iran. The United

States Department of State said that Iran supports Hezbollah with financial, political and organizational aid, while Syria provides diplomatic, political and logistic support. Syria and Iran should be held responsible for the violence that has ensued in the region as a result of their support of Hamas.

Like the United States and other sovereign nations, Israel has the right to defend itself and its people from the attacks by these terrorists. Hezbollah fired at least 100 rockets at Israel just yesterday, with an estimated 720 Hezbollah rockets reported fired since the current crisis began. Israel air strikes continue and Israel defense forces conducted cross-border raids overnight. Over 230 Lebanese and 25 Israelis have been reported killed since hostilities began. Estimates of Lebanese displaced by the violence vary widely, from tens of thousands to as many as 400,000.

Mr. Speaker, it is clear that the United States must continue our efforts to support the State of Israel. These are the same killers who blew up our Marine barracks in Lebanon and killed 260 of our finest United States Marines.

An Israeli win is a win for the United States. Our future, as well as Israel's future, is wrapped up in the future of this conflict. I urge my colleagues to support this resolution.

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

Mr. Speaker, I would like to comment just briefly on the comments made by the gentleman from Illinois (Mr. LAHOOD), because I think his point is well taken about the emphasis on this legislation, and to deny that would be just trying to fool one's self.

It is very clear that if one were objective and read this resolution, all the terrorists are on one side and all the victims and the innocents are on the other side, which I, quite frankly, find unfair, especially coming from the position that I want to advocate, neutrality, rather than picking sides.

But he also mentioned the fact about trying to change the resolution. I would like to emphasize also that being on the International Relations Committee, I was anxious to see the resolution, but characteristically it was very difficult to get. We didn't hold hearings and we didn't debate it and we didn't get a chance to have amendments to it, and even last night I couldn't receive it. There were some news articles very early this morning. Lo and behold, they had copies of it. It took me until about 9 o'clock this morning to get it.

So I think it would be fairer within this Congress to allow us to have a chance to debate these in the committee, to bring them to the floor.

Mr. Speaker, I yield 8 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Texas for yielding me time.

Mr. Speaker, it was 24 years ago almost to this very day that I led an official congressional delegation to the Middle East, appointed by then Speaker Tip O'Neill. This six-nation tour included meetings with heads of state in every one of the countries we visited, including the Prime Minister of Israel, Menachem Began.

We were in Beirut those first days of August 1982 when Israeli bombs were falling all over the country and all over the city, as they are this very day. The Israeli aim at that time was to rid Lebanon of the PLO.

Then President Ronald Reagan got on the phone to then Prime Minister Menachem Began and said enough is enough. Stop the bombing. President Reagan had that courage, had that sense.

There immediately ensued negotiations and a peaceful evacuation of Americans in the area, and we initially sent over marines, maybe a month later, at which point in time we were considered peacekeepers and all the Lebanese were welcoming the American presence. That later turned sour. That is part of history and I shall not go there.

But I have written President Bush last Friday urging him to take this same action as President Ronald Reagan took 24 years ago.

□ 1945

I commend him for calling Arab leaders as he is and asking the Arab leaders to urge restraint upon Hezbollah and to urge the release of the hostages, which is a proper action. I also asked the President that should he not be calling the Israeli Prime Minister at the same time. What is wrong with this course of action?

The point where we are today is a point that is unfortunate. It was stupid of Hezbollah, Hamas to take the actions they took. I condemn the hostage taking.

Israel has a right to defend itself. It has the right to pursue to the nth degree those that abduct their soldiers. The Israeli action of current days, and as we speak in Lebanon, however, has other repercussions than just the stated agenda of destroying Hezbollah. That is not going to happen. We know that there is no military action that is going to wipe out every member of Hezbollah, that is going to wipe out every member of Hamas.

That is not the way this problem is going to be resolved. It is time for cooler heads to prevail if peace is to have a prayer. It is time for a cease-fire. It is time for Secretary Rice to go to the region. It is time for Hezbollah to, as the first step, simultaneously with the calling of a cease-fire release the hostages. That must be done, step number 1, with the calling of a cease-fire, and then negotiations should continue.

As to whether there will be future and sequential release of Lebanese and Palestinian prisoners held by the Israelis, many of whom have not even had the first charge read against them yet, but that is for later, Israel has done this in the past, to their credit. Yes, we do not negotiate with terrorists, but we do. We know the reality.

So I say, Mr. Speaker, that the current actions of Israelis have gone beyond going after Hezbollah. This resolution that is before us seems to hint at that pretty strongly. The Government of Lebanon is targeted in many different points in the resolution before us. The Government of Lebanon is demanded in this resolution to disarm Hezbollah. That is something that 18 years of Israeli occupation of Lebanon could not achieve. The Israelis cannot do that. But we are demanding now that a year-and-a-half-old Lebanese Government, prodemocracy, pro-American, so much hope after the Cedar Revolution of a year and a half ago, we are now demanding that they disarm Hezbollah in this resolution. Not realistic.

Who are the losers if a cease-fire is not immediately implemented? Who are the losers in this fighting and the loss of innocent lives and civilian infrastructure continues? The losers are the moderates. The losers are the Siniora government in Lebanon, a government that has not approved, has not condoned the taking of hostages, as a matter of fact has spoken against it; a government that cannot at this particular point in time control fully its borders, but was getting its act in order previous to the current invasion.

In the Palestinian territories, who are the losers? The moderate Palestinian leader Abu Mazen is the loser, an individual who was negotiating with Prime Minister Olmert, very close to a deal on prisoner exchange, when all of a sudden this kidnapping occurred, and that almost deal went down the tubes. So the moderates are the losers the longer the fighting goes on, the longer we are without a cease-fire.

The likely scenario, of course, is that the Israelis will continue. They did a massive hit just as we speak against a Hezbollah bunker in south Beirut. It remains to be seen whether they got the head of Hezbollah or not, but there will be some mopping-up operations in the next week or so, and then Secretary Rice will go to the region and be the big peacemaker. I hope that is the scenario and that it is over that quick. I hope indeed that is what will occur.

But we must request and we must demand that Hezbollah release the kidnapped soldiers as the first step with the simultaneous announcing of a cease-fire and let cooler heads prevail if we are going to give peace a chance.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise in strong support of House Resolution 921.

Throughout its history, Israel has had to defend itself from groups that want to wipe it off

the map. Hamas and Hezbollah do not want to negotiate a two-state solution, they want to go back to before 1948. That is not going to happen. The United States first recognized Israel and will continue to help Israel defend herself.

The recent attacks, murders and seizure of soldiers by Hezbollah and Hamas are no different, and this House must affirm its commitment to Israel and stand behind that nation's right to defend itself.

Less than three weeks after the June 25 abduction of Corporal Gilad Shalit by Hamas in undisputed Israeli territory, Hezbollah opened a second front against Israel by attacking, killing and abducting more Israeli soldiers in northern Israel.

Israel's response was no different than the U.S. response would have been if someone had attacked across our border.

Israel completely withdrew from southern Lebanon in accordance with United Nations Security Council Resolution 425.

Despite this move to facilitate the peace process in the region, and despite U.N. Security Council resolution 1559—which required Lebanon to take control of this region and to disarm and disband any militias in the country—Lebanon allowed Hezbollah to operate in southern Lebanon, and receive material and funding from Iran and Syria

Hezbollah launched four separate attacks earlier this year against Israel.

Israel has been forced to defend itself from these terrorist groups to protect its borders and its people which have been targeted by Hezbollah rockets.

Unlike Israel, which has carefully targeted Hezbollah members who hide and operate among the civilian populations, Hezbollah has indiscriminately fired rockets at northern Israeli civilian populations in cities like Haifa, Nazareth, and Nahariya.

Mr. Speaker, these attacks by the terrorist groups Hezbollah and Hamas on Israel's borders, military, and civilian population have forced Israel to respond.

I urge my colleagues to join me in supporting this resolution reaffirming our support for Israel's right to defend itself.

Mr. LANTOS. Mr. Speaker, before yielding to my friend from Massachusetts, I yield myself such time as I may consume to make a comment about Mr. PAUL's observation as he calls for neutrality.

Calling for neutrality between a democratic ally of the United States and a gang of terrorists is not worthy of this body. There is no neutrality between a gang of terrorists who indiscriminately kill and the democratic state.

May I also say that it was Hezbollah terrorists who killed the largest number of U.S. Marines in Beirut a quarter century ago. Some of us were there visiting with them just a couple of weeks before they were all killed. Lee Hamilton, a distinguished former Member of this body, and I visited with our marines just days before they were all killed by Hezbollah terrorist activity.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK), the distinguished ranking member of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, first, this Israeli retaliation did not come in the abstract. Let's be clear what happened. I speak here as someone who has been critical in the past of Israeli Governments that were, in my judgment, sufficiently willing to take risks for peace. I have been an advocate of giving up land in the interests of a comprehensive settlement.

What happened tragically in the last couple of weeks is that Israel was attacked by entities who do not think there should be any Israel at all. It was attacked by people dedicated to the abolition of the Jewish State in the Middle East from two territories from which it had withdrawn.

What was attacked was not just individual Israelis, but those in Israel within that democratic nation who have pushed for peace. In April, after the withdrawal from Gaza, very controversial, the people willing in Israel to withdraw from territory in pursuit of peace won an election. Those in Israel who would reject that approach lost. Sadly, the rejectionists then won in the Palestinian Authority. So you have people who had risked themselves in a democratic nation for peace now being undercut by those who use those very territories from which they withdrew for attacking them. And again these were not disputes over specifics.

Hamas and Hezbollah both agreed there should be no Israel. These are people who want to return not to the borders of 1967, but to the borders of 1947 when there was no Israel. Now, no democratic nation can be expected to not respond, and that is what we have, a response to attacks across the internationally recognized border of Israel by people committed to destroying its very existence from territories from which they withdrew. So the attacks were clearly justified.

Then the question is, well, how have they conducted the war? I think there were things that they should not have done. I wish they had not bombed the power plant in Gaza. But, you know, I look at what Israel is doing in Lebanon, and I must tell you what it most resembles in my recent memory, the American action in Yugoslavia when we bombed and bombed and bombed Belgrade and much of Yugoslavia, much of Serbia, to get them to withdraw from Kosovo. That was not a conventional military action. Now, I must note that Israel has not at this point taken out any embassies. We in the Yugoslav war took out the Chinese Embassy. We bombed convoys.

Sadly, when people go to war, innocent people die. That is why I am very reluctant to vote for war. But that happens. But what happened in Serbia was America punishing the Serbian territory to get them to withdraw from Kosovo, and it worked.

Now, I understand the pride of the Lebanese Government, but let me say this, first of all, in response to my friend from West Virginia. The resolution does not demand that the Lebanese Government disarm Hezbollah. It demands that the Lebanese do everything within its power, within its power, to change things.

In contrast, the resolution does make an unconditional demand of Syria and Iran that they do the right thing. So it does differentiate between Lebanon and Syria and Iran.

Now, let me say, with regard to Lebanon, I am struck by the pride of the Lebanese people, but I have to say this. Many of those who are now critical of Israel and say, what do you want from poor Lebanon, where were they when poor Lebanon needed them? Where were they when the Lebanese were unable to get Hezbollah to move? Why did they not get involved then?

In defense of the Israelis, what they are saying is this: Look, a U.N. resolution said get Hezbollah away from us, because if they keep this up, we will have to retaliate, and nothing happened until they started killing Israelis inside Israel, and then Israel retaliated.

So those who now say, well, you know what, do not blame the poor Government of Lebanon, I do not. I blame those in the Arab world and elsewhere who could have gone into that situation and avoided this.

So now the question is what do you do? A simple cease-fire that leaves Hezbollah on the Israeli border, in violation of a U.N. resolution, free to continue to kill across that international border in their pursuit of their effort to destroy the State is not good enough. I would like to see us be involved.

What the resolution says is have Syria and Iran be pressured by the rest of the world, including those great humanitarian nations of Russia and China and elsewhere that have expressed opinions here; let them intervene not simply to stop the shooting, but to get Hezbollah away from that border. Then it will be reasonable to ask Israel to stop, and I believe they want to.

So it is not simply release the soldiers today so four more can be captured and more people killed tomorrow. Let the international community show its real concern for the Government of Lebanon by providing them with the assistance they need to move Hezbollah away.

Let Hamas honor the fact that Israel withdrew at great political internal cost from Gaza and not use that as a lunching pad for their efforts to destroy Israel.

So I must say, I think it is justified in terms of the response, in terms of the way it is conducted. Yeah, it is messy and bloody, and innocent people die, and that is why you try to avoid those situations, and why Syria and Iran should be pressured to get Hezbollah to move back so we can put an end to it.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, Hamas and Hezbollah attacks against one of our closest friends and best allies, Israel,

are acts of war, and they have Iran and Syria's fingerprints all over them.

As chairman of the National Security Subcommittee with direct focus on the Middle East and the Islamist terrorists that breed there, I am grateful we are promptly considering this bipartisan resolution to say to Israel, to the international community, and, most importantly, to the terrorists and the nations who support them that this Congress unequivocally stands by Israel.

We condemn the terror attacks against it, and we pray for the peaceful resolution of this crisis and to the end to the loss of innocent lives on both sides.

The prisoner exchange called for by some must be put off the table. Doing so legitimizes Hamas and Hezbollah's actions and will only embolden them and the Syrian and Iranian Governments that back them to launch similar attacks in the future. The resolution of this crisis must include the nonnegotiable safe return of the kidnapped Israeli soldiers, and the guarantee of the security of Israel's borders, including the full implementation of the U.N. Security Council Resolution 1559.

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

Mr. Speaker, the gentleman from California (Mr. LANTOS) derogatorily said there is no room to talk about neutrality, as if it were a crime. I would suggest there is room for an open mind to another type of policy that may save American lives.

I was in the Congress in the early 1980s, and then I left Congress, and I just come back recently. But I was here when the Marines were sent in to Lebanon, and I strenuously came to the floor before they went, when they went, and before they were killed, arguing my case. And then they were killed. Ronald Reagan, when he sent the troops in, said he would never turn tail and run.

□ 2000

Then, after the marines were killed, he had a reassessment of the policy. When he wrote his autobiography a few years later after leaving the Presidency, he wrote this.

He says, ''Perhaps we didn't appreciate fully enough the depth of the hatred and the complexity of the problems that made the Middle East such a jungle. Perhaps the idea of a suicide car bomber committing mass murder to gain instant entry to Paradise was so foreign to our own values and consciousness that it did not create in us the concern for the marines' safety that it should have.''

In the weeks immediately after the bombing, I believe the last thing that we should do was turn tail and leave. Yet the irrationality of Middle Eastern politics forced us to rethink our policy there. If there would be some rethinking of policy before our men die, we would be a lot better off. If that policy had changed towards more of a neutral position and neutrality, those 241 marines would be alive today.

Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, let me start by commending the esteemed chairman of the International Relations Committee and the distinguished gentleman, the ranking member, for bringing this very powerful resolution to the floor.

I agree with this resolution. I vehemently, vehemently condemn the violence and terrorist activity of Hamas and Hezbollah. I also vigorously support the right of Israel to defend itself against these terrorist acts and to do what is necessary under these dire circumstances.

But let me also say that this resolution is incomplete, and I don't think it is fully reflective of what U.S. policy should be. Much has been said about Resolution 1559. Much has been said about Lebanon, that poor small country that has been victimized time and time again.

What of Lebanon? There is a nascent democracy there, despite the challenges, despite the years of conflict, a nascent democracy that is budding. I think this resolution should give lip service to those Lebanese patriots who are trying to build this democracy. The Siniora government, we should not do anything that would undermine this nascent democracy and Prime Minister Siniora's attempt to build an economic country, a country that is going to have opportunity.

Security Council Resolution 1559, whose fault is it? We know that this nascent democracy in Lebanon doesn't have the capability to defend itself. It doesn't have a very well-formed armed services. We know that Israel could not drive Hezbollah out.

How can the small force that Lebanon has do such? Whose fault is it? The international community, the U.S.? This has been a failure of policy. One thing that is clear is that this Security Council Resolution 1559 has to be enforced unequivocally, and Hezbollah must be disarmed in any way that is possible. This is going to take an international effort. Once there is international consensus that this resolution will be enforced, then we need to put together the coalition to enforce it.

I am going to conclude. I am not going to take the full time, but I am going to say that America should not turn its back on any of its allies, and that certainly includes Israel. But it should also include that vulnerable State of Lebanon.

Mr. LANTOS. Mr. Speaker, I want to commend my good friend from Louisiana for his very thoughtful statement, and let me just add that if Hezbollah is, in fact, defanged, the primary beneficiary will be the people and the State of Lebanon.

Mr. Speaker, I am very pleased to yield 3⅓ minutes to my distinguished friend from Illinois (Mr. EMANUEL).

Mr. EMANUEL. I thank my colleague from California, and I strongly support this resolution. Mr. Speaker, on June 25, Palestinian militants from Hamas kidnapped and later executed an Israeli soldier. On July 12, Hezbollah kidnapped two Israeli soldiers.

In both cases, terrorist militias affiliated with democratically elected governments, violated internationally recognized borders and seized three soldiers. In both cases, they were acts of wars. These acts turned on its head 25 years of agreement that if Israel would leave territories to internationally recognized borders, there would be peace.

It is this turning on its head the reason for the reaction by both Saudi Arabia, Egypt and Jordan because it has violated what happened in 1978 with the giving of the Sinai. It violated what happened in 1993 with the Oslo Agreement, and it violated what happened in 1994 with Jordan.

What happened here, and nobody should underestimate the consequences, is it totally violates not only the internationally recognized border but the bipartisan effort, internationalized effort, to bring peace to the Middle East, and specifically to the Arab and Israeli conflict. That is, Israel would move to internationally recognized borders. Those borders would be recognized and peace would happen.

That effort, if it doesn't end here, and this doesn't get upturned with the return of soldiers, that effort of giving up peace by giving up real estate, recognizing internationally recognized borders, will come to an end. That is why three Arab governments, allies of the United States, have acted the way they have acted and recognized the consequences and the deep meaning of what happened here.

That being said, nobody should lose sight for one moment also of what has happened here. The so-called democratically elected governments on the West Bank and in Lebanon have militias affiliated with those governments. So those are democracies. They are not truly democracies, they are totalitarian entities with militias and terrorists acting as democracies.

As we talk about bringing democracy to the Mideast, understand that that button should be paused for a second and understand the consequences here. That what has happened is Saudi Arabia, most importantly, Egypt and Jordan, have brought peace and have come to a peace agreement with Israel. Those who have violated that peace are, quote-unquote, democracies, as we spread democracy in the Mideast.

Understand what that means here, and the consequences of what has happened here, is that you cannot allow this violation of internationally recognized borders, three soldiers to be seized, and think there will be no act of war. That is what has broadened, and yes, many of its citizens will be hurt.

I want to see an end to the violence that is engulfing Israel and Lebanon,

but it will not end this violence at the ballot box. It will only end with the emergence of true partners who recognize the importance of peace and the end of terrorist regimes founded on hate.

I strongly support this resolution, its spirit, as well as its letter.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise tonight in strong support of the resolution before us, introduced by our distinguished majority leader and two foreign policy giants, our International Relations chairman, HENRY HYDE and our ranking member, TOM LANTOS. We wish that circumstances were different in the Middle East, and we regret the loss of innocent human life.

However, silence on our part in the face of these outrageous attacks against Israel would only serve to embolden these Islamic terrorists and their neighbors. Our stance, therefore, must be clear, Mr. Speaker; we condemned these armed attacks against Israel.

We fully support Israel's right to take appropriate action to defend itself in the face of these existential threats, and we must hold not just Hamas and Hezbollah but also Iran and Syria accountable.

Mr. Speaker, the current conflict in the Middle East is not simply the result of these most recent developments. Rather, it results from the efforts of the chain of interrelated extremist entities and their state sponsors who threaten not just Israel but our own security interests as well.

It stems from a deep-seated desire to destroy the State of Israel, or, as the Iranian leader has said, to wipe Israel off the map. It stems from Iran's desire to export its revolution and to exert regional domination. It is based on a world view that led to the taking of American hostages in 1979, who were held for 444 days, and that hatred against the U.S. as not gone unabated.

The events of the recent weeks find their roots in an alliance between Iran and Syria and their terrorist proxies, which, throughout the years, have caused the deaths and injuries of countless Israelis and Americans alike. Current developments are also linked to the failure of the United Nations to ensure full implementation of Security Council Resolution 1559 requiring Hezbollah to dismantle and disarm.

Over the past year, Israel has shown tremendous restraint in the face of continued assault from Islamic extremists. Despite Israel's withdrawal from Gaza last year, terror attacks targeting innocent Israeli civilians continued and, in fact, have increased.

In the last year extremists in Gaza have launched over 1,000 rockets at Israelis. Weapons, money and manpower were smuggled to Gaza through tunnels, enabling continued terrorism and transforming the areas controlled by the Palestinian Authority into havens for international terror groups like al Qaeda.

Hamas and other jihadist groups use such underground tunnels to sneak into Israel, to kill two soldiers and kidnap Corporal Shalit in order to exchange him for imprisoned, condemned, Palestinian terrorists. The situation intensified on July 12 when members of Hezbollah, without a hint of provocation, went into Israel and killed three Israeli soldiers and took two others hostages.

Again, this was not an isolated incident by Hezbollah. In the past year these extremists launched at least four attacks into Israel. One of these took place on November 2005 when Hezbollah launched rockets into Israel while a large number of its jihadists infiltrated and attacked an Israeli village.

The enemy should not and must not be underestimated. Iran and Syria and other terrorist enablers are engaged in a never-ending struggle to improve their relative power position. They have declared war on freedom and democracy, and will use any means available to them to achieve their ends.

They not only present a threat to Israel and to the U.S., but also to moderate reforming Arab governments in the region. In turn, we must resolve, as this resolution clearly states, to work with Israel and other U.S. allies to fight these extremists worldwide.

As Robert Satloff of the Washington Institute for Near East Policies recently said, defeat for Israel is a defeat for U.S. interests. It will inspire radicals of every stripe. It will release Iran and Syria to spread more mayhem inside Iraq, and make more likely our own eventual confrontation with this emboldened alliance of extremists.

By contrast, Satloff adds, victory in the form of Hezbollah disarmament, the expulsion of Iran's military presence from Lebanon, the eviction of Meshal and friends from Damascus, and the demise of the Hamas government in Gaza is, by the same token, also a victory for the U.S. and for Western interests.

Mr. Speaker, this says it all. I urge my colleagues to support this resolution.

□ 2015

Mr. Speaker, I reserve the balance of my time, and I also ask unanimous consent that the time for debate on this measure be extended for 40 minutes, to be equally divided between the proponent and opponent.

The SPEAKER pro tempore (Mr. CAMPBELL of California). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, further, I yield 10 minutes of my time to the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations, and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

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

I just want to make a couple of comments before yielding. It has been well advertised about the three prisoners that have been taken, the three Israeli prisoners. Everybody in the country knows about it. What I find a bit interesting is that some people estimate between 8,000 and 10,000 Palestinians and Lebanese are in prisons and under the authority of the Israeli police and government.

It is also known that one-third of the Cabinet of Palestine have been arrested and held hostage by the Israeli Government, and once again, I think this is a distortion of what is going on. It is hard to get the information out to find out exactly what is happening in this area.

Also, I would like to make one additional point that it is very easy to criticize the Government of Lebanon for not doing more about Hezbollah. I object to everything Hezbollah does because I am a strong opponent to all violence on both sides. So I object, too, but I also object to the unreasonable accusations that the Government of Lebanon has not done enough, when we realize that Israel was there for 18 years, and Hezbollah did not get any weaker, and they are stronger than ever. So I think, again, a little bit of balance is worth considering.

Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. ISSA).

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

Mr. ISSA. Mr. Speaker, I would like to thank the gentleman from Texas for yielding, and yielding, I note, time in opposition.

I will be voting for this important resolution, not because it is perfect. As a matter of fact, I think the one consistent thing that, Mr. Speaker, you are going to see tonight is not one, not two, not three, but all four of the Members of Congress on both sides of the aisle whose families emigrated from Lebanon basically 100 years ago or more are finding that this resolution does not say enough.

Mr. Speaker, I want to bring to the attention and will be including in my remarks H. Res. 926, which was submitted as a draft to the Committee on International Relations and to the Subcommittee on the Middle East on which I serve on both.

For those who think that Members of Congress who come from Lebanese ancestry would somehow think differently than many of the rest, I would like to share just a few short portions.

First of all, the opening of the resolution: ''Condemning the kidnapping of Israeli soldiers by Hamas and Hezbollah, affirming the right of Israel to conduct operations to secure the kidnapped soldiers, urging all parties to protect innocent life and civilian infrastructure, and for other purposes.''

Many of the passages are similar, but some notably are different than the

resolution being considered tonight. It goes on to blame directly Nasrallah, the Secretary General of Hezbollah, responsible for these attacks and responsible for taking hostages.

It further, in its whereases: ''Whereas Iran, Syria, and elements of the Government of Lebanon have a well-documented history of supporting the terrorist groups responsible for these kidnappings.''

And, Mr. Speaker, it is important to note that the Lebanese Americans were the first to come out and say in no uncertain terms that the elements in Lebanese society, including those who were elected from the occupied south, not occupied by Israel any longer, but occupied by Hezbollah, did send representatives sympathetic to Hezbollah.

But I think what is not said in this resolution and has not been said well enough here tonight, in my opinion, is that the Cedar Revolution clearly denounced that direction. It went against the illegally reelected or illegally extended Presidency of Emile Lahoud, and it made very clear by backing the so-called Saad Hariri bloc, the bloc of the assassinated former Prime Minister in securing a multidenominational, across-the-board, including Shi'a, government that wants a sovereign, independent and peaceful Lebanon.

Unfortunately, the resolution we are considering tonight does talk about the failure of the Lebanese Government. I think that is fair, but it is only fair if we also include the failure of the United States Government.

We have provided nothing to the Lebanese since they bravely stood up to Syria, demanded their withdrawal, rioted in the street, were bombed and killed for their attempt to give themselves that freedom and liberty. We have not provided them any kind of capability of going to the south and enforcing. We have talked about it. We have planned to do it. The administration has prepared to do it. Our committees have explored it, but today, as of yet, we have not yet done what we must do.

Mr. Speaker, I call on this committee that is here today on this floor to dedicate itself to immediately upon us coming back to work in the morning begin the process of providing the lawful Government of Lebanon the ability to, in fact, send those troops to the south to, in fact, displace Hezbollah. It is going to take time, energy, money and training.

We are spending billions of dollars every month arming the Iraqi people so, in fact, they can replace a government that we had to topple. The Lebanese already toppled a government that had been a puppet of Syria and Iran for a long time, and they, in fact, were the movement that led to Syria being forced out after decades of occupation.

The Lebanese have earned the right, and this resolution in part says that, they have earned the right to have that ability, and we have to give them that ability.

So I go further than simply say I hope we will. I demand that if we care enough about the words we say in our resolution tonight and in H. Res. 926, which is the underlying document submitted by four Lebanese Americans, if we care enough to denounce Hezbollah for what they have, and Iran and Syria for what they have done, then we have to be willing to confront them in Lebanon, something we have not been willing to do.

So, tonight I stand with Israel's right to get its kidnapped soldiers back. I stand with Israel's right to reduce the ability of Hezbollah to rain rockets down on Israel, but I also stand with the people of Lebanon who have been traded like pawns again and again and say, yes, let us pass this resolution, but let us also start in the morning to do the job so that the next resolution, when it says the Lebanese Government has failed to do something, it will not also have the right to say the Lebanese Government did not have a snowball's chance in a summer in Hades of actually doing it.

A government with armored personnel carriers donated by the U.S. Government in the 1970s made of aluminum is not going to take on Hezbollah, not if tanks from Israel could not do it in 18 years.

So, yes, I am voting for this resolution. I appreciate the gentleman giving me time from the opposition, but I want to include H. Res. 926 in this debate, and I want to include the statement by the four Lebanese Americans that, yes, we will support Israel, but we want to support Lebanon's ability to be free and independent, and that will take a commitment starting tomorrow morning.

H. RES. 926

Whereas on June 25, 2006, Israeli Defense Forces Corporal Gilad Shalit was kidnapped and taken hostage by a Palestinian militant group that included members of the military wing of Hamas;

Whereas Hamas political leader Khaled Meshaal, in Damascus, Syria, has acknowledged the role of Hamas in holding Corporal Shalit hostage;

Whereas on July 12, 2006, operatives of the terrorist group Hezbollah carried out an attack in Israel, killing three Israeli soldiers and taking two others hostage;

Whereas Hezbollah Secretary General Hasan Nasrallah has acknowledged Hezbollah's responsibility for the attack and taking hostages;

Whereas Iran, Syria, and elements of the Government of Lebanon have a well-documented history of supporting the terrorist groups responsible for these kidnappings;

Whereas President George W. Bush stated on July 13, 2006, ''[t]he democracy of Lebanon is an important part of laying a foundation of peace'', that the government of Lebanese Prime Minister Faoud Sinoria must not be undermined during the current crisis, and that Syria and Iran must be held to account for their shared responsibility in the recent hostage taking; and

Whereas Secretary of State Condoleezza Rice stated on July 12, 2006, ''All sides must act with restraint to resolve this incident peacefully and to protect innocent life and civilian infrastructure.'': Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns Hamas and Hezbollah for engaging in the reprehensible terrorist act of taking hostages;

(2) affirms the right of Israel to conduct operations, both inside and outside its own borders and in the territory of countries supporting the hostage takers, in pursuit of the release of hostages;

(3) notes that all governments that have provided continued support to Hamas or Hezbollah share responsibility for the hostage taking and urges these countries to use all efforts to secure the unconditional release of the hostages;

(4) urges all parties to protect innocent life and civilian infrastructure;

(5) declares its continued commitment to aiding Israel and the administration of President George W. Bush in battling terrorism and securing the unconditional release of hostages; and

(6) expresses its condolences to all innocent victims of recent violence in Israel, Lebanon, and the Palestinian territories and their families, including those of the three Israeli hostages.

Mr. LANTOS. Mr. Speaker, I want to commend my friend from California for his very thoughtful observations, and I am pleased to yield 3 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Ways and Means Committee, my very good friend.

Mr. RANGEL. Mr. Speaker, I thank the gentleman for this opportunity.

I stand in strong support of this resolution. Some may say, well, how could you be against the war and supporting this? Well, I think it is good historic sense, it is good moral sense, that any sovereign nation that gets attacked should have the opportunity and be given support for defending herself.

Clearly, when we went into Iraq, we had no clue as to who the terrorists were. They certainly were not in Iraq. There were no weapons of mass destruction, no connection between Saddam Hussein and 9/11.

But here we have a nation that has been invaded. People have come into their country, killed their soldiers, kidnapped their soldiers, and rain rockets on them, and the surprising thing that we find here is that we find something to that. As an American, I cannot imagine the hostility I would feel and the support I would give in retaliation if something like that happened to our country.

What amazes me, however, is that for the first time people have recognized that the terrorists are not just after the United States and Israel. The terrorists are after every decent thing that we believe in, and at long last the Governments of Jordan and Egypt and Saudi Arabia has seen that these terrorists, that somehow we found out that they believe that not being at war with Israel is the same as being at peace with Israel, but recognize in that area some of the Arab countries that we give support to, economic and trade support, still held hostile the people in Israel and resented the right for Israel to exist.

I think this is a great opportunity to bring those Arab nations together, to

let them know that they are just as vulnerable for the people that they have supported, and even though the animosity seems to be going toward Israel, is toward them, is toward the United States, is toward everything that we believe.

So, if we do have crown princes and kings and Presidents unable to go to the ranch and discuss whatever they do, and if Israel does not come up as a place where they teach hatred and anti-Semitism, why not take advantage of this opportunity to tell the Arab countries in the region that this is the time for all of us to come together not just in a willing coalition, but in a coalition for peace, and to make certain that we cut this cancer out not just because of Israel, but because of the free world?

The Hamas and the Hezbollah have to really cut this cancer out of our society now, and it gives us an excellent opportunity to bring the friends of the United States and the so-called friends of Israel together to see whether or not we can make certain that these people are not a threat to Israel and not a threat to the neighboring countries and not a threat to the great United States of America.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield to the gentleman from Florida (Mr. FOLEY) for a unanimous consent request.

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

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman. I rise in support of H. Res. 921, condemning the recent attacks against the State of Israel.

On June 25th, Israeli soldier Corporal Gilad Shalit was kidnapped and is still being held hostage in Gaza by Hamas.

On July 12th, Hezbollah in southern Lebanon killed three Israeli soldiers and took two others hostage and began bombarding Israel with rockets.

In the past week, over 700 rockets and mortars from Gaza and Southern Lebanon have hit Haifa (Israel's 3rd largest city) and numerous other cities and towns.

These unprovoked attacks appear to be coordinated by Iran and Syria—probably to take the issue of Iran's nuclear development off the front burner.

When Israel withdrew from Southern Lebanon several years ago, it did so with the understanding that the Lebanese Army would secure the area from Hezbollah. To this date, the Army has yet to move into the area and take control.

Some have suggested that the U.S. urge Israel to restrain itself—that it should negotiate and stop their attacks. The problem is, as Amb. Bolton said today, there isn't anyone to talk to. The Palestinians are being governed by Hamas and Lebanon is still being controlled by Syria—both terrorist regimes.

Israel must take any action it sees fit to defend themselves and prevent the abducted soldiers from being taken to Damascus or Tehran.

Iran needs to be put on notice. We know what you are doing and it is not going to work.

I know that the Palestinian and Israeli people are committed to peace. The Hezbollah and Hamas scourge, who are the only ones undermining a long-term peace, must be wiped off this earth.

I pray that this situation resolves itself quickly and that we can continue to move forward with the Middle East peace process.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), the chairman of the Subcommittee on Africa, Global Human Rights and International Operations.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, the events in Lebanon during the past week are yet another wake-up call to those who have perhaps complacently thought or believed that the global war on terrorism has somehow abated. It has not. Israel is, in fact, on the front lines of this war as we meet.

Mr. Speaker, we all know there is nothing whatsoever benign or noble or praiseworthy about the terrorist groups such as Hamas or Hezbollah and their state sponsors Syria and Iran. They not only refuse to recognize Israel's right to exist, they want Israel wiped off the face of the map.

They actively seek Israel's demise, its destruction, by both their words and their deeds. Their hate-filled, fanatic, perhaps even psychotic, suicide bombers bomb, shoot and wreak havoc on the lives of countless unarmed innocent men, women and children through the terrorist intifada campaign.

It is abundantly clear that Hezbollah has violated the sovereign territory of Israel by launching unprovoked rocket attacks and ground forces incursions into undisputed Israeli territory, resulting in the death and hostage-taking of Israeli soldiers.

□ 2030

While Israel has withdrawn from Lebanon, in full compliance with U.N. Security Resolution 425 in June of 2000, and unilaterally withdrawn from Gaza in September of last year, the Government of Lebanon has been unable or unwilling to disband and disarm Hezbollah in implementation of U.N. Security Council Resolution 1559.

I want to thank Dr. Boustany for his comments earlier. And I think it was important that he injected it into the debate that there is this inability, perhaps, on the part of the government. And I think we need to do more ourselves to help them to rid themselves of this cancer called Hezbollah. Hezbollah clearly is not only a grave threat to Israel, as we all know, but it is a grave threat to the freedom-loving people of Lebanon as well.

This resolution puts us clearly on the record stating where we stand, and I am so glad that I think there will be great support for it.

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

Mr. Speaker, there has been a lot of accusations made about who precipitated the crisis, the charges made that it all occurred because three prisoners were taken, and that Hezbollah and Hamas deliberately provoked the situation. And it may well be true. I have no idea exactly what is true.

But there are others who have indicated that they believe that it was precipitated mainly with the intent of our foreign policy, along with Israel's foreign policy, as an initial step to go into Iran. We have talked about Iran around the House and around Washington, and there are a lot of people very, very concerned. Our administration talks about it all the time; taking out Iran, taking out the nuclear sites. But to do that, the theory is that these missiles had to be removed and, in a practical military sense, that seems very reasonable. So there could be the deliberateness of Hamas and Hezbollah precipitating the crisis for whatever gain they think, or deliberately precipitated by both the United States and Israel with the intent to follow up with bombing in Iran. And I am frightened about that. I think that may well occur.

I have talked to a lot of military people, a lot of CIA people, who actually believe this is a possibility within months. And this is the reason I have such great concern about what is happening in this area of the country, because if us going into Iraq didn't go so well, can anybody imagine what is going to happen when the bombs start to fall on Iran? I think it is going to be catastrophic. And there has been talk on television this past weekend, the beginning of World War III. And this war is about to spread, and this is the reason that I oppose this resolution, because, deep down in my heart, I believe that what we do here helps to provoke things and agitate things and bring us closer to a greater conflict. And I am just arguing that there is an alternative other than violence to settle some of these problems.

Now, a lot of bombs have fallen on both sides, and of course, if they are coming from Lebanon, Syria and Iran are blamed, and they may well deserve the blame. But we haven't talked about who gets the blame for the other side. More people are getting killed on the other side. And as we mentioned before, innocent people are killed, and a lot of nonmilitary targets have been hit, farms and buildings and electrical plants and airports that have nothing to do with the military.

And yet the reason I believe this is going to be worse is because we see it in this country the way we want to see it. And we have no willingness to think about how it might be seen elsewhere, like how is it going to be seen by 1 billion Muslims around the world? And you know, quite frankly, every single bomb that is dropped by Israel, by their calculation, and they have reason to believe so, those are U.S. bombs. Those are our airplanes. We paid for them. And they get the money to buy these weapons. So whether it is deliberate or whatever, it doesn't matter. It is the perception by the Muslims who are radicalized by this.

You can't deny it. There are more radicals today than there were 2 or 3 years ago. And the reason why I am worried about this is we are now getting the information about the reaction to 9/11. 9/11 occurred, and the immediate response by many of our leaders and the administration said, let's go to Iraq. People would say, well, why Iraq? Well, we have been planning on it all along. This is the opportunity.

As soon as this crisis built, we heard very similar comments. Let's go to Iran, you know, to go forward.

There are others who suggest that this crisis has come about not out of our strength, but out of our weakness. If Hezbollah and Hamas has deliberately done this, they might have calculated we have been stretched fairly thin around the world and with Iraq, and know that a lot of the American people and the taxpayers are getting tired of the war, so they may have seen this as a sign of weakness on our part. But then the ''neocons'' say, yeah, that may well be true, that is why we have to be tougher than ever. We have got to unleash the bombs. We have got to consider nuclear weapons, and back and forth and back and forth, until one day we are going to get ourselves in such a fix that World War III will be here and it will be irrevocable.

And there are some people who sort of like this idea. There are some ''neocons'' who thrive on chaos, because their theory is they want regime change. They want regime change in Syria, and they want regime change in Iran. They wanted it in Iraq. And we are, by gosh, we are going to have regime change, and they are going to be our friends and they are going to be democrats. We are going to have democratic elections.

So we go to war and our men and women die. We spend all this money, and we have elections. And then sometimes we don't like the results of the elections, so we ignore them.

What if we had elections in Saudi Arabia? What if we had elections in Egypt? And then what if their radicals were elected?

So we are fighting and dying to spread democracy. And it is probably one of the most dangerous things for us with our current foreign policy, is that when they do vote and elect Hezbollah and Hamas, then we have to reject the principle of democracy.

Self-determination is a great principle, and we should permit it and encourage self-determination. But encouraging elections under these circumstances, and by force, in hopes that we get our man in charge just doesn't work.

I think we are going to have regime changes, a lot more regime changes than most people want around here. I think the regime changes are coming in Saudi Arabia, and I think there will be a regime change maybe in Egypt. Who knows? In Libya. And you are going to be very unhappy with those regime changes.

So, yes, it was well intended to have regime change in Iraq. But what has it gotten us?

And now we want to spread that philosophy and have more regime changes, and who knows what the results are going to be? They are not going to be good. They are going to backfire on us.

You know, when Osama bin Laden responded to why, he had a list of reasons on why he encouraged or directed the attack on 9/11. And the one thing that he listed we shouldn't ignore, because as bad as that individual is, and as violent as he is, nobody has ever proven he tells lies. Nobody has ever proven this. Nobody says he is a liar. So we ought to listen to what he says.

And one of the reasons that he listed for this was back in 1982, back to the problems we had in Lebanon, there were 18,000 Lebanese and Palestinians killed. And who knows whose bombs and who was doing it? But you know, we were in there, although our troops weren't fighting and we left, but Israel was involved, 18,000. But regardless of whether or not we directed it or wanted it is irrelevant. The conclusion was that we were participants, and it rallied his troops and helped him organize to get people so hateful that they were willing to commit suicide terrorism and come here.

Now, we can ignore it and say, well, he is a liar. That is not the reason they did it. But we do that at our own peril.

Now, one of the reasons why I believe that it wouldn't be difficult to put the label USA on these weapons, obviously the airplanes have been built here. But what about the money? How much money have we given for weapons?

Between 1997 and 2004, and that doesn't even count the last 2 years, we gave over $7 billion in weapons grants. It wasn't a loan. It was a weapons grant.

Now, the neat thing about this, this was an economic deal because it was beneficial because under the foreign military financing program that we have, Israel is required to spend 74 percent of that back here. So you are talking about a military-industrial complex, a pretty good deal. You know, we subsidize them, send the money over here, it comes over here, and our arms manufacturers make even more money and then dig a bigger hole for us in foreign policy and contribute to the many problems that we have. And that amount of money, they get $2.3 billion of these military grants, and they automatically increase it $60 million per year. So it is locked in place.

Now, you say, well, that is money for our ally. And fine, if it was used for defense, maybe. But if it is used to antagonize 1 billion Muslims and there is no willingness to even consider the fact that we should look at it in a balanced way, and instead it is ridiculed and said, oh, this is ridiculous to think of neutrality or balance and think about both sides, and the innocent people dying on both sides should be considered.

So we are moving toward a major crisis, a major crisis financially and a major crisis in our foreign policy. I don't believe we can maintain this.

So even if you totally disagree with our aggressive empire building and policing the world, let me tell you, I am going to win the argument, because we are running out of money. We are in big debt, and we are borrowing it. We borrowed $3 billion a day from countries like China and Japan and Saudi Arabia to finance this horrendous debt. And it won't be, it can't be continued. The dollar will eventually weaken. You are going to have horrendous inflation. Interest rates are going to go up, and it is going to be worse than the stagflation of the 1970s.

And domestic spending is never curtailed. We have been in charge of the Congress and the Presidency for several years now, and the government gets bigger, probably faster than it was getting before.

So we are facing a crisis that is liable to escalate and get out of control in the Middle East. At the same time, it has a bearing on our finances, because when it contributes to the deficit, there is a limit to how much foreigners will loan to us. We have to print the money. We have to go to the Fed, create new money. That is the inflation.

And what does it do to the cost of oil? Inflation pushes the cost of oil up. That should be a concern to everybody. And at the same time, the production of the oil didn't work. I mean, the oil production went down in Iraq.

What happens if this happens to be true? I actually pray that I am completely wrong about this. And you can say, well, you are, so don't sweat it. But what if I am right? It is frightening, because if this leads to bombing in Iran, look for oil at $150 a barrel. Then the American people will wake up. They will say, hey, what's going on here? Why is gasoline so expensive? It is expensive because we have less production out of Iraq, and it is expensive because the value of the dollar is going down. And it is expensive because they are anticipating that this crisis is not going away, and what we do are antagonizing the world.

So, once again, I come to this from a slightly different viewpoint than those who like to pick sides. There is nothing wrong with considering the fact that we don't have to be involved in every single fight. That was the conclusion that Ronald Reagan came to, and he was not an enemy of Israel. He was a friend of Israel. But he concluded that that is a mess over there. Let me just repeat those words that he used. He said, he came to the conclusion, ''The irrationality of Middle Eastern politics forced us to rethink our policy there.''

I would like you to rethink our policy, not only there, but the kind of policy that led to 60,000 people dying in Vietnam and then walking away. And what happened after we walked away? We are better off than ever. We had a naval ship going into Vietnam just recently. We trade with them. We do

deals with them. Yet it was a total fiasco and a total loss because of the way we went to war.

And this is also the reason that I am determined to persist that if we take our country to war, that we ought to be responsible. We should never send these kids and young people to war without a declaration, win the war, and get it over with. When we don't declare it, it goes on and on and on. We don't win them.

And literally, this Persian Gulf War, and this Iraqi war, it has been going on since 1990. We never stopped bombing Iraq, never stopped bugging them, and antagonizing them and inciting them.

So it is not a sign of weakness to talk about neutrality. It is a sign of strength that you have a little bit of courage and you believe in your own system. If we want to spread our values, it is a good way to do it. Set a good example. Put our financial house in order. Treat people evenly, and trade with people, and talk to people and travel.

But don't think that we can force our values at the point of a gun, and think they are all going to be democratic elected governments that we are going to be pleased with. It is not going to happen.

So there is reason to reconsider the total policy that has been followed in this country essentially for 100 years. And it hasn't been productive for us. Essentially, Woodrow Wilson started it. We are going to make the world safe for democracy. And look how safe the world has been since Woodrow Wilson introduced that. We are less safe than ever. And our financial condition is worse than ever.

And we are running our program, whether it is our domestic welfare program or our foreign policy, it is being run on borrowed money. It is borrowed money from overseas, and it is also from inflated currency. And we can get away with it for a while longer, but let me tell you, there is a crisis coming, and it is going to be dealing with the dollar and it is going to involve our foreign policy. And then we will, as a sign of weakness, we will have to come home. We will have to come home because we can't afford the empire. It is not wise to have it, and we should have more confidence and more belief that what we have in this country, and what America used to stand for, that we should spread that message more by setting an example and through a voluntary approach. And when that time comes, I think that maybe more people will reconsider it.

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

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to the distinguished gentleman from California (Mr. BERMAN), ranking member of the International Relations Committee.

Mr. BERMAN. Mr. Speaker, imagine for a moment that there was a gang, an organization of Mexican nationals who believed zealously and fanatically that the Southwest of the United States had been stolen from them; and that this group of people committed to murdering in order to right that wrong, was funded and controlled by countries that were dedicated to the destruction of the United States; that this group had stockpiled thousands of offensive weapons that could be unleashed on our citizens with little or no warning; that it launched an unprovoked, cross-border attack from Baja, California, kidnapped two of our border patrol agents and killed several others. And it then unleashed a massive barrage of missiles on San Diego with the sole intent of killing innocent civilians. The American people would demand immediate and decisive action. The Congress would overwhelmingly approve a resolution authorizing the President to use force, just as we did after 9/11. And none of us would be satisfied with a cease-fire that allowed the terrorists to regroup and rebuild their weapons stockpile. For America at this point, this is just a fantasy. But for Israel, this is daily reality.

For years Israel has lived with Hezbollah's sword of Damocles hanging over its head, and it has shown extraordinary restraint in the face of repeated attacks. But this latest attack and the kidnapping of its two soldiers is a naked act of aggression. Israel did not seek this conflict, but it is compelled to take forceful action to defend itself, just as the United States or any other sovereign nation would do in this situation.

The loss of innocent lives on both sides is tragic. When I hear Mr. RAHALL and Mr. LAHOOD and I watch the images on television, one cannot help but want to cry for the damage and the death and the carnage that that conflict brings. But there can't be any moral equivalence between Israel and Hezbollah. Israel goes to extraordinary lengths to minimize civilian loss, while Hezbollah deliberately targets the innocent.

When we talk of disproportionate response, I would like for someone to tell me what the proportionate response is in this particular situation.

Once again, what this does is highlight the central role played by Iran and Syria in promoting terrorism throughout the Middle East.

As Dennis Ross recently observed when Lebanon was withdrawn from, when Gaza was withdrawn from, what did Israel get? It wasn't land for peace, it was land for war.

□ 2045

I urge this body to speak strongly in support of expressing its solidarity with Israel in these difficult times, and I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am proud to yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), the chief deputy whip.

Mr. CANTOR. Mr. Speaker, I thank the gentlewoman for yielding, and I recognize her leadership and her staff as well as that of the gentleman from California in bringing this resolution forward, and congratulate them on that.

Very briefly in response to my good friend from Texas and his view and addressing so many different issues, I would just like to say this clearly is not a conflict, I think, that Israel finds itself in by its own making or its asking.

As the gentleman from California (Mr. BERMAN) indicated, Israel was once again attacked. It was forced by its enemies, who wished to see it wiped off the map, to respond. The actions taken by Hezbollah and Hamas are tantamount to nothing less than an act of war against a sovereign country. Israel has the right to use every military tool in its arsenal to protect its citizens from this invasion and to incapacitate its enemy to prevent future attacks.

This latest conflict of the waging war against the terrorists in the Middle East is evidence again that we cannot hope to win that war against the Islamic fascists if we ignore their state sponsors. Make no mistake about it, Syria and Iran are to blame for the outbreak of war in the region, and they must be held accountable. They support Hezbollah and Hamas both financially and militarily. The line of terror and violence occurring in Israel today and in Lebanon today runs straight back to Damascus and Tehran. These state sponsors of terror must know that their actions are unacceptable and that the free world will no longer ignore or tolerate their actions.

Mr. Speaker, I support this resolution and stand beside our ally Israel as it fights the terrorists. This is a battle the free world cannot afford to lose.

Mr. PAUL. Mr. Speaker, I am going to yield 3 minutes to Mr. RAHALL, but first I would ask how much time I have left after I yield the 3 minutes.

The SPEAKER pro tempore (Mr. CAMPBELL of California). The gentleman from Texas has 25½ minutes remaining.

Mr. PAUL. Mr. Speaker, I yield 25½ minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN) and ask unanimous consent that she be allowed to control that time.

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I want to thank Dr. Paul for yielding me that time, and I yield 12¾ minutes to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. PAUL. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL).

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Texas and the gentlewoman from Florida for yielding me the time, and I commend him. The plethora of scenarios that he has just taken this body through, some of which are scary, are certainly scenarios of which we need to bring to the American people's attention.

We have seen the neocons have their way much too often in this administration. They got us into the war in Iraq, with some prodding from our allies in the region. And now those same individuals would have us strike at Iran. Yes, Iran, Syria are culprits in this recent kidnapping. There is no doubt in my mind, although there probably is not proof out there. Earlier I condemned Hezbollah and Hamas for these kidnappings. Were they taking their directions directly from Damascus, directly from Tehran? Probably, or at least some wink along the way. Or was Nasrallah going off on a tangent on his own? I am sure he did not expect the Israeli response that he got.

I am sure the Israelis have learned something from this latest fighting, just what is in the Hezbollah arsenal, missiles that perhaps both Israeli Army intelligence and our own did not forecast.

So perhaps this current scenario that will play out hopefully over another week or 2 is a learning experience, a feeling-out experience on both sides to determine just what other surprises are up one's sleeve.

But regardless of that, the gentleman from California (Mr. BERMAN) just accused, and it is a reality, that Hezbollah rockets have hit civilians in Israel. Unfortunate. Were they targeted? I hardly think the Hezbollah missiles are of the same guidance technology as Israel missiles. For the most part, these Hezbollah missiles have been landing in barren deserts. That does not seem to be a targeting of civilians. And when they do find a target, yes, unfortunately there have been civilians that have been hit. Israeli technology and Israeli IDF are certainly much more advanced, much more advanced in their guidance procedures and in their ability to target their targets.

The response is Hezbollah has their weapons, their missiles in civilian populations, in mosques, in innocent civilian homes. I have no doubt that that is accurate. And where that is proven to be, those targets are fair game and should be hit. But the Beirut airport, hardly a hideout for Hezbollah missiles, hardly a place that Hezbollah would use to receive arms, hardly a place that they would take their hostages for transportation elsewhere.

Let me say, Mr. Speaker, I appreciate this debate, the tenor of the debate. The quality of the debate has been superb. The time that all sides have agreed for an extension is great. This is an important issue, and it should be debated as much as this body wishes to.

But the fact is that the country of Lebanon has never taken any hostages. Lebanon has never attacked anybody. Lebanon has been used as a chessboard upon which all other countries in the region play their games and seek their own motives, whatever those motives may be. The Iranians have their motives. The Syrians have their motives. The Israelis have their motives.

□ 2100

The other Arab countries in the region certainly have their motives. But Lebanon, the innocent bystander, is the one suffering the damage here. They have suffered an unmeasured response.

The gentleman from California, Mr. BERMAN, again asked what should a response be then if Israel, as I have said, does have the right to go after their kidnapped soldiers, and how do you measure what is appropriate and what is inappropriate?

I happen to believe that the Israeli intelligence, as I have said, and their technologies, are far superior to Hezbollah, are far superior to any country in the region, far superior, and they can use that ability, that superiority, to better track where their soldiers may be and where they are unlikely to be.

It is that type of response that they have the right to pursue to the fullest extent to go after their soldiers. Not in Christian suburbs of Beirut that were hit today. I hardly think that is a hiding point for Hezbollah rockets and missiles. I hardly think you are going to find Hezbollah there. There were none found there. Yet a very pro-Christian, previously thought safe section of Beirut was hit just this afternoon by Israeli missiles. So there can be a better consideration of the innocent civilians.

The resolution to which Mr. ISSA referred, which we Lebanese-Americans support, H.R. 926, mentions that protection of innocent life and civilian infrastructure in the very beginning up in the first paragraph, not the next to the last paragraph, as the current resolution before us does.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 7 minutes to the distinguished member of the International Relations Committee, the gentleman from New York (Mr. ACKERMAN).

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

Mr. ACKERMAN. Mr. Speaker, it is an old photograph, tattered and torn. Its color is sepia, indicating that it is over 90 years old, and it hung on the wall in my mom's apartment. She would point it out to me when I was a little boy and say, ''This was your grandmother, who you never knew. It is a picture of their wedding.'' And the little children who sat in front of this wedding portrait were 5, 6, 7, 8 years old, a lot of little kids, and she said, pointing to one of them, ''This is my Aunt Rachel,'' and to another she said, ''This is my Uncle Joseph.''

I was tiny. I didn't understand. I said, ''Mom, how can that be your aunt and uncle? They are only children.'' And she said, ''They will always be children.'' I didn't understand quite what she was getting at until I was quite a bit older.

When World War II broke out, there were 1.6 million Jewish children throughout Europe. At the end of the Holocaust, that number became under 100,000. The Jewish people were almost eradicated from the face of the Earth by the people of the National Socialist Party of Germany, the Nazis, who were intent on wiping the Jews from the face of the Earth, claiming they had no right to live, no right to exist, in their country or anyplace else, and set out on a pogrom. They were nearly successful.

Nobody came to the aid of the Jewish people. People were put in gas chambers, their bodies burnt in ovens by the millions throughout the world. Nobody came to their aid. Nobody cared. The annihilation of an entire people by people who were pure evil.

It wasn't until the end of the war when the Jewish people and others who were in these concentration camps saw their first Americans and America's allies when they were liberated from those camps, alive because of happenstance and circumstance.

Our good friend, TOM LANTOS, and his wife, Annette, a distinguished moral force in our Congress, is alive today along with his wife as the beneficiary of a noble act of Christian charity by somebody who was a stranger. The luck of the draw.

The Jewish people weren't even organized enough to fight. They weren't fighters. They didn't know any better. They had no country. They were scattered.

The world looked at them at the end of the war and said we have to do something about this, and they took the area of Transjordan and they divided it and created the country of Jordan and the country of Israel, a Jewish state, so Jews could have a place to be where they could live safely within secure borders. And I know many things have happened and part of those borders are disputed today, but that is beside the point.

Suddenly in this very day and age, what seems to be eons from the Nazis and that era, another people rise up and make claim to the world out loud, clearly and unambiguously, that the Jewish people have no right to be anywhere; that they will wipe them from the region, kill them, eradicate them, and drive them from the planet. No different than the Nazis.

Now, those of my friends with such good intentions, and there are some here and I have spoken to them and I have listened to them, who talk about proportionality, who talk treating everybody equal, who talk about measured response, who talk about a ceasefire and going back to the status quo, they are well-intentioned, but I want them to look me in the eye and tell me what a proportional response means.

How do you negotiate with somebody whose goal is your eradication? Take half my family? Kill every other one of us? What is there to negotiate? Do we tell the victim of a violent crime that they have no right to fight back as forcefully as they can? Do we tell the rape victim that she has no right to fight with all her strength against the accused rapist? Nonsense.

We don't tell that to any other country. And there is only one Jewish state on the planet. Don't tell that to Israel. People of the Jewish faith and everybody else living in Israel have the right to exist, the same right as anybody else, and they have that right to respond. How can you deny that?

Thank God Israel doesn't stand alone anymore. It has one good friend in this whole world, and that is this United States. And we are so thankful for that. I am very pleased with this resolution. It does have the right balance.

Innocent people die in wars. Not every German was a Nazi, and yet we had to fight them because they represented the Nazis. They put them in power. They elected them in a democratic election. Elections have consequences. Just because you participate in an electoral process doesn't absolve of you of your crimes or your sins, especially if you rededicate yourself to them. That is what we are facing right now.

I urge your serious consideration of this resolution and all that it implies. Justice demands no less.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), the chairman of the Subcommittee on Oversight and Investigations.

Mr. ROHRABACHER. Madam Speaker, I rise in support of this resolution. And let me note to my friend, Mr. ACKERMAN, that we understand that quite often throughout history, an accurate description of history and a look at history will show that there have been many sins committed against the Jewish people, and perhaps we can say the most recent one is the one that we are just now discussing with these rocket attacks.

But let us also realize that there have been sins committed against the Palestinian people as well. They are people, and they were there. And this is a dispute, this is a dispute between the Palestinians and the Israeli people that is being exploited by outsiders.

Let me say that in the past when Israel has been in the wrong I have not hesitated to criticize Israel. This is not one of those occasions. Israel is not in the wrong. And while we recognize there are people who have done good things and bad things, that there are heroes and sinners on both sides of the Israeli-Palestinian conflict, tonight we are talking about a situation that was created intentionally by those people who launched rockets on Israel and left the people of Israel with no other choice but to respond militarily.

Those people who launched those rockets on Israel knew exactly what they were doing. In fact, about a month ago the word was spread that Hamas was on the verge of cutting a deal with Israel. Then elements in Hamas and Hezbollah ratcheted up the violence specifically to undermine any opportunity for peace in the region.

Peace will not be achieved in the Middle East unless we are bold enough not just to condemn terrorism, the terrorism specifically that leads to the type of violence and bloodshed and chaos that is now evident in the Middle East, but we must also back those who act when confronted with this type of violence, and in this case it behooves us to back Israel in what they are doing today as a result of those rockets and those attacks that were made upon Israeli citizens.

Our sights, however, should not just be set on Hamas and Hezbollah. The rockets that slammed into Israel were made in China. They were provided to the terrorists who launched them by the mullah regime in Iran.

Long ago, we should have been supporting those pro-democratic elements in Iran which totally reject the corruption, repression, incompetence, and, yes, terrorist aggression of the feudalistic mullahs who rule over them. Now is the time for us to back those democratic elements in Iran and put the Iranians on the defensive, rather than letting them supply missiles to undermine peace in the Middle East.

Mr. LANTOS. Madam Speaker, I am pleased to yield 3 minutes to our distinguished colleague, the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Madam Speaker, for 10 years I have come to this floor to explain Israel's peril and justify its action. I owe a special debt of gratitude to Hezbollah and Hamas for doing a far better job than I ever could, for they have announced that their policy is the destruction of Israel, the ethnic cleansing of the Middle East of all Jews. Ultimately it is a program of genocide. And they are now using the very territory from which Israel has withdrawn to kill as many Israeli civilians as possible.

If their efforts have not yet risen to the level of genocide, it is only because their rockets often fail to hit their targets. And let's not mince words, their targets are always Israeli civilians.

□ 2115

Israel withdrew from Gaza; kidnappers and missiles come from Gaza into Israel. Israel withdrew from southern Lebanon, and now kidnappers and missiles come into Israel from southern Lebanon, not just recently, but continuously over the last 6 years.

Five kidnapping raids, thousands of missiles, 6 years of attacks. If anyone is going to say that Israel's reaction is disproportionate, let them say that Israel is doing too little.

Let me speak to those who may be skeptical of this resolution. We all want peace, and peace can only come if Israel withdraws from certain territories. Yet the Israelis must know that when they vacate a territory, that territory will not be used as a rocket-launching pad against Israel, and that if it ever is, that Israel will have the full support of the United States and of this Congress. We cannot have peace, we cannot have any Israeli territorial concessions unless we show Israel that we will support them when they have made those concessions.

There are those who urge a cease-fire. I hope we get there soon. But this all started with rockets and kidnapping, and it would be a phony cease-fire unless the soldiers are returned, and unless Hezbollah is disarmed as required by U.N. Resolution 1559.

There are those who talk of prisoner exchanges, but we should not tell Israel to exchange the guilty for the innocent, nor should we tell them to release those who would resume their terror.

We in Congress should call every major ambassador from Europe and demand that Europe list Hezbollah as a terrorist entity and stop Europeans from sending money to Hezbollah.

And, finally, we all need to call the World Bank and say that it is time for the World Bank to stop making loans and giving aid to Iran, which, after all, is the source of the money and the missiles that Hezbollah is using. It is time for the World Bank to stop its loans to Iran, and to not disburse funds that have already been approved until that government changes its policy.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE), the chairman of the Subcommittee on International Terrorism and Nonproliferation.

Mr. ROYCE. Madam Speaker, as the chairman of the Subcommittee on International Terrorism and Nonproliferation, I rise in support of this vital resolution in support of democratic Israel, who is facing terrorist attacks on two fronts, from Hamas and Hezbollah.

It is important to have a clear focus on the threat posed by Hezbollah. Former Deputy Secretary of State Armitage testified Hezbollah may be the A team of terrorists, and maybe al Qaeda is actually the B team.

The former Director of Center Intelligence called Hezbollah a notch above al Qaeda organizationally, in part because of its deadly ties to Iran.

Hezbollah receives $100 million annually from Iran, including 13,000 rockets. These rockets, which have rained down on Israeli citizens, are hidden in homes of supporters and in small factories scattered across Lebanon. Hezbollah launches unmanned aerial vehicles.

Hezbollah's TV station, a vehicle for hate which the U.S. has placed on its terrorists exclusion list, has 10 million viewers around the world.

Hezbollah is no ordinary terrorist group. Indeed, Israel is confronting Islamist terrorism's A Team. Before

9/11, Hezbollah was the terrorist group that had killed more Americans than any other. It has support cells in Europe, Africa, South America, Asia and here in North America. Dismantling Hezbollah is critical for U.S. and Israel's security.

Iran no doubt hopes that the current crisis will distract the world's attention away from its pursuit of nuclear weapons. Yet today's crisis shows exactly why Iran's ambition must be thwarted, because an Iran with nuclear weapons will be even more aggressive in supporting terrorism in the Middle East and beyond.

Mr. Speaker, Israelis are suffering. Lebanese, some of whom, as this resolution points out, are being used as human shields, are suffering. Too many are suffering at the hands of the Hezbollah terrorists. Hezbollah must be disarmed.

Mr. LANTOS. Madam Speaker, I yield 1 minute to the distinguished Democratic leader (Ms. PELOSI).

Ms. PELOSI. Madam Speaker, Mr. LANTOS, it is very hard to capture the words to express the difficulty that Israel is facing now for all of us. But for you, it must be particularly difficult. I know that you are an idealist, I know that you are a realist. I thank you for your leadership. We could not be better served than by having you here at this very difficult time for the world really, especially difficult time for Israel. Thank you for your leadership.

And at this very difficult time for the State of Israel, this resolution reaffirms our unwavering support and commitment to Israel, and condemns the attacks by Hezbollah.

I support this resolution because I believe that the seizure of Israeli soldiers by Hezbollah terrorists was an unprovoked attack, and Israel has the right, indeed the obligation, to respond.

Hamas and Hezbollah are committed to the destruction of Israel. What more do you need to know? It is clear that Iran and Syria aid have helped the effort to achieve that goal.

The United Nations Security Council has already spoken on the issue of dismantling Hezbollah. The Security Council's resolution must be enforced by the international community. Syria has repeatedly demonstrated it is a rogue state, which is why we passed Mr. RANGEL's Syria Accountability Act more than 2 years ago. However, we must now fully implement all sanctions spelled out in that legislation.

In order to address the Iranian support of the terrorists, I urge the passage of the Iran Freedom Support Act.

We must ensure that Iran and Syria understand the depth of commitment of the United States to the State of Israel by using every diplomatic tool at our disposal. For a time in recent years, there was a hope that a corner had been turned in the Middle East. The Israeli withdrawal from Lebanon, the emergence of a democratic process in Lebanon, and the Israeli withdrawal from Gaza were hopeful signs that the future could be different from the past.

Those indications of progress, however, were seen as threats by Hezbollah and Hamas, organizations that have a greater interest in maintaining a state of hostility with Israel than improving the lives of the people they claim to represent. Now, the lives of those people and tens of thousands of others in the Middle East, including thousands of American citizens in Israel and Lebanon, have been put at risk by the aggression of Hamas and Hezbollah.

As the fighting rages, it is imperative that the combatants take whatever steps they can to lessen the risk to innocent civilians. The world knows too well the horrors of war. It also knows that there are ways to offer some degree of protection to civilians, and it is right to insist that those ways be chosen. Using civilians as shields by concealing weapons in civilian areas, as done by Hezbollah, is inconsistent with affording those protections. The resolution we are considering properly condemns that action.

Protecting civilians also means getting our citizens out of harm's way as quickly as possible. I urge the administration to expedite its efforts to bring to safety those Americans who want to leave Lebanon.

When the fighting ends, and I hope that that will be soon, the United States must engage in a concerted, sustained effort with other nations seeking a joint resolution of the differences between Israel and its neighbors. Israel's right to exist is the nonnegotiable starting point for that effort.

I thank again those who were responsible for bringing the resolution to the floor, and again commend Mr. LANTOS for his leadership, for his compassion, and for his wisdom.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, I thank the gentlewoman for yielding me time.

Madam Speaker, tonight I rise in strong support of this resolution and to condemn the recent attacks upon Israel by Hezbollah. All of us tonight have the earnest prayer that the current wave of violence can end quickly.

Innocent civilians are being lost in Lebanon and Israel, and the word ''tragic'' never does the situation justice. But peace can never be achieved by asking Israel to put at risk its security and the safety of its people. Let there be no doubt, this latest conflict began with Hezbollah. Rockets have now rained down upon Israel. Israel has been forced to defend her citizens and sovereign territory, and I believe that Israel has the moral, historical and legal right to do so.

Holding the keys to peace in this situation are Hezbollah's state sponsors in Damascus and Tehran. They can and must use their influence to convince Hezbollah to return the kidnapped Israeli soldiers. By doing so, Syria and Iran will finally demonstrate that they are prepared to join the world community. Should they not, however, the world community must hold them fully accountable for being state sponsors of a terrorist organization.

Also critical to achieving a lasting peace in the region is international support for the full implementation of United Nations Security Council Resolution 1559. Passed by the United Nations Security Council in 2004, the resolution calls on all foreign forces to withdraw from Lebanon, and for all militias within Lebanon to be disbanded. Its full implementation, Madam Speaker, will promote greater independence for Lebanon and greater security for Israel, not to mention the rest of the world.

Since 1948, the United States has stood with and supported the State of Israel, as it has defended herself from these who seek her destruction and deny her very right to exist. In return, Israel has been our staunchest ally in the region as well as a full partner in the global war on terror. Let us pass this resolution and assure Israel that we will continue to stand by her side in the face of terror.

Mr. LANTOS. Madam Speaker, I yield 7 minutes to my good friend from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I thank the gentleman for yielding me time.

While I share a commitment to the survival of Israel and the right to security, I am not going to assert that I know more than my good friend Mr. LANTOS or my good friend Mr. ACKERMAN, that I know more about the suffering of the people of Israel.

But I can have compassion for those who have suffered and for not just Israelis, but the Lebanese and the Palestinians as well. And it is in that spirit that I share with the House my concerns that the situation in the Middle East is spiraling out of control, and this resolution may not diffuse this crisis.

I deplore the fact that in the past 8 days, 13 Israeli civilians have been killed, 2 Israelis soldiers have been captured, and many more killed in raids. I also deplore the fact that in the past 8 days, 300 Lebanese people have been killed, 1,000 have been wounded, and a half million have been displaced from their homes.

In the past 8 days, democracy in Lebanon has been attacked, perhaps grievously. The Prime Minister hinted today in a speech to foreign ambassadors that his government may not be able to survive. No government can survive in the ruins of a nation, he said.

The past 8 days of crisis in Lebanon and north Israel follow months of escalating violence in Gaza. Numerous innocent Palestinians have been killed. Between June 4 and June 13, 14 Palestinian civilians, including 5 children, were killed in Gaza.

On June 9 at a Gaza beach, a blast killed eight Palestinians, including an entire family of 7-year-old Huda Ghaliya. Numerous innocent Israelis have also been killed.

On Sunday, July 25, a group of Palestinian fighters, including members of Hamas's armed wing, attacked an Israeli post near the Kerem Shalom border, which resulted in four Israeli casualties and the kidnapping of the Israeli soldier Gilad Shalit.

□ 2130

Israel began an offensive in Gaza on June 28. Since then, Palestinian militants have fired 17 homemade rockets towards Israel. The Israeli Army has carried out 168 far strikes and fired more than 600 shells into Gaza.

The Government of the Palestinian Authority is breaking, as lawmakers, ministers and members of the police force have been arrested. In today's Washington Post, Harold Meyerson published an op-ed called, ''The Guns of July,'' comparing the past week's escalation of violence in the Middle East to the escalation of violence over the course of a month in Europe, that began with the assassination of Austrian Archduke Ferdinand by a Serbian nationalist terrorist and led to World War I.

He said we are in the midst of what ''may be the brink of a cataclysmic regional war with ghastly global implications.'' He wrote, ''While the two crises and sets of conflicting forces are by no means parallel, in each the power of nationalism, the sense of national victimization, the need for revenge, the opportunity for miscalculation, the illusion of obtainable victory and all-around fear and rage loom large. More inexplicably, so does the American absence.''

The resolution before us today does not rein in the chaos in the Middle East. This resolution, it could be said, is limited in its ability to rein in war and destruction, which unfortunately may continue. Furthermore, by condemning Syria and Iran, this resolution threatens to bring the U.S. into a regional war in which everyone would lose, including Israel, a longtime friend and ally.

Moreover, condemning Syria and Iran closes the door for possible diplomacy that would be needed to end this conflict. President Bush himself acknowledged the value of Syria just yesterday, when he said that Syria has the potential to stop the ongoing crisis.

If the United States wants to help stabilize the region, as we should, we must act as an honest broker to all parties involved, the Israelis, the Palestinians and the Lebanese. We can do this without abandoning our affection and our commitment to the survival of Israel.

Moreover, the United States should bring in equipment, and Jordan to help to mediate this escalating conflict. Recently, Egypt's President Mubarak dispatched his intelligence chief to help calm the situation between the Israelis and the Palestinians. The intelligence chief demanded that a doctor be allowed to see the captive Israeli soldier and is trying to mediate between the factions. The U.S. is in a good position to mediate as well between the Israelis, Palestinians, and Lebanese.

The U.S. has a history of trying to mediate between the Israelis, our longtime ally, and the Palestinians.

Regarding the Lebanese, it was just over a year ago that this House passed multiple bills supporting the people of Lebanon. One bill, House Resolution 91, condemned the attacks that killed former Prime Minister Hariri and killed and wounded other Lebanese victims.

The United States stood with the Lebanese people then. Today, nearly 300 Lebanese people have been killed. The government is on the verge of collapse. The Lebanese people need the support of the United States now, just as the Israelis need our support.

What they need and all parties need, what the region needs and what the world needs, is for the U.S. to call upon all sides to quickly stop the violence. But today's resolution fails to support the Lebanese people in their hour of need.

Today, I introduced a bill, H. Con. Res. 450, calling upon the President to appeal to all sides in the current crisis in the Middle East for an immediate cessation of violence and to commit U.S. diplomats to multiparty negotiations. Only by acting as an honest broker can the United States have any authority and success in bringing peace to the region, which is crucial at this critical time.

Remembering the lessons of World War I, if everyone has taken a side in a conflict and can't see the need for even-handedness, then cataclysm can follow. It is important to be a strong ally. It is fine to be a strong ally, but it is not fine to get pulled into a conflict because we lacked the vision to be more than one-sided.

This latest conflict in the Middle East will not be solved militarily. The solution will have to come back to diplomacy. The current violence makes a diplomatic solution even harder to achieve. Yet the resolution before the floor doesn't commit the United States to any diplomatic action that could quell the violence and resolve the conflict. This is a grave missed opportunity.

I urge my colleagues to cosponsor my bill, H. Con. Res. 450 to bring about peace in the Middle East before the crisis spirals further out of control, further damaging the hopes of all people in the region and the world.

I again want to thank Mr. LANTOS for his unstinting and unwavering commitment to the survival and hopes and dreams of people of Israel, because I think that, Mr. LANTOS, you and everyone who has spoken in defense of Israel, I think all of us want the same thing. We want peace, and we want the survival of Israel and all the people.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Madam Speaker, just a few short weeks ago, the Prime Minister of Israel addressed a joint session of Congress. He said, in part, and I quote, ''There has not been 1 year, 1 week, or even 1 day of peace in our tortured land.'' He went on to say, Madam Speaker, ''Over the past 6 years, more than 20,000 attempted terrorist attacks have been initiated against the people of Israel.''

Madam Speaker, less than 2 weeks ago, the war which has gone on for more than a half century was rekindled with the kidnapping of Israeli soldiers, with the strategy manipulated by Iran and Syria, by a cynical, sick, cycle of violence that diplomacy has not cured.

I listened with great interest to my friend from Ohio who preceded me, who again said that diplomacy was the solution.

Madam Speaker, Israel was told by the international community, you must give up land for peace, land for peace. Israel gave up land, and there is no peace.

Madam Speaker, my colleagues, I rise in strong support of this resolution, not to embrace war or violence for its own sake, but instead to pursue a true peace and to reaffirm.

Madam Speaker, I stand in this well at this hour to reaffirm the basic truth of this resolution and the right of the sovereignty and existence of the State of Israel from a historical, from a legal and, yes, from a scriptural perspective. Let it be clear from this, the last best hope of mankind on Earth, that we stand foursquare with our allies in Israel, and we understand the nefarious misbegotten schemes of those who seek to spread Islamofascism and terror around the globe, and we categorically reject that behavior and those actions as we stand in solidarity with our ally, a democracy, an oasis of democracy in a desert of desolation.

Madam Speaker, I ask my colleagues to join us in strong support of this resolution.

Mr. LANTOS. Madam Speaker, how much time do we have?

The SPEAKER pro tempore (Miss MCMORRIS). The gentleman has 1½ minutes.

Mr. LANTOS. Madam Speaker, in view of the fact that this is one of the most substantive debates of the year, that colleagues have been waiting for a long time, I respectfully ask unanimous consent that we extend the debate by 40 minutes, equally divided between Ms. ROS-LEHTINEN and myself.

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

There was no objection.

Mr. LANTOS. I am pleased to yield 3 minutes to my good friend, the distinguished member of the International Relations Committee, Mr. ENGEL.

Mr. ENGEL. I thank the gentleman for yielding to me, and I rise in strong support of his bipartisan resolution and strong support of the people of Israel in their fight against terrorism. It makes no difference where terrorism rears its ugly head, whether its planes going into the World Trade Center or the Pentagon, or innocent people being blown up on trains in India, England or Spain, or the bombs falling on Haifa or the innocent children being blown up on a bus in Tel Aviv. The fight against terrorism is our fight. Israel's fight is our fight.

Iran and Syria are fighting a proxy war against Israel using Hezbollah and Hamas. It has been pointed out that Israel withdrew from Lebanon 6 years ago, so the myth of any kind of occupation is not there. Simply speaking, Hezbollah and Hamas, as well as Iran and Syria, want to, as Iran's President has said, wipe Israel off the face of the Earth.

We should let Israel finish the job. There should be no precipitous calls to a cease-fire before Israel could rid itself of a terrorist threat. We should fully implement my bill, and I was happy that our Democratic leader mentioned it, the Syria Accountability and Lebanese Sovereignty Restoration Act, and President Bush should implement those sanctions which are available to him against Syria.

I care very much about Lebanon. Our bill was called Syria Accountability and Lebanese Sovereignty Restoration Act. The people of Lebanon are suffering. When this is over, we should do everything we can to help them rebuild their country.

But the people of Lebanon have suffered by having this terrorist group, this poison, in its midst, this poison, this militia that is a lawless militia, and that Security Council Resolution 1559, which called for the Syrians to leave Lebanon.

I thank my colleague who is my partner in the Syria Accountability and Lebanese Sovereignty Restoration Act. She knows that when the Syrians finally left Lebanon, the world community failed to implement the other part of Resolution 1559, which called for all militias to give up their arms. Hezbollah continued and, shamefully, even won some seats in the Government of Lebanon.

My friend and colleague, Mr. ACKERMAN, spoke before and reminded us that Israel was born out of the ashes of the Holocaust. The leader of Iran, while denying the Holocaust, threatens to unleash a new one on Israel. There is only one country that constantly stands with Israel, and that is the United States of America.

We ought to be proud of the bipartisan support that we have shown for Israel through the years. Israel's fight against terrorism is our fight. We need to support the brave people of Israel in their struggle. Terrorism over there and terrorism over here is the same thing. Support the resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, I appreciate, first, the leadership of Ms. ROS-LEHTINEN and Mr. LANTOS on this important issue of leadership, not just this critical time, but throughout the years.

Yes, I strongly support the resolution, but listening tonight I think there has been some odd debate. To suggest, as some did, that Israel and America have somehow conspired to encourage this attack on Israel as an excuse to invade or attack Iran, to me, is absurd.

□ 2145

It is a dangerous claim, and at this important and critical time in history has no real place in this important debate on this floor in this Chamber in this democracy.

We reaffirm America's support for the State of Israel. We support Israel's right to take appropriate action to defend itself not only in Israel, but in the territories of those who would threaten it in accordance with the international law.

We condemn Hamas and Hezbollah for cynically exploiting civilian populations as shields, then locating their equipment and bases of operations in civilian areas.

We recognize Israel's long-standing commitment to minimizing civilian loss.

We demand the Governments of Iran and Syria to direct Hamas and Hezbollah to immediately and unconditionally release the Israeli soldiers which they hold captive.

And we condemn the Governments of Iran and Syria for their continued support of Hezbollah and Hamas in these armed attacks against Israel.

Make no mistake, an attack against Israel is an attack against the peace and security of America. Israel's fight is America's fight. America will stand with Israel.

Mr. LANTOS. Madam Speaker, I am very pleased to yield 3½ minutes to the gentlewoman from California (Ms. LEE), my good friend.

Ms. LEE. Madam Speaker, let me first thank Mr. LANTOS for yielding; also just to say to him that I appreciate the respect and the space that you provide for all of us who may have a different point of view, but who all support peace and security and Israel's right to defend itself. I also have tremendous respect for Mr. LANTOS just in terms of your work and your long history as a champion of human rights not only on behalf of the State of Israel, but throughout the world, and so I thank Mr. LANTOS for yielding.

Madam Speaker, I join with those who condemn the recent kidnapping of Israeli soldiers and the rocket attacks into Israel, and also, I rise in support of Israel's right to protect and defend itself from attacks in accordance with international law, including Article 51 of the United Nations Charter.

However, this resolution goes much further than that, and it also omits any mention, and I think this is so critical at this stage, it omits any mention of how and why the United States should exert its leadership in stopping the violence. Too many people, Israelis Lebanese and Palestinians, have been killed, and there is no end in sight. Very seldom do I cast a ''present'' vote, but in this instance I will, and let me explain why.

This resolution reaffirms our support for Israel, demands that the Government of Lebanon do everything in its power to find and free the kidnapped Israeli soldiers and to gain control of its borders in order to prevent future attacks. It also condemns Hamas and Hezbollah for killing Israeli soldiers and for indiscriminately targeting Israeli civilians, and it recognizes the plight of the families of the innocent victims. These provisions warrant our strong support and certainly sends a strong message in support of Israel, in behalf of Israel and on behalf of Israel.

But on the other hand, there are provisions in this resolution that are totally unfinished or missing and leave this resolution very much incomplete.

Such a course of action, I believe, ought to make it clear that in no uncertain terms will the United States support a strategy of the use of force against Iran or Syria. This resolution leaves the door open for this.

This resolution ought to make it clear that the only way to remove the threat to Israel and to the larger region is to resolve these issues through an immediate cease-fire and commit the United States, through the cease-fire, to high-level and sustained diplomacy. We need to be doing that right now in support of many of the initiatives such as the road map. This resolution does not really address how to end the escalating violence that really, quite frankly, does more violence and harm to Israel's long-term interests and living in peace and security with her neighbors.

This resolution should offer concrete steps on how to achieve peace and security for Israel and the region, and the resolution says nothing about the peace process.

The bottom line is there is absolutely no military resolution to the issues confronting the Middle East, notwithstanding the acts of self-defense to which Israel is entitled in accordance with international law.

If we do not put a stop to all of the hostilities today, what is to stop future violence with more technologically advanced weapons systems, rockets with even longer ranges? Where does it end? Is war the only answer?

Israel's security and a sustained peace that includes a two-state solution cannot be achieved militarily. The only option, and the only hope, is a political solution to this crisis and for a sustained peace.

That is why, Madam Speaker, it is imperative that all parties return to

internationally recognized borders and for all parties to resume urgent, multilateral diplomatic efforts, including a return to the road map and a full engagement by the quartet.

What we should be doing today is imploring all sides to agree to a ceasefire, insist on the return of the hostages, and agree to an international security force.

If we can reach the end of that road that we are walking down right now, then our ally, I believe, Israel will find the peace and security that she and her people rightfully deserve.

So, Madam Speaker, I intend to vote ''present'' on this resolution because, while I believe there are some provisions that warrant our support, I do not believe it goes far enough in addressing the immediate security needs and the violence that is taking place right now in the Middle East.

Ms. ROS-LEHTINEN. Madam Speaker, I am so pleased to yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Madam Speaker, I thank the gentlewoman for allowing me the time to speak on behalf of this resolution, and I will be very brief.

Madam Speaker, whether we understand it or not, tonight the world faces an evil, poisonous ideology that threatens the peace and freedom of humankind. This ideology is not new, Madam Speaker. It is the same one that murdered Israeli athletes in 1972, that took American hostages in Iran, that murdered marines in their barracks in 1983, that bombed the World Trade Center in 1993, Riyadh in 1995, the Khobar Towers in 1996, the embassies in 1998, the U.S.S. *Cole* in 2000, and then, Madam Speaker, that same ideology massacred nearly 3,000 Americans on September 11.

And tonight, Madam Speaker, that same dark, insidious ideology is launching rockets into Israel to slaughter innocent, freedom-loving civilians. This is why Israel's war is our war.

If there is hope for peace and freedom in this world, free peoples across this planet must unite with Israel to defeat this hellish ideology. The battle Israel fights tonight is a battle to protect all of humanity. May the people of Israel take comfort knowing that America stands with you in these difficult days. May you come to victory, and may the light of God's peace shine down on the streets of Jerusalem forever.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2½ minutes to the distinguished gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Madam Speaker, once again I thank my great friend from the State of California for yielding me this time.

Madam Speaker, I rise to speak out in strong support of a democratic nation under attack by terrorists, a nation that has been under attack every day for 58 years of its existence.

As we debate this bill, over a quarter of a million Israelis are in bomb shelters or awaiting to rush to safety from missiles being launched specifically at civilian targets. Think about that. As we are debating this evening, a quarter of a million Israelis are seeking cover, launched by a terrorist organization, funded by Syria and Iran waging a proxy war in Israel.

I take some exceptions to some comments made by a colleague earlier tonight, and that is about the accuracy of rockets being launched by Hezbollah. The goal of Hezbollah is to inflict as many civilian casualties as possible, end of story.

Yesterday I read a report from Human Rights Watch that called the missile strikes on Israel possible war crimes. The rockets launched against Israel, and specifically in Haifa, contained metal ball bearings that have limited use against military targets. They probably will not even destroy a building in and of themselves. They can do incredible damage to civilian populations, tearing people's bodies apart.

Hezbollah fires these inaccurate Katyusha rockets that do not differentiate between Jews, Arabs or Christians or whatever they may be in Israel. In fact, one of these missiles killed two Israeli Arab children today when it struck the city of Nazareth, an ancient Christian city with a majority of Arab inhabitants.

I am saddened by all loss of civilian and innocent life, but I strongly support Israel's right to defend itself by removing the threats against her, wherever they may be.

This conflict was preventable. Our allies in Europe and the Middle East must know that the operation in Lebanon is not an act of war, but an act of self-defense. Israel is not looking for this fight, but Hamas and Hezbollah created the events we have been watching by murdering and kidnapping members of the Israeli Defense Forces and launching over 800 deadly missiles into Israel over the past week.

Israel must do everything in its power to protect all of its citizens, and I am proud that this Congress stands with our friends and our allies in Israel by passing this worthy resolution.

Ms. ROS-LEHTINEN. Madam Speaker, before yielding to my colleague from Florida, I would like to thank Mr. Dan Freeman, our parliamentarian of the House International Relations Committee who has steered us correctly through this debate; and Dr. Yleen Boblete, who spent so many hours drafting this resolution; and, of course, our staff director for the committee Dr. Hillel Weinberg, who has been working so many hours as well.

Madam Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON), who is ever patient.

Mr. WELDON of Florida. Madam Speaker, I thank the gentlewoman for yielding, and I rise in support of this resolution, and I commend the authors, Mr. BOEHNER, Mr. HYDE and Mr. LANTOS, and the staff involved in drafting it.

I stand to urge our continued support for our ally Israel and to condemn the actions of terrorist organizations Hamas and Hezbollah, as well as the complicit Governments of Syria, Iran and Lebanon.

We must clearly understand what is really going on here, the motivations underneath the surface of these attacks.

As I stated last week in the House, the actions of Hamas and Hezbollah involve the kidnapping and killing of Israeli soldiers. This is an act of aggression against our ally Israel, and now they have widened their continued attacks on innocent civilians with their rocket attacks.

What is particularly troubling in the case of Hezbollah is that it is part of the Government of Lebanon, which not only failed to dismantle the terrorist group, but incorporated the terrorist group into the nation's official government.

Hezbollah has dragged all of Lebanon into its unfounded quarrels with Israel. Unfortunately for Lebanon's other factions, Hezbollah's attacks on Israel will cost the entire nation of Lebanon much, but they should have thought of that before allowing Hezbollah a seat at the governing table.

Hezbollah has launched hundreds of rockets at Israel since 2000. It also has thousands of Iranian- and Syrian-supplied rockets ready to launch against Israel in the future.

Israel is justly taking strong measures in response to Hezbollah's aggression, as they have done with Hamas' attacks, in order to deter further attacks against its soldiers and civilians.

A U.S.-designated terrorist organization, Hezbollah is fully backed by the Iranian and Syrian regimes. Not only have all of the G–8 countries condemned Hamas and Hezbollah and blamed them solely for the current crisis in the Middle East, but the Arab League, while characteristically condemning the Israeli attacks, noticeably failed to support Hezbollah in its attacks on Israel.

Why is this? Because the members of the Arab League, Saudi Arabia, Jordan, Egypt and others, are increasingly concerned about the growing threat of Iran and the amount of influence that Iran has in Syria and Lebanon and in the region generally.

We should not look at this current crisis as just another page in the ongoing conflict between the Palestinians and the Israelis.

□ 2200

This now involves an Iranian regime and the Syrians that are fomenting this, supporting this financially. I support this resolution and I again commend the authors of the resolution.

Mr. LANTOS. Madam Speaker, before yielding, I would like to offer an opportunity to Mrs. LOWEY to ask for a unanimous consent.

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. I thank the outstanding chairman for his leadership on this issue.

Madam Speaker, I rise in support of this resolution. It is a powerful statement in support of Israel and the Israeli people during this difficult time.

Let us be clear about what is happening in the Middle East. Israel has been dragged into battle on two fronts to defend itself against terrorists who target Israeli civilians and seek the destruction of the Jewish State. The current hostilities were initiated, in both cases, by incursions of terrorists across recognized borders and the kidnapping of Israeli soldiers. As we know all too well, these battles are merely the latest chapter in a war that has been waged against Israel since its establishment in 1948.

I join all those who yearn for peace in praying for an end to the hostilities. I also recognize that the fighting can only be stopped by the terrorists who initiated it. I believe the U.N. should play a role in ending this conflict, but the deployment of another force with the same, weak mandate as UNIFIL will not get the job done. The U.N. and the international community need to unite to demand an end to this reign of terror and full implementation of U.N. Security Council Resolution 1559. The Lebanese government must establish sovereignty over its own territory instead of allowing Hezbollah and Iranian Guards to operate freely. And we must keep the focus on Iran and Syria—the root causes of this conflict.

The last several weeks have demonstrated beyond all doubt why Israel must maintain its qualitative military edge in the region. Any action taken by the international community must respect Israel's right to protect its own citizens and must be aimed at disarming Hezbollah and Hamas and terminating their ability to attack Israel.

Israel seeks peace and has taken risks to achieve it time and time again. Sadly, its sacrifices have been met only with escalated threats and violence.

Israel withdrew from Lebanon in May 2000 in compliance with U.N. resolutions. In return, it has been continuously threatened by Hezbollah terrorists on its northern border, allowed free reign by a reckless Lebanese government with Syria and Iran calling the shots in violation of U.N. Security Council Resolution 1559.

Israel withdrew from Gaza in 2005. In return, it is faced with a Hamas-led Palestinian Authority that supports attacks against civilians and competes with exiled Hamas members over who can be more extreme.

This latest violence confirms that Iran currently poses the single greatest threat to regional stability. It has the motivation and resources to stage a methodical campaign of terror and violence throughout the Middle East, concentrating on fomenting sectarian violence in Iraq and supporting Hezbollah in Lebanon. Syria continues to shelter Hamas leaders and is widely acknowledged to be complicit in the kidnapping of Corporal Shalit. Both countries are transit points and suppliers of weapons to terrorists. The current hostilities are mere symptoms of the disease Iran and Syria have brought on the region. And our policies and those of the international community must respond accordingly.

We have potent tools to deal with Iran and Syria that we have ignored. The Iran Freedom Support Act passed the House of Representatives overwhelmingly but has been held up by the Senate leadership and the Administration. The Syria Accountability and Lebanese Sovereignty Restoration Act became law in 2003, but the Administration has largely ignored the instruments it provides to pressure Syria. Sending Secretary Rice to the region may indicate our concern, but developing a strategy to join with like-minded nations to force Iran and Syria to abandon their campaigns of terror should be our ultimate goal. Until we have such a strategy in place, a high-level visit will accomplish nothing.

I join my colleagues in Congress in standing in solidarity with Israel during this difficult time. The American people understand what it feels like to be targeted on our own soil. As children in Haifa, Safed, and Nahariya remain trapped in bomb shelters, we reaffirm our support for Israel's effort to defend itself against terrorists stationed on its borders.

I urge support for this resolution.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to my good friend, a distinguished member of the International Relations Committee, Mr. BLUMENAUER.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak and for his hard work on this resolution.

I attempt to carefully examine the terminology and the nuance in such efforts because I want to make sure the United States' policy is carefully reflected in terms of our long-term interests, the security of Israel, and those of peace. And I think this resolution meets that test.

The attacks on Israel by Hezbollah are both unjustified and unprovoked, particularly given Israel's withdrawal from Lebanon 6 years ago.

Since the initial raid across the Israeli-Lebanese border, in which Hezbollah killed eight Israeli soldiers, took two others hostage, they have continued indiscriminately targeting Israeli civilians with increasingly sophisticated weaponry.

It is in this context that Israel has exercised its right of self-defense, which I completely support. I am, of course, I hope we all are concerned about the impact on the actions that deal with innocent Lebanese civilians. But as I cringed a little bit when I saw one of my colleagues look at the minority, and talked about shortcomings in the resolution, because I know Mr. LANTOS had offered up on behalf of the minority specific language of concern for innocents which, sadly, is not in the resolution. But I do think it is a good starting point.

Even the Saudis and the Egyptians have recognized the responsibility for the current crisis lies with Hezbollah, Syria and Iran, as well as with Lebanon's inabilities to disarm Hezbollah as called for by Security Council Resolution 1559.

We should not seek to impose a cease-fire that returns the region to the status quo without ensuring that Hezbollah is no longer a threat to Israel or Lebanon.

This resolution is a strong signal of support for Israel. It is a signal to people who are playing their terrorist politics with innocent lives, of the United States' intentions. It is a signal to governments on the sidelines that they need to step up and help.

Nothing has been more vexing to me during my tenure in the House than this continuing conflict with Israel. I don't pretend to know the answers, but I do know it does start with support for Israel and this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, before yielding my time to Mr. LANTOS, I would also like to recognize the work of Jen Stuart, the foreign policy advisor to the majority leader, who has spent so many hours working on this resolution.

And with that, Madam Speaker, I will be glad to yield the remainder of our time, minus 1 minute, so we can close, to Mr. LANTOS.

The SPEAKER pro tempore (Miss MCMORRIS). Without objection, the gentleman from California is recognized.

There was no objection.

Mr. LANTOS. Madam Speaker, I want to thank my good friend for yielding.

I am delighted to recognize a distinguished member of the committee, my good friend from Nevada, Ms. SHELLEY BERKLEY.

(Ms. BERKLEY asked and was given permission to revise and extend her remarks.)

Ms. BERKLEY. Thank you, Madam Speaker, and a very special thank-you to my very good friend from California, Tom Lantos, for his leadership on this issue. I rest better at night knowing that he is our leader. And I am very proud of him and very delighted to be here today.

I am not going to take all of the time, which is uncharacteristic for me. I just couldn't have a resolution of this magnitude on the floor of the House without coming here and lending support. Two minutes could never be enough for me to speak on this issue, and I am afraid even 2 hours might not be long enough for me to express my feelings and my views.

I grew up in a family where the very existence of Israel changed our lives. I was born in my grandmother's apartment on the Lower East Side of New York, and grew up hearing stories of what their lives were like in Europe before they came to this country and how important Israel was to the survival of the Jewish people. And while the Jewish people were people of the diaspora and had managed to survive without a nation for 5,000 years, the very existence of Israel gave each of us a tremendous sense of confidence and well-being, knowing that we had a homeland of our own.

I was not alive in the 1948 war, or the 1956, when Israel was attacked again by its Arab neighbors. 1967, I was more

aware, and 1973, of course. What I find incomprehensible and something I simply cannot understand, that here we are, so many years after the creation of Israel, after the aftermath of the Holocaust and the very reasons that Israel was established, and we are still debating throughout the world whether Israel has a right to exist.

I am so proud of my colleagues for introducing this resolution. I think it strikes the exact right note at the exact right time in our world's history.

We cannot allow this to continue. Israel has a right to exist, have secure borders, and lead a life for its citizens. And I think the time has come for the world body, led by the United States of America, to step up to the plate and say enough is enough. And this resolution is a remarkably good start. I thank everybody for supporting it.

I am very proud of the speeches that my colleagues have made, and I look forward to voting for this, and I urge all of my colleagues to do the same.

Madam Speaker, I rise in strong support for the resolution.

The current crisis in the Middle East was caused by an unnecessary, ill advised, and unprovoked attack on Israel by Hamas and Hezbollah by terrorist organizations who have called for the elimination of Israel.

There are victims of these terrorist attacks innocent Israeli soldiers and citizens and there are perpetrators of these terrorist attacks—Hamas and Hezbollah. There is no moral equivalency in this struggle.

To those who incomprehensibly condemn Israel or who attempt to find some equivalency, let me state the obvious.

Every sovereign nation has a right and responsibility to protect and defend its people.

For those who think that Israel overreacted—If I was the mother of a 19-year-old soldier peacefully guarding my country's border and my son was kidnapped by a terrorist organization, I would expect my government to do everything in its power to bring my boy home. An Israeli mother should expect and get no less. If I was living on the border of my country and a terrorist group was continuously lobbing rockets into my town where I live, where my children play, I would demand that my country do whatever they had to to eliminate the threat—Israel should.

There should be no mistake about who is behind this crisis, Iran and Syria. Iran's president pledged to wipe Israel off the map and he refers to Israel as an "illegitimate nation." Syria's troops occupied southern Lebanon illegally until 2005.

This is a strictly defensive action on the part of Israel.

There is an internationally recognized border with Lebanon. Israel unilaterally completed its withdrawal from Lebanon over 6 years ago. For 6 years, the Lebanese government has done nothing to step-in and establish control over part of its country.

They did nothing, and left a power vacuum, filled by Hezbollah, in the southern third of Lebanon. Hezbollah uses southern Lebanon to lob katusha rockets into Israel with the hope of killing someone, killing anyone. They are not there to build a nation, protecting a people, laying a foundation for a better Lebanon—they are there to kill Israelis.

Israel did everything it could possibly do to avoid a conflict in Lebanon—asking time and again that the government of Lebanon take control and police their territory. Unfortunately, these requests went unanswered and the terrorism continued to grow.

On its border with Gaza, Israel also faces unrelenting terrorist attacks. After years of waiting, and praying, and hoping for a peace partner, Israel chose to unilaterally withdraw from Gaza.

It uprooted families who created beautiful settlements. These families built homes from nothing, farms from dirt. Three generations were removed, some focibly, from the only homes they had ever known.

I know. I was there.

I saw Israeli soldiers carrying Jewish settlers in their arms across the border out of Gaza.

There were tears in the eyes of the settlers and there were tears in the eyes of the soldiers.

One would have thought that the Palestinians would have used this opportunity to demonstrate to the world that they were capable of self-governance. Instead of building homes, schools, and infrastructure, they have used Gaza to launch thousands of Kassam Rockets at innocent Israelis.

The international community must ensure that Hamas and Hezbollah are disarmed.

The international community must ensure that Iran and Syria end their support for Hezbollah's and Hamas's terrorism.

Hamas must renounce its charter that calls for the destruction of the State of Israel or be cut off from the rest of the world.

Syria and Iran must be punished for their support of Hezbollah.

The 3 Israeli soldiers must be returned—alive and unharmed.

Congress must pass this resolution condemning the attacks on Israel—they are indefensible and unacceptable—and supporting its unconditional right to defend itself, which every nation on this planet has the right to do.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2½ minutes to a distinguished member of our committee, Mr. SCHIFF.

Mr. SCHIFF. Madam Speaker, I rise in strong support of this resolution and of our friend and ally, the State of Israel.

In May of 2000, Israeli forces withdrew from southern Lebanon, ending an 18-year presence that was intended to stop guerilla attacks on civilians living in northern Israel. Last summer Israeli settlers and military personnel left Gaza and part of the West Bank and turned over administration of those areas to the Palestinian Authority.

The withdrawals were conciliatory gestures to Israel's Arab neighbors, and Israel and the international community expected the Lebanese Government and the Palestinian Authority to see them as opportunities to stabilize a region that has seen too much blood and tears over the last 60 years.

Instead, successive Lebanese governments, hobbled by the oppressive presence of Syrian troops and intelligence officers, never made a concerted effort to reassert control in the south, and effectively ceded this area to Hezbollah, a radical Shiite militia trained, supplied, and directed by Syria and Iran.

In Gaza, a corrupt and calcified Palestinian Authority would not make the necessary efforts to dismantle the infrastructure of terror that allowed terrorists to rain down Qassam rockets on Israeli civilians. When Hamas, a radical Islamist party that has never budged from its calls for Israel's destruction, swept into power in parliamentary elections in January of this year, it made no secret of the fact it would embrace a rejectionist policy towards Israel.

Nevertheless, the Government of Israel and a majority of her citizens were determined to continue efforts to withdraw from large parts of the West Bank. It was this plan that was the centerpiece of Ehud Olmert's campaign for Prime Minister and which the new Prime Minister was seeking to implement in the coming months. Instead, in what can only be seen as a coordinated effort, Hamas and Hezbollah crossed Israel's internationally recognized frontiers to murder and kidnap Israeli defense force personnel on Israeli territory.

□ 2210

At this stage four things are clear: First, these acts were not undertaken by rogue elements of Hamas and Hezbollah, but were the result of meticulous and lengthy planning.

Second, while the attacks were launched from Gaza and Lebanon, the Governments of Syria and Iran were involved in their planning and execution, especially in the case of the Lebanon attack.

Third, the murder and kidnapping of Israeli military personnel on Israeli territory by armed forces operating from a neighboring state or political entity is the root cause of the present violence.

And, fourth, Israel has the legitimate right to take military action necessary to defend its citizens and its territory from attack.

We mourn the loss of life. Lebanese, Israeli, and Palestinian, they are all the victims of Hezbollah and Hamas. I hope that Secretary Rice and her international counterparts will be able to pressure Iran and Syria to rein in these terrorist organizations and establish a legitimate Lebanese Army force to patrol the border with Israel.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2 minutes to my good friend from Kentucky, our distinguished colleague on the International Relations Committee, Mr. CHANDLER.

Mr. CHANDLER. Madam Speaker, I thank Mr. LANTOS for yielding.

Madam Speaker, I am deeply troubled by the recent violent events in the Middle East. The United States must stand with Israel and recognize their right to defend their people and country from unprovoked acts of terrorism.

As we know, innocent civilians are losing their lives right now as a result of extremist religious terrorism. Take

the heartbreaking story of Monica Seidman as an example. Forty-two-year-old Monica, a mother of two, moved to the Israeli town of Naharia from Argentina 3 years ago. Last Wednesday as she was sitting on her porch having coffee, a Hezbollah-fired rocket made a direct hit on her building, instantly killing her.

Monica was the first civilian killed in this conflict. How can this be explained to her children? How will they ever understand the meaning of this attack?

I believe the United States must call on Syria and Iran to stop all support of Hezbollah. The Israeli people do not want violence. They want peace. They want to be able to go about life without causing harm to anyone else and without fearing for their own safety. Israel's voluntary withdrawal from southern Lebanon 6 years ago is proof of their desire for peace and stability in the region.

It is my hope that Israel will be able to secure its border quickly and facilitate a safe return for its soldiers captured by Hezbollah and Hamas, and that is why I fully support this resolution.

Mr. LANTOS. Madam Speaker, I am very pleased to yield 2 minutes to my friend from Florida, Congresswoman DEBBIE WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Madam Speaker, the first duty of the government is to protect its citizens, and I stand by Israel's right to defend herself against Hezbollah's aggression.

This bipartisan resolution sends a powerful message that the United States Congress and the American people support our friend Israel at this critical hour. Hezbollah's capture of Israeli soldiers was unprovoked. I call on the Governments of Iran, Lebanon, and Syria, who have influence over the fate of the captured Israeli soldiers, to secure their immediate and unconditional release.

Hezbollah must be disarmed to prevent a similar conflict in the future. A simple cease-fire will not accomplish this goal.

Any nation that refuses to act against terrorist networks simply stands as a willing accomplice. The actions of Hezbollah and the complicity of Syria and Iran demonstrate that former Israeli Prime Minister Golda Meir was right when she said, ''Peace will come when the Arabs love their children more than they hate us.''

I strongly support this resolution and stand by Israel in her pursuit of peace and security.

As an American mother, I wish that mothers around the world, Iranian, Syrian, and mothers universally, spend the time that I have spent talking to my twin 7-year-olds and will teach my almost 3-year-old girl, when she is old enough to understand, that we are all equal. We are all equal under the eyes of God.

My 7-year-old daughter is here with me this week, and she asked me about what we are debating here tonight. She asked me, ''Mommy, why don't some people like us?'' And that question broke my heart, Madam Speaker, because the only answer I could give her was because we are Jewish and because we have different beliefs.

Please let us not have another generation of our children grow up knowing hatred. Israel and her children need the world to stand with her in support of her right to defend herself and in support of peace.

Mr. LANTOS. Madam Speaker, before yielding, I want to express my appreciation to the chief of staff on the Democratic side, Dr. Bob King; Mr. Alan Makovsky; and to all other members of our staff who worked so hard on this measure.

Madam Speaker, I am delighted to yield 2 minutes to my friend from Pennsylvania, Congresswoman Allyson Schwartz.

(Ms. SCHWARTZ of Pennsylvania asked and was given permission to revise and extend her remarks.)

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I rise in support of this resolution and in support of our friend and ally Israel.

September 11 was a defining moment for our country. It forced Americans to confront a new reality, that terrorists could cause massive destruction on our soil, and that all of us are at risk. Israelis have been living with this reality for decades. Well-armed, well-financed, and sophisticated terrorist organizations backed by Syria and Iran surround her. They have carried out thousands of attacks on Israeli soil, and they will stop at nothing to accomplish their one common goal: the destruction of Israel.

Just as America does, Israel has a right to defend herself. Israel has a right to better security for its borders and its security and its future. A secure Israel cannot exist with Hezbollah controlling the territory directly to the north, and a secure Israel cannot exist with Hamas in control of the Palestinian Authority.

Israel is at war with terrorists, and we must stand with her. We have a moral obligation to stand on the side of democracy and freedom against terror and radicalism, and we must do so because, left unchecked, these terrorist organizations will continue to destabilize the region and will use it as a base to foster global instability and to undermine our national security.

With passage of this resolution, we will send an unequivocal message to the world that terrorist organizations, Hezbollah and Hamas, backed by Iran and Syria are responsible for this violence; that Israel has a right to defend herself; and that the United States will stand with Israel in its fight against terror.

We must also do so because this conflict is not just about Israel, but it is about America's national security. Since the 1980's, Hizballah has been behind dozens of terrorist attacks targeting western nations, including the United States. In 1983, they killed 241 American servicemen in an attack on a military barracks in Lebanon. In 1994, they killed 86 civilians in a bombing in Buenos Aires, Argentina. In 1996, they killed 19 U.S. airmen at a U.S. military barracks in Saudi Arabia. Left unchecked, Hizballah and these terrorist groups will continue to destabilize the region and use it as a base to foster global instability.

By passing this resolution with strong bipartisan support, we will send an unequivocal message to the world—Hizballah and Hamas are responsible for this violence, Israel has a right to defend itself, and the United States will stand with Israel in its fight against terror. I am confident that Israel will prevail in this fight. And, it is my hope that their strong actions against terror will ultimately lead to the peace and security that so many in the region desperately seek.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2½ minutes to my good friend from North Carolina, Congressman PRICE.

Mr. PRICE of North Carolina. Madam Speaker, I thank the gentleman for yielding.

I address my colleagues tonight in support of H. Res. 921, but acutely aware of some of its shortcomings.

Let me stipulate two things from the beginning. First, Hezbollah attacked Israel without provocation, and it now threatens the lives of hundreds of thousands of innocent Israelis in the range of its rockets. Such a situation is intolerable for Israel. It would be intolerable for any country. And a robust response is necessary to protect Israel's sovereignty and its citizens.

Secondly, we must fully acknowledge the human toll of this conflict on innocent civilians in Lebanon and Israel and on our own citizens caught in the crossfire. As Israel meets the imperative of self-preservation by disabling Hezbollah, it must also do all it can to obey the moral imperative of protecting the innocent, though it is an imperative we know is wholly disregarded by Hezbollah.

The Lebanese people are not the enemy of Israel, nor is the Lebanese Government, which is led by a reform coalition that is fighting against Syria domination. Our ultimate need is for a stronger, not a weaker, Lebanese Government. And Israeli strategy should take that, too, into account. The real enemy here of both Israel and Lebanon is Hezbollah.

With those stipulations the question before us is how can our Nation play a productive role in bringing a swift and just end to this conflict? The resolution offers little insight into this; so I want to use the limited time I have here to urge my colleagues to consider this critical question.

I recently returned from a mission to Beirut with the House Democracy Assistance Commission, which is working with Lebanese parliamentarians as they seek to establish an independent and effective representative body. We met with many of the reformers who won a majority of seats in the Parliament in the 2005 Cedar Revolution.

Democracy has a foothold in Lebanon, and we must find a way to empower those Lebanese leaders who seek reform and democracy in their country.

To bring about such a resolution, the United States must dramatically increase its engagement in the region. Secretary Rice should go there sooner rather than later, work with the international community toward a resolution of the conflict. I am not talking about a settlement that leaves Hezbollah intact and merely postpones the fight. We must have a resolution that guarantees Israel security, that permanently disarms Hezbollah, and supports the development of democracy in Lebanon.

□ 2220

If we are truly to support Israel, we must do far more than the resolution before us suggests.

Madam Speaker, I address my colleagues in support of H. Res. 921 but acutely aware of its shortcomings.

Nearly two years ago, the United Nations Security Council unanimously adopted a resolution calling for the disarmament of all armed militias in Lebanon. As Lebanon's Cedar Revolution has brought new pro-democratic forces into power, one group has defied the world's mandate: Hezbollah. Hezbollah has justified its defiance by claiming to be a legitimate resistance against Israel's occupation of a small parcel of land in Syria, adjacent to Southern Lebanon, called Sheba Farms. It has tried to straddle the fence, claiming political legitimacy by participating in democratic elections and the Lebanese government, yet refusing to disarm and adding to its arsenal of rockets and other weapons.

Hezbollah's decision to kidnap two Israeli soldiers and kill three others—without provocation—and to launch rockets deep into Israel belie its claims to legitimacy and reveal its true mission: fighting not for Lebanon, but for its own interests and those of its patrons in Iran and Syria.

No nation should be expected to tolerate a situation in which a terrorist organization bent on its destruction has free rein to ignore established borders through ground attacks or air strikes. Hundreds of thousands of Israelis are living in constant fear of deadly rocket attacks. I join with my colleagues in strongly supporting Israel's right to defend its sovereignty and its citizens.

The human toll of this conflict has also been frightful on the Lebanese side of the border. Dozens, perhaps hundreds, of innocent lives have already been lost. Hundreds of homes housing innocent Lebanese citizens have been destroyed, and tens of thousands of families have been displaced. The Lebanese people, like the Israelis, are living under a dense cloud of fear and danger.

Our own citizens, too, have suffered from this violence. Over the last few days, I have received calls from tearful fathers with young daughters stuck in the hills of Lebanon with no way out; from families stuck in Beirut on vacation; from relatives with Lebanese family members killed in the conflict. We must remember the suffering of these innocent citizens, caught by chance in the storm of war.

As Israel faces the imperative of disabling Hezbollah, it must do all it can to obey the moral imperative of protecting the innocent, though it is an imperative we know is wholly disregarded by Hezbollah. The enemy here is not the Lebanese people. And the enemy is not the Lebanese government, which is led by a reform coalition that continues to fight against Syrian domination. The real enemy here is Hezbollah.

Our ultimate need is for a stronger, not weaker, Lebanese government. What sense does it make, for example, to demand more vigorous action against terrorists by the Lebanese Army, and then proceed to destroy that Army's barracks?

Our country's role must be to work for an end to this conflict that is both swift and just. Let us harbor no illusions: a cease fire that allows Hezbollah to remain intact and merely postpones this fight until another day is not an acceptable option. We must require Hezbollah to disarm permanently and guarantee that Hezbollah will no longer threaten Israel or Lebanon. That will likely require the establishment of an international peacekeeping presence.

We must also work for a resolution that preserves the promise of the Cedar Revolution and empowers those Lebanese leaders who seek reform and democracy in their country. I recently returned from a mission to Beirut with the House Democracy Assistance Commission, which is working with Lebanese Parliamentarians as they seek to establish an independent and effective representative body. Our Commission met with many of the reformers who, in a stunning victory, won a majority of seats in the Parliament in the 2005 Cedar Revolution. While key positions in the government, including the Presidency, are still controlled by those who would do the bidding of Syria, democracy has a foothold in Lebanon—the most significant foothold for democracy in the entire Middle East, outside of Israel. We must not allow the current conflict to destroy that foothold.

To bring about such a resolution, the United States must dramatically increase its engagement in the region. As the conflict has unfolded, we have watched the international community react with promising diplomacy. The United Nations, our allies in Europe, and key actors in the region—Egypt, Jordan, Saudi Arabia—have come forward with mediators, cease fire proposals, and calls for international peacekeepers. Even the Arab League, too often silent in the face of past attacks against Israel, is working to convene an emergency summit to deal with the crisis. But where has our own Administration been? As one commentator recently wrote, ''the world's sole superpower is also its only no-show.''

With so much at stake for our national security interests in the region, the Bush Administration's lack of engagement is troubling. But it is not surprising. This Administration has taken a hands-off approach to the area, at great cost to the prospects for peace. It has allowed the Road Map for resolving the Israeli-Palestinian conflict to wither on the vine. It has failed to sufficiently support the moderate Palestinian leader Abu Mazen, watching as Hamas capitalized on his political struggles. And, after trumpeting the gains of the Cedar Revolution, it has done too little to actually support the fledgling reform movement in Lebanon. With the Administration's gaze still fixed on Baghdad, the tensions that have led to the current conflict mounted unchecked.

Madam Speaker, the current crisis demands decisive leadership. Secretary Rice should go to the region sooner rather than later, working with the international community toward a resolution to the conflict that guarantees Israel's security, permanently disarms Hezbollah, and supports the development of democracy in Lebanon. If we are to truly support Israel, we must do far more than the resolution before us suggests.

Mr. LANTOS. Madam Speaker, I am pleased to yield 2½ minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Madam Speaker, the recent unprovoked attacks on Israel are particularly notable because of the unilateral Israeli withdrawal from southern Lebanon in 2000 and from Gaza in 2005. Israel, as it has so often been urged to do, gave up land for the hope of peace. Yet what happened? From the day Israel withdrew, Hamas fired rockets at Israeli cities and villages every single day, followed more recently by Hezbollah rockets.

Can you imagine what the United States would do if terrorists rained down thousands of rockets on American cities from Canada? We would tell the Canadian government to stop it immediately. And if the reply was we don't want to stop it, as with Hamas, or we can't stop it, as the government of Lebanon says it cannot stop Hezbollah, we would not hesitate to bomb whatever targets were necessary and to invade whatever territory was necessary to stop the bombardment, and we would not cease until we had destroyed or disarmed the terrorists.

Similarly, we must not demand a cease-fire that leaves the Hezbollah or Hamas weapons and infrastructure intact.

This recent violence, this war, is the penalty we pay for looking away and urging restraint on Israel as Hamas and Hezbollah flouted peace agreements and built up terrorist infrastructures and arsenals of thousands of rockets as they openly proclaimed their intentions to destroy Israel and murder her people.

The Prime Minister of the Palestinian Authority, a Hamas leader, wrote in the Washington Post just last week that what matters are not the issues of 1967, but the issues of 1948, that is, the very existence of Israel. But the existence of Israel is not negotiable. But many seem not to have learned the lessons.

The European Union criticized Israel's response as disproportionate. What would the EU do if European cities were attacked as Safed, Haifa and Nazareth have been? How is Israel's response against strategic Hezbollah targets disproportionate to Hezbollah's intentional attacks against Israeli civilians? And since when do we demand that responses to naked aggression and intended genocide be proportionate? It was Colin Powell who said that military responses must be of ''overwhelming force.''

The violence can end only if Hamas and Hezbollah are disarmed. Otherwise,

Israel will have to defend itself against future terrorist attacks, and innocent Israeli, Palestinian and Lebanese civilians will continue to die.

There is a role for diplomacy in the Middle East, but only when Hezbollah and Hamas are forced to stand down and Hezbollah forces are moved away from the Israeli border.

I extend my sympathy to the families of the victims of the attacks in Israel and in Lebanon, and I pray for the safe return of those captured. But I know that because the United Nations and the international community have failed to dismantle the terrorist infrastructure by diplomacy, Israel must be permitted to dismantle that infrastructure by force of arms if the killing is not to go on indefinitely. We must not stop her from doing so.

I strongly support the resolution.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2 minutes to my good friend from New York (Mr. ISRAEL).

Mr. ISRAEL. Madam Speaker, I thank my friend from California.

Madam Speaker, I rise in support of this resolution. Almost 1 year ago, in August, I stood on the border of Gaza. I watched a gate descend. I watched the last Israeli leave Gaza. Israel said to the Palestinians, we will take a risk for peace. Build something here. Provide security. We want peace.

And what did they do with that? What did the Palestinians do with that offer? They fired Kassam missiles on Israeli civilians. They elected a terrorist regime sworn to the liquidation of Israel. They dug a tunnel. They snuck through the tunnel, they showed up on Israeli soil, they kidnapped a 19-year-old soldier and snuck him back. Israel took a risk for peace, and this is how it was rewarded.

Israel took the same risk in Lebanon. They left Lebanon. They said provide security here. We will take a risk for peace, and let's have it together. What happened with that offer? Hezbollah was allowed to dominate southern Lebanon. And just last week, Hezbollah terrorists infiltrated a border, snuck across an undisputed border, murdered some Israelis, kidnapped others, murdered some more, and snuck back across.

Every time Israel has taken a risk for peace, that risk has been answered with violence, and that is not acceptable.

What would we have done? It is exactly what we did do on 9/11. When terrorists infiltrated our borders, we responded robustly to protect innocent civilians.

Israel has the right to do the same. There can be no double standard. There can be no moral relativism. This resolution simply says that Israel has taken risks for peace. Those risks ought to be answered with reciprocation, and not missiles; with good faith, security, and not kidnappings. Israel has done what we have done, and this resolution reaffirms that.

Mr. LANTOS. Madam Speaker, I am pleased to yield 2 minutes to my good friend the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, I rise in strong support of this resolution and of Israel's right to defend itself from terrorist attacks.

The world community has a responsibility to support Israel during these difficult times. Israel has complied with international demands by withdrawing from both the Gaza Strip and from Lebanon. Unfortunately, it seems like the governments in both of these areas are not interested in peace.

Lebanon in particular has failed to abide by UN Security Council Resolution 1559, which requires the disarmament of Hezbollah and other militias and the deployment of the Lebanese army along its southern border. Israel has simply requested that Lebanon comply with this resolution and that Hezbollah end its attacks and return of its kidnapped soldiers.

There has been little effort on the part of the Lebanese or Hezbollah to actually meet any of these requests however, and that is why it is critical that the United States and the world community stand behind Israel and condemn the actions of Hezbollah, the Lebanese government and Hamas.

As we condemn these acts we must recognize the connection between Hezbollah and its international backers, Iran and Syria. It is clear that both of these nations are aiding Hezbollah with funding, munitions and even direct military advice, which is why Israel felt compelled to impose the blockade on Lebanon.

We must ratchet up the pressure on Syria and Iran to give up their support for organized terrorist groups like Hezbollah. That is why I joined many of my other colleagues in calling on President Bush to fully implement all of the sanctions available under the Syria Accountability Act, which we passed during the last Congress. Syria is continuing its support for terrorism, and we must demonstrate the consequence of such actions.

Madam Speaker, as Israel continues to defend itself, we should stand in support of her by putting greater pressure on nations who support terrorist attacks against her. We should do nothing less and expect nothing less of our allies if we were in such a situation.

I urge my colleagues to pass this important resolution, and I urge the Bush administration to do more to hold accountable those countries who support terrorism against Israel.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2 minutes to our distinguished colleague, the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Madam Speaker, I thank Mr. HYDE, the chairperson, and I thank my friend Mr. LANTOS, the ranking member.

Madam Speaker, I want peace for both Palestinians and Israelis. I want justice for both Palestinians and Israelis. And I support House Resolution 921 condemning the recent attacks on Israel and supporting Israel's right to defend herself.

Madam Speaker, Hezbollah has killed more Americans than any other terrorist group, save al Qaeda: 257 Americans killed in the 1983 bombings of the U.S. embassy and barracks in Beirut; 19 Americans killed in the 1996 bombings of the Khobar Towers.

Hezbollah has more than 13,000 rockets capable of hitting Israeli cities and towns and killing innocent persons. Does anybody think that these rockets will just go away? Hezbollah wasn't getting weaker. Hezbollah was getting stronger.

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Israel must defend herself or there will be no Israel to defend.

Mr. LANTOS. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Madam Speaker, I stand here today to support this resolution, and indeed in saying that I wish this resolution did not have to be. For surely I am also convinced that the people of Israel and many of the people in Lebanon and in the Palestinian Territories wish it had not to be, but it does.

Why does it? Because you cannot have peace if you are negotiating with yourself. If individuals will not even acknowledge the right for the State of Israel to exist, how can you have peace? And if you are put in that position, then you have no choice but to defend yourself.

The thing that we must not think that Israel is doing in having to defend itself and using the force that it has to use is they are doing it with glee. That is not what they want to do at all. They wish that there was peace. But when people do not acknowledge your right to exist, and there are 14,000 rockets aimed at you, I just ask you the question, I think of myself. Suppose you are in your home and you have got people that are outside, and they are pointing weapons at you and your family. What would you do? Would you just say, let them continue to point them and shoot them until there is damage to you or your family?

What we are talking about here is simply a matter of defense. And indeed, we would dream of having the day where we do not have to have these resolutions on the floor, dream of the day when there is no innocent people on any side of the lines in the Middle East who are dead or would be killed or anything of that nature, dream of having peace.

The only way to have it, though, is to have partners, to have somebody that is going to stand and say, we will fight, along with Israel, to make sure that all of its people are safe. We need to have the day when, in fact, we know that the terrorist organizations like Hamas and Hezbollah, who is holding hostage an entire region for their bad reasons, are wiped out.

And if they will not go away, then Israel must defend itself.

Mr. LANTOS. Madam Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I do thank Mr. LANTOS and his good leadership and his history. It is reflected in what I think is both a potent, important and very directed resolution. It draws upon all of the voices that we have heard this evening.

Might I acknowledge Ms. ROS-LEHTINEN for her patience and leadership, along with Chairman HYDE as well as and the leadership of this House.

This weekend I will go home and meet with members of the Jewish community, and as well meet with members of the Muslim and Arab community. I believe it is important for Members to be forthright, and in doing so, it is to understand that we stand here promoting peace, and to say to the Palestinians, those of good faith, and President Abbas, we will stand with you to rid yourself of those who believe that their basic existence is for the nonexistence of Israel.

And to Lebanon, we will stand with you, so that you will have the courage, the fortitude and the leadership to free your nation, for it to be the shining pearl, the financial site of the Middle East of which it has the potential to be.

I want to offer to those who have lost their lives, their families, my deepest sympathy. To the innocent civilians in the Gaza strip, in Palestinian, in Lebanon, in Israel, all who have lost their lives, we offer the deepest sympathy.

But, Madam Speaker, let me simply say, Israel fully complied with Resolution 425 in 1978, and wants us to know that they have removed themselves from Lebanon, and Secretary Kofi Annan said Israel has withdrawn, in full compliance with the Security Council resolution, as well it has withdrawn from the Gaza Strip.

And so today I am interested in a cease-fire. I am interested in engagement. But I am also interested in making sure that we have permanent peace in the region, that we do not allow those who would perpetrate terror against innocent individuals to be able to survive and to continue their violence.

I would ask Syria and Iran to be forthright with the world and to give away their continued intrusion into Lebanon and fueling the fires of those that would perpetrate terror in the region. I also ask that our refugees, if you will, Americans who are stuck in Lebanon, be fully brought home safely and quickly.

So as I close, Madam Speaker, might I just say this evening that I will be voting for this resolution, but I will be continuing to press for engagement. I will continue to press for resolution. And I will continue to ask that the Arab States become engaged, and that Syria and Iran stand down, and that there is peace, and that the existence of Israel is reaffirmed, and our Arab neighbors live freely and peacefully for all the world to see.

Madam Speaker, I rise today to support H. Res. 921, condemning the recent violence in the Middle East. I remain dismayed at the fact that, once again, violence is poisoning and engulfing the Middle East.

This resolution condemns the recent attacks against Israel, holds terrorists and their state-sponsors accountable for such attacks, and supports Israel's right to defend itself.

This resolution is a very strong statement. While we must acknowledge the culpability of the perpetrators of violence, we must always stand for a solution that engages all parties.

The conflict is between those who wish to end the violence and those who do not. All involved have created a sense of victimization, and turned away from the most important goal: protecting their people, abating violence, and stabilizing the region.

With this bill, we denounce terrorist acts, and we recognize the right of all sovereign nations—including Israel—to exist, and to defend itself. In addition, if Hamas is going to lead the Palestinian Authority to participate in the international community, it must accept Israel's right to exist and eliminate its violence against Israel.

This past January, I visited Israel prior to the Palestinian elections, and visited with the emerging leadership of Kadima on the eve of a new era of Israeli diplomacy and security policy. I have traveled extensively in the region, and I have witnessed first-hand the promise of the Holy Land, as well as the devastation of long-term strife. Although Prime Minister Olmert has only held this position of leadership for a few short months, he has led his nation with strength and clarity.

We acknowledge Israel as a democratic and strategic ally, and we look to Israel for regional leadership. No cause should ever warrant aggressive terrorist acts against others who have not sought to initiate any acts against the offending party. It is an absolute necessity that kidnapped soldiers be returned, that soldiers stolen from their own country, from their own land, must be returned to their homeland. Israel was not the aggressor.

Hezbollah has committed acts of war, and Israel responded in kind. Hezbollah has yet again demonstrated its easy familiarity with terrorist tactics, and tensions continue to rise. Over the last several weeks, we have seen the situation crumble. Accusations of blame and responsibility fly like shrapnel.

Last week, the Lebanese government briefly called for a ceasefire after Israel blockaded the country by air and sea in an effort to distance itself from the Hezbollah faction. In a statement, the Lebanese government said that all means must be used to end this ''open aggression.''

When both aggressors are acting in defense, the only result is destruction.

We must immediately engage Israel, Lebanon, the Palestinian Authority, and any other stakeholder willing to take action to protect the people and cease this swift escalation. We must engage them in multi-party negotiations, and the United States must send a high-level delegation to meet with the leaders in the region. The desecration of life and the disrespect of boundaries in the last few weeks are offensive, yet must be surmounted, and the violence must end. The U.N. Resolution 1559 must be complied with by Lebanon—to fully disband and disarm Hezbollah.

I commend Israel for its willingness to unilaterally withdraw from the Gaza. I remain hopeful that the Palestinian Authority will soon be able to assert itself and secure the Gaza Strip for its citizens, and stop the invasion into Israeli territory.

I wish to relay to the Lebanon Government that America is their friend, we support their independence, and we need them to assert their independence and sovereign authority. Because of their independence, Lebanon is well positioned to be an integral part of long term negotiations and an eventual settlement to this terrible crises.

I urge decision-makers in Israel, Lebanon, and the PLO to observe a ceasefire, and that the terrorist be brought to justice.

I also urge neighboring nations, such as Syria, to stop harboring terrorists and to participate honestly in negotiations, to pursue a mutually beneficial resolution without violence, and to respect the sovereign Lebanon.

Violence is not the only thing to fear. We must do everything within our power to prevent further escalation. We must silence the rumbling of bombs and the screaming of missiles and restore at least the semblance of peace.

We must condemn the poor response that the Administration has exhibited in rescuing Americans. It is not befitting of the most powerful nation, and we must expedite the rescuing of American citizens. The President must also take to the airwaves to speak to Muslims and Arabs to assure them that America remains their friend, and the friend of all freedom-loving peaceful citizens of those nations. We do not condemn all because of the missteps of some individuals or governments in the region.

It is increasingly important that we immediately begin negotiations to resolve this aggression on the northern and southern border, observe ceasefire, and the United States must act urgently yet fairly, and remain steadfast to bringing peace to the region.

We must do everything we can to assuage the fear and devastation of the last two generations, and take decisive action to ensure that today's children, and their children's children, can live in peace and safety at last.

This past Saturday, Saudi Arabia, Jordan, Egypt, and several Persian Gulf states, chastised Hezbollah for ''unexpected, inappropriate, and irresponsible acts'' at an emergency Arab League summit meeting in Cairo. At last, perhaps we will see the larger international community—including the Arab League—denounce terrorism and terrorist tactics and commit to securing first calm, then peace, for the region and for the rest of the world.

The Middle East is at a crossroads, and Israel needs a partner for peace. The new governments of Israel and the Palestinian Authority must overcome the burden of history and begin writing the textbooks anew. Palestinian and Israeli children should begin to learn that their neighbors are good, peace-loving people, and that the region is capable of coexistence and friendship.

I hope that soon all people in the Middle East, Jewish or Muslim, Israeli or Arab, can

look to God with thankful, not pleading eyes. May the words of our tradition inspire our decisions, as it says in Proverbs 34:14: "Seek peace, and pursue it."

Before we can have peace, let us pray for calm.

Mr. LANTOS. Madam Speaker, I yield 2 minutes to my good friend from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Madam Speaker, I thank our leader Mr. LANTOS for his leadership on this issue, and so many others in this Congress. I rise, as did Ms. JACKSON-LEE and others, in support of the resolution.

I would like to cite an article by Charles Krauthammer, who gives some history that I think is useful as this debate draws nearer to a close, from the Washington Post this last Friday.

I quote. ''Israel withdrew from Lebanon completely in 2000. It was so scrupulous in making sure that not 1 square inch of Lebanon was left inadvertently occupied that it asked the United Nations to verify the exact frontier defining Lebanon's southern border and retreated behind it. This 'blue line' was approved by the Security Council, which declared that Israel had fully complied with resolutions demanding its withdrawal from Lebanon.

''Grievance satisfied. Yet what happens?'' Krauthammer writes, ''Hezbollah has done to South Lebanon exactly what Hamas has done to Gaza, turned it into a military base and terrorist operations center from which to continue the war against Israel.

''South Lebanon bristles with Hezbollah's 10,000 Katyusha rockets that put northern Israel under the gun. Fired in the first hours of fighting, just 85 of these killed 2 Israelis and wounded 120 in Israel's northern towns.''

Mr. Speaker, we should stand with Israel, we should vote for the resolution.

Mr. LANTOS. Madam Speaker, I just want to thank you for your patience. I want to thank my dear friend from Florida for her extraordinary graciousness. And I want to thank all of my Republican and Democratic colleagues for a serious and substantive debate. I urge all of my colleagues to vote for this resolution.

Madam Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself the balance of our time.

Madam Speaker, I also would like to thank the gentleman from California, our ranking member of the International Relations Committee, for handling this debate in such a skillful manner. We want to thank our majority leader Mr. BOEHNER, who was one of the authors of this resolution; and, of course, our esteemed chairman of the International Relations Committee, Mr. HYDE.

I would like to thank all of the Members who participated in this debate, in this very civil debate on a very important topic.

Mr. BOEHNER. Madam Speaker, I rise today in strong support of this resolution. As we speak, the security situation in the Middle East continues to evolve.

The aggressive, unprovoked acts of violence against Israel by Hezbollah and Hamas are revealing. It is clear they don't want peace, but rather seek the ultimate destruction of Israel. This is why we must support Israel's right to defend itself against these armed attacks.

Each and every day, Israel's very existence is at stake. Since its first day as a nation, Israel has lived under a cloud of aggression from militant extremists and hostile neighboring governments. Most recently, terrorist forces have captured Israeli soldiers and fired rockets into Israeli cities—both unprovoked. These acts of aggression deserve the rapid and decisive response they received.

The United States and Israel have a unique relationship based on our mutual commitment to democracy, freedom, and peace. Therefore, just as our commitment to these principles must be steadfast, so must our support for Israel.

The enemies the United States and Israel face are the same. Their nature is brutal, oppressive, and inspired by hatred. The rise of Islamic fundamentalism in the Middle East has real security implications, not only for Israel, but also for the United States. The same ideologically malevolent forces working to destroy Israel are working to destroy our cherished political values.

The United States did not choose to fight Islamic extremists. These terrorists chose to fight our way of life. They chose to challenge our existence.

We as a Nation have endured heartbreak, tragedy, and occasional setbacks, but we are resolute in taking the fight to the enemy and winning. We cannot afford to lose. The stakes are too high; the price too great. And because we face the same enemy, we will not ask Israel to respond differently. The consequences of not responding are too great.

This resolution simply says Israel has the right to defend itself. This includes conducting operations both inside its borders and in the territory of nations that threaten it, which is in accordance with international law.

Furthermore, it is incumbent upon Lebanon, Syria, and Iran to rein in Hezbollah and Hamas. We know Iran and Syria are helping Hamas and Hezbollah. That is why this resolution reaffirms our support for President Bush as he seeks to use the most effective range of political, diplomatic, and economic sanctions available.

We are clear in our purpose and our resolve. We are committed to peace, democracy, freedom, and prosperity. We will work with those who want these values, and we will use all means at our disposal to stop those who seek to destroy them.

I urge my colleagues to join me in sending a strong message of support to Israel, and I urge all to support this resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today in strong support of H. Res. 921.

Let us be very clear from the outset of this debate: the current conflict was caused by the violent attacks of two terrorist organizations on Israel, in Israel. Israel has the sovereign right and responsibility to protect and defend itself from these terrorists.

The roots of this problem must be addressed if there is to be any true cessation of violence. Iran and Syria must cease their financial and military support of terrorist organizations. Hezbollah must be disarmed and no longer be allowed to operate. U.N. Resolution 1559 must be fully implemented. The government of Lebanon must be allowed to govern the whole of its territories. President Abbas must guarantee peace, exercise full control over the Palestinian-controlled territory and the Hamas terrorist attacks originating in Palestinian-controlled territory must be permanently stopped. This latest violence only confirms what we have known since 9/11: the forces of extremism and terrorism must no longer be allowed to terrorize peoples and countries who desire to live in peace and freedom.

The approach taken by President Bush has been appropriate. Without an end to terrorist operations by Hamas, Hezbollah, and other enemies of Israel, there will be no hope for peace.

The United States should not negotiate with terrorists and neither should Israel. Despite the recent set-backs, however, we should continue to try to promote peace in the Middle East because it is vitally important to the safety and security of America. We must continue to encourage peace, but all parties must be willing to truly accept Israel's existence and come to the table if peace is to have a chance. Unfortunately, without an end to terrorist operations against Israel by Hamas and Hezbollah, there is no hope for a lasting peace in the Middle East.

Mr. BUYER. Madam Speaker, the United States has a long history of supporting the state of Israel and the strong example of democratic values it has brought to the Middle East. The recent events that have enveloped the region will not waiver the resolve of our relationship.

Israel has found itself strained on two fronts. It is battling both Hamas and Hezbollah, backed by Iran and Syria, nations known to sponsor terrorism and dedicated to the destruction of Israel. While the ferocity of Israel's response to the kidnapping of its soldiers by these terrorist groups may be in question, Israel has only acted to defend its way of life and the intrinsic right for a nation to defend its very existence.

Easing tensions in the region will require that neighboring nations take an active role to stabilize the conflict. Egypt and Lebanon must have the fortitude to take a leadership role to pursue regional stabilization. They must grasp this opportunity to demand that immediate steps are taken to resolve the conflict and work to bring peace to the region.

Mr. FERGUSON. Madam Speaker, I rise today in strong support of this resolution.

For generations Hamas and Hezbollah, which are committed to the total destruction of Israel, have indiscriminately targeted Israeli civilian populations and military forces. In recent days, these terrorists organizations have kidnapped Israeli soldiers and singled out Israeli citizens for arbitrary relentless rocket fire.

Hamas and Hezbollah, as dangerous and destructive as their actions are in the current conflict, are mere puppets. Hamas and Hezbollah are supported by Iran and Syria. With their financial and military support—including providing the missiles that today are raining down on Israeli towns—the Iranian and Syrian governments are co-conspirators in the ongoing terrorist attacks against Israel.

The world community of nations must hold Iran and Syria accountable for their actions.

Their active support of terrorist nations not only threatens Israel but also all nations in the Middle East and those throughout the world who are waging the ongoing global war on terror.

In the face of these terrorist attacks, we must resolve that Israel has the absolute right to defend itself—just as the United States did following September 11, 2001.

The time has now come for Congress to reaffirm our commitment to Israel and the Israeli people, their absolute right to existence and their absolute right to defend themselves.

Israel is one of the United States' strongest allies. In the last 50 years, our two nations have forged strong economic, military and educational connections. Our bonds have never been more important than today in our shared fight against terrorism.

Today, let us stand in firm resolve against terrorism and with Israel.

I encourage my colleagues to support this important resolution.

Mr. MICA. Madam Speaker, I rise today in support of H. Res. 921 and specifically in support of Israel's right to defend itself against the murderous actions of Hamas and Hezbollah.

The terrorist attacks on Israel and India and the recent July 4th, 2006 ballistic missile launch by North Korea are stern reminders that the United States and world must remain vigilant against radical extremism. It is not enough that America and her allies guard against weapons of mass destruction, but we must also remain prepared to deal with acts of human destruction. Terrorist acts on any sovereign state can not and must not be tolerated.

I am pleased that the House of Representatives and our President has remained firm in support of the people of Israel. While I am hopeful that a stable peace in the Middle East will be established, no arbitrary time limit should be placed on Israel's actions to defend itself. Neither should a time line be imposed on bringing to justice those who commit unjust acts.

Mr. GRAVES. Madam Speaker, I rise today in strong support of House Resolution 921 and in strong support of our oldest ally in the Middle East, the State of Israel.

Today the Middle East is a region filled with contradictions. It is a place where progress and regress have both taken root and are thriving. Iraq is no longer ruled over by a tyrant named Saddam Hussein, who terrorized people inside and outside his country with unimaginable brutality. Today, a democratically elected government has been empowered by the Iraqi people to improve security, build infrastructure, and move forward. Admittedly, there is still turmoil in Iraq; but the progress there is undeniable.

In the countries that border Iraq to the east and northwest, one encounters a far different Middle East. It is in these two countries—Iran and Syria—where international terrorism has found all too willing hosts and official state sponsorship. And it is this state sponsorship of terrorism, fueled by the desire of the Tehran and Damascus regimes to project influence across a broader region in order to stifle democracy and freedom, which has led us to the current crisis in Lebanon and Israel.

This is not the first time that Israel has been forced to engage in military operations in Lebanon to secure its northern border and protect its citizens. As many of my colleagues will recall, Lebanon could not control its border with Israel in 1978, and after numerous terrorist attacks against Israel were launched from southern Lebanon, the Israeli Defense Forces intervened. The Israeli Defense Forces withdrew in June 1978, but were forced to return four years later due to further attacks from Lebanese territory. In 1985, Israel withdrew its forces from all of Lebanon, save for a security perimeter on their common border. In 2000, Israel withdrew its remaining forces from the security zone. Immediately thereafter, Hezbollah militia members moved into the former security zone, and claimed credit for the Israeli withdrawal.

Beginning in 2005, the Lebanese people have made significant progress in their mission to push their Syrian occupiers out of their country. In the midst of Lebanon's movement towards true freedom and independence from Syria, Hezbollah terrorists crossed the border into Israel, then killed eight Israelis and took two Israeli soldiers as hostages. This was likely done in coordination with Hamas terrorists in Gaza.

That was July 12, 2006; just one week ago, Madam Speaker. Since then, Israel initiated military operations to prevent further attacks and once again secure its border with Lebanon. Hezbollah's response has consisted of daily rocket attacks that have hit Haifa, Israel's third largest city. It is estimated that Hezbollah has an arsenal of at least 12,000 rockets some of which are Iranian weapons, and many of which have reached Lebanon via Syria.

The United States Department of State has designated Hezbollah as a foreign terrorist organization, and its main sponsors are Syria and Iran, both of which are state sponsors of terrorism. The Lebanese government may protest Israel's current military actions, but these actions are essential to Israel's national security, and essential to Lebanon's prospects for true sovereignty. Former Lebanese Prime Minister Rafik Hariri spoke out against Syrian domination of Lebanon and was assassinated on orders from the highest levels of the Damascus government. Unless we allow Israel to destroy the terrorist network and infrastructure in Lebanon, and drive its agents back into Syria and Iran, neither the Lebanese people or Israeli people will have the opportunity to live in peace.

The Government of Lebanon cannot secure its own border, and has not prevented the terrorist organizations—sponsored by foreign agents—from using its soil to launch attacks into Israel. Israel has a right to her own national defense, and is exercising that right in striking terrorist targets inside Lebanon. On the other hand, Hezbollah is reigning down rockets on civilian targets in Haifa, Galilee, and Nazareth.

Prime Minister Ehud Olmert has laid out specific criteria for peace: the return of the abducted Israeli soldiers; cessation of the rocket attacks and other raids on Israel; expulsion of Hezbollah from southern Lebanon and the deployment of the Lebanese Army to that region, and the withdrawal of all foreign forces from Lebanese territory. Short of these criteria being fulfilled, Israel must take it upon herself to unilaterally provide security for her territory and people.

Madam Speaker, Israel is the oldest democracy in a region not known for liberty, and is our oldest ally in a region with many agents that are hostile to America and our interests. We must strongly support our old friend in this time of crisis. We also must condemn Hamas, Hezbollah, and their Iranian and Syrian sponsors in the strongest terms possible for their terrorist attacks on innocent Israelis. As we know all too well, we must hunt down and eradicate terrorists wherever they find sanctuary and assistance, and Israel is doing just that; Israel is taking the fight to the terrorists.

Madam Speaker, this situation proves that Syria and Iran are dangerous agents acting on behalf of and in concert with fundamentalists, extremists, and terrorists. Hezbollah and Hamas have absolutely no remorse for the damage they are inflicting on the Israeli people or the Lebanese people, and the clerics in Tehran and tyrants in Damascus are encouraging continued carnage.

In response, this Congress—as representatives of the American people—must set an example and stand on the side of freedom, democracy, and sovereignty in the face of this challenge. It is the latest confrontation in the Global War on Terror, and it is a battle that we as Americans cannot afford for Israel to lose. I urge my colleagues to support this important resolution.

Mr. WAXMAN. Madam Speaker, it is a tragedy that we have come to this point today, watching the spiral of hostilities between Israel and its neighbors.

Although Israel withdrew completely from Lebanon in 2000, and the U.N. Security Council certified the withdrawal to internationally recognized borders, Hezbollah still refuses to accept peace.

Although Israel has removed all its settlers from Gaza and has been working with President Abbas to negotiate additional concessions, Hamas is still unwilling to lay down its weapons, accept Israel's legitimate existence, and come to the table to negotiate the creation of a peaceful Palestinian state.

When Hamas and Hezbollah leaders were elected to be part of the emerging democratic governments, some hoped they would focus on leading the Palestinian and Lebanese people to fulfill their aspirations of a stable and prosperous future.

Instead, the terrorists have pursued only their own aspirations of regional instability and the destruction of Israel.

Kidnapping soldiers does nothing to promote the welfare of the Lebanese and Palestinian people. Missile attacks don't develop the economy or expand freedom of movement or provide access to health care and education.

Terrorism has only brought suffering to the people of Gaza and Lebanon, and these attacks serve no one but the terrorists and their state sponsors.

We must recognize the role of Syria and Iran in this conflict, and the threat they pose to Israel, the United States, and the entire Middle East.

Though it has been unwilling or unable to do so, the world must insist that the Lebanese government take control of its borders and disarm the terrorists within them as required by the Road Map and the U.N. Security Council.

Israel has made every effort to avoid civilian casualties, and those that have occurred are tragic. But Israel's best efforts to spare civilians stand in sharp contrast to the terrorists' deliberate efforts to target Israeli civilians as they drink their morning coffee or head off to school and work.

Acts like these leave Israel no choice but to break down the terrorists' capacity to carry them out. Israel has targeted stockpiles of missiles procured from Syria and Iran and blocked the routes through which the terrorists would rearm. It is ramas and Hezbollah who have cruelly decided to place these stockpiles among civilians, again putting the political and strategic needs of terror above those of the people they claim to represent.

Israel is not the source of instability and danger. Israel withdrew from Lebanon and Gaza in pursuit of peace. The terrorist regimes in the region have pursued other ends. Israel has every right as a sovereign nation to defend its cities from unprovoked cross-border attacks and to seek the safe, swift, and unconditional return of its soldiers.

Mrs. CAPPS. Madam Speaker, I am voting for this resolution because I absolutely condemn Hezbollah's senseless, unprovoked cross-border attacks on Israel, and the murderous rain of missiles it has unleashed on Haifa and other northern cities. Terrorist groups like Hezbollah, whose actions have caused the death and misery of hundreds of innocent Israelis and Lebanese, deserve no sympathy and no mercy. Hezbollah needs to be disarmed, for the sake of Israel's security and, indeed, for the stability of the entire region.

And I also join my colleagues in condemning the actions of Syria and Iran for their support and arming of Hezbollah. We see the true nature of these regimes when we see the tragic results of their support of terrorist groups like Hezbollah.

But I would have hoped for a different resolution to come before the House. I would have hoped for a more comprehensive resolution that respects the complexity of the issues unfolding in the area, and the necessity for direct U.S. involvement in the unfolding tragedy.

A more appropriate resolution would recognize the fundamental difference between Hamas and Hezbollah. Of course, Hamas should be condemned for its actions and the kidnapped Israeli soldier must be returned unharmed. But Gaza and Southern Lebanon are two separate situations and this resolution confuses that.

The Palestinian people have legitimate grievances and a solution to these grievances can and must be found through negotiations. Hamas exploits those grievances, but we must not allow Hamas's actions to delegitimize the aspirations of the Palestinian people. Hamas's actions do not negate the reality that we simply must resolve the humanitarian crisis now engulfing Gaza and the West Bank.

I believe Israel's security depends on forging a negotiated settlement with the Palestinians that will ensure the safety and security of both peoples. And while I respect Israel's right to defend itself, I am deeply concerned that Israel's response to Hamas' actions is only prolonging the suffering of the Palestinian people and putting off resolution of this decades long problem.

Conversely, Hezbollah has no legitimate grievances with Israel.

Hezbollah seeks nothing more than the destruction of Israel and there is no negotiating with it. Only through Hezbollah's complete disarmament will we be able to remove its threat to the region.

I am also troubled by the unqualified praise in this resolution for the President and his Administration. The President has done little to stop the meltdown of the Middle East that has occurred under his watch. Unlike previous Administrations, including that of his father and President Clinton, he simply hasn't been engaged. And his response here is tragically inadequate, again.

The U.S. must engage immediately to bring about a cease fire and help drive a long term solution for the area. Every major Arab-Israeli crisis over the years has ended with U.S. involvement—at the highest levels—because the players rely on intermediaries to broker agreements.

We may not like it, but that's the reality of the situation. And given that the stability of the region plays so large a role in our own national security interests, we must continue to engage forcefully if we are committed to bringing about peace in the region. Waiting another week before dispatching the Secretary of State is not a viable response.

Finally, I would note that every day this crisis continues brings a greater risk of direct involvement by Syria and Iran. As bad as this situation is now, direct involvement from either Syria or Iran would be much, much worse. Immediate, hands-on U.S. involvement is critical to keep the situation from spiraling even further out of control.

Madam Speaker, the situation in the Middle East grows graver every day. Dozens of Israelis and hundreds of innocent Palestinians and Lebanese civilians have already died. Beruit, which has only recently been restored to its historic splendor, is in ruins. A key ally in the area is threatened and our national security interests are as well.

I urge the Administration to help bring peace to the region.

Mr. CARDIN. Madam Speaker, I rise in strong support of H. Res. 921, condemning recent terrorist attacks against the state of Israel.

Israel has the absolute right to defend itself against terrorist attacks. The United States stands in solidarity with Israel at this critical moment. I condemn the premeditated kidnapping and killing of Israel soldiers by Hezbollah and Hamas, which are both U.S. designated terrorist organizations. Israel has a right to launch operations to try to free its kidnapped soldiers that are being held hostage. Israel also has a right to defend itself and try to prevent ongoing rocket attacks by Hezbollah, which are being launched from Lebanese territory and which land in Israeli territory.

I also condemn the use of civilian populations as human shields by Hamas and Hezbollah, which only increase the suffering of innocent persons in this conflict. Israel, on the other hand, is taking significant steps to minimize and prevent additional civilian casualties in both Israel and Lebanon.

Even though Israel unilaterally withdrew from Lebanon in 2000, the Lebanese Government has permitted Hezbollah to operate at its border and to repeatedly launch attacks against Israel. United Nations Security Council Resolution 1559, passed in 2004, calls for all remaining foreign forces to withdraw from Lebanon, directs that all Lebanese and non-Lebanese militias should be disbanded and disarmed, and urges the Government of Lebanon to exercise control over all its territory. We need to fully implement this United Nations resolution.

Both Syria and Iran have continued to provide funds and weapons to the Hezbollah terrorists, which have resulted in numerous Israeli civilian casualties. All parties in the region must take immediate steps to prevent the operation of terrorist activities on their soil and to abide by previous peace agreements. The President should use his authority under the Iran and Libya Sanctions Act of 1996 to impose additional sanctions on Iran.

I also call on the Bush Administration to take a more aggressive diplomatic role in the conflict in the Middle East, including the appointment of a high-level U.S. envoy to the Middle East as soon as possible. The Bush Administration should also put pressure on all parties in the region to stop terrorist attacks and prevent the flow of money and weapons to terrorist organizations.

Madam Speaker, I strongly urge my colleagues to support this resolution, and stand in solidarity with Israel at this critical moment.

Mr. HIGGINS. Madam Speaker, Palestinian militants in Gaza kidnapped Israeli soldier Gilad Shalit and later, Hezbollah agents crossed the border, killed seven Israeli soldiers, captured two others, and continue to hold them captive. Hamas, and Hezbollah, specifically, have long relied on Syrian and Iranian support and funding. Now, Iranian and Syrian made and purchased Katyusha rockets rain down on Israel from Lebanon in the north and Qassam rockets are launched from over the border from Gaza in the south. Despite having withdrawn from Lebanon in 2000 and from Gaza last summer, Israel is under attack.

I stand by Israel during these troubled times and I strongly support H. Res. 921, to be voted on today, which pledges our solidarity with this nation under fire; I urge my colleagues to join me in support of this bill.

After the terrible attacks of September 11, 2001, President Bush declared that we are engaged in a War on Terror and countries across the globe stood up in support of and behind the United States. Now we are called upon to stand with Israel during her time of need as she defends her borders and her citizens from unprovoked kidnappings and attacks.

Madam Speaker, the international community, led by the United States, must ensure the full implementation of U.N. Security Council Resolution 1559, which passed unanimously in 2004, and calls for disarming Hezbollah, removing all foreign forces from Lebanon and deploying the Lebanese army to secure the border with Israel. What we are seeing today in the region is the consequence of the Lebanese government allowing Hezbollah to join its parliament and cabinet while the international community did little to exert pressure to force them out.

Israel, the Jewish state, is defending its citizens, much as this nation would if we were under attack. Any innocent civilian deaths—Israeli, Palestinian, Lebanese, or other—are awful and should be minimized in every possible way. But responsibility lies with Hezbollah and Hamas who brought Israel's retaliation upon not just themselves but the communities they live in by launching unprovoked attacks, and by purposefully planting themselves in civilian population centers where innocent men, women, and children are used as swords and shields.

We must continue to stand behind Israel and to show her our solidarity against those that continue to do her harm. Additionally, the international community, led by the United

States, should now ensure that Hezbollah is finally disarmed, that Iranian influence is forced out of the region, and that Hamas recognizes Israel so that we may finally put an end to the cycle of violence.

Ms. MOORE of Wisconsin. Madam Speaker, I have grave concerns about what the future holds for the Middle East. The violence in Israel and Lebanon, which began with Hezbollah rocket attacks on an Israeli town and a military incursion into Israel and abduction of Israeli soldiers, threatens to engulf the entire region. Unless swift action is taken by the international community, further escalation and bloodshed will soon be upon us.

As we consider this resolution, H. Res. 921, civilian lives hang in the balance. Hezbollah's rocket attacks against innocent Israelis are indiscriminate tools of terror against a civilian population. Reports indicate that Israeli retaliations have resulted in the loss of innocent lives.

It seems clear that Hezbollah has raised—or lowered—the suicide attack to a new level: they have dragged the entire nation of Lebanon and all its people into harm's way because of the group's attacks on Israel.

I wish that this resolution made more mention of these innocent Lebanese civilians and innocent Israeli civilians who are caught in the middle here. They are the ones paying the price.

I wish that this resolution made more mention of the urgent need for the U.S. to step forward, use its considerable influence, and take diplomatic action immediately to try to end the bloodshed affecting millions on both sides of the border.

The finding in paragraph 4 of this measure asserts that Israel is making every effort to prevent civilian casualties. And while I am a staunch supporter of Israel's right to defend itself, it is disturbing that some sources report that over 300 Lebanese civilians have been killed due to the violence. I hope that Israeli forces truly are making every effort to prevent civilian casualties, as indicated by this measure.

Finally, I want to tell you how deeply saddened I am that recent events have reduced the power of moderates in the region and dimmed prospects for long-term peace. The earlier abduction in Gaza came just as talks among Palestinian officials seemed to be reaching a point that may have allowed Hamas to open negotiations with Israel. And the attacks across the Israeli-Lebanese border will undoubtedly serve to diminish and muffle—now and in the immediate future—the voices of moderation who would otherwise call for peace.

It is my hope—no, my demand—that moderate voices in the international community, including the United States, will promptly work to quell this crisis. Clearly, Madam Speaker, right now we need solutions and not just condemnations.

Mr. WELLER. Madam Speaker, today I rise in strong support for H. Res. 921, condemning the recent attacks against the State of Israel. With this resolution, the United States of America reaffirms its steadfast support for the State of Israel, denounces the use of terrorism as a tool of influence, and condemns those states that encourage its use. Iran and Syria's support for the terrorist organization, Hezbollah, does not go unnoticed. I urge the President of the United States to continue his support for Israel, as it responds to the armed attacks against it, and I support bringing the full force of sanctions: economic, political and diplomatic, against these state-sponsors of terrorism.

Madam Speaker, Israel, as a sovereign nation, has the right to defend itself and protect its citizens by deterring further attacks by the terrorist organization, Hezbollah. Since its founding, Hezbollah has been actively supported by both Syria and Iran. These two countries are estimated at providing Hezbollah with $100 million annually in addition to providing regular weapons shipments. These weapons range from rockets, mortars and small arms, to mines, explosives and anti-tank missiles. Hezbollah is by no means an innocent victim in an offensive war. Hezbollah is a terrorist organization, which has put the people of Israel, and the people of Lebanon, in harms way.

The United States of America knows all too well what drives this organization: the taking of innocent life. Before 9/11, Hezbollah single handedly killed more Americans than any other terrorist organization. In 1983, Hezbollah killed 257 Americans when it bombed the U.S. Embassy and U.S. Marine Barracks in Beirut. Between 1982 and 1992, more than 30 Westerners were abducted by this organization, some tortured and killed. In 1996, 19 American servicemen were killed in the bombing of a U.S. military housing facility in Saudi Arabia.

Madam Speaker, this resolution sends an important message: the United States of America will not stand by and silently accept terrorism as a viable option with which to negotiate. Terrorism is not a viable option; it is not an option at all.

The United States must continue to lead in efforts not only to keep a check on the danger presented by Hezbollah and its sponsors, Syria and Iran, but also to help achieve a lasting peace in the Middle East. I join my colleagues from both parties today in support of Israel's right to self-defense and in condemnation of Hezbollah's decision to put the people of Israel and Lebanon in danger. Madam Speaker, thank you for bringing this important resolution to the floor and I urge my colleagues to vote in its favor.

Mr. SESSIONS. Madam Speaker, in recent weeks, radical terrorist organizations have engaged in a number of unprovoked attacks on the State of Israel. I rise today in strong support of Israel's right to defend its citizens and its borders from acts of terrorism.

Most recently, Hezbollah military forces committed an act of war by crossing the border between Lebanon and Israel, attacking and killing several Israeli soldiers and kidnapping two Israeli soldiers. The integrity of the internationally recognized border between Lebanon and Israel must be respected in order for Israel to provide for its security. Hezbollah—a terrorist organization recognized by the U.S. Department of State as a Foreign Terrorist Organization (FTO)—operates with impunity in many areas of southern Lebanon. Lebanon must accept responsibility for and bring an end to military attacks originating from within its territory. Iran and Syria also bear responsibility for the current crisis, because armaments used by Hezbollah have been traced to Iran and transferred through Syria for use by these Hezbollah forces.

This month, Hamas—another organization designated by the State Department as a FTO—also conducted an unprovoked military attack on Israel, killing and kidnapping Israeli soldiers. This military invasion represents a small part of the Palestinian violence emanating from Gaza into Israel. Last August, Israel withdrew every settler and soldier from Gaza in hopes that Palestinians would establish a democratic state capable of living side-by-side in peace with Israel. However, Palestinian terrorists took this historic opportunity to begin systematically firing Kassam rockets at Israeli towns. Over 1,000 have been fired since Israel's total withdrawal from Gaza—and it is important to note that the rockets are fired into territory belonging to Israel before 1967 and universally recognized as being Israeli territory.

Israel has the obligation and the right to defend its citizens against attacks emanating from both Lebanon and Gaza. I support Israel's right to take the appropriate military action necessary to deter future attacks, and hope that Israel's neighbors will take this opportunity to control future terrorism within their own borders.

Mr. KNOLLENBERG. Madam Speaker, I rise today in support of H. Res. 921, a resolution expressing support for the security of the State of Israel.

Over the last few days, it has been hard to turn on the television without seeing disturbing images of the current conflict in the Middle East.

Many of us share serious concerns about future of the Middle East. It seems unfair that this area—which has suffered so much conflict already—now is confronted with yet another period of escalating violence.

The long simmering tension in this region has finally come to a boiling point. The capturing of Israeli soldiers and the attacks on innocent civilians by the terrorist organization Hezbollah is absolutely unacceptable.

The President was correct when he stated that Israel has a right to defend itself against the aggressions by Hezbollah. The U.S. must stand side by side with our friends in the Middle East—especially Israel—as they fight terrorism in and around their borders. Israel must have our support and prayers as they continue to fight against those who murder innocent civilians just to advance their political agenda.

The loss of innocent life in this region over the last few days is heartbreaking. The people of Israel and Lebanon deserve to live in freedom and peace, safe from violence and terror.

Madam Speaker, the source of this current conflict does not lie within Israel or Lebanon. To put it plainly, the violence in the region is rooted in Iran. The support of Hezbollah by Iran in countries like Lebanon only serves to encourage violence, unfairly damage the region's fragile democracies, and undermine the rights of citizens in that region to fair and uncorrupted government.

Iran has created and supported terrorism and continues to funnel money and weapons to Hezbollah and Hamas. In fact, missiles that have targeted Israeli forces over the last few days have been traced to manufacturers in Iran.

It is clear that a nuclear Iran puts the Middle East and all countries around the world in grave peril. Iran has repeatedly defied the international community and has progressed in its development of nuclear capabilities. If Iran continues with its rogue nuclear programs, it will not be long before these weapons fall into

the hands of terrorist organizations such as Hezbollah and Hamas.

If we want to address the future security and stability of the Middle East, the U.S. must work to curb extremism and violent political activism nurtured by the Iranian government. The U.S. and the international community must come together behind a united front and stand with unwavering strength against the Iran's state-sponsored terrorist organizations and activities.

Here at home, it is now more important than ever that we realize that our own safety and security depends on the destruction of terrorism in the Middle East. This isn't just a Middle East problem—the attacks in London, Madrid, Bali, and now India show us that this is world terror. And, as we saw first hand on 9/11, America is not immune to terrorists who seek to destroy freedom and democracy.

Although the conflict in the Middle East can seem distant and unrelated to our daily lives, it is vitally important that we remember our past, present and future is intrinsically linked with this region. As the situation continues to unfold over the next days and weeks, let our thoughts and prayers be for a true and lasting peace in the Middle East.

Madam Speaker, I urge support for H. Res. 921 to show solidarity with Israel in their quest for security and peace, and to show our commitment to defeating terrorism around the globe.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

□ 2240

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 921.

The question was taken.

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

Mr. LANTOS. 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.

ACTION IS OVERDUE ON DRUG PRICING REFORM

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Recently, the United States Senate voted 68–32 to adopt an amendment that would stop the government from seizing safe, effective, affordable medicine imported from Canada. The House passed a responsible bipartisan prescription drug importation bill 3 years ago this month. I was pleased to lead the House Democrats in support of that bill.

We were not able to get it sent to the President's desk for only one reason: Senate Majority Leader FRIST never brought it to the Senate floor. His own Republican Caucus never demanded a vote. They never stood up. They never demanded action to break the drug industry stranglehold on the American market. They never demanded an end to the multibillion-dollar annual tax of skyrocketing drug prices it imposed on American business, and it imposed on American families.

At long last, the other body has begun to act. That vote should be the start, not the end, of this effort. I challenge the Republican leadership in both Chambers to give us an open debate, an honest vote on comprehensive drug importation legislation, before the anniversary of the House bill's passage 3 years ago. Three years is long enough to wait for independence from the drug industry.

ENERGY INDUSTRY OCCUPANCY PROTECTION ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, today I introduced the Energy Industry Occupancy Protection Act of 2006. Tomorrow in the House Judiciary Committee we will hold a hearing. We will have the opportunity to listen to a victim, victims who have been forgotten, victims who were engaged in America's warfare protecting America in the 1940s and 1950s, when they worked around nuclear radioactive material, and were not told by the contractors that they, in fact, were subjecting themselves to radioactive impact.

These families, these individuals, some of whom lost their lives, were never compensated. I know America can do better. Tomorrow in front of our committee, the Judiciary Committee, Immigration Claims Committee, we will have an opportunity to lay the record to establish that this government must respond to those brave Americans who stood on the front lines, providing the resources for our warriors in World War II and the Korean War, and yet were never compensated for their illness.

I do hope my colleagues will join me in cosponsoring this legislation, pushing it quickly through the committee, through the committee, and ensuring that Americans are protected against this devastating impact of working on behalf of Americans and fighting on the front lines by engaging and providing nuclear materials for the wars that we were engaged in.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

OMAN TRADE DEAL COMPROMISES SECURITY OF U.S. PORTS

Mr. BROWN of Ohio. Madam Speaker, I ask unanimous consent to go out of place and replace Congressman MILLER.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. BROWN of Ohio. Only a couple of weeks ago, during the same week when the Senate rejected an increase in the minimum wage, meaning that for 10 years there has not been a minimum wage increase in this country, but there have been six congressional pay raises, that same week the United States Senate voted to approve a free trade agreement with Oman.

This agreement compromises port security, just what the Bush administration had been prepared to do earlier this year, with the Dubai Ports World case. You see, the Oman FTA, Free Trade Agreement, includes provisions allowing companies from Oman to take over land, so-called land-side port operations, operating the piers, loading and unloading cargo, exactly the sorts of things Dubai Ports World had sought to do.

In the case of Dubai Ports World, concerned legislators on both sides of the aisle, Republicans and Democrats, demanded that the Bush administration back down, demanded that the administration block the deal, and ultimately the foreign company gave up. But the Oman Free Trade Agreement would weaken our ability to protect port security and actually allow it to back-door its way into this country.

If we tried to block an Omani company's control over critical port infrastructure, the Omani Government could sue us, could sue the United States for violating this trade agreement, and that case would not be heard by a U.S. court with judges confirmed by U.S.-elected officials and charged with balancing the needs of trade and the imperative security under U.S. law. It would instead be heard by an unelected, unaccountable, international tribunal whose mission is trade promotion, not security enhancement.

If we lost, the foreign ports takeover would go ahead, despite our security

concerns, or we would face retaliatory sanctions. Even if we won, we would have spent, as a country, as taxpayers, millions and millions of taxpayer dollars, fighting in a foreign court for the right to protect our most basic security.

Worse yet, the agreement opens U.S. security decisions to suits not only from the Omani Government, but also from companies located in Oman. That means not only actually companies actually headquartered in Oman, but any companies with a branch in Oman.

For example, an Iranian company, we heard a lot about Iran tonight, an Iranian company with a branch in Oman might be able to sue us if we continue to block its efforts in a U.S. port. There is reason to be concerned about the Irani-Oman connection. Iran recently spent $45 million to expand a port with the objective of increasing trade with Iran.

We need to reject not only the Oman FTA, but the whole fundamentally flawed trade model, a model that puts the economic interests of multinational corporations ahead of the security interests of the American people. Imagine again what can happen. Dubai Ports World locates an office in Oman. We pass this trade agreement.

Oman then allows, and under the free trade agreement, Dubai Ports World could actually run a port in Baltimore, a port in New York. That company then, running the Baltimore port, allows cargo into the Baltimore port.

That cargo comes across I–70 to Bellaire and Zanesville and Columbus and Springfield and Dayton, or it comes down the Saint Lawrence Seaway through Ashtabula and Cleveland and Toledo, or it comes down the Ohio River to Steubenville and Marietta and Gallipolis and Cincinnati.

□ 2250

I have introduced legislation, H.R. 4812, to ensure that trade agreements do not undermine homeland security. My bill requires security reviews of trade agreements as soon as negotiations begin, then another round of reviews when the agreement's concluded.

Unlike the Dubai Ports World and the Oman Free Trade Agreement, this bill keeps Congress in the loop all the way. It creates a special security watchdog commission to make sure Congress has an independent voice on security issues. It is absurd that the Federal Government makes American citizens take off our shoes at the airport but refuses to conduct security reviews of multibillion-dollar trade deals.

We need to take our heads out of the sand. We need to reject the Oman Free Trade Agreement and its dangerous ports language. We need to insist on a responsible policy to ensure that trade agreements strengthen, not weaken, our national security.

The SPEAKER pro tempore (Miss MCMORRIS). Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

32ND ANNIVERSARY OF TURKISH INVASION OF CYPRUS

Mr. PALLONE. Madam Speaker, I ask unanimous consent to take the time of Mr. EMANUEL.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. PALLONE. Madam Speaker, this week people all around the world are hearing about the small island of Cyprus. Today, Cyprus is serving as a safe haven for thousands of Americans and others who have fled the violence of the Middle East.

I would suspect, however, that most people around the world do not know that tomorrow Cyprus marks the 32nd anniversary of a very dark day in its history. That is the day Turkey illegally invaded the northern third of Cyprus. At a time when Cypriots are inviting thousands of people to their island as a way to leave behind violence, the actual island itself remains divided.

I commend the Cypriot government for its effective work in coordinating evacuation efforts with both the U.S. Government and the world community. According to a State Department official, ''Cypriots have met every helicopter and ship with sandwiches and water and juice. They're just being fantastic.'' And this is nothing new, Madam Speaker. Cyprus has always been a strong ally of the United States.

I hope Cyprus' actions of the last week will help the Bush administration reevaluate its relationship with the island Nation, a relationship that has cooled over the last couple of years.

Until 2 years ago, both Democratic and Republican administrations consistently condemned the Turkish government for this illegal occupation and pressured the government to come to the negotiating table in an attempt to finally reunite Cyprus.

Past administrations understood that the invading Nation of Turkey was to blame for the division and should, therefore, be punished accordingly. As a result, past administrations specifically forbid trade with the illegal government of the occupied north. Our government also prohibited directly flights into the occupied north. As long as Turkey continued its intransigence and refused to leave Cyprus, U.S. administrations correctly believed that they should not be rewarded.

While this has been consistent U.S. policy, I am deeply concerned that over the past 2 years we have witnessed a blatant shift in Cyprus policy from the Bush administration, specifically from Secretary of State Condoleezza Rice.

The U.S. State Department and Secretary Rice seem much more interested in rewarding those who illegally occupied the northern third of the Nation back in 1974 than actually reunifying the island.

Over the past year, our State Department decided to allow Americans to fly into the occupied north, in direct violation of international law and the law of the Republic of Cyprus. Last year, I joined many of my colleagues from the Congressional Hellenic Caucus in sending a letter expressing our deep concern regarding the legality of these flights.

In response, the State Department said that it was encouraging the elimination of unnecessary restrictions and barriers that isolate and impede the economic development of the Turkish Cypriot community.

Unfortunately, it did not end there. The State Department agreed to resume trade with the occupied north, a direct violation of both domestic law in law Cyprus and international law.

Madam Speaker, I am deeply concerned that the State Department's new policy towards the government and the people of the occupied north will only delay reunification of the entire island. If the U.S. allows direct trade through routes in the north, what incentive do the illegal occupiers have to make any concessions?

It is as if the State Department had completely for gotten who is responsible for the division of Cyprus in the first place. I have repeatedly encouraged Secretary Rice to take a historic look at the Cyprus problem over the past 32 years.

Madam Speaker, I hope that the Bush administration remembers how helpful both the Cyprus government and the people of Cyprus have been over the last week. It is time that we return to the fair-minded policies enacted prior to 2005 so that we can finally bring about real negotiations that will finally reunify Cyprus. The 32 years of occupation must come to an end.

And so as we recognize this dark anniversary, I hope that the Bush administration rewards the actions of Cyprus over this last week by returning to the policies of the past. They were the right policies then, and they would be the best policies now to foster an environment to end this division of Cyprus.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear

hereafter in the Extensions of Remarks.)

AMERICANS STRANDED AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, I spoke of this earlier in the discussion of the resolution regarding the statement on Israel, but I think as a member of the Homeland Security Committee and having experienced just almost a year ago the watching of Americans in the gulf region, Louisiana, Alabama and Mississippi remain stranded for days upon days, as confusion continued in how to evacuate Americans who looked to the Federal Government as their umbrella on a rainy day, the images of Americans sitting on rooftops, floating in water, and the terrible stories that were told as many of them were evacuated to Houston is still very, very strong and very, very potent in our minds.

It bothers me that we stand here again watching the newsreels report over and over again of the 25,000 stranded Americans in Lebanon. The seemingly slow process of reaching those particular citizens, families, children, who are looking for relief from the Federal Government.

I think it is imperative that there be some briefing of the United States Congress immediately to detail how we can swiftly move up the throngs of Americans who are begging to be able to come home. It simply seems untenable that we do not have the resources necessary to evacuate our citizens more quickly than it has been done.

Many of them are in need of medical care, many of them with young families, and the stories are just heartbreaking. Children who are left on the pier. The 11-year-old girl who watched a ship go off and ultimately had to be redirected to a ship in the morning.

There is a conflict, there is a violent conflict going on. American lives are in jeopardy, and this administration needs to provide to the United States Congress their detailed plan of how they will evacuate Americans. We have their loved ones in our districts. They are pained to understand why the most powerful Nation in the world cannot even get its citizens out of Lebanon. There is no excuse.

We know the military, although it is stretched in Iraq and elsewhere, is well able to take orders and to move quickly, and if it is not the military, then we know that you can capture civilian commercial aircrafts and direct them to be able to secure those who need to get out because of medical emergencies and other needs that would warrant them getting out more swiftly than others.

Mr. President, the United States Senate and this Congress, this House, can do a far better job responding to this crisis while protecting the American people. It is a shame, simple shame that loved ones here in the United States are still facing this crisis without knowing whether their loved ones can be returned home safely and secure.

Hurricane Katrina was a dastardly, devastating experience for this country. In fact, there is no excuse. We cannot defend the incompetence of the departments that were responsible for evacuating those citizens from the gulf coast, a natural disaster. Now we have been at war in conflict and crisis for six, seven, eight days, and there are Americans still stranded in Lebanon. I hope that will be a wake-up call and that we will get a response immediately.

My door is open. My number is available, (202) 225–3816. We want to be of help to those families who are stranded, and we also want to be of help for a resolution of the conflict, of which all of us are looking for an immediate engagement and the opportunity for the U.N. and other bodies to be able to bring a solution to this terrible tragedy.

□ 2300

The SPEAKER pro tempore (Miss MCMORRIS). Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

(Mr. BURGESS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Virginia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. GILCHREST) is recognized for 5 minutes.

(Mr. GILCHREST addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MEEHAN) is recognized for 5 minutes.

(Mr. MEEHAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

(Mr. BILIRAKIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

(Mr. SHAYS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TERRORISTS NO LONGER A THREAT TO THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Michigan (Mr. MCCOTTER) is recognized for half of the time remaining before midnight as the designee of the majority leader.

Mr. MCCOTTER. Madam Speaker, throughout this unsought struggle, which is the world war on terror, our Nation's citizen soldiers have expended their fullest measures of devotion to our defense. The cost of their heroic sacrifices, especially our fallen soldiers' ultimate sacrifices, upon themselves and their loved ones has rightly

been solemnly noted on the floor of this, the people's House.

The success of their heroic sacrifices in protecting our families and freedoms, however, has yet to be fully enunciated and honored, for as the men and women of the United States Armed Forces themselves, and their loved ones, have expressed to myself and my colleagues, their sacrifices have not been in vain.

Thus, tonight my colleagues and I will endeavor to emphasize but a portion of our noble military's and our Homeland Security personnel's victories in defending our lives and our liberties from our evil terrorist enemies.

To commence, I yield such time as he may consume to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mohammed Atef aka Abu Hafs Al-Masri, no longer a threat to the United States.

Ahmed Homood Al-Khaldi, no longer a threat to the United States.

Mohammed Abdul Fattah Mohammed Kiram, no longer a threat to the United States.

Hanan Abdullah Raqib, no longer a threat to the United States.

Hassan bin Hamid Hazimi, no longer a threat to the United States.

Ali Kudhair Fahd Al-Khudhair, no longer a threat to the United States.

Ali Al-Khudair, no longer a threat to the United States.

Al-Iyadiyah Ahmed Mohammed Al-Sayyad, no longer a threat to the United States.

Hisham Mubarak Al-Hakami, no longer a threat to the United States. Hani Al-Sayegh, no longer a threat to the United States.

Abdul Monim Ali Mahfouz Al-Ghamdi, no longer a threat to the United States.

Zubayr al-Rimi, no longer a threat to the United States.

Khalid Jehani, no longer a threat to the United States.

Badr Al Sobeii, no longer a threat to the United States.

Ghaidah Ahmed Mohamed Souidah, no longer a threat to the United States.

Fayez bin Awad Juhaini, no longer a threat to the United States.

Abdul Wahab Adel Abdul Wahab Al Sheridah, no longer a threat to the United States.

Qasim al-Raimi aka Qasim al-Taizi, no longer a threat to the United States.

Ali Abd al-Rahman al-Faqasi al-Ghamdi, no longer a threat to the United States.

Abdullah Ibn Ibrahim Ibn Abdullah Al-Shabrami, no longer a threat to the United States.

Eid bin Dakhil Allah Juhaini, no longer a threat to the United States.

Khaled Ahmed Mohammed bin Sanan, no longer a threat to the United States.

Muhammad Atef, no longer a threat to the United States.

Narseal Batiste, no longer a threat to the United States.

Stanley Grant Phanor, no longer a threat to the United States.

Mohammed Ajmal Khan, no longer a threat to the United States.

Saif al-Adel, no longer a threat to the United States.

Major Khalid Hmood, no longer a threat to the United States.

Safwan al-Hasham, no longer a threat to the United States.

Saif Alwahid, no longer a threat to the United States.

Yasser al-Jaziri, no longer a threat to the United States.

Mohammd Salah, no longer a threat to the United States.

Sheikh Ibn al-Liby, no longer a threat to the United States.

Mohammed Omar Abdel Rahman, no longer a threat to the United States.

Aso Hawleri, no longer a threat to the United States.

Omar Hadid, no longer a threat to the United States.

Ali Wali aka Abbas bin Farnas bin Qafqa, no longer a threat to the United States.

Hassan Ibrahim Farhan, no longer a threat to the United States.

Abd al-Tahki al-Nissani, no longer a threat to the United States.

Abdullah al-Janabi, no longer a threat to the United States.

Umar Baziyani, no longer a threat to the United States.

Abu Waleed Saudi, no longer a threat to the United States.

Faraj Ahmad Najmuddin aka Mullah Krekar, no longer a threat to the United States.

Muhammed Hila Hammed al-Ubaydi aka Abu Ayman, no longer a threat to the United States.

Nayef Abbas al-Zubaydi aka Abu Moawiy, no longer a threat to the United States.

Abu Tallah, no longer a threat to the United States.

Shahab Ahmed, no longer a threat to the United States.

Abu Abdallah Suri, no longer a threat to the United States.

Mo'ayed Ahmed Yassin aka Abu Ahmed, no longer a threat to the United States.

Abu Mohammad Hamza, no longer a threat to the United States.

Abu Zubayr, no longer a threat to the United States.

Muhammad Khalid, no longer a threat to the United States.

□ 2310

Ridha Baziyani aka Fadil al-Kurdi, no longer a threat to the United States.

Mr. MCCOTTER. Reclaiming my time, Madam Speaker, I wish to yield to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Madam Speaker, I thank the gentleman.

Omar Rahman, no longer a threat to the United States.

Syed Adnan Shah, no longer a threat to the United States.

Amjad Hussain Farooqi, no longer a threat to the United States.

Osama Nazir, no longer a threat to the United States.

Yousaf bin Yousaf, no longer a threat to the United States.

Wahid Khan, no longer a threat to the United States.

Mohammed Omar Abdel Rahman, no longer a threat to the United States.

Shamshad Khan, no longer a threat to the United States.

Mohammed Shafique, no longer a threat to the United States.

Mohammad Hassan, no longer a threat to the United States.

Khalid Ansari, no longer a threat to the United States.

Mian Abdul Mannan Samejo, no longer a threat to the United States.

Mullah Abdul Jalal, no longer a threat to the United States.

Nek Mohammed, no longer a threat to the United States.

Mullah Dost Mohammad, no longer a threat to the United States.

Mullah Abdul Razaq, no longer a threat to the United States.

General Abdul Qadeer, no longer a threat to the United States.

Maulavi Abdul Razaq, no longer a threat to the United States.

Qari Ahmadulla, no longer a threat to the United States.

Mullah Fazel M. Mazloom, no longer a threat to the United States.

Hazrat Ali, no longer a threat to the United States.

Mullah Angar, no longer a threat to the United States.

Sattar Sadozai, no longer a threat to the United States.

Mullah Badar, no longer a threat to the United States.

Mullah Abdul Salam Zaeef, no longer a threat to the United States.

Abdul Kabir, no longer a threat to the United States.

Maulavi S. Ahmed Shahid Khel, no longer a threat to the United States.

Reza Khan, no longer a threat to the United States.

Toor Mullah Naqibullah Khan, no longer a threat to the United States.

Abdul Razzak, no longer a threat to the United States.

Maulavi Qalamuddin, no longer a threat to the United States.

Hilmi Tugluoglu, no longer a threat to the United States.

Zahir Salaamah, no longer a threat to the United States.

Ziyad Dabdoob, no longer a threat to the United States.

Khalid al-Haajji, no longer a threat to the United States.

Hilal Altah, no longer a threat to the United States.

Imad ad-Deen an-Naqib, no longer a threat to the United States.

Jamil Dawud, no longer a threat to the United States.

Ibrahim Eid, no longer a threat to the United States.

Alauddin Hammad, no longer a threat to the United States.

Fuad Mubarak, no longer a threat to the United States.

Mazin al-Qasir, no longer a threat to the United States.

Mansor Hasnu, no longer a threat to the United States.

Saad bin Laden, no longer a threat to the United States.

Ahmed Zaoui, no longer a threat to the United States.

Qari Saifullah Akhtar, no longer a threat to the United States.

Abd al-Hadi al-Iraqi, no longer a threat to the United States.

Mohammed Mohsen Yahya Zayed, no longer a threat to the United States.

Mr. MCCOTTER. Madam Speaker, reclaiming my time, I wish to yield to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Hazil Mohsen Shalesh, no longer a threat to the United States.

Amir Saleh Ismael, no longer a threat to the United States.

Moayad Ahmed Yasseen, no longer a threat to the United States.

Hamdi Tantawi, no longer a threat to the United States.

Majid Abdul Hameed Kazim, no longer a threat to the United States.

Ahmed Qumra Isaa, no longer a threat to the United States.

Arkan Jawad Jari, no longer a threat to the United States.

Abdul Aziz Sa'dun Ahmed Hamduni aka Abu Ahmed, no longer a threat to the United States.

Ammar Abu Bara, no longer a threat to the United States.

Muthana Kahdum Al Madawwere, no longer a threat to the United States.

Omar Sayel, no longer a threat to the United States.

Yasser Fathi Ibrahim, no longer a threat to the United States.

Muawiyah Muhanna, no longer a threat to the United States.

Ahmed Mohammed Ali Ayed, no longer a threat to the United States.

Jamil Mohammed Kutkut, no longer a threat to the United States.

Ibrahim Ahmed Abdel Majeed Al Reemy, no longer a threat to the United States.

Thamer Khamis Abdel Aziz Al Khamis, no longer a threat to the United States.

Salem Saad Salem bin Soued, no longer a threat to the United States.

Saud Abdullah Al Jadhii, no longer a threat to the United States.

Harbi Khudair Hamudi, no longer a threat to the United States.

Abed Sattar, no longer a threat to the United States.

Karem Abed Ibrahim, no longer a threat to the United States.

Adel Mujtaba aka Abu Rim, no longer a threat to the United States.

Hazif Sattar, no longer a threat to the United States.

Haidar Abu Bawari, no longer a threat to the United States.

Salah Suleiman Loheibi, no longer a threat to the United States.

Anad Mohammed Qais, no longer a threat to the United States.

Sami Ali Faidy, no longer a threat to the United States.

Abu Omar al-Kurdi, no longer a threat to the United States.

Fares Younis, no longer a threat to the United States.

Sheikh Yusef, no longer a threat to the United States.

Nidal Arabiyat Agha Hamza, no longer a threat to the United States.

Mullah Noor Mohammed, no longer a threat to the United States.

Khalid Shaikh Mohammed, no longer a threat to the United States.

Muhammad Hamza al-Zubadyi, no longer a threat to the United States.

Taha Yasin Ramadan al-Jizrawi, no longer a threat to the United States.

Zuhayr Talib Abd al-Sattar al-Naqib, no longer a threat to the United States.

Maulvi Abdul Ghaffar, no longer a threat to the United States.

Abd al Tawab Mullah Huwaysh, no longer a threat to the United States.

Abu-Musab Al-Zarqawi, no longer a threat to the United States.

□ 2320

Qusay Hussein, no longer a threat to the United States.

Khalid Shaikh Mohammad, no longer a threat to the United States.

Uday Hussein, no longer a threat to the United States.

Saddam Hussein, no longer a threat to the United States.

Abu Zubaydah, no longer a threat to the United States.

Abdel Basset Ali Al-Megrahi, no longer a threat to the United States.

Ali Asad Chandia, no longer a threat to the United States.

Mr. MCCOTTER. Abu Abbas, no longer a threat to the United States.

Atta Kumar, no longer a threat to the United States.

Saifullah alias Gori, no longer a threat to the United States.

Abdullah of Parnot, no longer a threat to the United States.

Burez Begum, no longer a threat to the United States.

Mustaqim, no longer a threat to the United States.

Farouk Hijazi, no longer a threat to the United States.

Nasser Al-Fahd, no longer a threat to the United States.

Mohammad Salim Al-Ghamdi, no longer a threat to the United States.

Tariq Mikhail Aziz, no longer a threat to the United States.

Hassan Ghul, no longer a threat to the United States.

Khala Khadr Al-Salahat, no longer a threat to the United States.

Nayif Shindakh Thamir, no longer a threat to the United States.

Adil Abdallah Mahdi, no longer a threat to the United States.

Humam Abd al-Khaliq Abd al-Ghafur, no longer a threat to the United States.

Ahmad al-Ali, no longer a threat to the United States.

Lt. Colonel Khaled Rajab, no longer a threat to the United States.

Sabawi Ibrahim Hasan al-Tikriti, no longer a threat to the United States.

Abdul Hadi Daghlas aka Abu Taisir, no longer a threat to the United States.

Shihab al-Sab'awi, no longer a threat to the United States.

Mohammed al Harahse, no longer a threat to the United States.

Abdullah al-Shami, no longer a threat to the United States.

Ayoub Hawleri, no longer a threat to the United States.

Abu Saeed, no longer a threat to the United States.

Mohammad Salman Eisa aka Ibrah, no longer a threat to the United States.

Mohammed Sultan, no longer a threat to the United States.

Mo'ayed Ahmed Yassin aka Abu Ahmed, no longer a threat to the United States.

Husam al Yemeni, no longer a threat to the United States.

Abu Abdullah Hasan bin Mahmud, no longer a threat to the United States.

Didar Khalan, no longer a threat to the United States.

Anas Ahmad al-Issa, no longer a threat to the United States.

Mohammed Najm Ibrahim, no longer a threat to the United States.

Abu Zubair al-Haili, no longer a threat to the United States.

Mahmud Hameeda, no longer a threat to the United States.

Isa al-Millly, no longer a threat to the United States.

Kasir al-As'ad, no longer a threat to the United States.

Madam Chairman, I yield to the gentleman from South Carolina, Mr. BARRETT.

Mr. BARRETT of South Carolina. Bassim Mohammad Hazeem, no longer a threat to the United States.

Mahi Shami, no longer a threat to the United States.

Zain Abdallah Salah Khalaf al-Jib aka Abu Karam, no longer a threat to the United States.

Saleh Arugayan Kahlil, no longer a threat to the United States.

Ami Mohammed al-Jafi aka Abu Omar al-Kurdi, no longer a threat to the United States.

Abu al-Hasan, no longer a threat to the United States.

Abd al-Hafiz Shamma, no longer a threat to the United States.

Abdel Karim Sayyid Sulayman, no longer a threat to the United States.

Abd al-Khaliq Hakimi, no longer a threat to the United States.

Abd ar-Rahman as-Suways, no longer a threat to the United States.

Aamir Nawfal, no longer a threat to the United States.

Ihab Dafaa, no longer a threat to the United States.

Jamal Ba Khorsh, no longer a threat to the United States.

Ahmad al-Shinni, no longer a threat to the United States.

Fatha Abdul Rahman, no longer a threat to the United States.

Mohsen Al Fadli, no longer a threat to the United States.

Juma Ibraham, no longer a threat to the United States.

Mohammad al-'Owhali, no longer a threat to the United States.

Mr. MCCOTTER. Reclaiming my time, I yield to the gentlelady from Pennsylvania (Ms. HART).

Ms. HART. Yusus a-Balkhi, no longer a threat to the United States.

Mohammed Saeed Kazim al-Saha, no longer a threat to the United States.

Abd al-Rahim al-Nashiri, no longer a threat to the United States.

Ibrahim Bah, no longer a threat to the United States.

Munib Zahiragic, no longer a threat to the United States.

Qaed Salim Sinan al-Harethi, no longer a threat to the United States.

Tawfiz Attash Khallad, no longer a threat to the United States.

Aziz Nassour, no longer a threat to the United States.

Abdallah Muhammed Rajab Abd al-Rahman, no longer a threat to the United States.

Abu Ubaida, no longer a threat to the United States.

Mamdouh Mahmud Salim, no longer a threat to the United States.

Abu Yasir al-Jaziri, no longer a threat to the United States.

Mosabir Aroochi, no longer a threat to the United States.

Mamoun Darkazanli, no longer a threat to the United States.

Adil al-Jaziri, no longer a threat to the United States.

Ali Ahmed Hamdoosh, no longer a threat to the United States.

Taha Ahmed Kalif, no longer a threat to the United States.

Abdul Rahim Riyadh, no longer a threat to the United States.

Youssef Mustafa Nada, no longer a threat to the United States.

Mr. MCCOTTER. Reclaiming my time, I yield to the gentleman from Texas (Mr. CARTER)

Mr. CARTER. Mulvi Nida Mohammed, no longer a threat to the United States.

Ahmadullah, no longer a threat to the United States.

Khalfan Khamis Mohamed, no longer a threat to the United States.

Ahmed Khalfan Ghailani, no longer a threat to the United States.

Abu Faraj al-Libbi, no longer a threat to the United States.

Patrick Abraham, no longer a threat to the United States.

Mir Aimal Kansi, no longer a threat to the United States.

Mustafa Setmariam Nasar, no longer a threat to the United States.

Jose Padilla, no longer a threat to the United States.

Rotschild Augustine, no longer a threat to the United States.

Naudimar Herrera, no longer a threat to the United States.

Lyglenson Lemorin, no longer a threat to the United States.

□ 2330

Mr. MCCOTTER. Reclaiming my time, Madam Speaker, as the hour is almost upon us.

Madam Speaker, these were but a random portion of the thousands of names which could have been read into the RECORD. But I trust we have proven our point of how honorably and effectively our citizen soldiers and our homeland security personnel have been defending and continue to defend our lives and liberties against our evil terrorist enemy.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Miss MCMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Florida (Mr. MEEK) is recognized for the remaining time before midnight as the designee of the minority leader.

Mr. MEEK of Florida. Madam Speaker, it is an honor to come before the House once again. As you know, the 30-Something Working Group, we come to floor if not every other day, every day, to not only share with the Members but also the American people about many of the issues that we fight for for them here in this U.S. House of Representatives.

I must say that there are a number of things that we can talk about this evening. But I just want to start off, because I know that not only the Democratic leader, but also the entire Democratic Caucus is looking to hopefully put America in a new direction. We want to make sure that we provide the leadership on behalf of all Americans.

As you know, I want to start off tonight, but as you know, we have been sharing it with the Members so that hopefully it will have some sort of lift here in the House. It has not had thus far, but we are willing to provide the leadership, even in the minority, even though the majority is not willing to pick up the philosophy that we are pushing here on behalf of the American people, making sure that we have more affordable health care.

Madam Speaker, this is on housedemocrats.gov. Also lower gas prices to achieve energy independence, which we have our energy plan on housedemocrats.gov. And, Madam Speaker, our innovation plan that has been there for some time, and filed legislation here in the House that has not been heard.

We want to talk about homeland security. We have a Real Security Plan also on that website that is there for the Members. They have to have the will and the desire, Madam Speaker, to be able to take up these plans and these initiatives. And if we were able to work in a bipartisan way, these plans would already be passed, not only in the Appropriations Act, but also here on the floor.

The two other things that I want to mention, as it relates to cutting the cost of college cost. As you know, the cost to go to college has gone up. This Republican-led Congress last not helped in that area. They have not helped the every-day average American to be able to meet the increases that they have been asked to pay.

And also, Madam Speaker, in a new direction for America is making sure that we follow through with fiscal responsibility, pay as we go, not just on a credit card, not just saying because we can give tax cuts to millionaires, and we will just put it off on future generations, or we will go to foreign nations and borrow a record number of dollars.

These nations, Madam Speaker, that I am holding up here, they own a part of the American apple pie, not because of what the American people have done, it is what the Republican Congress has done, and allow these countries to buy our debt because we are not fiscally responsible.

I think it is also important to make sure that we encourage working families, people that are making minimum wage. Madam Speaker, I just want to make this point, then I am going to give it to my friend, Mr. RYAN from Youngstown, Ohio.

As you know, Madam Speaker, we have had, time after time again, three or four occasions in the 109th Congress that we have asked the Republican majority to join us in raising the minimum wage, to make sure that the American workers are able to keep up with the costs of not only living but inflation.

But it has been well said, and Mr. RYAN will point it out with his chart that he has there in a moment, that the Republican Congress is in no way and in no shape ready to give minimum wage workers an increase. Since 1997 they have not had an increase.

But here in the 30-Something Working Group, Madam Speaker, we actually take time to find out the facts, because we want to make sure that we are not telling the American people nor Members of this House something that is inaccurate.

I must say that in 1998, Madam Speaker, Members of Congress received $3,100 in a pay increase. And we are not minimum-wage workers. In 1998, minimum wage workers zero, Mr. RYAN.

In 2000, Members of Congress received a pay increase of $4,600. Guess what? Same year, minimum-wage workers, zero. 2001, Members of Congress received $3,800. Minimum-wage workers, zero. In 2002, Members of Congress received another pay increase, $4,900, almost $5,000 pay increase. Remember we just got one in 2002, I was not a Member yet but it happened. Minimum-wage workers, zero.

2003. Members of Congress, $4,700 pay increase. Just got one last year, getting another one in 2003. Of course, minimum-wage workers, zero. Punch in and punch out every day. They work a 40-hour work week, catch the early bus, trying to raise their children.

Members of Congress, 2004, $3,400 pay increase. Same year, minimum-wage workers, zero, Mr. RYAN, thanks to the Republican majority.

2005, it is great to be in Congress. Too bad every American cannot be and minimum-wage workers cannot be. 2005

Members of Congress, $4,000. Tell you, the Republican majority takes care of their own, and us too. 2005, zero for minimum-wage workers.

Proposed increase for Members of Congress, $3,100, Madam Speaker. And, of course, this year again, 2006, zero for minimum-wage workers.

Mr. RYAN, I think it is important for us to share that, not only with the Members so they will not go home and say, well, you know, I do not quite know what was going on. If you have a family member, which I know many Americans, because there are 7 million Americans that are working in minimum wage, we have middle class workers that are working that are not working for minimum wage, but as long as minimum-wage workers are making $5 and change, the American worker will got get what they deserve.

Madam Speaker, I guess it is okay, and I do not know if I have my chart here, the Republican Congress, Mr. RYAN, and quickly closing on this, I guess it is okay for big oil executives to have a $398 million retirement package and a $2 million tax break. I think that is where the priorities are.

I think also the priorities are making sure that oil companies are able to price-gouge Americans at the same time. We are talking about energy innovation, E–85, for them to not only to sell the old stuff that is keeping it alive and well in the Middle East instead of investing in the midwest, Madam Speaker, and E–85, saying that you cannot use a credit card, a Mobil card, to be able to buy gas, but better yet you can go into the store and buy a carton of cigarettes or 10 gallons of milk, but you cannot get this E–85, because we want to keep you there, and we are not encouraging them to do anything else.

Madam Speaker, I think it is important also to outline, if you are an oil company, you are in good, or if you are a Member of Congress you are in good shape, because you are going to get a pay raise, and we are going to make sure that you are able to make record profits.

As you know, Madam Speaker, and also, Mr. RYAN, almost nightly I read the Washington Post article that talked about the special meeting that took place in the west wing of the White House, in the complex, where oil executives met with Cheney's aides. Guess what? They got a pay raise and also a profit raise.

Look what happened after their 2001 meeting, that Washington Post article, I believe it is on our website, housedemocrats.gov/30something. $34 billion increase for 2002. 2003, $59 billion increase. Mr. RYAN, I think that was a good meeting. In 2004, $84 billion. And in 2005, $113 billion.

You want to know who is on your side, the bottom line is on this side of the aisle, we say we want to take this country in a new direction. We want to make sure that they receive the leadership that they deserve.

Mr. RYAN of Ohio. I appreciate that, because exactly what you are saying fits into the overall economic picture. And there was a great column the other day in the New York Times by Paul Krugman, who kind of outlined, as the statistics finally came in from 2004, we now know how the economic pie was divided in 2004.

So what happened in 2004, which I find very interesting, this is inflation-adjusted income. The top 1 percent in 2004 had a real income increase of 17 percent. And the other 99 percent had an increase of 3 percent.

□ 2340

Basically what we are saying here, is over the past 5 or 6 years, where President Bush is in and the Republican Congress, Senate and House have all been in, the top 1 percent had an income growth of 17 percent on average. They received tax cuts from this administration. They are the same executives that represent the oil companies that get $400 million retirement packages. They are the same representatives on the boards of all the major multinational companies that have been going gangbusters.

When you move the jobs offshore, and you take them to China, and the profits go up, and they just go to a small group, that is the same group that is getting the tax cut. That is the same group that is getting the corporate welfare, on and on and on.

All we are trying to say is raise the minimum wage for the least among us, the 7 million people who need a little bump. For many people, this is irrelevant. I was having lunch today with a guy from Girard, Ohio, who owns a bunch of nursing homes. His people are at $8 or $9 an hour. He says, this has no benefit for me, one way or another. Why not raise it? Why not lift those 7 million people up, because you want to make an incentive for them to work and not create an incentive where they want to go on the government dole.

But if you look at what's happening here, while the top 1 percent had an income growth of 17 percent, while they got corporate welfare in the energy industry to the tune of $17 billion, this is what has been happening here at home.

Minimum wage has gone up 0 percent since 1997; whole milk, 24 percent. This is where the rubber meets the road. This is where you are going to the grocery store, and this is having an effect on you. Bread, up 25 percent; 4-year public college, 77 percent up; health insurance, up 97 percent; and regular gas, up 136 percent.

We have leaders in the Republican Party saying I don't believe in the minimum wage, I am never going to vote for the minimum wage. I am never going to vote for an increase in the minimum wage. I mean, come on, what are you thinking?

We need average Americans to be lifted up. I know, down in Florida, in Ohio, time and time again, we have people who need assistance. I want to make a point that the system right now is cutting against average people.

If you got a couple kids in college, and tuition has doubled in the last 5 years, and you have to take your kids to and from school, and gas is up 136 percent, and you own a small business and you are trying to cover your employees, and health insurance is up 97 percent, you are just an American trying to make ends meet, keep your family together, and hopefully give the next generation an opportunity to have a little bit better off than you had it.

People down here aren't doing anything to be helpful.

Mr. MEEK of Florida. There is another chart behind that chart further that goes into what is happening as it relates to middle-class families.

Mr. RYAN of Ohio. Well, and the best part about this chart is again, really, college tuition up, gas prices up, health care up, this is since President Bush has been in; median household income, down 4 percent. When you have all of these increases, rapidly increasing, and the wages are increased by 4 percent, a terrible problem.

But here is the real problem, President Bush says, America's economy is strong and benefiting all Americans. Come to Youngstown, Ohio, Mr. President. Come to western Pennsylvania. Come to south Florida, come to the Midwest. The economy is not benefiting all Americans, and the President needs to realize that.

You know, I don't want to get into the whole international relations discussion here, because this is our focus, and I don't want to. But I am going to make one comment, because I know you want me to.

This administration has been totally disengaged from average American people, from the international community. This problem we have in the Middle East right now is because this President disengaged the peace process 5 years ago. He has not been engaged.

The number of terrorists are up from what they were in 2000, okay? Up. We have got problems now in Lebanon, Syria, Iran, North Korea, Iraq. We have got insurgency in Iraq, and we are spending $8 billion a month that needs to be going to address these problems, not building roads and bridges, health care centers and hospitals, and schools in Iraq, but building them here in the United States of America and lowering tuition costs.

Mr. MEEK of Florida. Exactly what you are talking about, you say we are not going to talk about international affairs tonight, but you said a couple of words. And I need to say something.

Mr. RYAN of Ohio. Why do you have to always try to one-up me?

Mr. MEEK of Florida. I am not trying to one-up you. I am trying to provide information to the Members of the House and the American people. You know we come in that vein every evening.

I think it is very important that Members of Congress that have the

July 17 edition of Time magazine, it says, ''The end of cowboy democracy: What North Korea, Iran, Iraq, teaches us about limits on going it alone,'' okay? That is what it says, ''going it alone.''

The real issue here, when you open the page, looks like a very worried Commander in Chief. He doesn't look like he is jumping up and down about everything that is great in the world. Because the bottom line is, we have done a lot on our own. It goes on in further detail to talk about how the administration now is trying to reach out to these countries.

But meanwhile, as it relates to this majority rubber-stamp Congress, has allowed the President the ability to do anything and everything that he wants to do. I am so glad my rubber stamp has made it to the floor.

I want to put it here. Because, as you know, we like to make things visible, so that people can understand what is going on here. The reason why we are in the situation that we are in now is the fact that the Republican Congress has rubber-stamped everything that the administration has handed down.

This is not about the Commander in Chief. He is not going to run for election again. But you know what? In this Congress we run every 2 years for election. It doesn't matter if you are a Republican, a Democrat, or an independent, you are an American first. You have to have a problem in what is going on.

How many more indications do we need that the plan that has been set forth from the White House, has been handed to the Congress, and a Republican rubber-stamp Congress on partisan votes have voted for everything that this administration wants.

The American people want this Congress to play the rule constitutionally that it is supposed to play and the checks and balances in making sure that we have adequate oversight and action. I can tell you no other President in the history, I think, of the Republic, has celebrated such a rubberstamp Congress.

Case in point: You want to talk about money? Let us talk about money for a second. Let us talk about commitment. Here is a chart. I pull it out almost every night, because I think it is just so revealing. I think in this time and this place and this moment, tonight, Eastern standard time, a little bit before midnight, 42 Presidents, 224 years. You saw the chart earlier.

I said, foreign nations have bought our debt. Not because of what the American people have done, not because they have misspent. It is because the Republican majority has rubberstamped everything.

Mr. RYAN of Ohio. Republican House, Republican President, Republican Senate. Bottom line.

Mr. MEEK of Florida. Exactly. This is not bottom line that relates to the Republican Party, Democrats, this and that. This has nothing to do with that. It has everything to do with this Republican majority not saying no to the President even once, even if he was on the right track.

Look at the numbers. This was from the U.S. Department of Treasury, this was a Secretary confirmed out of the Republican Senate and appointed by the President of the United States. These numbers are from the Republican Treasury, not the DNC, from the Republican Treasury, the United States Treasury, $1.01 trillion borrowed over 24 years from 1976 to 2000.

President Bush gets elected. Rubberstamp Republican Congress. This is what happens: $1.05 trillion borrowed in 4 years from foreign nations. They have dethroned, I say they, we have to get the Gingrich chart out, because I don't want someone saying I am out of line here, I am only saying what the Republican past Speaker of the House is now saying, because the American spirit will rise above partisan politics at any time. That is why I feel that the American people are going to relook at their vote when it comes down to sending Members back here to the House that is willing to rubber-stamp this administration. I can tell you right now, it is sending us down a road that no one knows, down a tunnel that no one knows if it is sunlight or train.

□ 2350

$1.05 trillion borrowed from foreign Nations. The Republican Congress helped the President do this in 4 years alone. 224-years, Great Depression, World War I, World War II, other conflicts, Korea, you name it, Iraq, I can go on and on and on. There are too many names, hard times in America, challenges in America. They only borrowed $1.01 trillion. This President in 4-years and the Republican Congress has borrowed more than that.

Mr. RYAN, I am going to yield to you in just one second.

This is what Newt Gingrich says. This is the Speaker, Madam Speaker, that brought on this Republican revolution; we are going to turn the country around with the contract for America. This is what he says in Knight Ridder newspapers, Friday, March 31, 2006. They, not my colleagues, my Republican colleagues in the House, my good friends in the House, they.

Mr. RYAN of Ohio. My old friends in the House.

Mr. MEEK of Florida. My old friends in the House. He is saying, ''they,'' so they means, Madam Speaker, that I guess he no longer associates himself and he has not said, oh, I was misquoted. He is standing by this. He continues, ''They are seen by the country as being in charge of a government that can't function.''

Now, I am going the tell you something. If I was in my office now or I picked up the paper and I read that from a former Speaker of the U.S. House of Representatives in my party referring to me as ''they,'' that is why it it is important, Madam Speaker, that we come to the floor in the 30 Something Working Group, and speak with confidence and the facts and with great passion, because we love this country.

The bottom line is, if we were working in a bipartisan way, we could not come to this floor with a straight face saying, well, the Republican majority is working with us and we have shared ideas and issues that we are in right now and the trouble that we are in right now, we are in it because we are in it together. The Republican majority cannot say that. Bipartisanship is only allowed when the majority does so.

What have we said as Democrats? We are going to raise the minimum wage. We are going to implement all of the 9/11 recommendations, and you have a chart that is very revealing here, all of the 9/11 recommendations. We are going to make sure veterans are treated with dignity and respect and they have the health care they deserve.

We also said that we are going to look at these tax cuts to billionaires and make sure the middle class get their fair share. We are going to make sure there is dignity in health care and affordable, and if kids want to go to college, it is not about college kids, it is about those parents who have worked their entire lives to make sure their children and grandchildren have a better opportunity than what we have had.

That is a new direction for America, and we have the will and the desire, Madam Speaker, to stand up to the President and to those that are willing to take us back to the days of deficits as far as the eye can see, and we are working to work and pay as you go to balance the budget.

That is the reason why this rubber stamp, I want to retire this rubber stamp come this January if the American people see fit to say I am not going to vote for the individuals that have got us in this situation; I am going to vote for the folks that are going to adhere to the U.S. Constitution, stand up to the President of the United States and govern on behalf of this country and not just be a rubber stamp. This rubber stamp is, as far as I am concerned, we are going to have a session out in front of the Capitol, and we are going to drop it in the garbage can and burn it because this is not what this country is about.

Democracy is about discourse and balance and accountability to the American people, and it should not be a rubber stamp Congress, and this is exactly what it is because that is what the Republican Congress has brought about.

Mr. RYAN of Ohio. If you just look at what we would do once we get in, just in the first day or two, pass an increase in the minimum wage; reduce college tuition costs, interest on student loans by half for both parents and student loans, cut in half to save people about $5,000. Just those two things alone will

save average American families thousands of dollars. Implement 9/11.

Now, Mr. Gingrich brought up a great point. They are in charge of a government, Madam Speaker, that just cannot function. They do not know how to run government. They have had the opportunity over the past 5 years, and they have been incapable and unable to execute and administer government.

They run it down for years and then they expect it to work. They hire their buddies who know how to run ponies and administer horse shows, but then they cannot execute FEMA, Katrina, Iraq, Medicare, health care, gas prices, college education. They do not know how to administer government.

Everyone likes to say that the Democrats do not know how to administer an immigration policy. Well here's the statistics. From 1993 to 2000, the average number of border patrol agents added per year under Clinton, 642; under Bush, 411. Who is trying to protect the country from illegal immigrants coming into the country? It looks like to me that the Clinton administration did a heck of a lot better job than the Bush administration and the Republican Congress did.

INS fines for immigration enforcement, 1999, under President Clinton, 417 fines for immigration; only three in 2004 under President Bush. Seventy-eight percent fewer completed immigration fraud cases under President Bush. Under Clinton in 1995, fraud cases completed, 6,455; in 2003, under President Bush, 1,389.

It is not about ideology. It is not about what your rhetoric is. It is not about our little cute phrases that you may have and you may have worked on in some little interest group or some little building somewhere in D.C. and you just say the right things and it may sound like you know what you are doing.

These are facts. Gas prices are facts. College tuition numbers, they are facts. Health care costs, those are facts. Prescription drug costs, those are facts. Tax rates on small businesspeople, those are facts.

It is kind of funny because you go back home, you go back to the real world, and you get out from where the Potomac fever is, and you go back home and people are not saying things are going real good for them. But you come down here and our friends, many of them are our good friends, on the other side that stand in the well and they will try to convince everybody how great the economy is going. But when you go back to Ohio or Miami, it is not same.

We know how to do this and we want, Madam Speaker, an opportunity to take back over the House of Representatives that was created by Article I, Section 1 of the United States Constitution. We want an opportunity to govern, to lower tuition costs, increase the minimum wage, implement the 9/11 Commission report, provide for the common good, the common defense, and do it with some commonsense and get the country going in a new direction.

On www.housedemocrats.gov/30Something, all of our charts will be available. This was the 30 Something 2-minute drill today.

Mr. MEEK of Florida. Let me say, I almost feel like a preacher of a Baptist church. I just wish I had time to preach this sermon. I wish I had time. The reason why I am saying that is by the House rules we have to end at 12:00.

I am going to I say this to my good friend Mr. Manatos, we need a chart that talks about what Congress has received since 1998 in pay increases and what the American people have received in the minimum wage. We need a chart that talks about that every year, so Mr. RYAN, when you talk about when folks come to the floor, the majority side talk about how great the economy is, you doggone they come and say it because they have gotten a pay increase every year.

Let me tell you, a lot of us here in Congress, including myself, are financially challenged. We have got to have a house here and a house there and kids and all of the things that goes with it. But do not vote for an increase for yourself and then turn around to someone that is making $5.15 an hour to say that you do not deserve it. Over my dead body. That is what the Republican majority is saying.

So I think it is important. If I had time tonight to carry this point further, I would, but with that, Madam Speaker, we want to thank the Democratic leader for allowing us to have this time. It was an honor to come before the House to address the American people.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GUTIERREZ (at the request of Ms. PELOSI) for today on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

(The following Members (at the request of Ms. HART) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and July 24, 25, and 26.

Mr. MCCOTTER, for 5 minutes, July 20.

Mr. MORAN of Kansas, for 5 minutes, July 24.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today, and July 24, 25, and 26.

Mr. FRANKS of Arizona, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SCOTT of Virginia, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,517.

ENROLLED BILL SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5117. An act to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on July 19, 2006, she presented to the President of the United States, for his approval, the following bills.

H.R. 42. To ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

H.R. 810. To amend the Public Health Service Act to provide for human embryonic stem cell research.

H.R. 2872. To require the Secretary of the Treasury to mint coins in commemoration of Louis Braille.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, July 20, 2006, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8668. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Debenture Interest Payment Changes [Docket No. FR-

4945-F-01] (RIN: 2502-AI41) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8669. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations — Imposition of Special Measure Against VEF Banka, as a Financial Institution of Primary Money Laundering Concern (RIN: 1506-AA82) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8670. A letter from the General Counsel, Federal Housing Finance Board, transmitting the Board's final rule — Data Reporting Requirements for the Federal Home Loan Banks [No. 2006-10] (RIN: 3069-AB28) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8671. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Third-Party Servicing of Indirect Vehicle Loans—received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8672. A letter from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule — Joint Final Rules; Application of the Definition of Narrow-Based Security Index to Debt Securities Indexes and Security Futures on Debt Securities [Release No. 34-54106; File No. S7-07-06] (RIN: 3235-AJ54) received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8673. A communication from the President of the United States, transmitting notification that the national emergency with respect to Liberia is to continue in effect beyond July 22, 2006, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109–125); to the Committee on International Relations and ordered to be printed.

8674. A communication from the President of the United States, transmitting a letter notifying Congress, consistant with the War Powers Resolution, that on July 14,2006, due to the uncertain security situation and the possible threat to American citizens and the American Embassy in Lebanon, Department of Defense assistance has been requested to assist in the departure of American citizens in Lebanon; (H. Doc. No. 109–126); to the Committee on International Relations and ordered to be printed.

8675. A letter from the Rules Administrator, Federal Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Classification and Program Review [BOP-1131-F] (RIN: 1120-AB32) received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8676. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Choptank River, Cambridge, MD [CGD05-06-065] (RIN: 1625-AA08] received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8677. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations: Suncoast Offshore Grand Prix; Gulf of Mexico, Sarasota, FL [CGD 07-06-107] (RIN: 1625-AA08) received July 13, 206, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8678. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Annual Greater Jacksonville Kingfish Tournament; Jacksonville, Florida [CGD07-06-108] (RIN: 1625-AA08) received July 13, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8679. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Georgetown Channel, Potomac River, Washington, DC [CGD05-06-014] (RIN: 1625-AA87) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8680. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation: Beaufort (Gallants) Channel, NC [CGD05-06-047] (RIN: 1625-AA09) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8681. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Pinellas Bayway Structure ''E'' (SR 679) Bridge, Gulf Intracoastal Waterway, mile 113, St. Petersburg Beach, Pinellas County, FL. [CGD07-06-073] (RIN: 1625-AA09) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8682. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Welch Causeway (SR 699) Bridge, Gulf Intracoastal Waterway, mile 122.8, Madeira Beach, Pinellas County, FL [CGD07-06-074] (RIN: 1625-AA09) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8683. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Severn River and College Creek, Annapolis, Maryland [CGD05-06-052] (RIN: 1625-AA87) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8684. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City Fireworks Celebration, Syracuse, NY [CGD09-06-063] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8685. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Village Fireworks, Sodus Point, NY [CGD09-06-052] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8686. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Brewerton Fireworks, Brewerton, NY [CGD09-06-051] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8687. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2006 Fireworks, St. Lawrence River, Clayton, NY [CGD09-06-050] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8688. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mentor Power Boat Race, Lake Erie, Mentor, OH [CGD09-06-060] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8689. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Island Festival Fireworks Display [CGD09-06-049] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8690. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clearwater Harbor, Florida [COTP St. Petersburg 06-104] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8691. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fourth of July Fireworks, Heart Island, Alexandria Bay, NY [CGD09-06-053] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8692. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Seneca River Days, Baldwinsville, NY [CGD09-06-055] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8693. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Fireworks Safety Zone; Shelter Cove, Hilton Head, SC [COTP Charleston 06-110] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8694. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Seneca River Days Fireworks, Baldwinsville, NY [CGD09-06-054] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8695. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Rochester Harbor and Carousel Festival, Rochester, NY [CGD09-06-038] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8696. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Fireworks Safety Zone; Skull Creek, Hilton Head, SC [COTP Charleston 06-112] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8697. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Safety Zone; Cooper River, River Front Park, North Charleston, South Carolina [COTP Charleston 06-113] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8698. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Louis River/Duluth/Interlake Tar Remediation Site, Duluth, MN [CGD09-06-031] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8699. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks, Lower Colorado River, Laughlin, NV [COTP San Diego 06-025] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8700. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clearwater Harbor, FL [COTP St. Petersburg 06-082] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8701. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fort Story, Chesapeake Bay, Virginia Beach, VA [CGD05-06-055] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8702. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Lake Michigan, Milwaukee, WI [CGD09-06-035] (RIN: 1625-AA00) received June 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 925. Resolution providing for consideration of the bill (H.R. 5684) to implement the United States-Oman Free Trade Agreement (Rept. 109–579). Referred to the House Calendar.

Mr. OXLEY: Committee on Financial Services. H.R. 4804. A bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act; with an amendment (Rept. 109–580). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEES

[Omitted from the Record of July 17, 2006]

Pursuant to clause 2 of rule XII the Committee on Energy and Commerce discharged from further consideration. H. Con. Res. 145 referred to the House Calendar.

Pursuant to clause 2 of rule XII the Committee on International Relations discharged from further consideration. H.R. 5337 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BACA:

H.R. 5831. A bill to authorize the Director of the United States Patent and Trademark Office to extend a reissue patent for up to two years if the application for reissue is not processed within 10 years; to the Committee on the Judiciary.

By Mr. GUTKNECHT (for himself, Mr. PETERSON of Minnesota, Mr. THOMPSON of Mississippi, Mr. CLAY, and Mr. AKIN):

H.R. 5832. A bill to establish the National Institute of Food and Agriculture, to provide funding for the support of fundamental agricultural research of the highest quality, and for other purposes; to the Committee on Agriculture.

By Mr. GEORGE MILLER of California:

H.R. 5833. A bill to amend the Elementary and Secondary Education Act of 1965 to improve retention of public elementary and secondary school teachers, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DINGELL (for himself, Mr. WHITFIELD, Mr. GEORGE MILLER of California, Mr. WAXMAN, Mr. MARKEY, Mrs. CAPPS, Mr. RUSH, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. DAVIS of Florida, Ms. BALDWIN, Mr. PALLONE, Mr. ROSS, Mr. GENE GREEN of Texas, Mr. ENGEL, Mr. STUPAK, Mr. WYNN, Ms. DEGETTE, Mr. ALLEN, Ms. SOLIS, Mr. GONZALEZ, Mr. STRICKLAND, Mr. DOYLE, Mr. KILDEE, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. HINOJOSA, Mr. PAYNE, Ms. LEE, Mr. FILNER, Ms. ZOE LOFGREN of California, Ms. WOOLSEY, and Mr. CARDIN):

H.R. 5834. A bill to amend title XIX of the Social Security Act to improve requirements under the Medicaid Program for items and services furnished in or through an educational program or setting to children, including children with developmental, physical, or mental health needs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself, Mr. FILNER, Mr. BILIRAKIS, Mr. EVANS, Mr. STEARNS, Mr. GUTIERREZ, Mr. BURTON of Indiana, Ms. CORRINE BROWN of Florida, Mr. BROWN of South Carolina, Mr. MICHAUD, Mr. MILLER of Florida, Ms. HERSETH, Mr. BOOZMAN, Mr. STRICKLAND, Mr. BRADLEY of New Hampshire, Mr. REYES, Ms. GINNY BROWN-WAITE of Florida, Ms. BERKLEY, Mr. BILBRAY, Mr. SALAZAR, Mr. TOM DAVIS of Virginia, Mr. WAXMAN, Mr. WALSH, Mr. EDWARDS, Mr. DINGELL, and Ms. SCHAKOWSKY):

H.R. 5835. A bill to amend title 38, United States Code, to improve information management within the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio (for himself and Mrs. WILSON of New Mexico):

H.R. 5836. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself and Mr. FRANK of Massachusetts):

H.R. 5837. A bill to amend the Workforce Investment Act of 1998 to provide for a YouthBuild program; to the Committee on Financial Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself, Ms. PRYCE of Ohio, Mr. BUYER, Mr. BRADLEY of New Hampshire, and Ms. CORRINE BROWN of Florida):

H.R. 5838. A bill to amend title 44, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information; to the Committee on Government Reform.

By Mr. HEFLEY:

H.R. 5839. A bill to amend the Federal Election Campaign Act of 1971 to prohibit the establishment of leadership political action committees, and for other purposes; to the Committee on House Administration.

By Ms. JACKSON-LEE of Texas (for herself, Mr. UDALL of Colorado, Mr. STRICKLAND, and Mr. UDALL of New Mexico):

H.R. 5840. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to clarify the roles and responsibilities of the agencies and actors responsible for the administration of such compensation program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PEARCE:

H.R. 5841. A bill to prohibit the Secretary of Homeland Security from paroling into the United States an alien who falls ill while seeking admission at a port of entry or seeks emergency medical assistance by approaching an agent or official of the Department of Homeland Security at or near a border; to the Committee on the Judiciary.

By Mr. PEARCE (for himself, Mr. UDALL of New Mexico, and Mrs. WILSON of New Mexico):

H.R. 5842. A bill to compromise and settle all claims in the case of Pueblo of Isleta v. United States, to restore, improve, and develop the valuable on-reservation land and natural resources of the Pueblo, and for other purposes; to the Committee on Resources.

By Mr. RYAN of Ohio (for himself and Mr. STRICKLAND):

H.R. 5843. A bill to amend the COBRA continuation Act provisions to extend COBRA continuation coverage from 18 months to 36 months, to provide a tax credit for the cost of such coverage, and to reduce the income tax rate reduction for families with incomes of more than a million dollars; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND:

H.R. 5844. A bill to prohibit the importation for sale of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mr. KUCINICH, Mr. BROWN of Ohio, Mrs. JONES of Ohio, Mr. BOEHLERT, and Mr. LATHAM):

H. Con. Res. 449. Concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States; to the Committee on Government Reform.

By Mr. KUCINICH (for himself, Mr. RANGEL, Mr. ABERCROMBIE, Ms. SLAUGHTER, Ms. KAPTUR, Mr. CONYERS, Mr. CLEAVER, Ms. LEE, Ms. WOOLSEY, Mr. GRIJALVA, Mr. FILNER, Mr. STARK, Mr. MCDERMOTT, Mr. HINCHEY, Mr. HONDA, Mr. DAVIS of Illinois, Ms. WATERS, Mr. MORAN of Virginia, Mr. RUSH, Ms. BALDWIN, Ms. KILPATRICK of Michigan, Ms. MCCOLLUM of Minnesota, Ms. SOLIS, and Mr. MEEKS of New York):

H. Con. Res. 450. Concurrent resolution calling upon the President to appeal to all sides in the current crisis in the Middle East for an immediate cessation of violence and to commit United States diplomats to multiparty negotiations with no preconditions; to the Committee on International Relations.

By Mr. NEAL of Massachusetts (for himself, Mr. BOEHLERT, and Mr. CLEAVER):

H. Con. Res. 451. Concurrent resolution honoring John Jordan ''Buck'' O'Neil and urging his induction into the National Baseball Hall of Fame; to the Committee on Government Reform.

By Mr. ISSA:

H. Res. 926. A resolution condemning the kidnapping of Israeli soldiers by Hamas and Hezbollah, affirming the right of Israel to conduct operations to secure the kidnapped soldiers, urging all parties to protect innocent life and civilian infrastructure, and for other purposes; to the Committee on International Relations.

By Mr. INGLIS of South Carolina (for himself, Mr. BROWN of South Carolina, Mr. WILSON of South Carolina, and Mr. BARRETT of South Carolina):

H. Res. 927. A resolution commending William W. Wilkins, Chief Judge of the United States Court of Appeals for the Fourth Circuit, for his commitment and dedication to public service, the judicial system, and the rule of law, as he enters his 25th year of service as a member of the Federal judiciary; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. WILSON of South Carolina, Mr. WELDON of Pennsylvania, and Mr. HALL):

H. Res. 928. A resolution expressing the sense of the House of Representatives that a National Historically Black Colleges and Universities Week should be established; to the Committee on Education and the Workforce.

By Mrs. MUSGRAVE:

H. Res. 929. A resolution to congratulate Fort Collins, Colorado, on being named the best place to live in the United States for 2006; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

383. The SPEAKER presented a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 12 urging American farmers, ranchers, and food producers be enabled to compete freely and trade fairly in foreign markets; to the Committee on Agriculture.

384. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Resolution No. 2001 urging the Congress of the United States to enact a 2007 Farm Bill that is supportive of the specialty crop industry; to the Committee on Agriculture.

385. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 109 memorializing the Congress of the United States to take such actions as are encessary to adopt the Senate Appropriations Committee amendment for fishing industry recovery under the Magnuson-Stevens Fishery Conservation and Management Act to H.R. 4939 making emergency supplemental appropriations for the fiscal year ending September 30, 2006; to the Committee on Appropriations.

386. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 13 urging the Congress of the United States to support legislation that will enhance specified aspects of the ''No Child Left Behind Act''; to the Committee on Education and the Workforce.

387. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 22 supporting the participation of Taiwan in a meaningful and appropriate way in the World Health Organization; to the Committee on International Relations.

388. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 26 recognizing the Basque ETA organization; the governments of the Basque Autonomous Region; Spain, and all parties of Spain and France for their actions to promote and achieve lasting peace in the Basque Homeland; to the Committee on International Relations.

389. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 16 supporting the efforts of Senator Mike Crapo to reform and improve the Endangered Species Act through the enactment of the Collaboration for the Recovery of Endangered Species Act (CRESA), promoting species conservation and preservation within the State of Idaho and the United States; to the Committee on Resources.

390. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 25 encouraging the Congress of the United States to make the nation's Outer Continental Shelf available for energy development in an environmentally responsible manner; to the Committee on Resources.

391. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 235 memorializing the Congress of the United States, specifically Louisiana Senators Mary Landrieu and David Vitter, to take such actions as are necessary to support and vote for the Marriage Protection Amendment presently pending in the United States Senate; to the Committee on the Judiciary.

392. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 101 memorializing the Congress of the United States to provide funding to help states and local communities clean up and address the disastrous effects of clandestine methamphetamine labs; to the Committee on the Judiciary.

393. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Resolution No. 2011 urging the Congress of the United States to permanently repeal the Death Tax, to dissolve United State membership in the United Nations and to remove specific areas relating to faith from the jurisdiction of the United States Supreme Court; to the Committee on the Judiciary.

394. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 23 memorializing the Congress of the United States to take such actions as are necessary to pass the proposed consitutional amendment banning the desecration of the United States flag; to the Committee on the Judiciary.

395. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 107 memorializing the Congress of the United States to take such actions as are necessary to facilitate the construction of a storm surge barrier at Port Fourchon; to the Committee on Transportation and Infrastructure.

396. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 108 memorializing the Congress of the United States to take such actions as are necessary to ensure that any United States Army Corps of Engineer project restoring barrier islands protecting Terrebonne and Timbalier Bays redefine and narrow Whiskey Pass, Little Pass, Wine Island Pass, and Cat Island Pass using hardened material; to the Committee on Transportation and Infrastructure.

397. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 130 memorializing the Congress of the United States to take such actions as are necessary to expedite the Federal Emergency Management Agency's (FEMA) reimbursement process and to make the reimbursement of accrued interest on loans part of its public assistance grants; to the Committee on Transportation and Infrastructure.

398. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 182 memorializing the Congress of the United States to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; to the Committee on Transportation and Infrastructure.

399. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 90 urging and requesting the Social Security Administration to accept a notarized document to suffice as independent verification for evidence of age; to the Committee on Ways and Means.

400. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 212 memorializing the Congress of the United States to take such actions as are necessary to support and establish a free trade agreement between the United States and Taiwan; to the Committee on Ways and Means.

401. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 116 memorializing the Congress of the United States to take such actions as are necessary to formulate a sound energy policy that will provide for the long-term economic and national security need of the United States of America; jointly to the Committees on Energy and Commerce and Ways and Means.

402. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 11 urging the United States Forest Service enter a decision granting a special use permit allowing Idaho Department of Fish and Game to land helicopters in the wilderness for the purpose of monitoring gray wolves; jointly to the Committees on Resources and Agriculture.

403. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 14 demanding that the Federal Lands Recreation Act be repealed and that no recreational fees authorized under the Federal Lands Recreation Enhancement Act be imposed to use federal public land in the state; jointly to the Committees on Resources and Agriculture.

404. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 20 declaring that should the Federal Lands Recreation Enhancement Act be repealed, the authority for permitting outfitters and guides be replaced immediately to allow for operations to continue uninterrupted and special use fee currently assessed by reauthorized under a new authority; jointly to the Committees on Resources and Agriculture.

405. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 21 urging the Congress of the United States to support federal legislation transferring management of National Forest System lands within Idaho to the state of Idaho to be managed for the benefit of rural counties and schools; jointly to the Committees on Resources and Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BRADY of Pennsylvania:

H.R. 5845. A bill for the relief of Zhen Xing Jiang; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania:

H.R. 5846. A bill for the relief of Tian Xiao Zhang; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 115: Mr. LARSON of Connecticut and Mr. KIND.

H.R. 615: Mr. PAYNE.

H.R. 772: Mr. SCHWARZ of Michigan and Ms. DELAURO.

H.R. 790: Mr. DAVIS of Illinois.

H.R. 916: Mr. CALVERT and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1128: Mr. CULBERSON.

H.R. 1227: Mrs. DRAKE and Mr. LIPINSKI.

H.R. 1384: Mr. POMBO and Mr. BROWN of South Carolina.

H.R. 1413: Mr. JACKSON of Illinois and Mr. BAIRD.

H.R. 1471: Mr. MCCOTTER, Mr. CASE, and Mr. ALEXANDER.

H.R. 1578: Mrs. DRAKE, Mr. BONNER, Mr. KENNEDY of Minnesota, and Mrs. CHRISTENSEN.

H.R. 1582: Mr. INSLEE.

H.R. 1632: Mr. GOODLATTE.

H.R. 1634: Mr. GOODE and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1671: Mr. STUPAK.

H.R. 1688: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1704: Mr. CAPUANO.

H.R. 1709: Mr. BOSWELL.

H.R. 1940: Mr. MEEHAN, Mr. GENE GREEN of Texas, Mr. MARKEY, Mr. GONZALEZ, Ms. WASSERMAN SCHULTZ, and Mr. BURGESS.

H.R. 1951: Mr. HOBSON, Mr. MCHUGH, Mr. REICHERT, and Mr. WILSON of South Carolina.

H.R. 2323: Mr. STARK.

H.R. 2328: Mr. MELANCON.

H.R. 2356: Mr. STEARNS, Mr. JEFFERSON, and Mr. MELANCON.

H.R. 2498: Mr. ROSS.

H.R. 2794: Mr. BROWN of Ohio.

H.R. 2808: Mr. MARIO DIAZ-BALART of Florida, Mr. PRICE of North Carolina, Mr. DAVIS of Kentucky, Mr. OSBORNE, Mr. KOLBE, Mr. KELLER, Mr. REICHERT, Mr. BERRY, Ms. PELOSI, Mr. MCINTYRE, Mr. SMITH of Washington, Mr. DUNCAN, Mr. SHERWOOD, Mr. CASE, Mr. BACHUS, Ms. BERKLEY, and Mr. CRAMER.

H.R. 2861: Mr. FERGUSON.

H.R. 2928: Mr. DELAHUNT.

H.R. 2943: Mr. CARNAHAN.

H.R. 3380: Mr. ROTHMAN.

H.R. 3436: Mr. JONES of North Carolina.

H.R. 3476: Mr. INGLIS of South Carolina.

H.R. 3511: Mr. SHAYS.

H.R. 3547: Mr. RUPPERSBERGER and Mr. KILDEE.

H.R. 3628: Mr. BOUCHER.

H.R. 3854: Mrs. MCCARTHY and Mrs. DAVIS of California.

H.R. 3900: Mr. SMITH of Texas.

H.R. 3902: Mr. CARNAHAN.

H.R. 3957: Mr. LUCAS.

H.R. 4022: Mr. SNYDER.

H.R. 4042: Mr. LARSEN of Washington.

H.R. 4236: Mr. LATHAM.

H.R. 4264: Mr. SPRATT.

H.R. 4341: Mrs. DRAKE.

H.R. 4357: Ms. HARRIS and Mr. MCCOTTER.

H.R. 4381: Mr. MCCRERY.

H.R. 4384: Mr. ANDREWS.

H.R. 4479: Mr. FILNER.

H.R. 4480: Ms. GRANGER.

H.R. 4537: Mr. SPRATT.

H.R. 4547: Mr. LATHAM, Mr. SAM JOHNSON of Texas, Mr. NEUGEBAUER, and Mr. CULBERSON.

H.R. 4562: Mr. FOLEY, Mr. BILIRAKIS, Mr. CARTER, Mr. CRENSHAW, and Mr. RAMSTAD.

H.R. 4597: Ms. MCCOLLUM of Minnesota.

H.R. 4800: Mr. GRIJALVA.

H.R. 4830: Mr. SMITH of Texas.

H.R. 4838: Mr. STEARNS.

H.R. 4857: Mr. JONES of North Carolina.

H.R. 4922: Mr. JONES of North Carolina, Mr. FORTUÑO, and Mr. TIERNEY.

H.R. 5005: Mr. POMBO, Mr. CULBERSON, Mr. BROWN of South Carolina, and Mr. RENZI.

H.R. 5011: Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. GONZALEZ, and Mr. ROTHMAN.

H.R. 5013: Mr. FORTENBERRY and Mr. ROHRABACHER.

H.R. 5023: Mr. BOUCHER.

H.R. 5099: Mr. CARNAHAN.

H.R. 5128: Mr. COSTA.

H.R. 5134: Ms. SCHWARTZ of Pennsylvania.

H.R. 5139: Mr. VAN HOLLEN.

H.R. 5166: Mr. GOODLATTE and Mr. HINOJOSA.

H.R. 5185: Mr. GRIJALVA and Ms. SOLIS.

H.R. 5246: Mr. ROTHMAN, Mr. REICHERT, and Mr. SHADEGG.

H.R. 5249: Mr. MCCAUL of Texas and Mr. LEWIS of Kentucky.

H.R. 5280: Mr. ENGEL, Mr. INSLEE, and Mr. LAHOOD.

H.R. 5309: Mr. NEAL of Massachusetts and Mr. ENGLISH of Pennsylvania.

H.R. 5321: Mr. ENGLISH of Pennsylvania.

H.R. 5371: Mr. HOLT.

H.R. 5390: Mr. STARK, Mr. OBERSTAR, Mr. HIGGINS, and Mr. ROTHMAN.

H.R. 5405: Mr. MCCOTTER.

H.R. 5424: Mr. CHOCOLA and Mr. LAHOOD.

H.R. 5452: Mr. WALSH.

H.R. 5491: Mr. KENNEDY of Minnesota.

H.R. 5513: Mr. ROSS and Mr. MCCAUL of Texas.

H.R. 5524: Mr. CASE and Mr. HIGGINS.

H.R. 5555: Mr. ROSS, Mr. WAXMAN, Mr. ENGEL, Mrs. CAPPS, and Mr. ALLEN.

H.R. 5608: Mr. PASTOR and Ms. BORDALLO.

H.R. 5635: Mr. MOLLOHAN.

H.R. 5650: Mr. ROSS.

H.R. 5656: Mr. WELDON of Pennsylvania.

H.R. 5671: Mr. MCINTYRE.

H.R. 5674: Ms. ZOE LOFGREN of California.

H.R. 5682: Mr. KOLBE, Ms. GRANGER, and Mr. MARCHANT.

H.R. 5706: Mr. SENSENBRENNER.

H.R. 5731: Mr. GENE GREEN of Texas, Mr. CAPUANO, Mr. PALLONE, Mr. MEEHAN, and Mr. NADLER.

H.R. 5733: Ms. GINNY BROWN-WAITE of Florida, Mr. CONYERS, Mr. LANTOS, Mr. KENNEDY of Minnesota, Mr. MCNULTY, Mr. PICKERING, Mr. WELDON of Pennsylvania, and Mr. FORTUÑO.

H.R. 5744: Mr. CANTOR.

H.R. 5750: Mr. MCNULTY, Mr. JEFFERSON, and Mr. FARR.

H.R. 5755: Mr. BASS and Mr. RANGEL.

H.R. 5758: Mr. FORTUÑO.

H.R. 5766: Mr. BARRETT of South Carolina, Mr. MCHENRY, Mr. ROHRABACHER, Mr. FEENEY, Mr. FORTENBERRY, Mrs. MYRICK, Mr. KING of Iowa, Mr. COLE of Oklahoma, Mr. PRICE of Georgia, Mr. TERRY, Ms. GRANGER, Mrs. CUBIN, Mr. FORTUÑO, and Mr. HASTINGS of Washington.

H.R. 5771: Mr. EMANUEL, Ms. BERKLEY, Mr. VAN HOLLEN, Mr. ABERCROMBIE, Mr. LANGEVIN, Mrs. CAPPS, Mr. SPRATT, Mr. MCGOVERN, Ms. DELAURO, Mr. HONDA, Mr. ENGEL, Mr. SCHIFF, Mr. COSTA, Mr. MOORE of Kansas, Mr. COOPER, and Mr. GRIJALVA.

H.R. 5772: Mr. MARCHANT and Mr. SAXTON.

H.R. 5784: Ms. WATERS and Ms. WOOLSEY.

H.R. 5785: Mr. PICKERING.

H.R. 5791: Mr. BISHOP of Georgia, Mr. STRICKLAND, Mr. ROSS, and Mr. LEACH.

H.R. 5797: Mr. CROWLEY, Mr. NUNES, and Mr. MCCAUL of Texas.

H.R. 5815: Mr. FORTUÑO.

H.R. 5822: Mr. MCKEON, Mr. EHLERS, Mr. SHAYS, and Mr. FRANKS of Arizona.

H.J. Res. 58: Mr. HASTINGS of Washington.

H.J. Res. 90: Mr. CARNAHAN.

H. Con. Res. 347: Ms. BERKLEY.

H. Con. Res. 384: Mr. CASTLE.

H. Con. Res. 434: Mr. BUTTERFIELD, Mr. PALLONE, Mr. FATTAH, and Mr. BERMAN.

H. Res. 97: Ms. HART.

H. Res. 295: Mr. MANZULLO.

H. Res. 305: Mr. ALLEN.

H. Res. 373: Mr. FARR, Ms. MCKINNEY, and Ms. SCHAKOWSKY.

H. Res. 490: Mr. GUTIERREZ.

H. Res. 852: Mr. MILLER of Florida.

H. Res. 863: Mr. WICKER.

H. Res. 911: Mr. WAXMAN and Mr. MCCAUL of Texas.

H. Res. 912: Mr. MCCOTTER, Mr. PETRI, and Mr. TERRY.

H. Res. 915: Mr. PITTS, Mr. NADLER, Mr. GARY G. MILLER of California, Mr. SPRATT, Mr. PRICE of North Carolina, and Mr. EMANUEL.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3044: Mr. CONYERS.

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PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, SECOND SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God of our hopes, by Your might the mountains are made firm and the roaring seas are still. You have challenged us to ask, to seek, and to knock in order to receive from Your bounty.

So we ask for Your favor upon the Members of this body that they will do Your will. We seek Your wisdom in order to find solutions to challenges that require more than human ingenuity. And we knock on the door of Your sovereignty, believing that in everything that happens, You are working for our good.

Show us how to find Your truth, even in the midst of error. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 1 hour, with the first half of the time being controlled by the majority leader or his designee and the second half of the time controlled by the Democratic leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we have a period of 1 hour for morning business. Following that hour, the Senate will return to the consideration of the Water Resources Development Act. We are considering that bill under a unanimous consent agreement that allows for seven additional amendments. We will finish that bill today, and that will require votes throughout the course of the day. I expect that not all of the debate time will be used on each of the remaining amendments. If we are able to yield back some time today and if some of the amendments don't require rollcall votes, it is possible to finish early this evening. If Senators begin to use all of the time allocated, it will turn into a much later session with votes. In any event, we will finish the bill today.

Tomorrow we have an order to proceed to the Child Custody Protection Act. I am pleased that we are now able to proceed to that bill without any objection, and I hope we can get an agreement to finish that bill in a reasonable period of time as well.

In addition, this week we have some circuit and district court nominations on the Executive Calendar that will require some votes. We will consider those in all likelihood on Thursday.

I thank my colleagues for their assistance. We have had a very good and very productive week, with our debate on stem cell research, including scientific and ethical issues, over the last couple of days.

VIOLENCE IN THE MIDDLE EAST

Mr. FRIST. Mr. President, last week, on the morning of July 12, Hezbollah launched a brazen and unprovoked attack on Israeli soldiers patrolling their side of the border with Lebanon in northern Israel. Hezbollah militants killed seven Israeli soldiers and kidnapped two more in the attack. These two soldiers remain captive, presumably somewhere inside of Lebanon.

This Hezbollah attack followed an earlier attack from the Hamas terrorist groups on June 25. Hamas terrorists entered Israeli territory, attacked an Israeli military base, killed two soldiers, and kidnapped another. CPL Gilad Shalit has yet to be released.

Hezbollah and Hamas are terrorists organizations. They receive military and financial support from terror-sponsoring regimes in Damascus and Tehran, and they refuse to recognize Israel's right to exist. In fact, they call for Israel's destruction.

In June 2000, U.N. Secretary General Kofi Annan deemed Israel in full compliance with Security Council Resolution 425 by completely withdrawing its forces from Lebanon. Yet in the past year alone, Hezbollah has launched at least four separate attacks into Israeli territory using rockets and ground forces. It has blocked implementation of U.N. Security Council Resolution 1559 by refusing to disarm and disband its militia.

Last summer, Israel completely evacuated its forces from the Gaza Strip. Instead of demonstrating a willingness and ability to govern responsibly and improve the lives of the Palestinians living there, Hamas has used Gaza as a base to launch rocket attacks and other assaults on the State of Israel, like the one that led to the capture of Corporal Shalit on June 25.

Let us be clear: Hezbollah and Hamas, with the backing of Syria and Iran, are wholly responsible for the recent outbreak of violence in the Middle East.

While it is important for Israel to proceed carefully, we cannot deny its right to self-defense. Prime Minister Olmert's government has a responsibility to the Israeli people to defend

Israel against terrorist attacks. He has a responsibility to do what he can to prevent similar attacks from occurring in the future.

Israel is an ally—our closest friend in the Middle East. We share its strong commitment to democracy, to the rule of law, and to a peaceful solution to this conflict, a solution that leaves two democratic States, Israel and Palestine, living side by side in peace and security.

Yesterday, the Senate passed a resolution reaffirming its steadfast support for Israel in its fight against these vicious terrorists and other extremists who target Israeli citizens and exploit their own civilian populations as shields.

Hezbollah and Hamas must immediately and unconditionally release the captured Israeli soldiers and cease their rocket attacks against Israel. The state sponsors of these groups in Syria and Iran must be held to account.

Mr. President, I yield the floor.

Mr. ALLARD. Mr. President, may I inquire about the regular order?

The PRESIDENT pro tempore. We are in morning business with the first half of the time of 1 hour under the control of the majority leader or his designee.

Mr. ALLARD. Mr. President, I rise today deeply disturbed after watching the situation in Israel continuing to escalate over the last few days. Israel, over the last 3 years, has acted in a responsible manner and done everything possible, in my view, to reach out to those who desire peace. Unfortunately, there remain those who continue to disregard the Israeli State and refuse to recognize its legitimacy.

Sadly, these terrorist groups such as Hamas and Hezbollah remain committed to their ideology of hatred toward the Jewish people and appear determined to try to bring an end to the State of Israel. As such, I strongly support Israel's response to the unprovoked kidnapping of two Israeli soldiers and the unprecedented rocket bombardment of northern Israel.

The current Israeli action is justified. Action is necessary to stop those who are responsible for these despicable acts of terror. The attempts to defend Israel and rescue its captured soldiers with airstrikes and incursions by Israeli forces are not only appropriate but are absolutely necessary to protect Israeli citizens from future terrorist attacks.

Ultimately, I believe outside actors, such as Syria and Iran, which continue to support terrorist organizations such as Hamas and Hezbollah are the main culprits. These nations have done nothing to promote peace in the region. I believe the United States and the community of nations should put these nations on notice that their support for terrorism is unacceptable and will not be tolerated.

President Bush has likewise called out Syria and Iran for their support of Hezbollah by stating:

> The one way to help heal the Middle East is to address the root causes of the problems there, and the root cause of the problem is Hezbollah and Syria and the Iranian connection.

No one doubts that with the support these nations provide to Hezbollah they could bring an end to the hostilities in the region. Instead, they would rather Hezbollah continue to use innocent citizens as shields while the terrorist organization conducts attacks against a sovereign nation. They need to abide by the already passed United Nations resolution and end support for Hezbollah.

That is why I rise in support of S. Res. 534 condemning Hezbollah and their sponsors, and I also ask to be added as a cosponsor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, our ally, Israel, is entitled to the defense of its land. We as a body should again recognize this act and support Israel's right to self-defense while calling for the Syrians and the Iranians to take responsibility for these open hostilities. They must help immediately to withdraw all terrorist forces from Lebanon and end their support for Hezbollah's action against our allies. We also must ensure that the U.N. Security Council enforces the full implementation of U.N. Security Council Resolution 1559, which in 2004 called for disarming Hezbollah and the removal of all foreign forces from Lebanon. We must use all of the tools at our disposal to discontinue the financial, military, and political support Hezbollah and Hamas receive from these state sponsors of terror.

Of course, during this crisis I would be remiss if I did not mention my grave concern about the loss of innocent life in Israel, Lebanon, and Gaza. During the past week, Hezbollah has continued to fire rockets and mortars into civilian areas, killing multiple Israelis, among others. As much as I believe it is imperative that the United States stand behind Israel in its time of need, we also must provide assistance to those who have been hurt because of this conflict.

It is my strong belief that the United States should do everything in its power to assure Israel's right to exist and right to protect its borders. Israel must be allowed to live without fear within those borders. It is my hope that this conflict will be resolved peacefully in the coming days. The people of Israel have not asked for more than that, and I believe they certainly deserve as much.

Mr. President, I yield the floor.

WORLD SECURITY AND ENERGY

Mr. DEMINT. Mr. President, I have come to the Chamber this morning to talk about energy, an important issue that affects not only our cost of living but our Nation's security. But before I do, I wish to say I was pleased, as my colleague just mentioned, that last night the Senate voted unanimously to recognize the inherent right of our ally, Israel, to defend itself against terrorist aggression. Israel has a responsibility to protect its citizens, just as the United States does, and no nation should have to live under the constant fear of missile attacks or kidnapping.

The recent violence in the Middle East is demonstrating how broad this global war against radical Islamic murderers really is and how much nations such as Iran and Syria are funding these radical extremists. As Israel fights to defend its way of life from Hezbollah and Hamas and other radical Islamic terrorist groups, America will continue to support their efforts to defend their freedom.

As we fight to secure our homeland from future attacks by completing our mission in Iraq and hunting down terrorists around the world, I am proud we took the time last night to recognize Israel's struggle and express our solidarity behind them.

I would like to spend the rest of my time this morning talking about the energy crisis we are facing at home. Americans everywhere are paying the price.

For years, Democrats have complained about high energy prices and blocked the very solutions that would have lowered them and then attempted to blame Republicans for not doing enough.

American businesses, both large and small, are feeling the pinch. Recent estimates show that, since the year 2000, 3.1 million high-wage manufacturing jobs have been eliminated and moved overseas, where energy supplies are plentiful and costs are lower.

American families are struggling to make ends meet. In a recent survey, nearly 80 percent thought the rising cost of energy was hurting our economy and threatening jobs; 90 percent of those polled said that high energy costs were impacting their family budget. Despite having been through the warmest winter on record, heating bills for homes using natural gas went up over 25 percent. Last year, the percentage of credit card bills 30 days or more past due reached the highest level since the American Banking Association began recording this information in 1973. The ABA's chief economist cited high gasoline prices as the major factor.

One letter I received recently from a South Carolinian detailed how his father, who was on a fixed income, was forced to choose between paying for his medicine and putting gas in his car. Another constituent wrote that rising energy costs seriously threatened her family farm, due to the increased cost of vehicle operation, fertilizer, and irrigation.

With all this news, is it any wonder that Americans are discouraged when they see the partisan obstruction coming from Washington Democrats? The American people need answers, not

more obstruction. We recently had good news that Republican tax cuts continue to produce strong economic growth and have helped to create 5.4 million new jobs since 2003. But even as the economy grows and wages rise, family checkbooks still feel the pressure. If you get a $25-a-week raise but you have to spend $50 a week more to fill up your car with gas, you are still $25 worse off than you were when you started. It is no wonder that American's optimism about their economic future has faded as concerns over the cost of living have increased.

There is no quick fix to this dilemma, but there are many things that will work together to secure our economic prosperity. We can address rising health care prices by passing small business health plans to make health insurance more affordable—another item my Democratic colleagues have obstructed this year. We can return more control to patients by ensuring that every American has a health plan that they can own and afford and keep.

We can invest in the flexibility and choice necessary to train the best workforce in the world. It is not going to help to raise the minimum wage a dollar or two. We need to work on maximum wages for Americans by creating more qualified workers.

We can work to increase our natural gas and oil supplies. That will reduce the cost of gas, it will increase America's supply of energy, and encourage conservation. We can reduce the dependence on foreign oil. There is a lot we can do if we can work together in the Congress to pass new energy legislation.

The good news is that Republicans are working, one step at a time, to get these things done. In the next few weeks, the Senate will debate critical legislation to increase America's deep sea exploration in the Gulf of Mexico. This could help, again, to lower energy costs across the Nation. Unfortunately, some Democrats have already threatened to obstruct this important bill that would keep American energy prices competitive and hopefully lower them in the future.

We are still waiting for these same Democrats to offer any immediate solutions on their own. Strong economic growth in America and around the world has greatly increased the demand for already limited supplies of energy. We are now competing with other nations, not just for jobs but for the energy that powers those jobs.

Our energy problems did not occur overnight and they will not be fixed overnight. But if we fail to address rising American energy costs, we will create yet another incentive for businesses to locate overseas and leave American workers behind.

To keep the United States competitive, we must transform our energy policy to meet pressing short-term needs while exploring new alternative solutions to meet long-term needs for abundant, affordable, and emission-free energy. Currently, expensive and time-consuming permitting processes, extensive regulatory burdens, and overly bureaucratic environmental hurdles have made it cheaper to import our oil and natural gas from the Middle East than to use our own domestic resources. This makes no sense. To address the short-term issue of constantly fluctuating energy prices, we must eliminate these Government-imposed regulatory roadblocks in order to increase our energy supply and get these resources to consumers quickly and affordably. We can unshackle American entrepreneurs, the best in the world, and allow them to fully develop our natural resources and still protect our environment.

The long-term policy must focus on creating a diverse energy infrastructure that includes new technologies such as hydrogen, fuel cells, and other alternative forms of energy. Many of these technologies, currently in the early stages of development, have shown great promise and can revolutionize the way we fuel our cars, homes, and businesses.

Energy costs are on the rise and the ball is in the Democrats' court. Republicans have put forth practical solutions, such as the deep sea development that we will be talking about over the next weeks. These will diversify our energy infrastructure and supply affordable, abundant, and environmentally friendly energy, and most important, reduce the cost of living for American families.

I ask my Democratic colleagues to reject their leadership's tired strategy of blocking real solutions and then trying to blame Republicans when the problems don't get solved. Working together, we can bring down the cost of living and improve the quality of life for every American as we reduce the cost of gas and increase America's supply of energy. We can still encourage conservation, while reducing our dependence on foreign oil.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from the great State of Arizona.

Mr. KYL. Mr. President, I thank the majority and minority leaders for setting aside some time today to discuss the situation in the Middle East. While news of Israeli airstrikes and Hezbollah rocket attacks have dominated the airwaves for over a week now, the issue has not been extensively debated on the floor of the Senate. What we have now, today, is an opportunity to stand together as the Senate and send an unequivocal message of support to our Israeli allies in their time of need.

I am speaking about the Senate resolution which was adopted last evening, crafted in a bipartisan way by the majority and minority leaders of the Senate, a resolution which I am proud to cosponsor and which I believe eloquently expresses what I believe to be the true sense of this body and of the American people. It rightly points out that Israel has complied with the relevant Security Council resolutions regarding withdrawal from Lebanon and that, by contrast, Lebanon has failed to follow through on its obligation to disarm Hezbollah. The resolution correctly identifies the nexus of the problem not in Beirut or Gaza but in Tehran and Damascus, where State sponsorship of terrorism has reached new and disturbing levels.

Finally, this resolution encourages continued U.S. support for Israel and renewed international action to end the conflict by eliminating support and freedom of action of Hezbollah. It is, in summary, an important expression by the Senate.

I would like to take a moment now to address some arguments made by some over the years that Americans are too quick to equate our interests with those of Israel. There are recent articles by respected scholars who have argued that the role of the United States should be to push Israel toward an accommodation with these terrorists, the same terrorists bent on her destruction, rather than standing by her as she tries to lay the foundation for a lasting peace.

I think this past week's conflict exposes the utter fallacy of that perspective. Israel is under attack today, not just from Hezbollah and Hamas but from Iran and Syria, the two most active State sponsors of global terrorism. Right now the United States is struggling with these same two countries over their counterproductive roles in Iraq, their WMD programs, and their role in financing and equipping terrorists throughout the world.

The kind of attacks that Israel is enduring today could be visited on the United States or our troops tomorrow. For example, late last week an advanced Israeli warship was hit with an Iranian antiship missile. Despite the high-tech countermeasures on that ship, four sailors are now presumed lost. It is not hard to imagine these very same missiles used against American ships in the future, especially if the Iranians decide to blockade the Strait of Hormuz in response to U.S. pressure over that nuclear program. The attack on that ship can easily be perceived as directed as much against the U.S. Navy as it is against the Israeli Navy.

Those fighting international terrorism are bound at the hip in this conflict. To believe otherwise is the height of foolishness.

William Kristol stated in a editorial yesterday:

> It's our war. For while Syria and Iran are enemies of Israel, they are also enemies of the United States. We have done a poor job of standing up to them and weakening them. They are now testing us more boldly than one would have thought possible a few years ago. Weakness is provocative. We have been too weak, and have allowed ourselves to be perceived as weak.

This conflict, in short, is not just about the interests of the Israeli or Palestinian or Lebanese people. It is

about a broader state-sponsored jihad against Western civilization, a war in which we cannot afford to stumble or waver or appear to be weak. The Senate resolution is a sign that we will not stumble, that we stand by our Israeli allies as they fight on the frontlines of this war against terrorists. That the people of Lebanon have gotten caught in the middle of this war is not simply regrettable, it is criminal. But make no mistake who the perpetrators are: Iran and Syria and the terrorist groups they equip and encourage. This axis of violence cannot be allowed to operate with impunity against the State of Israel.

The solution to this current crisis will not be easy. But the first step was identified by President Bush, in what some have characterized as an overly candid conversation with Tony Blair in Saint Petersburg. Paraphrasing the President, he said the international community must put pressure on Iran and Syria to curb the actions of their terrorist proxy armies.

At the same time, the Government of Lebanon must act swiftly and directly to dismantle the Hezbollah infrastructure that threatens northern Israel. When these processes are in motion and the kidnapped Israeli soldiers have been returned, then is the time to again move toward the end game of this crisis.

Many in the international community have urged restraint on the part of Israel in facing this crisis. They talk about proportionality. I think we can all agree that in international relations, restraint is generally a good thing, but Israeli restraint and forbearance should only be given in response to action on the other side. Israel's response against terrorism cannot be proportionate. It must be effective. Absent action by the international community and the Lebanese Government, restraint will look like weakness to Israel's enemies. And any show of weakness will only bring more bloodthirsty attacks.

This is the experience of the region. This is the history of the region. No sovereign nation would tolerate the type of attacks that Israel has endured, nor would they prioritize restraint above effectiveness in their response.

This is why I come back to the resolution that was passed in the Senate in a bipartisan expression of our support for the State of Israel, our condemnation of this action by terrorists and their State sponsors, and our commitment, as the Government of the United States, to do all we can to see to it that the terrorists are defeated, that the people in the region have an opportunity to live in peace, and that once and for all throughout the world the world can be safe from the threat of those who would attack others and to do so in the most heinous way.

The kind of action that has been taken by these terrorists cannot be justified in any way, shape, or form, and it is altogether fitting for the Senate to have expressed its resolve against this action.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

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

Mr. BROWNBACK. Mr. President, I speak in morning business about the issue that the two prior speakers—the Senator from South Carolina and the Senator from Arizona—spoke about, the Middle East. This is a key time. I hope we continue to stand by Israel very strongly, very resolutely, and recognize what we are experiencing today. We are experiencing a key global war on terrorism, which is the use of terrorist entities sponsored by state sponsors so that there is some sort of deniability by the state sponsor. But, nonetheless, there is real terrorism that is taking place.

There are real threats that are occurring and real attacks that are occurring. There are real responses that are needed.

That is what you have seen Israel doing today. Israel has been attacked. Hezbollah has been launching missiles into Israel, into major cities in Israel. That is what is occurring. Hezbollah is sponsored by the Iranians. Iran is the key sponsor of Hezbollah. Iran is the lead sponsor of terrorism in the world, according to our State Department and, I think, frankly, according to the intelligence entities around the world. They cannot sponsor the terror group and then deny responsibility for it and say they should be left alone and there should be no consequences.

We need to move aggressively against Iran in the United Nations and force the issue on Iran. Here I am talking about economic sanctions and political and diplomatic pressure on the Iranians for their state sponsorship of terrorism.

We are also seeing that in Syria. This body passed the Syrian Accountability Act. I urge the administration to use all tools available toward Syria, which is also a state sponsor of terrorism, in working with Hamas and Hezbollah and other groups in this region.

I get concerned when a lot of people look at it and say Israel shouldn't be doing this or shouldn't respond. Certainly, we want all care to be given in any sort of military response so that innocent civilians are not hurt. We want to urge that sort of restraint, but by the same token, if the United States were attacked by terrorist groups sponsored by other countries operating off foreign soil, the United States would act aggressively and respond. We would not allow this to continue. We would say our citizens are being attacked and we have the right as a sovereign nation to defend our people, as Israel does, and as any nation around the world does.

I hope we view this for what it is—a part of the global war on terrorism. These are terrorist tactics that are being used by terrorist groups, and they have state sponsors behind them.

I wish the situation were different today. I wish we were not here having to talk about the support for Israel in a military engagement in Lebanon. But the facts are what they are. We have to deal with the situation as it is. I believe we should be standing aggressively and firmly with Israel. They are a democratic country in the region. They are a strong ally of the United States. We have worked closely together over many years. They seek peace. They want peace as we want peace. Yet, at some point in time they have to respond to the attacks. That is what they are doing.

I am pleased that this body in a bipartisan fashion has stood with Israel.

ENERGY

Mr. BROWNBACK. Mr. President, the prior speaker from South Carolina talked about energy. We have to engage in energy strategies that pull us off of our addiction to Middle Eastern oil. We have a lot of plants coming on in ethanol production from grain. We need to move that as well—and plant materials and cellulosic alcohol from grain. We can produce about 10 percent of our fuel needs from grain, corn, milo-based ethanol. From the cellulosic material, we can get another 30 percent.

We need a rapid expansion of plants and investment in this field. It is starting to take place. It is very encouraging. The economics are at work, particularly when you are looking at over $70 per barrel of oil. We can produce energy cheaper than $70 a barrel oil and get off the addiction. We need more of our cars running on 85-percent ethanol rather than 10-percent ethanol. We need more plug-in technologies where we have more cars that are using electricity rather than gasoline so we can break the addiction.

This country can do it with our technology and our willingness and with the economics of today. We can do it. And it is a matter of utmost national security to break that addiction. It is time, I believe, that we in this body take up additional energy legislation. It is time we do that.

I thank the Presiding Officer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DEMINT). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I yield back the remainder of our morning business time.

The PRESIDING OFFICER. Without objection, morning business time is yielded back.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WATER RESOURCES DEVELOPMENT ACT OF 2005

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 728, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 728) to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I would like to start off by making a general statement about the amendments we are going to offer, and I assume that time will come off the time of the amendment I will offer, the amendment on independent peer review. Is that correct?

The PRESIDING OFFICER. Without objection, that is the case.

Mr. FEINGOLD. Mr. President, I will make a few remarks, and then I would like to turn to the distinguished ranking member of the committee, my friend, Senator JEFFORDS, for a few remarks. Then after he has talked, I will offer the amendment.

Mr. President, today the Senate will consider two tremendously important amendments to the Water Resources Development Act. Those amendments are the Feingold-McCain-Carper-Lieberman-Jeffords-Collins independent peer review amendment and the McCain-Feingold-Lieberman-Feinstein prioritization amendment.

As many know, I have tried to work for a long time to modernize the Army Corps of Engineers to ensure that this Federal agency is best situated to serve our great Nation. I have worked alongside Senator MCCAIN in these efforts, and I thank him for his dedication to helping me bring attention to the need for congressional leadership to address what many have noted as fundamental problems with the Corps.

I want to be clear about my intentions with the amendments we will offer this morning, as well as our other efforts involving the Corps. We just want to get this agency back on track to serve the interests of all Americans. That is what it is about, period.

As many have noted over the past few days, I have been trying to bring up this issue for quite some time. In fact, I have waited 6 long years to come down to the floor of the Senate to push for meaningful reform of the U.S. Army Corps of Engineers.

Back in 2000, during debate on final passage of the last enacted WRDA, the former chairman of the Environment and Public Works Committee and the current ranking member of the subcommittee of jurisdiction, my friend from Montana, Senator BAUCUS, made a commitment to me to address the issues that plagued the Corps.

At that time I sought to offer an amendment to WRDA 2000 to create an independent peer review process for the Army Corps. In response to my amendment, the bill managers adopted language to authorize the National Academy of Sciences to study peer review. This study has long been complete, and the final recommendation was clear. In a 2002 report—Review Procedures for Water Resources Planning—the National Academy of Sciences recommended creation of a formalized process to independently review costly or controversial Corps projects.

Four years later, and with Corps reform bills in the 106th, 107th, 108th, and 109th Congresses, we are still trying to enact such a mechanism.

I would just like to note that I am pleased to see my friend involved in this issue, particularly given the role he played in 2000. My only hope is, after 6 years of work on this issue, we can go home tonight knowing we did right by the taxpayers, by the citizens of our country who rely on sound Corps projects to protect their families, their property, and the natural systems they want to protect for future generations.

Yes, Corps reform has been a work in progress. In 2001, I introduced a stand-alone bill to modernize the Corps. Later that Congress, I cosponsored a bill with Senator SMITH from New Hampshire, Senator Daschle of South Dakota, Senator ENSIGN of Nevada, and Senator MCCAIN, the senior Senator from Arizona. In March 2004 I introduced another stand-alone Corps reform bill along with Senator Daschle and Senator MCCAIN. Then in the spring of 2005, Senator MCCAIN and I offered another bill detailing the changes we hoped to see in the agency. And, finally, this spring we introduced another stand-alone bill.

What these efforts have been about is restoring credibility and accountability to this Federal agency that has been rocked by scandal, overextended to the tune of a 35-year backlog, and constrained by a gloomy fiscal picture. We can do that today. We can restore credibility and accountability to the Corps by passing the amendments that my friend, the Senator from Arizona, and I will be offering.

Some have said I have an ax to grind with the Corps. That is not true. The reason I am dedicated to improving this embattled agency is that I care about the Corps, and I want it to succeed. My home State of Wisconsin and numerous other States across our country rely on the Corps. From the Great Lakes to the Mississippi, the Corps is involved in providing aid to navigation, environmental restoration, flood control, and many other valuable services.

I want to improve the way this agency operates, so that not only Wisconsinites but all Americans—particularly those who help pay for Corps projects either through their Federal tax dollars or, in many cases, through taxes they pay at a local level as part of a non-Federal cost-sharing arrangement—can rest easy knowing that their flood control projects are not going to fail them, their ecosystem restoration projects are going to protect our environmental treasures, and their navigation projects are based on sound economics and reliable traffic projections.

Much of the work that has gone into reforming the Corps was done before our Nation saw a major U.S. city laid to waste. When Hurricane Katrina rocked New Orleans, none of us imagined the horrors that would ensue. None of us imagined that much of the flooding—much of the flooding—that occurred could have possibly been prevented had some of the reforms we will be discussing today been in place decades ago.

Despite every wish to the contrary, the aftermath of Hurricane Katrina exposed serious problems that this body will be addressing for years to come. Many have stood on this floor and in their States and talked about what must be done to responsibly move forward in a post-Katrina landscape. And many of those discussions have, of course, centered, appropriately, on the Federal Emergency Management Agency.

I am here to say that if you were outraged by FEMA's poor response, like me, then you should be equally outraged by problems with the Corps and the process that has determined where limited Federal resources are spent.

While any hurricane that makes landfall will leave some level of destruction behind, the country has been shocked to learn that there were engineering flaws in the New Orleans levees, and that important information was ignored by the Corps. According to one of the independent reviewers looking into what happened with the levee failures, the causes of the failures ''are firmly founded in organizational and institutional failures that are primarily focused in the Corps of Engineers.''

Now, I had the chance to visit New Orleans a little over a week ago, and I can attest that the sentiment toward the Corps is anything but cordial. There is a lot of anger toward the Corps down there, and we have a responsibility in Congress to address it.

Additionally, following the hurricane, we have faced questions from our constituents about where the Corps was spending its limited budget and why. We have a responsibility to address those legitimate concerns, too.

The Times-Picayune of New Orleans recently said the following:

Efforts to reform the agency, the Corps, are critical for this state [meaning Louisiana, of course] which—after the levee failures during Hurricane Katrina—could serve as the poster child [the poster child] for the Corps' shortcomings.

The best chance for changing the way the Corps operates is through reforms sought by Sens. John McCain and Russ Feingold.

And finally,

Unfortunately, not everyone in Congress is interested in changing the way the Corps does business. The McCain-Feingold amendments face opposition and a rival set of measures by the main authors of the water resources bill, Sens. James Inhofe and Kit Bond. What those Senators offer as reform is meaningless, however . . . Sham reform won't do anything to restore confidence in the Corps and the Congress must do better.

I agree that this body must do better than sham reform. Today Senator MCCAIN and I will be offering amendments that we believe are the minimum changes this body must accept as we look to the future and reflect on the past. I sincerely hope my colleagues will join me in demonstrating that the Senate can respond to over 10 years of Government reports—from the Government Accountability Office, the National Academy of Sciences, and even the Army Inspector General—on the horrific aftermath of Hurricane Katrina and provide the leadership to move the Army Corps into the 21st century.

I want to publicly recognize the EPW Committee chairman and ranking member, Senators INHOFE and JEFFORDS, as well as the Subcommittee on Transportation and Infrastructure chairman and ranking member, Senators BONDS and BAUCUS. Late this spring those offices approached Senator MCCAIN and me and indicated a willingness to talk about some of our interest with respect to the Corps. From those discussions came real compromise on both sides. The result is that the underlying WRDA bill does include significant language to ensure periodic updating of the principles and guidelines that form the foundation of every Corps project but which have not been updated since 1983.

The language also includes a minimum mitigation standard for Corps civil works projects. The Corps' track record on mitigation suggests that the Nation would be better served through the standard described in the underlying bill. As WRDA moves through conference, I look forward to the EPW Committee standing by the language we agreed on and included in the underlying bill in sections 2006 and 2008 so that it is included in any bill that comes out of Congress.

I will now give some of my time on the amendment to my friend, a distinguished leader in this area, the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 4681

Mr. FEINGOLD. Mr. President, before yielding to the Senator from Vermont, I will offer the amendment, if there is no objection. I have an amendment at the desk numbered 4681 regarding independent peer review.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. MCCAIN, Mr. CARPER, Mr. LIEBERMAN, and Ms. COLLINS, proposes an amendment numbered 4681.

Mr. FEINGOLD. I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 4681, AS MODIFIED

Mr. FEINGOLD. Mr. President, I call up a modified version of the amendment which is at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 4681), as modified, is as follows:

Strike section 2007 and insert the following:

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term ''construction activities'' means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term ''project study'' means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel. Panels may be established as early in the planning process as deemed appropriate by the Director of Independent Review, but shall be appointed no later than 90 days before the release for public comment of a draft study subject to review under subsection (c)(1)(A), and not later than 30 days after a determination that review is necessary under subsection (c)(1)(B), (c)(1)(C), or (c)(1)(D).

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105–2–408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review makes a determination that an independent review is necessary to ensure public health, safety, and welfare on any project—

(A) for which the reliability of performance under emergency conditions is critical;

(B) that uses innovative materials or techniques;

(C) for which the project design is lacking in redundancy, or that has a unique construction sequencing or a short or overlapping design construction schedule; or

(D) other than a project described in subparagraphs (A) through (C), as the Director of Independent Review determines to be appropriate.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director of Independent Review shall ensure that these reviews be carried out in a way to protect the public health, safety, and welfare, while not causing unnecessary delays in construction activities.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall—

(A) take into consideration recommendations contained in the report, provide a written explanation of recommendations not adopted, and immediately make the report and explanation available to the public on the Internet; and

(B) submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

Mr. FEINGOLD. I thank the Chair.

I offer this independent peer review amendment on behalf of myself, Senators MCCAIN, CARPER, LIEBERMAN, and COLLINS. As we all know, Senator COLLINS and Senator LIEBERMAN, through their leadership of the Homeland Security and Government Affairs Committee, have done an extensive investigation into all aspects of the aftermath of Hurricane Katrina. I applaud their leadership and am proud they are cosponsoring this amendment, as I think it is a testament to the importance of implementing the changes included in this amendment. Additionally, Senator JEFFORDS has consistently pushed, through his position as ranking member of the Environment and Public Works Committee, for many of the provisions of this amendment. I publicly thank him for all his attention to this matter.

Finally, Senator CARPER has seen the need for an independent peer review amendment through both his Homeland Security Committee membership and his EPW Committee membership, and I appreciate his support in moving this issue forward.

Before I explain exactly what my amendment does, let me take a few minutes to talk about what various Government reports have said about the Corps' study process, as these reports have been the basis of my efforts over the last 6 years.

More than a decade of reports from the National Academy of Sciences, the Government Accountability Office, the U.S. Army inspector general, U.S. Commission on Ocean Policy, and other independent experts have revealed a pattern of stunning flaws in U.S. Army Corps of Engineers project planning and implementation and urged substantial changes to the Corps' project planning process. Most recently, in June of this year, a report entitled ''U.S. Army Corps of Engineers Performance Evaluation of the New Orleans and Southeast Louisiana Hurricane Protection System Draft Final Report on the Interagency Performance Evaluation Task Force'' acknowledged that the New Orleans levees failed catastrophically during Hurricane Katrina because of poor design and flawed construction. In planning the system, the Corps did not take into account poor soil quality and failed to account for the sinking of land which caused sections to be as much as 2 feet lower than other sections.

Breaches in four New Orleans canals were caused by foundation failures that were ''not considered in the original design.'' The system was designed to protect against a relatively low-strength hurricane, and the Corps did not respond to repeated warnings from the National Oceanic and Atmospheric Administration that a stronger hurricane should have been the standard. The Corps also did not reexamine the heights of the levees after it had been warned about significant subsidence.

In discussing this report, the Corps' chief of engineers acknowledged that the agency must change, telling reporters that ''words alone will not restore trust in the Corps.''

Also, in June of this year, a report issued by the American Society of Civil Engineers, ''Project Engineering Peer Review Within the U.S. Army Corps of Engineers,'' recommends that Congress enact legislation to mandate external, independent peer reviews for all major Corps projects that would include reviews of the feasibility report, subsequent design and engineering reports, the project plans, and specifications and construction. Reviews should be carried out by experts who have no connection to the Corps, to the local project sponsor, or to the particular project contract.

In May of this year, we got ''A Nation Still Unprepared,'' a report that resulted from the excellent work of my friend from Maine, Senator SUSAN COLLINS, chair of the Senate Homeland Security and Governmental Affairs Committee, and a cosponsor of our independent peer review amendment, and Senator JOE LIEBERMAN, ranking member of the committee, and another cosponsor of our amendment.

That report recommends independent peer review of levee systems that protect population centers throughout the country. I don't know if Senator COLLINS or Senator LIEBERMAN will have time to elaborate more on the thorough investigation their committee conducted and on their key findings and recommendations, but the report in many ways speaks volumes on its own.

One of the most striking reports, conducted by R.B. Seed in May of this year, ''Investigation of the Performance of the New Orleans Flood Protection Systems and Hurricane Katrina on August 29, 2005, Draft Final Report,'' finds that the catastrophic failure of the New Orleans regional flood protection system was the result of ''engineering lapses, poor judgments, and efforts to reduce costs at the expense of system reliability.'' The Corps failed to design the system with appropriate safety standards, failed to adequately address the complex geology of the region, failed to provide adequate design oversight, and engaged in ''a persistent pattern of attempts to reduce costs of constructed works at the price of corollary reduction in safety and reliability.''

These failings led to the ''single most costly catastrophic failure of an engineered system in history'' that caused the deaths of more than 1,290 people and some $100 to $150 billion in damages to the greater New Orleans area.

I could go on, and I will. I want my colleagues to know what is at stake. In March 2006, the Government Accountability Office testified that ''the Corps' track record of providing reliable information that can be used by decision makers . . . is spotty, at best.'' Four recent Corps studies examined by GAO were ''fraught with errors, mistakes, and miscalculations and used invalid assumptions and outdated data.'' These studies ''did not provide a reasonable basis for decisionmaking.'' The recurring problems ''clearly indicate that the Corps' planning and project management processes cannot ensure that national priorities are appropriately established across the hundreds of civil works projects that are competing for scarce federal resources.'' Problems at the agency are ''systemic in nature and therefore prevalent throughout the Corps' Civil Works portfolio'' so that effectively addressing these issues ''may require a more global and comprehensive revamping of the Corps' planning and project management processes rather than a piecemeal approach.''

I commend to my coleagues this damning testimony before the House Energy and Resources Subcommittee of the Committee on Government Reform by Ann Mittal, Director, Natural Resources and Environment, GAO.

In March of 2006, the American Society of Civil Engineers External Review Panel for the Interagency Performance Evaluation Task Force letter to the Corps' chief of engineers found that decisions made during the original design phase led to the failure of the 17th Street canal floodwall in New Orleans and are representative of ''an overall pattern of engineering judgment inconsistent with that required for critical structures.'' These problems pose ''significant implications for the current and future safety offered by levees, floodwalls and control structures in New Orleans, and perhaps elsewhere.'' The External Review Panel recommends a number of immediate actions to improve Corps planning for ''levees and floodwalls in New Orleans and perhaps everywhere else in the nation,'' including external peer review of the Corps' design process for critical life safety structures.

In September 2005, the GAO issued a report which backs up our call for prioritization. ''Army Corps of Engineers, Improved Planning and Financial Management Should Replace Reliance on Reprogramming Actions to Manage Project Funds'' finds that the Corps' excessive use of reprogramming funds is being used as a substitute for an effective priority-setting system for the civil works program and as a substitute for sound fiscal and project management.

In fiscal years 2003 and 2004, the Corps reprogrammed funds over 7,000 times and moved over $2.1 billion among projects within the investigations and constructions account.

In September 2004, the U.S. Commission on Ocean Policy issued a report, ''An Ocean Blueprint for the 21st Century Final Report of the U.S. Commission on Ocean Policy.'' This report recommends that the National Ocean Council review and recommend changes to the Corps' civil works program to ensure valid, peer-reviewed cost-benefit analyses of coastal projects; provide greater transparency to the public; enforce requirements for mitigating the impacts of coastal projects; and coordinate such projects with broader coastal planning efforts.

The report also recommends that Congress modify its current authorization and funding processes to encourage the Corps to monitor outcomes from past projects and study the cumulative and regional impacts of its activities within coastal watersheds and ecosystems.

In 2004, the National Academy of Sciences issued a slew of reports:

The ''U.S. Army Corps of Engineers Water Resources Planning: A New Opportunity for Service'' recommends modernizing the Corps's authorities, planning approaches, and guidelines to better match contemporary water resources management challenges.

''Adaptive Management for Water Resources Project Planning'' recommends needed changes to ensure effective use of the adaptive management by the Corps for its civil works projects.

''River Basins and Coastal Systems Planning Within the U.S. Army Corps of Engineers'' describes the challenges to water resources planning at the scale of river basins and coastal systems and recommends needed changes to the Corps' current planning practices.

''Analytical Methods and Approaches for Water Resources Planning'' recommends needed changes to the Corps' ''Principles and Guidelines'' in planning guidance policies.

In May 2003, the Pew Oceans Commission's ''America's Living Oceans, Charting a Course for Sea Change, A Report to the Nation, Recommendations for a New Ocean Policy'' recommends enactment of ''substantial reforms'' of the Corps, including legislation to ensure that Corps projects are environmentally and economically sound and reflect national priorities. The Pew report recommends development of uniform standards for Corps participation in shoreline restoration projects and transformation of the Corps over the long term into a strong and reliable force for environmental restoration. The report also recommends that Congress direct the Corps and other Federal agencies to develop a comprehensive floodplain management policy that emphasizes nonstructural control measures.

In May 2002, the GAO found in its report ''Scientific Panel's Assessment of Fish and Wildlife Mitigation Guidance'' that the Corps has proposed no mitigation for almost 70 percent of its projects. And for those few projects where the Corps does perform mitigation, 80 percent of the time it does not carry out the mitigation concurrently with project construction.

In response to language that was included in the WRDA 2000 bill, the National Academy of Sciences, in ''Review Procedures for Water Resources Planning'' issued in 2002, recommends creation of a formalized process to independently review costly or controversial Corps projects. And in one of the most disturbing of the numerous reports on the Corps and the problems endemic in this agency, in November 2000, the Department of the Army Inspector General issued a report entitled ''Investigation of Allegations Against the U.S. Army Corps of Engineers Involving Manipulation of Studies Related to the Upper Mississippi River and Illinois Waterway Navigation Systems.'' Their report found that the Corps deceptively and intentionally manipulated data in an attempt to justify a $1.2 billion expansion of locks on the upper Mississippi River and that the Corps has an institutional bias for constructing costly, large-scale structural projects.

Back in 1999—yes, 7 years ago—the National Academy of Sciences, in their report titled ''New Directions in Water Resources Planning for the U.S. Army Corps of Engineers'' recommends key changes to the Corps' planning process and examines the length of time and cost of Corps studies in comparison with similar studies carried out by the private sector.

Twelve years ago, in June of 1994, the Interagency Floodplain Management Review Committee report, ''Sharing the Challenge: Floodplain Management Into the 21st Century,'' a Report to the Administration Floodplain Management Task Force—often referred to as the Galloway Report after the report's primary author, BG Gerald Galloway—recommends changes to the Nation's water resources policies based on lessons learned from the great Midwest Flood of 1993, including modernizing the Corps' Principles and Guidelines, requiring the Corps to give full consideration to nonstructural flood damage reduction alternatives, requiring periodic reviews of completed Corps projects, adopting floodplain management guidelines that would minimize impacts to floodplains land reduce vulnerabilities to population centers and critical infrastructure, and reinstituting the Water Resources Council to facilitate improvement in Federal water resources planning.

Lastly, but certainly not least, in 1994 that very busy National Academy of Sciences issued yet another scathing report, ''Restoring and Protecting Marine Habitat: The Role of Engineering and Technology,'' which finds, among other things, that the Corps and all Federal agencies with responsibility for marine habitat management should revise their policies and procedures to increase use of restoration technologies; take into account which natural functions can be restored or facilitated; improve coordination concerning marine resources; include environmental and economic benefits derived from nonstrucural measures in benefit/cost ratios of marine habitat projects; and examine the feasibility of improving economic incentives for marine habitat restoration. It has been a long recitation of these reports, but it is an amazing record.

Over 12 years of analysis on how we can improve the Corps of Engineers. During that time, WRDA bills passed in 1996, 1999, and 2000, with the only reform coming in the NAS study I got included in the 2000 bill. That is why today is the day to implement the knowledge we have from all of this expert consideration of the Corps. Today is the day for action.

With that history in mind, let me describe what our independent peer review amendment does: No. 1, it requires independent review of projects that are costly, controversial, or critical to public safety. Under my amendment Corps project planning will be independently reviewed if the project costs more than $40 million, a Governor requests a review, a Federal agency finds the project will have a significant adverse impact, or the Secretary of the Army determines that the project is controversial; No. 2, it ensures truly independent review panels by implementing National Academy of Sciences criteria about who would be eligible to provide expert review; No. 3, if implements the recommendation of the 2002 National Academy of Sciences report on peer review that said that independent reviewers should be given the flexibility to bring important issues to the attention of decisionmakers; No. 4, it includes strict deadlines for reviews. Reviews are subject to a strict timeline that requires independent review panels to complete the review 180 days after being impaneled or 90 days following the close of public comment, whichever provides the most time. This timeline balances the need to not delay the planning process with the need to ensure that the panel will be able to review the full draft study and to consider any relevant public comments; and No. 5, it implements recommendations from the Senate Homeland Security and Government Affairs Committee's Katrina report by requiring review of the more detailed technical design and construction work for Corps flood control projects where failure could jeopardize the public safety.

In a nutshell, that is what the amendment does.

Mr. President, when you have worked on an issue as long as I have worked on Corps reform, you are likely to hear your intentions mischaracterized.

I wish to address at some point today some of the myths out there about what we are trying to do here. At this point, I inquire whether my cosponsor, the Senator from Arizona, is interested in addressing this issue.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, the Senator from Oklahoma wants to speak first.

Mr. INHOFE. Yes, Mr. President, I think the ranking member of the committee would like to make a short statement, and then it would be fine for Senator MCCAIN to go and, after that, Senator BOND.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I rise in support of the Feingold-McCain amendment on the Army Corps of Engineers' independent peer review, which I am proud to cosponsor.

For years, we have heard from a variety of reports about the need for reforming the Corps, reports that Senator FEINGOLD has elaborated on in his statement.

I thank him for his leadership in this issue. In fact, Senator FEINGOLD has been a leader on this issue for many years. Through his efforts, an amendment was included in the last water resources bill in 2000 directing the National Academy of Sciences to undertake a 1-year study on peer review. In the 107th Congress, Senator FEINGOLD introduced a comprehensive Corps reform bill and the Environment and Public Works Committee held a hearing on it.

While development of the bill before the Senate today was a bi-partisan effort, independent reviews, mitigation and planning, and issues considered Corps reform, were not negotiated by the bill's managers.

However, in the previous Congress, the managers were able to reach a compromise agreement on these issues, including peer review, which I offered during committee consideration of this bill, but it did not prevail.

Since committee consideration of the bill, some improvements have been made to the planning provisions of the bill, due to the work of Senator FEINGOLD, and I want to thank him for working with the managers to incorporate those revisions.

I think many believe there should be independent peer review of Corps projects, the debate is over what form that review should take and which projects should be reviewed.

In fact, the Assistant Secretary of the Army, Mr. Woodley, on March 31, 2004, in testimony before the Environment and Public Works Committee stated:

> The concept of requiring a peer review is something that should be addressed. We are supportive of requiring outside independent peer review of certain Corps projects. Peer review, where appropriate, would be a very useful tool and add significant credibility to the Corps project analyses and to our ability to judge the merits of a project.

I think the Feingold-McCain amendment provides the strong, truly independent peer review that is needed to assure that taxpayer dollars are being spent on projects that have had the utmost scrutiny and unbiased review. The Inhofe/Bond amendment does not.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I am pleased to join Senators FEINGOLD, CARPER, LIEBERMAN, and JEFFORDS in sponsoring the amendment. This amendment has been described already by my friend from Wisconsin. I will point out again that it establishes a truly independent system for conducting peer review of certain Army Corps projects.

As my colleagues know, the Corps comes under intense scrutiny by Government watchdog agencies and taxpayer groups, including the Government Accountability Office and the National Academy of Sciences. Investigation after investigation into the Corps' project review practices has revealed serious problems with the quality, objectivity, and credibility of the Corps when reporting on the economic and environmental feasibility of proposed water projects. One GAO report concluded in 2006 that the Corps' planning studies ''were fraught with errors, mistakes, and miscalculations, and used invalid assumptions and outdated data.'' The same GAO report cited several examples of the Corps' failure to properly analyze projects.

These include the Sacramento flood protection project. According to the GAO, the Corps didn't fully analyze likely cost increases for the Sacramento flood protection project or report cost overruns to Congress in a

timely manner. The GAO found that the estimated cost of the project originally totaled about $114 million but increased to about $500 million by 2002. By the time the Corps reported those cost increases to Congress in 2002, it had already spent or planned to spend more than double its original estimated cost.

The Delaware deepening project: The GAO found that the Corps substantially overstated the projected economic benefits of the Delaware River channel-deepening project. Whereas the Corps estimated the benefits to be $40.1 million per year in 1998, the GAO projected only $13.3 million per year. The GAO urged the Corps to reanalyze the project, which later revealed it could be built for $56 million less than the Corps estimated.

The list goes on and on of these projects that have been understated in cost, not properly justified. There is not a proper prioritization.

Regarding the Corps' analysis of the Oregon Inlet jetty project, according to the GAO, the Corps' analysis of the Oregon Inlet jetty project, issued in 2001, failed to ''consider alternatives to the proposed project, used outdated data to estimate benefits to fishing trawlers, and did not account for the effects on smaller fishing vessels.''

In 2005, the Corps adopted guidelines for conducting external reviews of projects. It sounds like a good idea. The current guidelines give the Corps virtually complete discretion to decide what projects should be reviewed from outside the Corps. The so-called peer reviewers themselves are selected by the Corps and in some circumstances can even be Corps employees. According to the American Society of Civil Engineers, Corps officials have identified approximately 25 engineering studies as eligible for outside peer review since the peer review guidelines were enacted over a year ago, but the Corps has not been able to point to any study where an external review was actually carried out.

Clearly, the system needs to be fixed. According to this amendment, Corps studies would be subject to peer review if the project cost more than $40 million, the Governor of an affected State requests a review, a Federal agency with statutory authority to review a project finds that it will have significant adverse impact, or the Secretary of the Army determines that the project is controversial.

This kind of issue hits home pretty much when we have a situation such as the catastrophe in New Orleans.

According to a March 25, 2006, article in the Washington Post:

An organization of civil engineers yesterday questioned the soundness of large portions of New Orleans' levee system, warning that the city's federally designed flood walls were not built to standards stringent enough to protect a large city.

The group faulted the agency responsible for the levees, the Army Corps of Engineers, for adapting safety standards that were ''too close to the margin'' to protect human life. It also called for an urgent reexamination of the entire levee system, saying there are no assurances that the miles of concrete ''I-walls'' in New Orleans will hold up against even a moderate hurricane.

We have just experienced an incredible disaster and, apparently, the Corps of Engineers is not taking the proper measures to repair it.

Corps officials said they had already taken steps to address problems identified in the letter, starting with an effort to replace miles of I-walls with sturdier structures. But agency officials insisted the Corps was not solely to blame for weaknesses in the system.

''We have done the best things we could have done. We live here,'' spokeswoman Susan J. Jackson said. . . .

The American Society of Civil Engineers panel is one of three independent teams investigating the failure of the New Orleans levees, and until now it has been the most cautious in its public criticisms. The other investigating teams quickly endorsed its findings.

''We agree that every single foot of the I-walls is suspect,'' said Ivor van Heerden, leader of a Louisiana-appointed team of engineers. ''When asked, we have constantly urged anyone returning to New Orleans to exercise caution . . .

We are talking about a pretty serious situation here.

On May 14, 2006, an article entitled ''A Flood of Bad Projects,'' was written by Mr. Michael Grunwald who is a Washington Post staff writer. He goes on to say:

In 2000, when I was writing a 50,000-word Washington Post series about dysfunction at the Army Corps of Engineers, I highlighted a $65 million flood control project in Missouri as Exhibit A. Corps documents showed that the project would drain more acres of wetlands than all U.S. developers do in a typical year, but wouldn't stop flooding in the town it was meant to protect. FEMA'S director called it ''a crazy idea''; the Fish and Wildlife Service's regional director called it ''absolutely ridiculous.''

Six years later, the project hasn't changed—except for its cost, which has soared to $112 million.

Remember, Mr. President, originally, it was $65 million.

Larry Prather, chief of legislative management for the Corps, privately described it in a 2002 e-mail as an ''economic dud with huge environmental consequences.'' Another Corps official called it ''a bad project. Period.'' But the Corps still wants to build it.

''Who can take this seriously?'' Prather asked in his e-mail. That's a good thing question to ask about the entire civil works program of the Corps.

It goes on to say:

Somehow, America has concluded that the scandal of Katrina was the government's response to the disaster, not the government's contribution to the disaster. The Corps has eluded the public's outrage—even though a useless Corps shipping canal intensified Katrina's surge,—

Remember that, we have come to the shipping canal intensified Katrina's surge—

even though poorly designed Corps floodwalls collapsed just a few feet from an unnecessary $750 million Corps navigation project, even though the Corps had promoted development in dangerously low-lying New Orleans floodplains and had helped destroy the vast marshes that [surround it.]

There have been many studies and views of what happened in New Orleans. We all know that canal intensified the damage. We all know that the levees were not well built. Some of them, according to other news reports, had already been turned over to the local authorities.

What we are asking for is rather modest. I am going to be astonished at the response of my dear friends from Missouri and Oklahoma about this because basically all this says is that there would be a peer review if a project costs more than $40 million, and if the Governor of an affected State—which seems to be a fairly good Republican principle to me—requests a review that it should be allowed, and a Federal agency with statutory authority to review a project finds that it will have a significant adverse impact or the Secretary of the Army determines that the project is controversial.

The timing of the review is flexible, but the duration is strictly limited in order to not delay the process. Reviewers will be able to consider all the data, facts, and models used.

Finally, the amendment establishes an independent safety assurance review for flood control projects where the public safety could be at risk should the project fail.

By the way, that was recommended in the Senate Homeland Security Committee's report on Hurricane Katrina.

I would think that the Members of this body, knowing the intense criticism that the Corps of Engineers has come under for years and these dramatic cost overruns time after time—I later may submit for the RECORD the very long list of cost overruns that have been incurred due to bad estimates to start with—that we would want to have greater oversight, that we would want to have a peer review system that would only apply to projects over $40 million each and if a Governor of a State requests it.

If I were in the Corps of Engineers, maybe I would like to continue to do business as usual, but I think we showed in New Orleans that we are not talking about just cost overruns. We are not just talking about featherbedding in bureaucracies. We are talking about the lives of our citizens and catastrophes that could take place.

I hope my colleagues will understand that this amendment is meant to try to improve the image of the Corps of Engineers, to give greater confidence to the taxpayers of America that their tax dollars are being wisely spent, and that we will do everything we can to prevent the kind of construction and failing that took place in New Orleans which caused so much damage, including the construction of a canal that aggravated dramatically the disaster that took place.

I might add, it was also the Corps of Engineers' projects which depleted the wetlands which have been the natural barrier to hurricanes for hundreds of years, which are disappearing as we

speak. As we speak, the wetlands south of Louisiana are being eroded on a daily basis.

Mr. President, I thank my colleague from Wisconsin for his involvement in this issue. I hope my colleagues will understand, considering the rather significant shortfalls and shortcomings we have found involved in the Corps of Engineers, that we would want to support an effort for greater accountability and greater transparency and more involvement by local government.

I also remind my colleagues that there are many projects which are on the boards, in planning stages. We will be discussing that when I propose my amendment for a process of prioritization for these projects.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, I ask unanimous consent to add the following cosponsors to the Inhofe-Bond amendment: Senators COCHRAN, DOMENICI, and THUNE.

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

Mr. INHOFE. Mr. President, also, I am going to announce what we are doing. We are going to be considering these two amendments, and after the time has expired for both amendments under the time agreement, then we will actually be voting on them side by side. That will take place and people will have a choice.

I also want to mention that the Senator from Wisconsin and the Senator from Arizona acknowledge that the underlying substitute amendment does improve this situation. I don't think anyone is saying that what we have had in the past is acceptable. It is not acceptable. We are talking about making major changes, and the underlying substitute amendment does that as well as either of the amendments we are considering now.

Before I forget to do this, I wish to repeat something I said a couple of days ago. I thank Senator MCCAIN and Senator FEINGOLD and all the members of our committee for working closely together so that this very significant legislation could come to the floor. I think, regardless of what amendments are adopted, we are going to have a dramatic improvement over the current system.

Speaking of thanking people, I thank Senator BOND. He is the one who has been a driving force in this committee. I yield to him at this time whatever time he wants to consume on our amendment or on the Feingold-McCain amendment.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. I just did.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am very grateful to the chairman of the committee for giving me this opportunity to respond.

I was very pleased that my friend from Arizona finally called attention to the St. John's Bayou-New Madrid floodway project. This is a very important project. I invite the Senator out to see it sometime because this area, a large area of southeast Missouri, was converted to cropland in the early 1900s.

One can argue whether that was a good idea, but for over a century, it has been farmed and farmed successfully. They are not wetlands. There are no wetlands being drained there. This is cropland, and it is farmed. Some of the farming is done by very low economic people. Minority communities are located there. The minority community of Pinhook holds many of the farmers who farm this land.

We have had very compelling testimony before the Environment and Public Works Committee. When the late Jimmy Robbins, one of the leaders of Pinhook, came up and explained that without closing the St. John's Bayou-New Madrid floodway, every time the river comes up, the river floods Pinhook. The entire community is covered in floodwater. They have to get out high-wheel tractors and large farm tractors to ferry their children to school, to ferry them back and forth to work, to take care of their basic needs.

Do we want to subject these people to continued flooding?

My predecessor, Senator Tom Eagleton, back in 1976, proposed bringing relief to the minority communities living in the area that floods when the Mississippi River rises. Guess what. That was a mere 30 years ago because his project had been reviewed, re-reviewed, replanned, challenged, re-reviewed, rereviewed, and the people of Pinhook continued to be flooded.

This is not about draining wetlands. This is a problem of what happens to the people who actually live there.

The purpose of the project is to protect communities, farmlands, and wildlife in a flood-prone area. No wetlands will be drained. The majority of the land has been leveled, improved, irrigated and is not functioning as wetlands habitat but is functioning as farmland.

The Corps has reevaluated operations for fishery habitat for the area and determined that this project still exceeds the 1-to-1 benefit-to-cost ratio. I can tell you it is a whole lot more expensive than it would have been had the project been done in a timely fashion after 1976. That is what happens when you study, when you threaten to bankrupt local communities trying to pay their share. You put the State at great expense to continue these operations.

Yes, we should study, and the amendment that has been proposed by Senator INHOFE and me provides for review to make sure the review is accurate. But to provide the additional bureaucracy, the additional hassle that the Feingold-McCain amendment provides does not in any way assure that the taxpayers will get a better deal, the environment will be better or that the needs of the people in the communities will be better satisfied.

I want to discuss, very briefly, the technical and scientific independent review amendment offered by Senator INHOFE and me and the peer review amendment offered by Senators MCCAIN and FEINGOLD. Although the difference between independent review and independent peer review appears to be semantic and minor, when you look at what is in them, you see the difference. Both proposed amendments address Corps reform and both address external review. Nobody is arguing to say there shouldn't be review, that we shouldn't take a look and see what needs to be done and how it needs to be done better. Everybody can focus on the problems of New Orleans. Well, when you look at the problems of New Orleans, there are many factors that go into account. We are not going to address those here. But you take a look at how money was spent locally that was supposed to be spent on levees, and you take a look at the decisions made along the way that were not well made.

Senator INHOFE and I have offered an amendment which is before us that is going to require an independent review by qualified, interested experts, compiled by the National Academy of Sciences, and the review will occur throughout the entire process. In other words, people such as representatives from the National Academy of Sciences, the IRC, the American Society of Civil Engineers, will be focusing on the project as it is developed. There are many stages in the development of these projects, and they need to be reviewed to make sure the work that is being done by the Corps is being done accurately.

This is a general operation of what happens before you go to a decision to move forward. There is the chief's report; it is referred. There are letters, OSA reviews, the Office of Management and Budget reviews, the Office of Management and Budget has to clear it, the Assistant Secretary of the Army recommends it to Congress, and then Congress approves it. All of these steps—there are about 103 separate steps that have to be followed. So it comes to the Congress as a policymaker to decide whether it is an appropriate policy. But all along that path, we want to have people who are scientifically qualified to make sure that if they are building a levee, they build a levee that will hold as projected. If they are building a lock, they want to make sure it will hold water, that it will be sound, that it will be safe, whether it is a levee or a lock.

As a result of the admission from the Corps that some of the problems existed with the planning and construction of the New Orleans levees, no one—not even the Corps—is denying that realistic reform is an important component of this WRDA bill. The challenge is to enact realistic reform that provides sufficient project review without creating unnecessary costs.

The Inhofe-Bond amendment proposed does just that. It provides reform that will establish greater accountability and assure us that scientific, technical standards are observed without adding unjustified delays and costs.

The peer review panels in the Feingold-McCain amendment are not clearly restricted to reviewing the scientific and engineering basis. The panels are permitted to get into policy, value, public controversy, and make the decisions that Congress and the local community are supposed to make. The local community decides whether to support it. Congress makes a policy decision. Congress has provided already for public hearings, public comment. Yesterday I went through the process of the number of meetings that had been held with Governors, with public hearings on the locks projects on the upper Mississippi, with the number of comments, the number of people who participated. There is tremendous public participation and input. Setting up a separate body to judge that input, rather than the Congress, is not, I think, good policy. We are supposed to make the policy based on the best scientific recommendations we can get. OMB has a crack at the policy when they send it up. But these policy reviews would be second-guessing the scientific decisions.

Let's think about how this would play out in the transition. Once the comment period moves beyond the technicality and the science, what independent experts are dictating the project approval? We should not dilute public review by giving technocrats a larger role in policy recommendations than is given to the general public. There is a reason why we rely upon the appropriate training and expertise of the people who are generating the process to develop and construct our infrastructure and safety needs.

Let's take a look at the local cost share that would go into the Feingold-McCain process. It doesn't even provide for integration of peer review until the end of the process. Making sure that the independent review begins as the process goes forward is the way that we assure the process is better. We want integration of the review all throughout before you make a major mistake and go off in the wrong direction. When you wait to have end-of-the-line peer review—does it make any sense to wait until a car is coming off of an assembly line, is rolled off the assembly line, to test to make sure that the lights work and the switches work? You test them before you put them into the car. That is what we are doing, we test along the line to make sure that what you are putting into the process works. You don't want to put components into a car only to find out, Hey, the lights don't work, the switches don't work, and then have to start tearing the car apart.

That is what the Feingold-McCain amendment does. It is end-of-the-line peer review. It invites multiple passes through the study process with unacceptable expense and delay, and it would, in effect, become a second study process. The first go-round, the local cost share, would increase, because they have to pay for it, the locals have to pay for it. It takes 1 to 3 years to go through the process in the first place, and then you start a peer review at the end and it could take another period of time, and if they send it back, you start it 1 to 3 years over. That becomes extremely expensive for the local cosponsors. It becomes extremely expensive for the taxpayers who are paying for the tab if you redo it without reviewing the project as you go forward. Doubling the time and moving the costs of a project outside of the realm of the local community's ability to pay makes no sense.

Now, of course, beyond the peer review process, there is the congressional process. Congress must authorize and fund studies on each project and then authorize and appropriate funds to construct each project. As we all know, the congressional process does take years. If my ancient memory serves me, this is the 2002 Water Resources Development Act. This was the bill that was due in 2002. Here we are 4 years later. Don't let anybody tell you that Congress doesn't review it and review it and review it and review it until it is lying on the floor gasping for breath.

The amendment Senator INHOFE and I propose establishes a peer review panel that provides a safety net. We are elected to represent the interests of constituents. We are not appointed bureaucrats. The amendment takes away our authority to act on behalf of our constituents and meet the needs of our local communities. It removes the checks and balances set forth in our Constitution by shifting power away to other people.

Now, why do we wait until the end of the line to do this peer review in the first place? The collaborative solutions to urgent flood and storm control and other important questions would be moved to the end of the process and sent back to the drawing board.

Let's try another analogy. We test our schoolchildren throughout each grade level and assess their progress. If a child has difficulty reading, it is flagged, and intervention and extra help should be provided. We do not wait until students reach the end of the eighth grade and then test them to see if they have learned to read in the first grade and send them back to the first grade. You ought to be testing them each year to make sure they are proficient, and you ought to be testing the hypotheses of this process throughout.

Common sense says that independent review is effective only if it is used throughout the process. Can you imagine an employee working on a project and planning for several years, and then during the end-of-the-line review finding a technical error and having to go back to the beginning? Not only is that unnecessarily delaying and expensive, but it kills the motivation of employees, and it delays. I, along with Senator INHOFE, propose independent peer review during this study process.

One other thing, the inclusion of the expectation of litigation. Their amendment talks about judicial review and invites judicial review. Well, that is another cost adder that will continue to impose burdens on communities and delay the effectiveness of the ability to construct needed projects. With the clear-cut incentives to litigate, we are going to see more lawsuits and less projects. Clear-cut opportunities to litigate, if the committee is unhappy with the chief's report, will only complicate the cost-benefit analysis, when it is already too challenging to place a value on human life and the economic lifeline of the country. The Corps study process already takes too long and will be too expensive, and it will continue to delay the progress we need.

Media reports and editorials have criticized what went on, and they play the blame game—they burden the Corps with the blame. But Senators should understand that the Corps needs to have an improved process, and we are going to do our best to make sure that process is driven by sound science throughout the process.

About 80 of our colleagues signed a letter saying, Bring this bill to the floor. The 80 colleagues who are signed on to that letter believe they have projects in their communities, in their States, that are important. If you wish to continue to delay the passage of the WRDA bill for another 2, 4, 6, 8 years, then forget about the environmental benefits—the environmental benefits which are more than half of the authorization of this project, and the environmental benefits which the Audubon Society, the Nature Conservancy, and other responsible environmental groups say need to happen. Trying to delay the bill or trying to delay the process of implementation of Corps studies and recommendations is very costly and denies us the ability to accomplish things that are important for the safety, the well-being of our communities and the people who live in them.

Mr. President, I urge our colleagues to oppose the Feingold-McCain amendment and to support the Inhofe-Bond amendment.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, we had a list of people wanting to be heard. It is my understanding the Senator from Montana wants to be heard, and that would come from the minority time on general debate.

Mr. JEFFORDS. Yes.

Mr. President, I yield 10 minutes to the Senator from Montana, the ranking member of the Subcommittee on Transportation and Infrastructure.

Mr. BAUCUS. Mr. President, over 70 years ago one of Montana's most renowned political figures, Senator Burton K. Wheeler, attended a meeting

with President Franklin D. Roosevelt where be proposed building the Fort Peck Dam in Central Montana. Fort Peck would be the largest hydraulic earth-filled dam in the world requiring over 11,000 workers at peak construction. At a pricetag of $75 million, the cost of construction was large even by today's standards. Fifteen minutes after Senator Wheeler's meeting with President Roosevelt had begun, Senator Wheeler walked out with a promise from President Roosevelt to have the Army Corps of Engineers build Fort Peck Dam. Construction began in 1933.

While it has taken this Congress significantly longer than it did Senator Wheeler to advance the water resource needs of the Nation, I am pleased to have worked with my colleagues—Senators INHOFE, JEFFORDS, and BOND—to bring the Water Resources Development Act of 2005 to the floor.

It has been nearly 6 years since the last WRDA bill was signed into law. Protection of public safety, continued growth of the economy, and the restoration of the environment depend on our timely action.

Much has changed since the Corps constructed Fort Peck Dam. Today much of the Corps work in Montana is focused on ecosystem restoration. That is why I included a provision in this bill that will allow the Corps to plan conservation projects on the Yellowstone River that are identified in the course of the Yellowstone River Cumulative Effects Study. A cumulative effects study has been ongoing along the Yellowstone River for several years, authorized by WRDA 1999. This study has been very successful, and has involved close collaboration with the State of Montana, the Yellowstone Conservation District Council, and local conservation districts, among many others. The provision included in the bill today would provide the Corps with the authority to move forward with planning, design and construction of ecosystem restoration projects along the Yellowstone as they are identified by the cumulative effects study. It is so important. All these factors work together. It provides for public participation in the selection of projects, and consultation with the State of Montana, the Yellowstone Conservation District Council, and others.

The Yellowstone is the longest free flowing river in the county. Much of southern and eastern Montana depends on the health of the Yellowstone River. It irrigates fields, provides world-class fishing, sustains the tourism sector, and supplies clean drinking water. It is a source of great pride and economic strength for all Montana. This provision will protect the Yellowstone and Montana's recreational heritage for generations to come.

While the Corps' mission has evolved to include ecosystem restoration, part of the Corps' central mission is to develop our water resources to maintain our economic competitiveness. Economic development and ecosystem restoration used to be thought of as mutually exclusive. No more. This view is needlessly divisive. This bill includes a provision that has brought together both irrigators and environmentalists. The Intake project on the Yellowstone River will authorize the Corps to work with the Bureau of Reclamation in the design and construction of a dam and diversion works that will help both farmers and endangered fish. Rebuilding the dam at Intake will guarantee farmers water for their crops and allow the endangered sturgeon to pass through the dam, opening 238 miles of river habitat for the endangered fish.

This bill also includes urgently needed hurricane protection and coastal restoration projects for the State of Louisiana. Indeed, this bill authorizes the Corps in consultation with the Governor of Louisiana to create a comprehensive ecosystem restoration plan for Louisiana to rehabilitate coastal barrier islands and wetlands that serve as natural hurricane barriers.

Unfortunately, some things at the Corps have not changed. In 1938 the Fort Peck Dam tragically failed. Thirty-four workers were swept away in a landslide. Eight lost their lives. The landslide was the result of inaccurate soils and foundation analysis. If we do not learn the lessons of history, we are doomed to repeat them.

Sixty-seven years later as Hurricane Katrina bared down on the city of New Orleans, floodwalls around New Orleans failed because of faulty soils analysis. What makes this event even more tragic is that an internal Corps study predicted exactly how the floodwalls would fail, and it went unread. The underlying bill does not go far enough to ensure that the Corps learns from the tragedy of Hurricanes Katrina and Rita. The Corps needs a robust program of independent peer review and project prioritization. The Corps currently has a $58 billion project backlog and a $2 billion a year project budget. At that pace it would take the Corps roughly 30 years just to work through the backlog of projects. With limited Federal resources, it is important that the Corps separate the wheat from the chaff.

In fact I would like to see the prioritization framework extended to cover not only construction projects but ongoing operational activities of the Corps as well. Recreation on the Missouri River generates nearly $85 million a year, while the barge industry provides only $9 million a year. Despite this disparity, the Corps continues to maintain at least a 6-month navigation season on the Missouri unless total water system storage on the Missouri drops below 31 million acre feet. That is dryer than a dust bowl drought. It makes no sense to waste precious taxpayer and water resources to maintain a navigation season on the Missouri in drought years. That is why I was pleased to work with Senators FEINGOLD and MCCAIN to include a provision in their project prioritization amendment that directs the Water Resources Planning Coordinating Committee to recommend to Congress a process for prioritizing ongoing operational activities of the Corps.

I am proud of the work my colleagues and I have done on this bill. It's been nearly 6 years in the making, but it has a solid base. This bill keeps our economy competitive. It restores fisheries along the Yellowstone River so our kids can enjoy the great outdoors. It protects the gulf coast from the ravages of hurricanes. But it can do more. With the right amendments, it can reform the way the Corps does business to rebuild the floodwalls of New Orleans and the public's trust in the Corps.

I very much hope this amendment succeeds.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. I yield time to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I speak in opposition to the Inhofe-Bond amendment. I would like to make it very clear that the Inhofe-Bond amendment is not an independent review amendment. In fact, it is business as usual.

We have an expansion of a system that has never worked before and will continue to fail in the future because we are putting the fox in charge of the hen house. We are putting the Corps of Engineers in charge of reviewing their own work.

To begin with, I hesitate to call it an independent peer review amendment, considering that the amendment directs the Chief of Engineers to select the panels, guaranteeing that the panels will not be independent. The amendment makes the Chief of Engineers the final arbiter of whether an independent review will happen at all. The Corps gets to select the reviewers. There are no criteria at all for ensuring independence of those reviewers. Review is not independent if the Corps has control over whether, how, and who will review the projects. Their version, according to the Inhofe-Bond amendment, would be prepared by the Corps, controlled by the Corps, evaluated by the Corps, and reported by the Corps, locking out input from other relevant water resources agencies such as the Department of Homeland Security.

Putting the structure of the review aside, let's look more closely at what requirements would need to be met in order to trigger a review of a Corps project. According to the Inhofe-Bond amendment, it gives the Corps complete discretion to avoid review of most projects. Review is mandatory only for projects costing more than $100 million. Inhofe-Bond lets the Corps ignore Governor and agency requests for review. Inhofe-Bond prohibits review of the Corps' project proposal. Reviews could only examine scientific, engineering or technical bases of the

decision or recommendation but not the recommendations resulting from that data. The environment review accompanying a feasibility study would not be subject to review.

The Inhofe-Bond amendment prohibits reassessment of key models and data. This permanent moratorium guarantees that the Corps will continue to use models that are widely recognized as inaccurate and flawed.

Mr. President, I think events of New Orleans cry out for independent review and outside scrutiny. It is alarming what we have found out, after some of the hubbub concerning Katrina has died down.

After Katrina, the Corps of Engineers said that all of its failed flood walls had been overtopped by a hurricane too powerful for the Category 3 protection authorized by Congress, while [the President's] critics said the administration budget cuts had hamstrung the Corps.

Both were wrong. Katrina was no stronger than Category 2 when it hit New Orleans, and many corps [flood walls] collapsed even though they were not overtopped. [President] Bush's proposed budget cuts were largely ignored, and were mostly irrelevant to the city's flood protection. New Orleans was betrayed by the Corps and its friends in Congress.

The Corps helped set the stage for the disaster decades ago by imprisoning the Mississippi River behind giant levees. Those levees helped protect St. Louis, Memphis and even New Orleans from river flooding, but they reduced the amount of silt the river carries to its delta, curtailing the land-building process that creates marshes and swamps along the Louisiana coast. Those wetlands serve as hurricane speed bumps—in Katrina, levees with natural buffers had much higher survival rates—but they have been vanishing at a rate of 24 square miles per year.

Mr. President, the record of the Corps of Engineers cries out for independent review and scrutiny and a prioritization of projects. I quote from the Washington Post editorial of Wednesday, June 7, 2006:

Last week the U.S. Army Corps of Engineers admitted responsibility for much of the destruction of New Orleans. It was not true, as the Corps initially had claimed, that its defenses failed because Congress had authorized only Category 3 protection, with the result that Hurricane Katrina overtopped the city's floodwalls. Rather, Katrina was no stronger than a Category 2 storm by the time it came ashore, and many of the floodwalls let water in because they collapsed, not because they weren't high enough. As the Corps' own inquiry found, the agency committed numerous mistakes of design. Its network of pumps, walls and levees was ''a system in name only.'' It failed to take into account the gradual sinking of the local soil; it closed its ears when people pointed out these problems. The result was a national tragedy.

I hope my colleagues will do everything in their power to make sure we never see a repeat of this. There are admitted failures in the process, and I respect the effort of my colleagues from Oklahoma and Missouri to make some changes. But our argument is it is not enough. It is not enough. Virtually every environmental organization in America supports this amendment. Virtually every outside organization supports this amendment. The administration supports this amendment.

I hope that we would make sure that we can tell our constituents and the people who live in areas that may be buffeted by hurricanes or other natural disasters, particularly as we enter another what is predicted to be a heavy hurricane season, that at least in future projects, we have installed a proper system of scrutiny and oversight—not only so their tax dollars aren't wasted but, far more important, that they don't experience an unnecessary disaster.

I urge we adopt the amendment of Senator FEINGOLD and myself and reject the Inhofe-Bond amendment.

I will yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding the Senator from Iowa is here, but I don't see him. Let me do this. We don't have any other speakers requesting time.

Yesterday, Senator BOND had printed in the RECORD the National Waterways Alliance letter that we received, dated June 30 of this year, wherein they were strongly requesting the passage of the WRDA bill which—I think we all are in agreement on that. We have not had a reauthorization since the year 2000.

They also say they want us to accept the Inhofe-Bond amendment and reject the Feingold-McCain Corps reform. I bring this up because the distinguished Senator from Arizona commented about a lot of groups that were in favor of their amendment. But there are 288 organizations—labor organizations, Chamber organizations, waterway organizations of the National Waterway Alliance. I will go ahead and read a few:

American Farm Bureau Federation, American Shore and Beach Preservation Association, Arkansas Basin Development Association—this is kind of interesting. A lot of people don't realize my State of Oklahoma is navigable. We have a port. It comes up through the Arkansas River, comes across from the Mississippi into Arkansas and up to my home town of Tulsa, OK. Obviously, they are in support of this, too.

The California Coastal Coalition, the Carpenters' District Council of Greater Saint Louis and Vicinity, Grain & Feed Association of Illinois, the Harris County Flood Control District of Texas, the Illinois Chamber of Commerce, Illinois Corn Growers Association, and many of the Illinois—almost every organization in Illinois, I believe; the International Union of Operating Engineers, Iowa Corn Growers Association, Iowa Farm Bureau Federation, Iowa Renewable Fuels Association, Johnson Terminal in Muskogee, OK, Kansas Corn Growers, Kentucky Corn Growers, the Long Island Coastal Alliance, Louisiana Department of Transportation and Development, Maritime Association of the Port of New York and New Jersey, Maritime Exchange for the Delaware River and Bay, the Mid-Central Illinois Regional Council of Carpenters, Missouri Farm Bureau Federation, Mississippi Welders Supply, Incorporated, the Missouri Corn Growers Association, Missouri Levee & Drainage District Association, National Association of Manufacturers, National Association of Waterfront Employees, National Corn Growers Association, National Grain & Feed Association, National Grain Trade Council, National Grange, National Heavy & Highway Alliance, Laborers' International Union of North America, International Union of Operating Engineers, United Brotherhood of Carpenters & Joiners, International Association of Bridge, Structural, Ornamental & Reinforcing Iron Works of America, Operative Plasterers' & Cement Mason International Association, International Brotherhood of Teamsters, and the International Union, Brickyard Layers & Allied Craftworkers.

The list goes on and on, including, of course, our State of Oklahoma Department of Transportation.

I guess what I am saying here is most States—the National Farm Bureau as well as the American Farm Bureau and individual State farm bureaus—are all in support of the Inhofe-Bond amendment and they are all opposed to the Feingold-McCain amendment. I don't want people to think these organizations are ambivalent. They are strongly in support of our approach.

Again, we all agree on one thing: that is, the need to make some improvements. We like our peer review system better, and we will have ample time to talk about that.

I understand Senator GRASSLEY is here. I yield whatever time he wants to take and suggest it come off the general debate.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Thank you, Mr. President. I thank the Senator from Oklahoma.

I appreciate very much the opportunity to discuss the issue of the Water Resources Development Act and particularly that part of the act that deals with the improvement of transportation on the Mississippi River because that improvement is very essential not only to the economy of Iowa but to the economy of the whole Midwest, and in turn that relates to the economy of the United States.

Most importantly, it affects the economy—meaning the economic competitiveness of our industry and agriculture, and primarily agriculture with competition around the world, and particularly that, as I see it, of Brazil. Brazil is becoming very much a competitor with the Midwest of the United States in the production of a lot of grains, particularly soybeans.

I owe a thank you, particularly to Senators BOND and INHOFE, for their strong leadership in moving this legislation forward.

This used to happen every 2 years, a bill called the Water Resources Development Act. But we have not dealt with this issue since the year 2000. This bill is not only long overdue, but it is a very important bill. Not only does the bill which is before us include many updates in existing authorized projects, but it also authorizes new projects throughout the country.

Several examples of these much-needed projects beyond the ones I am going to emphasize are the coastal wetland restorations, but the one I want to emphasize the improvement of is the Upper Mississippi and Illinois Rivers. Coastal wetland restoration will help protect our inland waterways. We think, maybe too often, of that as being an environmental issue, but it is also about protecting our inland waterways, making sure that there is a multiple use of the rivers, recreation, food, as well as commerce.

In the process of the wetland restoration protecting our offshore energy supply, we provide much-needed flood protection in the gulf coast region. But for my State and the Midwest generally, the Upper Mississippi and Illinois River navigation and ecosystem investments are also very vital because of the multipurpose use of the river. Of course, Iowa is bounded on the east side by the Mississippi River for the entire north and west distance of our State. And Iowa, as well as the Nation, relies on the river to move both goods that are domestically oriented and distributed as well as goods that are internationally distributed.

The United States enjoys a comparative advantage in corn production worldwide. My State is also the No. 1 producer of corn, and usually we are also the No. 1 producer of soybeans.

In regard to corn production, the perton cost of transporting corn in the United States is lower than any other country. But our country must not allow its transportation infrastructure to continue to deteriorate. Quite frankly, that is what this legislation is all about. Because of deterioration, it needs to be enhanced, it needs to be improved, and it needs to be kept up to date. Our international competitors are making major investments in their transportation systems.

In Brazil, surface transportation—meaning railroads and highways, primarily highways—is very much inferior to ours. In March, I took a trip to Brazil. I can tell you that when we were out in the countryside, what we would call rural Brazil, we ran into more potholes than you could count, something that farmers of Iowa would not anticipate or tolerate from our local officials. You wonder how local officials get reelected because they are not going to be reelected because of filling potholes. But Brazil, on the other hand, as far as their river transportation, brings into question the competitive advantage the United States might have that we could be losing. Brazil has made significant investments in its river infrastructure. They do not have to have locks and dams, such as we do on the Mississippi, in the case of the Amazon. I saw facilities on my trip to Brazil on the Amazon that we could be very jealous of, the opportunity to bring commercial seagoing ships up the Amazon to load in Brazil on the Amazon and coming in this far with very major terminals for loading primarily soybeans, but also they can go up the river as well.

There is a new facility being built at this point. I believe these ships go even further up. But at least I wanted to be sure of here and here that it is possible to load those ships at that point. They don't have to use barges as we do from Iowa to New Orleans to load. This would be the equivalent of our being able to take oceangoing ships up to Memphis to load for soybeans.

You can understand then that we have this lock and dam situation that makes it possible for us to use the Mississippi River for major transportation. Keeping that up to date is very important if we are going to be economically competitive with how they can move their agricultural products—primarily soybeans—out of Brazil into the world trade.

What they don't have that we have is very good roads, although they are improving them. They don't have the railroad system we have in the United States that makes it possible for us to get our grain very easily to the Mississippi River or using railroads to get it down to the gulf. But they are working on that. Right now we are competitive because they do not have that land infrastructure we have. When they get that, we will have a hard time competing.

That brings up the point of this legislation and getting it passed, to make sure our Mississippi infrastructure is up to date. We must invest in major improvements in all of our transportation infrastructure. If we don't make these investments in our roads, our rails and water, the U.S. agricultural industry and labor will pay the price.

Last year we did a lot to help with surface transportation, primarily referred to as the highway bill, although maybe not entirely highways. We provided $295 billion for road, transit, and rail improvements in that bill we passed last year. These funds will help facilitate the movement of our goods. The surface transportation bill will help alleviate congestion so our trucks can move more efficiently.

It also provides additional loan authority and tax credit to help railroads invest in much-needed capital improvements and to help meet the large demands for their services.

According to the Congressional Research Service, last year U.S. exports of goods and services totaled $1.275 trillion compared to $1.115 trillion in 2004 and $1.023 trillion in the year 2003.

You can see very much an enhancement in value of our exports from the United States according to the Congressional Research Service. Of course, our consumers and our manufacturers, and to some extent food supply, rely upon importing goods into the United States. But whether it is exports or imports, whether it is consumers or input into manufacturing and agriculture, many of these goods travel on our inland waterways.

Again, emphasizing the need to get this legislation passed, because it is also forecast to beat our exports and imports are going to continue to grow in the future, we must be able to efficiently and economically move these goods.

When I get more parochial in my economic observance of the need of this legislation, it is because nearly two-thirds of all grain as well as soybean exports are moved through the Mississippi and Illinois Rivers. According to one study, unless the Army Corps of Engineers modernizes, which means Congress giving them the ability to do it, unless we modernize the lock and dam system on the Upper Mississippi and the Illinois Rivers, the cost of transporting just one commodity, corn, to the export market would rise by 17 cents per bushel.

As a result, corn and soybean exports would decline by 68 million and 10 million bushels per year, respectively, and the decline in corn and soybean exports would reduce farm income by $246 million. This highlights how important barge transportation is to the farmers but in turn to the economy generally.

In addition, there are many environmental benefits to river transportation. According to the Environmental Protection Agency, towboats might have 35 to 60 percent fewer pollutants than either train locomotives or our big semitrucks in transporting anything, but particularly in regard to what I am talking about, the necessity of moving grain. A color chart used by the Senator from Missouri shows the same thing. I have a black-and-white chart. The information is the same, but it is cheaper to make white charts than it is colored charts.

It shows one barge can move what 15 jumbo hopper cars of railroads can move or what 58 large semis can move. Not only is that an environmental issue, that is an issue of economy of moving a product. Most importantly, when you are waiting for a long train at a crossing, think in terms of fewer hopper cars because of what one barge can move. Of all of the trucks you meet on the interstate or the two-lane highways of the Midwest, think how many more there would be if we did not have transportation to the gulf by barge. If you have 15 of these barges being pushed by one motor, you would have 2.25 miles of train, 180 cars or, in this case, 870 large semis.

I hope everyone can see that moving a lot of merchandise to export on the Mississippi River is taking an awful lot of pressure off the highways, an awful lot of pressure off of the railroads. It is environmentally sound in the process.

The Army Corps of Engineers data suggests that the Nation currently saves $100 to $300 million in air pollution abatement when moving bulk commodities by barge through the Mississippi River system. In these times of high fuel prices and with the need to conserve energy, one gallon of fuel in a towboat can carry one ton of freight 2.5 times further than rail and nine times further than trucks.

Quoting the Minnesota Department of Transportation estimate, shifting from barge to rail results in fuel usage emissions and probable accident increases by the following percentages: 331-percent fuel usage; 470 percent less emissions; and 290 percent less probable accidents. Shifting traffic from barge to trucks increases fuel use 826 percent, emissions 709 percent, and probable accidents by 5.967 percent. In addition, another 1,333 heavy trucks would be added to our already congested roads.

For these above reasons, we have this legislation before the Senate. Several of my Senate colleagues for many years have been seeking authorization for this lock and dam modernization as well as enhanced environmental restoration of the Mississippi and Illinois Rivers. To get that done, we have to get this bill to the President for his signature.

I am very pleased the Committee on Environment and Public Works included these important initiatives in this Water Resources Development Act and that a truly bipartisan group of Senators is advocating for this important modernization. If anyone believes it is always Republicans attacking Democrats and Democrats attacking Republicans, this is an ideal initiative that shows how widespread bipartisan support and cooperation can be in this Senate when there is a national emergency. That national emergency is environmental, the national emergency is for our economy to be competitive, the national emergency is safety on our highways, to relieve glut on our railroads. It is all around.

This is a bipartisan effort to cooperate for the good of this Nation because this lock-and-dam system of the Upper Mississippi River was built in the late 1930s, I suppose over a period of a few decades. But many lock chambers are only 600 feet long and cannot accommodate the barges we are talking about used in the modern day to get things into the international market. These structures require a modernization because there is a tow configuration that needs a double lock to pass. This adds to mounting delay time when we do not have the modernization. It amounts to increased costs to the shippers, increased harm to our environment with higher emissions and higher sediment suspensions in the river channel, the loss of jobs when we are not competitive, and lower wages when we are not competitive.

Increased traffic levels without these improvements will result in gross farm revenue loss of over $105 million per year. This does not take into account the huge cost of increased highway and rail transportation.

We realize the authorization of the lock-and-dam improvements is a first step in a lengthy process, but it is a necessary step and one that a bipartisan group of Senators, an increasing number of Senators in a bipartisan way, has been working on for a few years.

It is an important and necessary project for our Nation. I urge my colleagues to vote for this balanced legislation, not to vote for any amendments that are going to dilute it or harm it in any way. When we get this number of Senators working together in a bipartisan fashion, this ought to be a test of something that is needed, a test of something that is good, something to move forward on. It is balanced legislation and, of course, it is good for the country.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I appreciate the comments of the Senator in support of the bill. The Senator from Iowa is in support of the Inhofe-Bond amendment and opposed to the Feingold-McCain amendment. I remind him that virtually every organization in Iowa, including the Iowa Renewable Fuels Association, Iowa Farm Bureau Federation, Iowa Corn Growers Association, and others, are in support of the Bond-Inhofe amendment.

I also make a request, and I am sure others will join, asking Members to come to the Senate if they want to speak on either of the two amendments that are being discussed right now.

I ask unanimous consent to add Senator BURNS as a cosponsor of the Inhofe-Bond amendment.

The PRESIDING OFFICER (Ms. MURKOWSKI). Without objection, it is so ordered.

Mr. INHOFE. It is my understanding Senator HATCH is going to be making a request to be heard as if in morning business for 15 minutes. Because of the time constrains we are operating under, I will ask that time be taken off of my time.

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

The Senator from Utah.

(The remarks of Mr. HATCH are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I yield 10 minutes to the Senator from New York, who will speak in morning business, but I understand the time will be charged to my side of the amendment.

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

The Senator from New York.

Mr. SCHUMER. Madam President, first, I thank my colleague for yielding time generously, as he always does, and note that I support his amendment and look forward to voting on it.

(The remarks of Mr. SCHUMER are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 4682

(Purpose: To modify a section relating to independent reviews)

Mr. INHOFE. Madam President, I ask unanimous consent that the pending amendment be temporarily set aside, and I call up amendment No. 4682.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] for himself, Mr. BOND, Mr. COCHRAN, Mr. THUNE, Mr. DOMENICI, and Mr. BURNS, proposes an amendment numbered 4682.

Mr. INHOFE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. INHOFE. I ask unanimous consent that the time until 2:30 be for concurrent debate on the pending Feingold-McCain amendment and the pending Inhofe-Bond amendment and be equally divided between the bill managers or their designees, and that at 2:30 the Senate proceed to a vote in relation to amendment No. 4681, to be followed by a vote in relation to the Inhofe-Bond amendment, with no intervening action or debate.

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

Mr. INHOFE. For clarification, I encourage Members to come down because our time is running out. It is confusing when you have two amendments that you are using the same time for. So essentially the time that we would have in favor of the Inhofe-Bond amendment would be the same as the time in opposition to the Feingold-McCain amendment. I appreciate the Senator from Wisconsin for his cooperation in moving this along.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from Oklahoma for his continued cooperation in the way in which this debate is proceeding. I will use a few minutes of my time to bring us back to the debate on these two amendments that are before us. First, to make it absolutely clear to people that the amendment that Senator MCCAIN and I are offering certainly would not slow down the bill in any way or delude the bill; we have a time agreement. However, it turns out the legislation will go forward and there is an obvious expectation that the bill will pass. In light of the remarks of the Senator from Iowa, I want to make it clear to people that this in no way is going to somehow stop the bill from going through this body. We will let the chips fall where they may based on the results of the

votes, but there is no slowing down of the bill.

Secondly, I was struck by the response to our amendment. Senator MCCAIN and I laid out some pretty damning evidence about what the Army Corps of Engineers' role may have been in the Katrina disaster, which everybody admits is one of the worst disasters in the history of our country. I think the Senator from Missouri indicated that he didn't think we ought to engage in a blame game. I wouldn't call it a blame game, but somebody has to be held responsible. We have to acknowledge what might have caused this horrendous problem, and the evidence is overwhelming. Just as FEMA's performance was abysmal, so, too, was the role of the Army Corps of Engineers in properly establishing levees and other engineering that had to be done. And it may well have been significantly responsible for the tragedy that occurred in New Orleans. I don't know if they plan to mount a response to that, but I hope the record makes it clear that this New Orleans situation is Exhibit A in the kinds of problems that can occur if you don't have appropriate review of these Army Corps of Engineers projects.

I wanted to also respond to some of the specific issues the Senator from Missouri spoke about. He talked about what issues an independent review group could consider. I want to make it very clear. Under my amendment, which directly implements the recommendations of the 2002 National Academy of Sciences' report on peer review, independent panels will ensure that the Corps' proposed approach to a problem will work to resolve the identified problem and not cause unintended adverse consequences. Independent review panels will not take away any decisionmaking responsibilities. I want to be clear on that because a couple of the comments today could at least be interpreted to suggest that somehow this is going to take away the decisionmaking power from those who have it. Under my amendment, no decisionmaking responsibilities are taken away from the Army Corps of Engineers. The amendment simply allows for independent experts to identify problems in the best possible way.

Why would anyone not want to hear the important feedback from independent experts?

I would like to talk a little more in detail about one of the biggest differences between our independent review amendment and the Inhofe-Bond alternative which will be voted on side by side starting at 2:30, as the Senator from Oklahoma indicated. One of the very clear recommendations from the National Academy of Sciences' 2002 report on peer review is that reviewers should have the flexibility to comment on important issues to decisionmakers.

On this point, the two competing amendments are very different. I want my colleagues to understand the importance and the potential ramifications of the difference as they consider these two amendments.

My amendment implements the recommendations of the National Academy of Sciences by allowing a thorough analysis of a Corps feasibility study. The Inhofe-Bond amendment ignores this recommendation by sharply limiting what independent reviewers would be allowed to consider. On this point, it is good to give an example of why this matters. Many of us know about the Mississippi River Gulf Outlet, MRGO, in Louisiana. In Louisiana, MRGO is what this project is referred as.

According to most scientists who have looked at it, MRGO, a Corps navigation channel, greatly exacerbated the impact of Hurricane Katrina by funneling and intensifying Katrina's storm surge directly into New Orleans and by destroying 20,000 acres of coastal wetlands that could have buffered the storm's surge. These same experts, including the independent reviewers looking into what happened in New Orleans, have said that the devastating flooding that overwhelmed St. Bernard Parish and the lower ninth ward of New Orleans came from the MRGO. I was in both of those parishes 10 days ago, and that is exactly what the National Guard and other people and experts indicated to me while I was physically looking at this destruction.

Only 52 of the 28,000 structures in St. Bernard Parish escaped unscathed from Katrina. For years, community leaders, including the St. Bernard Parish Council, activists, and scientists warned that the MRGO was a hurricane highway and called for closing the outlet. This is not merely an after-the-fact recognition that something was wrong. People who lived and some who died in these communities were warning about this potential disaster before it occurred.

Why is this relevant? Under the Inhofe-Bond limited review, the other amendment, a panel would not have been able to examine the full implications of constructing the Mississippi River Gulf Outlet or MRGO in New Orleans. While reviewers would have been able to assess whether the Corps properly calculated the wetlands impact of the MRGO, they would not have been able to comment on the fact that the recommended plan would put New Orleans at risk by destroying wetlands vital for buffering storm surge and by creating a funneling effect that would intensify the storm surge. The Inhofe-Bond review also would not have allowed any comment on the appropriateness of proceeding with the MRGO in light of the increased danger to the city and the fact that traffic projections were vastly overstated.

I think we can all agree that this example shows what can be at stake if we don't allow reviewers some flexibility to bring up important issues. This isn't the only example of where the Inhofe-Bond amendment falls short, but I will try to say more about that later. This is a timely and very serious example of the dramatic difference between the amendment that Senator MCCAIN and I have offered and the, frankly, inadequate amendment that is offered as an alternative.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. INHOFE. Madam President, first, let me make a couple of observations. I think in the discussions we have had so far, there are a lot of things we agree on. We agree that we need to change the system we have right now. I don't really take issue with some of the things that the Senator from Arizona and the Senator from Wisconsin have said about existing problems with the way that the Corps of Engineers has been working. I recognize also that the Senator from Wisconsin agrees that the underlying substitute amendment does include some provisions to require peer review, specifically for Corps of Engineers studies. The Inhofe-Bond amendment gives additional detail and clarity to that requirement as well as the Feingold-McCain amendment gives additional detail and clarity to that amendment. So there are some areas where I think we are in agreement.

Also, we are in agreement on the necessity of reauthorizing the Water Resources Development Act. It has not been addressed since the year 2000.

Our amendment ensures that peer review is integrated into the Corps study process. Most stakeholders agree that the current study process is already too long and further delays are not advisable. That is not a reason to ignore the critical role that peer review can play, but it is a reason to demand that peer review not be an end of the process addition or delay.

Our amendment clarifies that peer review panels are to review the technical and scientific information that forms the basis of decisions, but the decisions themselves are a function of the Government. It is something the Government should be doing, not any independent peer review. Decisions regarding how best to meet our Nation's water resources needs all involve tradeoffs of some sort. No outside group or distinct subject matter experts can truly be considered experts at making those decisions.

I am sure they would all have opinions, but everyone has opinions. Government officials, on the other hand, are specifically charged with making the decision. They have that responsibility. I believe that is one of the distinctions between the Inhofe-Bond amendment and the approach taken by Senators FEINGOLD and MCCAIN.

Another aspect of the Inhofe-Bond amendment I would highlight is the detailing of which project studies at a minimum should undergo peer review. Independent reviews are required if the estimated total project cost is more than $100 million. I believe the Feingold-McCain approach is $40 million.

We also say it has to be over $100 million and if the Secretary of the Army determines that the project is controversial. Independent reviews may be required if a Governor or head of a Federal agency requests the review.

I know some of those opposed to this amendment have argued that these triggers are too lenient, but I don't believe that is the case.

Of the 44 new or contingent authorizations included in the substitute amendment, 18 would have been subject to independent peer review based on the $100 million trigger alone. That is 40 percent of these projects based on just one of the four possible triggers. The other triggers would be in addition to this requirement of the minimum of $100 million. I don't consider that lenient at all. The Inhofe-Bond amendment also incorporates a recommendation of the American Society of Civil Engineers to require independent review of technical and design specifications of certain projects critical to public safety beyond the study phase.

Finally, I would like to address another baseless charge that has been made against this amendment: that these panels wouldn't really be independent because the chief of engineers is the official in charge of selecting the panels. The amendment is clear that the Corps must issue guidelines that are consistent with the Information Quality Act as implemented in OMB's revised bulletin from December 2004. This bulletin discusses in some detail requirements for reviewers, including expertise and balance of panels, lack of conflicts of interest, and independence.

I have been a little concerned, after reading the Feingold-McCain amendment, as to just how this works. It is my understanding that it would—in my opinion and in the way I look at things—create another bureaucracy and another board that would be looking at these. I am not sure this is really going to be necessary. I do believe that we have tried to strike a balance. I believe we have done so. I am quite confident we can trust a three-star general to follow direct commands, especially those issued in law.

As I have outlined, the Inhofe-Bond independent peer review amendment would ensure review of critical information by experts outside the Corps without creating unnecessary burdens and delays.

As was stated before, we are going to first be voting at 2:30 on the Feingold-McCain amendment and then on the Inhofe-Bond amendment. I will be encouraging them to vote against the Feingold-McCain amendment and for our amendment. But having said that, I would like to say that we are in agreement. Sometimes you get into a discussion on these things and it sounds as if everyone is in disagreement. This isn't like a climate change debate. This isn't one where everybody gets all fired up. I know we are all trying to do the same thing. We know there is room for improvement in the way the Corps of Engineers operates. I have a few examples I could use. We have right now a problem in Oklahoma with one of the individuals who has not been doing a conscientious job. We can't get the Corps of Engineers to listen to us in terms of how this particular bureaucrat is abusive in his treatment of individuals.

I think that we need to do something. Our underlying substitute amendment does something. I think probably either of these two amendments will take that one step further. There are areas where we agree.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I am pleased to yield 12 minutes to one of our strong supporters and cosponsors of the amendment, the Senator from Delaware, Mr. CARPER.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Madam President, to my colleague and friend, Senator FEINGOLD, I thank him very much for yielding, and I thank him even more for his leadership and that of Senator MCCAIN in offering this amendment.

Before I talk about the amendment, I want to also thank Senator INHOFE and our ranking member, Senator JEFFORDS, as well as Senators BOND and BAUCUS, for bringing this bill to the floor today. It has taken 6 long years and a huge amount of work on the part of them and their staffs and our staffs as we have prepared for this debate today.

We are finally able to move this important legislation because of their dogged determination, really a collective determination and willingness to work with all of us to address our States' respective needs, and an openness to debating possible reforms for the way we plan and prioritize water resource projects.

This bill includes several provisions that are very important to my State of Delaware. I want to quickly highlight maybe two of those and talk about the importance of modernizing the Corps of Engineers.

First, this bill preserves something called the St. Georges Bridge over the Chesapeake and Delaware Canal, the 14-mile canal that really connects the Delaware Bay to the Chesapeake Bay. It serves to divide Delaware in half. It takes up valuable space within my little State, disrupts our commerce and the movement of people and goods, and provides a shortcut for ships trying to get from the Delaware Bay to the Chesapeake Bay, and it helps to divert traffic away from my port, the Port of Wilmington. To say that I am not a great admirer of all that the C&D Canal does for my State would be an understatement. I have proposed, tongue-in-cheek, that we appropriate shovels to the people of Delaware so we can line up on either side of the C&D Canal and fill it in, and that we bring in plants and trees from other parts of the country to use up enormous quantities of water, and that we might plant them in the bed of the canal to soak up the water and then we can go across, like the children of Israel, on dry land. Well, none of that has happened, so we have to figure out how to get across the C&D Canal that disrupts commerce in my State.

In return for the imposition of this canal, the Corps of Engineers has been obligated for three quarters of a century to provide sufficient access across that canal. Yet, in recent years, in spite of population growth that has stretched the capacity of the current bridges, the Corps has sought to reduce the number of bridges across the C&D Canal. Thanks to the support of the chairman and ranking member, that will not happen.

The second important provision in this bill to our State is a late entry. A little over a year ago, some of you may recall that the Senate passed a bill by unanimous consent to rename our new bridge over the C&D Canal along State Route 1 for former U.S. Senator Bill Roth, my predecessor. Senator Roth served in the Senate for 30 years and in the House of Representatives for a time before that. I see Senator BOND here; he served with him for a number of those years. Bill Roth, for over a third of a century, served the people of Delaware admirably and with distinction in the House and later, for many years, in the Senate. He also worked hard to make sure about 15 years ago that this new bridge over the C&D Canal would be built.

The bill to name the State Route 1 bridge at St. Georges for Senator Roth passed the Senate unanimously. It has been held up in the House for the past year. I appreciate Senator INHOFE's and Senator JEFFORDS' willingness to move it forward by agreeing to add it to the Water Resources Development Act. On behalf of our State and the Roth family, we express our deepest gratitude.

I also rise today to voice my support for Senator FEINGOLD's and Senator MCCAIN's Corps independent review amendment. It is essential that we apply the lessons that we learned from Hurricane Katrina. This amendment seeks to do that, at least in part.

This past April, I had the opportunity to tour both the devastation in New Orleans, as well as the wetlands that act as a buffer for that city. As a member of the Homeland Security and Governmental Affairs Committee, I have spent many hours hearing from experts about why the levees failed in New Orleans.

One thing became inescapably clear: There were warnings that were not heeded. The McCain-Feingold amendment seeks to prevent that from happening again.

The McCain-Feingold independent review amendment—which I have cosponsored—requires an independent panel of experts to be constituted to review projects that will cost greater than $40 million.

That panel will be fully independent of the Corps and made up of anywhere from five to nine experts in engineering, hydrology, biology, and economics. This panel will be able to review every aspect of a proposed project, from the data and assumptions that went into the Corps' analysis into the actual design of the final project that is chosen.

Having such a review of the New Orleans levee system likely would have drawn attention to the flaws in the Corps' design, including the facts that they failed to account for the natural subsidence of the city and that the flood walls were not properly anchored in the swampy southern Louisiana ground.

We often talk about these proposals as ''Corps reform.'' But in a real sense, they are also congressional reforms. That is because the findings of the independent panels merely provide more information to us, the Congress. They are not binding. It will still be up to us in the Congress to decide how to proceed, and we will need to do a better job ourselves in the future. But we cannot be expected to make good decisions if we don't have good information.

Moreover, in these days of tighter budgets, we are not going to be able to gather support of our constituents for big navigation projects that they fear will destroy wetlands that are needed for flood protection or for a flood control project that people don't believe will work.

As the New Orleans Times-Picayune stated in a recent editorial:

Taxpayers shouldn't have to wonder if there's a rational basis for spending billions of dollars.

I am reminded of something that LTG Carl Strock, who commands the Army Corps of Engineers, said:

Words alone will not restore trust in the Corps.

These amendments will provide some substantive change to back up the claim that we will never let what happened in New Orleans happen again.

I urge my colleagues to support the McCain-Feingold independent review amendment. I am pleased to be among its cosponsors. I urge its adoption.

I yield back my time.

The PRESIDING OFFICER (Mr. THUNE). Who yields time?

Mr. BOND. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, we have had a lot of talk about all of the things that the Corps has done wrong and the problems in the past. I don't think anybody believes that there is not a need for reform, review, independent review by experts who can comment on and who can provide valuable input to the Corps. The Corps has learned a lot of lessons, and the Inhofe-Bond proposal creates a mechanism for improving technical quality of the projects that move forward, not an incubator for more lawsuits to delay needed projects.

The Inhofe-Bond amendment would encourage independent review of technical information and science, not a review of policy decisions, which are appropriately made in the executive branch and by this body. We don't want to outsource our policy decisions to some other group, as the Feingold-McCain amendment would do. We want to continue an open, fair, and public review of recommendations, and not create a public review created by special interests designed to undo projects for reasons other than policy reasons.

We support stabilizing, not destabilizing, Federal/ non-Federal interests in reliance on the Corps. We support Presidential oversight of independent review, not handing government functions over to some unelected commission.

When you take a look at the past work of the Corps, you see that the Corps now currently provides 3 trillion gallons of water for use by local communities and businesses. The Corps manages a supply of one-quarter of our Nation's hydropower. The Corps operates 463 lake recreation areas. The Corps moves 630 million tons of cargo valued at over $73 billion annually over the inland water system. It manages over 12 million acres of land and water.

The levees that have been properly constructed have prevented an estimated $76 billion in flood damage within the past 25 years, with an investment of one-seventh of that value. These are the tremendous values that can be provided if we can pass this bill and if we can make sensible Corps reform, without providing major hindrances and roadblocks.

I hope that the 80 Senators who joined with us in saying ''bring this bill to the floor'' will realize that there is such a thing as appropriate review and there is such a thing as unnecessary, late-stage second guessing, which can be extremely expensive and can delay the benefits that could come from the work of the Corps.

The McCain-Feingold independent review amendment has a tremendous potential to delay project construction. They wait until the end of the process, and any mistakes found at the end of the process, as envisioned in the Feingold-McCain amendment, would necessitate a repeat of the study to correct the problems—beginning over again. Clearly, this would delay project construction and drive up costs.

Under our proposal, since reviews are integrated into the process, any mistakes made or improvements suggested could be corrected and incorporated at the time. As I said earlier today, it is like waiting to test students in the eighth grade to see if they have first-grade reading capabilities. If a child cannot read at the first-grade level when he or she finishes the first grade, give them remediation then, help prepare them for the second grade; don't wait until they get to the eighth grade and say we just wasted 8 years of this child's education because they could not read at the first-grade level. This essentially—testing at the eighth grade level for first-grade compliance—is what the Feingold-McCain amendment would do.

Let's be clear about it. We passed a bill 2 years ago that had all sorts of regulatory redtape and delays. This was opposed by the House, which could not agree on a conference with us. That is why we lost this bill. Putting in a batch of redtape and bureaucratic delays is going to make possible negotiations with the House extremely difficult and could lead to no bill being passed again.

So the 2002 Water Resources Development Act that we are still trying to pass in 2006 would go into 2007 and 2008. The benefits that come from the authorized projects in this bill will be delayed. I want the 80 Senators who want to see this bill passed—because they have projects that are important—to understand that the review that is necessary is being incorporated in the Inhofe-Bond amendment. It is being incorporated in a sensible timeframe, reviewing with representatives from the National Academy of Science, the American Society of Civil Engineers, and the Independent Research Council, as the project goes along.

Everybody knows there needs to be review. The Corps has learned a lot of lessons from mistakes. We ought to learn from our mistakes. One of the mistakes we have made is to try to burden the process and make it so cumbersome it can't work.

If you don't want to see the Corps providing water supply, protecting against floods and hurricanes, making sure we have the most efficient, economical, environmentally friendly, energy-friendly means of transportation, then support more bureaucracy, more redtape, and more delays.

If, on the other hand, you want to see the Corps do the job and get the job done right, then I ask my colleagues to support the Inhofe-Bond amendment and let us get on about the business of protecting people from floods, from hurricanes, and making sure that our waterways continue to be an efficient energy-conserving means of transporting bulk commodities.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am pleased to yield 5 minutes to the Senator from California in support of our amendment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank Senator FEINGOLD for his leadership. I also thank Senator MCCAIN. They have two amendments before us, the next one coming shortly. I enthusiastically support this amendment. I think this one is very much a reform. I strongly oppose the other one. But I am not going to use my time now to talk about the second amendment because I do want to concentrate on what an important step forward this particular amendment is.

The 2005 hurricane season taught us many valuable lessons—lessons that we will never forget because we saw them with our very own eyes. And one of the most important lessons is that major water resources projects and especially flood control projects must be carefully reviewed to be sure they will be effective.

What a disaster it is for our taxpayers to spend millions and billions on these projects, only to learn that they were not designed well or they didn't meet the real threat that was posed by Mother Nature or that there was cronyism dealing with putting together the alternatives.

I believe this amendment will put independent and expert eyes on the data, on the science, and on the engineering of our major public works projects. We need these independent and expert eyes because so much is at stake.

I come from a State that has every kind of natural disaster imaginable. The people there are very good at pointing out what the problems are, and we have to be equally as good in responding to these needs and making sure we give them quality, that we give them the protection they deserve.

In this amendment, we are giving the people what they deserve. When a review is triggered under this proposal, a panel of experts, of engineers and hydrologists to biologists and economists, must look at the underlying technical data and look at the project in its whole and make sure that the project will meet and achieve its goals.

There is little point in expending hard-earned taxpayers' dollars unless we know it is being spent right. What this particular amendment does is bring in those outside experts to kind of give a seal of approval on what we are doing.

Again, I don't go along with the next amendment, and I will be back to talk about that, but this amendment does what needs to be done. The panel will make recommendations to improve the project. This particular amendment is common sense, pure and simple.

Complex and costly engineering projects deserve the additional scrutiny. Mistakes do happen. You know what. Mistakes will happen no matter how many panels we have, but the idea is to cut down on those mistakes. We are all human. We all make mistakes, but how much better is it to get a very seasoned pair of eyes to take a look at what we are doing.

I believe this amendment will make these projects safer, and they will make them more effective.

I support the Army Corps of Engineers' mission. When I first got into politics in local government, I worked very closely with the Corps on many flood control projects. We have had our arguments, we have had our debates, but over the years, we have managed to work well together. But there were moments during those debates when I knew I could benefit from outside experts, and that is what we are giving to the Congress and, therefore, to the American people. We are going to have additional scrutiny, and we are going to make sure that mistakes are rare.

When we talk about mistakes, it is one thing to make a mistake on an issue that doesn't put lives at risk, but we are talking about the protection of life and limb for our people.

I think this amendment will help the Corps do its job better. It will improve public faith in the work of the Corps because, frankly, after Katrina, many people are saying to me: Can we trust these public works projects, these flood control projects to really protect us?

They have doubts, and they should have doubts, having seen what they saw.

I, again, thank Senators FEINGOLD and MCCAIN for their leadership on this particular amendment, and I urge a ''yes'' vote. I know it is going to be a close vote, but I really do believe people listening to this debate will see that all we are saying in support of this amendment is we are bringing in outside experts to keep an eye on taxpayers' dollars and keep an eye on these designs to make sure that when we fund a public works project, we have done everything in our power to make sure it is designed well, that it will be cost-effective, and it will be safe.

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the McCain-Feingold amendment on independent review. I do so because of the investigation that the Senate Homeland Security and Governmental Affairs Committee recently completed into the preparation for and response to Hurricane Katrina. In that investigation, Senator COLLINS and I and the rest of the committee learned a great deal about the inadequacy of the levee system that was supposed to protect New Orleans. And we were greatly aided by the work of the three different independent forensic investigations carried out by the State of Louisiana, the National Science Foundation, and by the Army Corps' own Interagency Performance Evaluation Task Force or IPET.

The results of these reviews were truly shocking. In the words of the Army Corps' own IPET report, ''The System did not perform as a system: the hurricane protection in New Orleans and Southeast Louisiana was a system in name only.'' IPET found that the system was only as strong as its weakest links, and that there were many weak links. IPET found:

That the materials and designs used in the levees were inadequate and failed faster than expected in fending off Katrina.

That project designs failed to incorporate redundancy and measures to respond to a hurricane that was larger than expected. For instance, there was no shielding on the back of the flood walls to prevent their collapse if they were overtopped by the storm surge.

That some parts of the system were not prepared to handle a category 3 storm even though the Army Corps had been telling the city and the Nation for years that the system offered comprehensive category 3 level protection.

That the floodwalls along the 17th Street and London Avenue Canals collapsed because of foundation failures caused by design and construction mistakes. Those walls collapsed well before the water reached the height the walls were designed to protect against, causing a major portion of the flooding in the city and the suffering at the Superdome and Convention Center. The Army Corps considered those floodwalls complete, ready to defend against a hurricane of Katrina's strength. Unfortunately, it took Katrina and the subsequent IPET report to learn that those floodwalls were not designed, built, or constructed to protect those who lived in nearby neighborhoods.

And one of the most shocking discoveries, IPET found that, because of subsidence in the area, parts of the levee system were anywhere from 2 to 3 feet below their design height. What was even more shocking was that the Army Corps was aware of the subsidence before Katrina but did nothing to address the obvious deficiency.

Mr. President, I am on the Senate floor today because while it is enormously important that we have learned of these failures after Katrina, it is even more important that we learn of them before the next Katrina, before the next failure of a major flood control project. And that is what this amendment will do. It will require that major Corps projects, and especially flood control projects that protect people and property, be subject to the kind of independent oversight that has proven so beneficial in the aftermath of Katrina.

Why did the citizens of Louisiana not know any of these problems before Katrina made landfall, and why did the Army Corps not feel compelled to fix the ones they knew about?

How different the preparation for and response to the storm would have been had an independent review process like IPET been initiated before the Army Corps designed and constructed the levee system rather than after a storm like Katrina left it and the city it was supposed to protect in tatters.

We have learned valuable lessons from Katrina, and one of those lessons is that we need an independent review process for our most critical projects before they are battle tested. We need assurances that what the Army Corps builds will function as planned. And unfortunately, we have also learned that we cannot count on the Army Corps of Engineers to do this themselves. These reviews need to be independent, conducted by 3 outside experts who can objectively evaluate what is being proposed, and in the case of major flood control projects, also how it is being designed and built.

The Army Corps has already given us an effective model to do that—IPET.

This amendment, introduced by Senators MCCAIN and FEINGOLD, would create within the Army Corps a Director of Independent Review. The Director's job will be to establish a panel of distinguished experts to conduct a thorough review of the planning process for major projects, including engineering analyses, and to issue a report and make recommendations to the Army Corps. For major flood control projects, where lives are at stake, the Director would create an additional panel to review the detailed design and construction so that we do not find ourselves in another Katrina situation where we find, after the fact, that designs and construction were flawed.

It is then up the Army Corps to implement those recommendations. The Army Corps will also be required to make the independent panel's report public so Congress and the American people will be aware of possible problems before the project is funded and before the public relies on the project for protection.

The Homeland Security and Governmental Affairs Committee learned a great deal in our investigation into Hurricane Katrina, and we made some recommendations in our report to address what we found. One of those recommendations was to create an independent review process like IPET and the one established in this amendment to oversee the design and construction of critical flood control projects. These were joint, bipartisan recommendations, and I am pleased that the chairman of our committee, Senator COLLINS, is also joining as a cosponsor of this amendment.

Catastrophes like Katrina will be repeated unless we learn from our mistake, and this amendment is a tremendous opportunity to do just that. We already have a model for the proposed solution in the independent forensic teams that were created after Katrina whose reports and recommendations have been applauded from all circles—the Army Corps, independent professional engineers, and local interests in New Orleans. But those efforts need to be in place before disaster strikes, and that is exactly what this amendment would do.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I wish to respond to a couple of arguments in the debate. How much time remains on our side?

The PRESIDING OFFICER. There is 31 minutes remaining.

Mr. FEINGOLD. I thank the Presiding Officer.

I heard the comment from some of my colleagues on the other side offering the alternative amendment that somehow this independent peer review will create a bureaucracy. I find that a little ironic because to me the definition of ''bureaucracy'' is an agency, such as the Army Corps of Engineers, that has $68 billion in authorized projects that apparently would take 35 years to build if everything was done in a sort of rational manner. That is how long it would take. It is sort of the definition of a bureaucracy that has gone awry, where there are not priorities, where there isn't clarity, where there really isn't any sense of what is more important than something else or what situation is more dangerous than another situation, what is more threatening to people's lives than another situation.

The notion that an independent peer review would not be binding, to have experts give us guidance as to what is more important as opposed to what is less important to fix or change, to me, is the opposite of bureaucracy. It is bringing rationality and a good government approach to what is currently a very troubled and in-need-of-reform bureaucracy.

I certainly expected the other side would try to raise the notion that somehow our amendment, our new system of independent review, would lead to more litigation. Of course, that is a standard argument against everything, and sometimes it is true, but here it is not.

The judicial deference provision makes it clear that the Corps must give serious consideration and review to an independent panel's findings. Unless that happens, independent review will just be another box to be checked off in project planning and will not result in better and safer projects.

The Corps, unfortunately, has a history of ignoring independent panel recommendations, even when those panels have been hand picked by the Corps, and that is unacceptable.

To ensure the independent review process is meaningful and produces real improvements for project planning, the amendment gives the recommendations of a panel equal deference with the Corps's recommendation in any judicial proceeding regarding the project in question if the Corps rejects the expert panel's finding without good cause.

That is what it does, and that is all it does. It provides an alternative view that the Corps can consider, but there is the key point. The judicial deference provision clearly does not—does not—create any new cause of action. It does not create a new basis for somebody to litigate. So it is false that somehow this creates the opportunity for new litigation. It does not even anticipate that projects subject to independent review will ever be involved in litigation at all. It simply notes that where there is judicial review of a project where the Corps did not follow an independent panel's findings, the Corps will need to explain that decision to the court.

The Corps would then be given ample opportunity to demonstrate to the court that it has rejected an expert panel finding for a valid reason, good cause—not a difficult judicial standard to meet.

If the Corps cannot do so, the court will give equal consideration to both the panel and the Corps's recommendations.

So just as the argument that we are creating somehow a new bureaucracy is just the opposite of the fact, there is no basis, no validity whatsoever to the notion that this creates some new legal cause of action that didn't exist before.

I have two more points with regard to independence. I have heard the manager of the bill and the Senator from Missouri indicate that they are for some kind of independent review and that their alternative provides for it. But, of course, it is only in the most narrow of circumstances, only in projects that are over $100 million. That is essentially wiping out independent review on almost every single project.

Our view is this probably involves, maybe on average of less than one project a year that would receive that kind of independent review. We compromised to make sure that our figure would be acceptable to the body. We started with $25 million and went up as high as $41 million. But $100 million essentially makes a mockery of the whole idea of independent review because it would only apply in the most rare cases.

Finally, of course, the argument is, apart from the notion that somehow this creates new litigation, which is not the case, somehow this will cause things to take longer in terms of approving projects and reviewing projects.

That also is incorrect. The Senator from Missouri is incorrect about our amendment and the timing of review. To quote from page 8:

> Panels may be established as early in the planning process as deemed appropriate by the director of independent review.

So this whole idea that he indicated of somehow waiting until the eighth grade for somebody who needs help in the first grade—I heard that analogy—is not true. The Director has the power to do this whenever he deems this appropriate. He has that discretion. He has that flexibility, so it is not some kind of a locked-in delay at the end of the process review.

I encourage my colleagues to read the text of the bill on each of these points which I think will bear out the validity of the arguments I made.

Mr. President, I retain the remainder of my time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, I yield myself some additional time.

When you have worked on an issue as long as I have worked on Corps reform, sometimes people don't always understand your intentions and maybe, in some cases, mischaracterize them.

But I am astonished at the extent to which my opponents, those who like the status quo, those who benefit from the status quo, are saying about the Feingold-McCain-Lieberman-Carper-Jeffords-Collins Independent Peer Review Amendment. If I may, I would like to take this opportunity to clarify some of the myths I have heard and set the record straight.

Myth No. 1: The Feingold-McCain independent peer review amendment will delay project construction.

This just is not true. Our amendment will not delay projects. We agree, projects do take some time. That's why we were very sensitive to ensure that independent peer review of Army Corps feasibility studies overlays with the existing process. Furthermore, our amendment includes strict deadlines for the panel to report and, if they fail to report in the allotted time, the Chief of Engineers is directed to proceed with planning. In fact, the Inhofe-Bond amendment uses some of the same timing criteria.

Independent review will ensure that communities will actually get the projects they are being told they will get. The independent review can start as early in the process as deemed appropriate, and for projects costing more than $40 million, must end within 90 days after the close of the public comment period.

Under the most ideal circumstances the Corps takes 11 to 12 months from the close of the public comment period to the time it issues a Chief's report for a project. And under current law, the Corps must take into account all the public and agency comment submitted during the public comment period. For large and controversial projects the time from draft feasibility study to final Chief's report takes much longer. So the independent review of feasibility studies in our amendment, which balances the absolute need to allow for a thorough review with the need to move forward in a timely fashion, fits well within the current timelines and will not delay project planning. The Nation will get better projects under this amendment.

Myth No. 2: The Feingold-McCain amendment will require reviews of too many projects.

Mr. President, the $40 million review trigger in our amendment will, on average, subject about five projects a year to independent review. This is a highly valuable use of resources. And, I believe it will promote better and more efficient studies for Corps projects throughout all of the Corps' 38 domestic districts.

Just this March, the GAO testified to the House Committee on Government Reform that:

> GAO's recent reviews of four Corps civil works projects and actions found that the planning studies conducted by the Corps . . . were fraught with errors, mistakes, and miscalculations, and used invalid assumptions and outdated data.

GAO went on to note that the planning studies:

> did not provide a reasonable basis for decision-making.

Later in its report, GAO even says:

> The Corps' track record for providing reliable information that can be used by decision makers . . . is spotty, at best.

This is simply unacceptable for a Federal agency and it should get the attention of every Member of this body.

Given the Corps' track record, we really should be requiring reviews of all studies until the agency improves its record. The $40 million trigger, however, is a reasonable and appropriate compromise that will sweep in the largest and costliest Corps projects. The other triggers will ensure that any less costly projects that could be very problematic do not fall through the cracks in the study process. We must be able to rely on the integrity of Corps project studies and their recommendations to Congress. And unfortunately, right now we cannot.

Myth No. 3: The Feingold-McCain amendment will increase project costs.

Independenter peer review is a critical taxpayer investment. The country cannot afford to have costly mistakes like the levee failures in the aftermath of Katrina. The Corps, the American Society of Civil Engineers, the National Academy of Sciences have all said that faulty design and construction by the Corps resulted in the levee failures. We cannot afford any more examples like what we saw in New Orleans. We also cannot afford to build projects based on economic or engineering errors. We have tight water resource budgets, thus we must spend every dime wisely and judiciously. I believe, and my cosponsors agree, independent peer review will help us do that.

Myth No. 4: The Feingold-McCain amendment will open the door to more litigation.

The Corps must give serious consideration and review to an independent peer review panel's findings. Without that hook, the concept is useless. We do not want independent review to be just another box to be checked off in project planning, for I think we can all agree that doing so will not yield better or safer projects. The Corps unfortunately has a history of ignoring independent panel recommendations, even when those panels have been hand picked by the Corps. This can happen no longer.

To ensure that the independent review process is meaningful and produces real improvements to project planning, the amendment gives the recommendations of an independent peer review panel equal deference with the Corps' recommendations in any judicial proceeding regarding the project in question if the Corps rejects the expert panel's findings without good cause.

The judicial deference provision clearly does not create any new cause of action, and it does not even anticipate that projects subject to independent review will ever be involved in litigation at all. It simply notes that where there is judicial review of a project where the Corps did not follow an independent panel's findings, the Corps will need to explain that decision to the court. The Corps would then be given ample opportunity to demonstrate to the court that it has rejected an expert panel's findings for a valid reason. If the Corps cannot do so, the court will give equal consideration to both the panel's and the Corps' recommendations.

Myth No. 5: The Feingold-McCain independent peer review will apply to all projects, even those that are already authorized.

The independent peer review of Corps studies applies to projects as they enter the feasibility stage, not after authorization, at which point the Chief's report is already complete. However, my amendment will ensure that flood control projects whose failure could endanger people and communities will be properly designed and constructed with adequate review. If such a project is in the post authorization design phase or construction phase it will receive the benefit of the safety assurance review required by the amendment. This comes directly from the recommendations of the Senate Homeland Security Committee's Katrina report, and I am sure my colleagues will agree that we need to make sure key flood control projects are designed and built properly.

Myth No. 6: The Feingold-McCain amendment will create a whole new layer of bureaucracy.

The amendment does not create a bureaucracy; it establishes a workable system to address a very real problem—poorly planned and designed projects that put people at risk, unnecessarily damage the environment and waste taxpayer dollars.

I would like to address one final myth, and that is that the Inhofe-Bond amendment would create a system of true independent project review.

Their amendment makes the Chief of Engineers the final arbiter of whether an independent review will happen at all. This is like puttingy the fox in charge of the henhouse. The Corps gets to select the reviewers, and there are no criteria at all for ensuring independence of those reviewers. Review is not independent if the Corps has control over whether, how, and who will review projects.

As you can see, the naysayers want to keep saying no, but we need to move beyond this game and start implementing policy that has a real chance of improving a broken system, protecting lives and property, and restoring integrity to a Federal agency

charged with providing the first line of defense against storms, charged with protecting and restoring some of our most precious natural resources and charged with providing efficient commerce.

Let me say a bit about what editorials from across the country have said. It has been just an overwhelming response. They are from communities large and small, but they all have the same message: Congress must reform the Corps. I don't have every editorial ever written about a need for a change in the Corps. I do have a good number.

I ask unanimous consent they be printed following my remarks.

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

(See exhibit 1.)

Mr. FEINGOLD. Let me ask again, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15½ minutes.

Mr. FEINGOLD. In the Northeast, the New York Times and the Washington Post have been leaders in calling for reform. While some Members will jokingly say they don't read the New York Times or the Washington Post, maybe they have heard of some of the others—the Concord Monitor in New Hampshire, the Delaware News Journal, the Philadelphia Inquirer.

Moving to the South, in Florida alone, a State with numerous Corps projects, including projects to help restore the Everglades, five papers have called for enactment of the reforms the Senator from Arizona and I are offering today. In addition, the Winston-Salem Journal, the Atlanta Journal and Constitution. Most importantly, in my regard, the New Orleans Times-Picayune has called not only for passage of our reform amendments but flatout rejection of the competing amendments that will be offered today.

In the Midwest, where I hail from, the editorial boards for the Wisconsin State Journal, the Star Tribune in Minnesota, the Chicago Tribune, the St. Louis Post Dispatch. Let me repeat that: the St. Louis Post Dispatch has editorialized on the need for modernization of the Corps of Engineers.

Those of us familiar with the players on this issue in the Senate will be interested to note that in fact the St. Louis Post Dispatch ran an editorial today, supporting the Feingold-McCain amendment.

I ask unanimous consent that be printed in the RECORD.

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

[From the St. Louis Post Dispatch, July 19, 2006]

COURSE CORRECTION

The U.S. Army Corps of Engineers is a force nearly as inexorable as the mighty rivers it dams and dredges.

From the moment it accepts an assignment, the Corps moves slowly and relentlessly forward in its course. In many circumstances, that can-do attitude is a positive attribute. But when questions arise about whether a new Corps project will drain money from other, more crucial projects, or whether a design is adequate or cost-effective, the Corps has been slow to evaluate its own decisions and glacial in course-correction. A governance structure and an endless river of federal money have allowed the Corps to avoid accountability.

The high water mark of those wrong-headed policies came last summer in the aftermath of Hurricane Katrina. The strengthening of levees and flood walls around New Orleans had been deferred for decades while money was spent on less urgent needs, like planning new locks and dams along the Upper Mississippi and Illinois rivers. When Katrina struck, the levees broke and New Orleans was underwater.

It's time for a more rational approach. It could start today, when the U.S. Senate votes on a bill called the Water Resources Development Act of 2006 (H.R. 2864), a version of which the House passed last year.

The bill's primary purpose is to authorize a slew of big water projects with big price tags around the country. But it also contains some much-needed reforms.

Several are included in an amendment cosponsored by Sens. John McCain, R-Ariz., and Russ Feingold, D-Wis. Their amendment would require that all Corps projects costing more than $40 million be reviewed by independent experts. The bill also would establish a transparent national system to set priorities for Corps projects.

Those are simple steps in the right direction.

But a rival amendment has been sponsored by Sens. Christopher ''Kit'' Bond, R-Mo., and James Inhofe, R-Okla., long-time defenders of the Corps. The Bond-Inhofe amendment also would require reviews and priority-setting. But reviews would be done only on projects costing at least $100 million a year; only two or three such projects a year fall into that big bucket. Priorities would be set by a process that would not be shared with the public, and Congress would have the final sign-off.

The effect would be to reinforce the old, flawed ways of doing things, with the Corps' influential champions like Mr. Bond overseeing the doling out of pork projects with inadequate attention to weeding out the inefficient and unrealistic. That approach wastes taxpayers' money.

The Senate should chart a course to true reform by passing amendments proposed by Sens. McCain and Feingold.

Mr. FEINGOLD. Winston-Salem Journal:

After Hurricane Katrina, to vote with Inhofe and Bond to block reform of the Corps would be downright reckless.

The Miami Herald:

A bipartisan Senate proposal to overhaul the U.S. Army Corps of Engineers deserves approval to eliminate some of Congress' most nefarious pork-barrel spending and improve the process that determines which projects are worthwhile.

San Francisco Chronicle:

This reform is not only about saving money, it's about saving lives.

The Commercial Appeal—Tennessee:

At the very least, evaluations of proposed corps projects, their environmental impact and especially their cost and benefits, should be in independent and impartial hands.

The Cleveland Plain Dealer:

This singular study of failure no doubt will become a standard reference work in engineering school libraries. It should be cross-referenced, as well, to those who study political science and philosophy, for between its lines it reveals a government authority in which a region's trust was misplaced, and a hubris in the face of the inevitable that cost more than 1,200 lives and as-yet uncounted billions of dollars in damage. Congress must read it, too, for it describes flaws in corps management that demand fixing before the next levee fails.

I reserve the remainder of my time and I yield the floor.

EXHIBIT 1

[From the Times-Picayune, July 16, 2006]

COUNTING ON CORPS REFORM

Louisiana urgently needs hurricane protection and coastal restoration projects contained in the Water Resources Development Act, and for that reason alone it's critical for Congress to move on this long-delayed measure.

But Louisiana's fortunes are also tied, for better or worse, to the U.S. Army Corps of Engineers. Efforts to reform the agency are critical for this state, which—after the levee failures during Hurricane Katrina—could serve as the poster child for the corps' shortcomings.

Congress is four years overdue in adopting a new water resources bill, in part because of disagreements over corps reform. But the Senate is expected to vote on the measure this week, and Sens. Mary Landrieu and David Vitter need to do more than push for crucial Louisiana projects. They need to push for changes that will make the corps a better, more responsible agency in the future.

The best chance for changing the way the corps operates is through reforms sought by Sens. John McCain and Russ Feingold. They're offering two amendments to the water resources bill. One would establish independent review of corps projects from planning and design to construction. The other would require corps projects to be ranked in importance based on three national priorities: flood and storm damage reduction, navigation and environmental restoration.

While the McCain-Feingold amendments won't fix everything that's wrong with the corps, Louisiana stands to benefit from both proposed changes.

The catastrophic failure during Katrina of canal floodwalls built by the corps is Exhibit A in the case for independent review. If such a process had been in place, surely subsidence wouldn't have been discounted when New Orleans' levee system was being built, and research on soil strength wouldn't have been ignored.

Louisiana also should fare better under a system that uses criteria other than political clout to decide which projects should be done. The corps already has a $58 billion project backlog—an amount that will grow by another $10 billion if the water resources bill is adopted. That means competition for the $2 billion per year that the corps gets for projects is intense.

Without a rational system for prioritizing that work, there's no guarantee that Louisiana's critically needed flood control project will prevail even over less-needed or justified projects. While there's a danger that a Louisiana project could be pushed aside in a priority-based system, this state is helped by the fact that the McCain-Feingold approach favors projects that reduce flood damage and restore the environment.

The effectiveness of the proposed changes will depend on details. If an independent review panel isn't given adequate time to evaluate a project, for example, the benefit of oversight could be lost. Conversely, a cumbersome review process could end up further delaying badly needed projects.

But an independent review process that works, combined with a ranking policy that makes sense, should result in a better-performing agency.

Unfortunately, not everyone in Congress is interested in changing the way the corps does business. The McCain-Feingold amendments face opposition and a rival set of measures by the main authors of the water resources bill, Sens. James Inhofe and Kit Bond.

What those senators offer as reform is meaningless, however. The Inhofe-Bond review process would be controlled by the corps and would only apply to projects that exceed $100 million, compared to a $40 million threshold in the McCain-Feingold measures. The Inhofe-Bond amendments also call for prioritization, but their system would simply measure projects against a set of national priorities without actually ranking them.

Sham reform won't do anything to restore confidence in the corps, and Congress must do better. The public should be able to rely on the agency that builds levees and dams to do work that will stand up to independent scrutiny. Taxpayers shouldn't have to wonder if there's a rational basis for spending billions of dollars.

And Louisianians should be able to believe that the corps, which is rebuilding our levee system and restoring our coastline, is a wiser, better managed and more reliable agency than the one that failed us when Hurricane Katrina came to town.

[From the New York Times, July 19, 2006]

A CHANCE TO REFORM THE CORPS

The Senate has a rare opportunity today to strike a blow for both fiscal sanity and environmental stewardship. It will consider several amendments that would bring a measure of discipline and independent oversight to the Army Corps of Engineers, a notoriously spendthrift agency with a history of answering to no one except a few members of Congress who control its purse strings.

The reputation of the Corps is now at a low ebb because of levee failures in New Orleans. But well before that debacle, studies by the National Academy of Sciences and others had found that the agency routinely inflated the economic payoffs of its construction projects to justify steadily greater budget outlays, while underestimating the environmental damage of those projects.

The amendments' main sponsors are the Senate's reformist duo of John McCain and Russ Feingold. One amendment would subject any project costing more than $40 million to an independent review of the project's design, feasibility, cost and environmental consequences. A second amendment would require that projects be ranked in order of importance based on established national priorities like flood control and environmental restoration. This amendment is aimed less at the Corps than its Congressional paymasters, who have historically put their own local pork barrel projects ahead of more urgent and generally accepted needs.

The sponsors will try to attach these amendments to the five-year $40 billion Water Resources Development bill, itself overdue even though it includes several important provisions. One authorizes $1.5 billion for key elements of the Everglades restoration project, which has suffered from Congressional neglect. Another would jumpstart a major effort to reverse the erosion of coastal wetlands that has left Louisiana vulnerable to flooding.

A bill this size inevitably has the usual ration of local pork. But some of this would now be subject to outside review and possible rejection if the McCain-Feingold amendments stick. As they should. These reforms made sense when first offered in 2002. Post-Katrina, they are essential.

[From the Battle Creek (MI) Enquirer, July 19, 2006]

AMENDMENT WOULD REFORM ARMY CORPS PROJECT FUNDING

The U.S. Senate this week is taking up legislation regarding authorization of project funds for the U.S. Army Corps of Engineers. It is a process that needs reform, and we hope senators will approve a bipartisan proposal which would ensure that national priorities—and not pork-barrel spending—determine which projects the Corps undertakes.

For years, members of Congress have pushed for Corps projects beneficial to little but their own districts. The trend has grown to the point where the corps now has an estimated $70 billion in backlogged projects.

Presidential budget plans have sought to eliminate such pork, but it consistently has been reinserted by Congress.

Now Sens. Russ Feingold, D-Wis., and John McCain, R-Ariz., have introduced an amendment to the Water Resources Development Act that would set up clear criteria to ensure that projects carried out by the Corps reflect national priorities as they relate to navigation, flood damage reduction and ecosystem restoration. The Corps currently uses a cost-benefits ratio to determine project priority, which gives more weight to economic benefits—such as jobs in a certain area—than to national needs, such as ensuring levees can hold back flood waters and rivers remain navigable.

The Feingold-McCain amendment would re-establish the Water Resource Council and order it to provide Congress with a list of which water-resources projects should get priority funding. Under the amendment, any project costing more than $40 million would be subject to an independent review. A review also could be ordered if another federal agency challenged the project or the secretary of the Army found the project to be controversial.

The proposed reforms would help eliminate wasteful projects such as Alaska's infamous ''Bridge to Nowhere,'' which carried a price tag of more than $200 million.

The Feingold-McCain plan is competing with another proposal by Sens. Kit Bond, R-Mo., and James Inhofe, R-Okla. But the Bond-Inhofe plan would provide no ranking for Corps projects and would give the Corps the power to deny a request for an independent review—even if it came from a governor or the leader of a federal agency.

We think the Bond-Inhofe plan would do little to change the status quo.

The devastation of Hurricane Katrina illustrated the need for the Corps of Engineers to carry out its vital mission with more coordination and funding. With federal tax dollars already being stretched, it is important that funds for the Corps are directed to those projects that will produce the greatest benefits for the nation—not for a single congressional district.

We hope senators agree.

[From the Washington Post, June 7, 2006]

KATRINIA'S UNLEARNED LESSONS

Last week the U.S. Army Corps of Engineers admitted responsibility for much of the destruction of New Orleans. It was not true, as the Carps initially had claimed, that its defenses failed because Congress had authorized only Category 3 protection, with the result that Hurricane Katrina overtopped the city's floodwalls. Rather, Katrina was no stronger than a Category 2 storm by the time it came ashore, and many of the floodwalls let water in because they collapsed, not because they weren't high enough. As the Corps' own inquiry found, the agency committed numerous mistakes of design: Its network of pumps, walls and levees was ''a system in name only''; it failed to take into account the gradual sinking of the local soil; it closed its ears when people pointed out these problems. The result was a national tragedy.

You might think that the Corps' mea culpa would fuel efforts to reform the agency. Sens. John McCain (R-Ariz.) and Russell Feingold (D-Wis.) are pushing a measure that would do just that, requiring that future Corps proposals be subject to technical review by an independent agency. But the stronger current in Congress goes in the opposite direction. A measure urged by Louisiana senators and written by Sens. James M. Inhafe (R-Okla.) and Christopher S. Band (R-Mo.) would loosen oversight of the Corps.Billions of dollars may be spent in ways that ignore the most basic lessons from Katrina.

Congress has already passed laws with language directing the Corps to design a new flood-protection plan for Louisiana. The language encourages the construction of Category 5 protections for the whole state, a project that could cost tens of billions of dollars; it advertises its own profligacy by laying down that the flood-protection plan should be exempt from cost-benefit analysis. The new measure, which is reportedly part of a revised version of a water projects bill that will be unveiled shortly, would lower the bar for congressional approval of whatever Louisiana defenses the Corps sees fit to propose. Rather than requiring full votes in both chambers of Congress, the Corps' plan could be authorized by votes in two committees that tend to rubber-stamp such projects.

In the wake of Katrina, this is almost beyond belief. The Corps' admission of its own technical shortcomings points to the need for tougher oversight, not less. And the New Orleans disaster has illustrated the folly of building flood defenses for vulnerable lowland: Some of the worst-hit areas would not have been developed in the first place if the Corps hadn't decided to build ''protections'' for them. Encouraging the Army Corps of Engineers to build Category 5 defenses for all of Louisiana, including parts that are sparsely populated for good reason, would not merely cost billions that would be better spent on defending urban areas. It would encourage settlement of more flood-prone land and set the stage for the next tragedy.

[From the Wisconsin State Journal, June 28, 2006]

PROTECT TAXPAYERS FROM BOONDOGGLES

If the United States is to rein in the billions of dollars misspent on pork-barrel projects each year, a top priority should be reforming the way the Army Corps of Engineers does business.

That's why Congress should pass the Army Corps reforms proposed by Sens. Russ Feingold, D–Wis., and John McCain, R–Ariz. The Feingold-McCain proposal would improve the public's ability to make sure limited federal resources are spent on cost-effective projects for flood control, navigation, environmental protection and related goals, rather than on boondoggles.

At stake is how the Corps spends its $12-billion-a-year budget, which includes nearly $5 billion for civil works projects, from levees to canals to coastal restoration.

Analyses of last year's hurricane disaster in New Orleans helped to expose costly even deadly flaws in how the Corps decides where to spend the public's money. For example, before the flooding from Hurricane Katrina breached the levee on the New Orleans Industrial Canal, the Corps had begun a $748 million project at that exact spot.

The project, however, was not flood control but rather a new lock for the canal. The lock, favored by local politicians, was supposed to accommodate barge traffic. Barge traffic on the canal, however, was decreasing.

The New Orleans experience highlighted the Corps' long history of mutual backscratching with members of Congress: The Corps caters to pet projects, even if their costs far outweigh the benefits, and Congress in return makes sure the Corps gets a big fat budget all at the expense of fiscal responsibility and long-term water resource strategy.

The Feingold-McCain proposal would modernize the Corps' cost-benefit analysis to make it more about project merit and less about political influence. One provision would require independent review of any project estimated to cost more than $40 million, requested by a governor, determined to have significant adverse impact, or judged by the secretary of the Army to be controversial.

Another provision would require a cabinet-level committee to work with the secretary of the Army to annually establish a list of water resource project priorities to give Congress guidance.

Wisconsin taxpayers would benefit if Congress limits the influence of pork-barrel politics in the Army Corps of Engineers. So would Corps projects affecting the state, from the modernization of the Mississippi River's lock-and-dam system to efforts to keep invasive species out of the Great Lakes.

The state's congressional delegation should support the Feingold-McCain reforms.

[From the Tallahassee Democrat, July 9, 2006]

GET TO THE CORPS—FLORIDA SENATORS SHOULD BACK REFORMS

Sometimes great, unexpected tragedies such as Hurricane Katrina are sobering enough to lead to badly needed improvements in the way things are done.

With luck and some wise voting by Florida's U.S. Sens. Bill Nelson and Mel Martinez, this might be the case with an urgently needed reformation of the Army Corps of Engineers via the Water Resources Development Act now under consideration.

The Corps has long been famous for, above all, fulfilling the aspirations of unenlightened politicians who are dying to bring home the bacon to their districts, usually not for the good of the taxpayers but for well-focused special interests. The Corps is the nation's construction company for big water-management projects, but it has regrettably become known for building wasteful, unnecessary, even destructive projects.

Florida's long-ago Cross Florida Barge Canal, which was to cut a 150-foot-wide swath across the upper neck of our peninsula (from Palatka to Yankeetown), is a great example.

It would have furthered the shipping industry's interests, cutting off some 600 miles on a voyage around the state's southern tip. But it would have destroyed so many vital aspects of Florida's precious environment—groundwater resources, wildlife areas and other ecosystems—that President Richard Nixon suspended work on it in 1971, after millions had been invested and 25 ugly miles of excavation (later filled in) had been completed.

Less dramatic, but more current, has been the Corps' dredging of the Apalachicola River, which had been listed as the nation's ''most endangered'' rivers and one that feeds directly into our Big Bend coastline.

Last year, the Corps was forced to stop years of dredging when the Florida Department of Environmental Protection denied a request to continue operations for the sake of a few commercial interests and even though there has been a sharp decline in barge traffic in recent years. The river's no longer on that endangered list, but it's so damaged that restoring it—while considering the water needs of Florida, Alabama and Georgia—is an almost untenable undertaking. The dredging kept water out of thousands of acres of flood plains, changing everything—largely for the worse—by destroying natural habitats, allowing construction in areas that never should have been built on, and restricting the flow of that necessity of life, fresh water.

PUT A LOCK ON BOONDOGGLING

Which leads us full circle back to Hurricane Katrina and the Water Resources Development Act. The hurricane disaster in New Orleans exposed fatal flaws in how the Corps spends its $12 billion annual budget. It was spending $748 million on a new lock for one of the canals whose levee was breached by the hurricane, even though, once again, barge traffic was decreasing. Local politicians had wanted the lock nonetheless. After all, the nation's taxpayers would be picking up the tab.

The boondoggles will continue unless we get approval of bipartisan reforms proposed by Sens. Russ Feingold, D-Wis., and John McCain, R-Ariz., to modernize the cost-benefit analysis of Corps' projects.

Just now about $70 billion in backlogged projects are in line, though none has been prioritized as being in the public interest. The reforms would require what seems utterly obvious: those promoting projects would have to demonstrate that they were more about merit than political influence. Really big ones—those costing more than $40 million, requested by a governor, determined to have major and detrimental impacts or otherwise enormously controversial—would have to go to an independent expert review panel. It would make sure that the economics of a project, and the science and engineering, all work to make sure limited federal resources are spent on the most essential flood control, environmental protection and navigation projects.

We urge Mr. Nelson and Mr. Martinez to modernize and restore integrity to the Army Corps of Engineers.

[From the Buffalo News, July 17, 2006]

ANOTHER VOICE/ARMY CORPS OF ENGINEERS: MAJOR REFORM NEEDED FOR NATION'S WATER PROJECTS

(By Larry Schweiger)

The U.S. Senate is set to decide in the next few days whether to reform or concede to a fiscal outrage akin to the infamous ''bridge to nowhere.'' Few taxpayers know about it, though billions in public funds hang in the balance. The Water Resources Development Act funds the Army Corps of Engineers, the nation's chief flood protection builder, but with a troubled history of promoting wasteful and unnecessary projects.

The water resources bill headed to the Senate floor this week is a public scandal. It is fiscally out of control, laden with lawmakers' pet projects that are often economically unjustifiable and environmentally destructive. The central decision senators will have to make in voting on this legislation is whether to support basic reforms or continue business as usual.

The reforms would apply the lessons learned from Hurricane Katrina by putting the public interest first and spending tax dollars where they are needed most. While the bill includes important projects, notably protecting New Orleans and restoring coastal Louisiana and the Everglades, without reform it will maintain a process where they may never be funded.

The current bill would add another $10 billion to $12 billion to an already estimated $58 billion in backlogged projects. Essential projects will have to compete with boondoggles and earmarks in that $70 billion mix. With the Corps receiving about $2 billion per year for construction, it would take 35 years to clear the existing backlog—none of it prioritized in the public interest or subject to independent peer review.

Sens. Russ Feingold, D-Wis., and John McCain, D-Ariz., have proposed reforms to fix these problems. Corps projects will be prioritized based on clear standards that put the public interest first. The Feingold-McCain measures also provide for independent expert review of large or controversial projects, ensuring that economic assumptions, science and engineering stand up to outside scrutiny.

But not everyone takes issue with the status quo. Sens. James Inhofe, R-Okla., and Christopher Bond, R-Mo., have proposed reforms to give the appearance of responding to growing public unease over the Corps' performance in New Orleans. For instance, the Corps could appoint its own ''independent'' review panel, and deny others' requests for independent reviews. The Inhofe-Bond approach also lacks clear prioritization of Corps projects and will only encourage the back scratching and cronyism that has long plagued the system.

Without prioritization reform, crucial projects will fall through the cracks, while outrageous boondoggles gobble up scarce federal funds. If the New Orleans tragedy taught anything, it's that human safety is compromised when professional standards and fundamental construction needs are ignored.

The receding floodwaters of Hurricane Katrina revealed preventable devastation and the need to clean up a fiscal mess. The Feingold-McCain reforms will restore integrity and security in the wake of a Corps disaster. The Senate should pass them.

[From the Concord Monitor, July 17, 2006]

PUT A STOP TO CORPS OF ENGINEERS BOONDOGGLES

The U.S. Senate voted overwhelmingly last week to replace FEMA, a federal agency whose name became inextricably linked to failure in the days and months after Hurricane Katrina, with a new agency. The Emergency Management Authority will remain under the umbrella of the Department of Homeland Security, but unlike FEMA, it will report to both Homeland Security and to the president.

The reshuffling may or may not solve the agency's many problems, but it's a start. This week, however, the Senate will turn its attention to the agency that bears the most responsibility for the needless loss of life and property in New Orleans, the Army Corps of Engineers.

It was the Corps whose faulty design of the city's levee system, whose refusal to heed decades-old warnings that the levees would not hold and whose shoddy construction practices caused the levees to collapse and drown the city.

The disaster was a symptom of a much larger, longstanding problem with the Corps. It is one of the biggest barrels of pork in Washington, and no outside agency has oversight over its planning and projects. It is answerable not to presidents or secretaries of defense, but only to the members of Congress who use the Corps to funnel money to their home states.

Tomorrow the Senate will take up the Water Resources and Development Act

passed earlier by the House. The measure contains $12 billion worth of alleged flood control, water resources and environmental protection projects. If it passes in its current form, that sum will be added to the $58 billion list of previously approved Corps projects.

That backlog is big enough, if nothing is ever added to it, to keep the Corps digging and dredging for the next 40 years;

Some Corps projects work beautifully, as the elaborate flood control system it built in central New Hampshire a half-century ago proved again this spring. But many are a waste of money, and some do far more harm than good.

The bad projects get built—often while worthy ones wait—because the priorities of the Corps are based not on need but politics.

To justify a project, the Corps need only show that its public or private economic benefit will be more than its cost to taxpayers. When, to please a congressional benefactor, the Corps can't make the numbers add up, it cooks the books, according to audits by the General Accounting Office and others, The agency's priorities are so wrong that ''beach rebuilding'' has become its fastest-growing activity. Many of the beaches it spends million re-sanding are off limits to the public.

Sens. John McCain of Arizona, Russ Feingold of Wisconsin and Joe Lieberman of Connecticut are trying to reform the Corps by creating an independent agency to assess its projects and rank them in the order of their priority. The rankings would not be binding on the Corps, but they would be made public so that taxpayers who pay for the projects would know which are boondoggles and which are justified.

To counter the attempt to bring some fiscal responsibility to the process, Oklahoma Sen. James Inhofe has introduced a rival amendment to keep the pork barrel open.

New Hampshire benefits from Corps projects, and perhaps a dozen are in the works. But Sens. Judd Gregg arid John Sununu enjoy a reputation for frugality, fiscal responsibility and abhorrence of waste. Their vote on the attempt to reform the Corps will say a lot about whether that reputation is deserved.

The PRESIDING OFFICER. Who yields time? The Senator from Oklahoma is recognized.

Mr. INHOFE. I ask unanimous consent the stacked votes now occur at 2:45 and all other provisions of the agreement remain in place.

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

Mr. INHOFE. Let me make a couple of comments. I appreciate that there is some division of editorial policy around the country. Different positions are taken. I would say this, though. Probably the most impressive thing we have added to the RECORD is from the National Waterways Alliance, which has been a very strong supporter, of course, of the bill, as are, I believe, most of us on both sides of this issue who do agree we want to have the WRDA bill. We haven't had a reauthorization since the year 2000.

This organization says they want to accept the Inhofe-Bond amendment and reject the Feingold amendments. It is interesting. As the Senator mentioned some of the editorials, perhaps the St. Louis Dispatch would be of interest to my colleague, Senator BOND.

This also has a number of groups from Wisconsin who are strongly in opposition to the Feingold-McCain amendment, such as the Wisconsin Corn Growers, the Wisconsin AgriServices of Brunswick, the Farm Bureau, and others.

Sometimes you can evaluate something, an amendment, by who is in support of it. I think if you look at this, there are 288 groups. Virtually everyone who has any interest in using a waterway has said they strongly support the Inhofe-Bond amendment. It is such a varied and diverse group. All the Chambers of Commerce, the labor unions, they are all in there, including, of course, the U.S. Chamber, the Wisconsin groups, Agribusiness Association of Iowa, as I mentioned before, American Association of Port authorities, the American Farm Bureau Federation, American Shore and Beach Preservation Association, Arkansas Basin Development Association.

That is an interesting one because as I sometimes remind my colleagues, people are not aware, maybe one of the best kept secrets having to do with this subject matter is that my home State of Oklahoma is a navigable State. Much of that is due to activities of my father-in-law, who is deceased now. Glade R. Kirkpatrick is the one who introduced legislation to provide for the Arkansas Development Association, working with Senator McClellan from Arkansas, Senator Kerr, at that time from Oklahoma.

I can remember 47 years ago, when I married my wife, the first thing my father-in-law did was take me with him for the dedication of the Port of Catoosa. Lyndon B. Johnson came out. I believe that was who came out to dedicate it.

I remember also—I think my friend from Wisconsin will enjoy this—many years ago when I was in the State senate, I was trying to draw attention to the fact that we have barge traffic coming into Oklahoma. I approached a group called the Submarine Veterans of World War II. They decided what they would like to do. I said we have to do something to show the people of America that we can take barge traffic up and down here. It was all done through the private sector. We went to Orange, TX, got a 300-foot-long submarine, the USS *Batfish,* and the idea was to bring it all the way up to my home town of Tulsa, OK. This was quite an undertaking. We had to put floatation on it to raise it up, then bring it down to get it under the bridges. Nobody thought it could be done. All of my political adversaries in the State of Oklahoma were saying we will sink INHOFE with this submarine. It is there, one of the most attractive tourist sites in the State of Oklahoma. Some publications had it coming across the Arkansas line into Oklahoma.

I mention that, that is one of the many groups supporting this, the Arkansas Basin Development Association. Also the California Coastal Coalition, California Marine Affairs Navigation System, the Grain and Feed Associations of Illinois.

There is a long list from Illinois; almost every agricultural organization up there is in support of the Inhofe-Bond amendment—the Illinois Chamber of Commerce, Illinois Corn Growers Association, the International Union of Operating Engineers. Everybody in Iowa is for this, too. The list goes on and on. It gets into some of the labor unions; in fact, almost all of them are in support of our amendment and opposed to the Feingold-McCain amendment, such as the Laborers' International Union of North America, the International Union of Operating Engineers, the United Brotherhood of Carpenters and Joiners, International Association of Bridge, Structural, Ornamental and Reinforcing Iron Works of America, Operative Plasterers & Cement Mason International Association, International Brotherhood of Teamsters, the International Brotherhood of Brickyard Layers and Allied Craftworkers. The list goes on. As I say, the total number is 288 organizations. I can't think of any user—even recreational groups—who are in support of this.

I have to repeat this. I don't want it to be implied by the Senator from Wisconsin or the Senator from Arizona that I do not believe reform is necessary. I talked at earlier times on this floor about the problems we have had with the Corps of Engineers. Sometimes they have done good work. Sometimes the work has not been so good. They need to have more oversight. They need to have some kind of a system, which is built into the underlying amendment or the underlying legislation. It means, to enhance that, either the Inhofe-Bond amendment or the Feingold-McCain amendment would do that. I think that is a recognition that the main thing we want here is to pass the WRDA bill. It is long overdue. We have to do it.

It is funny for me to stand up here as a conservative, having been the author of the transportation reauthorization bill, which was perhaps the largest nondefense spending bill in the history of this body, and now come along with this one, yet I still have my 100 percent rating with the American Conservative Union, I remind my friends.

Nonetheless, this is important. As I say, we are now down to less than 50 minutes until we have a chance to vote.

Several times they have talked about the Hurricane Katrina situation as the ultimate example for the Feingold-McCain amendment. As outlined in the draft final report of the Interagency Performance Evaluation Task Force issued on June 1, the Corps has made mistakes. We do not know why certain decisions were made during the design of the New Orleans levees, but in retrospect we know that they were the wrong decisions. Some or all of these mistakes may have been noticed by an independent peer review panel.

It could have been a panel that would either be adopted under the Feingold-McCain amendment or the Inhofe-Bond amendment.

I agree this unfortunate disaster is an example of the potential usefulness of peer review, but it is not a mandate for their particular amendment. At the time the New Orleans levees were being designed, independent peer review was not a requirement.

I recall one case in particular. In 1976, the Corps had actually done a review of the levee problems that might arise in the future. So they were talking about enhancing the strength of the levee. However, there was an environmentalist group called Save The Wetlands that came along and enjoined them in court and kept them from doing this.

Either review is something that would take care of problems like this that might come up in the future.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, continuing the debate, I appreciate the Senator mentioning my home State of Wisconsin. I think that is an opportunity to quote from one of the leading newspapers in our State, the Wisconsin State Journal. It in the past has not always agreed with me on this issue. But they have come down strongly this year, and I would like to read what they said.

The title of the editorial is ''Protect taxpayers from boondoggles,'' and I am going to read it in its entirety.

If the United States is to rein in the billions of dollars misspent on pork-barrel projects each year, a top priority should be reforming the way the Army Corps of Engineers does business.

That's why Congress should pass the Army Corps reforms proposed by Senators Russ Feingold, D–Wis., and John McCain, R–Ariz. The Feingold-McCain proposal would improve the public's ability to make sure limited federal resources are spent on cost-effective projects for flood control, navigation, environmental protection and related goals, rather than on boondoggles.

At stake is how the Corps spends its $12-billion-a-year budget, which includes nearly $5 billion for civil works projects, from levees to canals to coastal restoration.

Analyses of last year's hurricane disaster in New Orleans helped to expose costly, even deadly flaws in how the Corps decides where to spend the public's money. For example, before the flooding from Hurricane Katrina breached the levee on the New Orleans Industrial Canal, the Corps had begun a $748 million project at that exact spot.

The project, however, was not flood control but rather a new lock for the canal. The lock, favored by local politicians, was supposed to accommodate barge traffic. Barge traffic on the canal, however, was decreasing.

The New Orleans experience highlighted the Corps' long history of mutual backscratching with members of Congress: The Corps caters to pet projects, even if their costs far outweigh the benefits, and Congress in return makes sure the Corps gets a big fat budget all at the expense of fiscal responsibility and long-term water resource strategy.

The Feingold-McCain proposal would modernize the Corps' cost-benefit analysis to make it more about project merit and less about political influence. One provision would require independent review of any project estimated to cost more than $40 million, requested by a governor, determined to have significant adverse impact, or judged by the secretary of the Army to be controversial.

Another provision would require a cabinet-level committee to work with the secretary of the Army to annually establish a list of water source project priorities to give Congress guidance.

Wisconsin taxpayers would benefit if Congress limits the influence of pork-barrel politics in the Army Corps of Engineers. So would Corps projects affecting the state, from the modernization of the Mississippi River's lock-and-dam system to efforts to keep invasive species out of the Great Lakes.

The State's congressional delegation should support the Feingold-McCain reforms.

I could go on.

There are more editorials coming online every day. These editorials are coming from States that have projects in this bill, projects that would be subject to the prioritization amendment, projects that would be subject to the independent peer review amendment. These editorials are coming from small States and large cities. Yet they still support reform. And I believe that is because any State that might be the non-Federal cosponsor of a project should want these reforms to ensure that their investment is a wise one.

As the Senator from Oklahoma mentioned some of the groups that support his position, let me also briefly touch on the amazing support for our independent review amendment. There are letters of support from all of the following groups and individuals: League of Conservation Voters; Taxpayers for Common Sense; American Rivers; National Taxpayers Union; National Wildlife Federation; Environmental Defense; the Coalition to Restore Coastal Louisiana; Association of State Floodplain Managers; Republicans for Environmental Protection; Defenders of Wildlife; Louisiana Wildlife Federation; Natural Resources Defense Council; Sierra Club; the Garden Club of America; Council for Citizens Against Government Waste; Earthjustice; the Tennessee Wildlife Resources Agency; the Isaak Walton League of America; World Wildlife Fund; Friends of the Earth; The John Muir Chapter of the Sierra Club; U.S. Public Interest Research Group; a letter from G. Paul Kemp, a professor at Louisiana State University and a member of the Louisiana Forensics Team investigating the Corps' engineering failures; more Great Lakes groups than I can describe here, including Great Lakes United, Alliance for the Great Lakes, Lake Erie Region Conservancy, the Ohio Environmental Council, Environment Michigan, and the Michigan Wildlife Conservancy; Columbia River Fisherman's Protective Union and Columbia Riverkeeper; Environment Maine; National Audubon Society; and finally, a letter that is signed by over 120 grassroots groups from across the country that supports our stand-alone bill, from which today's Feingold and McCain amendments come. The States represented on the letter are Alabama, Alaska, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Carolina, Oklahoma, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, Washington, and, of course, Wisconsin.

I ask unanimous consent that several of these letters be printed in the RECORD.

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

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, July 17, 2006.

Re Support Corps of Engineers modernization amendments to S. 728 (Water Resources Development Act), oppose sham amendments.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The League of Conservation Voters (LCV) is the independent political voice for the environment. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of Members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the press.

LCV urges you to support amendments to S. 728, the Water Resources Development Act, offered by Senators Feingold, McCain, Carper, Lieberman, and Jeffords, and oppose amendments offered by Senators Inhofe and Bond. The Feingold-McCain-Carper-Lieberman amendments will provide additional transparency and accountability for the Army Corps of Engineers, while the Inhofe-Bond amendments do little more than codify current practices, which have failed to protect the public and the environment. Hurricane Katrina offered a stark example of these failures.

Corps of Engineers projects have all too often been plagued with inadequate or erroneous environmental or economic studies. Recently, the American Society of Civil Engineers called for mandatory independent peer review at all phases of major Corps projects. The Feingold-McCain-Carper-Lieberman-Jeffords amendment ensures that studies for significant projects receive an independent, peer-reviewed assessment. This independent review is empowered to examine all aspects of the Corps analysis it believes are flawed. By contrast, an Inhofe-Bond amendment sharply limits which projects must receive this review, fails to ensure independence, and narrows the scope of that review.

The Corps of Engineers has a multi-decade backlog of authorized projects. In an era of limited resources, it is more important than ever that funds are focused on those projects that are most important to protecting public health and the environment. The McCain-Feingold-Lieberman amendment establishes an independent body that will determine criteria for setting priorities, and then issue a prioritization report to Congress. In contrast, the competing Inhofe-Bond amendment skews the prioritization process toward particular types of Corps projects, leaves the Corps to determine, in vague terms, what the

priorities should be, and provides Congress with minimal information for decision-making.

We urge you to support the amendments to WRDA which increase accountability within the Corps of Engineers and to oppose those amendments which do not provide real reform. The LCV Political Advisory Committee will consider including these votes in compiling LCV's 2006 Scorecard. If you need more information, please call Tiernan Sittenfeld or Nat Mund at my office at (202) 785–8683.

Sincerely,

GENE KARPINSKI,
President.

AMERICAN RIVERS, DEFENDERS OF WILDLIFE, EARTHJUSTICE, ENVIRONMENTAL DEFENSE, FRIENDS OF THE EARTH, NATIONAL WILDLIFE FEDERATION, REPUBLICANS FOR ENVIRONMENTAL PROTECTION, SIERRA CLUB, U.S. PUBLIC INTEREST RESEARCH GROUP,

July 17, 2006.

DEAR SENATOR: On behalf of our organizations and our millions of members and supporters, we request your support for the true Army Corps of Engineers modernization amendments that will be offered to the Water Resources Development Act when it comes to the floor. These amendments, offered by Senators Feingold, McCain. Carper, Lieberman, and Jeffords, pose our only meaningful chance of reforming this embattled federal agency.

Hurricane Katrina confirmed the high cost of the Corps' flawed process for developing water projects. As such, our organizations have made addressing the flaws exposed by Katrina a top priority for the 109th Congress. Poorly conceived and engineered flood control, and navigation projects led to the destruction of coastal wetlands and caused most of New Orleans' Katrina related flooding. Billions of federal dollars flowed to low priority Corps projects while acknowledged weaknesses in New Orleans levees went unaddressed.

To avoid repeating these preventable disasters, Congress must require to independent peer review of costly, controversial, and high risk projects. With a 30-year backlog of authorized projects, Congress should also establish a credible system for identifying projects that deserve priority funding. If the Water Resources Development Act comes to the floor, Senators Feingold, McCain, Carper, Lieberman and Jeffords will introduce well-crafted amendments to address these two endemic problems with the Corps.

However, to undercut true reforms, competing amendments developed by and for the Corps will be offered on the floor by Senators Inhofe and Bond. The purpose of these amendments, which do no more than codify existing Corps procedures that have proved inadequate, is to give the appearance of reform without the substance. We strongly urge you to reject these distracting alternatives, which would prohibit review of how models and tools are applied to a particular project; provide only a snap shot assessment of design specifications, for even the most critical projects; and give sole control over peer review and prioritization ''evaluations'' to the Corps. The Chief of Engineers, not an impartial officer or outside body, would select project reviewers, decide which projects should be reviewed, and recommend priority projects. It would be absurd to vest this additional authority in the Corps in light of the dramatic problems at the agency revealed by Katrina and more than a decade of government and independent studies.

We urge you to oppose the amendments offered by Senators Inhofe and Bond and VOTE YES on the common sense reforms that will be offered by Senators Feingold, McCain, Carper, Lieberman and Jeffords when WRDA is brought to the Senate floor.

Sincerely.

Rebecca Wodder, President, American Rivers.

Buck Parker, Executive Director, Earthjustice.

Brent Blackwelder, President, Friends of the Earth.

Martha Marks, President, Republicans for Environmental Protection.

Doug Phelps, Chairman, Board of Directors, U.S. Public Interest Research Group.

Roger Schlickeisen, President and CEO, Defenders of Wildlife.

Fred Krupp, President, Environmental Defense.

Larry Schweiger, President and CEO, National Wildlife Federation.

Carl Pope, Executive Director, Sierra Club.

JUNE 9, 2006.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: On behalf of the Michigan United Conservation Clubs and the National Wildlife Federation, we urge you to cosponsor the Independent Peer Review amendment proposed by Senators Feingold and McCain, which will be offered to the Water Resources Development Act when it comes to the Senate floor for consideration. This provision would address fundamental flaws with the Corps of Engineers and our nation's water resources program that have been brought to light by Hurricane Katrina. It would improve the health, safety, and security of all Americans, while better protecting the environment and the taxpayers.

As a senior member of the Senate Homeland Security and Government Affairs Committee, you have done due diligence for both the residents of New Orleans and Americans nationwide who watched in horror the days after Hurricane Katrina hit that historical city. Your thorough investigation into all facets of the many failures that befell New Orleans exposed numerous flaws in the federal response system. One of the most startling flaws, in our regard, is the mismanagement of the U.S. Army Corps of Engineers.

Unchecked engineering flaws, poorly planned water projects like the Mississippi River Gulf Outlet that destroy natural flood protection, and misplaced priorities can have disastrous consequences, and not just in a vulnerable city like New Orleans. Senator Levin, this is an historic moment for our nation. We must do a better job of managing our water resources.

The amendments proposed by Senators Feingold and McCain will steer the Corps in a new, more sustainable direction. Recommendation 82 in your report called for independent peer review task forces to be convened to oversee flood control projects across the country. The Feingold-McCain Independent Peer Review amendment will subject all costly and controversial Corps projects to independent peer review. This will provide an important check to ensure that projects proposed by the Corps are based on sound science and economics.

We urge you to cosponsor this critically needed amendment before WRDA is brought to the Senate floor.

Sincerely,

ANDY BUCHSBAUM,
Director, Great Lakes Natural Resource Center.

SAM WASHINGTON,
Executive Director, Michigan United Conservation Clubs.

THE IZAAK WALTON LEAGUE OF AMERICA,
Gaithersburg, MD, July 17, 2006.

DEAR SENATOR: The Izaak Walton League of America requests that you oppose the current S. 728 Water Resources Development Act when it comes to the Senate floor. A Water Resources Development Act (WRDA) has not passed congress in six years because of bad provisions and resistance to necessary revisions that would safeguard the environment. This legislation sets water policy for our nation and should never be approved without due consideration to the conservation of our water resources. Specifically, please vote against any WRDA bill that contains the boondoggle scheme to build new locks on the Upper Mississippi River. This navigation expansion plan closely follows the Army Corps of Engineers proposal for seven new locks that has been found to be unjustified in multiple examinations by the National Academy of Sciences. Furthermore, President Bush, the Secretary of the Army for Civil Works and the Secretary of Agriculture have all previously disputed the need for the new locks.

Rather than spending billions on un-needed construction projects, the Leagile reminds you that the Mississippi River corridor contains an ecosystem home to 260 fish species, more than 300 varieties of birds, and serves as the migratory path to 40 percent of North America's waterfowl. And the Army Corps of Engineers itself has reported this ecosystem is ''significantly altered, is currently degraded, and is expected to get worse.'' There is no need for the new locks; it is time for the Senate to instead discuss the critical ecological restoration needs of the Mississippi River.

We encourage you to support amendments to S. 728 offered by Sen. Feingold and Sen. McCain.

The Independent Peer Review amendment will require the Corps to submit costly or controversial projects to be reviewed by an independent panel of experts in science and transportation. This amendment will ensure that Corps projects are based on solid engineering, are technically and environmentally sound, and are fiscally responsible.

The Prioritization amendment will require an independent panel to identify the top priority flood control, navigation, and restoration projects for our country. The panel will share their findings with Congress to guide funding decisions.

Our country's water resources are far too important to be altered without complete review, and our federal funds are far too scarce to be spent on unjustified new locks. Thank you.

Sincerely,

BRADLEY REDLIN,
Director, Agricultural Programs.

TENNESSEE WILDLIFE RESOURCES AGENCY, ELLINGTON AGRICULTURAL CENTER,
Nashville, TN, July 17, 2006.

Hon. LAMAR ALEXANDER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ALEXANDER: We are writing this letter in support of the Feingold-McCain-Carper-Lieberman-Jeffords sponsored amendment to the Water Resources Development Act (WRDA) which is scheduled to be on the floor of the Senate sometime the week of July 17, 2006. The proposed amendment allows for the formation of a Water Resources Coordinating Committee (WRCC) which will provide review and oversight to water resources projects by the U.S. Army Corps of Engineers. This interagency task force will prioritize Corps 'projects; establish a transparent system of ongoing review; and issue recommendations set upon

strict timelines that will not delay the planning process. The amendment provides WRCC review for all projects exceeding $40 million; when a state Governor requests it; when a federal agency finds the project will have a significant adverse impact, or when the Secretary of the Army determines that the project is controversial. We urge you to support the Feingold-McCain-Carper-Lieberman-Jeffords amendment to the WRDA which ensures a meaningful, independent review mechanism to review Corps projects.

A competing amendment to the WRDA is being sponsored by Senators Inhofe and Bond that imposes little change on how the Corps does business. It continues to foster a system without clear water resource priorities and allows the Corps to ignore requests from federal agencies and state Governors. Furthermore, reviews will only cover scientific, engineering or technical bases of the decision or recommendation, but not recommendations resulting from the data. Environmental reviews accompanying a feasibility study would not be subject to the overall review. Review will be one-time instead of ongoing during the life of each Corps project, and will not be independent; allowing the Corps Chief of Engineers to select the review panel. Only projects exceeding $100 million will be subject to mandatory review, allowing the Corps discretion to avoid review for most projects. We urge you to vote to defeat the Inhofe-Bond amendment which allows the Corps to continue to ignore priorities for politics.

The current lack of clear water resources priorities is damaging the nation's economic development, transportation systems, and ability to protect its citizens and property from flooding and natural disasters. The Feingold-McCain-Carper-Lieberman-Jeffords amendment moves the nation toward a transparent system that establishes water resource priorities through independent, external peer review. The review system proposed by this amendment ensures that Congress has the information it needs to direct limited federal resources to meet the nation's most urgent needs.

Sincerely,

TIM CHURCHILL,
Tennessee Wildlife Resources Agency.

Mr. FEINGOLD. Mr. President, the need for change could not be more clear, and I hope that today the Senate will adopt the Feingold-McCain-Carper-Lieberman-Jeffords-Collins independent peer review amendment and reject the Inhofe-Bond counter amendment.

I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, we have several times addressed both sides of the agreement we have in terms of how Katrina would have been affected with the various different types of approaches of peer review. I was approached by the junior Senator from Louisiana who said that in Louisiana they are very strongly in support of the Inhofe-Bond amendment. He says those in support are the City of New Orleans, Jefferson Parish, St. Tammany Parish, the State of Louisiana, the Terrebonne Levee and Conservation District, and the Red River Valley Association.

I yield as much time to the Senator from South Dakota as he desires.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I thank the chairman.

I congratulate the chairman of the committee and Senator JEFFORDS and Senator BOND and others who have worked so hard to get this measure to the floor.

Congress is long overdue in reauthorizing this important measure. As a member of the Environment and Public Works Committee, I am pleased to be part of efforts to improve the functionality of the Army Corps of Engineers.

While my home State of South Dakota doesn't have any new specific projects in this bill, I appreciate the hard work that has been put in on the part of Chairman INHOFE, Subcommittee Chairman BOND, and Senators JEFFORDS and BOXER in getting this long overdue legislation to the floor for consideration and hopefully a favorable vote.

I express my appreciation to the bill managers for their willingness to extend the provisions having to do with the Missouri River Restoration Act that was authorized in the 2000 Water Resources Development Act bill.

This particular provision will allow the State of South Dakota to move forward with a task force report from State, tribal, and Federal entities concerning siltation, erosion, and the status of Native American historical and cultural sites along the Missouri River.

My colleagues will be interested to know that my home State of South Dakota has four dams along the Missouri River which resulted in the flooding of hundreds of thousands of acres of State, tribal, and private lands. This particular provision will assist in addressing some of the consequences of the construction of those dams.

Additionally, I appreciate the inclusion of clarifying language in section 5010 that will assist the U.S. Treasury in managing the assets within the Habitat Restoration Trust Fund for the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe that was created in the 1999 WRDA bill. These trust funds are close to being fully capitalized and will greatly assist mitigation of the terrestrial impacts that resulted with the construction of the Oahe and Sharpe reservoirs. This language was requested by the U.S. Treasury and will assure the trust fund's assets are properly invested.

I also would highlight that the Governor of South Dakota is very supportive of a provision I advocated in section 3126 which ensures that Missouri River recovery funds are available to upper basin States—States including Montana, North Dakota, and South Dakota—that would be covered by that provision.

While there have been some previous disagreements among the upper basin States and lower basin States regarding the management of the Missouri River, I am pleased to see that section 5008 has been included to allow all the stakeholders along the Missouri River to work together in laying out what needs to be done to address long-term recovery and mitigation activities.

I rise today to again congratulate and give due credit to the leadership of Environment and Public Works Committee on both sides of the aisle, and our leadership here in the Senate in getting this legislation to the floor.

This is a bill, as I said, which I had some experience working on as a Member of the House of Representatives back in 2004. It is something that we reauthorize on a fairly regular basis. But this one in particular is long overdue.

There are many needs that have been raised for why we need a reauthorization of the Water Resources Development Act, and I also add in terms of the direct benefits to South Dakota and our issues with regard to the Missouri River which are many and have been going on for a very long time.

I also add that the agricultural groups in South Dakota have all weighed in in favor of getting this bill to the floor, voted on and on the President's desk because of the important projects that are included that will make it more possible for them to get their agricultural products to the marketplace.

It is widely supported by a lot of groups in my State—agricultural groups, the Governor of South Dakota, and obviously the tribes of South Dakota, who have been impacted as well when the Missouri River was dammed up and lands were taken to help in flood control issues downstream. There have been ongoing disputes over the years with respect to this river and how it is managed by the Corps of Engineers.

This bill moves us a long way toward addressing some of those issues and making sure that we have good policies and a good process in place for the needs of the States that are impacted by the Missouri River—my State right down the center—which, as I said, has provided a number of benefits, construction of the dams and the area of recreation but also has created a number of challenges for landowners, and for many of the benefits that were promised when the dams were put in. People in my State don't believe they have been fully realized. It seems we have been fighting ever since between the up- and downstream States over getting policies in place that will effectively manage in a fair way the Missouri River.

The WRDA bill doesn't address all those legal issues, but it certainly does address many of the ongoing challenges we face in making sure that the Missouri River is a river that provides for all the various users.

There are many stakeholders, as I mentioned earlier, who have a vested interest in seeing this bill get passed. I am pleased today to be able to rise in support, and I urge us to get a vote on it, pass it, and get it on the President's desk and signed into law so this long

overdue legislation can be put into effect and begin to provide the benefits and the intended results for those who have been waiting for its passage.

I yield my time to the chairman of the Environment and Public Works Committee, and again give him due credit for getting this bill to the floor today. I hope we get a very favorable vote.

Mr. INHOFE. Mr. President, I thank the Senator from South Dakota. He has been a huge help on the committee. He is always very active.

I agree with him, the WRDA bill has been pretty heavy lifting. We were both around in 2004 when we had our last reauthorization. It was not an easy accomplishment. It was one that was almost the magnitude of the Transportation reauthorization bill.

We have these amendments, and we are coming down to the wire where we are going to be able to see final passage before too long. I thank my friend from South Dakota for all of his help.

I yield the floor.

Mr. FEINGOLD. Mr. President, I ask unanimous consent the time be equally divided during the quorum.

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

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. INHOFE. I ask unanimous consent Senators CORNYN and HUTCHISON both be added as cosponsors to the Inhofe-Bond amendment.

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

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. 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. FEINGOLD. Mr. President, I yield 3 minutes to the Senator from Iowa. He is going to speak as in morning business, but I understand it will be charged against my time.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 minutes.

(The remarks of Mr. HARKIN and Mr. MCCAIN are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, while we have a minute or two here, the Senator from Oklahoma and I have agreed—and I hope the Senator from Vermont would agree—that on the next amendment we could get it dispensed with pretty quickly. We do not intend to propose the other two amendments which we had pending. So as far as the Senator from Wisconsin and I are concerned, we would only have one additional amendment, and if it is agreeable to the managers of the bill, that would be for an hour equally divided.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I yield 5 minutes to the junior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. MARTINEZ. Mr. President, I rise today to offer my strong support for S. 728, the Water Resources Development Act. This is truly a momentous and important day for Florida. My State is home to beautiful beaches, coastal estuaries, numerous ports, and the Everglades. No piece of legislation moving through Congress could have as much lasting improvement on Florida's fragile ecosystem as the WRDA bill.

I express my sincere thanks to the EPW chairman, Senator JIM INHOFE, and Senator BOND for their diligent leadership in crafting this legislation. I also thank Majority Leader FRIST and Senators REID and Jeffords for reaching time agreements and allowing this historic legislation to come to the floor. So often the media depicts Congress in such an acrimonious light, and I believe this bill is a testament to the fact that bipartisanship still exists in the Senate and that we can also roll up our sleeves and act for the betterment of our Nation.

For too long in our Nation's past, the Federal Government's water resources policies seemed to be in conflict with nature. In the not-so-distant past, the Corps and even the elected congressional and State leadership of Florida was determined to drain the Everglades. One of our most colorful former Governors, Napoleon Bonaparte Broward, famously proclaimed: ''Water will run downhill!'' At that time, draining and improving ''useless swampland'' was the epitome of true conservation because opening the wetlands and marshes of Florida to farming and development was considered a better use of land because it could feed and employ people. The idea that places should be protected for their intrinsic beauty and public enjoyment was a foreign concept. Fortunately for our Nation and Florida, the idea of conservation and restoration has an entirely different and more sophisticated meaning today than it did in years past.

In 2000, Congress authorized the landmark Comprehensive Everglades Restoration Plan to repair and restore the natural sheet flow of water across the Everglades National Park into Florida Bay. CERP projects will capture and store a great deal of the nearly 1.7 billion gallons of fresh water a day which are currently released into the Atlantic Ocean and Gulf of Mexico. This water will be restored in above- and underground reservoirs. And when needed, it will be directed to the wetlands, lakes, rivers, and estuaries of south Florida—providing abundant, clean, fresh water, while also ensuring future urban and agricultural water supplies.

This incredible undertaking is the largest environmental restoration project in the world. I am proud to say the State of Florida has made an historic and prolific financial investment of over $3 billion to honor its commitment to the Everglades restoration. And now, with the expected passage of WRDA, new major CERP projects such as the Indian River Lagoon and the Picayune Strand will finally be federally authorized so this important restoration effort can start to take shape.

The Indian River Lagoon's South Restoration Project in WRDA is critical to the success of CERP and returning the Saint Lucie estuary to a healthy status. Approximately 2,200 species have been identified in the lagoon system, with 35 of these species listed as threatened or endangered.

Implementation of the South Restoration Project will feature more than 12,000 acres of aboveground water reservoirs; 9,000 acres of manmade wetlands; and 90,000 acres of natural storage and water quality areas, including 53,000 acres of restored wetlands. We will also be pleased to restore a great deal of the Saint Lucie River, with a corresponding restoration of 2,600 acres of habitat.

Another very important Everglades restoration project included in WRDA is the authorization of the Picayune Strand project. This area was originally planned as the largest subdivision in the United States called Golden Gate Estates. In the early 1960s, the Gulf American Corporation dredged 48 miles of canals, built over 290 miles of roads, and sold thousands of lots before going bankrupt. At that time, there were no Federal or State laws setting drainage standards. So now today we will be moving that area back into somewhat of its natural state and natural habitat, and it will join with the Big Cypress National Preserve and the 10,000 Islands National Wildlife Refuge. It will also provide additional grounds for the Florida Panther Wildlife Refuge.

These are great things for our State. They are great things for restoring back to a lot of its original beauty Florida's ecosystem; not just the beauty but also the functionality of providing for wetlands as a renourishment

of Florida's aquifer, which also is so important to maintaining the urban lifestyle of south Florida.

The need to pass a comprehensive water resources bill in Florida is overwhelming. Florida will benefit tremendously from it. I want to use this opportunity to thank Chairman INHOFE and Senator BOND for including these vital restoration and economic development projects in WRDA. This legislation is long overdue. It is time for us to pass S. 728. I urge my colleagues to support final passage of this very important piece of legislation to Florida.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wisconsin has 30 seconds remaining. All other time has expired.

Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, the amendment cosponsored by Senators MCCAIN, CARPER, LIEBERMAN, JEFFORDS and COLLINS will ensure independent review of Army Corps projects that are costly, controversial or critical to public safety. The amendment responds to over 10 years of studies, including analysis of the Katrina disaster, documenting serious problems with planning and design of Army Corps projects. We owe it to the people of New Orleans, and to all of our constituents, to ensure close scrutiny of critical flood control projects, as recommended by the Homeland Security Committee. That is what our amendment does.

Despite any outcome on my amendment, I urge my colleagues to vote ''nay'' on the Inhofe-Bond amendment which maintains the unacceptable status quo.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 4681, as modified.

Mr. FEINGOLD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—54

Akaka	Dodd	Lieberman
Alexander	Durbin	McCain
Allard	Ensign	Menendez
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murray
Biden	Graham	Nelson (FL)
Bingaman	Gregg	Obama
Boxer	Inouye	Reed
Brownback	Jeffords	Reid
Byrd	Johnson	Rockefeller
Cantwell	Kennedy	Salazar
Carper	Kerry	Sarbanes
Chafee	Kohl	Schumer
Clinton	Kyl	Snowe
Coburn	Landrieu	Stabenow
Collins	Lautenberg	Sununu
DeMint	Leahy	Voinovich
DeWine	Levin	Wyden

NAYS—46

Allen	Dorgan	Nelson (NE)
Bennett	Enzi	Pryor
Bond	Frist	Roberts
Bunning	Grassley	Santorum
Burns	Hagel	Sessions
Burr	Harkin	Shelby
Chambliss	Hatch	Smith
Cochran	Hutchison	Specter
Coleman	Inhofe	Stevens
Conrad	Isakson	Talent
Cornyn	Lincoln	Thomas
Craig	Lott	Thune
Crapo	Lugar	Vitter
Dayton	Martinez	Warner
Dole	McConnell	
Domenici	Murkowski	

The amendment (No. 4681), as modified, was agreed to.

Mr. FEINGOLD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4682

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4682.

Mr. INHOFE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—49

Alexander	Domenici	Murray
Allen	Dorgan	Nelson (NE)
Bennett	Enzi	Pryor
Bond	Frist	Roberts
Bunning	Grassley	Santorum
Burns	Hagel	Sessions
Burr	Harkin	Shelby
Byrd	Hatch	Smith
Chambliss	Hutchison	Specter
Cochran	Inhofe	Stevens
Coleman	Isakson	Talent
Conrad	Lincoln	Thomas
Cornyn	Lott	Thune
Craig	Lugar	Vitter
Crapo	Martinez	Warner
DeMint	McConnell	
Dole	Murkowski	

NAYS—51

Akaka	Durbin	Lieberman
Allard	Ensign	McCain
Baucus	Feingold	Menendez
Bayh	Feinstein	Mikulski
Biden	Graham	Nelson (FL)
Bingaman	Gregg	Obama
Boxer	Inouye	Reed
Brownback	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Carper	Kennedy	Salazar
Chafee	Kerry	Sarbanes
Clinton	Kohl	Schumer
Coburn	Kyl	Snowe
Collins	Landrieu	Stabenow
Dayton	Lautenberg	Sununu
DeWine	Leahy	Voinovich
Dodd	Levin	Wyden

The amendment (No. 4682) was rejected.

Mr. INHOFE. Mr. President, I move to reconsider the vote.

Mr. FEINGOLD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INHOFE. Mr. President, I ask unanimous consent that Senator MCCAIN be recognized to offer an amendment regarding prioritization report; further, that following the reporting of that amendment, Senator INHOFE be recognized to offer an amendment on fiscal transparency; provided further that there be 1 hour total for both amendments, to be divided equally between Senators INHOFE and MCCAIN; further, that following the use or yielding of time, the Senate proceed to a vote in relation to the McCain-Feingold amendment, to be followed by a vote in relation to the Inhofe-Bond amendment, with no intervening time or extra debate; and that following the votes, there will be 30 minutes equally divided, followed by a vote on final passage.

Mr. President, let me restate this. We have too many things going on, so let me be sure we get it right.

The unanimous consent request is that Senator MCCAIN be recognized to offer an amendment regarding prioritization report; further, that following the reporting of that amendment, Senator INHOFE be recognized to offer an amendment on fiscal transparency; provided further that there be 1 hour total for both amendments to be divided between Senators INHOFE and MCCAIN; further, that there be 30 minutes equally divided for general debate on the bill, and that following the use or yielding of time, the Senate proceed to a vote in relation to the McCain-Feingold amendment, to be followed by a vote in relation to the Inhofe amendment, to be followed by a vote on final passage, all with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Missouri is recognized.

Mr. TALENT. Mr. President, reserving the right to object, could I ask my friend if I could have just a few minutes? It sounds like the unanimous consent takes up all the time, and I just wanted to speak for 4 or 5 minutes on the bill, which I would want to do before we got into that.

Mr. INHOFE. I would respond to my friend from Missouri that we do have in this unanimous consent request 30 minutes equally divided before final passage, and I would be glad to yield to the Senator at that time.

Mr. TALENT. That will be fine.

Mrs. LINCOLN. Mr. President, reserving the right to object, I would like to ask the Chair if there is any possible way we could take the opportunity to give myself and my colleague from Arkansas and Senator ROCKEFELLER just a few moments to speak in morning business in behalf of paying tribute to our Lieutenant Governor from Arkansas.

Mr. INHOFE. Yes. Let me respond to the Senators from Arkansas. I have talked to Senator ROCKEFELLER and we have agreed that as soon as this UC goes through, we will recognize him and the Senator from Arkansas for up to 15 minutes for that purpose.

Mrs. LINCOLN. We are so grateful. We appreciate that from our colleague from Oklahoma.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mrs. LINCOLN, Mr. PRYOR, and Mr. ROCKEFELLER are printed in today's RECORD under ''Morning Business''.)

Mr. ROCKEFELLER. I thank the chairman of the committee and ranking member. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, while we have a moment I would like to take some time to thank the staff from the Environment and Public Works Committee.

Senator INHOFE's staff is first class, including Ruth Van Mark, Andrew Wheeler, Angie Giancarlo, Stephen Aaron, and many others.

Senator BOND's lead staffer Letmon Lee has done excellent work on this bill.

Paul Wilkins and Sara Roberts from Senator BAUCUS' staff also contributed extensively to this product.

From my staff, Ken Connolly, Alison Taylor, Margaret Weatherald, and Caroline Ahearn have been tremendous.

But most importantly I wanted to recognize two staff people who have worked for years and years on Army Corps issues and specifically this bill.

First, Catharine Cyr Ransom. Catharine is an exceptional Senate staffer. She works hard, is fair, and a joy to work with. She also is very persistent and has made sure that my little State of Vermont has been looked after in this legislation.

Finally, JoEllen Darcy, who has been with the Committee 12 years, and has lived through this WRDA process for her entire tenure, is a true gem. JoEllen has an incredible record of legislative success on the Environment and Public Works Committee due to her depth of knowledge, kind manner, and strong negotiating skills. She is also an avid Red Sox fan, which says a lot about her character and why I like her so much.

I thank all the staff for their work and for all their work through the August recess on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, right now we are waiting for Senator MCCAIN to return and call up his legislation in conjunction with the unanimous consent agreement.

I would like also to say the same thing. It has been great working with Senator JEFFORDS and his staff, as well as other staff members, and of course my staff. Angie, here, has been the primary driver with Steve Aaron and Blu Hulsey, David Lungren, our staff director, and Ruth Van Mark, who has done so much work on the transportation end.

On Senator BOND's staff, Letmon Lee; of course, JoEllen Darcey with Senator JEFFORDS, Catharine Ransom, Alison Taylor, and I guess I would have to mention Ken Connolly, too, as someone who hangs around and gets things done, and Paul Wilkins with Senator BAUCUS.

There is a lot of truth to this. This is more of a nonpartisan committee. We have a lot of issues on which we disagree, but when it gets down to the big authorization we recognize that what we deal with are some of the most significant aspects of government—those that have to get done.

It is the only way to do that when we are dealing with many areas—is cooperate. I appreciate all the staff working together.

I yield the floor.

AMENDMENT NO. 4684

Mr. MCCAIN. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. FEINGOLD, Mr. LIEBERMAN, and Mrs. FEINSTEIN, proposes an amendment numbered 4684.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for a water resources construction project prioritization report)

On page 76 between lines 20 and 21, insert the following:

SEC. 2007. WATER RESOURCES CONSTRUCTION PROJECT PRIORITIZATION REPORT.

(a) PRIORITIZATION REPORT.—

(1) IN GENERAL.—On the third Tuesday of January of each year beginning January 2007, the Water Resources Planning Coordinating Committee established under section 2006(a) (referred to in this section as the ''Coordinating Committee'') shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, and the Office of Management and Budget, and make available to the public on the Internet, a prioritization report describing Corps of Engineers water resources projects authorized for construction.

(2) INCLUSIONS.—Each report under paragraph (1) shall include, at a minimum, a description of—

(A) each water resources project included in the fiscal transparency report under section 2004(b)(1);

(B) each water resources project authorized for construction—

(i) on or after the date of enactment of this Act; or

(ii) during the 10-year period ending on the date of enactment of this Act; and

(C) other water resources projects authorized for construction, as the Coordinating Committee and the Secretary determine to be appropriate.

(3) PRIORITIZATION REQUIREMENTS.—

(A) IN GENERAL.—Each project described in a report under paragraph (1) shall—

(i) be categorized by project type; and

(ii) be classified into a tier system of descending priority, to be established by the Coordinating Committee, in cooperation with the Secretary, in a manner that reflects the extent to which the project achieves national priority criteria established under subsection (b).

(B) MULTIPURPOSE PROJECTS.—Each multipurpose project described in a report under paragraph (1) shall—

(i) be classified by the project type that best represents the primary project purpose, as determined by the Coordinating Committee; and

(ii) be classified into the tier system described in subparagraph (A)(ii) within that project type.

(C) TIER SYSTEM REQUIREMENTS.—In establishing a tier system under subparagraph (A)(ii), the Secretary shall ensure that—

(i) each tier is limited to $5,000,000,000 in total authorized project costs; and

(ii) includes not more than 100 projects.

(4) REQUIREMENT.—In preparing reports under paragraph (1), the Coordinating Committee shall balance, to the maximum extent practicable—

(A) stability in project prioritization between reports; and

(B) recognition of newly-authorized construction projects and changing needs of the United States.

(b) NATIONAL PRIORITY CRITERIA.—

(1) IN GENERAL.—In preparing a report under subsection (a), the Coordinating Committee shall prioritize water resources construction projects within the applicable category based on an assessment by the Coordinating Committee of the following criteria:

(A) For flood and storm damage reduction projects, the extent to which the project—

(i) addresses critical flood damage reduction needs of the United States, including by reducing the risks to loss of life by considering current protection levels; and

(ii) avoids increasing risks to human life or damages to property in the case of large flood events, avoids adverse environmental impacts, or produces environmental benefits.

(B) For navigation projects, the extent to which the project—

(i) addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable; and

(ii) avoids adverse environmental impacts.

(C) For environmental restoration projects, the extent to which the project—

(i) addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat while being, to the maximum extent practicable, self-sustaining; and

(ii) is cost-effective or produces economic benefits.

(2) BENEFIT-TO-COST RATIOS.—In prioritizing water resources projects under subsection (a)(3) that require benefit-to-cost ratios for inclusion in a report under subsection (a)(1), the Coordinating Committee shall assess and take into consideration the benefit-to-cost ratio and the remaining benefit-to-cost ratio of each project.

(3) FACTORS FOR CONSIDERATION.—In preparing reports under subsection (a)(1), the Coordinating Committee may take into consideration any additional criteria or subcriteria, if the criteria or subcriteria are fully explained in the report.

(4) STATE PRIORITIZATION DETERMINATIONS.—The Coordinating Committee shall

establish a process by which each State may submit to the Coordinating Committee for consideration in carrying out this subsection any prioritization determination of the State with respect to a water resources project in the State.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Coordinating Committee shall submit to Congress proposed recommendations with respect to—

(A) a process to prioritize water resources projects across project type;

(B) a process to prioritize ongoing operational activities carried out by the Corps of Engineers;

(C) a process to address in the prioritization process recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects; and

(D) potential improvements to the prioritization process established under this section.

(2) CONTRACTS WITH OTHER ENTITIES.—The Coordinating Committee may offer to enter into a contract with the National Academy of Public Administration or any similar entity to assist in developing recommendations under this subsection.

Mr. MCCAIN. Mr. President, if I may ask the distinguished chairman, have we entered into a time agreement on this amendment?

Mr. INHOFE. Yes, we have. In fact, I will be bringing up mine, and we will consider them jointly. There will be 1 hour equally divided.

Mr. MCCAIN. I thank my colleague.

Mr. President, I ask unanimous consent that the Senator from Ohio be recognized for however much time he may take in support of the amendment.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I would like to second the remarks of Senator INHOFE about Senator JEFFORDS. I have had an opportunity to work with Senator JEFFORDS now for 8 years. We have had our good days and bad days, but we never had good days and bad days between us. I consider him to be an outstanding Senator and a gentleman. I appreciate the courtesies which he has extended me over the years of his distinguished career.

Mr. JEFFORDS. I thank the Senator for his remarks. It has been a privilege to work with him. We got some things done.

Mr. VOINOVICH. Mr. President, I rise in support of the Water Resources Development Act of 2006.

I commend Senators INHOFE, JEFFORDS, and BOND—and their staffs—for their hard work and strong leadership in putting together a bipartisan bill. As a member of the Environment and Public Works Committee, I am pleased to have been a part of this effort. But I want to make it clear that Senator INHOFE is the driving force and Senator BOND kept pushing us. If it wasn't for their unbelievable commitment to this, we wouldn't be here today.

It has been 6 years since the Congress last passed a Water Resources and Development reauthorization bill. I remember it because I was chairman of the subcommittee that handled the bill. The time has come to finally pass this legislation.

America's infrastructure and waterways system is the foundation of our economy. For too long, we have been ignoring our infrastructure, but Katrina was a wake-up call for all of us. In the wake of this disaster, we saw firsthand the devastating impact of a weak infrastructure on our people and our economy. The more we continue to fail to fund our water infrastructure, the more we are putting our Nation's competitiveness at risk in this global marketplace.

It has a new dimension to it because if we are going to compete in the global marketplace, we need to build the infrastructure for competitiveness, and we have had our heads in the sand in terms of the condition of that infrastructure. It is a critical piece of America's competitiveness.

Our infinite needs are overwhelming and being squeezed. We should be rebuilding an infrastructure so that the new generation has at least the same opportunity to enjoy our standard of living and quality of life.

Right now, our infrastructure is collapsing due to insufficient funding. Congress desperately needs to provide increased funding for the Army Corps of Engineers, including funding for levees and funding for additional engineers.

I have been concerned about the backlog of unfunded Corps projects since I was chairman of the Subcommittee on Transportation and Infrastructure in 1999. When I arrived in the Senate in 1999, the backlog of unfunded Corps operation and maintenance projects was $250 million. Today, it is $1.2 billion. At that time, there was a backlog of $38 billion active water resource projects waiting for Federal funding. I want to emphasize that.

Today, according to the administration, there are about $50 billion in Army Corps construction projects that are in need of Federal funding.

Despite these needs, the Corps is currently able to function only at 50-percent capacity at the rate of funding proposed by the budget. It is hard to believe when you consider what we have had with Katrina.

Annual appropriations for the Corps' construction accounts has fallen from a $4 billion average in the mid-1960s to a $1.5 billion average for 1996 through 2005.

The stark reality is at the current levels of construction appropriations, the Corps' water resource projects, we already have more water resource projects authorized for construction than we can complete. At the current low levels of construction, it would take 25 years to complete the active projects in the backlog without even considering additional project authorizations that are in this bill.

That is why I am supporting the prioritization amendment offered by Senator MCCAIN and Senator FEINGOLD.

I tried to get this kind of amendment back 5 or 6 years ago, but it was rebuffed. We don't want to do that. We don't want to prioritize anything. It might be someone's special project, and it may not get on the list where they would like it to be. So let's not do that.

Unfortunately, appropriations for the Corps program have not been adequate to meet the needs that have been identified in our Nation. We have also been asking the Corps to do more with less. I am all for trimming fat from the Federal budget and practicing fiscal discipline, but the Corps of Engineers budget is not fat—it is the bread and butter of our economy and our infrastructure.

I believe this amendment will reduce this backlog. This amendment would allow the Water Resources Coordinating Committee, an interagency task force that has been established in the underlying bill, to establish transparent, project-specific national priority criteria, classify projects either currently under construction or authorized into a tier system based on that criteria, and then issue a nonbinding prioritization report to the authorizing and appropriations committees.

I will bet you that a lot of what they have against this is because they do not want anyone to tinker with what they do. The fact is, I think we owe it to them to make sure they have some priority list as to the importance of these projects as well as the Office of Management and Budget to help guild them in their funding decisions. This report would also be made available to the public.

I believe this report would ensure that the most critical projects in the Nation are receiving adequate funding. Katrina showed us the importance of prioritization.

We need a comprehensive prioritization system to ensure that Congress has the information it needs to direct limited Federal resources to the most urgent projects.

When I was Governor of the State of Ohio, the State had hundreds of highway projects that every preceding Governor had promised each municipality would be built. It is whatever you want, you got it. The list was unbelievable. The projects would have cost the State of Ohio between $5 billion and $6 billion to build, whereas the State typically only received between $100 million and $300 million a year. At the time, it would have taken decades to build all the projects my constituents asked for, even if another new project was not added to the list for years.

In order to deal with the imbalance between demand and available revenue, I created an objective, criteria-driven project selection process called the Transportation Review Advisory Council, or TRAC. This process gives paramount consideration to effective management of the backlog to assure that it only includes needed projects that

are economically justified, environmentally acceptable, and supported by willing and financially capable, nonfederal sponsors. The State is required to balance this project list with the State's revenue projections.

The TRAC also is required to issue a 4-year fiscal forecast after Congress passes each highway bill to get an idea of how much money we are going to get. It made no sense for the State of Ohio to continue project development on projects worth millions of dollars that had no realistic hope of ever being built. I think my constituents are much better served by this system because the State is investing its resources in projects that will become a reality in the near future.

I am sure the President would understand this. When you have a highway bill, a lot of the Congressmen would put in earmarks on projects. And today when they are earmarking, they earmark it for projects that are on that list because they know that the money will be spent for the project.

We need to take similar steps in the Senate in addressing our water resource needs. It is long overdue with the limited resources that we have. Hopefully, one day we will face up to those limited resources in terms of our infrastructure. We need a prioritization.

I think Senator MCCAIN and Senator FEINGOLD have put together a very good amendment.

Again, I know it may be controversial for some of the authorizers, but it is time that we do this.

The passage of another WRDA bill cannot be delayed any further. It is simply too important to our Nation in terms of its benefits to our economy and environment and for the speedy recovery for the areas affected by Hurricane Katrina.

I call on President Bush and my colleagues in both the House and the Senate to work expeditiously to get this bill enacted into law as soon as possible.

Really from the bottom of my heart, I urge my colleagues to support this bill and this amendment.

Thank you, Mr. President.

AMENDMENT NO. 4683

Mr. INHOFE. Mr. President, I ask that the Inhofe-Bond amendment be brought up for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for himself and Mr. BOND, proposes an amendment numbered 4683.

Mr. INHOFE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify a section relating to a fiscal transparency and prioritization report)

Strike section 2004 and insert the following:

SEC. 2004. FISCAL TRANSPARENCY AND PRIORITIZATION REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(1) the expenditures of the Corps of Engineers for the preceding fiscal year and estimated expenditures for the current fiscal year; and

(2) the extent to which each authorized project of the Corps of Engineers meets the national priorities described in subsection (b).

(b) NATIONAL PRIORITIES.—

(1) IN GENERAL.—The national priorities referred to in subsection (a)(2) are—

(A) to reduce the risk of loss of human life and risk to public safety;

(B) to benefit the national economy;

(C) to protect and enhance the environment; and

(D) to promote the national defense.

(2) EVALUATION OF PROJECTS.—

(A) IN GENERAL.—In evaluating the extent to which a project of the Corps of Engineers meets the national priorities under paragraph (1), the Chief of Engineers—

(i) shall develop a relative rating system that is appropriate for—

(I) each project purpose; and

(II) if applicable, multipurpose projects; and

(ii) may include an evaluation of projects using additional criteria or subcriteria, if the additional criteria or subcriteria are—

(I) clearly explained; and

(II) consistent with the method of evaluating the extent to which a project meets the national priorities under this paragraph.

(B) FACTORS.—The Chief of Engineers shall establish such factors, and assign to the factors such priority, as the Chief of Engineers determines to be appropriate to evaluate the extent to which a project meets the national priorities.

(C) CONSIDERATION.—In establishing factors under subparagraph (B), the Chief of Engineers may consider—

(i) for evaluating the reduction in the risk of loss of human life and risk to public safety of a project—

(I) the human population protected by the project;

(II) current levels of protection of human life under the project; and

(III) the risk of loss of human life and risk to public safety if the project is not completed, taking into consideration the existence and probability of success of evacuation plans relating to the project, as determined by the Director of the Federal Emergency Management Agency;

(ii) for evaluating the benefit of a project to the national economy—

(I) the benefit-cost ratio, and the remaining benefit-remaining cost ratio, of the project;

(II) the availability and cost of alternate transportation methods relating to the project;

(III) any applicable financial risk to a non-Federal sponsor of the project;

(IV) the costs to State, regional, and local entities of project termination;

(V) any contribution of the project with respect to international competitiveness; and

(VI) the extent to which the project is integrated with, and complementary to, other Federal, State, and local government programs, projects, and objectives within the project area;

(iii) for evaluating the extent to which a project protects or enhances the environment—

(I) for ecosystem restoration projects and mitigation plans associated with other project purposes—

(aa) the extent to which the project or plan restores the natural hydrologic processes of an aquatic habitat;

(bb) the significance of the resource to be protected or restored by the project or plan;

(cc) the extent to which the project or plan is self-sustaining; and

(dd) the cost-effectiveness of the project or plan; and

(II) the pollution reduction benefits associated with using water as a method of transportation of goods; and

(iv) for evaluating the extent to which a project promotes the national defense—

(I) the effect of the project relating to a strategic port designation; and

(II) the reduction of dependence on foreign oil associated with using water as a method of transportation of goods.

(c) CONTENTS.—In addition to the information described in subsections (a) and (b), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

Mr. INHOFE. Mr. President, I yield 15 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 15 minutes.

Mrs. BOXER. Mr. President, I thank my chairman, Chairman INHOFE, for granting me this time.

I feel so strongly against this amendment. I really need the time to explain to my good colleagues why I think it ought to be voted down.

We have amendments before us from time to time and they come to us as reform. I totally understand that we need reform in this whole area of the way we prioritize projects that come before us. But I don't believe this is reform at all. In my view, I think this is a delegation of the responsibility of the Senate and the House over to the executive branch. I believe it is going to be put into the hands of people who won't know a thing about this subject matter, and it is going to bring politics right into this Chamber. We were elected by the people. The cities and counties count on us to do our homework, to do our due diligence and understand what the needs are of our people, what our flood control needs are in our States, what our other needs are in our States, the studies that need to be performed, and all of that. That is our job.

The McCain amendment just simply wraps it all up and tosses it over to the executive branch. It sets up a whole new bureaucracy that I think is absolutely unnecessary and, frankly, I think it is disastrous for this WRDA bill. Unlike the other amendment which we supported, which is peer review, that looked forward, this amendment looks back into this bill where we have sat for years and years.

Again, I thank Senators INHOFE, JEFFORDS, BOND, and BAUCUS and the leaders of this committee who have worked with us to ferret out the projects that didn't have merit. I can attest to the fact that I had an amendment that I wanted to move forward.

I was persuaded by my colleagues on both sides of the aisle that there was a better way to move forward.

We have done our work. This amendment is well intended. I know that. I know the people who have put it forward to us have good intentions. But I think it is going to make it more difficult for worthy projects to get needed funding. That includes projects that have an impact on public health and safety.

I may have a debate with Senator BOND over which project I think is the more worthy and we will sit and talk about it and we will argue about it. At the end of the day, there will be a decision. Why should the two of us toss that all over to the executive branch, no matter who is President? What does it have to do with them? It is our bill. The President has the right to veto it if he doesn't like it or sign it. But thrashing out what ought to be in it and what is good, we have done that. That is part of our job.

There is another problem with this amendment. It sets up a nightmare of a tier system. You have to fight your way into a tier in order to be funded. The administration—this one and the next one and the one thereafter—will be able to recommend which tier your State projects ought to be in. When the first tier reaches $5 billion, or when there are 100 projects in it, that tier is finished. So if you have a very important project, a large project, but let's say we all know we have to move to help the folks who are impacted by Hurricane Katrina, and they have priority—we all agree that it has a very high priority—if you represent a large State, you have a large project, you will never make it into the first tier. It is bad for my State.

Frankly, it is bad for any project that is large enough and can't get into the first tier—it gets knocked down. You get stuck in a lower tier simply because the project may protect more people. How does that make any sense whatsoever? It is an arbitrary system. It can label a project as second tier despite critical local public safety needs. It will undermine a project's chances of receiving appropriations.

We already know what a fight we have to convince our colleagues in the Committee on Appropriations that the projects in our State have merit. We subject these projects to tremendous scrutiny, first in this particular WRDA bill. As we struggle to get appropriations funds, we have to make the case. Then we have to go to conference and continue to make the case.

Under this amendment, I am sorry to say this is no reform. I ask rhetorically if this makes any sense. There is a very important committee that has been set up in the underlying bill. The committee has some very important functions, but now the McCain amendment adds this next function on to this committee, this coordinating committee which, by the way, is going to hire an executive director.

If anyone wants to learn how projects and laws get bogged down, here is an example. This committee that is going to be set up includes the following people: The Secretary of the Interior, the Secretary of Agriculture, the Secretary of Health and Human Services, the Secretary of Housing and Development, the Secretary of Transportation, the Secretary of Energy, the Secretary of Commerce, the Administrator of the EPA, the chairperson of the Council on Environmental Quality, and here is my favorite, the Secretary of Homeland Security.

We all know about their priority list. We just took a look at their priority list. Petting zoos should be protected before bridges and highways. They have included Old McDonald's Petting Zoo, a bourbon festival, a bean festival, the Kangaroo Conservation Center. This is what the Department of Homeland Security said ought to be prioritized.

Do we want to invite them into a new prioritization game for the WRDA projects? I hope not. What could come out of this is not good.

In discussing this with my colleagues, they say: But, Senator BOXER, they are just going to recommend. We have the ability to sit down among ourselves—Democrats and Republicans—as we have done in this bill, and come to some decisions on what the priorities are. I believe the Committee on Appropriations, working with all of us, has a second bite at that apple.

I don't believe we need to ask this President or any future President to get into this issue and convene meetings, have studies, and waste money just to put together a list that they say is their priorities. What makes their priorities better than our priorities? They are not even elected. This is not even their job. How do you come forward—I ask my friend from Arizona, rhetorically, because he is not here—giving people who have no idea what this is about the power over the projects? They say it is just a recommendation, but we know they will take that seriously.

We remember the whole tizzy when they said they thought it was fine for the country of Dubai to run our ports. There was a big debate in the Senate. Most Members believed that was a mistake. That also came out of some committee.

We all fight to get here. We all work hard to get here. At a minimum, we are in touch with our States and we know the needs of our States. The Congress, not a political appointee, not some bureaucrat, but Members of the Senate should retain the central responsibility for establishing the border resource priorities for their States. Instead, this amendment leaves the recommendation of priorities up to a committee made up of Cabinet and other political appointees.

We are inviting politics into this debate. As Senator INHOFE said, this is one of those rare moments in history, this bill, where politics is left at the committee door. We worked together. We worked hard together. Now, with this McCain amendment, we are injecting partisan politics. In this case it is a Republican President. In future years it could be a Democratic President. It does not make any difference.

We should do our job. We should not punt the ball elsewhere. What are we here for? Anyone who votes for this, and I am sure there will be a few—I hope not too many—the message they are basically sending is that they do

not feel comfortable enough, they do not feel knowledgeable enough, they do not feel strong enough to stand up for what needs to be done in their States.

Again, I ask, do we really want to have the Department of Homeland Security deciding the critical water resource projects? They have enough to do to get their own priorities in order.

With all due respect to members of the Cabinet, we as individual Senators know our States' needs. We know our States' priorities. This is not reform; this is injecting, in my view, partisanship into a very bipartisan approach.

I trust my colleagues, whether Republican or Democrat, in this bill because they have to explain why their projects are worthy. This is not like an earmark where something is stuck in the bill in the middle of the night. This is a major reauthorization bill where every project is looked at very carefully. I don't believe any Cabinet is going to be more effective at telling us what projects should be funded.

As Members of Congress, let us not surrender our responsibility to an executive branch that, in my view, will not reflect the real needs of our people. I urge my colleagues to vote no, a very sound no, on this amendment. Let's send a message today that this Senate knows what it is doing in this bill.

I feel very comfortable with the leadership of Senators INHOFE and JEFFORDS, that we do know what we are doing in this bill. If you are for this bill, I hope you will vote no on the McCain amendment.

I give the remainder of my time to the good Senator, Mr. INHOFE. I thank him so much for the chance to speak against this amendment.

Mr. INHOFE. I thank the Senator from California for bringing up some very good points.

How much time is remaining?

The PRESIDING OFFICER. The total time remaining is 17 minutes 45 seconds.

Mr. INHOFE. Parliamentary inquiry because there is some confusion, without using our time to make the parliamentary inquiry: It is my understanding that while we have an hour equally divided on the two amendments that are going to be voted back to back, there is also 30 minutes equally divided on final passage. All of this time would be used prior to the three votes that come consecutively; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. If that is the case, there would be more like 30 minutes remaining because each side would have 45 minutes.

The PRESIDING OFFICER. The agreement contemplated that the final 30 minutes would be used after the initial hour so that the Senator's assumption is correct that he will have 15 minutes after the 17 minutes and 35 minutes is expired.

Mr. INHOFE. I ask unanimous consent on our side, and I suggest they probably want to do the same thing, that our time not be segregated as to the amendments versus final passage so we could have 45 minutes for either as we desire.

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

Mr. INHOFE. With that, I yield 10 minutes to the Senator from Missouri who has been very helpful and constructive in this legislation.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. BOND. Mr. President, I thank the Senator for the time and also for the kind remarks. I appreciate the excellent leadership he has provided and the bipartisan nature with which he and Senator JEFFORDS brought this bill to the Senate.

It is important to take a look at the substance of what is going on in these prioritization amendments now before the Senate which deal with fiscal deadlines and requirements and, in turn, how projects should be prioritized. I hope our colleagues will listen carefully to the context of the WRDA legislation and the Corps reform.

Worthwhile projects of the Corps of Engineers should be funded. The inadequate funding of the levees in New Orleans was a bad mistake. We need to fund worthwhile levees, but the best route is not the total overhaul of the Corps and passage of the Feingold-McCain amendments, in this case, specifically, the prioritization amendment.

The Feingold-McCain amendment proposes a complete overhaul by establishing a new bureaucracy, the Water Resources Planning Coordinating Committee. We need another bureaucracy in the Federal Government like a bear needs tennis shoes. This idea is essentially a reprise of the Water Resources Council that existed during the Carter administration which was discredited due to its inability to get anything done. That is not surprising when you have members ranging from the Secretary of Health and Human Services, the Secretary of Housing and Urban Development, the Secretary of Homeland Security. These are just a few of the Cabinet members, along with others, proposed to provide review under the Feingold-McCain amendment. The Secretary of the Army is on there, not even a Cabinet position. I look forward to the Secretary of the Army, for example, providing input and review to the Department of Education on No Child Left Behind. That is essentially the same thing as having the proposed Feingold-McCain council consisting of noninterested, nontrained Cabinet members with other heavy responsibilities involved in the Corps of Engineers' very complicated 103-step process to come up with priorities and approval of projects.

Beyond a lack of interest in expertise, this council is structured for projects to fail. A meeting of the minds is very difficult. This is probably the reason such a council does not exist in any other forum. In the rare event a consensus would emerge, the 50 percent local cost share would increase to the point where communities could no longer afford to make their contributions for essential projects.

It sounds like a time-consuming, expensive, headache-producing bureaucracy to me, and I have seen them before. I can tell one when I see it. This is one area where trained experts who understand the process, from planning to construction, should be running our water project formulation process. There is a reason we rely upon those with appropriate training and expertise to develop and construct our infrastructure and safety needs. These decisions should be based on sound science, not on political judgment of people with no expertise in the area.

With thousands of projects and costs that change annually, prioritization of the projects and the process directed by Feingold-McCain would be extremely cumbersome. Achieving stability and prioritization would be nearly impossible.

The amendment Senator INHOFE and I have proposed would categorize and prioritize projects on scientifically sustainable reports. These reports will provide Congress with the necessary information to make tough values-related decisions. Our proposed approach supports and encourages a holistic approach to water resource management by considering a wide range of important factors.

Feingold-McCain fails to address multipurpose projects and thus results in inadequate cost-benefit ratios. Modernizing our locks and dams and improving our levees contribute to the entire way of American life: enhancing flood control, transportation, hydropower, water supply, and recreation. Each purpose of the project served determines demands prioritization, weighing all benefits in the analysis. And even then, how do you truly value safety and the health of human life?

Media reports and editorials have criticized and played the blame game. As a result, the Corps has received more than its share of public ridicule. What is not well publicized is the good work that the Civil Works Program of the United States Army Corps of Engineers has already done in its exhaustive inhouse budget prioritization. The Civil Works Program has the only infrastructure project analysis that is required to have cost-benefit ratios grounded in economic theory and extensive ongoing economic analysis.

From its inception, each economic water resource infrastructure project goes through multiple ''winnowing'' processes. In recent years, only 16 percent of the proposed projects generally pass on a ''national benefit,'' a positive benefit to cost ratio. Unless a project meets this threshold, the process will not allow for a favorable report of the chief of engineers.

The second winnowing is cost-share requirements where both studies and

construction require percentages of local moneys to match the amounts from the Federal Government as well as other contributions such as lands, easements, and rights-of-way.

Unless exempted by Congress, if a local cost-sharing agreement does not come forward, a project is not eligible for Federal funds.

Next is the actual budget appropriations process, which begins at the 38 districts of the Corps of Engineers 18 months before a President's budget is delivered.

Performance-based budgeting requires a highly detailed process, sorting the projects by benefits and costs and rated in a variety of categories, including risk factors for the environment, safety, security, and operations.

Each of the ''economic'' Corps projects is then subject to ''diminishing returns'' analysis that defines specific measurable performance benefits that may be gained through a number of levels of incremental funding.

In addition, unique elements or circumstances, such as judicial findings and orders, are taken into account. The recommendation is then sent to the Corps Division office that merges all district inputs into a division recommendation which goes to the Corps headquarters in Washington.

Once at headquarters, they are reviewed, merged, cross-walked, racked, stacked, jacked, and tacked, and finally nationally ranked on a benefit scale, to deliver a list to OMB.

I am exhausted—and I know my listeners are exhausted, those who are still listening—merely summarizing the current standards and the process that has to be followed—and we did not go into the 103 steps currently existing before the request even reaches Congress for appropriations.

But the Bond-Inhofe amendment goes further and categorizes and prioritizes projects scientifically and makes a supportable report to make it easier for us to make the important judgments. It is a time-consuming and extensive process already. The last thing the process needs is additional bureaucratic steps and redtape from those who have already skewed priorities and lack the expertise to make decisions.

OMB has its own criteria and priorities, with recent trend analysis showing they favor environmental restoration projects. For example, within the fiscal year 2007 construction account, only 90 out of the approximately 655 projects were accorded ''priority status'' that would allow for some level of funding.

The Feingold-McCain amendment would only add additional steps, lengthen the timetable, with fewer funded projects, the loss of jobs, and the inability to provide safety and the transportation we need.

Finally, of course, there is a congressional process where we must authorize and fund the projects. We establish our priorities, and they are contained in the amendment, the Bond-Inhofe amendment.

The Feingold-McCain amendment proposes a council that lacks the necessary expertise and adds redtape. We believe the Bond-Inhofe amendment makes sense, and it will add to what the WRDA legislation already includes: reasonable Corps reform amendments that would strike a balance, that disciplines new projects to criteria fairly applied, while addressing a greater number of water resources multipurpose priorities.

I urge my colleagues to support the Inhofe-Bond amendment and to oppose the Feingold-McCain amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I would like to thank my friends from Oklahoma and Missouri for their courtesy in the way we have been addressing these two amendments.

Mr. President, I begin by asking unanimous consent that the Statement of Administration Policy be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY, JULY 18, 2006

S. 728—WATER RESOURCES DEVELOPMENT ACT OF 2006

The Administration has strong concerns with the significant overall cost of S. 728. The Congressional Budget Office has estimated that the bill as reported by the Committee would authorize nearly $12 billion in discretionary spending, and a preliminary Administration review indicates that the cost of the manager's amendment would be greater. The Administration believes the bill should establish priorities among these activities and limit new authorizations to those projects that represent the highest priorities for Federal funding within the three main Corps mission areas: commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration. The Administration is committed to maintaining fiscal discipline in order to protect the American taxpayer and sustain a strong economy.

The Administration supports the intent of the manager's amendment in the nature of a substitute to S. 728 with regard to provisions that: (1) address high-return nationally significant water resource infrastructure efforts and aquatic ecosystem restoration opportunities in coastal Louisiana and along the Upper Mississippi River; (2) protect the Great Lakes from invasive fish species; and (3) improve the Corps of Engineers recreation services by providing a financing authority similar to that proposed in the President's Budget.

The Administration is committed to restoring the Everglades in partnership with the State of Florida. S. 728 would authorize construction of the Indian River Lagoon project, a significant South Florida aquatic ecosystem restoration project. It would also authorize construction of the Picayune Strand project, which has not completed its review by the Administration. We look forward to working with Congress on these and future authorizations for this priority restoration effort.

The Administration looks forward to working with the Senate to revise this legislation so that it will accomplish our shared goals and objectives.

THE NEED FOR BASIC REFORMS

The civil works program has played an important role in developing the Nation's water resources; however, it faces several interrelated problems: (1) the Corps has a large backlog of unfinished construction work, resulting in more projects facing delays and a $50 billion cost to complete the backlog of already-authorized projects; (2) the Corps is providing funding to construct projects outside of its three main missions, which reduces the funding available for higher priority needs; and (3) the Federal government pays a substantial share of project costs, which can lead to an over-allocation of resources to build new projects and upgrade existing ones. The bill does not address, and in some cases would exacerbate, these problems.

The President's last four Budgets have outlined the direction of the reforms needed to address these and other concerns. The Administration has proposed five principles to guide Corps authorizations and appropriations, which focus on: (1) improving how the Corps formulates its water resources projects, such as through changes to the 1983 principles and guidelines for proposed Federal water resources projects; (2) limiting new construction starts to projects with a very high net economic or environmental return per dollar invested; (3) setting priorities for allocating funding among the projects with ongoing construction work in the three main Corps mission areas; (4) de-authorizing commercial navigation projects with extremely low levels of commercial use, and projects whose main purpose falls outside the three main mission areas; and (5) addressing cost-sharing.

The FY 2007 Budget proposes specific economic, environmental, and public safety performance criteria for use in establishing priorities among ongoing construction projects. The Administration supports efforts to prioritize water resources construction projects consistent with this approach, and looks forward to working with Congress to accomplish this objective.

PLANNING FUTURE PROIECTS

The bill's proposals regarding the formulation of projects would undermine efforts to improve the economic and environmental performance of future projects. Subsection 2005(e)(1)(A)(ii) would increase the ability of local project sponsors to direct the project alternatives that the Corps may consider and recommend, and could preclude consideration of other reasonable alternatives. Subsection 2005(e)(I)(B) would prohibit the use of budgetary and other policy considerations in the formulation of proposed projects. Both of these changes would erode the ability of the Executive Branch and Congress to ensure that the projects proposed for authorization are well-justified and in the national interest.

The Administration supports the independent peer review of proposed projects. Section 2007 would restrict such reviews to 90 days from the start of the public comment period, which may not provide enough time to fully consider the public comments and would preclude using these panels to assess substantial changes to the project proposed by the Corps in response to the public comments. The Administration looks forward to working with Congress on this process.

RESTRICTING THE POWERS OF THE EXECUTIVE BRANCH

The Administration strongly objects to section 2006(f)(1)(C), which would limit the

ability of the Executive Branch to properly supervise the civil works program by prohibiting anyone from giving direction to the Chief of Engineers, including Senate-confirmed Presidential appointees in the Department of Defense, regarding any Corps report on a proposed project or any related recommendations for changes in law or policy. Such a provision would hinder the President's ability to fulfill his Constitutional duties. The bill would also require the Secretary to provide his recommendations to Congress on a proposed project within 90 days of the Chiefs report, which is not adequate time for a proper review and a determination of the Administration's position. In addition, this language should be revised to request rather than require the recommendation, in keeping with the President's constitutional authority to make recommendations he determines to be necessary and expedient.

The Administration strongly objects to Section 1003(o) which conditionally preauthorizes the construction of all projects identified in a future Corps report on options for improving storm damage reduction along the Louisiana coast. Congress should not preauthorize these yet-to-be-identified projects, whose total cost is likely to be measured in the tens of billions of dollars and is not included in Congressional Budget Office estimate, before the Executive Branch, Congress, and the public have had a full opportunity to review them.

The Administration objects to Section 1003(n) which creates a new agency—the Louisiana Water Resources Council—to manage and oversee a system-wide comprehensive plan of unspecified future projects in Louisiana. This provision would circumvent the normal chain of command within the Executive Branch and thereby reduce accountability for the costs to build these projects. The provision also raises constitutional concerns with regard to the Appointments Clause.

ADEQUATE AND APPROPRIATE COST-SHARING

The Administration objects to the authorizations in the bill that would have the effect of providing unwarranted waivers or reductions in non-Federal cost-sharing requirements. The Administration strongly opposes section 2039(a), which could be read as authorizing a major shift in future project costs—potentially costing billions of dollars to the general taxpayer. In addition, for the aquatic ecosystem restoration work along the Upper Mississippi River and Illinois Waterway and in the wetlands of coastal Louisiana, the cost-share paid by the general taxpayer should be no more than 50 percent, as it is for the Everglades restoration effort.

UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY NAVIGATION

The Mississippi River is a major artery for transporting America's bulk agricultural products, and the Administration is working to keep it that way. The Administration has identified work on the Upper Mississippi River and Illinois Waterway as one of the most important Corps operations and maintenance projects. The Administration would like to work with Congress to appropriately address the navigation and ecosystem needs of this part of the inland waterway.

COASTAL LOUISIANA

The Administration recommends that the Senate revise section 1003 to provide a single generic authorization covering all studies, construction, and science work needed to support the effort to restore coastal Louisiana wetlands, including but not limited to the work envisioned in the near-term restoration plan. This would expedite the approval process for projects and their implementation while providing greater flexibility in setting future priorities. Subsection 1003(j) should also be revised to provide for only a science program, which should be run by the U.S. Geological Survey and be funded on a cost-sharing basis and through appropriations from the Corps. Moreover, section 1003(i), and several other provisions in the bill, should be revised to avoid micromanaging the internal deliberations of the executive branch, and thereby interfering with the President's constitutional duty to execute the law.

OTHER CONCERNS

The Administration also opposes certain other provisions in the bill, including:

Section 2001, which could significantly diminish accountability, nationwide consistency, and oversight of Corps projects by limiting the ability of Corps headquarters and the Secretary of the Army to review proposed agreements with local project sponsors, and could expose the Federal government to liquidated damages in the event that Congress terminates funding for a project;

Section 2014, which would establish a binding 50-year Federal commitment to the periodic nourishment of sandy beaches and which could be construed as promoting ''shore protection'' instead of storm damage reduction as the program's objective; and

Section 3067, which would lead to the use of the Bonnet Carre Spillway in ways that could be harmful to the ecosystem of Lake Pontchartrain.

The Administration looks forward to working with Congress on these and other concerns as the legislation proceeds.

Mr. MCCAIN. Mr. President, I would just like to quote from the first paragraph of the Statement of Administration Policy:

The Administration has strong concerns with the significant overall cost of S. 728. The Congressional Budget Office has estimated that the bill as reported by the Committee would authorize nearly $12 billion in discretionary spending, and a preliminary Administration review indicates that the cost of the manager's amendment would be greater. The Administration believes the bill should establish priorities—

I repeat: ''The Administration believes the bill should establish priorities''—

among these activities and limit new authorizations to those projects that represent the highest priorities for Federal funding within the three main Corps mission areas: commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration.

The first paragraph of the administration's Statement of Administration Policy emphasizes their belief that this legislation should establish priorities amongst these activities. That is what this amendment is about. It is exactly that. The amendment is designed to help Congress make clear and educated decisions on which Army Corps projects should be funded based on our Nation's priorities.

I am pleased to be joined by Senators FEINGOLD, LIEBERMAN, and FEINSTEIN in offering this important amendment to the Water Resources Development Act.

Last August, this Nation witnessed a devastating national disaster. When Hurricane Katrina hit, it brought with it destruction and tragedy beyond compare; more so than our Nation has seen in decades. Almost a year later, the gulf coast region is still trying to rebuild and there is a long road ahead. We learned many lessons from this tragedy, and, as our Nation continues to dedicate significant resources to the reconstruction effort, we must ensure that those resources are being used in the most effective and efficient manner as possible. It is time the Congress takes a hard look at how our scarce Army Corps dollars are being spent overall and whether they are actually going to the most necessary projects.

Our current system for funding Corps projects is not working. Currently, projects are submitted by Members of Congress for funding without having a clear picture of how that project affects the overall infrastructure of our Nation's waterways or where it fits within our national waterways priorities.

Too often, it is a Member's seniority and party position that dictates which projects are funded and which ones will join the $58 billion backlog. Mr. President, I repeat, we have a $58 billion backlog of projects. And the bill before us is going to add another $12 billion in projects to the backlog. Do you know how much funding the Corps receives annually? Two billion dollars. So if you have $70 billion, and we are annually allocating $2 billion, that is 35 years. It is 35 years before any project that is on this list is funded.

Clearly, without a prioritization, that opens itself up to no way that we would have a way of determining which project is most important and which is not. There is no way to know which projects warrant these limited resources because the Corps refuses to give Congress its views on which projects are necessary. In fact, even when Congress specifically requests a list of the Corps' top priorities, it is unable to provide it. Remarkable. Remarkable. Unfortunately, the underlying bill does not address this problem.

To help my colleagues fully understand the extent of this problem, let me quote Representative HOBSON, chairman of the House Energy and Water Appropriations Committee, from his statement on the House floor on May 24, 2006:

Last fall, we asked the Corps to provide Congress with a ''top 10'' list of the flood control and navigation infrastructure needs in the country. The Corps was surprisingly unable or not allowed to respond to this simple request, and that tells me the Corps has lost sight of its national mission and has no clear vision for projects it ought to be doing in the future . . . . frankly, what is still lacking is a long-term vision of what the Nation's water resources infrastructure should look like in the future. ''More of the same'' is not a thoughtful answer, nor is it a responsible answer in times of constrained budgets.

This amendment is designed to address this problem and shed light on the funding process. It allows both Congress and the American people to have a clear understanding of where our limited resources should be spent.

The amendment will tap a multiagency committee created in the underlying bill. It will direct that committee to review Corps projects that are currently under construction or have been authorized during the last 10 years.

These projects would be evaluated by several commonsense, transparent criteria. They would also be divided and judged within their own project category, such as navigation, flood and storm damage reduction, and environmental restoration. Each project category would be broken into broad, roughly equal-sized tiers, with the highest tiers including the highest priority projects, and on down the ladder. This advisory report would then be sent to Congress and be made available to the public.

Some have said this amendment relinquishes congressional authority to the executive branch. That is a false allegation. The prioritization report is an effort to inform Congress, but it does not dictate spending decisions—just as the Department of Defense sends our authorizing committee, the Armed Services Committee, their priorities. Without knowing their priorities, how in the world can we know how to spend the dollars?

To more fully understand the need for a prioritization system, let's consider funding for Louisiana in the fiscal year 2006 budget. The administration's budget request included 41 line items or projects solely for Louisiana that totaled $268 million. That works out to $6.5 million per project, on average. The House Energy and Water appropriations bill included 39 line items or projects totaling $254 million—again, in the neighborhood of $6.5 million per project. The Senate bill included 71 line items or projects, to the tune of $375 million—averaging out to $5.3 million per project.

So while even more money was proposed for Louisiana under the Senate version, individual projects would receive less money, and, inevitably, this would result in delays in completing larger projects. So this really does come down, once again, to real-world consequences of earmarking. Communities actually lose under this earmarking practice.

Can we really afford long, drawn-out delays on flood control projects that people's lives depend on simply because too many Members are fighting for a small pool of money with no real direction? We need some kind of direction, clear understanding and guidance for funding Corps projects. While more money may ultimately be going to a State, if it is being parsed via earmarking in an appropriations bill, we will not be able to make significant progress on any project.

Ultimately, without guidance, Congress is able to cram as many projects as possible into appropriations bills while contending that each project is as important as the next. Drawing out completion on all of these projects puts people's lives in danger and is unacceptable.

Some may believe that under this amendment smaller projects will lose out. However, the size of the project has no impact on the prioritization system. In fact, this objective system will help find the hidden gems in the Corps project list and highlight their strengths to Congress.

It is time we end this process of blind spending, throwing money at projects that may or may not benefit the larger good. It is time for us to take a post-Katrina look at the world and decide whether we will learn from our experiences over the last year or whether we are content to continue business as usual.

Shouldn't we be doing all we can to reform the Corps and ensure that most urgent projects are being funded and constructed or are we more content with needless earmarks—too often at the expense of projects that are of most need?

As stated in a letter signed by the heads of the Taxpayers for Common Sense Action, the National Taxpayers Union, and the Council for Citizens Against Government Waste, in support of our amendment:

> Enough is enough . . . we need a systematic method for ensuring the most vital projects move to the front of the line so limited taxpayer funds are spent more prudently.

The Corps procedures for planning and approving projects, as well as the congressional system for funding projects, are broken. But they can be fixed. The reforms in this amendment are based on thorough program analysis and common sense. And let me be clear: A vote against this amendment is a vote against Government transparency and accountability. This amendment is a step toward a more informed public and a more informed Congress. We owe the American public accountability in how their tax dollars are spent.

I commend Senator FEINGOLD for his efforts to build and improve upon the Corps reforms we have explained before. Corps modernization has been a priority that Senator FEINGOLD and I have shared for years, but never before has there been such an appropriate atmosphere and urgent need to move forward.

I also thank Senators INHOFE and BOND for working with us throughout this process and helping us to incorporate many commonsense changes into the larger bill. While I still have concerns with the underlying bill, and particularly the number of projects that would be authorized, I hope that by adopting this amendment we can move this bill in a direction that will truly benefit the Nation.

I want to share with my colleagues not only the administration's support for this important prioritization amendment, it also has been endorsed by many outside groups, including Taxpayers for Common Sense Action, National Taxpayers Union, Citizens Against Government Waste, American Rivers, National Wildlife Federation, Earthjustice, Environmental Defense, Republicans for Environmental Protection, Sierra Club, and the World Wildlife Fund. And it has been positively commented on by the Heritage Foundation. The vote on this amendment will be key voted by the Taxpayers for Common Sense Action, National Taxpayers Union, Council for Citizens Against Government Waste, and the League of Conservation Voters.

We are also considering side by side the Inhofe-Bond amendment. As I have mentioned before, their version would be prepared by the Corps, controlled by the Corps, evaluated by the Corps, and reported by the Corps, locking out input from other relevant water resources agencies such as the Department of Homeland Security. That amendment, unlike my amendment, only looks at likely construction projects, forces the Corps to review every single project in its $58 billion backlog, soon to be $70 billion with the passing of this bill. It would also create a vague need to fund a relative rating system that does not require any final analysis or ranking. This would lead to an argument over semantics rather than quality of a project. Members would come to the floor to argue that the criteria that their project scored well in is the most important criteria, whereas another Member would be arguing for another criteria because their project scored well in that area. This system would only lead to further confusion over the worth of individual projects and distract Congress from the job at hand. Further, this system would use criteria clearly devised to skew ratings toward particular types of Corps projects. How would an environmental restoration project ever score well on a criteria designed to weigh a project's ability to lessen our dependence on foreign oil? How would a flood and storm damage reduction project do being judged by this criteria that is in the amendment, pollution reduction benefits associated with using water as a method of transportation of goods?

Additionally, the Inhofe-Bond amendment would require the rating report to be delivered only to the authorizing committee, thus sending the signal that this information is not intended to help set funding priorities and not intended to be transparent for the public. I urge my colleagues to oppose the amendment.

I point out again the problem we have here: $70 billion, $2 billion spent every year. That makes for $70 billion worth of authorized projects, $2 billion can be spent each year. That makes for some pretty ferocious competition. I think it is very important that we put some kind of prioritization into this kind of process; otherwise, it will be very hard for us to understand what is being done. But more importantly, it is certainly not clear that the projects that need the priority will receive them.

I ask unanimous consent that a memo published by the Heritage Foundation on this issue be printed in the RECORD.

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

[From the Heritage Foundation, July 19, 2006]

IMPROVING THE PERFORMANCE OF THE U.S. ARMY CORPS OF ENGINEERS

(By Ronald D. Utt, Ph.D.)

The extensive flooding of New Orleans caused by several breaks in the levee system during Hurricane Katrina led to an extensive debate about the performance of the Army Corps of Engineers in protecting Americans from natural disasters. In the months following Katrina's assault on the Gulf Coast, many public officials, civil engineers, and policy analysts began to question both the quality of the Corps' work and the spending priorities Congress imposes on it. In particular, there is considerable evidence that lobbyists and Members of Congress systematically redirect Corps' spending for the benefit of influential private interests at the expense of essential flood control and protection. An amendment proposed by Senators John McCain (R–AZ) and Russ Feingold (D–WI) would create an independent commission to review select Corps projects. This would be a major step towards reform of the Corps.

As a Heritage Foundation Backgrounder and the Washington Post have recently reported, a substantial portion of Corps spending supports harbor and channel maintenance that benefit specific shipping companies, new irrigation projects that benefit crops like rice that already receive extensive federal subsidies from the Department of Agriculture, recreational boating facilities, and beach replenishment programs to enhance the value of seaside vacation homes. As a result of these diversions to low-priority purposes, Corps' spending on flood and storm protection have accounted for only about 12 percent of its budget in recent years.

Absent any formal mechanism to rate Corps projects and establish priorities for investments that benefit ordinary Americans, not just lobbyists and special interests, the Corps will continue on the same ineffective course that contributed to last year's disaster in New Orleans. And with the Corps already working under a 35-year backlog of projects totaling $58 billion, these management deficiencies will persist for decades.

Senators John McCain and Russ Feingold propose to remedy this deadly deficiency with an amendment to the Water Resources Development Act that would require independent peer review if a project costs more than $40 million, the Governor of an affected state requests a review, a federal agency with statutory authority to review a project finds that it will have a significant adverse impact, or the Secretary of the Army determines that a project is controversial. Their amendment would also require an independent safety review for flood control projects involving issues of public safety. While the McCain-Feingold proposal is a big step in the right direction, the independent review commission should also be encouraged to comment on the Corps' broad resource allocations to ensure that priority projects involving issues of public safety are not delayed because of diversions to beach resorts, environmental remediation, and irrigation crops already in substantial surplus.

Mr. MCCAIN. The Heritage Foundation memo says:

Absent any formal mechanism to rate Corps projects and establish priorities for investments that benefit ordinary Americans, not just lobbyists and special interests, the Corps will continue on the same ineffective course that contributed to last year's disaster in New Orleans. And with the Corps already working under a 35-year backlog of projects totaling $58 billion, these management deficiencies will persist for decades.

I hope my colleagues on this side of the aisle who almost always pay close attention to the Heritage Foundation and their findings will pay attention to this one as well.

I again thank my friend from Oklahoma for his courtesy in consideration of this amendment.

I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it further demonstrates that people can have honest disagreements. I look forward to responding to some of the comments that were made by the Senator from Arizona.

I yield 7 minutes to the Senator from Missouri, Mr. TALENT.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 7 minutes.

Mr. TALENT. I thank the chairman for yielding and compliment him and Senator BOND for their work in getting the Water Resources Development Act on the Senate floor finally. It has been literally years getting it here. I think it is a very important measure. Transportation infrastructure is very important. If we are going to maintain our global competitiveness, our economic growth, we have to be able to get goods from one place to another. We have to be able to protect people from natural disasters. We have to control and use the water resources this Nation is blessed with, and we cannot do it without this bill.

I want to address specifically the provisions in the bill that authorize the modernization of locks and dams on the upper Mississippi River—locks and dams which, if they were people, would be old enough to collect Social Security; locks and dams which are so small relative to the needs of modern transportation that barges must routinely be broken down into two halfs, in essence, before they can go through the locks and dams; locks and dams which are in such need of maintenance that you can take a picture of one and then come back and take a picture of the same lock a month later and you will find that concrete has literally fallen off it.

The case for river transportation is so strong, it is a matter of common sense. It is a cheap, environmentally sound method of moving goods. I say inexpensive because it costs roughly a third of the cost of shipping by rail; environmentally friendly because one medium barge tow can carry the same freight as 870 traffic trail trucks. So obviously, by fixing locks and dams, we can relieve highway congestion, reduce shipping costs, reduce fuel consumption, and we can reduce air emissions. We will also create jobs.

The construction of new 1200-foot locks and lock extensions will provide more than 48 million man-hours of employment over the next 10 to 15 years. We can also move the country's goods more efficiently. Sixty percent of the country's corn exports, 45 percent of soybean exports go on the Mississippi River to their destination. It is absolutely important to the transportation of coal, steel, and concrete. We have a new concrete facility going into Sainte Genevieve, MO. It was a number of years before they were able to begin building it, but they have. The reason that plant is going in there is because the river is there, because they can bring products in and they can move products out. It is vitally important that we do this. We have been waiting a number of years. We are at least going to be able to authorize doing it in this bill. We then have to fund it.

I want to say a few words about what I think is the most important issue regarding our Nation's transportation infrastructure, and that is less about how we prioritize than whether we are going to build it at all. Transportation infrastructure is absolutely crucial to the competitiveness and future of any economy. Other nations know that. That is why they are building it. Brazil, for example, which is certainly not a country with an economy as prosperous as ours, is building water transportation infrastructure. I know people are concerned about the revenues of the Federal Government and about the deficit. I certainly am as well. But that is not a reason to avoid investments in capital infrastructure. If you are a homeowner and you have a hole in your roof, you have to fix the hole in the roof. You have to fix it somehow because it doesn't go away if you don't fix it. It gets worse. Then it costs more when you finally do decide to fix it.

We have been talking about priorities. It is certainly reasonable to discuss how we are going to prioritize the projects that we have backlogged. But I note with interest that both sides seem to agree that after this bill passes, if it passes, we will have $70 billion in backlogged projects and evidently $2 billion a year to spend on them. I wonder if anybody else noted the irony of that. We are arguing about how to prioritize $2 billion, when we have $70 billion in backlog. Perhaps we ought to be arguing about how we can reduce the backlogs faster by finding more money. Unless somebody is aware of some technology that is going to allow us to transport goods across the country other than through rivers or rail or trucks, we had better figure out how we are going to fix this, and we had better figure it out fast.

A lot of people who are concerned—I don't mean here in the Senate so much but over in the Office of Management and Budget—about passing trade agreements will reassure us that it is OK to have trade agreements with other countries, even though they have lower wage levels, because they say we are

competitive anyway because we have a better financial system, a better telecommunications systems, and we have a better transportation system. Then the same people begrudge every attempt to invest in the transportation system. The reality is that however we prioritize the money, we are falling behind every year. In 10 or 15 years from now, maybe sooner, we are going to have fallen so far behind, we will never be able to catch up. When the next generation does not have the transportation infrastructure they need to be competitive, as we had because the earlier generation gave it to us, I don't think we will be able to explain it away by saying we were arguing over how to prioritize it. I think they will want to know how we are going to build it. Because right now, however you prioritize it, we have a heck of a lot more priorities than we have money to spend. I hope we can put a little bit of the energy that we are now putting into prioritization—and I don't begrudge anybody the debate over this—into how we are going to fund the transportation infrastructure that this generation and the next generation needs before the Chinese fund theirs and the Third World countries fund theirs, and our people are out in the cold.

I thank the Senator from Oklahoma for his efforts and for yielding.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield 5 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 5 minutes.

Mr. NELSON of Florida. Mr. President, under Senate rules, I ask unanimous consent that I be allowed to show a prompt on the Senate floor, a bottle of water.

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

Mr. NELSON of Florida. Mr. President, this is the bottle. This is a glass of clean water that is put on our desk to drink. This is the bottle of water that I scooped up out of the Saint Lucie River which is one of the estuaries that will be dealt with in this Water Resources Development Act that we are now considering. You can see the dramatic difference between the two. This one is laden with algae and with all kinds of particulates. This is the kind of clean water that we would like our rivers and estuaries to be.

Thank goodness we have this bill and we are going to pass it. It is going to address these kinds of problems. Specifically in this bill is the Everglades restoration and two important projects, the Indian River Lagoon, from which this water came. It is the Saint Lucie River estuary that leads into the Indian River. You can see why that estuary is messed up. When I went out there and scooped up this bottle of water, it was a dead river. That river, the Saint Lucie, flows into the Indian River, which is not a river, it is a lagoon. It is a bay. This Senator grew up on the banks of the Indian River.

Where I grew up, there are the pelicans diving for fish because there are plenty of fish. There is Mr. Osprey up there swooping down and getting his dinner. You look up in that dead pine tree and there is old Mr. Eagle. He is up there waiting for Mr. Osprey to go down and scoop up and get his dinner. Then Mr. Eagle is going to take off after Mr. Osprey, and Mr. Osprey is going to drop that fish and Mr. Eagle is going to swoop it up. That is going to be his dinner. Yet there is nothing out there in a river that has water like this—no pelicans, no bird life. You cannot even see it. You can see the density of this water. You cannot even see below the surface of the water. Thank goodness we have up this WRDA bill. This bill also is going to authorize the Fakahatchee Strand and the waters that dump into the St. Lucie, like this to the east of Lake Okeechobee, dumped into the Caloosahatchee River to the west, and a similar kind of water goes out to tidewater in the Gulf of Mexico to the Caloosahatchee River. This is what we are going to correct with this WRDA bill.

And, also, we are going to—in the managers' package they have accepted an amendment that the two Senators from Florida have offered, which is to get an examination of this report that came out about a 70-year-old dike that rings Lake Okeechobee; 40,000 people live in the vicinity of the perimeter of Lake Okeechobee, and the report predicts there is a one-in-six chance of dike failure with each year that passes. So we are getting an emergency examination and report in this bill of the sanctity and security of that dike, with all of those lives that are at stake.

Overall, all of this is so important for us. This is the greater part of a 20-year project of the restoration of the Everglades, the river of grass, which for over a half century we have messed up by diking and draining and sending this water of Mother Nature out to tidewater, instead of preserving it for what it was intended by Mother Nature—to keep flowing south through the Everglades and ultimately out into the Florida Bay.

I am so grateful that the leadership on both sides of the aisle has brought this bill to the floor. It is with great joy that I will be voting for this legislation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield myself such time as I may consume.

Mr. President, the Water Resources Development Act is critically important for our nation because it provides our States and local jurisdictions with the support they need to manage their water resources, and improve flood and storm control damage protection.

The Senate's passage of this legislation maintains our commitment to the protection of our rivers, streams and lakes.

And it also maintains our commitment to protect our aquatic ecosystems, which are so delicate and yet so vital to critical species.

I am proud that the Senate will pass a good, comprehensive bill that also includes key coastal restoration and hurricane projects to further assist the rebuilding efforts in the State of Louisiana following Hurricanes Katrina and Rita.

I am also very proud that my State of Vermont will receive important project authorizations, including restoration programs for the upper Connecticut River; the repair, remediation and removal of small dams throughout the State; and the construction of a dispersal barrier to protect Lake Champlain from invasive species.

As we stand on the verge of passing the Water Resources Development Act, I would once again like to thank Chairman INHOFE for his leadership. We would not be at this point without his persistence and hard work.

I would also like to thank Senators BAUCUS and BOND for their hard work in advancing this bill.

Mr. President, it may have taken us six long years to get here, but the impact of this bill will be felt for decades to come.

I urge my colleagues to support this bill as it moves through conference.

Mr. President, I yield 3 minutes to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 minutes.

Ms. LANDRIEU. Mr. President, I had to come to the floor and speak briefly and thank the ranking member and the chairman for their extraordinary help in crafting this bill to help meet the needs of Louisiana's vanishing coast. This coastline just doesn't belong to Louisiana, it belongs to the Nation. It is America's last coastal zone, with millions of acres of wetlands that serve as hosts of the oil and gas industry and that cradle, if you will, the great Mississippi River, which is the greatest river system on the North American Continent. It provides for the extensive fisheries industry.

This is a picture of southeast Louisiana. But if you head southwest, it is also host to major river systems, the Calcasieu Ship Channel, et cetera. This coast is threatened. This is a pretty extraordinary graph that we found recently, which shows the track of every major hurricane since 1955. The blue line is the track of Hurricane Rita, a category 4 to 5 hurricane. Katrina is the yellow line that went through the eastern part of our State, and then, of course, Rita on the western part on the Texas-Louisiana line.

This gulf coast is America's only energy coast. All of the oil and gas offshore is produced right here. Most of the refineries, platforms, et cetera, are beside these great wetlands. This bill is going to make substantial investments

along this coastline to keep our river open, to keep our ports operating, to protect these wetlands, and to help create a stronger barrier.

Obviously, we need to be doing this all over the country, this Atlantic coast. There is money for that as well. Of course, I am not as familiar with those projects. I can tell you that this WRDA bill—of course, my partner and colleague, Senator VITTER, is on the authorizing committee, and he deserves a tremendous amount of credit for his work.

I wanted to say that the ecosystem project of Louisiana's coastal area is funded, as well as significant navigation and hurricane protection and wetlands restoration projects. In addition, there are some innovations important to America. There are some new technologies that will allow us to protect these areas, to build stronger levees, to protect this coast with better materials that cost less—way less—and we can stretch the dollars in this bill far more than we have been able to do in the past because although this is a very large bill with a $10 billion authorization, it is not enough, as some of our colleagues have said.

Mr. President, the technology—and we will soon send to the RECORD an example of the technologies—will help us to make these projects stretch. I thank the ranking member for his courtesy and the chairman for all of his help.

Mr. INHOFE. Mr. President, I yield 5 minutes to the junior Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I rise, too, in strong support of this WRDA bill with my Louisiana colleague and many others because of the enormously important work it will do for the country, including the State of Louisiana, particularly after the devastating hurricanes of Katrina and Rita.

I, too, thank the chairman of the Environment and Public Works Committee, Chairman INHOFE, and the ranking member, Senator JEFFORDS, and Senators BOND and BAUCUS, and everybody who has made this very important bill possible, including our great staff, including Angie Johncarlo, Ruth VanMark, Letmon Lee, Stephen Aaron, Catharine Ransom, and Jo-Ellen Darcy. I thank them all for their hard and, in so many cases, their ongoing work.

This bill is vitally important to the country and is vitally important to Louisiana, and it was before 2005. It was important before Hurricanes Katrina and Rita, but it is 10 times more important after those devastating storms and in light of our continuing and increasing needs following those storms.

I want to highlight some very important aspects. One is fundamental Corps reform, which is important, which will get done one way or another in this bill. Now, in terms of Corps reform, I favor the model of Chairman INHOFE. I also point out that I have been working, with his help and the help of many others, on a Louisiana water resources council to ensure proper oversight, vetting, review, and ongoing outside independent expert review of all of the projects in the Louisiana hurricane area.

That concept was first embodied in a separate stand-alone bill that I introduced on March 15 as S. 2421. I am happy to say that through a managers' amendment it will be included in all substantial and major ways in this WRDA bill. It is very important to bring outside expertise to bear to review on an ongoing basis, to do that peer review for those projects and to integrate those projects into an overall plan for our Louisiana coast.

There are other important needs that the bill meets. The comprehensive hurricane, flood, and coastal protection program is fully authorized in this bill. Immediately, it authorizes 5-year near-term coastal restoration projects and will exceed $1.2 billion, establishes a science and technology program of at least $500 million, requires consistency and integration in all of the programs, and makes sure they work together.

Other crucial Louisiana needs addressed in the bill are hurricane protection for Terrebonne and Lafourche. The bill authorizes the Morganza to the gulf hurricane protection project that has been ready for 3 years now. This is long overdue and it finally comes in this important WRDA bill, addressing the travesty of the Mississippi River Gulf Outlet, MRGO, fixing that environmental disaster and making sure that the negative impacts of it, as we saw through Katrina, never happen again. And other crucial needs are addressed, such as the Port of Iberia, Vermillion hurricane protection, east Baton Rouge, Red-Ouachita River Basin, Atchafalaya Basin, Calcasieu River and Pass, Larose to Golden Meadow, Vidalia Port, and St. Charles. They are all directly met in this bill.

Again, I thank the chairman, the ranking member, and others on the committee for their leadership to meet these crucial Louisiana needs and certainly these crucial national needs. I strongly and fully support the bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time. The Senator from Wisconsin.

Mr. FEINGOLD. I yield myself time off of the McCain-Feingold prioritization amendment.

I rise in strong support of the McCain-Feingold prioritization amendment. I am pleased to be a cosponsor. As Senator MCCAIN points out, it recognizes we must respond to the tragedy of Katrina and to our current flawed planning process by making sure that limited taxpayer dollars go to the most worthy water resources projects.

That doesn't sound like a lot to ask. As we all know, our Nation is staring down deficits that just a few years ago were unimaginable. We have a backlog of $58 billion in projects that are authorized but not built, and that number will be closer to $70 billion when this bill passes. Clearly, we need some way of identifying projects that are most needed.

Right now, Congress does not have any information about the relative priority of the current massive backlog of unauthorized projects, and we don't have any way of evaluating the relative priority of the new projects. What we do have is individual Members arguing for projects in their States or districts but no information about which projects are most important to the country's economic development or transportation systems or our ability to protect our citizens and our property from natural disasters.

Our current prioritization process is not serving the public good. The McCain amendment would make sure Congress has the tools to more wisely invest limited resources while also increasing public transparency in decisionmaking. It does so by utilizing an interagency task force set up in the underlying bill, the Water Resources Coordinating Committee, to evaluate likely Corps projects in three different categories: flood damage reduction, navigation, and ecosystem restoration. The committee will establish broad national priorities to apply to those projects.

The amendment sets out minimum requirements that projects in each category have to meet, so that, for example, flood reduction projects must be evaluated in part whether they reduce the risk of loss of life. But the committee is free to consider other factors as long as it is clear about which factors it is considering.

Projects in each of these project types will be placed in tiers based on how great a priority they represent, and this information will be provided to Congress and the public in a nonbinding annual report. That is it. Congress and the public get information to help them make decisions involving millions—or even billions—of dollars. Surely that isn't too much to ask.

Modernizing all aspects of our water resources policy will help restore credibility to a Federal agency that is plagued by public skepticism in the wake of Katrina. The Corps has admitted serious design flaws in the levees it built in New Orleans, and it is clear that the Corps' mistakes contributed significantly to the damage New Orleans suffered.

I can tell you, when I was down in New Orleans just last week, even more than complaints about FEMA, I heard complaints about the Corps. And just as we have worked as a body to improve FEMA, we need to work to improve the Corps. Our constituents and the people of New Orleans deserve no less.

The Corps does important work. The real problem, as the senior Senator

from Arizona points out, that this amendment seeks to get at is us in Congress. Congress has long used the Army Corps of Engineers to facilitate favored pork-barrel projects, while periodically expressing a desire to change its ways. If we want to change our ways, we can start by passing the McCain prioritization amendment which will help us make sure the Corps continues to contribute to our safety, environment, and economy, without wasting taxpayer dollars.

The Inhofe-Bond so-called prioritization amendment does not accomplish that. In fact, that competing amendment would do nothing more than create a bureaucratic nightmare. It would require every project in the $58 billion backlog to be rated. Even the Corps admits there are many projects in the backlog that will never be built. Some of the projects being deauthorized in this WRDA bill were first authorized in the 19th century. So why would we expend such time and resources evaluating projects that have no chance of being built? We can prioritize in a smarter, more manageable way.

Their amendment creates an ill-defined relative rating system for criteria but doesn't require any final analysis or ranking. How is that going to help us decide where to allocate taxpayer dollars? It won't. The relative rating system is nothing more than a throwaway single line with no substance.

What is most telling is that there is no provision to allow for the information to be made available to the public so they can look over our shoulders and make sense of whether our decisions about national water resource priorities make sense.

Furthermore, their amendment, rather than using impartial criteria on which to weigh projects, would use criteria which would be applied across project types and which appear to be reverse-engineered to elevate inland navigation projects: for example, criteria such as ''availability cost alternate transportation methods relating to the project''; ''[R]eduction of dependence on foreign oil associated with using water as a method of transportation of goods''; ''pollution reduction benefits associated with using water as a method of transportation of goods.''

These criteria serve to elevate generically inland navigation projects at the expense of flood and storm damage reduction projects and environmental restoration projects.

Obviously, I do not have an issue with inland navigation projects.

The PRESIDING OFFICER. The time on the amendment has now expired.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I may continue under the remaining time on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I inquire as to how much time remains.

The PRESIDING OFFICER. The amount of time combined is 10 minutes 58 seconds under the control of Senator INHOFE and 2 minutes 41 seconds under the control of the Senator from Vermont.

Mr. INHOFE. No objection.

The PRESIDING OFFICER. Who yields time? Does the Senator from Vermont or the Senator from Oklahoma yield? Does the Senator from Vermont yield time?

Mr. INHOFE. That is correct, I do not yield time. I just don't object to his using some of the time on the bill.

The PRESIDING OFFICER. The Senator from Vermont yields time.

Mr. FEINGOLD. I thank my colleagues.

The Mississippi River is a critical artery for Wisconsin and national commerce, and many other rivers serve the same role. However, I do take issue with the process that uses broadly applied criteria that will obviously only be met by a small subset of projects at the expense of other valuable project types that fall within the mission area of the Corps of Engineers.

Lastly, if any of my colleagues are tempted to vote for the Inhofe-Bond alternative, I encourage them to take a close look at it. It is clearly designed to look more substantial than it really is because in a nine-page amendment, four pages are dedicated to simply reinserting the same language on a fiscal transparency report that the amendment initially deleted.

Unfortunately, the existing inadequate, opaque funding process is better than the prioritization process created by the Inhofe-Bond amendment. A deliberately flawed and skewed prioritization system would be more harmful than the current ineffective one. As such, whatever one's position may be on the McCain-Feingold-Lieberman-Feinstein amendment, I strongly encourage my colleagues to oppose the Inhofe-Bond prioritization amendment.

I certainly thank my colleagues for the additional time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield myself such time as I may consume. It is my intention to yield back some time. We have some colleagues we want to accommodate. I think if I do that, time will also be yielded back from the other side.

While I don't agree with those who tried to argue that there are currently no prioritization projects, I do acknowledge that we can do a better job. That is exactly what the Inhofe-Bond amendment will do.

The administration has priorities right now. They can set priorities. It is called the budget. The administration sets its funding priorities through the President's budget request. For the last couple of fiscal years, President Bush has relied on a measure called the remaining benefit-remaining cost ratio.

The Inhofe-Bond amendment requires the Corps of Engineers to provide critical and easy-to-understand information to Congress that can then be used to make tough budgetary decisions that we have to make when the funds are so limited.

The amendment sets out four national priorities—I mention this because this contradicts something said by the Senator from Wisconsin: No. 1, to reduce the risk of loss of human life and risk to public safety; No. 2, to benefit the national economy; No. 3, to protect and enhance the environment; and No. 4, to promote the national defense.

Let me just say in closing that no one can vote either for their amendment or against our amendment saying that one of them is going to be spending more money or there is pork. It is a wash. They are both the same. Voting for the Inhofe-Bond amendment is not going to reduce the amount of money that is going to be spent on projects or voting for the other amendment is not going to do that, either. Not one of these is a large spending bill or a small spending bill. I would like to get that out of the way.

Our amendment sets out our national goals. The Corps is directed to develop a relative ranking system to report how well each project meets these four priorities.

I really think enough has been said on this issue. I am prepared at this point, if the other side is, to yield back and accommodate some of our colleagues. I do so at this time.

Mr. JEFFORDS. Mr. President, first, I commend my partner for the cooperation we have had on this bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to amendment No. 4684, the McCain amendment.

Mr. McCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 19, nays 80, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—19

Alexander	DeWine	Lieberman
Bingaman	Dodd	McCain
Brownback	Ensign	Nelson (FL)
Burr	Feingold	Sununu
Chafee	Gregg	Voinovich
Coburn	Kyl	
DeMint	Landrieu	

NAYS—80

Akaka	Biden	Cantwell
Allard	Bond	Carper
Allen	Boxer	Chambliss
Baucus	Bunning	Clinton
Bayh	Burns	Cochran
Bennett	Byrd	Coleman

Collins	Isakson	Reid
Conrad	Jeffords	Roberts
Cornyn	Johnson	Rockefeller
Craig	Kerry	Salazar
Crapo	Kohl	Santorum
Dayton	Lautenberg	Sarbanes
Dole	Leahy	Schumer
Domenici	Levin	Sessions
Dorgan	Lincoln	Shelby
Durbin	Lott	Smith
Enzi	Lugar	Snowe
Feinstein	Martinez	Specter
Frist	McConnell	Stabenow
Graham	Menendez	Stevens
Grassley	Mikulski	Talent
Hagel	Murkowski	Thomas
Harkin	Murray	Thune
Hatch	Nelson (NE)	Vitter
Hutchison	Obama	Warner
Inhofe	Pryor	Wyden
Inouye	Reed	

NOT VOTING—1

Kennedy

The amendment (No. 4684) was rejected.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4683

The PRESIDING OFFICER (Mr. SESSIONS). The question now is on agreeing to the amendment of the Senator from Oklahoma, Mr. INHOFE.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—43

Alexander	DeMint	Nelson (NE)
Allard	Dole	Roberts
Allen	Domenici	Santorum
Bennett	Enzi	Sessions
Bond	Frist	Shelby
Bunning	Grassley	Smith
Burns	Hagel	Specter
Burr	Hatch	Talent
Chambliss	Hutchison	Thomas
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Coleman	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	
Crapo	McConnell	

NAYS—56

Akaka	Ensign	Menendez
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Biden	Graham	Murray
Bingaman	Gregg	Nelson (FL)
Boxer	Harkin	Obama
Brownback	Inouye	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Carper	Kerry	Rockefeller
Chafee	Kohl	Salazar
Clinton	Kyl	Sarbanes
Collins	Landrieu	Schumer
Conrad	Lautenberg	Snowe
Dayton	Leahy	Stabenow
DeWine	Levin	Stevens
Dodd	Lieberman	Sununu
Dorgan	Lincoln	Wyden
Durbin	McCain	

NOT VOTING—1

Kennedy

The amendment (No. 4683) was rejected.

Mr. BOND. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. COBURN). The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent that the managers' amendment at the desk be agreed to and the motion to reconsider be laid upon the table.

Mr. JEFFORDS. This amendment has been cleared on our side.

The PRESIDING OFFICER. Is there an objection?

Mr. MCCAIN. I object.

The PRESIDING OFFICER. The objection is heard.

REMOVAL OF MARINE CAMELS

Mr. WARNER. Mr. President, I seek recognition to engage in a colloquy with the distinguished manager of this bill, Senator INHOFE, and the distinguished Senator from Rhode Island, Mr. REED, pertaining to a provision that would clarify that funds from the Department of Defense account for environmental remediation at formerly used Defense sites may be used for the removal of abandoned marine camels at any formerly used Defense site under the jurisdiction of the Department of Defense.

First, perhaps for those who are not familiar with marine and naval terminology, it would be useful to point out that a ''marine camel'' is nothing more than a large timber fender. These wooden fenders, or bumpers, are of the type that have been used since the days of sail to cushion a ship as it lays alongside a pier, or to act as a buffer between two or more ships when they are tied up alongside each other, either at a pier, a mooring, or at anchor. The purpose of the camel is to prevent damage to a ship or a pier that would otherwise occur when a ship rocks against a pier or against another ship due to shifting tides, currents, wakes from passing ships, and so forth.

The problem this provision seeks to solve is that over the many years these marine camels have been in use at naval facilities, marine terminals, and moorings controlled and operated by the Department of Defense, they have been lost, sunk, or otherwise have become hazardous debris, often containing hazardous substances, in the waters and on the shores of formerly used Defense sites in Narragansett Bay.

The purpose of this colloquy is to establish that the provision that has been included in the Water Resources Development Act is not an expansion of existing authority. This provision is clear that use of Department of Defense funds is linked to formerly used Defense sites that are under the jurisdiction of the Department of Defense. Therefore, this provision clarifies but does not expand the authority or responsibility of the Department of Defense to undertake environmental restoration.

Mr. INHOFE. My colleague on both the Armed Services and Environment and Public Works Committees is correct. This Water Resources Development Act provision is simply to clarify existing authority. The other bill managers and I were informed that there was some confusion as to whether funds from the Department of Defense environmental remediation account for formerly used Defense sites could be used to remove abandoned marine camels located in the waters of formerly used Defense sites in Narragansett Bay. It was our intent to clarify that the Department could in fact use these funds to remove debris linked to a formerly used Defense site even if that debris has drifted off land and into the water. Of course, any debris in the water not linked to a formerly used Defense site could not be cleaned up using funds from this account, and I believe the language in the bill reflects that distinction.

Mr. WARNER. Further, it is also my understanding and I wish to make clear as part of our discussion that this provision is not intended to give a priority to clean up sites in Narragansett Bay over other formerly used Defense sites that present a greater risk to public health and safety.

The Department of Defense establishes the priority for cleanup of formerly used Defense sites on the basis of risk to the public. The Senate Armed Services Committee has long supported the Department's policy of prioritizing environmental cleanup based on risk. We stand committed to that principle today. I ask my distinguished colleague to confirm that he shares my understanding on these fundamental points.

Mr. INHOFE. Again, I agree completely with my colleague. There is absolutely no intent to change the Department's current policy of prioritization through this provision. Those sites presenting the greatest risk to the public should be cleaned up first. This provision is silent with regard to where on that priority list sites in Narragansett Bay may fall.

Mr. WARNER. With that understanding, I support this provision and I believe it may be helpful in ensuring that this cleanup in the Narragansett Bay takes place, as it should.

Mr. REED. Mr. President, I thank my colleagues for including this provision in the Water Resources Development Act. More than 100 abandoned camels litter Narragansett Bay, creating a safety hazard for boaters and divers and contaminating the bay's water with creosote, which has been listed by the Environmental Protection Agency as a probable human carcinogen. Camels were commonly used as fendering systems at the Newport Navy Base, the Quonset Point Naval Air Station carrier pier, Davisville Naval Construction Battalion Center, and the Melville Fuel Depot. As my colleagues from Virginia and Oklahoma pointed out, this

language claries that funding from the formerly used Defense sites' account could be used to remove abandoned marine camels located in the waters of formerly used Defense sites in Narragansett Bay, including removal of debris that is linked to a formerly used Defense site even if that debris has drifted off land and into the water. The ecological health and water quality of Narragansett Bay is vital to the economy of Rhode Island, and I believe that this language will aid in the cleanup of this precious natural resource.

AQUATIC NUISANCE SPECIES

Mr. LEVIN. Mr. President, as the leaders of this bill know, aquatic nuisance species cause unwanted and potentially harmful environmental changes in the Nation's waters. Aquatic nuisance species are introduced through various pathways, with ballast water on ships being the most predominant. Having a strong program to address the challenges presented by new introductions, allow rapid response actions, screen imports of aquatic organisms, and conduct research in all of these areas is extremely important and something this Congress needs to address.

In an attempt to develop a system to confront the challenges presented by these species, Senator COLLINS and I have sponsored comprehensive legislation to address this issue. While the Water Resources Development Act addresses protecting our Nation's waters, my colleague from Maine and I have decided not to address the need for comprehensive aquatic nuisance species legislation in this bill because the Environment and Public Works Committee leadership has committed to try to move a comprehensive bill forward this year.

Mr. INHOFE. I do understand the concerns about the impacts of aquatic nuisance species. I want to assure the Senate that it is my intention to resume discussions on a bill and try to bring a comprehensive bill to the Senate floor this year.

Mr. LEVIN. I thank the chairman and ranking member for their commitment to continue the process and look forward to working with you and continuing the discussion on this issue.

COMPREHENSIVE EVERGLADES RESTORATION PLAN

Mr. MARTINEZ. Senator INHOFE, as you know, the 2000 WRDA bill authorized the Comprehensive Everglades Restoration Plan. CERP created a permanent and independent peer review panel. The process used to develop CERP had broad public and technical review and participation. Therefore, all CERP projects have already gone through an initial planning stage. However, there are approximately 50 CERP projects that still need additional authorization from Congress. During conference negotiations with the House, would you be willing to examine the impact of additional peer review on CERP projects and its current independent review process?

Mr. INHOFE. Senator MARTINEZ, I am aware of the CERP review process established in WRDA 2000, and during conference we will examine its established independent review process to ensure that Everglades restoration is not unduly impeded.

Mr. MARTINEZ. Thank you, Senator INHOFE. I appreciate your leadership and diligence on this important issue.

SECTION 2019

Mr. INHOFE. I am aware that section 2019 of the WRDA bill before us has some problems with how we have attempted to deal with balancing the needs of municipal water suppliers and hydroelectric power generation. Complicating the issue is how CBO has scored our proposals to achieve balance. I fully intend to resolve this issue and do not intend to preempt existing statutory authorities that govern the Corps' ability to reallocate storage and provide municipal and industrial water supply. I ask my colleague, the senior Senator from New Mexico, to accept my assurances that I will work towards a compromise that treats all parties fairly.

Mr. DOMENICI. I thank my colleague for his efforts on these difficult issues and appreciate his consideration of the importance of hydroelectric generation to the nation's power supply. I also appreciate his working with me to ensure that this has no unintended impact on existing authorities that govern the Corps' ability to reallocate storage. I look forward to working with the senior Senator from Oklahoma on these issues.

COMPREHENSIVE EVERGLADES RESTORATION PLAN

Mr. NELSON of Florida. Senator FEINGOLD, as you know, the legislation establishing the Everglades Restoration Comprehensive Plan creates a permanent, independent peer review panel with extensive responsibilities for reviewing the Everglades restoration plan in detail. The Corps of Engineers has contracted with the National Academy of Sciences to establish that panel, and it has been working productively for years, issuing a number of major reports. Would this legislation create duplication with that panel?

Mr. FEINGOLD. Senator NELSON, I am familiar with the excellent peer review system that has been established for the comprehensive Everglades project. In many ways, that peer review system is a model for this amendment. There is nothing in this amendment that would keep the Director of Independent Peer Review from determining that the Everglades peer review is the functional equivalent of the peer review or substitute for the peer review required by this amendment and satisfies this requirement. In many ways, the Everglades peer review goes beyond that required by this amendment, and works smoothly with the requirements of this amendment.

Mr. NELSON of Florida. I appreciate and agree with your understanding of this amendment. I fully support the view that expensive controversial Corps of Engineers projects should be subject to independent peer review. In case there is any possible need for clarification of this issue, would the Senator from Wisconsin be willing to work with me during the conference on this bill?

Mr. FEINGOLD. Absolutely.

Mr. LAUTENBERG. Mr. President, I rise to speak in support of S. 728, the bill to reauthorize the Water Resources Development Act, WRDA.

I want to join my colleagues in expressing my sincere appreciation to Environment and Public Works Committee Chairman INHOFE and Ranking Member JEFFORDS, and to Senator BOND, who chairs the Subcommittee on Transportation and Infrastructure, and Senator BAUCUS, who serves as the ranking member of the Subcommittee. I also want to commend their dedicated staff for their hard work and consideration on this important legislation. The leaders in our committee and their staff have literally worked for years to bring this bill to the floor for consideration, and they deserve credit for their patience and perseverance.

I particularly thank Senator INHOFE and Senator BOND for the New Jersey project authorizations they have included in this bill. As do other States, New Jersey depends on the Army Corps to carry out projects that are vital to our economy. This bill contains authorizations for three important projects in New Jersey. The first is a South River storm damage and ecosystem restoration project. The second is a Raritan Bay and Sandy Hook Bay project at Union Beach which will address hurricane and storm damage and provide for beach nourishment over the 50-year life of the project. The third is a Manasquan to Barnegat Inlets project to address hurricane and storm damage and provide for beach nourishment over the 50-year life of the project.

The bill also contains a contingent authorization for a Great Egg Harbor Inlet to Townsends Inlet project for hurricane and storm damage reduction and periodic nourishment over the 50-year life of the project. I also appreciate the bill managers' willingness to accept my language on the shore protection demonstration program. This program will help us learn how to nourish our shore in smarter and cheaper ways.

While I supported the Feingold-McCain amendment regarding independent peer review, I hope this won't be construed to take anything away from the underlying bill or the hard work of its managers. The underlying bill is one that I am pleased to support, and I will vote for its final passage.

Mr. AKAKA. Mr. President. I want to express my support of S. 728, the Water Resources Development Act, WRDA, of 2006. S. 728 authorizes the U.S. Army Corps of Engineers to study water resource problems, undertake construction projects, and make major modifications to existing projects. It has

been 5 years since the last WRDA was enacted into law and I thank my colleague, the Senior Senator from Missouri, for his leadership in bringing this bill to the floor. This is a bipartisan piece of legislation that must be passed to address our Nation's critical navigation, flood control, and environmental restoration needs.

I am a cosponsor of S. 728 because I recognize the need to authorize essential flood control, shore protection, dam safety, storm damage reduction, and environmental restoration projects. These projects carried out by the U.S. Army Corps of Engineers protect communities across the country from destruction caused by severe weather and flooding, and also promote protection and restoration of our Nation's ecosystems. In addition, the legislation establishes standards that balance the safety and interest of the public with the economic and environmental feasibility of projects.

I am pleased that provisions from S. 2735, the Dam Safety Act of 2006, which I introduced with Senator BOND, are included in the managers' amendment to S. 728. This will advance dam safety in the United States and prevent loss of life and property damage from dam failures at both the Federal and State programmatic levels. Specifically, the reauthorization of the National Dam Safety Program Act will provide much needed assistance to State dam safety programs that regulate 95 percent of the 80,000 dams in the United States. Of the approximately $13 million authorized annually through 2011, $8 million will be divided among the States to improve safety programs and $2 million will be dedicated for research to identify more effective techniques to assess, construct, and monitor dams. In addition, $700,000 will be available for training assistance for State engineers, $1 million for the employment of new staff and personnel for Federal Emergency Management Agency, and $1 million for the National Inventory of Dams.

An additional provision that mirrors S. 2444, the National Dam Safety Program Act, which I introduced with Senator INOUYE, is included in S. 728. This authorizes appropriations of $25 million for small dam removals and dam rehabilitation projects. Although the amount included in S. 728 is not as large as in S. 2444, this is still an important first step in ensuring the safety of the public. I will continue to work with my colleagues to ensure that both public and private dams receive the maintenance they need.

The cost of failing to maintain our Nation's dam infrastructure is extremely high. There have been at least 29 dam failures in the United States during the past 2 years causing more than $200 million in property damage. In my home State in March, the Ka Loko Dam, a 116-year earthen dam, on the island of Kauai breached during heavy rains killing seven people. This tragic event serves as an important reminder of the responsibility held by the State and local governments, but also of the leadership role of the Federal Government in supplementing State resources and developing national guidelines for dam safety.

I urge my colleagues to join me in supporting S. 728. Again, I express my appreciation to my colleagues Senators BOND, INHOFE, JEFFORDS, FEINGOLD, BOXER, SPECTER and MCCAIN for their leadership in bringing this bill to the floor. This bill is essential in improving economic growth, safety, and the quality of life of all Americans.

Mr. OBAMA. Mr. President, I rise today in strong support of the Water Resources Development Act. First, let me commend my colleague from across the Mississippi River, Senator BOND, for his efforts in bringing this bill to the floor. I was pleased to support his efforts in the Environment and Public Works Committee and to be an original cosponsor of this bill.

Last year, Senator BOND and I worked together on a letter, signed by 40 of our colleagues, saying it was time for this bill to be considered on the floor of the Senate. When we were told that 40 was not enough, that we needed 60 signatures, we came back and got 81.

That was 7 months ago, and I am pleased that the Senate is now on the verge of passing this bill because this is an important bill both to my State of Illinois and to the entire country. It authorizes and revises the policies and practices of the U.S. Army Corps of Engineers in waterway navigation, including the construction of locks and dams, the construction of levees and wetlands restoration to promote flood control, and other ecosystem and environmental mitigation activities.

For two decades, Congress has enacted revisions and updates to WRDA roughly every 2 years. It is now been 6 years since the last WRDA bill and, in light of the devastation wrought by Hurricanes Katrina and Rita last year, this bill is long overdue.

Recently, the American Society of Civil Engineers conducted a report card of the Nation's infrastructure and gave a D-minus to our navigable waterways. More than 50 percent of our lock and dam systems in the United States are functionally obsolete, and that figure will rise to 80 percent in the next 10 years.

Now, if you are not from a farm State, you might not understand why navigable waterways are important to all of us. But a major component of the cost of farm commodities is the cost of transportation. That affects both the price of food that we buy in grocery stores and the price of homegrown fuels that fuel our cars. If U.S. agriculture is to remain competitive in the worldwide market during the 21st century, we need to improve our transportation infrastructure.

Countries such as Brazil and China understand the importance of efficient commerce for their farmers and have made significant investments in improvements. Unfortunately, American farmers still rely on pre-World War II-era infrastructure when transporting their goods to market. When we talk about the responsibility of Congress and the U.S. Government to create jobs and economic development, upgrading these locks and dams is part of that responsibility.

This bill provides $1.8 billion for lock and dam upgrades along these waterways to replace transportation infrastructure almost 70 years old. This is an important provision to Illinois farmers and to everyone around the world who uses the products that we grow in Illinois.

The bill also provides an unprecedented $1.6 billion in Federal funds for ecosystem restoration along the Illinois and Mississippi Rivers to improve fish and wildlife habitat as well as land and water management.

Finally, there is a small, but important, provision to authorize continued funding for the electric barriers that prevent the Asian carp from entering into the Great Lakes. The Asian carp is an invasive species with a voracious appetite that, if left unchecked, would disrupt the natural ecosystem in the Great Lakes and crowd out the native fish. Senator VOINOVICH and I were able to get a temporary fix put into the supplemental appropriations bill, but we need a more permanent guarantee of funding, and WRDA will provide just that.

I will also take a minute to discuss the subject of reforming the Army Corps of Engineers. Serious questions have been raised as to how the Corps develops its calculations and analyses for projects. I believe that subjecting some projects to an independent review process is necessary to ensure that taxpayer dollars are used in the most effective manner.

In closing, I commend Chairman INHOFE and Ranking Member JEFFORDS for their leadership, and I thank the EPW Committee staff for their fine efforts in preparing this bill. I am pleased to cosponsor this bill and urge my colleagues to support it as well.

Mr. SARBANES. Mr. President, our Nation's waterways, harbors, and ports are vital to our economic prosperity, the safety of those who navigate our waters, and to our quality of life. It is estimated that one out of every five jobs in the United States is dependent, to some extent, on commercial activities handled by our ports and harbors. In many instances, ship and barge transport is the safest, cheapest, and cleanest transportation mode. Likewise, our waterways provide critical habitat for fish and wildlife, recreational opportunities for boaters, and contribute to the health and well-being of millions of people through their diversity, beauty, history, and natural environment. This legislation authorizes the U.S. Army Corps of Engineers to undertake water resource projects of great importance to our Nation's and

our states' economy and maritime industry, public safety and to our environment.

I am particularly pleased that the measure includes a number of provisions for which I have fought to help ensure the future health of the Port of Baltimore, the Chesapeake Bay, and Maryland's waterfront communities. With more than 4,000 miles of shoreline around the Chesapeake Bay and Atlantic Ocean, 126 miles of deepwater shipping channels leading to the Port of Baltimore, some 70 small navigation projects critical to commercial and recreational fisherman and to local and regional economies, Maryland is a State which relies heavily on the navigation, flood control, and environmental restoration programs of the U.S. Army Corps of Engineers. Over the years, I and other members of the Maryland congressional delegation have worked hard to maintain and improve the Federal channel system—serving the Port of Baltimore and other communities throughout Maryland, to address the severe shoreline erosion problems on Maryland's Atlantic Coast, and to bring the Army Corps of Engineers' expertise to bear in the restoration of the Chesapeake Bay and Maryland's rivers and streams. While other ports are just now beginning to deepen their channels to 45 or 50 feet, we succeeded in deepening the port's main shipping channel to 50 feet 16 years ago making navigation safer, easier, and cheaper for ships using the channel and assuring that the route can handle the deep draft bulk cargo carriers in use today.

We recently completed two critical safety improvements to the Port's channel system—the straightening of the Tolchester ''S'' turn and the widening and deepening of the Brewerton channel eastern extension—as well as some long-needed improvements to Baltimore harbor's anchorages and branch channels. We constructed a hurricane protection project at Ocean City, MD to help protect the citizens and the billions of dollars in public and private infrastructure in the area and restored the beach at the north end of Assateague Island National Seashore. We also completed numerous environmental restoration projects throughout the Chesapeake Bay watershed from Jennings Randolph Lake in western Maryland to the Poplar Island Environmental Restoration Project—the largest and most environmentally significant island habitat restoration project ever undertaken in the Chesapeake Bay. These projects would not have taken place without the authorities and funding provided in previous Water Resources Development Acts. The measure before us will enable several, much-needed water resource infrastructure projects in Maryland to move forward.

First, the bill authorizes a 50-percent expansion of the Poplar Island environmental restoration project, to provide additional dredged material capacity for the Port of Baltimore and additional habitat for the Chesapeake Bay's wildlife. Initially authorized by section 537 of the Water Resources Development Act, WRDA, of 1996, the Poplar Island project has proved to be a tremendous success and a model for the Nation on how to dispose of dredged material.

Instead of the traditional practice of treating the dredged material as a waste and dumping it overboard, we are putting approximately 40 million cubic yards of clean dredged material from the shipping channels leading to the Port of Baltimore into a productive use, restoring 1,140 acres of remote island habitat in the Chesapeake Bay, creating a haven for fish and wildlife, and helping reduce sediment degradation of the Bay's water quality. This represents a win-win situation for two of Maryland's most important assets—the Port of Baltimore and the Chesapeake Bay.

Last year, the Army Corps of Engineers completed two studies—a Baltimore Harbor and Channels Dredged Material Plan, DMMP, and an integrated General Reevaluation Report, GRR/Supplemental Environmental Impact Statement, SEIS, on the Poplar Island Environmental Restoration Project—which identified a critical need for new dredged material placement capacity for the Port of Baltimore by 2009 in order to meet Federal and State of Maryland requirements and recommended the expansion of Poplar Island as a preferred alternatives for addressing the dredged material capacity gap in an economically and environmentally sound manner. A subsequent Chief's Report submitted to Congress on March 31, 2006, recommended a 575-acre expansion of the existing Poplar Island and the raising of the island's existing upland cells to add approximately 28 million cubic yards of dredged material placement capacity and extend the project life by approximately 7 years. This measure authorizes the expansion of the existing Poplar Island project as recommended in the Chief's Report. It authorizes $256.1 million for the expansion project, bringing the total cost of the existing project and the expansion project to $643.4 million, with an estimated Federal cost of $482.4 million and an estimated non-Federal cost of $161 million. The Poplar Island environmental restoration project has been a top priority of mine, of the Maryland Port Administration and of the shipping and environmental communities for many years, and I am delighted that this legislation will enable us to move forward with the expansion of this project.

Second, the bill contains three additional provisions authorizing a total of nearly $100 million which are critical to our continuing efforts to restore the Chesapeake Bay. It reauthorizes and expands a program that we established in section 510 of WRDA 1996 known as the Chesapeake Bay Environmental Restoration and Protection Program, raising the authorized funding from the current level of $10 million to $30 million. It increases the funding for Chesapeake Bay native oyster restoration to $50 million—a $20 million increase over current levels. And it authorizes the Smith Island ecosystem restoration project to reverse the tremendous loss of wetlands and submerged aquatic vegetation around Smith Island, MD.

In 1984, the U.S. Army Corps of Engineers completed a comprehensive study—the first such study ever undertaken—of the present and future uses and problems of Chesapeake Bay's water and related land resources. Since then the Corps has undertaken or participated in a variety of projects to help restore the Chesapeake Bay's water quality and living resources, including sewage treatment plant upgrades, making beneficial use of dredged materials, removing impediments to fish passage, mitigating the impacts of shoreline erosion, and restoring wetlands, habitat and oyster reefs. But despite these efforts, the Chesapeake Bay's health continues to languish.

To restore the integrity of the ecosystem and to meet the goals established in the Chesapeake 2000 Agreement, nutrient and sediment loads must be significantly reduced, oyster populations must be increased, SAV and wetlands must be protected and restored, and remaining blockages to fish passage must be removed, among other actions. As the lead Federal agency in water resource management, the Corps has a vital role to play in this endeavor, and the programs authorized in this measure will enable the Corps to continue to participate in this effort. The funding increase provided for the Chesapeake Bay Environmental Restoration and Protection Program will allow the Corps to expand design and construction assistance to State and local authorities for a variety of environmental restoration projects in the bay. The additional funds provided for native oyster restoration will help support the Chesapeake 2000's goal of increasing oyster populations by tenfold by the year 2010. And the new authority to construct the Smith Island environmental restoration projects will help stem the alarming loss of SAV and wetlands along the coastline of Martin National Wildlife Refuge and Smith Island, protecting approximately 720 acres and restoring about 1,400 acres of valuable habitat.

Third, the measure provides the funding necessary to complete the C&O Canal rewatering project in Cumberland, MD. In 1952 a 1.2-mile section of the historic C&O Canal and turning basin at its Cumberland terminus was filled in by the Corps of Engineers during construction of the Cumberland, MD, and Ridgely, WV, flood protection project. The National Park Service and State and local authorities have long sought to rebuild and rewater the C&O Canal in this area to restore the integrity of the historic canal and assist in

revitalizing the area as a major hub for tourism and environmentally sound economic development. The Corps investigated the feasibility of reconstructing and rewatering the turning basin and canal near its terminus and determined that it is feasible to rewater the canal successfully without compromising the flood protection for the city of Cumberland.

Subsequently, Senator MIKULSKI and I secured a provision in WRDA 1999 authorizing the Corps to construct this project at a then-estimated total project cost of $15 million. Those estimates were based on a 50-percent design document completed in 1998. Since that time, the estimated cost of the project has increased due, in large part, to the finding of archeological objects and petroleum in the canal turning basin and prism as well as design refinements. The provisions included in this bill increase the authorized funding level for the project from $15 million to $25.75 million and will ensure that the full 1.2-mile section of canal and turning basin are completed.

Fourth, the bill contains provisions to facilitate the restoration of the Anacostia River, one of the most degraded rivers in the Chesapeake Bay watershed and in the Nation.

Through a cooperative and coordinated Federal, State, local, and private effort, significant progress has been made over the past decade to restore the Anacostia watershed. Today there are more than 60 local, State, and Federal agencies involved in Anacostia watershed restoration efforts, and more than $100 million in Federal, State, and local funds have been invested in this endeavor. The U.S. Army Corps of Engineers has played a key role in improving tidal waterflow through the marsh, reducing the concentration of nitrogen and phosphorus, and restoring wetlands, but the job of restoring the Anacostia watershed is far from complete. The provisions in this legislation require the Secretary of the Army, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, MD, and other stakeholders, to develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

I wish to compliment the distinguished chairmen of the committee and the subcommittee, Senators INHOFE and BOND, and the ranking members, Senators JEFFORDS and BAUCUS, for including these provisions and for their work on this legislation. This legislation is long overdue, and I urge my colleagues to join me in supporting this measure.

Mr. HARKIN. Mr. President, I am very pleased that we are finally going to conclude the Water Resources Development Act. My hope is that the conference with the House can be completed before the Congress recesses in early October. This is a good bill, providing for flood control, improvements to navigation, and considerable improvements to the environment. The bill also provides some real improvements to the way the Corps works.

I am very pleased that the bill includes improvements for navigation and environmental improvements for the Upper Mississippi River. It includes five expanded locks, a number of long-overdue efficiency improvements, and a major boost to the Corps of Engineers' environmental programs. I was pleased to work with Senator BOND to develop this important and very balanced proposal. The unfortunate thing is that our Upper Mississippi lock and dam measure was first introduced in 2004 and then made a part of the Senate WRDA bill that year. But we are only now getting a chance to move it to the Senate floor.

I have been deeply involved with navigation because of its importance to farmers in Iowa and across the upper Midwest. River transportation is critical to keeping commodity costs low enough to remain competitive.

When shipping on the river is constrained, costs rise. When that happens, prices for moving bulk farm commodities by alternative means, mainly rail, go up as well. These price differentials seem relatively small compared to the total price, but they make a huge difference in farm income.

Clearly, river traffic on the Mississippi is incredibly important to producers in my State and elsewhere in the upper Midwest. As a result of traffic congestion on the Mississippi, producers face longer shipping times, which are very costly. Clearly, traffic management and helper boats to push long barges through crowded locks will be very helpful, and this bill will help that happen. In the long run, though, that won't be enough. It is incredibly important that we address ways to modernize a number of the locks on the upper Mississippi.

And we face substantial improvements from our competitors in their transportation capabilities, particularly in Brazil. I visited there a few years ago and saw firsthand how Brazil was rapidly moving to improve its Amazon River facilities. In contrast, we are sitting with 60-year-old locks that raise our costs.

I would also note that moving goods like corn down to the Gulf by river instead of by rail, and building material up from the Gulf in the same manner means considerable saving in fuel both lowering costs and air pollution.

Existing law requires exhaustive analysis of future river use levels decades into the future. The studies required for such predictions are, by their nature, highly speculative at best. While many have been critical of the methods of the U.S. Army Corps of Engineers, the Corps is essential to our ability to compete, to ensure that we keep the arteries and veins of America's river transportation system in smooth running order. We must remain competitive. We cannot wait any longer to authorize construction for 1,200-foot locks so barge tows can move through the upper Mississippi and Illinois without being split.

Of course, navigation needs cannot be our sole concern. Over the years, I have heard time and time again from constituents and national leaders concerned about the environment, about the need to maintain a balance among navigation, flood control and the environment. Habitat for many species—indeed, the Mississippi River ecosystem as a whole—has deteriorated since the construction of the original lock system in the 1930's.

The Mississippi River is home to a wide variety of fish and birds, as well as other wildlife. These animals and abundant plant life are important to the character and life of the Mississippi River. Approximately, 40 percent of North America's waterfowl and shorebirds use the Mississippi Flyway.

Parts of the Upper Mississippi River may serve as the most important area for migrating diving ducks in the United States. And the Mississippi River serves as habitat for breeding and wintering birds, including the bald eagle.

We are all aware of the problems that have plagued the Corps' actions on the Mississippi River. However, the Corps has pledged and is putting a much stronger emphasis on environmental protection. We need to work with the Corps to ensure that all updates and renovations of the locks and dams are done with the utmost care for the environment and the wildlife that depends on the Mississippi River habitat.

In addition to that mitigation, we need to give the Corps the authorization and the funding it needs to accomplish real ecosystem restoration, and not just make up for the lost habitat of specific identified species. The legislation we are proposing does just that.

This is going to be a challenge in these difficult budget times, but not to do so would be penny-wise and pound-foolish. We need to be thinking both of the long-term economic health of our agricultural producers and shippers, in tandem with the long-term health of the diverse ecosystems on the river.

I would like to note that I am pleased that bill authorizes improvements to the Des Moines flood control system. Des Moines suffered major flooding in 1993 and clearly needs the improvements to reduce the chance of flooding in the future.

I believe the legislation we are proposing strikes the correct balance. I urge our colleagues to support this important bill.

Mr. DURBIN. Mr. Presient, I thank Chairman INHOFE and Senator JEFFORDS and both of their staffs for their tireless effort writing this bill. It has not been an easy bill to write due to the many competing demands on water resources as well as interests regarding Corps reform.

Traditionally, Congress passes WRDA every 2 years, ensuring that the Corps of Engineers can stay current in studying the most pressing water resource problems, constructing projects, and modifying existing projects to meet various needs across the country.

We have been waiting 6 long years for a bill to reauthorize navigation, ecosystem restoration, fish and wildlife conservation, and flood and storm damage reduction projects all over the country.

Today, I am pleased to see this bill on the floor of the Senate, a measure that is the product of bipartisan negotiations and has the support of 80 Senators.

I strongly support this legislation.

Most significant to my home State of Illinois is the bill's authorization of navigation improvements and restoration of the ecosystem of the Upper Mississippi River and Illinois Waterway System. This project will increase lock capacity and improve the ecosystem of both the Upper Mississippi River and the Illinois River.

Specifically, this bill authorizes improvements to Locks 12, 14, 18, 20, 22, and 24 on the Mississippi River. It also authorizes the construction of 7 new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Mississippi River and at the LaGrange and Peoria Locks on the Illinois River. Many of the locks on the rivers were built nearly 70 years ago and are in desperate need of an overhaul. Inland waterway shipping relies on the successful operation of these locks. Frequent delays caused by the antiquated lock system increase shipping costs, which hurts American farmers.

Updating these locks is critical for industry and agriculture in the Midwest and in my home State of Illinois. Every year, the river moves $12 billion worth of products. It moves 1 billion bushels of grain—about 60 percent of all grain exports—to ports around the world. More than half of Illinois' annual corn crop and 75 percent of all U.S. soybean exports travel via the Upper Mississippi/Illinois River system. Shipping via barge keeps exports competitive and reduces transportation costs. That is good for producers and consumers. In addition, increased barge shipping displaces shipments by rail and truck, which lowers transportation costs for all businesses nationwide.

There are significant cost savings and environmental benefits to updating these locks as well. Barges operate at 10 percent of the cost of trucks and 40 percent of the cost of rail traffic. They also emit much less carbon monoxide, nitrous oxide, and hydrocarbons, and use less fuel to transport the equivalent tonnage of products.

It is estimated that the construction of the 7 locks will create 48 million man-hours of jobs and provide 3,000 to 6,000 jobs per year, including many high-paying manufacturing jobs. Currently, in the Upper Mississippi River Basin alone, more than 400,000 jobs are connected to the river. This includes 90,000 well-paid manufacturing jobs.

In addition, this project manages to balance the navigation needs of commercial shippers on our inland waterways with ecosystem restoration. Quite simply, this project authorizes the most ambitious ecosystem restoration project in the history of the Corps of Engineers. At a time when many believe this waterway is losing its habitats and eco-diversity, this $1.65 billion ecosystem restoration project is an important step toward fostering wildlife and natural habitats along the inland waterway system.

This restoration project will restore over 100,000 acres of habitat and create new recreational opportunities and additional jobs in the area.

Ecosystem restoration projects that are authorized in this bill include flood plain restoration, island building, construction of fish passages, island and shoreline protection and tributary confluence restoration, among others. When this project was developed, I worked diligently to ensure that the natural ecosystem of the Mississippi and Illinois Rivers received the same attention as the navigational needs of the area.

I also thank the managers of this bill for the inclusion of a project that is critically important to Illinois as well as the entire Great Lakes region—the authorization to make permanent the Chicago Sanitary and Ship Canal Dispersal Barrier system. This project is critical to protecting the Great Lakes from the Asian Carp, an invasive species now found in the Mississippi River. Asian carp can grow to 4 feet, weigh 60 pounds, and are capable of consuming up to 40 percent of their body weight in plankton per day. While the Mississippi River and the Great Lakes were once separate water systems, the construction of the Chicago Sanitary and Ship Canal connected these two water bodies. Today, the Asian carp threatens a $4.1 billion sport and commercial fishing industry in the Great Lakes. Permanent operation of the barrier system to prevent the Asian carp from entering the waters of the Great Lakes is critical to the protection of this valuable ecosystem. I appreciate the inclusion of language in this bill that recognizes the threat of the Asian carp and the need to protect the Great Lakes ecosystem from this invasive species.

Finally, we must recognize that Hurricane Katrina was a wake-up call; one that requires us in Congress to take those steps that ensure we don't witness another Katrina-type disaster caused by a failure of engineering, analysis or any other failure of oversight. We must ensure that projects meant to protect the public wellbeing do just that. This bill is critically important to the agricultural interests in my State. I will encourage the advancement of this bill through Congress and am committed to seeing that it is sent to the President.

Mr. FEINGOLD. Mr. President, when a bill like this one comes to the floor, especially after 6 years, there are so many people to thank. First, I want to thank the support of my principal cosponsor, the Senator from Arizona, Mr. MCCAIN, who has worked with me since the 108th Congress.

I know he shares my view that future Corps projects should no longer fail to produce predicted benefits, should stop costing the taxpayers more than the Corps estimated, should not have unanticipated environmental impacts, and should be built in an environmentally compatible way.

He saw the importance of ensuring that the Corps does a better job, which is what the taxpayers and the environment deserve. He and his staffer, Becky Jensen, deserve commendation.

I am particularly grateful for the help and support of the chairman of the committee, Mr. INHOFE. He directed his staff to work closely with mine, and Ruth Van Mark, Angie Giancarlo, and Steven Aaron did so ably, and I thank them, and the majority staff director, Andy Wheeler.

I would also be remiss if I did not acknowledge the support of another former EPW chairman, the former Senator from New Hampshire, Mr. Smith. It was he who brought conservative groups and taxpayer groups to the table on these issues, honored my request for a hearing in 2002 along with then-Ranking Member BAUCUS, and I am deeply grateful.

I want to thank our current esteemed and retiring ranking member, the Senator from Vermont, Mr. JEFFORDS. This may be the committee's last major bill this Congress, and he is to be commended for his leadership.

He and I have spoken personally about my interests in improving the Corps, and I am grateful for his support.

Several of the minority staff of the committee have been working on the issues I am raising in my amendments since my first independent review amendment on the 2000 WRDA bill. At the time, Jo-Ellen Darcy worked on the committee for the Senator from Montana, Mr. BAUCUS, who was then the ranking member, and she has followed my interest in these issues for Senator BAUCUS, Senator REID, and now Senator JEFFORDS.

I also want to acknowledge the help and support of several others on the minority staff, Catharine Ransom, Alison Taylor, Ken Connolly, and Mary Frances Repko, who worked for me until 2003, and provided invaluable help to me with my first Corps reform bill in the 107th Congress and the WRDA amendment that preceded it.

I also have a long history working with the Senator from Missouri, Mr. BOND, on Corps issues. I appreciate the effort that he, and his staffers, Brian Klippenstein and Letmon Lee, have made to improve the Corps' performance.

Our work together goes back to 1999. The reauthorization of the Environmental Management Program in the

Upper Mississippi was the only permanent authorization in WRDA 99. Included in the final EMP provisions was a requirement that Senator BOND and I developed to have the Corps create an independent technical advisory committee to review EMP projects, monitoring plans, and habitat and natural resource needs assessments. Our work helped to cement the Environment Committee's commitment to secure outside technical advice in Corps habitat restoration programs, like the EMP.

The amendments I offered to the WRDA bill are widely supported in the environmental and taxpayer community, and several individuals have worked hard for this day, including Chelsea Maxwell, former staffer to the retired Senator from New Hampshire, Mr. SMITH, and now with National Wildlife Federation, Adam Kolton, David Conrad and Tim Eder with National Wildlife Federation, Joan Mulhern with Earth Justice, Melissa Samet with American Rivers, Steve Ellis and Jill Lancelot with Taxpayers for Common Sense, Tim Searchinger with Environmental Defense, and Pete Sepp and Kristina Rasmussen with the National Taxpayers Union.

Finally, I want to thank my own staff. My staffer, Jessica Maher, has worked tirelessly on this legislation. She has talked to countless offices and constituents, and has worked to address their concerns and questions with grace and good humor, as has Mike Schmidt, another member of my staff. I am deeply grateful to Jess and to her predecessor, Heather White.

Mr. JEFFORDS. Mr. President, while we are nearing completion of this bill, I would like to take a few minutes to highlight some of the projects in the bill for my State of Vermont.

Throughout our work on this bill, I have worked to find a way to use the Army Corps of Engineers' expertise in a series of ''Vermont style'' projects. I believe we have succeeded.

This bill would provide $67 million in new authorities for the State of Vermont. Vermonters identified four major priorities for the Corps during my discussions with them: keep Vermont projects in the Vermont style, continue ongoing Lake Champlain efforts, address Connecticut River issues, and find a way to repair or eliminate the thousands of small dams throughout the State creating flood hazards and causing ecosystem damage. This bill addresses each of these areas.

First, during our discussion on the WRDA bill, I advocated strongly for an increase in the authorization for small ecosystem restoration projects like those in Vermont. In this bill, we increase that program from $25 million to $50 million, allowing smaller, Vermont-scale projects to move forward.

Second, we have continued our ongoing support of the Lake Champlain program, authorized in WRDA 2000, by adding $2 million in authority for geographic mapping and $10 million for streambank stabilization projects to protect water quality. We also authorize a study of the Lake Champlain Canal dispersal barrier to help prevent invasive species from entering the lake.

Third, this bill includes major changes for the Connecticut River. We authorize $30 million for modifications to existing Corps dams on the Connecticut River to regulate flow and temperature to mitigate impacts on aquatic habitat and fisheries. The bill also includes a $20 million authorization for ecosystem restoration on the Upper Connecticut River and $5 million for a wetlands restoration partnership.

Finally, the WRDA bill includes both nationwide and Vermont-specific programs for small dam remediation, removal, and rehabilitation. I authored a continuing authority for small dams that allows $25 million to be used for small dam removal or rehabilitation. I joined my colleagues, Senators KERRY and KENNEDY, as a cosponsor of this provision as a stand-alone bill, S. 1887. In addition, the existing Vermont dams remediation authority is expanded to allow for measures to restore, protect, and preserve an ecosystem affected by one of the dams included in the program.

When I first took over as chairman of this Committee in 2001, I started working with the State of Vermont to identify how we could get the Corps more involved in Vermont. At first blush, this seemed counterintuitive to me, and to many Vermonters. After all, early on in my career as the States attorney general, I led efforts to derail several major flood control dams proposed by the Corps for the Moose River, White River, and Saxtons River.

Did we really want to open the door again? At the time, my answer was, and still remains, a guarded yes.

In my opening statement when WRDA reached the Senate floor on Tuesday, I referenced some of the reforms contained in the underlying bill as well as some of the amendments proposed by Senator FEINGOLD that will further improve the Corps. However, over the last 30 years, the Corps has made much progress. Ecosystem restoration is a defined mission area. Continuing authorities programs allow small-scale projects, like the ones usually found in Vermont, to proceed without the excessive bureaucracy that smallest States tend to dread.

Beginning in 2003, I held a series of annual workshops with the New England and the New York districts, the State of Vermont, and local stakeholders at multiple locations in Vermont. The first year we were in Bennington, Norwich, and Barrer, and the second year we were in Norwich and Burlington.

The projects included in this bill for Vermont are a direct result of those workshops, and I thank everyone who helped make them possible. Specifically, I thank LTC Brian Green, Acting New England District Commander; John Kennelly, Chief of Planning, and Bobby Byrne, Chief of Programs and Civil Project Management with the New England District.

With the New York District, I thank COL John O'Dowd, the former District Commander; COL Richard Polo, the current District Commander; Gene Brickman, Deputy Chief of the Planning Division; Paul Tumminello, the Waterbury Dam Project Manager; and Jason Shea, the Lake Champlain Basin Program Coordinator.

In addition, from the North Atlantic Division, BG Bo Temple, the former Division Commander; Joseph Vietri, the Planning Director; and Stuart Piken, the former Project Management Chief at Division and the current New York District Deputy District Engineer for Project Management.

Finally, I thank Rob Vining, formerly with Army Corps Headquarters.

Mr. President, I especially thank my colleagues on the EPW Committee, particularly Senators BAUCUS, BOND, and INHOFE, for working with me on these critical priorities, and I look forward to the enactment of the Water Resources Development Act of 2006.

Mr. BOND. Mr. President, we have been advised by both sides a voice vote would suffice on this measure. Many Members want to be recorded, but if we all speak loudly we can do that without going through the time of a rollcall vote.

I suggest to my colleague from Vermont, if his side is happy with it, we accept a voice vote.

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

The question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 2864; all after the enacting clause is stricken, and the text of S. 728, as amended, is inserted in lieu thereof, and the bill is read the third time.

The question is, Shall it pass?

The bill (H.R. 2864), as amended, was passed as follows:

H.R. 2864

Resolved, That the bill from the House of Representatives (H.R. 2864) entitled ''An Act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Water Resources Development Act of 2006''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term ''Secretary'' means the Secretary of the Army.

TITLE I—WATER RESOURCES PROJECTS

SEC. 1001. PROJECT AUTHORIZATIONS.

(a) PROJECTS WITH CHIEF'S REPORTS.—Except as otherwise provided in this section, the following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports designated in this section:

(1) HAINES HARBOR, ALASKA.—The project for navigation, Haines Harbor, Alaska: Report of the Chief of Engineers dated December 20, 2004, at a total estimated cost of $13,700,000, with an estimated Federal cost of $10,960,000 and an estimated non-Federal cost of $2,740,000.

(2) RILLITO RIVER (EL RIO ANTIGUO), PIMA COUNTY, ARIZONA.—The project for ecosystem restoration, Rillito River (El Rio Antiguo), Pima County, Arizona: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $75,200,000, with an estimated Federal cost of $48,400,000 and an estimated non-Federal cost of $26,800,000.

(3) SANTA CRUZ RIVER, PASEO DE LAS IGLESIAS, ARIZONA.—The project for ecosystem restoration, Santa Cruz River, Pima County, Arizona: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $94,400,000, with an estimated Federal cost of $61,200,000 and an estimated non-Federal cost of $33,200,000.

(4) TANQUE VERDE CREEK, ARIZONA.—The project for ecosystem restoration, Tanque Verde Creek, Arizona: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $5,706,000, with an estimated Federal cost of $3,706,000 and an estimated non-Federal cost of $2,000,000.

(5) SALT RIVER (VA SHLYAY AKIMEL), MARICOPA COUNTY, ARIZONA.—

(A) IN GENERAL.—The project for ecosystem restoration, Salt River (Va Shlyay Akimel), Arizona: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $156,700,000, with an estimated Federal cost of $101,600,000 and an estimated non-Federal cost of $55,100,000.

(B) COORDINATION WITH FEDERAL RECLAMATION PROJECTS.—The Secretary, to the maximum extent practicable, shall coordinate the development and construction of the project described in subparagraph (A) with each Federal reclamation project located in the Salt River Basin to address statutory requirements and the operations of those projects.

(6) HAMILTON CITY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Hamilton City, California: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $50,600,000, with an estimated Federal cost of $33,000,000 and estimated non-Federal cost of $17,600,000.

(7) IMPERIAL BEACH, CALIFORNIA.—The project for storm damage reduction, Imperial Beach,

California: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $13,300,000, with an estimated Federal cost of $8,500,000 and an estimated non-Federal cost of $4,800,000, and at an estimated total cost of $41,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $20,550,000 and an estimated non-Federal cost of $20,550,000.

(8) MATILIJA DAM, VENTURA COUNTY, CALIFORNIA.—The project for ecosystem restoration, Matilija Dam and Ventura River Watershed, Ventura County, California: Report of the Chief of Engineers dated December 20, 2004, at a total cost of $139,600,000, with an estimated Federal cost of $86,700,000 and an estimated non-Federal cost of $52,900,000.

(9) MIDDLE CREEK, LAKE COUNTY, CALIFORNIA.—The project for flood damage reduction and ecosystem restoration, Middle Creek, Lake County, California: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $43,630,000, with an estimated Federal cost of $28,460,000 and an estimated non-Federal cost of $15,170,000.

(10) NAPA RIVER SALT MARSH, CALIFORNIA.—

(A) IN GENERAL.—The project for ecosystem restoration, Napa River Salt Marsh, California, at a total cost of $103,012,000, with an estimated Federal cost of $65,600,000 and an estimated non-Federal cost of $37,412,000, to be carried out by the Secretary substantially in accordance with the plans and subject to the conditions recommended in the final report signed by the Chief of Engineers on December 22, 2004.

(B) ADMINISTRATION.—In carrying out the project authorized by this paragraph, the Secretary shall—

(i) construct a recycled water pipeline extending from the Sonoma Valley County Sanitation District Waste Water Treatment Plant and the Napa Sanitation District Waste Water Treatment Plant to the project; and

(ii) restore or enhance Salt Ponds 1, 1A, 2, and 3.

(C) TRANSFER OF OWNERSHIP.—On completion of salinity reduction in the project area, the Secretary shall transfer ownership of the pipeline to the non-Federal interest at the fully depreciated value of the pipeline, less—

(i) the non-Federal cost-share contributed under subparagraph (A); and

(ii) the estimated value of the water to be provided as needed for maintenance of habitat values in the project area throughout the life of the project.

(11) SOUTH PLATTE RIVER, DENVER, COLORADO.—The project for ecosystem restoration, Denver County Reach, South Platte River, Denver, Colorado: Report of the Chief of Engineers dated May 16, 2003, at a total cost of $21,050,000, with an estimated Federal cost of $13,680,000 and an estimated non-Federal cost of $7,370,000.

(12) INDIAN RIVER LAGOON, SOUTH FLORIDA.—

(A) IN GENERAL.—The Secretary may carry out the project for ecosystem restoration, water supply, flood control, and protection of water quality, Indian River Lagoon, south Florida, at a total cost of $1,365,000,000, with an estimated first Federal cost of $682,500,000 and an estimated first non-Federal cost of $682,500,000, in accordance with section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680) and the recommendations of the report of the Chief of Engineers dated August 6, 2004.

(B) DEAUTHORIZATIONS.—As of the date of enactment of this Act, the following projects are not authorized:

(i) The uncompleted portions of the project authorized by section 601(b)(2)(C)(i) of the Water Resources Development Act of 2000 (114 Stat. 2682), C–44 Basin Storage Reservoir of the Comprehensive Everglades Restoration Plan, at a total cost of $147,800,000, with an estimated Federal cost of $73,900,000 and an estimated non-Federal cost of $73,900,000.

(ii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), Martin County, Florida, modifications to Central and South Florida Project, as contained in Senate Document 101, 90th Congress, 2d Session, at a total cost of $15,471,000, with an estimated Federal cost of $8,073,000 and an estimated non-Federal cost of $7,398,000.

(iii) The uncompleted portions of the project authorized by section 203 of the Flood Control Act of 1968 (Public Law 90–483; 82 Stat. 740), East Coast Backpumping, St. Lucie–Martin County, Spillway Structure S–311 of the Central and South Florida Project, as contained in House Document 369, 90th Congress, 2d Session, at a total cost of $77,118,000, with an estimated Federal cost of $55,124,000 and an estimated non-Federal cost of $21,994,000.

(13) MIAMI HARBOR, MIAMI, FLORIDA.—The project for navigation, Miami Harbor, Miami, Florida: Report of the Chief of Engineers dated April 25, 2005, at a total cost of $125,270,000, with an estimated Federal cost of $75,140,000 and an estimated non-Federal cost of $50,130,000.

(14) PICAYUNE STRAND, FLORIDA.—The project for ecosystem restoration, Picayune Strand, Florida: Report of the Chief of Engineers dated September 15, 2005, at a total cost of $362,260,000 with an estimated Federal cost of $181,130,000 and an estimated non-Federal cost of $181,130,000.

(15) EAST ST. LOUIS AND VICINITY, ILLINOIS.—The project for ecosystem restoration and recreation, East St. Louis and Vicinity, Illinois: Report of the Chief of Engineers dated December 22, 2004, at a total cost of $201,600,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $71,000,000.

(16) PEORIA RIVERFRONT, ILLINOIS.—The project for ecosystem restoration, Peoria Riverfront, Illinois: Report of the Chief of Engineers dated July 28, 2003, at a total cost of $17,760,000, with an estimated Federal cost of $11,540,000 and an estimated non-Federal cost of $6,220,000.

(17) DES MOINES AND RACCOON RIVERS, DES MOINES, IOWA.—The project for flood damage reduction, Des Moines and Raccoon Rivers, Des Moines, Iowa: Report of the Chief of Engineers dated March 28, 2006, at a total cost of $10,500,000, with an estimated Federal cost of $6,800,000 and an estimated non-Federal cost of $3,700,000.

(18) BAYOU SORREL LOCK, LOUISIANA.—The project for navigation, Bayou Sorrel Lock, Louisiana: Report of the Chief of Engineers dated January 3, 2005, at a total cost of $9,500,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(19) MORGANZA TO THE GULF OF MEXICO, LOUISIANA.—

(A) IN GENERAL.—The project for hurricane and storm damage reduction, Morganza to the Gulf of Mexico, Louisiana: Reports of the Chief of Engineers dated August 23, 2002, and July 22, 2003, at a total cost of $841,100,000 with an estimated Federal cost of $546,300,000 and an estimated non-Federal cost of $294,800,000.

(B) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility, in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212; Public Law 99–662).

(20) POPLAR ISLAND EXPANSION, MARYLAND.—The project for the beneficial use of dredged material at Poplar Island, Maryland, authorized by section 537 of the Water Resources Development Act of 1996 (110 Stat. 3776), and modified by section 318 of the Water Resources Development Act of 2000 (114 Stat. 2678), is further modified to authorize the Secretary to construct the project in accordance with the Report of the Chief of Engineers dated March 31, 2006, at a total cost of $256,100,000, with an estimated Federal cost of $192,100,000 and an estimated non-Federal cost of $64,000,000.

(21) SMITH ISLAND, MARYLAND.—The project for ecosystem restoration, Smith Island, Maryland: Report of the Chief of Engineers dated October 29, 2001, at a total cost of $14,500,000, with an estimated Federal cost of $9,425,000 and an estimated non-Federal cost of $5,075,000.

(22) SWOPE PARK INDUSTRIAL AREA, MISSOURI.—The project for flood damage reduction, Swope Park Industrial Area, Missouri: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $16,900,000, with an estimated Federal cost of $10,990,000 and an estimated non-Federal cost of $5,910,000.

(23) MANASQUAN TO BARNEGAT INLETS, NEW JERSEY.—The project for hurricane and storm damage reduction, Manasquan to Barnegat Inlets, New Jersey: Report of the Chief of Engineers dated December 30, 2003, at a total cost of $70,340,000, with an estimated Federal cost of $45,720,000 and an estimated non-Federal cost of $24,620,000, and at an estimated total cost of $117,100,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $58,550,000 and an estimated non-Federal cost of $58,550,000.

(24) RARITAN BAY AND SANDY HOOK BAY, UNION BEACH, NEW JERSEY.—The project for hurricane and storm damage reduction, Raritan Bay and Sandy Hook Bay, Union Beach, New Jersey: Report of the Chief of Engineers dated January 4, 2006, at a total cost of $112,640,000, with an estimated Federal cost of $73,220,600 and an estimated non-Federal cost of $39,420,000, and at an estimated total cost of $6,400,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $2,300,000 and an estimated non-Federal cost of $4,100,000.

(25) SOUTH RIVER, NEW JERSEY.—The project for hurricane and storm damage reduction and ecosystem restoration, South River, New Jersey: Report of the Chief of Engineers dated July 22, 2003, at a total cost of $120,810,000, with an estimated Federal cost of $78,530,000 and an estimated non-Federal cost of $42,280,000.

(26) SOUTHWEST VALLEY, ALBUQUERQUE, NEW MEXICO.—The project for flood damage reduction, Southwest Valley, Albuquerque, New Mexico: Report of the Chief of Engineers dated November 29, 2004, at a total cost of $24,000,000, with an estimated Federal cost of $15,600,000 and an estimated non-Federal cost of $8,400,000.

(27) MONTAUK POINT, NEW YORK.—The project for hurricane and storm damage reduction, Montauk Point, New York: Report of the Chief of Engineers dated March 31, 2006, at a total cost of $14,070,000, with an estimated Federal cost of $7,035,000 and an estimated non-Federal cost of $7,035,000.

(28) BLOOMSBURG, PENNSYLVANIA.—The project for flood damage reduction, Bloomsburg, Pennsylvania: Report of the Chief of Engineers dated January 25, 2006, at a total cost of $43,300,000, with an estimated Federal cost of $28,150,000 and an estimated non-Federal cost of $15,150,000.

(29) CORPUS CHRISTI SHIP CHANNEL, CORPUS CHRISTI, TEXAS.—

(A) IN GENERAL.—The project for navigation and ecosystem restoration, Corpus Christi Ship Channel, Texas, Channel Improvement Project: Report of the Chief of Engineers dated June 2, 2003, at a total cost of $188,110,000, with an estimated Federal cost of $87,810,000 and an estimated non-Federal cost of $100,300,000.

(B) NAVIGATIONAL SERVITUDE.—In carrying out the project under subparagraph (A), the Secretary shall enforce navigational servitude in the Corpus Christi Ship Channel, including, at the sole expense of the owner of the facility, the removal or relocation of any facility obstructing the project.

(30) GULF INTRACOASTAL WATERWAY, BRAZOS RIVER TO PORT O'CONNOR, MATAGORDA BAY REROUTE, TEXAS.—The project for navigation, Gulf

Intracoastal Waterway, Brazos River to Port O'Connor, Matagorda Bay Re-Route, Texas: Report of the Chief of Engineers dated December 24, 2002, at a total cost of $17,280,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(31) GULF INTRACOASTAL WATERWAY, HIGH ISLAND TO BRAZOS RIVER, TEXAS.—The project for navigation, Gulf Intracoastal Waterway, Sabine River to Corpus Christi, Texas: Report of the Chief of Engineers dated April 16, 2004, at a total cost of $14,450,000. The costs of construction of the project are to be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund.

(32) RIVERSIDE OXBOW, FORT WORTH, TEXAS.—The project for ecosystem restoration, Riverside Oxbow, Fort Worth, Texas: Report of the Chief of Engineers dated May 29, 2003, at a total cost of $27,330,000, with an estimated Federal cost of $11,320,000 and an estimated non-Federal cost of $16,010,000.

(33) DEEP CREEK, CHESAPEAKE, VIRGINIA.—The project for the Atlantic Intracoastal Waterway Bridge Replacement, Deep Creek, Chesapeake, Virginia: Report of the Chief of Engineers dated March 3, 2003, at a total cost of $37,200,000.

(34) CHEHALIS RIVER, CENTRALIA, WASHINGTON.—The project for flood damage reduction, Centralia, Washington, authorized by section 401(a) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4126)—

(A) is modified to be carried out at a total cost of $121,100,000, with a Federal cost of $73,220,000, and a non-Federal cost of $47,880,000; and

(B) shall be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated September 27, 2004.

(b) PROJECTS SUBJECT TO FINAL REPORT.—The following projects for water resources development and conservation and other purposes are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in a final report of the Chief of Engineers if a favorable report of the Chief is completed not later than December 31, 2006:

(1) WOOD RIVER LEVEE SYSTEM, ILLINOIS.—The project for flood damage reduction, Wood River, Illinois, authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to authorize construction of the project at a total cost of $16,730,000, with an estimated Federal cost of $10,900,000 and an estimated non-Federal cost of $5,830,000.

(2) LICKING RIVER, CYNTHIANA, KENTUCKY.—The project for flood damage reduction, Licking River, Cynthiana, Kentucky, at a total cost of $17,800,000, with an estimated Federal cost of $11,570,000 and an estimated non-Federal cost of $6,230,000.

(3) PORT OF IBERIA, LOUISIANA.—The project for navigation, Port of Iberia, Louisiana, at a total cost of $204,600,000, with an estimated Federal cost of $129,700,000 and an estimated non-Federal cost of $74,900,000, except that the Secretary, in consultation with Vermillion and Iberia Parishes, Louisiana, is directed to use available dredged material and rock placement on the south bank of the Gulf Intracoastal Waterway and the west bank of the Freshwater Bayou Channel to provide incidental storm surge protection.

(4) HUDSON-RARITAN ESTUARY, LIBERTY STATE PARK, NEW JERSEY.—The project for ecosystem restoration, Hudson-Raritan Estuary, Liberty State Park, New Jersey, at a total cost of $33,050,000, with an estimated Federal cost of $21,480,000 and an estimated non-Federal cost of $11,570,000.

(5) JAMAICA BAY, MARINE PARK AND PLUMB BEACH, QUEENS AND BROOKLYN, NEW YORK.—The project for ecosystem restoration, Jamaica Bay, Queens and Brooklyn, New York, at a total estimated cost of $204,159,000, with an estimated Federal cost of $132,703,000 and an estimated non-Federal cost of $71,456,000.

(6) HOCKING RIVER BASIN, MONDAY CREEK, OHIO.—The project for ecosystem restoration, Hocking River Basin, Monday Creek, Ohio, at a total cost of $18,730,000, with an estimated Federal cost of $12,170,000 and an estimated non-Federal cost of $6,560,000.

(7) PAWLEY'S ISLAND, SOUTH CAROLINA.—The project for hurricane and storm damage reduction, Pawley's Island, South Carolina, at a total cost of $8,980,000, with an estimated Federal cost of $4,040,000 and an estimated non-Federal cost of $4,940,000, and at an estimated total cost of $21,200,000 for periodic nourishment over the 50-year life of the project, with an estimated Federal cost of $7,632,000 and an estimated non-Federal cost of $13,568,000.

(8) CRANEY ISLAND EASTWARD EXPANSION, VIRGINIA.—The project for navigation, Craney Island Eastward Expansion, Virginia, at a total cost of $671,340,000, with an estimated Federal cost of $26,220,000 and an estimated non-Federal cost of $645,120,000.

SEC. 1002. ENHANCED NAVIGATION CAPACITY IMPROVEMENTS AND ECOSYSTEM RESTORATION PLAN FOR THE UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

(a) DEFINITIONS.—In this section:

(1) PLAN.—The term ''Plan'' means the project for navigation and ecosystem improvements for the Upper Mississippi River and Illinois Waterway System: Report of the Chief of Engineers dated December 15, 2004.

(2) UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.—The term ''Upper Mississippi River and Illinois Waterway System'' means the projects for navigation and ecosystem restoration authorized by Congress for—

(A) the segment of the Mississippi River from the confluence with the Ohio River, River Mile 0.0, to Upper St. Anthony Falls Lock in Minneapolis-St. Paul, Minnesota, River Mile 854.0; and

(B) the Illinois Waterway from its confluence with the Mississippi River at Grafton, Illinois, River Mile 0.0, to T.J. O'Brien Lock in Chicago, Illinois, River Mile 327.0.

(b) AUTHORIZATION OF CONSTRUCTION OF NAVIGATION IMPROVEMENTS.—

(1) SMALL SCALE AND NONSTRUCTURAL MEASURES.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan—

(i) construct mooring facilities at Locks 12, 14, 18, 20, 22, 24, and LaGrange Lock;

(ii) provide switchboats at Locks 20 through 25; and

(iii) conduct development and testing of an appointment scheduling system.

(B) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $246,000,000. The costs of construction of the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(2) NEW LOCKS.—

(A) IN GENERAL.—The Secretary shall, in general conformance with the Plan, construct new 1,200-foot locks at Locks 20, 21, 22, 24, and 25 on the Upper Mississippi River and at LaGrange Lock and Peoria Lock on the Illinois Waterway.

(B) MITIGATION.—The Secretary shall conduct mitigation for the new locks and small scale and nonstructural measures authorized under paragraphs (1) and (2).

(C) CONCURRENCE.—The mitigation required under subparagraph (B) for the projects authorized under paragraphs (1) and (2), including any acquisition of lands or interests in lands, shall be undertaken or acquired concurrently with lands and interests for the projects authorized under paragraphs (1) and (2), and physical construction required for the purposes of mitigation shall be undertaken concurrently with the physical construction of such projects.

(D) AUTHORIZATION OF APPROPRIATIONS.—The total cost of the projects authorized under this paragraph shall be $1,870,000,000. The costs of construction on the projects shall be paid ½ from amounts appropriated from the general fund of the Treasury and ½ from amounts appropriated from the Inland Waterways Trust Fund. Such sums shall remain available until expended.

(c) ECOSYSTEM RESTORATION AUTHORIZATION.—

(1) OPERATION.—To ensure the environmental sustainability of the existing Upper Mississippi River and Illinois Waterway System, the Secretary shall modify, consistent with requirements to avoid adverse effects on navigation, the operation of the Upper Mississippi River and Illinois Waterway System to address the cumulative environmental impacts of operation of the system and improve the ecological integrity of the Upper Mississippi River and Illinois River.

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—The Secretary shall carry out, consistent with requirements to avoid adverse effects on navigation, ecosystem restoration projects to attain and maintain the sustainability of the ecosystem of the Upper Mississippi River and Illinois River in accordance with the general framework outlined in the Plan.

(B) PROJECTS INCLUDED.—Ecosystem restoration projects may include, but are not limited to—

(i) island building;

(ii) construction of fish passages;

(iii) floodplain restoration;

(iv) water level management (including water drawdown);

(v) backwater restoration;

(vi) side channel restoration;

(vii) wing dam and dike restoration and modification;

(viii) island and shoreline protection;

(ix) topographical diversity;

(x) dam point control;

(xi) use of dredged material for environmental purposes;

(xii) tributary confluence restoration;

(xiii) spillway, dam, and levee modification to benefit the environment;

(xiv) land easement authority; and

(xv) land acquisition.

(C) COST SHARING.—

(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Federal share of the cost of carrying out an ecosystem restoration project under this paragraph shall be 65 percent.

(ii) EXCEPTION FOR CERTAIN RESTORATION PROJECTS.—In the case of a project under this subparagraph for ecosystem restoration, the Federal share of the cost of carrying out the project shall be 100 percent if the project—

(I) is located below the ordinary high water mark or in a connected backwater;

(II) modifies the operation or structures for navigation; or

(III) is located on federally owned land.

(iii) SAVINGS CLAUSE.—Nothing in this paragraph affects the applicability of section 906(e) of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(iv) NONGOVERNMENTAL ORGANIZATIONS.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5(b)), for any project carried out under this section, a non-Federal sponsor may include a nonprofit entity, with the consent of the affected local government.

(D) LAND ACQUISITION.—The Secretary may acquire land or an interest in land for an ecosystem restoration project from a willing owner through conveyance of—

(i) fee title to the land; or

(ii) a flood plain conservation easement.

(3) ECOSYSTEM RESTORATION PRECONSTRUCTION ENGINEERING AND DESIGN.—

(A) RESTORATION DESIGN.—Before initiating the construction of any individual ecosystem restoration project, the Secretary shall—

(i) establish ecosystem restoration goals and identify specific performance measures designed to demonstrate ecosystem restoration;

(ii) establish the without-project condition or baseline for each performance indicator; and

(iii) for each separable element of the ecosystem restoration, identify specific target goals for each performance indicator.

(B) OUTCOMES.—Performance measures identified under subparagraph (A)(i) should comprise specific measurable environmental outcomes, such as changes in water quality, hydrology, or the well-being of indicator species the population and distribution of which are representative of the abundance and diversity of ecosystem-dependent aquatic and terrestrial species.

(C) RESTORATION DESIGN.—Restoration design carried out as part of ecosystem restoration shall include a monitoring plan for the performance measures identified under subparagraph (A)(i), including—

(i) a timeline to achieve the identified target goals; and

(ii) a timeline for the demonstration of project completion.

(4) SPECIFIC PROJECTS AUTHORIZATION.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $1,650,000,000, of which not more than $226,000,000 shall be available for projects described in paragraph (2)(B)(ii) and not more than $43,000,000 shall be available for projects described in paragraph (2)(B)(x). Such sums shall remain available until expended.

(B) LIMITATION ON AVAILABLE FUNDS.—Of the amounts made available under subparagraph (A), not more than $35,000,000 for each fiscal year shall be available for land acquisition under paragraph (2)(D).

(C) INDIVIDUAL PROJECT LIMIT.—Other than for projects described in clauses (ii) and (x) of paragraph (2)(B), the total cost of any single project carried out under this subsection shall not exceed $25,000,000.

(5) IMPLEMENTATION REPORTS.—

(A) IN GENERAL.—Not later than June 30, 2008, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report that—

(i) includes baselines, milestones, goals, and priorities for ecosystem restoration projects; and

(ii) measures the progress in meeting the goals.

(B) ADVISORY PANEL.—

(i) IN GENERAL.—The Secretary shall appoint and convene an advisory panel to provide independent guidance in the development of each implementation report under subparagraph (A).

(ii) PANEL MEMBERS.—Panel members shall include—

(I) 1 representative of each of the State resource agencies (or a designee of the Governor of the State) from each of the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin;

(II) 1 representative of the Department of Agriculture;

(III) 1 representative of the Department of Transportation;

(IV) 1 representative of the United States Geological Survey;

(V) 1 representative of the United States Fish and Wildlife Service;

(VI) 1 representative of the Environmental Protection Agency;

(VII) 1 representative of affected landowners;

(VIII) 2 representatives of conservation and environmental advocacy groups; and

(IX) 2 representatives of agriculture and industry advocacy groups.

(iii) CHAIRPERSON.—The Secretary shall serve as chairperson of the advisory panel.

(iv) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Panel or any working group established by the Advisory Panel.

(6) RANKING SYSTEM.—

(A) IN GENERAL.—The Secretary, in consultation with the Advisory Panel, shall develop a system to rank proposed projects.

(B) PRIORITY.—The ranking system shall give greater weight to projects that restore natural river processes, including those projects listed in paragraph (2)(B).

(d) COMPARABLE PROGRESS.—

(1) IN GENERAL.—As the Secretary conducts pre-engineering, design, and construction for projects authorized under this section, the Secretary shall—

(A) select appropriate milestones; and

(B) determine, at the time of such selection, whether the projects are being carried out at comparable rates.

(2) NO COMPARABLE RATE.—If the Secretary determines under paragraph (1)(B) that projects authorized under this subsection are not moving toward completion at a comparable rate, annual funding requests for the projects will be adjusted to ensure that the projects move toward completion at a comparable rate in the future.

SEC. 1003. LOUISIANA COASTAL AREA ECOSYSTEM RESTORATION, LOUISIANA.

(a) IN GENERAL.—The Secretary may carry out a program for ecosystem restoration, Louisiana Coastal Area, Louisiana, substantially in accordance with the report of the Chief of Engineers, dated January 31, 2005.

(b) PRIORITIES.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary shall give priority to—

(A) any portion of the program identified in the report described in subsection (a) as a critical restoration feature;

(B) any Mississippi River diversion project that—

(i) protects a major population area of the Pontchartain, Pearl, Breton Sound, Barataria, or Terrebonne Basin; and

(ii) produces an environmental benefit to the coastal area of the State of Louisiana; and

(C) any barrier island, or barrier shoreline, project that—

(i) is carried out in conjunction with a Mississippi River diversion project; and

(ii) protects a major population area.

(c) MODIFICATIONS.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to make modifications as necessary to the 5 near-term critical ecosystem restoration features identified in the report referred to in subsection (a), due to the impact of Hurricanes Katrina and Rita on the project areas.

(2) INTEGRATION.—The Secretary shall ensure that the modifications under paragraph (1) are fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(3) CONSTRUCTION.—

(A) IN GENERAL.—The Secretary is authorized to construct the projects modified under this subsection.

(B) REPORTS.—

(i) IN GENERAL.—Before beginning construction of the projects, the Secretary shall submit a report documenting any modifications to the 5 near-term projects, including cost changes, to the Louisiana Water Resources Council established by subsection (n)(1) (referred to in this section as the ''Council'') for approval.

(ii) SUBMISSION TO CONGRESS.—On approval of a report under clause (i), the Council shall submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) APPLICABILITY OF OTHER PROVISIONS.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall not apply to the 5 near-term projects authorized by this section.

(d) DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to conduct a demonstration program within the applicable project area to evaluate new technologies and the applicability of the technologies to the program.

(2) COST LIMITATION.—The cost of an individual project under this subsection shall be not more than $25,000,000.

(e) BENEFICIAL USE OF DREDGED MATERIAL.—

(1) IN GENERAL.—In carrying out the program under subsection (a), the Secretary is authorized to use such sums as are necessary to conduct a program for the beneficial use of dredged material.

(2) CONSIDERATION.—In carrying out the program under subsection (a), the Secretary shall consider the beneficial use of sediment from the Illinois River System for wetlands restoration in wetlands-depleted watersheds.

(f) REPORTS.—

(1) IN GENERAL.—Not later than December 31, 2008, the Secretary shall submit to Congress feasibility reports on the features included in table 3 of the report referred to in subsection (a).

(2) PROJECTS IDENTIFIED IN REPORTS.—

(A) IN GENERAL.—The Secretary shall submit the reports described in paragraph (1) to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(B) CONSTRUCTION.—The Secretary shall be authorized to construct the projects identified in the reports at the time the Committees referred to in subparagraph (A) each adopt a resolution approving the project.

(g) NONGOVERNMENTAL ORGANIZATIONS.—A nongovernmental organization shall be eligible to contribute all or a portion of the non-Federal share of the cost of a project under this section.

(h) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—The Secretary, in coordination with the Governor of the State of Louisiana, shall—

(A) develop a plan for protecting, preserving, and restoring the coastal Louisiana ecosystem;

(B) not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, submit to Congress the plan, or an update of the plan; and

(C) ensure that the plan is fully integrated with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(2) INCLUSIONS.—The comprehensive plan shall include a description of—

(A) the framework of a long-term program that provides for the comprehensive protection, conservation, and restoration of the wetlands, estuaries (including the Barataria-Terrebonne estuary), barrier islands, shorelines, and related land and features of the coastal Louisiana ecosystem, including protection of a critical resource, habitat, or infrastructure from the effects of a coastal storm, a hurricane, erosion, or subsidence;

(B) the means by which a new technology, or an improved technique, can be integrated into the program under subsection (a);

(C) the role of other Federal agencies and programs in carrying out the program under subsection (a); and

(D) specific, measurable ecological success criteria by which success of the comprehensive plan shall be measured.

(3) CONSIDERATION.—In developing the comprehensive plan, the Secretary shall consider the advisability of integrating into the program under subsection (a)—

(A) a related Federal or State project carried out on the date on which the plan is developed;

(B) an activity in the Louisiana Coastal Area; or

(C) any other project or activity identified in—

(i) the Mississippi River and Tributaries program;

(ii) the Louisiana Coastal Wetlands Conservation Plan;

(iii) the Louisiana Coastal Zone Management Plan; or

(iv) the plan of the State of Louisiana entitled ''Coast 2050: Toward a Sustainable Coastal Louisiana''.

(i) TASK FORCE.—

(1) ESTABLISHMENT.—There is established a task force to be known as the ''Coastal Louisiana Ecosystem Protection and Restoration Task Force'' (referred to in this subsection as the ''Task Force'').

(2) MEMBERSHIP.—The Task Force shall consist of the following members (or, in the case of the head of a Federal agency, a designee at the level of Assistant Secretary or an equivalent level):

(A) The Secretary.

(B) The Secretary of the Interior.

(C) The Secretary of Commerce.

(D) The Administrator of the Environmental Protection Agency.

(E) The Secretary of Agriculture.

(F) The Secretary of Transportation.

(G) The Secretary of Energy.

(H) The Secretary of Homeland Security.

(I) 3 representatives of the State of Louisiana appointed by the Governor of that State.

(3) DUTIES.—The Task Force shall make recommendations to the Secretary regarding—

(A) policies, strategies, plans, programs, projects, and activities for addressing conservation, protection, restoration, and maintenance of the coastal Louisiana ecosystem;

(B) financial participation by each agency represented on the Task Force in conserving, protecting, restoring, and maintaining the coastal Louisiana ecosystem, including recommendations—

(i) that identify funds from current agency missions and budgets; and

(ii) for coordinating individual agency budget requests; and

(C) the comprehensive plan under subsection (h).

(4) WORKING GROUPS.—The Task Force may establish such working groups as the Task Force determines to be necessary to assist the Task Force in carrying out this subsection.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force or any working group of the Task Force.

(j) SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—The Secretary shall establish a coastal Louisiana ecosystem science and technology program.

(2) PURPOSES.—The purposes of the program established by paragraph (1) shall be—

(A) to identify any uncertainty relating to the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana;

(B) to improve knowledge of the physical, chemical, geological, biological, and cultural baseline conditions in coastal Louisiana; and

(C) to identify and develop technologies, models, and methods to carry out this subsection.

(3) WORKING GROUPS.—The Secretary may establish such working groups as the Secretary determines to be necessary to assist the Secretary in carrying out this subsection.

(4) CONTRACTS AND COOPERATIVE AGREEMENTS.—In carrying out this subsection, the Secretary may enter into a contract or cooperative agreement with an individual or entity (including a consortium of academic institutions in Louisiana) with scientific or engineering expertise in the restoration of aquatic and marine ecosystems for coastal restoration and enhancement through science and technology.

(k) ANALYSIS OF BENEFITS.—

(1) IN GENERAL.—Notwithstanding section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any other provision of law, in carrying out an activity to conserve, protect, restore, or maintain the coastal Louisiana ecosystem, the Secretary may determine that the environmental benefits provided by the program under this section outweigh the disadvantage of an activity under this section.

(2) DETERMINATION OF COST-EFFECTIVENESS.—If the Secretary determines that an activity under this section is cost-effective, no further economic justification for the activity shall be required.

(l) STUDIES.—

(1) DEGRADATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the non-Federal interest, shall enter into a contract with the National Academy of Sciences under which the National Academy of Sciences shall carry out a study to identify—

(A) the cause of any degradation of the Louisiana Coastal Area ecosystem that occurred as a result of an activity approved by the Secretary; and

(B) the sources of the degradation.

(2) FINANCING.—On completion, and taking into account the results, of the study conducted under paragraph (1), the Secretary, in consultation with the non-Federal interest, shall study—

(A) financing alternatives for the program under subsection (a); and

(B) potential reductions in the expenditure of Federal funds in emergency responses that would occur as a result of ecosystem restoration in the Louisiana Coastal Area.

(m) PROJECT MODIFICATIONS.—

(1) REVIEW.—The Secretary, in cooperation with any non-Federal interest, shall review each federally-authorized water resources project in the coastal Louisiana area in existence on the date of enactment of this Act to determine whether—

(A) each project is in accordance with the program under subsection (a); and

(B) the project could contribute to ecosystem restoration under subsection (a) through modification of the operations or features of the project.

(2) MODIFICATIONS.—Subject to paragraphs (3) and (4), the Secretary may carry out the modifications described in paragraph (1)(B).

(3) PUBLIC NOTICE AND COMMENT.—Before completing the report required under paragraph (4), the Secretary shall provide an opportunity for public notice and comment.

(4) REPORT.—

(A) IN GENERAL.—Before modifying an operation or feature of a project under paragraph (1)(B), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the modification.

(B) INCLUSION.—A report under subparagraph (A) shall include such information relating to the timeline and cost of a modification as the Secretary determines to be relevant.

(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000.

(n) LOUISIANA WATER RESOURCES COUNCIL.—

(1) ESTABLISHMENT.—There is established within the Mississippi River Commission, a subgroup to be known as the ''Louisiana Water Resources Council''.

(2) PURPOSES.—The purposes of the Council are—

(A) to manage and oversee each aspect of the implementation of a system-wide, comprehensive plan for projects of the Corps of Engineers (including the study, planning, engineering, design, and construction of the projects or components of projects and the functions or activities of the Corps of Engineers relating to other projects) that addresses hurricane protection, flood control, ecosystem restoration, storm surge damage reduction, or navigation in the Hurricanes Katrina and Rita disaster areas in the State of Louisiana; and

(B) to demonstrate and evaluate a streamlined approach to authorization of water resources projects to be studied, designed, and constructed by the Corps of Engineers.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The president of the Mississippi River Commission shall appoint members of the Council, after considering recommendations of the Governor of Louisiana.

(B) REQUIREMENTS.—The Council shall be composed of—

(i) 2 individuals with expertise in coastal ecosystem restoration, including the interaction of saltwater and freshwater estuaries; and

(ii) 2 individual with expertise in geology or civil engineering relating to hurricane and flood damage reduction and navigation.

(C) CHAIRPERSON.—In addition to the members appointed under subparagraph (B), the Council shall be chaired by 1 of the 3 officers of the Corps of Engineers of the Mississippi River Commission.

(4) DUTIES.—With respect to modifications under subsection (c), the Council shall—

(A) review and approve or disapprove the reports completed by the Secretary; and

(B) on approval, submit the reports to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(5) TERMINATION.—

(A) IN GENERAL.—The Council shall terminate on the date that is 6 years after the date of enactment of this Act.

(B) EFFECT.—Any project modification under subsection (c) that has not been approved by the Council and submitted to Congress by the date described in subparagraph (A) shall not proceed to construction before the date on which the modification is statutorily approved by Congress.

(o) OTHER PROJECTS.—

(1) IN GENERAL.—With respect to the projects identified in the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), the Secretary shall submit a report describing the projects to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONSTRUCTION.—The Secretary shall be authorized to construct the projects at the time the Committees referred to in paragraph (1) each adopt a resolution approving the project.

(p) REPORT.—

(1) IN GENERAL.—Not later than 6 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report evaluating the alternative means of authorizing Corps of Engineers water resources projects under subsections (c)(3), (f)(2), and (o)(2).

(2) INCLUSIONS.—The report shall include a description of—

(A) the projects authorized and undertaken under this section;

(B) the construction status of the projects; and

(C) the benefits and environmental impacts of the projects.

(3) EXTERNAL REVIEW.—The Secretary shall enter into a contract with the National Academy of Science to perform an external review of the demonstration program under subsection (d), which shall be submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 1004. SMALL PROJECTS FOR FLOOD DAMAGE REDUCTION.

The Secretary—

(1) shall conduct a study for flood damage reduction, Cache River Basin, Grubbs, Arkansas; and

(2) if the Secretary determines that the project is feasible, may carry out the project under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

SEC. 1005. SMALL PROJECTS FOR NAVIGATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is feasible, may carry out the project under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577):

(1) LITTLE ROCK PORT, ARKANSAS.—Project for navigation, Little Rock Port, Arkansas River, Arkansas.

(2) AU SABLE RIVER, MICHIGAN.—Project for navigation, Au Sable River in the vicinity of Oscoda, Michigan.

(3) OUTER CHANNEL AND INNER HARBOR, MENOMINEE HARBOR, MICHIGAN AND WISCONSIN.—Project for navigation, Outer Channel and Inner Harbor, Menominee Harbor, Michigan and Wisconsin.

(4) MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.—Project for navigation, Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 1006. SMALL PROJECTS FOR AQUATIC ECOSYSTEM RESTORATION.

The Secretary shall conduct a study for each of the following projects and, if the Secretary determines that a project is appropriate, may carry out the project under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330):

(1) SAN DIEGO RIVER, CALIFORNIA.—Project for aquatic ecosystem restoration, San Diego River, California, including efforts to address invasive aquatic plant species.

(2) SUISON MARSH, SAN PABLO BAY, CALIFORNIA.—Project for aquatic ecosystem restoration, San Pablo Bay, California.

(3) JOHNSON CREEK, GRESHAM, OREGON.—Project for aquatic ecosystem restoration, Johnson Creek, Gresham, Oregon.

(4) BLACKSTONE RIVER, RHODE ISLAND.—Project for aquatic ecosystem restoration, Blackstone River, Rhode Island.

(5) COLLEGE LAKE, LYNCHBURG, VIRGINIA.—Project for aquatic ecosystem restoration, College Lake, Lynchburg, Virginia.

TITLE II—GENERAL PROVISIONS

Subtitle A—Provisions

SEC. 2001. CREDIT FOR IN-KIND CONTRIBUTIONS.

Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by striking ''SEC. 221'' and inserting the following:

''SEC. 221. WRITTEN AGREEMENT REQUIREMENT FOR WATER RESOURCES PROJECTS.'';

and

(2) by striking subsection (a) and inserting the following:

''(a) COOPERATION OF NON-FEDERAL INTEREST.—

''(1) IN GENERAL.—After December 31, 1970, the construction of any water resources project, or an acceptable separable element thereof, by the Secretary of the Army, acting through the Chief of Engineers, or by a non-Federal interest where such interest will be reimbursed for such construction under any provision of law, shall not be commenced until each non-Federal interest has entered into a written partnership agreement with the district engineer for the district in which the project will be carried out under which each party agrees to carry out its responsibilities and requirements for implementation or construction of the project or the appropriate element of the project, as the case may be; except that no such agreement shall be required if the Secretary determines that the administrative costs associated with negotiating, executing, or administering the agreement would exceed the amount of the contribution required from the non-Federal interest and are less than $25,000.

''(2) LIQUIDATED DAMAGES.—An agreement described in paragraph (1) may include a provision for liquidated damages in the event of a failure of 1 or more parties to perform.

''(3) OBLIGATION OF FUTURE APPROPRIATIONS.—In any such agreement entered into by a State, or a body politic of the State which derives its powers from the State constitution, or a governmental entity created by the State legislature, the agreement may reflect that it does not obligate future appropriations for such performance and payment when obligating future appropriations would be inconsistent with constitutional or statutory limitations of the State or a political subdivision of the State.

''(4) CREDIT FOR IN-KIND CONTRIBUTIONS.—

''(A) IN GENERAL.—An agreement under paragraph (1) shall provide that the Secretary shall credit toward the non-Federal share of the cost of the project, including a project implemented under general continuing authority, the value of in-kind contributions made by the non-Federal interest, including—

''(i) the costs of planning (including data collection), design, management, mitigation, construction, and construction services that are provided by the non-Federal interest for implementation of the project; and

''(ii) the value of materials or services provided before execution of an agreement for the project, including—

''(I) efforts on constructed elements incorporated into the project; and

''(II) materials and services provided after an agreement is executed.

''(B) CONDITION.—The Secretary shall credit an in-kind contribution under subparagraph (A) if the Secretary determines that the property or service provided as an in-kind contribution is integral to the project.

''(C) LIMITATIONS.—Credit authorized for a project—

''(i) shall not exceed the non-Federal share of the cost of the project;

''(ii) shall not alter any other requirement that a non-Federal interest provide land, an easement or right-of-way, or an area for disposal of dredged material for the project; and

''(iii) shall not exceed the actual and reasonable costs of the materials, services, or other things provided by the non-Federal interest, as determined by the Secretary.''.

SEC. 2002. INTERAGENCY AND INTERNATIONAL SUPPORT AUTHORITY.

Section 234 of the Water Resources Development Act of 1996 (33 U.S.C. 2323a) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—The Secretary may engage in activities (including contracting) in support of other Federal agencies, international organizations, or foreign governments to address problems of national significance to the United States.'';

(2) in subsection (b), by striking ''Secretary of State'' and inserting ''Department of State''; and

(3) in subsection (d)—

(A) by striking ''$250,000 for fiscal year 2001'' and inserting ''$1,000,000 for fiscal year 2007 and each fiscal year thereafter''; and

(B) by striking ''or international organizations'' and inserting '', international organizations, or foreign governments''.

SEC. 2003. TRAINING FUNDS.

(a) IN GENERAL.—The Secretary may include individuals from the non-Federal interest, including the private sector, in training classes and courses offered by the Corps of Engineers in any case in which the Secretary determines that it is in the best interest of the Federal Government to include those individuals as participants.

(b) EXPENSES.—

(1) IN GENERAL.—An individual from a non-Federal interest attending a training class or course described in subsection (a) shall pay the full cost of the training provided to the individual.

(2) PAYMENTS.—Payments made by an individual for training received under subsection (a), up to the actual cost of the training—

(A) may be retained by the Secretary;

(B) shall be credited to an appropriation or account used for paying training costs; and

(C) shall be available for use by the Secretary, without further appropriation, for training purposes.

(3) EXCESS AMOUNTS.—Any payments received under paragraph (2) that are in excess of the actual cost of training provided shall be credited as miscellaneous receipts to the Treasury of the United States.

SEC. 2004. FISCAL TRANSPARENCY REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the expenditures for the preceding fiscal year and estimated expenditures for the current fiscal year.

(b) CONTENTS.—In addition to the information described in subsection (a), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have

been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SEC. 2005. PLANNING.

(a) MATTERS TO BE ADDRESSED IN PLANNING.—Section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281) is amended—

(1) by striking ''Enhancing'' and inserting the following:

''(a) IN GENERAL.—Enhancing''; and

(2) by adding at the end the following:

''(b) ASSESSMENTS.—For all feasibility reports completed after December 31, 2005, the Secretary shall assess whether—

''(1) the water resource project and each separable element is cost-effective; and

''(2) the water resource project complies with Federal, State, and local laws (including regulations) and public policies.''.

(b) PLANNING PROCESS IMPROVEMENTS.—The Chief of Engineers—

(1) shall, not later than 2 years after the date on which the feasibility study cost sharing agreement is signed for a project, subject to the availability of appropriations—

(A) complete the feasibility study for the project; and

(B) sign the report of the Chief of Engineers for the project;

(2) may, with the approval of the Secretary, extend the deadline established under paragraph (1) for not to exceed 4 years, for a complex or controversial study; and

(3)(A) shall adopt a risk analysis approach to project cost estimates; and

(B) not later than 1 year after the date of enactment of this Act, shall—

(i) issue procedures for risk analysis for cost estimation; and

(ii) submit to Congress a report that includes suggested amendments to section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(c) CALCULATION OF BENEFITS AND COSTS FOR FLOOD DAMAGE REDUCTION PROJECTS.—A feasibility study for a project for flood damage reduction shall include, as part of the calculation of benefits and costs—

(1) a calculation of the residual risk of flooding following completion of the proposed project;

(2) a calculation of the residual risk of loss of human life and residual risk to human safety following completion of the proposed project; and

(3) a calculation of any upstream or downstream impacts of the proposed project.

(d) CENTERS OF SPECIALIZED PLANNING EXPERTISE.—

(1) ESTABLISHMENT.—The Secretary may establish centers of expertise to provide specialized planning expertise for water resource projects to be carried out by the Secretary in order to enhance and supplement the capabilities of the districts of the Corps of Engineers.

(2) DUTIES.—A center of expertise established under this subsection shall—

(A) provide technical and managerial assistance to district commanders of the Corps of Engineers for project planning, development, and implementation;

(B) provide peer reviews of new major scientific, engineering, or economic methods, models, or analyses that will be used to support decisions of the Secretary with respect to feasibility studies;

(C) provide support for external peer review panels convened by the Secretary; and

(D) carry out such other duties as are prescribed by the Secretary.

(e) COMPLETION OF CORPS OF ENGINEERS REPORTS.—

(1) ALTERNATIVES.—

(A) IN GENERAL.—Feasibility and other studies and assessments of water resource problems and projects shall include recommendations for alternatives—

(i) that, as determined by the non-Federal interests for the projects, promote integrated water resources management; and

(ii) for which the non-Federal interests are willing to provide the non-Federal share for the studies or assessments.

(B) SCOPE AND PURPOSES.—The scope and purposes of studies and assessments described in subparagraph (A) shall not be constrained by budgetary or other policy as a result of the inclusion of alternatives described in that subparagraph.

(C) REPORTS OF CHIEF OF ENGINEERS.—The reports of the Chief of Engineers shall be based solely on the best technical solutions to water resource needs and problems.

(2) REPORT COMPLETION.—The completion of a report of the Chief of Engineers for a project—

(A) shall not be delayed while consideration is being given to potential changes in policy or priority for project consideration; and

(B) shall be submitted, on completion, to—

(i) the Committee on Environment and Public Works of the Senate; and

(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

(f) COMPLETION REVIEW.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 90 days after the date of completion of a report of the Chief of Engineers that recommends to Congress a water resource project, the Secretary shall—

(A) review the report; and

(B) provide any recommendations of the Secretary regarding the water resource project to Congress.

(2) PRIOR REPORTS.—Not later than 90 days after the date of enactment of this Act, with respect to any report of the Chief of Engineers recommending a water resource project that is complete prior to the date of enactment of this Act, the Secretary shall complete review of, and provide recommendations to Congress for, the report in accordance with paragraph (1).

SEC. 2006. WATER RESOURCES PLANNING COORDINATING COMMITTEE.

(a) ESTABLISHMENT.—The President shall establish a Water Resources Planning Coordinating Committee (referred to in this subsection as the ''Coordinating Committee'').

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Coordinating Committee shall be composed of the following members (or a designee of the member):

(A) The Secretary of the Interior.

(B) The Secretary of Agriculture.

(C) The Secretary of Health and Human Services.

(D) The Secretary of Housing and Urban Development.

(E) The Secretary of Transportation.

(F) The Secretary of Energy.

(G) The Secretary of Homeland Security.

(H) The Secretary of Commerce.

(I) The Administrator of the Environmental Protection Agency.

(J) The Chairperson of the Council on Environmental Quality.

(2) CHAIRPERSON AND EXECUTIVE DIRECTOR.—The President shall appoint—

(A) 1 member of the Coordinating Committee to serve as Chairperson of the Coordinating Committee for a term of 2 years; and

(B) an Executive Director to supervise the activities of the Coordinating Committee.

(3) FUNCTION.—The function of the Coordinating Committee shall be to carry out the duties and responsibilities set forth under this section.

(c) NATIONAL WATER RESOURCES PLANNING AND MODERNIZATION POLICY.—It is the policy of the United States that all water resources projects carried out by the Corps of Engineers shall—

(1) reflect national priorities;

(2) seek to avoid the unwise use of floodplains;

(3) minimize vulnerabilities in any case in which a floodplain must be used;

(4) protect and restore the functions of natural systems; and

(5) mitigate any unavoidable damage to natural systems.

(d) WATER RESOURCE PRIORITIES REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Coordinating Committee, in collaboration with the Secretary, shall submit to the President and Congress a report describing the vulnerability of the United States to damage from flooding and related storm damage, including—

(A) the risk to human life;

(B) the risk to property; and

(C) the comparative risks faced by different regions of the United States.

(2) INCLUSIONS.—The report under paragraph (1) shall include—

(A) an assessment of the extent to which programs in the United States relating to flooding address flood risk reduction priorities;

(B) the extent to which those programs may be unintentionally encouraging development and economic activity in floodprone areas;

(C) recommendations for improving those programs with respect to reducing and responding to flood risks; and

(D) proposals for implementing the recommendations.

(e) MODERNIZING WATER RESOURCES PLANNING GUIDELINES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary and the Coordinating Committee shall, in collaboration with each other, review and propose updates and revisions to modernize the planning principles and guidelines, regulations, and circulars by which the Corps of Engineers analyzes and evaluates water projects. In carrying out the review, the Coordinating Committee and the Secretary shall consult with the National Academy of Sciences for recommendations regarding updating planning documents.

(2) PROPOSED REVISIONS.—In conducting a review under paragraph (1), the Coordinating Committee and the Secretary shall consider revisions to improve water resources project planning through, among other things—

(A) requiring the use of modern economic principles and analytical techniques, credible schedules for project construction, and current discount rates as used by other Federal agencies;

(B) eliminating biases and disincentives to providing projects to low-income communities, including fully accounting for the prevention of loss of life under section 904 of the Water Resources Development Act of 1986 (33 U.S.C. 2281);

(C) eliminating biases and disincentives that discourage the use of nonstructural approaches to water resources development and management, and fully accounting for the flood protection and other values of healthy natural systems;

(D) promoting environmental restoration projects that reestablish natural processes;

(E) assessing and evaluating the impacts of a project in the context of other projects within a region or watershed;

(F) analyzing and incorporating lessons learned from recent studies of Corps of Engineers programs and recent disasters such as Hurricane Katrina and the Great Midwest Flood of 1993;

(G) encouraging wetlands conservation; and

(H) ensuring the effective implementation of the policies of this Act.

(3) PUBLIC PARTICIPATION.—The Coordinating Committee and the Secretary shall solicit public and expert comments regarding any revision proposed under paragraph (2).

(4) REVISION OF PLANNING GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date on which a review under paragraph (1) is completed, the Secretary, after providing notice and an opportunity for public comment in accordance with subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act''), shall implement such proposed updates and revisions to the planning principles and guidelines, regulations, and circulars of the Corps of Engineers under paragraph (2) as the Secretary determines to be appropriate.

(B) EFFECT.—Effective beginning on the date on which the Secretary implements the first update or revision under paragraph (1), subsections (a) and (b) of section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–17) shall not apply to the Corps of Engineers.

(5) REPORT.—

(A) IN GENERAL.—The Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, and to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, a report describing any revision of planning guidance under paragraph (4).

(B) PUBLICATION.—The Secretary shall publish the report under subparagraph (A) in the Federal Register.

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term ''construction activities'' means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term ''project study'' means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel. Panels may be established as early in the planning process as deemed appropriate by the Director of Independent Review, but shall be appointed no later than 90 days before the release for public comment of a draft study subject to review under subsection (c)(1)(A), and not later than 30 days after a determination that review is necessary under subsection (c)(1)(B), (c)(1)(C), or (c)(1)(D).

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105–2–408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review makes a determination that an independent review is necessary to ensure public health, safety, and welfare on any project—

(A) for which the reliability of performance under emergency conditions is critical;

(B) that uses innovative materials or techniques;

(C) for which the project design is lacking in redundancy, or that has a unique construction sequencing or a short or overlapping design construction schedule; or

(D) other than a project described in subparagraphs (A) through (C), as the Director of Independent Review determines to be appropriate.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to the initiation of physical construction and periodically thereafter until construction activities are completed on a publicly available schedule determined by the Director of Independent Review for the purposes of assuring the public safety. The Director

of Independent Review shall ensure that these reviews be carried out in a way to protect the public health, safety, and welfare, while not causing unnecessary delays in construction activities.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall—

(A) take into consideration recommendations contained in the report, provide a written explanation of recommendations not adopted, and immediately make the report and explanation available to the public on the Internet; and

(B) submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SEC. 2008. MITIGATION FOR FISH AND WILDLIFE LOSSES.

(a) COMPLETION OF MITIGATION.—Section 906(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(a)) is amended by adding at the following:

''(3) COMPLETION OF MITIGATION.—In any case in which it is not technically practicable to complete mitigation by the last day of construction of the project or separable element of the project because of the nature of the mitigation to be undertaken, the Secretary shall complete the required mitigation as expeditiously as practicable, but in no case later than the last day of the first fiscal year beginning after the last day of construction of the project or separable element of the project.''.

(b) USE OF CONSOLIDATED MITIGATION.—Section 906(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(b)) is amended by adding at the end the following:

''(3) USE OF CONSOLIDATED MITIGATION.—

''(A) IN GENERAL.—If the Secretary determines that other forms of compensatory mitigation are not practicable or are less environmentally desirable, the Secretary may purchase available credits from a mitigation bank or conservation bank that is approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigations Banks (60 Fed. Reg. 58605) or other applicable Federal laws (including regulations).

''(B) SERVICE AREA.—To the maximum extent practicable, the service area of the mitigation bank or conservation bank shall be in the same watershed as the affected habitat.

''(C) RESPONSIBILITY RELIEVED.—Purchase of credits from a mitigation bank or conservation bank for a water resources project relieves the Secretary and the non-Federal interest from responsibility for monitoring or demonstrating mitigation success.''.

(c) MITIGATION REQUIREMENTS.—Section 906(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2283(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ''to the Congress unless such report contains'' and inserting ''to Congress, and shall not select a project alternative in any final record of decision, environmental impact statement, or environmental assessment, unless the proposal, record of decision, environmental impact statement, or environmental assessment contains''; and

(B) in the second sentence, by inserting '', and other habitat types are mitigated to not less than in-kind conditions'' after ''mitigated in-kind''; and

(2) by adding at the end the following:

''(3) MITIGATION REQUIREMENTS.—

''(A) IN GENERAL.—To mitigate losses to flood damage reduction capabilities and fish and wildlife resulting from a water resources project, the Secretary shall ensure that the mitigation plan for each water resources project complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344).

''(B) INCLUSIONS.—A specific mitigation plan for a water resources project under paragraph (1) shall include, at a minimum—

''(i) a plan for monitoring the implementation and ecological success of each mitigation measure, including a designation of the entities that will be responsible for the monitoring;

''(ii) the criteria for ecological success by which the mitigation will be evaluated and determined to be successful;

''(iii) land and interests in land to be acquired for the mitigation plan and the basis for a determination that the land and interests are available for acquisition;

''(iv) a description of—

''(I) the types and amount of restoration activities to be conducted; and

''(II) the resource functions and values that will result from the mitigation plan; and

''(v) a contingency plan for taking corrective actions in cases in which monitoring demonstrates that mitigation measures are not achieving ecological success in accordance with criteria under clause (ii).

''(4) DETERMINATION OF SUCCESS.—

''(A) IN GENERAL.—A mitigation plan under this subsection shall be considered to be successful at the time at which the criteria under paragraph (3)(B)(ii) are achieved under the plan, as determined by monitoring under paragraph (3)(B)(i).

''(B) CONSULTATION.—In determining whether a mitigation plan is successful under subparagraph (A), the Secretary shall consult annually with appropriate Federal agencies and each State in which the applicable project is located on at least the following:

''(i) The ecological success of the mitigation as of the date on which the report is submitted.

''(ii) The likelihood that the mitigation will achieve ecological success, as defined in the mitigation plan.

''(iii) The projected timeline for achieving that success.

''(iv) Any recommendations for improving the likelihood of success.

''(C) REPORTING.—Not later than 60 days after the date of completion of the annual consultation, the Federal agencies consulted shall, and each State in which the project is located may, submit to the Secretary a report that describes the results of the consultation described in (B).

''(D) ACTION BY SECRETARY.—The Secretary shall respond in writing to the substance and recommendations contained in each report under subparagraph (C) by not later than 30 days after the date of receipt of the report.

''(5) MONITORING.—Mitigation monitoring shall continue until it has been demonstrated that the mitigation has met the ecological success criteria.''.

(d) STATUS REPORT.—

(1) IN GENERAL.—Concurrent with the submission of the President to Congress of the request of the President for appropriations for the Civil Works Program for a fiscal year, the Secretary shall submit to the Committee on the Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the status of construction of projects that require mitigation under section 906 of Water Resources Development Act 1986 (33 U.S.C. 2283) and the status of that mitigation.

(2) PROJECTS INCLUDED.—The status report shall include the status of—

(A) all projects that are under construction as of the date of the report;

(B) all projects for which the President requests funding for the next fiscal year; and

(C) all projects that have completed construction, but have not completed the mitigation required under section 906 of the Water Resources Development Act of 1986 (33 U.S.C. 2283).

(e) MITIGATION TRACKING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a recordkeeping system to track, for each water resources project undertaken by the Secretary and for each permit issued under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344)—

(A) the quantity and type of wetland and any other habitat type affected by the project, project operation, or permitted activity;

(B) the quantity and type of mitigation measures required with respect to the project, project operation, or permitted activity;

(C) the quantity and type of mitigation measures that have been completed with respect to the project, project operation, or permitted activity; and

(D) the status of monitoring of the mitigation measures carried out with respect to the project, project operation, or permitted activity.

(2) REQUIREMENTS.—The recordkeeping system under paragraph (1) shall—

(A) include information relating to the impacts and mitigation measures relating to projects described in paragraph (1) that occur after November 17, 1986; and

(B) be organized by watershed, project, permit application, and zip code.

(3) AVAILABILITY OF INFORMATION.—The Secretary shall make information contained in the recordkeeping system available to the public on the Internet.

SEC. 2009. STATE TECHNICAL ASSISTANCE.

Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16) is amended—

(1) by striking ''SEC. 22. (a) The Secretary'' and inserting the following:

''SEC. 22. PLANNING ASSISTANCE TO STATES.

''(a) FEDERAL-STATE COOPERATION.—

''(1) COMPREHENSIVE PLANS.—The Secretary'';

(2) in subsection (a), by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—At the request of a governmental agency or non-Federal interest, the Secretary may provide, at Federal expense, technical assistance to the agency or non-Federal interest in managing water resources.

''(B) TYPES OF ASSISTANCE.—Technical assistance under this paragraph may include provision and integration of hydrologic, economic, and environmental data and analyses.'';

(3) in subsection (b)(1), by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(4) in subsection (b)(2), by striking ''up to ½ of the'' and inserting ''the'';

(5) in subsection (c)—

(A) by striking ''(c) There is'' and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) FEDERAL AND STATE COOPERATION.—There is'';

(B) in paragraph (1) (as designated by subparagraph (A)), by striking ''the provisions of

this section except that not more than $500,000 shall be expended in any one year in any one State.'' and inserting ''subsection (a)(1).''; and

(C) by adding at the end the following:

''(2) TECHNICAL ASSISTANCE.—There is authorized to be appropriated to carry out subsection (a)(2) $10,000,000 for each fiscal year, of which not more than $2,000,000 for each fiscal year may be used by the Secretary to enter into cooperative agreements with nonprofit organizations and State agencies to provide assistance to rural and small communities.''; and

(6) by adding at the end the following:

''(e) ANNUAL SUBMISSION.—For each fiscal year, based on performance criteria developed by the Secretary, the Secretary shall list in the annual civil works budget submitted to Congress the individual activities proposed for funding under subsection (a)(1) for the fiscal year.''.

SEC. 2010. ACCESS TO WATER RESOURCE DATA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall carry out a program to provide public access to water resource and related water quality data in the custody of the Corps of Engineers.

(b) DATA.—Public access under subsection (a) shall—

(1) include, at a minimum, access to data generated in water resource project development and regulation under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(2) appropriately employ geographic information system technology and linkages to water resource models and analytical techniques.

(c) PARTNERSHIPS.—To the maximum extent practicable, in carrying out activities under this section, the Secretary shall develop partnerships, including cooperative agreements with State, tribal, and local governments and other Federal agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each fiscal year.

SEC. 2011. CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.

(a) IN GENERAL.—Section 211(e)(6) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13(e)(6)) is amended by adding at the end following:

''(E) BUDGET PRIORITY.—

''(i) IN GENERAL.—Budget priority for projects under this section shall be proportionate to the percentage of project completion.

''(ii) COMPLETED PROJECT.—A completed project shall have the same priority as a project with a contractor on site.''.

(b) CONSTRUCTION OF FLOOD CONTROL PROJECTS BY NON-FEDERAL INTERESTS.—Section 211(f) of the Water Resources Development Act of 1996 (33 U.S.C. 701b–13) is amended by adding at the end the following:

''(9) THORNTON RESERVOIR, COOK COUNTY, ILLINOIS.—An element of the project for flood control, Chicagoland Underflow Plan, Illinois.

''(10) ST. PAUL DOWNTOWN AIRPORT (HOLMAN FIELD), ST. PAUL, MINNESOTA.—The project for flood damage reduction, St. Paul Downtown Holman Field), St. Paul, Minnesota.

''(11) BUFFALO BAYOU, TEXAS.—The project for flood control, Buffalo Bayou, Texas, authorized by the first section of the Act of June 20, 1938 (52 Stat. 804, chapter 535) (commonly known as the 'River and Harbor Act of 1938') and modified by section 3a of the Act of August 11, 1939 (53 Stat. 1414, chapter 699) (commonly known as the 'Flood Control Act of 1939'), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

''(12) HALLS BAYOU, TEXAS.—The Halls Bayou element of the project for flood control, Buffalo Bayou and tributaries, Texas, authorized by section 101(a)(21) of the Water Resources Development Act of 1990 (33 U.S.C. 2201 note), except that, subject to the approval of the Secretary as provided by this section, the non-Federal interest may design and construct an alternative to such project.

''(13) MENOMONEE RIVER WATERSHED, WISCONSIN.—The project for the Menominee River Watershed, Wisconsin.''.

SEC. 2012. REGIONAL SEDIMENT MANAGEMENT.

(a) IN GENERAL.—Section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326) is amended to read as follows:

''SEC. 204. REGIONAL SEDIMENT MANAGEMENT.

''(a) IN GENERAL.—In connection with sediment obtained through the construction, operation, or maintenance of an authorized Federal water resources project, the Secretary, acting through the Chief of Engineers, shall develop Regional Sediment Management plans and carry out projects at locations identified in the plan prepared under subsection (e), or identified jointly by the non-Federal interest and the Secretary, for use in the construction, repair, modification, or rehabilitation of projects associated with Federal water resources projects, for—

''(1) the protection of property;

''(2) the protection, restoration, and creation of aquatic and ecologically related habitats, including wetlands; and

''(3) the transport and placement of suitable sediment

''(b) SECRETARIAL FINDINGS.—Subject to subsection (c), projects carried out under subsection (a) may be carried out in any case in which the Secretary finds that—

''(1) the environmental, economic, and social benefits of the project, both monetary and nonmonetary, justify the cost of the project; and

''(2) the project would not result in environmental degradation.

''(c) DETERMINATION OF PLANNING AND PROJECT COSTS.—

''(1) IN GENERAL.—In consultation and cooperation with the appropriate Federal, State, regional, and local agencies, the Secretary, acting through the Chief of Engineers, shall develop at Federal expense plans and projects for regional management of sediment obtained in conjunction with construction, operation, and maintenance of Federal water resources projects.

''(2) COSTS OF CONSTRUCTION.—

''(A) IN GENERAL.—Costs associated with construction of a project under this section or identified in a Regional Sediment Management plan shall be limited solely to construction costs that are in excess of those costs necessary to carry out the dredging for construction, operation, or maintenance of an authorized Federal water resources project in the most cost-effective way, consistent with economic, engineering, and environmental criteria.

''(B) COST SHARING.—The determination of any non-Federal share of the construction cost shall be based on the cost sharing as specified in subsections (a) through (d) of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for the type of Federal water resource project using the dredged resource.

''(C) TOTAL COST.—Total Federal costs associated with construction of a project under this section shall not exceed $5,000,000 without Congressional approval.

''(3) OPERATION, MAINTENANCE, REPLACEMENT, AND REHABILITATION COSTS.—Operation, maintenance, replacement, and rehabilitation costs associated with a project are a non-Federal sponsor responsibility.

''(d) SELECTION OF SEDIMENT DISPOSAL METHOD FOR ENVIRONMENTAL PURPOSES.—

''(1) IN GENERAL.—In developing and carrying out a Federal water resources project involving the disposal of material, the Secretary may select, with the consent of the non-Federal interest, a disposal method that is not the least-cost option if the Secretary determines that the incremental costs of the disposal method are reasonable in relation to the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetlands and control of shoreline erosion.

''(2) FEDERAL SHARE.—The Federal share of such incremental costs shall be determined in accordance with subsection (c).

''(e) STATE AND REGIONAL PLANS.—The Secretary, acting through the Chief of Engineers, may—

''(1) cooperate with any State in the preparation of a comprehensive State or regional coastal sediment management plan within the boundaries of the State;

''(2) encourage State participation in the implementation of the plan; and

''(3) submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out the plan.

''(f) PRIORITY AREAS.—In carrying out this section, the Secretary shall give priority to regional sediment management projects in the vicinity of—

''(1) Fire Island Inlet, Suffolk County, New York;

''(2) Fletcher Cove, California;

''(3) Delaware River Estuary, New Jersey and Pennsylvania; and

''(4) Toledo Harbor, Lucas County, Ohio.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 during each fiscal year, to remain available until expended, for the Federal costs identified under subsection (c), of which up to $5,000,000 shall be used for the development of regional sediment management plans as provided in subsection (e).

''(h) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any project carried out under this section, a non-Federal interest may include a nonprofit entity, with the consent of the affected local government.''.

(b) REPEAL.—

(1) IN GENERAL.—Section 145 of the Water Resources Development Act of 1976 (33 U.S.C. 426j) is repealed.

(2) EXISTING PROJECTS.—The Secretary, acting through the Chief of Engineers, may complete any project being carried out under section 145 on the day before the date of enactment of this Act.

SEC. 2013. NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 3 of the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426g), is amended to read as follows:

''SEC. 3. STORM AND HURRICANE RESTORATION AND IMPACT MINIMIZATION PROGRAM.

''(a) CONSTRUCTION OF SMALL SHORE AND BEACH RESTORATION AND PROTECTION PROJECTS.—

''(1) IN GENERAL.—The Secretary may carry out construction of small shore and beach restoration and protection projects not specifically authorized by Congress that otherwise comply with the first section of this Act if the Secretary determines that such construction is advisable.

''(2) LOCAL COOPERATION.—The local cooperation requirement under the first section of this Act shall apply to a project under this section.

''(3) COMPLETENESS.—A project under this section—

''(A) shall be complete; and

''(B) shall not commit the United States to any additional improvement to ensure the successful operation of the project, except for participation in periodic beach nourishment in accordance with—

''(i) the first section of this Act; and

''(ii) the procedure for projects authorized after submission of a survey report.

''(b) NATIONAL SHORELINE EROSION CONTROL DEVELOPMENT AND DEMONSTRATION PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, shall conduct a

national shoreline erosion control development and demonstration program (referred to in this section as the 'program').

''(2) REQUIREMENTS.—

''(A) IN GENERAL.—The program shall include provisions for—

''(i) projects consisting of planning, design, construction, and adequate monitoring of prototype engineered and native and naturalized vegetative shoreline erosion control devices and methods;

''(ii) detailed engineering and environmental reports on the results of each project carried out under the program; and

''(iii) technology transfers, as appropriate, to private property owners, State and local entities, nonprofit educational institutions, and nongovernmental organizations.

''(B) DETERMINATION OF FEASIBILITY.—A project under this section shall not be carried out until the Secretary, acting through the Chief of Engineers, determines that the project is feasible.

''(C) EMPHASIS.—A project carried out under the program shall emphasize, to the maximum extent practicable—

''(i) the development and demonstration of innovative technologies;

''(ii) efficient designs to prevent erosion at a shoreline site, taking into account the lifecycle cost of the design, including cleanup, maintenance, and amortization;

''(iii) new and enhanced shore protection project design and project formulation tools the purposes of which are to improve the physical performance, and lower the lifecycle costs, of the projects;

''(iv) natural designs, including the use of native and naturalized vegetation or temporary structures that minimize permanent structural alterations to the shoreline;

''(v) the avoidance of negative impacts to adjacent shorefront communities;

''(vi) the potential for long-term protection afforded by the technology; and

''(vii) recommendations developed from evaluations of the program established under the Shoreline Erosion Control Demonstration Act of 1974 (42 U.S.C. 1962–5 note; 88 Stat. 26), including—

''(I) adequate consideration of the subgrade;

''(II) proper filtration;

''(III) durable components;

''(IV) adequate connection between units; and

''(V) consideration of additional relevant information.

''(D) SITES.—

''(i) IN GENERAL.—Each project under the program shall be carried out at—

''(I) a privately owned site with substantial public access; or

''(II) a publicly owned site on open coast or in tidal waters.

''(ii) SELECTION.—The Secretary, acting through the Chief of Engineers, shall develop criteria for the selection of sites for projects under the program, including criteria based on—

''(I) a variety of geographic and climatic conditions;

''(II) the size of the population that is dependent on the beaches for recreation or the protection of private property or public infrastructure;

''(III) the rate of erosion;

''(IV) significant natural resources or habitats and environmentally sensitive areas; and

''(V) significant threatened historic structures or landmarks.

''(3) CONSULTATION.—The Secretary, acting through the Chief of Engineers, shall carry out the program in consultation with—

''(A) the Secretary of Agriculture, particularly with respect to native and naturalized vegetative means of preventing and controlling shoreline erosion;

''(B) Federal, State, and local agencies;

''(C) private organizations;

''(D) the Coastal Engineering Research Center established by the first section of Public Law 88–172 (33 U.S.C. 426–1); and

''(E) applicable university research facilities.

''(4) COMPLETION OF DEMONSTRATION.—After carrying out the initial construction and evaluation of the performance and lifecycle cost of a demonstration project under this section, the Secretary, acting through the Chief of Engineers, may—

''(A) at the request of a non-Federal interest of the project, amend the agreement for a federally-authorized shore protection project in existence on the date on which initial construction of the demonstration project is complete to incorporate the demonstration project as a feature of the shore protection project, with the future cost of the demonstration project to be determined by the cost-sharing ratio of the shore protection project; or

''(B) transfer all interest in and responsibility for the completed demonstration project to the non-Federal or other Federal agency interest of the project.

''(5) AGREEMENTS.—The Secretary, acting through the Chief of Engineers, may enter into an agreement with the non-Federal or other Federal agency interest of a project under this section—

''(A) to share the costs of construction, operation, maintenance, and monitoring of a project under the program;

''(B) to share the costs of removing a project or project element constructed under the program, if the Secretary determines that the project or project element is detrimental to private property, public infrastructure, or public safety; or

''(C) to specify ownership of a completed project that the Chief of Engineers determines will not be part of a Corps of Engineers project.

''(6) REPORT.—Not later than December 31 of each year beginning after the date of enactment of this paragraph, the Secretary shall prepare and submit to the Committee on Environment and Public works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

''(A) the activities carried out and accomplishments made under the program during the preceding year; and

''(B) any recommendations of the Secretary relating to the program.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend, from any appropriations made available to the Secretary for the purpose of carrying out civil works, not more than $30,000,000 during any fiscal year to pay the Federal share of the costs of construction of small shore and beach restoration and protection projects or small projects under the program.

''(2) LIMITATION.—The total amount expended for a project under this section shall—

''(A) be sufficient to pay the cost of Federal participation in the project (including periodic nourishment as provided for under the first section of this Act), as determined by the Secretary; and

''(B) be not more than $3,000,000.''.

(b) REPEAL.—Section 5 the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'', approved August 13, 1946 (33 U.S.C. 426e et seq.; 110 Stat. 3700) is repealed.

SEC. 2014. SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—In accordance with the Act of July 3, 1930 (33 U.S.C. 426), and notwithstanding administrative actions, it is the policy of the United States to promote shore protection projects and related research that encourage the protection, restoration, and enhancement of sandy beaches, including beach restoration and periodic beach renourishment for a period of 50 years, on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprises.

(b) PREFERENCE.—In carrying out the policy, preference shall be given to—

(1) areas in which there has been a Federal investment of funds; and

(2) areas with respect to which the need for prevention or mitigation of damage to shores and beaches is attributable to Federal navigation projects or other Federal activities.

(c) APPLICABILITY.—The Secretary shall apply the policy to each shore protection and beach renourishment project (including shore protection and beach renourishment projects in existence on the date of enactment of this Act).

SEC. 2015. COST SHARING FOR MONITORING.

(a) IN GENERAL.—Costs incurred for monitoring for an ecosystem restoration project shall be cost-shared—

(1) in accordance with the formula relating to the applicable original construction project; and

(2) for a maximum period of 10 years.

(b) AGGREGATE LIMITATION.—Monitoring costs for an ecosystem restoration project—

(1) shall not exceed in the aggregate, for a 10-year period, an amount equal to 5 percent of the cost of the applicable original construction project; and

(2) after the 10-year period, shall be 100 percent non-Federal.

SEC. 2016. ECOSYSTEM RESTORATION BENEFITS.

For each of the following projects, the Corps of Engineers shall include ecosystem restoration benefits in the calculation of benefits for the project:

(1) Grayson's Creek, California.

(2) Seven Oaks, California.

(3) Oxford, California.

(4) Walnut Creek, California.

(5) Wildcat Phase II, California.

SEC. 2017. FUNDING TO EXPEDITE THE EVALUATION AND PROCESSING OF PERMITS.

Section 214(a) of the Water Resources Development Act of 2000 (33 U.S.C. 2201 note; 114 Stat. 2594) is amended by striking ''In fiscal years 2001 through 2003, the'' and inserting ''The''.

SEC. 2018. ELECTRONIC SUBMISSION OF PERMIT APPLICATIONS.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall implement a program to allow electronic submission of permit applications for permits under the jurisdiction of the Corps of Engineers.

(b) LIMITATIONS.—This section does not preclude the submission of a hard copy, as required.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

SEC. 2019. IMPROVEMENT OF WATER MANAGEMENT AT CORPS OF ENGINEERS RESERVOIRS.

(a) IN GENERAL.—As part of the operation and maintenance, by the Corps of Engineers, of reservoirs in operation as of the date of enactment of this Act, the Secretary shall carry out the measures described in subsection (c) to support the water resource needs of project sponsors and any affected State, local, or tribal government for authorized project purposes.

(b) COOPERATION.—The Secretary shall carry out the measures described in subsection (c) in cooperation and coordination with project sponsors and any affected State, local, or tribal government.

(c) MEASURES.—In carrying out this section, the Secretary may—

(1) conduct a study to identify unused, underused, or additional water storage capacity at reservoirs;

(2) review an operational plan and identify any change to maximize an authorized project purpose to improve water storage capacity and enhance efficiency of releases and withdrawal of water;

(3) improve and update data, data collection, and forecasting models to maximize an authorized project purpose and improve water storage capacity and delivery to water users; and

(4) conduct a sediment study and implement any sediment management or removal measure.

(d) REVENUES FOR SPECIAL CASES.—

(1) COSTS OF WATER SUPPLY STORAGE.—In the case of a reservoir operated or maintained by the Corps of Engineers on the date of enactment of this Act, the storage charge for a future contract or contract renewal for the first cost of water supply storage at the reservoir shall be the lesser of the estimated cost of purposes foregone, replacement costs, or the updated cost of storage.

(2) REALLOCATION.—In the case of a water supply that is reallocated from another project purpose to municipal or industrial water supply, the joint use costs for the reservoir shall be adjusted to reflect the reallocation of project purposes.

(3) CREDIT FOR AFFECTED PROJECT PURPOSES.—In the case of a reallocation that adversely affects hydropower generation, the Secretary shall defer to the Administrator of the respective Power Marketing Administration to calculate the impact of such a reallocation on the rates for hydroelectric power.

SEC. 2020. FEDERAL HOPPER DREDGES.

Section 3(c)(7)(B) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended by adding at the end the following: ''This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers.''.

SEC. 2021. EXTRAORDINARY RAINFALL EVENTS.

In the State of Louisiana, extraordinary rainfall events such as Hurricanes Katrina and Rita, which occurred during calendar year 2005, and Hurricane Andrew, which occurred during calendar year 1992, shall not be considered in making a determination with respect to the ordinary high water mark for purposes of carrying out section 10 of the Act of March 3, 1899 (33 U.S.C. 403) (commonly known as the ''Rivers and Harbors Act'').

SEC. 2022. WILDFIRE FIREFIGHTING.

Section 309 of Public Law 102–154 (42 U.S.C. 1856a–1; 105 Stat. 1034) is amended by inserting ''the Secretary of the Army,'' after ''the Secretary of Energy,''.

SEC. 2023. NONPROFIT ORGANIZATIONS AS SPONSORS.

Section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)) is amended—

(1) by striking ''A non-Federal interest shall be'' and inserting the following:

''(1) IN GENERAL.—In this section, the term 'non-Federal interest' means''; and

(2) by adding at the end the following:

''(2) INCLUSIONS.—The term 'non-Federal interest' includes a nonprofit organization acting with the consent of the affected unit of government.''.

SEC. 2024. PROJECT ADMINISTRATION.

(a) PROJECT TRACKING.—The Secretary shall assign a unique tracking number to each water resources project under the jurisdiction of the Secretary, to be used by each Federal agency throughout the life of the project.

(b) REPORT REPOSITORY.—

(1) IN GENERAL.—The Secretary shall maintain at the Library of Congress a copy of each final feasibility study, final environmental impact statement, final reevaluation report, record of decision, and report to Congress prepared by the Corps of Engineers.

(2) AVAILABILITY TO PUBLIC.—

(A) IN GENERAL.—Each document described in paragraph (1) shall be made available to the public for review, and an electronic copy of each document shall be made permanently available to the public through the Internet website of the Corps of Engineers.

(B) COST.—The Secretary shall charge the requestor for the cost of duplication of the requested document.

SEC. 2025. PROGRAM ADMINISTRATION.

Sections 101, 106, and 108 of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2252–2254), are repealed.

SEC. 2026. NATIONAL DAM SAFETY PROGRAM REAUTHORIZATION.

(a) SHORT TITLE.—This section may be cited as the ''National Dam Safety Program Act of 2006''.

(b) REAUTHORIZATION.—Section 13 of the National Dam Safety Program Act (33 U.S.C. 467j) is amended—

(1) in subsection (a)(1), by adding '', and $8,000,000 for each of fiscal years 2007 through 2011, to remain available until expended'' after ''expended'';

(2) in subsection (b), by striking ''$500,000'' and inserting ''$1,000,000'';

(3) in subsection (c), by inserting before the period at the end the following: '', and $2,000,000 for each of fiscal years 2007 through 2011, to remain available until expended'';

(4) in subsection (d), by inserting before the period at the end the following: '', and $700,000 for each of fiscal years 2007 through 2011, to remain available until expended''; and

(5) in subsection (e), by inserting before the period at the end the following: '', and $1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended''.

SEC. 2027. EXTENSION OF SHORE PROTECTION PROJECTS.

(a) IN GENERAL.—Before the date on which the applicable period for Federal financial participation in a shore protection project terminates, the Secretary, acting through the Chief of Engineers, is authorized to review the shore protection project to determine whether it would be feasible to extend the period of Federal financial participation relating to the project.

(b) REPORT.—The Secretary shall submit to Congress a report describing the results of each review conducted under subsection (a).

Subtitle B—Continuing Authorities Projects

SEC. 2031. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

Section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) is amended—

(1) by striking ''SEC. 107. (a) That the Secretary of the Army is hereby authorized to'' and inserting the following:

''SEC. 107. NAVIGATION ENHANCEMENTS FOR WATERBOURNE TRANSPORTATION.

''(a) IN GENERAL.—The Secretary of the Army may'';

(2) in subsection (b)—

(A) by striking ''(b) Not more'' and inserting the following:

''(b) ALLOTMENT.—Not more''; and

(B) by striking ''$4,000,000'' and inserting ''$7,000,000'';

(3) in subsection (c), by striking ''(c) Local'' and inserting the following:

''(c) LOCAL CONTRIBUTIONS.—Local'';

(4) in subsection (d), by striking ''(d) Non-Federal'' and inserting the following:

''(d) NON-FEDERAL SHARE.—Non-Federal'';

(5) in subsection (e), by striking ''(e) Each'' and inserting the following:

''(e) COMPLETION.—Each''; and

(6) in subsection (f), by striking ''(f) This'' and inserting the following:

''(f) APPLICABILITY.—This''.

SEC. 2032. PROTECTION AND RESTORATION DUE TO EMERGENCIES AT SHORES AND STREAMBANKS.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended—

(1) by striking ''$15,000,000'' and inserting ''$20,000,000''; and

(2) by striking ''$1,000,000'' and inserting ''$1,500,000''.

SEC. 2033. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.

Section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 206. RESTORATION OF THE ENVIRONMENT FOR PROTECTION OF AQUATIC AND RIPARIAN ECOSYSTEMS PROGRAM.'';

(2) in subsection (a), by striking ''an aquatic'' and inserting ''a freshwater aquatic''; and

(3) in subsection (e), by striking ''$25,000,000'' and inserting ''$75,000,000''.

SEC. 2034. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.

Section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) is amended—

(1) by striking the section heading and inserting the following:

''SEC. 1135. ENVIRONMENTAL MODIFICATION OF PROJECTS FOR IMPROVEMENT AND RESTORATION OF ECOSYSTEMS PROGRAM.'';

and

(2) in subsection (h), by striking ''25,000,000'' and inserting ''$50,000,000''.

SEC. 2035. PROJECTS TO ENHANCE ESTUARIES AND COASTAL HABITATS.

(a) IN GENERAL.—The Secretary may carry out an estuary habitat restoration project if the Secretary determines that the project—

(1) will improve the elements and features of an estuary (as defined in section 103 of the Estuaries and Clean Waters Act of 2000 (33 U.S.C. 2902));

(2) is in the public interest; and

(3) is cost-effective.

(b) COST SHARING.—The non-Federal share of the cost of construction of any project under this section—

(1) shall be 35 percent; and

(2) shall include the costs of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall commence only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required under subsection (b); and

(2) in accordance with regulations promulgated by the Secretary, 100 percent of the costs of any operation, maintenance, replacement, or rehabilitation of the project.

(d) LIMITATION.—Not more than $5,000,000 in Federal funds may be allocated under this section for a project at any 1 location.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year beginning after the date of enactment of this Act.

SEC. 2036. REMEDIATION OF ABANDONED MINE SITES.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336; 113 Stat. 354–355) is amended—

(1) by striking subsection (f);

(2) by redesignating subsections (a) through (e) as subsections (b) through (f), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

''(a) DEFINITION OF NON-FEDERAL INTEREST.—In this section, the term 'non-Federal interest' includes, with the consent of the affected local government, nonprofit entities, notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b).'';

(4) in subsection (b) (as redesignated by paragraph (2))—

(A) by inserting '', and construction'' before ''assistance''; and

(B) by inserting '', including, with the consent of the affected local government, nonprofit entities,'' after ''non-Federal interests'';

(5) in paragraph (3) of subsection (c) (as redesignated by paragraph (2))—

(A) by inserting ''physical hazards and'' after ''adverse''; and

(B) by striking ''drainage from'';

(6) in subsection (d) (as redesignated by paragraph (2)), by striking ''50'' and inserting ''25''; and

(7) by adding at the end the following:

''(g) OPERATION AND MAINTENANCE.—The non-Federal share of the costs of operation and maintenance for a project carried out under this section shall be 100 percent.

''(h) NO EFFECT ON LIABILITY.—The provision of assistance under this section shall not relieve from liability any person that would otherwise be liable under Federal or State law for damages, response costs, natural resource damages, restitution, equitable relief, or any other relief.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section for each fiscal year $45,000,000, to remain available until expended.''.

SEC. 2037. SMALL PROJECTS FOR THE REHABILITATION AND REMOVAL OF DAMS.

(a) IN GENERAL.—The Secretary may carry out a small dam removal or rehabilitation project if the Secretary determines that the project will improve the quality of the environment or is in the public interest.

(b) COST SHARING.—A non-Federal interest shall provide 35 percent of the cost of the removal or remediation of any project carried out under this section, including provision of all land, easements, rights-of-way, and necessary relocations.

(c) AGREEMENTS.—Construction of a project under this section shall be commenced only after a non-Federal interest has entered into a binding agreement with the Secretary to pay—

(1) the non-Federal share of the costs of construction required by this section; and

(2) 100 percent of any operation and maintenance cost.

(d) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single location.

(e) FUNDING.—There is authorized to be appropriated to carry out this section $25,000,000 for each fiscal year.

SEC. 2038. REMOTE, MARITIME-DEPENDENT COMMUNITIES.

(a) IN GENERAL.—The Secretary shall develop eligibility criteria for Federal participation in navigation projects located in economically disadvantaged communities that are—

(1) dependent on water transportation for subsistence; and

(2) located in—

(A) remote areas of the United States;

(B) American Samoa;

(C) Guam;

(D) the Commonwealth of the Northern Mariana Islands;

(E) the Commonwealth of Puerto Rico; or

(F) the United States Virgin Islands.

(b) ADMINISTRATION.—The criteria developed under this section—

(1) shall—

(A) provide for economic expansion; and

(B) identify opportunities for promoting economic growth; and

(2) shall not require project justification solely on the basis of National Economic Development benefits received.

SEC. 2039. AGREEMENTS FOR WATER RESOURCE PROJECTS.

(a) PARTNERSHIP AGREEMENTS.—Section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

''(e) PUBLIC HEALTH AND SAFETY.—If the Secretary determines that a project needs to be continued for the purpose of public health and safety—

''(1) the non-Federal interest shall pay the increased projects costs, up to an amount equal to 20 percent of the original estimated project costs and in accordance with the statutorily-determined cost share; and

''(2) notwithstanding the statutorily-determined Federal share, the Secretary shall pay all increased costs remaining after payment of 20 percent of the increased costs by the non-Federal interest under paragraph (1).

''(f) LIMITATION.—Nothing in subsection (a) limits the authority of the Secretary to ensure that a partnership agreement meets the requirements of law and policies of the Secretary in effect on the date of execution of the partnership agreement.''.

(b) LOCAL COOPERATION.—Section 912(b) of the Water Resources Development Act of 1986 (100 Stat. 4190) is amended—

(1) in paragraph (2)—

(A) in the first sentence, by striking ''shall'' and inserting ''may''; and

(B) by striking the second sentence; and

(2) in paragraph (4)—

(A) in the first sentence—

(i) by striking ''injunction, for'' and inserting ''injunction and payment of liquidated damages, for''; and

(ii) by striking ''to collect a civil penalty imposed under this section,''; and

(B) in the second sentence, by striking ''any civil penalty imposed under this section,'' and inserting ''any liquidated damages,''.

(c) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsections (a) and (b) shall apply only to partnership agreements entered into after the date of enactment of this Act.

(2) EXCEPTION.—Notwithstanding paragraph (1), the district engineer for the district in which a project is located may amend the partnership agreement for the project entered into on or before the date of enactment of this Act—

(A) at the request of a non-Federal interest for a project; and

(B) if construction on the project has not been initiated as of the date of enactment of this Act.

(d) REFERENCES.—

(1) COOPERATION AGREEMENTS.—Any reference in a law, regulation, document, or other paper of the United States to a cooperation agreement or project cooperation agreement shall be considered to be a reference to a partnership agreement or a project partnership agreement, respectively.

(2) PARTNERSHIP AGREEMENTS.—Any reference to a partnership agreement or project partnership agreement in this Act (other than in this section) shall be considered to be a reference to a cooperation agreement or a project cooperation agreement, respectively.

SEC. 2040. PROGRAM NAMES.

Section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is amended by striking ''SEC. 205. That the'' and inserting the following:

''SEC. 205. PROJECTS TO ENHANCE REDUCTION OF FLOODING AND OBTAIN RISK MINIMIZATION.

''The''.

Subtitle C—National Levee Safety Program

SEC. 2051. SHORT TITLE.

This subtitle may be cited as the ''National Levee Safety Program Act of 2006''.

SEC. 2052. DEFINITIONS.

In this subtitle:

(1) ASSESSMENT.—The term ''assessment'' means the periodic engineering evaluation of a levee by a registered professional engineer to—

(A) review the engineering features of the levee; and

(B) develop a risk-based performance evaluation of the levee, taking into consideration potential consequences of failure or overtopping of the levee.

(2) COMMITTEE.—The term ''Committee'' means the National Levee Safety Committee established by section 2053(a).

(3) INSPECTION.—The term ''inspection'' means an annual review of a levee to verify whether the owner or operator of the levee is conducting required operation and maintenance in accordance with established levee maintenance standards.

(4) LEVEE.—The term ''levee'' means an embankment (including a floodwall) that—

(A) is designed, constructed, or operated for the purpose of flood or storm damage reduction;

(B) reduces the risk of loss of human life or risk to the public safety; and

(C) is not otherwise defined as a dam by the Federal Guidelines for Dam Safety.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(6) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(7) STATE LEVEE SAFETY AGENCY.—The term ''State levee safety agency'' means the State agency that has regulatory authority over the safety of any non-Federal levee in a State.

(8) UNITED STATES.—The term ''United States'', when used in a geographical sense, means all of the States.

SEC. 2053. NATIONAL LEVEE SAFETY COMMITTEE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a National Levee Safety Committee, consisting of representatives of Federal agencies and State, tribal, and local governments, in accordance with this subsection.

(2) FEDERAL AGENCIES.—

(A) IN GENERAL.—The head of each Federal agency and the head of the International Boundary Waters Commission may designate a representative to serve on the Committee.

(B) ACTION BY SECRETARY.—The Secretary shall ensure, to the maximum extent practicable, that—

(i) each Federal agency that designs, owns, operates, or maintains a levee is represented on the Committee; and

(ii) each Federal agency that has responsibility for emergency preparedness or response activities is represented on the Committee.

(3) TRIBAL, STATE, AND LOCAL GOVERNMENTS.—

(A) IN GENERAL.—The Secretary shall appoint 8 members to the Committee—

(i) 3 of whom shall represent tribal governments affected by levees, based on recommendations of tribal governments;

(ii) 3 of whom shall represent State levee safety agencies, based on recommendations of Governors of the States; and

(iii) 2 of whom shall represent local governments, based on recommendations of Governors of the States.

(B) REQUIREMENT.—In appointing members under subparagraph (A), the Secretary shall ensure broad geographic representation, to the maximum extent practicable.

(4) CHAIRPERSON.—The Secretary shall serve as Chairperson of the Committee.

(5) OTHER MEMBERS.—The Secretary, in consultation with the Committee, may invite to participate in meetings of the Committee, as appropriate, 1 or more of the following:

(A) Representatives of the National Laboratories.

(B) Levee safety experts.

(C) Environmental organizations.

(D) Members of private industry.

(E) Any other individual or entity, as the Committee determines to be appropriate.

(b) DUTIES.—

(1) IN GENERAL.—The Committee shall—

(A) advise the Secretary in implementing the national levee safety program under section 2054;

(B) support the establishment and maintenance of effective programs, policies, and guidelines to enhance levee safety for the protection of human life and property throughout the United States; and

(C) support coordination and information exchange between Federal agencies and State levee safety agencies that share common problems and responsibilities relating to levee safety, including planning, design, construction, operation, emergency action planning, inspections, maintenance, regulation or licensing, technical or financial assistance, research, and data management.

(c) POWERS.—

(1) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers to be necessary to carry out this section.

(B) PROVISION OF INFORMATION.—On request of the Committee, the head of a Federal agency shall provide the information to the Committee.

(2) CONTRACTS.—The Committee may enter into any contract the Committee determines to be necessary to carry out a duty of the Committee.

(d) WORKING GROUPS.—

(1) IN GENERAL.—The Secretary may establish working groups to assist the Committee in carrying out this section.

(2) MEMBERSHIP.—A working group under paragraph (1) shall be composed of—

(A) members of the Committee; and

(B) any other individual, as the Secretary determines to be appropriate.

(e) COMPENSATION OF MEMBERS.—

(1) FEDERAL EMPLOYEES.—A member of the Committee who is an officer or employee of the United States shall serve without compensation in addition to compensation received for the services of the member as an officer or employee of the United States.

(2) OTHER MEMBERS.—A member of the Committee who is not an officer or employee of the United States shall serve without compensation.

(f) TRAVEL EXPENSES.—

(1) REPRESENTATIVES OF FEDERAL AGENCIES.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a Federal agency shall be reimbursed with appropriations for travel expenses by the agency of the member, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in the performance of services for the Committee.

(2) OTHER INDIVIDUALS.—To the extent amounts are made available in advance in appropriations Acts, a member of the Committee who represents a State levee safety agency, a member of the Committee who represents the private sector, and a member of a working group created under subsection (d) shall be reimbursed for travel expenses by the Secretary, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter 1 of chapter 57 of title 5, United States Code, while away from home or regular place of business of the member in performance of services for the Committee.

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 2054. NATIONAL LEVEE SAFETY PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation with the Committee and State levee safety agencies, shall establish and maintain a national levee safety program.

(b) PURPOSES.—The purposes of the program under this section are—

(1) to ensure that new and existing levees are safe through the development of technologically and economically feasible programs and procedures for hazard reduction relating to levees;

(2) to encourage appropriate engineering policies and procedures to be used for levee site investigation, design, construction, operation and maintenance, and emergency preparedness;

(3) to encourage the establishment and implementation of effective levee safety programs in each State;

(4) to develop and support public education and awareness projects to increase public acceptance and support of State levee safety programs;

(5) to develop technical assistance materials for Federal and State levee safety programs;

(6) to develop methods of providing technical assistance relating to levee safety to non-Federal entities; and

(7) to develop technical assistance materials, seminars, and guidelines to improve the security of levees in the United States.

(c) STRATEGIC PLAN.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall prepare a strategic plan—

(1) to establish goals, priorities, and target dates to improve the safety of levees in the United States;

(2) to cooperate and coordinate with, and provide assistance to, State levee safety agencies, to the maximum extent practicable;

(3) to share information among Federal agencies, State and local governments, and private entities relating to levee safety; and

(4) to provide information to the public relating to risks associated with levee failure or overtopping.

(d) FEDERAL GUIDELINES.—

(1) IN GENERAL.—In carrying out the program under this section, the Secretary, in coordination with the Committee, shall establish Federal guidelines relating to levee safety.

(2) INCORPORATION OF FEDERAL ACTIVITIES.—The Federal guidelines under paragraph (1) shall incorporate, to the maximum extent practicable, any activity carried out by a Federal agency as of the date on which the guidelines are established.

(e) INCORPORATION OF EXISTING ACTIVITIES.—The program under this section shall incorporate, to the maximum extent practicable—

(1) any activity carried out by a State or local government, or a private entity, relating to the construction, operation, or maintenance of a levee; and

(2) any activity carried out by a Federal agency to support an effort by a State levee safety agency to develop and implement an effective levee safety program.

(f) INVENTORY OF LEVEES.—The Secretary shall develop, maintain, and periodically publish an inventory of levees in the United States, including the results of any levee assessment conducted under this section and inspection.

(g) ASSESSMENTS OF LEVEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), as soon as practicable after the date of enactment of this Act, the Secretary shall conduct an assessment of each levee in the United States that protects human life or the public safety to determine the potential for a failure or overtopping of the levee that would pose a risk of loss of human life or a risk to the public safety.

(2) EXCEPTION.—The Secretary may exclude from assessment under paragraph (1) any non-Federal levee the failure or overtopping of which would not pose a risk of loss of human life or a risk to the public safety.

(3) PRIORITIZATION.—In determining the order in which to assess levees under paragraph (1), the Secretary shall give priority to levees the failure or overtopping of which would constitute the highest risk of loss of human life or a risk to the public safety, as determined by the Secretary.

(4) DETERMINATION.—In assessing levees under paragraph (1), the Secretary shall take into consideration the potential of a levee to fail or overtop because of—

(A) hydrologic or hydraulic conditions;

(B) storm surges;

(C) geotechnical conditions;

(D) inadequate operating procedures;

(E) structural, mechanical, or design deficiencies; or

(F) other conditions that exist or may occur in the vicinity of the levee.

(5) STATE PARTICIPATION.—On request of a State levee safety agency, with respect to any levee the failure of which would affect the State, the Secretary shall—

(A) provide information to the State levee safety agency relating to the construction, operation, and maintenance of the levee; and

(B) allow an official of the State levee safety agency to participate in the assessment of the levee.

(6) REPORT.—As soon as practicable after the date on which a levee is assessed under this section, the Secretary shall provide to the Governor of the State in which the levee is located a notice describing the results of the assessment, including—

(A) a description of the results of the assessment under this subsection;

(B) a description of any hazardous condition discovered during the assessment; and

(C) on request of the Governor, information relating to any remedial measure necessary to mitigate or avoid any hazardous condition discovered during the assessment.

(7) SUBSEQUENT ASSESSMENTS.—

(A) IN GENERAL.—After the date on which a levee is initially assessed under this subsection, the Secretary shall conduct a subsequent assessment of the levee not less frequently than once every 5 years.

(B) STATE ASSESSMENT OF NON-FEDERAL LEVEES.—

(i) IN GENERAL.—Each State shall conduct assessments of non-Federal levees located within the State in accordance with the applicable State levee safety program.

(ii) AVAILABILITY OF INFORMATION.—Each State shall make the results of the assessments under clause (i) available for inclusion in the national inventory under subsection (f).

(iii) NON-FEDERAL LEVEES.—

(I) IN GENERAL.—On request of the Governor of a State, the Secretary may assess a non-Federal levee in the State.

(II) COST.—The State shall pay 100 percent of the cost of an assessment under subclause (I).

(III) FUNDING.—The Secretary may accept funds from any levee owner for the purposes of conducting engineering assessments to determine the performance and structural integrity of a levee.

(h) STATE LEVEE SAFETY PROGRAMS.—

(1) ASSISTANCE TO STATES.—In carrying out the program under this section, the Secretary shall provide funds to State levee safety agencies (or another appropriate State agency, as designated by the Governor of the State) to assist States in establishing, maintaining, and improving levee safety programs.

(2) APPLICATION.—

(A) IN GENERAL.—To receive funds under this subsection, a State levee safety agency shall submit to the Secretary an application in such time, in such manner, and containing such information as the Secretary may require.

(B) INCLUSION.—An application under subparagraph (A) shall include an agreement between the State levee safety agency and the Secretary under which the State levee safety agency shall, in accordance with State law—

(i) review and approve plans and specifications to construct, enlarge, modify, remove, or abandon a levee in the State;

(ii) perform periodic evaluations during levee construction to ensure compliance with the approved plans and specifications;

(iii) approve the construction of a levee in the State before the date on which the levee becomes operational;

(iv) assess, at least once every 5 years, all levees and reservoirs in the State the failure of which would cause a significant risk of loss of human life or risk to the public safety to determine whether the levees and reservoirs are safe;

(v) establish a procedure for more detailed and frequent safety evaluations;

(vi) ensure that assessments are led by a State-registered professional engineer with related experience in levee design and construction;

(vii) issue notices, if necessary, to require owners of levees to perform necessary maintenance or remedial work, improve security, revise operating procedures, or take other actions, including breaching levees;

(viii) contribute funds to—

(I) ensure timely repairs or other changes to, or removal of, a levee in order to reduce the risk

of loss of human life and the risk to public safety; and

(II) if the owner of a levee does not take an action described in subclause (I), take appropriate action as expeditiously as practicable;

(ix) establish a system of emergency procedures and emergency response plans to be used if a levee fails or if the failure of a levee is imminent;

(x) identify—

(I) each levee the failure of which could be reasonably expected to endanger human life;

(II) the maximum area that could be flooded if a levee failed; and

(III) necessary public facilities that would be affected by the flooding; and

(xi) for the period during which the funds are provided, maintain or exceed the aggregate expenditures of the State during the 2 fiscal years preceding the fiscal year during which the funds are provided to ensure levee safety.

(3) DETERMINATION OF SECRETARY.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Secretary receives an application under paragraph (2), the Secretary shall approve or disapprove the application.

(B) NOTICE OF DISAPPROVAL.—If the Secretary disapproves an application under subparagraph (A), the Secretary shall immediately provide to the State levee safety agency a written notice of the disapproval, including a description of—

(i) the reasons for the disapproval; and

(ii) changes necessary for approval of the application, if any.

(C) FAILURE TO DETERMINE.—If the Secretary fails to make a determination by the deadline under subparagraph (A), the application shall be considered to be approved.

(4) REVIEW OF STATE LEVEE SAFETY PROGRAMS.—

(A) IN GENERAL.—The Secretary, in conjunction with the Committee, may periodically review any program carried out using funds under this subsection.

(B) INADEQUATE PROGRAMS.—If the Secretary determines under a review under subparagraph (A) that a program is inadequate to reasonably protect human life and property, the Secretary shall, until the Secretary determines the program to be adequate—

(i) revoke the approval of the program; and

(ii) withhold assistance under this subsection.

(i) REPORTING.—Not later than 90 days after the end of each odd-numbered fiscal year, the Secretary, in consultation with the Committee, shall submit to Congress a report describing—

(1) the status of the program under this section;

(2) the progress made by Federal agencies during the 2 preceding fiscal years in implementing Federal guidelines for levee safety;

(3) the progress made by State levee safety agencies participating in the program; and

(4) recommendations for legislative or other action that the Secretary considers to be necessary, if any.

(j) RESEARCH.—The Secretary, in coordination with the Committee, shall carry out a program of technical and archival research to develop and support—

(1) improved techniques, historical experience, and equipment for rapid and effective levee construction, rehabilitation, and assessment or inspection;

(2) the development of devices for the continued monitoring of levee safety;

(3) the development and maintenance of information resources systems required to manage levee safety projects; and

(4) public policy initiatives and other improvements relating to levee safety engineering, security, and management.

(k) PARTICIPATION BY STATE LEVEE SAFETY AGENCIES.—In carrying out the levee safety program under this section, the Secretary shall—

(1) solicit participation from State levee safety agencies; and

(2) periodically update State levee safety agencies and Congress on the status of the program.

(l) LEVEE SAFETY TRAINING.—The Secretary, in consultation with the Committee, shall establish a program under which the Secretary shall provide training for State levee safety agency staff and inspectors to a State that has, or intends to develop, a State levee safety program, on request of the State.

(m) EFFECT OF SUBTITLE.—Nothing in this subtitle—

(1) creates any Federal liability relating to the recovery of a levee caused by an action or failure to act;

(2) relieves an owner or operator of a levee of any legal duty, obligation, or liability relating to the ownership or operation of the levee; or

(3) except as provided in subsection (g)(7)(B)(iii)(III), preempts any applicable Federal or State law.

SEC. 2055. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary—

(1) $50,000,000 to establish and maintain the inventory under section 2054(f);

(2) $424,000,000 to carry out levee safety assessments under section 2054(g);

(3) to provide funds for State levee safety programs under section 2054(h)—

(A) $15,000,000 for fiscal year 2007; and

(B) $5,000,000 for each of fiscal years 2008 through 2011;

(4) $2,000,000 to carry out research under section 2054(j);

(5) $1,000,000 to carry out levee safety training under section 2054(l); and

(6) $150,000 to provide travel expenses to members of the Committee under section 2053(f).

TITLE III—PROJECT-RELATED PROVISIONS

SEC. 3001. ST. HERMAN AND ST. PAUL HARBORS, KODIAK, ALASKA.

The Secretary shall carry out, on an emergency basis, necessary removal of rubble, sediment, and rock impeding the entrance to the St. Herman and St. Paul Harbors, Kodiak, Alaska, at a Federal cost of $2,000,000.

SEC. 3002. SITKA, ALASKA.

The Sitka, Alaska, element of the project for navigation, Southeast Alaska Harbors of Refuge, Alaska, authorized by section 101 of the Water Resources Development Act of 1992 (106 Stat. 4801), is modified to direct the Secretary to take such action as is necessary to correct design deficiencies in the Sitka Harbor Breakwater, at full Federal expense. The estimated cost is $6,300,000.

SEC. 3003. BLACK WARRIOR-TOMBIGBEE RIVERS, ALABAMA.

(a) IN GENERAL.—The Secretary shall construct a new project management office located in the city of Tuscaloosa, Alabama, at a location within the vicinity of the city, at full Federal expense.

(b) TRANSFER OF LAND AND STRUCTURES.—The Secretary shall sell, convey, or otherwise transfer to the city of Tuscaloosa, Alabama, at fair market value, the land and structures associated with the existing project management office, if the city agrees to assume full responsibility for demolition of the existing project management office.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (a) $32,000,000.

SEC. 3004. RIO DE FLAG, FLAGSTAFF, ARIZONA.

The project for flood damage reduction, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576), is modified to authorize the Secretary to construct the project at a total cost of $54,100,000, with an estimated Federal cost of $35,000,000 and a non-Federal cost of $19,100,000.

SEC. 3005. AUGUSTA AND CLARENDON, ARKANSAS.

The Secretary may carry out rehabilitation of authorized and completed levees on the White River between Augusta and Clarendon, Arkansas, at a total estimated cost of $8,000,000, with an estimated Federal cost of $5,200,000 and an estimated non-Federal cost of $2,800,000.

SEC. 3006. RED-OUACHITA RIVER BASIN LEVEES, ARKANSAS AND LOUISIANA.

(a) IN GENERAL.—Section 204 of the Flood Control Act of 1950 (64 Stat. 170) is amended in the matter under the heading ''RED-OUACHITA RIVER BASIN'' by striking ''at Calion, Arkansas'' and inserting ''improvements at Calion, Arkansas (including authorization for the comprehensive flood-control project for Ouachita River and tributaries, incorporating in the project all flood control, drainage, and power improvements in the basin above the lower end of the left bank Ouachita River levee)''.

(b) MODIFICATION.—Section 3 of the Act of August 18, 1941 (55 Stat. 642, chapter 377), is amended in the second sentence of subsection (a) in the matter under the heading ''LOWER MISSISSIPPI RIVER'' by inserting before the period at the end the following: ''Provided, That the Ouachita River Levees, Louisiana, authorized by the first section of the Act of May 15, 1928 (45 Stat. 534, chapter 569), shall remain as a component of the Mississippi River and Tributaries Project and afforded operation and maintenance responsibilities as directed in section 3 of that Act (45 Stat. 535)''.

SEC. 3007. ST. FRANCIS BASIN, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The project for flood control, St. Francis River Basin, Arkansas, and Missouri, authorized the Act of June 15, 1936 (49 Stat. 1508, chapter 548), as modified, is further modified to authorize the Secretary to undertake channel stabilization and sediment removal measures on the St. Francis River and tributaries as an integral part of the original project.

(b) NO SEPARABLE ELEMENT.—The measures undertaken under subsection (a) shall not be considered to be a separable element of the project.

SEC. 3008. ST. FRANCIS BASIN LAND TRANSFER, ARKANSAS AND MISSOURI.

(a) IN GENERAL.—The Secretary shall convey to the State of Arkansas, without monetary consideration and subject to subsection (b), all right, title, and interest to land within the State acquired by the Federal Government as mitigation land for the project for flood control, St. Francis Basin, Arkansas and Missouri Project, authorized by the Act of May 15, 1928 (33 U.S.C. 702a et seq.) (commonly known as the ''Flood Control Act of 1928'').

(b) TERMS AND CONDITIONS.—

(1) IN GENERAL.—The conveyance by the United States under this section shall be subject to—

(A) the condition that the State of Arkansas (including the successors and assigns of the State) agree to operate, maintain, and manage the land at no cost or expense to the United States and for fish and wildlife, recreation, and environmental purposes; and

(B) such other terms and conditions as the Secretary determines to be in the interest of the United States.

(2) REVERSION.—If the State (or a successor or assign of the State) ceases to operate, maintain, and manage the land in accordance with this subsection, all right, title, and interest in and to the property shall revert to the United States, at the option of the Secretary.

SEC. 3009. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION SYSTEM, ARKANSAS AND OKLAHOMA.

(a) NAVIGATION CHANNEL.—The Secretary shall continue construction of the McClellan-Kerr Arkansas River Navigation System, Arkansas and Oklahoma, to operate and maintain the navigation channel to the authorized depth of the channel, in accordance with section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1842).

(b) MITIGATION.—

(1) IN GENERAL.—As mitigation for any incidental taking relating to the McClellan-Kerr Navigation System, the Secretary shall determine the need for, and construct modifications in, the structures and operations of the Arkansas River in the area of Tulsa County, Oklahoma, including the construction of low water dams and islands to provide nesting and foraging habitat for the interior least tern, in accordance with the study entitled ''Arkansas River Corridor Master Plan Planning Assistance to States''.

(2) COST SHARING.—The non-Federal share of the cost of a project under this subsection shall be 35 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 3010. CACHE CREEK BASIN, CALIFORNIA.

(a) IN GENERAL.—The project for flood control, Cache Creek Basin, California, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4112), is modified to direct the Secretary to mitigate the impacts of the new south levee of the Cache Creek settling basin on the storm drainage system of the city of Woodland, including all appurtenant features, erosion control measures, and environmental protection features.

(b) OBJECTIVES.—Mitigation under subsection (a) shall restore the pre-project capacity of the city (1,360 cubic feet per second) to release water to the Yolo Bypass, including—

(1) channel improvements;

(2) an outlet work through the west levee of the Yolo Bypass; and

(3) a new low flow cross channel to handle city and county storm drainage and settling basin flows (1,760 cubic feet per second) when the Yolo Bypass is in a low flow condition.

SEC. 3011. CALFED LEVEE STABILITY PROGRAM, CALIFORNIA.

In addition to funds made available pursuant to the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108–361) to carry out section 103(f)(3)(D) of that Act (118 Stat. 1696), there is authorized to be appropriated to carry out projects described in that section $106,000,000, to remain available until expended.

SEC. 3012. HAMILTON AIRFIELD, CALIFORNIA.

The project for environmental restoration, Hamilton Airfield, California, authorized by section 101(b)(3) of the Water Resources Development Act of 1999 (113 Stat. 279), is modified to include the diked bayland parcel known as ''Bel Marin Keys Unit V'' at an estimated total cost of $221,700,000, with an estimated Federal cost of $166,200,000 and an estimated non-Federal cost of $55,500,000, as part of the project to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, recommended in the final report of the Chief of Engineers dated July 19, 2004.

SEC. 3013. LA–3 DREDGED MATERIAL OCEAN DISPOSAL SITE DESIGNATION, CALIFORNIA.

Section 102(c)(4) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1412(c)(4)) is amended in the third sentence by striking ''January 1, 2003'' and inserting ''January 1, 2007''.

SEC. 3014. LARKSPUR FERRY CHANNEL, CALIFORNIA.

(a) REPORT.—The project for navigation, Larkspur Ferry Channel, Larkspur, California, authorized by section 601(d) of the Water Resources Development Act of 1986 (100 Stat. 4148), is modified to direct the Secretary to prepare a limited reevaluation report to determine whether maintenance of the project is feasible.

(b) AUTHORIZATION OF PROJECT.—If the Secretary determines that maintenance of the project is feasible, the Secretary shall carry out the maintenance.

SEC. 3015. LLAGAS CREEK, CALIFORNIA.

The project for flood damage reduction, Llagas Creek, California, authorized by section 501(a) of the Water Resources Development Act of 1999 (113 Stat. 333), is modified to authorize the Secretary to complete the project, in accordance with the requirements of local cooperation as specified in section 5 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1005), at a total remaining cost of $105,000,000, with an estimated remaining Federal cost of $65,000,000 and an estimated remaining non-Federal cost of $40,000,000.

SEC. 3016. MAGPIE CREEK, CALIFORNIA.

(a) IN GENERAL.—Subject to subsection (b), the project for Magpie Creek, California, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s), is modified to direct the Secretary to apply the cost-sharing requirements applicable to nonstructural flood control under section 103(b) of the Water Resources Development Act of 1986 (100 Stat. 4085) for the portion of the project consisting of land acquisition to preserve and enhance existing floodwater storage.

(b) CREDITING.—The crediting allowed under subsection (a) shall not exceed the non-Federal share of the cost of the project.

SEC. 3017. PINE FLAT DAM FISH AND WILDLIFE HABITAT, CALIFORNIA.

(a) COOPERATIVE PROGRAM.—

(1) IN GENERAL.—The Secretary shall participate with appropriate State and local agencies in the implementation of a cooperative program to improve and manage fisheries and aquatic habitat conditions in Pine Flat Reservoir and in the 14-mile reach of the Kings River immediately below Pine Flat Dam, California, in a manner that—

(A) provides for long-term aquatic resource enhancement; and

(B) avoids adverse effects on water storage and water rights holders.

(2) GOALS AND PRINCIPLES.—The cooperative program described in paragraph (1) shall be carried out—

(A) substantially in accordance with the goals and principles of the document entitled ''Kings River Fisheries Management Program Framework Agreement'' and dated May 29, 1999, between the California Department of Fish and Game and the Kings River Water Association and the Kings River Conservation District; and

(B) in cooperation with the parties to that agreement.

(b) PARTICIPATION BY SECRETARY.—

(1) IN GENERAL.—In furtherance of the goals of the agreement described in subsection (a)(2), the Secretary shall participate in the planning, design, and construction of projects and pilot projects on the Kings River and its tributaries to enhance aquatic habitat and water availability for fisheries purposes (including maintenance of a trout fishery) in accordance with flood control operations, water rights, and beneficial uses in existence as of the date of enactment of this Act.

(2) PROJECTS.—Projects referred to in paragraph (1) may include—

(A) projects to construct or improve pumping, conveyance, and storage facilities to enhance water transfers; and

(B) projects to carry out water exchanges and create opportunities to use floodwater within and downstream of Pine Flat Reservoir.

(c) NO AUTHORIZATION OF CERTAIN DAM-RELATED PROJECTS.—Nothing in this section authorizes any project for the raising of Pine Flat Dam or the construction of a multilevel intake structure at Pine Flat Dam.

(d) USE OF EXISTING STUDIES.—In carrying out this section, the Secretary shall use, to the maximum extent practicable, studies in existence on the date of enactment of this Act, including data and environmental documentation in the document entitled ''Final Feasibility Report and Report of the Chief of Engineers for Pine Flat Dam Fish and Wildlife Habitat Restoration'' and dated July 19, 2002.

(e) COST SHARING.—

(1) PROJECT PLANNING, DESIGN, AND CONSTRUCTION.—The Federal share of the cost of planning, design, and construction of a project under subsection (b) shall be 65 percent.

(2) NON-FEDERAL SHARE.—

(A) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit toward the non-Federal share of the cost of construction of any project under subsection (b) the value, regardless of the date of acquisition, of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided by the non-Federal interest for use in carrying out the project.

(B) FORM.—The non-Federal interest may provide not more than 50 percent of the non-Federal share required under this clause in the form of services, materials, supplies, or other in-kind contributions.

(f) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be a non-Federal responsibility.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3018. REDWOOD CITY NAVIGATION PROJECT, CALIFORNIA.

The Secretary may dredge the Redwood City Navigation Channel, California, on an annual basis, to maintain the authorized depth of –30 mean lower low water.

SEC. 3019. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) CREDIT FOR NON-FEDERAL WORK.—

(1) IN GENERAL.—The Secretary shall credit toward that portion of the non-Federal share of the cost of any flood damage reduction project authorized before the date of enactment of this Act that is to be paid by the Sacramento Area Flood Control Agency an amount equal to the Federal share of the flood control project authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(2) FEDERAL SHARE.—In determining the Federal share of the project authorized by section 9159(b) of that Act, the Secretary shall include all audit verified costs for planning, engineering, construction, acquisition of project land, easements, rights-of-way, relocations, and environmental mitigation for all project elements that the Secretary determines to be cost-effective.

(3) AMOUNT CREDITED.—The amount credited shall be equal to the Federal share determined under this section, reduced by the total of all reimbursements paid to the non-Federal interests for work under section 9159(b) of that Act before the date of enactment of this Act.

(b) FOLSOM DAM.—Section 128(a) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2259), is amended—

(1) in the first sentence, by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(2) in the second sentence, by striking ''The Secretaries'' and inserting the following:

''(2) TECHNICAL REVIEWS.—The Secretaries'';

(3) in the third sentence, by striking ''In developing'' and inserting the following:

''(3) IMPROVEMENTS.—

''(A) IN GENERAL.—In developing'';

(4) in the fourth sentence, by striking ''In conducting'' and inserting the following:

''(B) USE OF FUNDS.—In conducting''; and

(5) by adding at the end the following:

''(4) PROJECT ALTERNATIVE SOLUTIONS STUDY.—The Secretaries, in cooperation with non-Federal agencies, are directed to expedite their respective activities, including the formulation of all necessary studies and decision documents, in furtherance of the collaborative effort known as the 'Project Alternative Solutions Study', as well as planning, engineering, and design, including preparation of plans and specifications, of any features recommended for authorization by the Secretary of the Army under paragraph (6).

''(5) CONSOLIDATION OF TECHNICAL REVIEWS AND DESIGN ACTIVITIES.—The Secretary of the Army shall consolidate technical reviews and design activities for—

''(A) the project for flood damage reduction authorized by section 101(a)(6) of the Water Resources Development Act of 1999 (113 Stat. 274); and

''(B) the project for flood damage reduction, dam safety, and environmental restoration authorized by sections 128 and 134 of the Energy and Water Development Appropriations Act, 2004 (117 Stat. 1838, 1842).

''(6) REPORT.—The recommendations of the Secretary of the Army, along with the views of the Secretary of the Interior and relevant non-Federal agencies resulting from the activities directed in paragraphs (4) and (5), shall be forwarded to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives by not later than June 30, 2007, and shall provide status reports by not later than September 30, 2006, and quarterly thereafter.

''(7) EFFECT.—Nothing in this section shall be deemed as deauthorizing the full range of project features and parameters of the projects listed in paragraph (5), nor shall it limit any previous authorizations granted by Congress.''.

SEC. 3020. CONDITIONAL DECLARATION OF NONNAVIGABILITY, PORT OF SAN FRANCISCO, CALIFORNIA.

(a) CONDITIONAL DECLARATION OF NONNAVIGABILITY.—If the Secretary determines, in consultation with appropriate Federal and non-Federal entities, that projects proposed to be carried out by non-Federal entities within the portions of the San Francisco, California, waterfront described in subsection (b) are not in the public interest, the portions shall be declared not to be navigable water of the United States for the purposes of section 9 of the Act of March 3, 1899 (33 U.S.C. 401), and the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(b) PORTIONS OF WATERFRONT.—The portions of the San Francisco, California, waterfront referred to in subsection (a) are those that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures and that are located as follows: beginning at the intersection of the northeasterly prolongation of the portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the easterly line of Townsend Street along a line that is parallel and distant 10 feet from the existing southern boundary of Pier 40 to its point of intersection with the United States Government pier-head line; thence northerly along said pier-head line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30–32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30–32, thence westerly along last said parallel line to its intersection with the United States Government pier-head line; to the northwesterly line of Bryan Street northwesterly; thence southwesterly along said northwesterly line of Bryant Street to the point of beginning.

(c) REQUIREMENT THAT AREA BE IMPROVED.—If, by the date that is 20 years after the date of enactment of this Act, any portion of the San Francisco, California, waterfront described in subsection (b) has not been bulkheaded, filled, or otherwise occupied by 1 or more permanent structures, or if work in connection with any activity carried out pursuant to applicable Federal law requiring a permit, including sections 9 and 10 of the Act of March 3, 1899 (33 U.S.C. 401), is not commenced by the date that is 5 years after the date of issuance of such a permit, the declaration of nonnavigability for the portion under this section shall cease to be effective.

SEC. 3021. SALTON SEA RESTORATION, CALIFORNIA.

(a) DEFINITIONS.—In this section:

(1) SALTON SEA AUTHORITY.—The term ''Salton Sea Authority'' means the Joint Powers Authority established under the laws of the State of California by a joint power agreement signed on June 2, 1993.

(2) SALTON SEA SCIENCE OFFICE.—The term ''Salton Sea Science Office'' means the Office established by the United States Geological Survey and currently located in La Quinta, California.

(b) PILOT PROJECTS.—

(1) IN GENERAL.—The Secretary shall review the preferred restoration concept plan approved by the Salton Sea Authority to determine that the pilot projects are economically justified, technically sound, environmentally acceptable, and meet the objectives of the Salton Sea Reclamation Act (Public Law 105–372). If the Secretary makes a positive determination, the Secretary may enter into an agreement with the Salton Sea Authority and, in consultation with the Salton Sea Science Office, carry out the pilot project for improvement of the environment in the Salton Sea, except that the Secretary shall be a party to each contract for construction under this subsection.

(2) LOCAL PARTICIPATION.—In prioritizing pilot projects under this section, the Secretary shall—

(A) consult with the Salton Sea Authority and the Salton Sea Science Office; and

(B) consider the priorities of the Salton Sea Authority.

(3) COST SHARING.—Before carrying out a pilot project under this section, the Secretary shall enter into a written agreement with the Salton Sea Authority that requires the non-Federal interest to—

(A) pay 35 percent of the total costs of the pilot project;

(B) acquire any land, easements, rights-of-way, relocations, and dredged material disposal areas necessary to carry out the pilot project; and

(C) hold the United States harmless from any claim or damage that may arise from carrying out the pilot project, except any claim or damage that may arise from the negligence of the Federal Government or a contractor of the Federal Government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (b) $26,000,000, of which not more than $5,000,000 may be used for any 1 pilot project under this section.

SEC. 3022. SANTA BARBARA STREAMS, LOWER MISSION CREEK, CALIFORNIA.

The project for flood damage reduction, Santa Barbara Streams, Lower Mission Creek, California, authorized by section 101(b)(8) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $30,000,000, with an estimated Federal cost of $15,000,000 and an estimated non-Federal cost of $15,000,000.

SEC. 3023. UPPER GUADALUPE RIVER, CALIFORNIA.

The project for flood damage reduction and recreation, Upper Guadalupe River, California, authorized by section 101(a)(9) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project generally in accordance with the Upper Guadalupe River Flood Damage Reduction, San Jose, California, Limited Reevaluation Report, dated March, 2004, at a total cost of $244,500,000, with an estimated Federal cost of $130,600,000 and an estimated non-Federal cost of $113,900,000.

SEC. 3024. YUBA RIVER BASIN PROJECT, CALIFORNIA.

The project for flood damage reduction, Yuba River Basin, California, authorized by section 101(a)(10) of the Water Resources Development Act of 1999 (113 Stat. 275), is modified to authorize the Secretary to construct the project at a total cost of $107,700,000, with an estimated Federal cost of $70,000,000 and an estimated non-Federal cost of $37,700,000.

SEC. 3025. CHARLES HERVEY TOWNSHEND BREAKWATER, NEW HAVEN HARBOR, CONNECTICUT.

The western breakwater for the project for navigation, New Haven Harbor, Connecticut, authorized by the first section of the Act of September 19, 1890 (26 Stat. 426), shall be known and designated as the ''Charles Hervey Townshend Breakwater''.

SEC. 3026. ANCHORAGE AREA, NEW LONDON HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, New London Harbor, Connecticut, authorized by the Act of June 13, 1902 (32 Stat. 333), that consists of a 23-foot waterfront channel described in subsection (b), is redesignated as an anchorage area.

(b) DESCRIPTION OF CHANNEL.—The channel referred to in subsection (a) may be described as beginning at a point along the western limit of the existing project, N. 188, 802.75, E. 779, 462.81, thence running northeasterly about 1,373.88 feet to a point N. 189, 554.87, E. 780, 612.53, thence running southeasterly about 439.54 feet to a point N. 189, 319.88, E. 780, 983.98, thence running southwesterly about 831.58 feet to a point N. 188, 864.63, E. 780, 288.08, thence running southeasterly about 567.39 feet to a point N. 188, 301.88, E. 780, 360.49, thence running northwesterly about 1,027.96 feet to the point of origin.

SEC. 3027. NORWALK HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portions of a 10-foot channel of the project for navigation, Norwalk Harbor, Connecticut, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1276) and described in subsection (b), are not authorized.

(b) DESCRIPTION OF PORTIONS.—The portions of the channel referred to in subsection (a) are as follows:

(1) RECTANGULAR PORTION.—An approximately rectangular-shaped section along the northwesterly terminus of the channel. The section is 35-feet wide and about 460-feet long and is further described as commencing at a point N. 104,165.85, E. 417,662.71, thence running south 24°06′55″ E. 395.00 feet to a point N. 103,805.32, E. 417,824.10, thence running south 00°38′06″ E. 87.84 feet to a point N. 103,717.49, E. 417,825.07, thence running north 24°06′55″ W. 480.00 feet, to a point N. 104,155.59, E. 417.628.96, thence running north 73°05′25″ E. 35.28 feet to the point of origin.

(2) PARALLELOGRAM-SHAPED PORTION.—An area having the approximate shape of a parallelogram along the northeasterly portion of the channel, southeast of the area described in paragraph (1), approximately 20 feet wide and 260 feet long, and further described as commencing at a point N. 103,855.48, E. 417,849.99, thence running south 33°07′30″ E. 133.40 feet to a point N. 103,743.76, E. 417,922.89, thence running south 24°07′04″ E. 127.75 feet to a point N. 103,627.16, E. 417,975.09, thence running north 33°07′30″ W. 190.00 feet to a point N. 103,786.28, E. 417,871.26, thence running north 17°05′15″ W. 72.39 feet to the point of origin.

(c) MODIFICATION.—The 10-foot channel portion of the Norwalk Harbor, Connecticut navigation project described in subsection (a) is modified to authorize the Secretary to realign the channel to include, immediately north of the area described in subsection (b)(2), a triangular section described as commencing at a point N. 103,968.35, E. 417,815.29, thence running S.

17°05'15" east 118.09 feet to a point N. 103,855.48, E. 417,849.99, thence running N. 33°07'30" west 36.76 feet to a point N. 103,886.27, E. 417,829.90, thence running N. 10°05'26" west 83.37 feet to the point of origin.

SEC. 3028. ST. GEORGE'S BRIDGE, DELAWARE.

Section 102(g) of the Water Resources Development Act of 1990 (104 Stat. 4612) is amended by adding at the end the following: ''The Secretary shall assume ownership responsibility for the replacement bridge not later than the date on which the construction of the bridge is completed and the contractors are released of their responsibility by the State. In addition, the Secretary may not carry out any action to close or remove the St. George's Bridge, Delaware, without specific congressional authorization.''.

SEC. 3029. CHRISTINA RIVER, WILMINGTON, DELAWARE.

(a) IN GENERAL.—The Secretary shall remove the shipwrecked vessel known as the ''State of Pennsylvania'', and any debris associated with that vessel, from the Christina River at Wilmington, Delaware, in accordance with section 202(b) of the Water Resources Development Act of 1976 (33 U.S.C. 426m(b)).

(b) NO RECOVERY OF FUNDS.—Notwithstanding any other provision of law, in carrying out this section, the Secretary shall not be required to recover funds from the owner of the vessel described in subsection (a) or any other vessel.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $425,000, to remain available until expended.

SEC. 3030. DESIGNATION OF SENATOR WILLIAM V. ROTH, JR. BRIDGE, DELAWARE.

(a) DESIGNATION.—The State Route 1 Bridge over the Chesapeake and Delaware Canal in the State of Delaware is designated as the ''Senator William V. Roth, Jr. Bridge''.

(b) REFERENCES.—Any reference in a law (including regulations), map, document, paper, or other record of the United States to the bridge described in subsection (a) shall be considered to be a reference to the Senator William V. Roth, Jr. Bridge.

SEC. 3031. ADDITIONAL PROGRAM AUTHORITY, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2684) is amended by adding at the end the following:

''(C) MAXIMUM COST OF PROGRAM AUTHORITY.—Section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) shall apply to the individual project funding limits in subparagraph (A) and the aggregate cost limits in subparagraph (B).''.

SEC. 3032. BREVARD COUNTY, FLORIDA.

(a) IN GENERAL.—The project for shoreline protection, Brevard County, Florida, authorized by section 418 of the Water Resources Development Act of 2000 (114 Stat. 2637), is amended by striking ''7.1-mile reach'' and inserting ''7.6-mile reach''.

(b) REFERENCES.—Any reference to a 7.1-mile reach with respect to the project described in subsection (a) shall be considered to be a reference to a 7.6-mile reach with respect to that project.

SEC. 3033. CRITICAL RESTORATION PROJECTS, EVERGLADES AND SOUTH FLORIDA ECOSYSTEM RESTORATION, FLORIDA.

Section 528(b)(3)(C) of the Water Resources Development Act of 1996 (110 Stat. 3769) is amended—

(1) in clause (i), by striking ''$75,000,000'' and all that follows and inserting ''$95,000,000.''; and

(2) by striking clause (ii) and inserting the following:

''(ii) FEDERAL SHARE.—

''(I) IN GENERAL.—Except as provided in subclause (II), the Federal share of the cost of carrying out a project under subparagraph (A) shall not exceed $25,000,000.

''(II) SEMINOLE WATER CONSERVATION PLAN.—The Federal share of the cost of carrying out the Seminole Water Conservation Plan shall not exceed $30,000,000.''.

SEC. 3034. LAKE OKEECHOBEE AND HILLSBORO AQUIFER PILOT PROJECTS, COMPREHENSIVE EVERGLADES RESTORATION, FLORIDA.

Section 601(b)(2)(B) of the Water Resources Development Act of 2000 (114 Stat. 2681) is amended by adding at the end the following:

''(v) HILLSBORO AND OKEECHOBEE AQUIFER, FLORIDA.—The pilot projects for aquifer storage and recovery, Hillsboro and Okeechobee Aquifer, Florida, authorized by section 101(a)(16) of the Water Resources Development Act of 1999 (113 Stat. 276), shall be treated for the purposes of this section as being in the Plan and carried out in accordance with this section, except that costs of operation and maintenance of those projects shall remain 100 percent non-Federal.''.

SEC. 3035. LIDO KEY, SARASOTA COUNTY, FLORIDA.

The Secretary shall carry out the project for hurricane and storm damage reduction in Lido Key, Sarasota County, Florida, based on the report of the Chief of Engineers dated December 22, 2004, at a total cost of $14,809,000, with an estimated Federal cost of $9,088,000 and an estimated non-Federal cost of $5,721,000, and at an estimated total cost $63,606,000 for periodic beach nourishment over the 50-year life of the project, with an estimated Federal cost of $31,803,000 and an estimated non-Federal cost of $31,803,000.

SEC. 3036. PORT SUTTON CHANNEL, TAMPA HARBOR, FLORIDA.

The project for navigation, Port Sutton Channel, Tampa Harbor, Florida, authorized by section 101(b)(12) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to carry out the project at a total cost of $12,900,000.

SEC. 3037. TAMPA HARBOR, CUT B, TAMPA, FLORIDA.

The project for navigation, Tampa Harbor, Florida, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to authorize the Secretary to construct passing lanes in an area approximately 3.5 miles long and centered on Tampa Bay Cut B, if the Secretary determines that the improvements are necessary for navigation safety.

SEC. 3038. ALLATOONA LAKE, GEORGIA.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—The Secretary may exchange land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the Real Estate Design Memorandum prepared by the Mobile district engineer, April 5, 1996, and approved October 8, 1996, for land on the north side of Allatoona Lake that is required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—The basis for all land exchanges under this subsection shall be a fair market appraisal to ensure that land exchanged is of equal value.

(b) DISPOSAL AND ACQUISITION OF LAND, ALLATOONA LAKE, GEORGIA.—

(1) IN GENERAL.—The Secretary may—

(A) sell land above 863 feet in elevation at Allatoona Lake, Georgia, identified in the memorandum referred to in subsection (a)(1); and

(B) use the proceeds of the sale, without further appropriation, to pay costs associated with the purchase of land required for wildlife management and protection of the water quality and overall environment of Allatoona Lake.

(2) TERMS AND CONDITIONS.—

(A) WILLING SELLERS.—Land acquired under this subsection shall be by negotiated purchase from willing sellers only.

(B) BASIS.—The basis for all transactions under this subsection shall be a fair market value appraisal acceptable to the Secretary.

(C) SHARING OF COSTS.—Each purchaser of land under this subsection shall share in the associated environmental and real estate costs of the purchase, including surveys and associated fees in accordance with the memorandum referred to in subsection (a)(1).

(D) OTHER CONDITIONS.—The Secretary may impose on the sale and purchase of land under this subsection such other conditions as the Secretary determines to be appropriate.

(c) REPEAL.—Section 325 of the Water Resources Development Act of 1992 (106 Stat. 4849) is repealed.

SEC. 3039. DWORSHAK RESERVOIR IMPROVEMENTS, IDAHO.

(a) IN GENERAL.—The Secretary shall carry out additional general construction measures to allow for operation at lower pool levels to satisfy the recreation mission at Dworshak Dam, Idaho.

(b) IMPROVEMENTS.—In carrying out subsection (a), the Secretary shall provide for appropriate improvements to—

(1) facilities that are operated by the Corps of Engineers; and

(2) facilities that, as of the date of enactment of this Act, are leased, permitted, or licensed for use by others.

(c) COST SHARING.—The Secretary shall carry out this section through a cost-sharing program with Idaho State Parks and Recreation Department, with a total estimated project cost of $5,300,000, with an estimated Federal cost of $3,900,000 and an estimated non-Federal cost of $1,400,000.

SEC. 3040. LITTLE WOOD RIVER, GOODING, IDAHO.

The project for flood control, Gooding, Idaho, as constructed under the emergency conservation work program established under the Act of March 31, 1933 (16 U.S.C. 585 et seq.), is modified—

(1) to direct the Secretary to rehabilitate the Gooding Channel Project for the purposes of flood control and ecosystem restoration, if the Secretary determines that the rehabilitation and ecosystem restoration is feasible;

(2) to authorize and direct the Secretary to plan, design, and construct the project at a total cost of $9,000,000;

(3) to authorize the non-Federal interest to provide any portion of the non-Federal share of the cost of the project in the form of services, materials, supplies, or other in-kind contributions;

(4) to authorize the non-Federal interest to use funds made available under any other Federal program toward the non-Federal share of the cost of the project if the use of the funds is permitted under the other Federal program; and

(5) to direct the Secretary, in calculating the non-Federal share of the cost of the project, to make a determination under section 103(m) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(m)) on the ability to pay of the non-Federal interest.

SEC. 3041. PORT OF LEWISTON, IDAHO.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port and industrial use purposes are extinguished;

(2) the restriction that no activity shall be permitted that will compete with services and facilities offered by public marinas is extinguished;

(3) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(4) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) is required.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's Instrument No. 399218 of Nez Perce County, Idaho, 2.07 acres.

(2) Auditor's Instrument No. 487437 of Nez Perce County, Idaho, 7.32 acres.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects the remaining rights and interests of the Corps of Engineers for authorized project purposes with respect to property covered by deeds described in subsection (b).

SEC. 3042. CACHE RIVER LEVEE, ILLINOIS.

The Cache River Levee created for flood control at the Cache River, Illinois, and authorized by the Act of June 28, 1938 (52 Stat. 1215, chapter 795), is modified to add environmental restoration as a project purpose.

SEC. 3043. CHICAGO, ILLINOIS.

Section 425(a) of the Water Resources Development Act of 2000 (114 Stat. 2638) is amended by inserting ''Lake Michigan and'' before ''the Chicago River''.

SEC. 3044. CHICAGO RIVER, ILLINOIS.

The Federal navigation channel for the North Branch Channel portion of the Chicago River authorized by section 22 of the Act of March 3, 1899 (30 Stat. 1156, chapter 425), extending from 100 feet downstream of the Halsted Street Bridge to 100 feet upstream of the Division Street Bridge, Chicago, Illinois, is redefined to be no wider than 66 feet.

SEC. 3045. ILLINOIS RIVER BASIN RESTORATION.

Section 519(c)(3) of the Water Resources Development Act of 2000 (114 Stat. 2654) is amended by striking ''$5,000,000'' and inserting ''$20,000,000''.

SEC. 3046. MISSOURI AND ILLINOIS FLOOD PROTECTION PROJECTS RECONSTRUCTION PILOT PROGRAM.

(a) DEFINITION OF RECONSTRUCTION.—In this section:

(1) IN GENERAL.—The term ''reconstruction'' means any action taken to address 1 or more major deficiencies of a project caused by long-term degradation of the foundation, construction materials, or engineering systems or components of the project, the results of which render the project at risk of not performing in compliance with the authorized purposes of the project.

(2) INCLUSIONS.—The term ''reconstruction'' includes the incorporation by the Secretary of current design standards and efficiency improvements in a project if the incorporation does not significantly change the authorized scope, function, or purpose of the project.

(b) PARTICIPATION BY SECRETARY.—The Secretary may participate in the reconstruction of flood control projects within Missouri and Illinois as a pilot program if the Secretary determines that such reconstruction is not required as a result of improper operation and maintenance by the non-Federal interest.

(c) COST SHARING.—

(1) IN GENERAL.—Costs for reconstruction of a project under this section shall be shared by the Secretary and the non-Federal interest in the same percentages as the costs of construction of the original project were shared.

(2) OPERATION, MAINTENANCE, AND REPAIR COSTS.—The costs of operation, maintenance, repair, and rehabilitation of a project carried out under this section shall be a non-Federal responsibility.

(d) CRITICAL PROJECTS.—In carrying out this section, the Secretary shall give priority to the following projects:

(1) Clear Creek Drainage and Levee District, Illinois.

(2) Fort Chartres and Ivy Landing Drainage District, Illinois.

(3) Wood River Drainage and Levee District, Illinois.

(4) City of St. Louis, Missouri.

(5) Missouri River Levee Drainage District, Missouri.

(e) ECONOMIC JUSTIFICATION.—Reconstruction efforts and activities carried out under this section shall not require economic justification.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000, to remain available until expended.

SEC. 3047. SPUNKY BOTTOM, ILLINOIS.

(a) IN GENERAL.—The project for flood control, Illinois and Des Plaines River Basin, between Beardstown, Illinois, and the mouth of the Illinois River, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1583, chapter 688), is modified to authorize ecosystem restoration as a project purpose.

(b) MODIFICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), notwithstanding the limitation on the expenditure of Federal funds to carry out project modifications in accordance with section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), modifications to the project referred to in subsection (a) shall be carried out at Spunky Bottoms, Illinois, in accordance with subsection (a).

(2) FEDERAL SHARE.—Not more than $7,500,000 in Federal funds may be expended under this section to carry out modifications to the project referred to in subsection (a).

(3) POST-CONSTRUCTION MONITORING AND MANAGEMENT.—Of the Federal funds expended under paragraph (2), not less than $500,000 shall remain available for a period of 5 years after the date of completion of construction of the modifications for use in carrying out post-construction monitoring and adaptive management.

(c) EMERGENCY REPAIR ASSISTANCE.—Notwithstanding any modifications carried out under subsection (b), the project described in subsection (a) shall remain eligible for emergency repair assistance under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), without consideration of economic justification.

SEC. 3048. STRAWN CEMETERY, JOHN REDMOND LAKE, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary, acting through the Tulsa District of the Corps of Engineers, shall transfer to Pleasant Township, Coffey County, Kansas, for use as the New Strawn Cemetery, all right, title, and interest of the United States in and to the land described in subsection (c).

(b) REVERSION.—If the land transferred under this section ceases at any time to be used as a nonprofit cemetery or for another public purpose, the land shall revert to the United States.

(c) DESCRIPTION.—The land to be conveyed under this section is a tract of land near John Redmond Lake, Kansas, containing approximately 3 acres and lying adjacent to the west line of the Strawn Cemetery located in the SE corner of the NE¼ of sec. 32, T. 20 S., R. 14 E., Coffey County, Kansas.

(d) CONSIDERATION.—

(1) IN GENERAL.—The conveyance under this section shall be at fair market value.

(2) COSTS.—All costs associated with the conveyance shall be paid by Pleasant Township, Coffey County, Kansas.

(e) OTHER TERMS AND CONDITIONS.—The conveyance under this section shall be subject to such other terms and conditions as the Secretary considers necessary to protect the interests of the United States.

SEC. 3049. MILFORD LAKE, MILFORD, KANSAS.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Secretary shall convey at fair market value by quitclaim deed to the Geary County Fire Department, Milford, Kansas, all right, title, and interest of the United States in and to a parcel of land consisting of approximately 7.4 acres located in Geary County, Kansas, for construction, operation, and maintenance of a fire station.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the description of the real property referred to in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership or to be used for any purpose other than a fire station, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3050. OHIO RIVER, KENTUCKY, ILLINOIS, INDIANA, OHIO, PENNSYLVANIA, AND WEST VIRGINIA.

Section 101(16) of the Water Resources Development Act of 2000 (114 Stat. 2578) is amended—

(1) by striking ''(A) in general.—Projects for ecosystem restoration, Ohio River Mainstem'' and inserting the following:

''(A) AUTHORIZATION.—

''(i) IN GENERAL.—Projects for ecosystem restoration, Ohio River Basin (excluding the Tennessee and Cumberland River Basins)''; and

(2) in subparagraph (A), by adding at the end the following:

''(ii) NONPROFIT ENTITY.—For any ecosystem restoration project carried out under this paragraph, with the consent of the affected local government, a nonprofit entity may be considered to be a non-Federal interest.

''(iii) PROGRAM IMPLEMENTATION PLAN.—There is authorized to be developed a program implementation plan of the Ohio River Basin (excluding the Tennessee and Cumberland River Basins) at full Federal expense.

''(iv) PILOT PROGRAM.—There is authorized to be initiated a completed pilot program in Lower Scioto Basin, Ohio.''.

SEC. 3051. MCALPINE LOCK AND DAM, KENTUCKY AND INDIANA.

Section 101(a)(10) of the Water Resources Development Act of 1990 (104 Stat. 4606) is amended by striking ''$219,600,000'' each place it appears and inserting ''$430,000,000''.

SEC. 3052. PUBLIC ACCESS, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) IN GENERAL.—The public access feature of the Atchafalaya Basin Floodway System, Louisiana project, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is modified to authorize the Secretary to acquire from willing sellers the fee interest (exclusive of oil, gas, and minerals) of an additional 20,000 acres of land in the Lower Atchafalaya Basin Floodway for the public access feature of the Atchafalaya Basin Floodway System, Louisiana project.

(b) MODIFICATION.—

(1) IN GENERAL.—Subject to paragraph (2), effective beginning November 17, 1986, the public access feature of the Atchafalaya Basin Floodway System, Louisiana project, is modified to remove the $32,000,000 limitation on the maximum Federal expenditure for the first costs of the public access feature.

(2) FIRST COST.—The authorized first cost of $250,000,000 for the total project (as defined in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142)) shall not be exceeded, except as authorized by section 902 of that Act (100 Stat. 4183).

(c) TECHNICAL AMENDMENT.—Section 315(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2603) is amended by inserting before the period at the end the following: ''and may include Eagle Point Park, Jeanerette, Louisiana, as 1 of the alternative sites''.

SEC. 3053. REGIONAL VISITOR CENTER, ATCHAFALAYA BASIN FLOODWAY SYSTEM, LOUISIANA.

(a) PROJECT FOR FLOOD CONTROL.—Notwithstanding paragraph (3) of the report of the Chief of Engineers dated February 28, 1983 (relating to recreational development in the Lower Atchafalaya Basin Floodway), the Secretary shall carry out the project for flood control, Atchafalaya Basin Floodway System, Louisiana, authorized by chapter IV of title I of the Act of August 15, 1985 (Public Law 99–88; 99 Stat. 313; 100 Stat. 4142).

(b) VISITORS CENTER.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers and in consultation with the State of Louisiana, shall study, design, and construct a type A regional visitors center in the vicinity of Morgan City, Louisiana.

(2) COST SHARING.—

(A) IN GENERAL.—The cost of construction of the visitors center shall be shared in accordance with the recreation cost-share requirement under section 103(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(c)).

(B) COST OF UPGRADING.—The non-Federal share of the cost of upgrading the visitors center from a type B to type A regional visitors center shall be 100 percent.

(3) AGREEMENT.—The project under this subsection shall be initiated only after the Secretary and the non-Federal interests enter into a binding agreement under which the non-Federal interests shall—

(A) provide any land, easement, right-of-way, or dredged material disposal area required for the project that is owned, claimed, or controlled by—

(i) the State of Louisiana (including agencies and political subdivisions of the State); or

(ii) any other non-Federal government entity authorized under the laws of the State of Louisiana;

(B) pay 100 percent of the cost of the operation, maintenance, repair, replacement, and rehabilitation of the project; and

(C) hold the United States free from liability for the construction, operation, maintenance, repair, replacement, and rehabilitation of the project, except for damages due to the fault or negligence of the United States or a contractor of the United States.

(4) DONATIONS.—In carrying out the project under this subsection, the Mississippi River Commission may accept the donation of cash or other funds, land, materials, and services from any non-Federal government entity or nonprofit corporation, as the Commission determines to be appropriate.

SEC. 3054. CALCASIEU RIVER AND PASS, LOUISIANA.

The project for the Calcasieu River and Pass, Louisiana, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 481), is modified to authorize the Secretary to provide $3,000,000 for each fiscal year, in a total amount of $15,000,000, for such rock bank protection of the Calcasieu River from mile 5 to mile 16 as the Chief of Engineers determines to be advisable to reduce maintenance dredging needs and facilitate protection of valuable disposal areas for the Calcasieu River and Pass, Louisiana.

SEC. 3055. EAST BATON ROUGE PARISH, LOUISIANA.

The project for flood damage reduction and recreation, East Baton Rouge Parish, Louisiana, authorized by section 101(a)(21) of the Water Resources Development Act of 1999 (113 Stat. 277), as amended by section 116 of the Consolidated Appropriations Resolution, 2003 (117 Stat. 140), is modified to authorize the Secretary to carry out the project substantially in accordance with the Report of the Chief of Engineers dated December 23, 1996, and the subsequent Post Authorization Change Report dated December 2004, at a total cost of $178,000,000.

SEC. 3056. MISSISSIPPI RIVER GULF OUTLET RELOCATION ASSISTANCE, LOUISIANA.

(a) PORT FACILITIES RELOCATION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $175,000,000, to remain available until expended, to support the relocation of Port of New Orleans deep draft facilities from the Mississippi River Gulf Outlet (referred to in this section as the ''Outlet''), the Gulf Intercoastal Waterway, and the Inner Harbor Navigation Canal to the Mississippi River.

(2) ADMINISTRATION.—

(A) IN GENERAL.—Amounts appropriated pursuant to paragraph (1) shall be administered by the Assistant Secretary for Economic Development (referred to in this section as the ''Assistant Secretary'') pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233).

(B) REQUIREMENT.—The Assistant Secretary shall make amounts appropriated pursuant to paragraph (1) available to the Port of New Orleans to relocate to the Mississippi River within the State of Louisiana the port-owned facilities that are occupied by businesses in the vicinity that may be impacted due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(b) REVOLVING LOAN FUND GRANTS.—There is authorized to be appropriated to the Assistant Secretary $185,000,000, to remain available until expended, to provide assistance pursuant to sections 209(c)(2) and 703 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(c)(2), 3233) to 1 or more eligible recipients to establish revolving loan funds to make loans for terms up to 20 years at or below market interest rates (including interest-free loans) to private businesses within the Port of New Orleans that may need to relocate to the Mississippi River within the State of Louisiana due to the treatment of the Outlet under the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(c) COORDINATION WITH SECRETARY.—The Assistant Secretary shall ensure that the programs described in subsections (a) and (b) are fully coordinated with the Secretary to ensure that facilities are relocated in a manner that is consistent with the analysis and design of comprehensive hurricane protection authorized by title I of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247).

(d) ADMINISTRATIVE EXPENSES.—The Assistant Secretary may use up to 2 percent of the amounts made available under subsections (a) and (b) for administrative expenses.

SEC. 3057. RED RIVER (J. BENNETT JOHNSTON) WATERWAY, LOUISIANA.

The project for mitigation of fish and wildlife losses, Red River Waterway, Louisiana, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142) and modified by section 4(h) of the Water Resources Development Act of 1988 (102 Stat. 4016), section 102(p) of the Water Resources Development Act of 1990 (104 Stat. 4613), section 301(b)(7) of the Water Resources Development Act of 1996 (110 Stat. 3710), and section 316 of the Water Resources Development Act of 2000 (114 Stat. 2604), is further modified—

(1) to authorize the Secretary to carry out the project at a total cost of $33,200,000;

(2) to permit the purchase of marginal farmland for reforestation (in addition to the purchase of bottomland hardwood); and

(3) to incorporate wildlife and forestry management practices to improve species diversity on mitigation land that meets habitat goals and objectives of the Corps of Engineers and the State of Louisiana.

SEC. 3058. CAMP ELLIS, SACO, MAINE.

The maximum amount of Federal funds that may be expended for the project being carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) for the mitigation of shore damages attributable to the project for navigation, Camp Ellis, Saco, Maine, shall be $20,000,000.

SEC. 3059. UNION RIVER, MAINE.

The project for navigation, Union River, Maine, authorized by the first section of the Act of June 3, 1896 (29 Stat. 215, chapter 314), is modified by redesignating as an anchorage area that portion of the project consisting of a 6-foot turning basin and lying northerly of a line commencing at a point N. 315,975.13, E. 1,004,424.86, thence running N. 61° 27′ 20.71″ W. about 132.34 feet to a point N. 316,038.37, E. 1,004,308.61.

SEC. 3060. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

Section 510(i) of the Water Resources Development Act of 1996 (110 Stat. 3761) is amended by striking ''$10,000,000'' and inserting ''$30,000,000''.

SEC. 3061. CUMBERLAND, MARYLAND.

Section 580(a) of the Water Resources Development Act of 1999 (113 Stat. 375) is amended—

(1) by striking ''$15,000,000'' and inserting ''$25,750,000'';

(2) by striking ''$9,750,000'' and inserting ''$16,738,000''; and

(3) by striking ''$5,250,000'' and inserting ''$9,012,000''.

SEC. 3062. AUNT LYDIA'S COVE, MASSACHUSETTS.

(a) DEAUTHORIZATION.—The portion of the project for navigation, Aunt Lydia's Cove, Massachusetts, authorized August 31, 1994, pursuant to section 107 of the Act of July 14, 1960 (33 U.S.C. 577) (commonly known as the ''River and Harbor Act of 1960''), consisting of the 8-foot deep anchorage in the cove described in subsection (b) is deauthorized.

(b) DESCRIPTION.—The portion of the project described in subsection (a) is more particularly described as the portion beginning at a point along the southern limit of the existing project, N. 254332.00, E. 1023103.96, thence running northwesterly about 761.60 feet to a point along the western limit of the existing project N. 255076.84, E. 1022945.07, thence running southwesterly about 38.11 feet to a point N. 255038.99, E. 1022940.60, thence running southeasterly about 267.07 feet to a point N. 254772.00, E. 1022947.00, thence running southeasterly about 462.41 feet to a point N. 254320.06, E. 1023044.84, thence running northeasterly about 60.31 feet to the point of origin.

SEC. 3063. FALL RIVER HARBOR, MASSACHUSETTS AND RHODE ISLAND.

(a) IN GENERAL.—Notwithstanding section 1001(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 579a(b)(2)), the project for navigation, Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), shall remain authorized to be carried out by the Secretary, except that the authorized depth of that portion of the project extending riverward of the Charles M. Braga, Jr. Memorial Bridge, Fall River and Somerset, Massachusetts, shall not exceed 35 feet.

(b) FEASIBILITY.—The Secretary shall conduct a study to determine the feasibility of deepening that portion of the navigation channel of the navigation project for Fall River Harbor, Massachusetts and Rhode Island, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), seaward of the Charles M. Braga, Jr. Memorial Bridge Fall River and Somerset, Massachusetts.

(c) LIMITATION.—The project described in subsection (a) shall not be authorized for construction after the last day of the 5-year period beginning on the date of enactment of this Act unless, during that period, funds have been obligated for construction (including planning and design) of the project.

SEC. 3064. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

Section 426 of the Water Resources Development Act of 1999 (113 Stat. 326) is amended to read as follows:

''SEC. 426. ST. CLAIR RIVER AND LAKE ST. CLAIR, MICHIGAN.

''(a) DEFINITIONS.—In this section:

''(1) MANAGEMENT PLAN.—The term 'management plan' means the management plan for the St. Clair River and Lake St. Clair, Michigan,

that is in effect as of the date of enactment of this section.

''(2) PARTNERSHIP.—The term 'Partnership' means the partnership established by the Secretary under subsection (b)(1).

''(b) PARTNERSHIP.—

''(1) IN GENERAL.—The Secretary shall establish and lead a partnership of appropriate Federal agencies (including the Environmental Protection Agency) and the State of Michigan (including political subdivisions of the State)—

''(A) to promote cooperation among the Federal Government, State and local governments, and other involved parties in the management of the St. Clair River and Lake St. Clair watersheds; and

''(B) develop and implement projects consistent with the management plan.

''(2) COORDINATION WITH ACTIONS UNDER OTHER LAW.—

''(A) IN GENERAL.—Actions taken under this section by the Partnership shall be coordinated with actions to restore and conserve the St. Clair River and Lake St. Clair and watersheds taken under other provisions of Federal and State law.

''(B) NO EFFECT ON OTHER LAW.—Nothing in this section alters, modifies, or affects any other provision of Federal or State law.

''(c) IMPLEMENTATION OF ST. CLAIR RIVER AND LAKE ST. CLAIR MANAGEMENT PLAN.—

''(1) IN GENERAL.—The Secretary shall—

''(A) develop a St. Clair River and Lake St. Clair strategic implementation plan in accordance with the management plan;

''(B) provide technical, planning, and engineering assistance to non-Federal interests for developing and implementing activities consistent with the management plan;

''(C) plan, design, and implement projects consistent with the management plan; and

''(D) provide, in coordination with the Administrator of the Environmental Protection Agency, financial and technical assistance, including grants, to the State of Michigan (including political subdivisions of the State) and interested nonprofit entities for the planning, design, and implementation of projects to restore, conserve, manage, and sustain the St. Clair River, Lake St. Clair, and associated watersheds.

''(2) SPECIFIC MEASURES.—Financial and technical assistance provided under subparagraphs (B) and (C) of paragraph (1) may be used in support of non-Federal activities consistent with the management plan.

''(d) SUPPLEMENTS TO MANAGEMENT PLAN AND STRATEGIC IMPLEMENTATION PLAN.—In consultation with the Partnership and after providing an opportunity for public review and comment, the Secretary shall develop information to supplement—

''(1) the management plan; and

''(2) the strategic implementation plan developed under subsection (c)(1)(A).

''(e) COST SHARING.—

''(1) NON-FEDERAL SHARE.—The non-Federal share of the cost of technical assistance, or the cost of planning, design, construction, and evaluation of a project under subsection (c), and the cost of development of supplementary information under subsection (d)—

''(A) shall be 25 percent of the total cost of the project or development; and

''(B) may be provided through the provision of in-kind services.

''(2) CREDIT FOR LAND, EASEMENTS, AND RIGHTS-OF-WAY.—The Secretary shall credit the non-Federal sponsor for the value of any land, easements, rights-of-way, dredged material disposal areas, or relocations provided for use in carrying out a project under subsection (c).

''(3) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal sponsor for any project carried out under this section may include a nonprofit entity.

''(4) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of projects carried out under this section shall be non-Federal responsibilities.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.''.

SEC. 3065. DULUTH HARBOR, MINNESOTA.

(a) IN GENERAL.—Notwithstanding the cost limitation described in section 107(b) of the River and Harbor Act of 1960 (33 U.S.C. 577(b)), the Secretary shall carry out the project for navigation, Duluth Harbor, Minnesota, pursuant to the authority provided under that section at a total Federal cost of $9,000,000.

(b) PUBLIC ACCESS AND RECREATIONAL FACILITIES.—Section 321 of the Water Resources Development Act of 2000 (114 Stat. 2605) is amended by inserting '', and to provide public access and recreational facilities'' after ''including any required bridge construction''.

SEC. 3066. RED LAKE RIVER, MINNESOTA.

The project for flood control, Red Lake River, Crookston, Minnesota, authorized by section 101(a)(23) of the Water Resources Development Act of 1999 (113 Stat. 278), is modified to include flood protection for the adjacent and interconnected areas generally known as the Sampson and Chase/Loring neighborhoods, in accordance with the feasibility report supplement, local flood protection, Crookston, Minnesota, at a total cost of $25,000,000, with an estimated Federal cost of $16,250,000 and an estimated non-Federal cost of $8,750,000.

SEC. 3067. BONNET CARRE FRESHWATER DIVERSION PROJECT, MISSISSIPPI AND LOUISIANA.

(a) IN GENERAL.—The project for environmental enhancement, Mississippi and Louisiana Estuarine Areas, Mississippi and Louisiana, authorized by section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013) is modified to direct the Secretary to carry out that portion of the project identified as the ''Bonnet Carre Freshwater Diversion Project'', in accordance with this section.

(b) NON-FEDERAL FINANCING REQUIREMENTS.—

(1) MISSISSIPPI AND LOUISIANA.—

(A) IN GENERAL.—The States of Mississippi and Louisiana shall provide the funds needed during any fiscal year for meeting the respective non-Federal cost sharing requirements of each State for the Bonnet Carre Freshwater Diversion Project during that fiscal year by making deposits of the necessary funds into an escrow account or into such other account as the Secretary determines to be acceptable.

(B) DEADLINE.—Any deposits required under this paragraph shall be made by the affected State by not later than 30 days after receipt of notification from the Secretary that the amounts are due.

(2) FAILURE TO PAY.—

(A) LOUISIANA.—In the case of deposits required to be made by the State of Louisiana, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out in the State of Louisiana under section 1003 if the State of Louisiana is not in compliance with paragraph (1).

(B) MISSISSIPPI.—In the case of deposits required to be made by the State of Mississippi, the Secretary may not award any new contract or proceed to the next phase of any feature being carried out as a part of the Bonnet Carre Freshwater Diversion Project if the State of Mississippi is not in compliance with paragraph (1).

(3) ALLOCATION.—The non-Federal share of project costs shall be allocated between the States of Mississippi and Louisiana as described in the report to Congress on the status and potential options and enhancement of the Bonnet Carre Freshwater Diversion Project dated December 1996.

(4) EFFECT.—The modification of the Bonnet Carre Freshwater Diversion Project by this section shall not reduce the percentage of the cost of the project that is required to be paid by the Federal Government as determined on the date of enactment of section 3(a)(8) of the Water Resources Development Act of 1988 (102 Stat. 4013).

(c) DESIGN SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete the design of the Bonnet Carre Freshwater Diversion Project by not later than 1 year after the date of enactment of this Act.

(2) MISSED DEADLINE.—If the Secretary does not complete the design of the project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the design; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and official representations shall be suspended until the design is complete.

(d) CONSTRUCTION SCHEDULE.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall complete construction of the Bonnet Carre Freshwater Diversion Project by not later than September 30, 2012.

(2) MISSED DEADLINE.—If the Secretary does not complete the construction of the Bonnet Carre Freshwater Diversion Project by the date described in paragraph (1)—

(A) the Secretary shall assign such resources as the Secretary determines to be available and necessary to complete the construction; and

(B) the authority of the Secretary to expend funds for travel, official receptions, and official representations shall be suspended until the construction is complete.

SEC. 3068. LAND EXCHANGE, PIKE COUNTY, MISSOURI.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means the 2 parcels of Corps of Engineers land totaling approximately 42 acres, located on Buffalo Island in Pike County, Missouri, and consisting of Government Tract Numbers MIS–7 and a portion of FM–46.

(2) NON-FEDERAL LAND.—The term ''non-Federal land'' means the approximately 42 acres of land, subject to any existing flowage easements situated in Pike County, Missouri, upstream and northwest, about 200 feet from Drake Island (also known as Grimes Island).

(b) LAND EXCHANGE.—Subject to subsection (c), on conveyance by S.S.S., Inc., to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to S.S.S., Inc., all right, title, and interest of the United States in and to the Federal land.

(c) CONDITIONS.—

(1) DEEDS.—

(A) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

(B) FEDERAL LAND.—The conveyance of the Federal land to S.S.S., Inc., shall be—

(i) by quitclaim deed; and

(ii) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

(C) LEGAL DESCRIPTIONS.—The Secretary shall, subject to approval of S.S.S., Inc., provide a legal description of the Federal land and non-Federal land for inclusion in the deeds referred to in subparagraphs (A) and (B).

(2) REMOVAL OF IMPROVEMENTS.—

(A) IN GENERAL.—The Secretary may require the removal of, or S.S.S., Inc., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

(B) NO LIABILITY.—If S.S.S., Inc., removes any improvements to the non-Federal land under subparagraph (A)—

(i) S.S.S., Inc., shall have no claim against the United States relating to the removal; and

(ii) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

(3) ADMINISTRATIVE COSTS.—The Secretary shall require S.S.S., Inc. to pay reasonable administrative costs associated with the exchange.

(4) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, S.S.S., Inc., shall make a cash equalization payment to the United States.

(5) DEADLINE.—The land exchange under subsection (b) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 3069. L–15 LEVEE, MISSOURI.

The portion of the L–15 levee system that is under the jurisdiction of the Consolidated North County Levee District and situated along the right descending bank of the Mississippi River from the confluence of that river with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under section 5 of the Act of August 18, 1941 (33 U.S.C. 701n).

SEC. 3070. UNION LAKE, MISSOURI.

(a) IN GENERAL.—The Secretary shall offer to convey to the State of Missouri, before January 31, 2006, all right, title, and interest in and to approximately 205.50 acres of land described in subsection (b) purchased for the Union Lake Project that was deauthorized as of January 1, 1990 (55 Fed. Reg. 40906), in accordance with section 1001 of the Water Resources Development Act of 1986 (33 U.S.C. 579a(a)).

(b) LAND DESCRIPTION.—The land referred to in subsection (a) is described as follows:

(1) TRACT 500.—A tract of land situated in Franklin County, Missouri, being part of the SW¼ of sec. 7, and the NW¼ of the SW¼ of sec. 8, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 112.50 acres.

(2) TRACT 605.—A tract of land situated in Franklin County, Missouri, being part of the N½ of the NE, and part of the SE of the NE of sec. 18, T. 42 N., R. 2 W. of the fifth principal meridian, consisting of approximately 93.00 acres.

(c) CONVEYANCE.—On acceptance by the State of Missouri of the offer by the Secretary under subsection (a), the land described in subsection (b) shall immediately be conveyed, in its current condition, by Secretary to the State of Missouri.

SEC. 3071. FORT PECK FISH HATCHERY, MONTANA.

Section 325(f)(1)(A) of the Water Resources Development Act of 2000 (114 Stat. 2607) is amended by striking ''$20,000,000'' and inserting ''$25,000,000''.

SEC. 3072. LOWER YELLOWSTONE PROJECT, MONTANA.

The Secretary may use funds appropriated to carry out the Missouri River recovery and mitigation program to assist the Bureau of Reclamation in the design and construction of the Lower Yellowstone project of the Bureau, Intake, Montana, for the purpose of ecosystem restoration.

SEC. 3073. YELLOWSTONE RIVER AND TRIBUTARIES, MONTANA AND NORTH DAKOTA.

(a) DEFINITION OF RESTORATION PROJECT.—In this section, the term ''restoration project'' means a project that will produce, in accordance with other Federal programs, projects, and activities, substantial ecosystem restoration and related benefits, as determined by the Secretary.

(b) PROJECTS.—The Secretary shall carry out, in accordance with other Federal programs, projects, and activities, restoration projects in the watershed of the Yellowstone River and tributaries in Montana, and in North Dakota, to produce immediate and substantial ecosystem restoration and recreation benefits.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall—

(1) consult with, and consider the activities being carried out by—

(A) other Federal agencies;

(B) Indian tribes;

(C) conservation districts; and

(D) the Yellowstone River Conservation District Council; and

(2) seek the full participation of the State of Montana.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with the non-Federal interest for the restoration project under which the non-Federal interest shall agree—

(1) to provide 35 percent of the total cost of the restoration project, including necessary land, easements, rights-of-way, relocations, and disposal sites;

(2) to pay the non-Federal share of the cost of feasibility studies and design during construction following execution of a project cooperation agreement;

(3) to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of enactment of this Act that are associated with the restoration project; and

(4) to hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government in carrying out the restoration project.

(e) FORM OF NON-FEDERAL SHARE.—Not more than 50 percent of the non-Federal share of the cost of a restoration project carried out under this section may be provided in the form of in-kind credit for work performed during construction of the restoration project.

(f) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the applicable local government, a nonprofit entity may be a non-Federal interest for a restoration project carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

SEC. 3074. LOWER TRUCKEE RIVER, MCCARRAN RANCH, NEVADA.

The maximum amount of Federal funds that may be expended for the project being carried out, as of the date of enactment of this Act, under section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) for environmental restoration of McCarran Ranch, Nevada, shall be $5,775,000.

SEC. 3075. MIDDLE RIO GRANDE RESTORATION, NEW MEXICO.

(a) RESTORATION PROJECTS.—

(1) DEFINITION.—The term ''restoration project'' means a project that will produce, consistent with other Federal programs, projects, and activities, immediate and substantial ecosystem restoration and recreation benefits.

(2) PROJECTS.—The Secretary shall carry out restoration projects in the Middle Rio Grande from Cochiti Dam to the headwaters of Elephant Butte Reservoir, in the State of New Mexico.

(b) PROJECT SELECTION.—The Secretary shall select restoration projects in the Middle Rio Grande.

(c) LOCAL PARTICIPATION.—In carrying out subsection (b), the Secretary shall consult with, and consider the activities being carried out by—

(1) the Middle Rio Grande Endangered Species Act Collaborative Program; and

(2) the Bosque Improvement Group of the Middle Rio Grande Bosque Initiative.

(d) COST SHARING.—Before carrying out any restoration project under this section, the Secretary shall enter into an agreement with non-Federal interests that requires the non-Federal interests to—

(1) provide 35 percent of the total cost of the restoration projects including provisions for necessary lands, easements, rights-of-way, relocations, and disposal sites;

(2) pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs incurred after the date of the enactment of this Act that are associated with the restoration projects; and

(3) hold the United States harmless for any claim of damage that arises from the negligence of the Federal Government or a contractor of the Federal Government.

(e) NON-FEDERAL INTERESTS.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), a non-Federal interest for any project carried out under this section may include a nonprofit entity, with the consent of the local government.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3076. LONG ISLAND SOUND OYSTER RESTORATION, NEW YORK AND CONNECTICUT.

(a) IN GENERAL.—The Secretary shall plan, design, and construct projects to increase aquatic habitats within Long Island Sound and adjacent waters, including the construction and restoration of oyster beds and related shellfish habitat.

(b) COST-SHARING.—The non-Federal share of the cost of activities carried out under this section shall be 25 percent and may be provided through in-kind services and materials.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $25,000,000 to carry out this section.

SEC. 3077. ORCHARD BEACH, BRONX, NEW YORK.

Section 554 of the Water Resources Development Act of 1996 (110 Stat. 3781) is amended by striking ''$5,200,000'' and inserting ''$18,200,000''.

SEC. 3078. NEW YORK HARBOR, NEW YORK, NEW YORK.

Section 217 of the Water Resources Development Act of 1996 (33 U.S.C. 2326a) is amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following:

''(c) DREDGED MATERIAL FACILITY.—

''(1) IN GENERAL.—The Secretary may enter into cost-sharing agreements with 1 or more non-Federal public interests with respect to a project, or group of projects within a geographic region, if appropriate, for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility (including any facility used to demonstrate potential beneficial uses of dredged material, which may include effective sediment contaminant reduction technologies) using funds provided in whole or in part by the Federal Government.

''(2) PERFORMANCE.—One or more of the parties to the agreement may perform the acquisition, design, construction, management, or operation of a dredged material processing, treatment, contaminant reduction, or disposal facility.

''(3) MULTIPLE FEDERAL PROJECTS.—If appropriate, the Secretary may combine portions of separate Federal projects with appropriate combined cost-sharing between the various projects, if the facility serves to manage dredged material from multiple Federal projects located in the geographic region of the facility.

''(4) PUBLIC FINANCING.—

''(A) AGREEMENTS.—

''(i) SPECIFIED FEDERAL FUNDING SOURCES AND COST SHARING.—The cost-sharing agreement used shall clearly specify—

''(I) the Federal funding sources and combined cost-sharing when applicable to multiple Federal navigation projects; and

''(II) the responsibilities and risks of each of the parties related to present and future dredged material managed by the facility.

''(ii) MANAGEMENT OF SEDIMENTS.—

''(I) IN GENERAL.—The cost-sharing agreement may include the management of sediments from the maintenance dredging of Federal navigation

projects that do not have partnerships agreements.

''(II) PAYMENTS.—The cost-sharing agreement may allow the non-Federal interest to receive reimbursable payments from the Federal Government for commitments made by the non-Federal interest for disposal or placement capacity at dredged material treatment, processing, contaminant reduction, or disposal facilities.

''(iii) CREDIT.—The cost-sharing agreement may allow costs incurred prior to execution of a partnership agreement for construction or the purchase of equipment or capacity for the project to be credited according to existing cost-sharing rules.

''(B) CREDIT.—

''(i) EFFECT ON EXISTING AGREEMENTS.—Nothing in this subsection supersedes or modifies an agreement in effect on the date of enactment of this paragraph between the Federal Government and any other non-Federal interest for the cost-sharing, construction, and operation and maintenance of a Federal navigation project.

''(ii) CREDIT FOR FUNDS.—Subject to the approval of the Secretary and in accordance with law (including regulations and policies) in effect on the date of enactment of this paragraph, a non-Federal public interest of a Federal navigation project may seek credit for funds provided for the acquisition, design, construction, management, or operation of a dredged material processing, treatment, or disposal facility to the extent the facility is used to manage dredged material from the Federal navigation project.

''(iii) NON-FEDERAL INTEREST RESPONSIBILITIES.—The non-Federal interest shall—

''(I) be responsible for providing all necessary land, easement rights-of-way, or relocations associated with the facility; and

''(II) receive credit for those items.''; and

(3) in paragraphs (1) and (2)(A) of subsection (d) (as redesignated by paragraph (1))—

(A) by inserting ''and maintenance'' after ''operation'' each place it appears; and

(B) by inserting ''processing, treatment, or'' after ''dredged material'' the first place it appears in each of those paragraphs.

SEC. 3079. MISSOURI RIVER RESTORATION, NORTH DAKOTA.

Section 707(a) of the Water Resources Act of 2000 (114 Stat. 2699) is amended in the first sentence by striking ''$5,000,000'' and all that follows through ''2005'' and inserting ''$25,000,000''.

SEC. 3080. LOWER GIRARD LAKE DAM, GIRARD, OHIO.

Section 507(1) of the Water Resources Development Act of 1996 (110 Stat. 3758) is amended—

(1) by striking ''$2,500,000'' and inserting ''$5,500,000''; and

(2) by adding before the period at the end the following: ''(which repair and rehabilitation shall include lowering the crest of the Dam by not more than 12.5 feet)''.

SEC. 3081. TOUSSAINT RIVER NAVIGATION PROJECT, CARROLL TOWNSHIP, OHIO.

Increased operation and maintenance activities for the Toussaint River Federal Navigation Project, Carroll Township, Ohio, that are carried out in accordance with section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577) and relate directly to the presence of unexploded ordnance, shall be carried out at full Federal expense.

SEC. 3082. ARCADIA LAKE, OKLAHOMA.

Payments made by the city of Edmond, Oklahoma, to the Secretary in October 1999 of all costs associated with present and future water storage costs at Arcadia Lake, Oklahoma, under Arcadia Lake Water Storage Contract Number DACW56–79–C–0072 shall satisfy the obligations of the city under that contract.

SEC. 3083. LAKE EUFAULA, OKLAHOMA.

(a) PROJECT GOAL.—

(1) IN GENERAL.—The goal for operation of Lake Eufaula shall be to maximize the use of available storage in a balanced approach that incorporates advice from representatives from all the project purposes to ensure that the full value of the reservoir is realized by the United States.

(2) RECOGNITION OF PURPOSE.—To achieve the goal described in paragraph (1), recreation is recognized as a project purpose at Lake Eufaula, pursuant to the Act of December 22, 1944 (commonly known as the ''Flood Control Act of 1944'') (58 Stat. 887, chapter 665).

(b) LAKE EUFAULA ADVISORY COMMITTEE.—

(1) IN GENERAL.—In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Secretary shall establish an advisory committee for the Lake Eufaula, Canadian River, Oklahoma project authorized by the Act of July 24, 1946 (commonly known as the ''River and Harbor Act of 1946'') (Public Law 79–525; 60 Stat. 634).

(2) PURPOSE.—The purpose of the committee shall be advisory only.

(3) DUTIES.—The committee shall provide information and recommendations to the Corps of Engineers regarding the operations of Lake Eufaula for the project purposes for Lake Eufaula.

(4) COMPOSITION.—The Committee shall be composed of members that equally represent the project purposes for Lake Eufaula.

(c) REALLOCATION STUDY.—

(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary, acting through the Chief of Engineers, shall perform a reallocation study, at full Federal expense, to develop and present recommendations concerning the best value, while minimizing ecological damages, for current and future use of the Lake Eufaula storage capacity for the authorized project purposes of flood control, water supply, hydroelectric power, navigation, fish and wildlife, and recreation.

(2) FACTORS FOR CONSIDERATION.—The reallocation study shall take into consideration the recommendations of the Lake Eufaula Advisory Committee.

(d) POOL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, to the extent feasible within available project funds and subject to the completion and approval of the reallocation study under subsection (c), the Tulsa District Engineer, taking into consideration recommendations of the Lake Eufaula Advisory Committee, shall develop an interim management plan that accommodates all project purposes for Lake Eufaula.

(2) MODIFICATIONS.—A modification of the plan under paragraph (1) shall not cause significant adverse impacts on any existing permit, lease, license, contract, public law, or project purpose, including flood control operation, relating to Lake Eufaula.

SEC. 3084. RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS, OKLAHOMA.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, AND RESERVATIONS.—Each reversionary interest and use restriction relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled ''An Act to authorize the sale of certain lands to the State of Oklahoma'' (67 Stat. 62, chapter 118) is terminated.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each interest and use restriction described in subsection (a).

SEC. 3085. OKLAHOMA LAKES DEMONSTRATION PROGRAM, OKLAHOMA.

(a) IMPLEMENTATION OF PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Secretary shall implement an innovative program at the lakes located primarily in the State of Oklahoma that are a part of an authorized civil works project under the administrative jurisdiction of the Corps of Engineers for the purpose of demonstrating the benefits of enhanced recreation facilities and activities at those lakes.

(b) REQUIREMENTS.—In implementing the program under subsection (a), the Secretary shall, consistent with authorized project purposes—

(1) pursue strategies that will enhance, to the maximum extent practicable, recreation experiences at the lakes included in the program;

(2) use creative management strategies that optimize recreational activities; and

(3) ensure continued public access to recreation areas located on or associated with the civil works project.

(c) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for the implementation of this section, to be developed in coordination with the State of Oklahoma.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the results of the program under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of the projects undertaken under the program, including—

(A) an estimate of the change in any related recreational opportunities;

(B) a description of any leases entered into, including the parties involved; and

(C) the financial conditions that the Corps of Engineers used to justify those leases.

(3) AVAILABILITY TO PUBLIC.—The Secretary shall make the report available to the public in electronic and written formats.

(e) TERMINATION.—The authority provided by this section shall terminate on the date that is 10 years after the date of enactment of this Act.

SEC. 3086. WAURIKA LAKE, OKLAHOMA.

The remaining obligation of the Waurika Project Master Conservancy District payable to the United States Government in the amounts, rates of interest, and payment schedules—

(1) is set at the amounts, rates of interest, and payment schedules that existed on June 3, 1986; and

(2) may not be adjusted, altered, or changed without a specific, separate, and written agreement between the District and the United States.

SEC. 3087. LOOKOUT POINT PROJECT, LOWELL, OREGON.

(a) IN GENERAL.—Subject to subsection (c), the Secretary shall convey at fair market value to the Lowell School District No. 71, all right, title, and interest of the United States in and to a parcel consisting of approximately 0.98 acres of land, including 3 abandoned buildings on the land, located in Lowell, Oregon, as described in subsection (b).

(b) DESCRIPTION OF PROPERTY.—The parcel of land to be conveyed under subsection (a) is more particularly described as follows: Commencing at the point of intersection of the west line of Pioneer Street with the westerly extension of the north line of Summit Street, in Meadows Addition to Lowell, as platted and recorded on page 56 of volume 4, Lane County Oregon Plat Records; thence north on the west line of Pioneer Street a distance of 176.0 feet to the true point of beginning of this description; thence north on the west line of Pioneer Street a distance of 170.0 feet; thence west at right angles to the west line of Pioneer Street a distance of 250.0 feet; thence south and parallel to the west line of Pioneer Street a distance of 170.0 feet; and thence east 250.0 feet to the true point of beginning of this description in sec. 14, T. 19 S., R. 1 W. of the Willamette Meridian, Lane County, Oregon.

(c) CONDITION.—The Secretary shall not complete the conveyance under subsection (a) until such time as the Forest Service—

(1) completes and certifies that necessary environmental remediation associated with the structures located on the property is complete; and

(2) transfers the structures to the Corps of Engineers.

(d) EFFECT OF OTHER LAW.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to any conveyance under this section.

(2) LIABILITY.—

(A) IN GENERAL.—Lowell School District No, 71 shall hold the United States harmless from any liability with respect to activities carried out on the property described in subsection (b) on or after the date of the conveyance under subsection (a).

(B) CERTAIN ACTIVITIES.—The United States shall be liable with respect to any activity carried out on the property described in subsection (b) before the date of conveyance under subsection (a).

SEC. 3088. UPPER WILLAMETTE RIVER WATERSHED ECOSYSTEM RESTORATION.

(a) IN GENERAL.—The Secretary shall conduct studies and ecosystem restoration projects for the upper Willamette River watershed from Albany, Oregon, to the headwaters of the Willamette River and tributaries.

(b) CONSULTATION.—The Secretary shall carry out ecosystem restoration projects under this section for the Upper Willamette River watershed in consultation with the Governor of the State of Oregon, the heads of appropriate Indian tribes, the Environmental Protection Agency, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Bureau of Land Management, the Forest Service, and local entities.

(c) AUTHORIZED ACTIVITIES.—In carrying out ecosystem restoration projects under this section, the Secretary shall undertake activities necessary to protect, monitor, and restore fish and wildlife habitat.

(d) COST SHARING REQUIREMENTS.—

(1) STUDIES.—Studies conducted under this section shall be subject to cost sharing in accordance with section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) ECOSYSTEM RESTORATION PROJECTS.—

(A) IN GENERAL.—Non-Federal interests shall pay 35 percent of the cost of any ecosystem restoration project carried out under this section.

(B) ITEMS PROVIDED BY NON-FEDERAL INTERESTS.—

(i) IN GENERAL.—Non-Federal interests shall provide all land, easements, rights-of-way, dredged material disposal areas, and relocations necessary for ecosystem restoration projects to be carried out under this section.

(ii) CREDIT TOWARD PAYMENT.—The value of the land, easements, rights-of-way, dredged material disposal areas, and relocations provided under paragraph (1) shall be credited toward the payment required under subsection (a).

(C) IN-KIND CONTRIBUTIONS.—100 percent of the non-Federal share required under subsection (a) may be satisfied by the provision of in-kind contributions.

(3) OPERATIONS AND MAINTENANCE.—Non-Federal interests shall be responsible for all costs associated with operating, maintaining, replacing, repairing, and rehabilitating all projects carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.

SEC. 3089. TIOGA TOWNSHIP, PENNSYLVANIA.

(a) IN GENERAL.—The Secretary shall convey to the Tioga Township, Pennsylvania, at fair market value, all right, title, and interest in and to the parcel of real property located on the northeast end of Tract No. 226, a portion of the Tioga-Hammond Lakes Floods Control Project, Tioga County, Pennsylvania, consisting of approximately 8 acres, together with any improvements on that property, in as-is condition, for public ownership and use as the site of the administrative offices and road maintenance complex for the Township.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the real property described in subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) RESERVATION OF INTERESTS.—The Secretary shall reserve such rights and interests in and to the property to be conveyed as the Secretary considers necessary to preserve the operational integrity and security of the Tioga-Hammond Lakes Flood Control Project.

(d) REVERSION.—If the Secretary determines that the property conveyed under subsection (a) ceases to be held in public ownership, or to be used as a site for the Tioga Township administrative offices and road maintenance complex or for related public purposes, all right, title, and interest in and to the property shall revert to the United States, at the option of the United States.

SEC. 3090. UPPER SUSQUEHANNA RIVER BASIN, PENNSYLVANIA AND NEW YORK.

Section 567 of the Water Resources Development Act of 1996 (110 Stat. 3787) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) COOPERATION AGREEMENTS.—

''(1) IN GENERAL.—In conducting the study and implementing the strategy under this section, the Secretary shall enter into cost-sharing and project cooperation agreements with the Federal Government, State and local governments (with the consent of the State and local governments), land trusts, or nonprofit, nongovernmental organizations with expertise in wetland restoration.

''(2) FINANCIAL ASSISTANCE.—Under the cooperation agreement, the Secretary may provide assistance for implementation of wetland restoration projects and soil and water conservation measures.''; and

(2) by striking subsection (d) and inserting the following:

''(d) IMPLEMENTATION OF STRATEGY.—

''(1) IN GENERAL.—The Secretary shall carry out the development, demonstration, and implementation of the strategy under this section in cooperation with local landowners, local government officials, and land trusts.

''(2) GOALS OF PROJECTS.—Projects to implement the strategy under this subsection shall be designed to take advantage of ongoing or planned actions by other agencies, local municipalities, or nonprofit, nongovernmental organizations with expertise in wetland restoration that would increase the effectiveness or decrease the overall cost of implementing recommended projects.''.

SEC. 3091. NARRAGANSETT BAY, RHODE ISLAND.

The Secretary may use amounts in the Environmental Restoration Account, Formerly Used Defense Sites, under section 2703(a)(5) of title 10, United States Code, for the removal of abandoned marine camels at any Formerly Used Defense Site under the jurisdiction of the Department of Defense that is undergoing (or is scheduled to undergo) environmental remediation under chapter 160 of title 10, United States Code (and other provisions of law), in Narragansett Bay, Rhode Island, in accordance with the Corps of Engineers prioritization process under the Formerly Used Defense Sites program.

SEC. 3092. SOUTH CAROLINA DEPARTMENT OF COMMERCE DEVELOPMENT PROPOSAL AT RICHARD B. RUSSELL LAKE, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary shall convey to the State of South Carolina, by quitclaim deed, all right, title, and interest of the United States in and to the parcels of land described in subsection (b)(1) that are managed, as of the date of enactment of this Act, by the South Carolina Department of Commerce for public recreation purposes for the Richard B. Russell Dam and Lake, South Carolina, project authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1420).

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the parcels of land referred to in subsection (a) are the parcels contained in the portion of land described in Army Lease Number DACW21–1–92–0500.

(2) RETENTION OF INTERESTS.—The United States shall retain—

(A) ownership of all land included in the lease referred to in paragraph (1) that would have been acquired for operational purposes in accordance with the 1971 implementation of the 1962 Army/Interior Joint Acquisition Policy; and

(B) such other land as is determined by the Secretary to be required for authorized project purposes, including easement rights-of-way to remaining Federal land.

(3) SURVEY.—The exact acreage and legal description of the land described in paragraph (1) shall be determined by a survey satisfactory to the Secretary, with the cost of the survey to be paid by the State.

(c) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—

(A) IN GENERAL.—The State shall be responsible for all costs, including real estate transaction and environmental compliance costs, associated with the conveyance under this section.

(B) FORM OF CONTRIBUTION.—As determined appropriate by the Secretary, in lieu of payment of compensation to the United States under subparagraph (A), the State may perform certain environmental or real estate actions associated with the conveyance under this section if those actions are performed in close coordination with, and to the satisfaction of, the United States.

(4) LIABILITY.—The State shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed under this section.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The State shall pay fair market value consideration, as determined by the United States, for any land included in the conveyance under this section.

(2) NO EFFECT ON SHORE MANAGEMENT POLICY.—The Shoreline Management Policy (ER–1130–2–406) of the Corps of Engineers shall not be changed or altered for any proposed development of land conveyed under this section.

(3) FEDERAL STATUTES.—The conveyance under this section shall be subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) (including public review under that Act) and other Federal statutes.

(4) COST SHARING.—In carrying out the conveyance under this section, the Secretary and the State shall comply with all obligations of any cost sharing agreement between the Secretary and the State in effect as of the date of the conveyance.

(5) LAND NOT CONVEYED.—The State shall continue to manage the land not conveyed under this section in accordance with the terms and conditions of Army Lease Number DACW21–1–92–0500.

SEC. 3093. MISSOURI RIVER RESTORATION, SOUTH DAKOTA.

(a) MEMBERSHIP.—Section 904(b)(1)(B) of the Water Resources Development Act of 2000 (114 Stat. 2708) is amended—

(1) in clause (vii), by striking ''and'' at the end;

(2) by redesignating clause (viii) as clause (ix); and

(3) by inserting after clause (vii) the following:

''(viii) rural water systems; and''.

(b) REAUTHORIZATION.—Section 907(a) of the Water Resources Development Act of 2000 (114 Stat. 2712) is amended in the first sentence by striking ''2005'' and inserting ''2010''.

SEC. 3094. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT.

Section 514 of the Water Resources Development Act of 1999 (113 Stat. 343; 117 Stat. 142) is amended—

(1) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively;

(2) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (1) and inserting the following:

''(1) NON-FEDERAL SHARE.—

''(A) IN GENERAL.—The non-Federal share of the cost of projects may be provided—

''(i) in cash;

''(ii) by the provision of land, easements, rights-of-way, relocations, or disposal areas;

''(iii) by in-kind services to implement the project; or

''(iv) by any combination of the foregoing.

''(B) PRIVATE OWNERSHIP.—Land needed for a project under this authority may remain in private ownership subject to easements that are—

''(i) satisfactory to the Secretary; and

''(ii) necessary to assure achievement of the project purposes.'';

(3) in subsection (i) (as redesignated by paragraph (1)), by striking ''for the period of fiscal years 2000 and 2001.'' and inserting ''per year, and that authority shall extend until Federal fiscal year 2015.''; and

(4) by inserting after subsection (e) the following:

''(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a regional or national nonprofit entity with the consent of the affected local government.

''(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality.''

SEC. 3095. ANDERSON CREEK, JACKSON AND MADISON COUNTIES, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Anderson Creek, Jackson and Madison Counties, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Anderson Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Anderson Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3096. HARRIS FORK CREEK, TENNESSEE AND KENTUCKY.

Notwithstanding section 1001(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 579a), the project for flood control, Harris Fork Creek, Tennessee and Kentucky, authorized by section 102 of the Water Resources Development Act of 1976 (33 U.S.C. 701c note; 90 Stat. 2920) shall remain authorized to be carried out by the Secretary for a period of 7 years beginning on the date of enactment of this Act.

SEC. 3097. NONCONNAH WEIR, MEMPHIS, TENNESSEE.

The project for flood control, Nonconnah Creek, Tennessee and Mississippi, authorized by section 401 of the Water Resources Development Act of 1986 (100 Stat. 4124) and modified by the section 334 of the Water Resources Development Act of 2000 (114 Stat. 2611), is modified to authorize the Secretary—

(1) to reconstruct, at full Federal expense, the weir originally constructed in the vicinity of the mouth of Nonconnah Creek; and

(2) to make repairs and maintain the weir in the future so that the weir functions properly.

SEC. 3098. OLD HICKORY LOCK AND DAM, CUMBERLAND RIVER, TENNESSEE.

(a) RELEASE OF RETAINED RIGHTS, INTERESTS, RESERVATIONS.—With respect to land conveyed by the Secretary to the Tennessee Society of Crippled Children and Adults, Incorporated (commonly known as ''Easter Seals Tennessee'') at Old Hickory Lock and Dam, Cumberland River, Tennessee, under section 211 of the Flood Control Act of 1965 (79 Stat. 1087), the reversionary interests and the use restrictions relating to recreation and camping purposes are extinguished.

(b) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of interests required by subsection (a).

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining right or interest of the Corps of Engineers with respect to an authorized purpose of any project.

SEC. 3099. SANDY CREEK, JACKSON COUNTY, TENNESSEE.

(a) IN GENERAL.—The Secretary may carry out a project for flood damage reduction under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) at Sandy Creek, Jackson County, Tennessee, if the Secretary determines that the project is technically sound, environmentally acceptable, and economically justified.

(b) RELATIONSHIP TO WEST TENNESSEE TRIBUTARIES PROJECT, TENNESSEE.—Consistent with the report of the Chief of Engineers dated March 24, 1948, on the West Tennessee Tributaries project—

(1) Sandy Creek shall not be considered to be an authorized channel of the West Tennessee Tributaries Project; and

(2) the Sandy Creek flood damage reduction project shall not be considered to be part of the West Tennessee Tributaries Project.

SEC. 3100. CEDAR BAYOU, TEXAS.

Section 349(a)(2) of the Water Resources Development Act of 2000 (114 Stat. 2632) is amended by striking ''except that the project is authorized only for construction of a navigation channel 12 feet deep by 125 feet wide'' and inserting ''except that the project is authorized for construction of a navigation channel that is 10 feet deep by 100 feet wide''.

SEC. 3101. DENISON, TEXAS.

(a) IN GENERAL.—The Secretary may offer to convey at fair market value to the city of Denison, Texas (or a designee of the city), all right, title, and interest of the United States in and to the approximately 900 acres of land located in Grayson County, Texas, which is currently subject to an Application for Lease for Public Park and Recreational Purposes made by the city of Denison, dated August 17, 2005.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and description of the real property referred to in subsection (a) shall be determined by a survey paid for by the city of Denison, Texas (or a designee of the city), that is satisfactory to the Secretary.

(c) CONVEYANCE.—On acceptance by the city of Denison, Texas (or a designee of the city), of an offer under subsection (a), the Secretary may immediately convey the land surveyed under subsection (b) by quitclaim deed to the city of Denison, Texas (or a designee of the city).

SEC. 3102. FREEPORT HARBOR, TEXAS.

(a) IN GENERAL.—The project for navigation, Freeport Harbor, Texas, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), is modified to provide that—

(1) all project costs incurred as a result of the discovery of the sunken vessel COMSTOCK of the Corps of Engineers are a Federal responsibility; and

(2) the Secretary shall not seek further obligation or responsibility for removal of the vessel COMSTOCK, or costs associated with a delay due to the discovery of the sunken vessel COMSTOCK, from the Port of Freeport.

(b) COST SHARING.—This section does not affect the authorized cost sharing for the balance of the project described in subsection (a).

SEC. 3103. HARRIS COUNTY, TEXAS.

Section 575(b) of the Water Resources Development Act of 1996 (110 Stat. 3789; 113 Stat. 311) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding the following:

''(5) the project for flood control, Upper White Oak Bayou, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125).''.

SEC. 3104. CONNECTICUT RIVER RESTORATION, VERMONT.

Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with respect to the study entitled ''Connecticut River Restoration Authority'', dated May 23, 2001, a nonprofit entity may act as the non-Federal interest for purposes of carrying out the activities described in the agreement executed between The Nature Conservancy and the Department of the Army on August 5, 2005.

SEC. 3105. DAM REMEDIATION, VERMONT.

Section 543 of the Water Resources Development Act of 2000 (114 Stat. 2673) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''and'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(4) may carry out measures to restore, protect, and preserve an ecosystem affected by a dam described in subsection (b).''; and

(2) in subsection (b), by adding at the end the following:

''(11) Camp Wapanacki, Hardwick.

''(12) Star Lake Dam, Mt. Holly.

''(13) Curtis Pond, Calais.

''(14) Weathersfield Reservoir, Springfield.

''(15) Burr Pond, Sudbury.

''(16) Maidstone Lake, Guildhall.

''(17) Upper and Lower Hurricane Dam.

''(18) Lake Fairlee.

''(19) West Charleston Dam.''.

SEC. 3106. LAKE CHAMPLAIN EURASIAN MILFOIL, WATER CHESTNUT, AND OTHER NONNATIVE PLANT CONTROL, VERMONT.

Under authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall revise the existing General Design Memorandum to permit the use of chemical means of control, when appropriate, of Eurasian milfoil, water chestnuts, and other nonnative plants in the Lake Champlain basin, Vermont.

SEC. 3107. UPPER CONNECTICUT RIVER BASIN WETLAND RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) IN GENERAL.—The Secretary, in cooperation with the States of Vermont and New Hampshire, shall carry out a study and develop a strategy for the use of wetland restoration, soil and water conservation practices, and nonstructural measures to reduce flood damage, improve water quality, and create wildlife habitat in the Upper Connecticut River watershed.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of the study and development of the strategy under subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of the study and development of the strategy may be provided through the contribution of in-kind services and materials.

(c) NON-FEDERAL INTEREST.—A nonprofit organization with wetland restoration experience may serve as the non-Federal interest for the study and development of the strategy under this section.

(d) COOPERATIVE AGREEMENTS.—In conducting the study and developing the strategy under this section, the Secretary may enter into 1 or more cooperative agreements to provide technical assistance to appropriate Federal, State, and local agencies and nonprofit organizations with wetland restoration experience, including assistance for the implementation of wetland restoration projects and soil and water conservation measures.

(e) IMPLEMENTATION.—The Secretary shall carry out development and implementation of the strategy under this section in cooperation with local landowners and local government officials.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000, to remain available until expended.

SEC. 3108. UPPER CONNECTICUT RIVER BASIN ECOSYSTEM RESTORATION, VERMONT AND NEW HAMPSHIRE.

(a) GENERAL MANAGEMENT PLAN DEVELOPMENT.—

(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture and in consultation with the States of Vermont and New Hampshire and the Connecticut River Joint Commission, shall conduct a study and develop a general management plan for ecosystem restoration of the Upper Connecticut River ecosystem for the purposes of—

(A) habitat protection and restoration;

(B) streambank stabilization;

(C) restoration of stream stability;

(D) water quality improvement;

(E) invasive species control;

(F) wetland restoration;

(G) fish passage; and

(H) natural flow restoration.

(2) EXISTING PLANS.—In developing the general management plan, the Secretary shall depend heavily on existing plans for the restoration of the Upper Connecticut River.

(b) CRITICAL RESTORATION PROJECTS.—

(1) IN GENERAL.—The Secretary may participate in any critical restoration project in the Upper Connecticut River Basin in accordance with the general management plan developed under subsection (a).

(2) ELIGIBLE PROJECTS.—A critical restoration project shall be eligible for assistance under this section if the project—

(A) meets the purposes described in the general management plan developed under subsection (a); and

(B) with respect to the Upper Connecticut River and Upper Connecticut River watershed, consists of—

(i) bank stabilization of the main stem, tributaries, and streams;

(ii) wetland restoration and migratory bird habitat restoration;

(iii) soil and water conservation;

(iv) restoration of natural flows;

(v) restoration of stream stability;

(vi) implementation of an intergovernmental agreement for coordinating ecosystem restoration, fish passage installation, streambank stabilization, wetland restoration, habitat protection and restoration, or natural flow restoration;

(vii) water quality improvement;

(viii) invasive species control;

(ix) wetland restoration and migratory bird habitat restoration;

(x) improvements in fish migration; and

(xi) conduct of any other project or activity determined to be appropriate by the Secretary.

(c) COST SHARING.—The Federal share of the cost of any project carried out under this section shall not be less than 65 percent.

(d) NON-FEDERAL INTEREST.—A nonprofit organization may serve as the non-Federal interest for a project carried out under this section.

(e) CREDITING.—

(1) FOR WORK.—The Secretary shall provide credit, including credit for in-kind contributions of up to 100 percent of the non-Federal share, for work (including design work and materials) if the Secretary determines that the work performed by the non-Federal interest is integral to the product.

(2) FOR OTHER CONTRIBUTIONS.—The non-Federal interest shall receive credit for land, easements, rights-of-way, dredged material disposal areas, and relocations necessary to implement the projects.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into 1 or more cooperative agreements to provide financial assistance to appropriate Federal, State, or local governments or nonprofit agencies, including assistance for the implementation of projects to be carried out under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000, to remain available until expended.

SEC. 3109. LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.

Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (D), by striking ''or'' at the end;

(B) by redesignating subparagraph (E) as subparagraph (G); and

(C) by inserting after subparagraph (D) the following:

''(E) river corridor assessment, protection, management, and restoration for the purposes of ecosystem restoration;

''(F) geographic mapping conducted by the Secretary using existing technical capacity to produce a high-resolution, multispectral satellite imagery-based land use and cover data set; or'';

(2) in subsection (e)(2)—

(A) in subparagraph (A)—

(i) by striking ''The non-Federal'' and inserting the following:

''(i) IN GENERAL.—The non-Federal''; and

(ii) by adding at the end the following:

''(ii) APPROVAL OF DISTRICT ENGINEER.—Approval of credit for design work of less than $100,000 shall be determined by the appropriate district engineer.''; and

(B) in subparagraph (C), by striking ''up to 50 percent of''; and

(3) in subsection (g), by striking ''$20,000,000'' and inserting ''$32,000,000''.

SEC. 3110. CHESAPEAKE BAY OYSTER RESTORATION, VIRGINIA AND MARYLAND.

Section 704(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2263(b)) is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) in paragraph (1)—

(A) in the second sentence, by striking ''$20,000,000'' and inserting ''$50,000,000''; and

(B) in the third sentence, by striking ''Such projects'' and inserting the following:

''(2) INCLUSIONS.—Such projects'';

(3) by striking paragraph (2)(D) (as redesignated by paragraph (2)(B)) and inserting the following:

''(D) the restoration and rehabilitation of habitat for fish, including native oysters, in the Chesapeake Bay and its tributaries in Virginia and Maryland, including—

''(i) the construction of oyster bars and reefs;

''(ii) the rehabilitation of existing marginal habitat;

''(iii) the use of appropriate alternative substrate material in oyster bar and reef construction;

''(iv) the construction and upgrading of oyster hatcheries; and

''(v) activities relating to increasing the output of native oyster broodstock for seeding and monitoring of restored sites to ensure ecological success.

''(3) RESTORATION AND REHABILITATION ACTIVITIES.—The restoration and rehabilitation activities described in paragraph (2)(D) shall be—

''(A) for the purpose of establishing permanent sanctuaries and harvest management areas; and

''(B) consistent with plans and strategies for guiding the restoration of the Chesapeake Bay oyster resource and fishery.''; and

(4) by adding at the end the following:

''(5) DEFINITION OF ECOLOGICAL SUCCESS.—In this subsection, the term 'ecological success' means—

''(A) achieving a tenfold increase in native oyster biomass by the year 2010, from a 1994 baseline; and

''(B) the establishment of a sustainable fishery as determined by a broad scientific and economic consensus.''.

SEC. 3111. TANGIER ISLAND SEAWALL, VIRGINIA.

Section 577(a) of the Water Resources Development Act of 1996 (110 Stat. 3789) is amended by striking ''at a total cost of $1,200,000, with an estimated Federal cost of $900,000 and an estimated non-Federal cost of $300,000.'' and inserting ''at a total cost of $3,000,000, with an estimated Federal cost of $2,400,000 and an estimated non-Federal cost of $600,000.''.

SEC. 3112. EROSION CONTROL, PUGET ISLAND, WAHKIAKUM COUNTY, WASHINGTON.

(a) IN GENERAL.—The Lower Columbia River levees and bank protection works authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 178) is modified with regard to the Wahkiakum County diking districts No. 1 and 3, but without regard to any cost ceiling authorized before the date of enactment of this Act, to direct the Secretary to provide a 1-time placement of dredged material along portions of the Columbia River shoreline of Puget Island, Washington, between river miles 38 to 47, and the shoreline of Westport Beach, Clatsop County, Oregon, between river miles 43 to 45, to protect economic and environmental resources in the area from further erosion.

(b) COORDINATION AND COST-SHARING REQUIREMENTS.—The Secretary shall carry out subsection (a)—

(1) in coordination with appropriate resource agencies;

(2) in accordance with all applicable Federal law (including regulations); and

(3) at full Federal expense.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000.

SEC. 3113. LOWER GRANITE POOL, WASHINGTON.

(a) EXTINGUISHMENT OF REVERSIONARY INTERESTS AND USE RESTRICTIONS.—With respect to property covered by each deed described in subsection (b)—

(1) the reversionary interests and use restrictions relating to port or industrial purposes are extinguished;

(2) the human habitation or other building structure use restriction is extinguished in each area in which the elevation is above the standard project flood elevation; and

(3) the use of fill material to raise low areas above the standard project flood elevation is authorized, except in any low area constituting wetland for which a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) would be required for the use of fill material.

(b) DEEDS.—The deeds referred to in subsection (a) are as follows:

(1) Auditor's File Numbers 432576, 443411, 499988, and 579771 of Whitman County, Washington.

(2) Auditor's File Numbers 125806, 138801, 147888, 154511, 156928, and 176360 of Asotin County, Washington.

(c) NO EFFECT ON OTHER RIGHTS.—Nothing in this section affects any remaining rights and interests of the Corps of Engineers for authorized project purposes in or to property covered by a deed described in subsection (b).

SEC. 3114. MCNARY LOCK AND DAM, MCNARY NATIONAL WILDLIFE REFUGE, WASHINGTON AND IDAHO.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over the land acquired for the McNary Lock and Dam Project and managed by the United States Fish and Wildlife Service under Cooperative Agreement Number DACW68–4–00–13 with the Corps of Engineers, Walla Walla District, is transferred from the Secretary to the Secretary of the Interior.

(b) EASEMENTS.—The transfer of administrative jurisdiction under subsection (a) shall be subject to easements in existence as of the date of enactment of this Act on land subject to the transfer.

(c) RIGHTS OF SECRETARY.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall retain rights described in paragraph (2) with respect to the land for which administrative jurisdiction is transferred under subsection (a).

(2) RIGHTS.—The rights of the Secretary referred to in paragraph (1) are the rights—

(A) to flood land described in subsection (a) to the standard project flood elevation;

(B) to manipulate the level of the McNary Project Pool;

(C) to access such land described in subsection (a) as may be required to install, maintain, and inspect sediment ranges and carry out similar activities;

(D) to construct and develop wetland, riparian habitat, or other environmental restoration features authorized by section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a) and section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330);

(E) to dredge and deposit fill materials; and

(F) to carry out management actions for the purpose of reducing the take of juvenile salmonids by avian colonies that inhabit, before, on, or after the date of enactment of this Act, any island included in the land described in subsection (a).

(3) COORDINATION.—Before exercising a right described in any of subparagraphs (C) through (F) of paragraph (2), the Secretary shall coordinate the exercise with the United States Fish and Wildlife Service.

(d) MANAGEMENT.—

(1) IN GENERAL.—The land described in subsection (a) shall be managed by the Secretary of the Interior as part of the McNary National Wildlife Refuge.

(2) CUMMINS PROPERTY.—

(A) RETENTION OF CREDITS.—Habitat unit credits described in the memorandum entitled ''Design Memorandum No. 6, LOWER SNAKE RIVER FISH AND WILDLIFE COMPENSATION PLAN, Wildlife Compensation and Fishing Access Site Selection, Letter Supplement No. 15, SITE DEVELOPMENT PLAN FOR THE WALLULA HMU'' provided for the Lower Snake River Fish and Wildlife Compensation Plan through development of the parcel of land formerly known as the ''Cummins property'' shall be retained by the Secretary despite any changes in management of the parcel on or after the date of enactment of this Act.

(B) SITE DEVELOPMENT PLAN.—The United States Fish and Wildlife Service shall obtain prior approval of the Washington State Department of Fish and Wildlife for any change to the previously approved site development plan for the parcel of land formerly known as the ''Cummins property''.

(3) MADAME DORIAN RECREATION AREA.—The United States Fish and Wildlife Service shall continue operation of the Madame Dorian Recreation Area for public use and boater access.

(e) ADMINISTRATIVE COSTS.—The United States Fish and Wildlife Service shall be responsible for all survey, environmental compliance, and other administrative costs required to implement the transfer of administrative jurisdiction under subsection (a).

SEC. 3115. SNAKE RIVER PROJECT, WASHINGTON AND IDAHO.

The Fish and Wildlife Compensation Plan for the Lower Snake River, Washington and Idaho, as authorized by section 101 of the Water Resources Development Act of 1976 (90 Stat. 2921), is amended to authorize the Secretary to conduct studies and implement aquatic and riparian ecosystem restorations and improvements specifically for fisheries and wildlife.

SEC. 3116. WHATCOM CREEK WATERWAY, BELLINGHAM, WASHINGTON.

That portion of the project for navigation, Whatcom Creek Waterway, Bellingham, Washington, authorized by the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the ''River and Harbor Act of 1910'') and the River and Harbor Act of 1958 (72 Stat. 299), consisting of the last 2,900 linear feet of the inner portion of the waterway, and beginning at station 29+00 to station 0+00, shall not be authorized as of the date of enactment of this Act.

SEC. 3117. LOWER MUD RIVER, MILTON, WEST VIRGINIA.

The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Secretary to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

SEC. 3118. MCDOWELL COUNTY, WEST VIRGINIA.

(a) IN GENERAL.—The McDowell County nonstructural component of the project for flood control, Levisa and Tug Fork of the Big Sandy and Cumberland Rivers, West Virginia, Virginia, and Kentucky, authorized by section 202(a) of the Energy and Water Development Appropriation Act, 1981 (94 Stat. 1339), is modified to direct the Secretary to take measures to provide protection, throughout McDowell County, West Virginia, from the reoccurrence of the greater of—

(1) the April 1977 flood;

(2) the July 2001 flood;

(3) the May 2002 flood; or

(4) the 100-year frequency event.

(b) UPDATES AND REVISIONS.—The measures under subsection (a) shall be carried out in accordance with, and during the development of, the updates and revisions under section 2006(e)(2).

SEC. 3119. GREEN BAY HARBOR PROJECT, GREEN BAY, WISCONSIN.

The portion of the inner harbor of the Federal navigation channel of the Green Bay Harbor project, authorized by the first section of the Act entitled ''An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes'', approved July 5, 1884 (commonly known as the ''River and Harbor Act of 1884'') (23 Stat. 136, chapter 229), from Station 190+00 to Station 378+00 is authorized to a width of 75 feet and a depth of 6 feet.

SEC. 3120. UNDERWOOD CREEK DIVERSION FACILITY PROJECT, MILWAUKEE COUNTY, WISCONSIN.

Section 212(e) of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(1) in paragraph (22), by striking ''and'' at the end;

(2) in paragraph (23), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(24) Underwood Creek Diversion Facility Project (County Grounds), Milwaukee County, Wisconsin.''.

SEC. 3121. OCONTO HARBOR, WISCONSIN.

(a) IN GENERAL.—The portion of the project for navigation, Oconto Harbor, Wisconsin, authorized by the Act of August 2, 1882 (22 Stat. 196, chapter 375), and the Act of June 25, 1910 (36 Stat. 664, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), consisting of a 15-foot-deep turning basin in the Oconto River, as described in subsection (b), is no longer authorized.

(b) PROJECT DESCRIPTION.—The project referred to in subsection (a) is more particularly described as—

(1) beginning at a point along the western limit of the existing project, N. 394,086.71, E. 2,530,202.71;

(2) thence northeasterly about 619.93 feet to a point N. 394,459.10, E. 2,530,698.33;

(3) thence southeasterly about 186.06 feet to a point N. 394,299.20, E. 2,530,793.47;

(4) thence southwesterly about 355.07 feet to a point N. 393,967.13, E. 2,530,667.76;

(5) thence southwesterly about 304.10 feet to a point N. 393,826.90, E. 2,530,397.92; and

(6) thence northwesterly about 324.97 feet to the point of origin.

SEC. 3122. MISSISSIPPI RIVER HEADWATERS RESERVOIRS.

Section 21 of the Water Resources Development Act of 1988 (102 Stat. 4027) is amended—

(1) in subsection (a)—

(A) by striking ''1276.42'' and inserting ''1278.42'';

(B) by striking ''1218.31'' and inserting ''1221.31''; and

(C) by striking ''1234.82'' and inserting ''1235.30''; and

(2) by striking subsection (b) and inserting the following:

''(b) EXCEPTION.—

''(1) IN GENERAL.—The Secretary may operate the headwaters reservoirs below the minimum or above the maximum water levels established under subsection (a) in accordance with water control regulation manuals (or revisions to those manuals) developed by the Secretary, after consultation with the Governor of Minnesota and affected tribal governments, landowners, and commercial and recreational users.

''(2) EFFECTIVE DATE OF MANUALS.—The water control regulation manuals referred to in paragraph (1) (and any revisions to those manuals) shall be effective as of the date on which the Secretary submits the manuals (or revisions) to Congress.

''(3) NOTIFICATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not less than 14 days before operating any headwaters reservoir below the minimum or above the maximum water level limits specified in subsection (a), the Secretary shall submit to Congress a notice of intent to operate the headwaters reservoir.

''(B) EXCEPTION.—Notice under subparagraph (A) shall not be required in any case in which—

''(i) the operation of a headwaters reservoir is necessary to prevent the loss of life or to ensure the safety of a dam; or

''(ii) the drawdown of the water level of the reservoir is in anticipation of a flood control operation.''.

SEC. 3123. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE.

Section 103(c)(2) of the Water Resources Development Act of 1992 (106 Stat. 4811) is amended by striking ''property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge'' and inserting ''riverfront property''.

SEC. 3124. PILOT PROGRAM, MIDDLE MISSISSIPPI RIVER.

(a) IN GENERAL.—In accordance with the project for navigation, Mississippi River between

the Ohio and Missouri Rivers (Regulating Works), Missouri and Illinois, authorized by the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), the Secretary shall carry out over at least a 10-year period a pilot program to restore and protect fish and wildlife habitat in the middle Mississippi River.

(b) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—As part of the pilot program carried out under subsection (a), the Secretary shall conduct any activities that are necessary to improve navigation through the project referred to in subsection (a) while restoring and protecting fish and wildlife habitat in the middle Mississippi River system.

(2) INCLUSIONS.—Activities authorized under paragraph (1) shall include—

(A) the modification of navigation training structures;

(B) the modification and creation of side channels;

(C) the modification and creation of islands;

(D) any studies and analysis necessary to develop adaptive management principles; and

(E) the acquisition from willing sellers of any land associated with a riparian corridor needed to carry out the goals of the pilot program.

(c) COST-SHARING REQUIREMENT.—The cost-sharing requirement required under the Act of June 25, 1910 (36 Stat. 631, chapter 382) (commonly known as the ''River and Harbor Act of 1910''), the Act of January 1, 1927 (44 Stat. 1010, chapter 47) (commonly known as the ''River and Harbor Act of 1927''), and the Act of July 3, 1930 (46 Stat. 918), for the project referred to in subsection (a) shall apply to any activities carried out under this section.

SEC. 3125. UPPER MISSISSIPPI RIVER SYSTEM ENVIRONMENTAL MANAGEMENT PROGRAM.

(a) IN GENERAL.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), for any Upper Mississippi River fish and wildlife habitat rehabilitation and enhancement project carried out under section 1103(e) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)), with the consent of the affected local government, a nongovernmental organization may be considered to be a non-Federal interest.

(b) CONFORMING AMENDMENT.—Section 1103(e)(1)(A)(ii) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(1)(A)(ii)) is amended by inserting before the period at the end the following: '', including research on water quality issues affecting the Mississippi River, including elevated nutrient levels, and the development of remediation strategies''.

SEC. 3126. UPPER BASIN OF MISSOURI RIVER.

(a) USE OF FUNDS.—Notwithstanding the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2247), funds made available for recovery or mitigation activities in the lower basin of the Missouri River may be used for recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota.

(b) CONFORMING AMENDMENT.—The matter under the heading ''MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA'' of section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: ''The Secretary may carry out any recovery or mitigation activities in the upper basin of the Missouri River, including the States of Montana, Nebraska, North Dakota, and South Dakota, using funds made available under this heading in accordance with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and consistent with the project purposes of the Missouri River Mainstem System as authorized by section 10 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 897).''.

SEC. 3127. GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION PROGRAM.

(a) GREAT LAKES FISHERY AND ECOSYSTEM RESTORATION.—Section 506(c) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(c)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

''(2) RECONNAISSANCE STUDIES.—Before planning, designing, or constructing a project under paragraph (3), the Secretary shall carry out a reconnaissance study—

''(A) to identify methods of restoring the fishery, ecosystem, and beneficial uses of the Great Lakes; and

''(B) to determine whether planning of a project under paragraph (3) should proceed.''; and

(3) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''paragraph (2)'' and inserting ''paragraph (3)''.

(b) COST SHARING.—Section 506(f) of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22(f)) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively;

(2) by inserting after paragraph (1) the following:

''(2) RECONNAISSANCE STUDIES.—Any reconnaissance study under subsection (c)(2) shall be carried out at full Federal expense.'';

(3) in paragraph (3) (as redesignated by paragraph (1)), by striking ''(2) or (3)'' and inserting ''(3) or (4)''; and

(4) in paragraph (4)(A) (as redesignated by paragraph (1)), by striking ''subsection (c)(2)'' and inserting ''subsection (c)(3)''.

SEC. 3128. GREAT LAKES REMEDIAL ACTION PLANS AND SEDIMENT REMEDIATION.

Section 401(c) of the Water Resources Development Act of 1990 (104 Stat. 4644; 33 U.S.C. 1268 note) is amended by striking ''through 2006'' and inserting ''through 2011''.

SEC. 3129. GREAT LAKES TRIBUTARY MODELS.

Section 516(g)(2) of the Water Resources Development Act of 1996 (33 U.S.C. 2326b(g)(2)) is amended by striking ''through 2006'' and inserting ''through 2011''.

SEC. 3130. UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM NEW TECHNOLOGY PILOT PROGRAM.

(a) DEFINITION OF UPPER OHIO RIVER AND TRIBUTARIES NAVIGATION SYSTEM.—In this section, the term ''Upper Ohio River and Tributaries Navigation System'' means the Allegheny, Kanawha, Monongahela, and Ohio Rivers.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to evaluate new technologies applicable to the Upper Ohio River and Tributaries Navigation System.

(2) INCLUSIONS.—The program may include the design, construction, or implementation of innovative technologies and solutions for the Upper Ohio River and Tributaries Navigation System, including projects for—

(A) improved navigation;

(B) environmental stewardship;

(C) increased navigation reliability; and

(D) reduced navigation costs.

(3) PURPOSES.—The purposes of the program shall be, with respect to the Upper Ohio River and Tributaries Navigation System—

(A) to increase the reliability and availability of federally-owned and federally-operated navigation facilities;

(B) to decrease system operational risks; and

(C) to improve—

(i) vessel traffic management;

(ii) access; and

(iii) Federal asset management.

(c) FEDERAL OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is federally owned.

(d) LOCAL COOPERATION AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall enter into local cooperation agreements with non-Federal interests to provide for the design, construction, installation, and operation of the projects to be carried out under the program.

(2) REQUIREMENTS.—Each local cooperation agreement entered into under this subsection shall include the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a navigation improvement project, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project.

(3) COST SHARING.—Total project costs under each local cooperation agreement shall be cost-shared in accordance with the formula relating to the applicable original construction project.

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures under the program may include, for establishment at federally-owned property, such as locks, dams, and bridges—

(i) transmitters;

(ii) responders;

(iii) hardware;

(iv) software; and

(v) wireless networks.

(B) EXCLUSIONS.—Transmitters, responders, hardware, software, and wireless networks or other equipment installed on privately-owned vessels or equipment shall not be eligible under the program.

(e) REPORT.—Not later than December 31, 2007, the Secretary shall submit to Congress a report on the results of the pilot program carried out under this section, together with recommendations concerning whether the program or any component of the program should be implemented on a national basis.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,100,000, to remain available until expended.

TITLE IV—STUDIES

SEC. 4001. EURASIAN MILFOIL.

Under the authority of section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610), the Secretary shall carry out a study, at full Federal expense, to develop national protocols for the use of the Euhrychiopsis lecontei weevil for biological control of Eurasian milfoil in the lakes of Vermont and other northern tier States.

SEC. 4002. NATIONAL PORT STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall conduct a study of the ability of coastal or deep-water port infrastructure to meet current and projected national economic needs.

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) consider—

(A) the availability of alternate transportation destinations and modes;

(B) the impact of larger cargo vessels on existing port capacity; and

(C) practicable, cost-effective congestion management alternatives; and

(2) give particular consideration to the benefits and proximity of proposed and existing port, harbor, waterway, and other transportation infrastructure.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the study.

SEC. 4003. MCCLELLAN-KERR ARKANSAS RIVER NAVIGATION CHANNEL.

(a) IN GENERAL.—To determine with improved accuracy the environmental impacts of the project on the McClellan-Kerr Arkansas River Navigation Channel (referred to in this section as the ''MKARN''), the Secretary shall carry out the measures described in subsection (b) in a timely manner.

(b) SPECIES STUDY.—

(1) IN GENERAL.—The Secretary, in conjunction with Oklahoma State University, shall convene a panel of experts with acknowledged expertise in wildlife biology and genetics to review the available scientific information regarding the genetic variation of various sturgeon species and possible hybrids of those species that, as determined by the United States Fish and Wildlife Service, may exist in any portion of the MKARN.

(2) REPORT.—The Secretary shall direct the panel to report to the Secretary, not later than 1 year after the date of enactment of this Act and in the best scientific judgment of the panel—

(A) the level of genetic variation between populations of sturgeon sufficient to determine or establish that a population is a measurably distinct species, subspecies, or population segment; and

(B) whether any pallid sturgeons that may be found in the MKARN (including any tributary of the MKARN) would qualify as such a distinct species, subspecies, or population segment.

SEC. 4004. LOS ANGELES RIVER REVITALIZATION STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in coordination with the city of Los Angeles, shall—

(1) prepare a feasibility study for environmental ecosystem restoration, flood control, recreation, and other aspects of Los Angeles River revitalization that is consistent with the goals of the Los Angeles River Revitalization Master Plan published by the city of Los Angeles; and

(2) consider any locally-preferred project alternatives developed through a full and open evaluation process for inclusion in the study.

(b) USE OF EXISTING INFORMATION AND MEASURES.—In preparing the study under subsection (a), the Secretary shall use, to the maximum extent practicable—

(1) information obtained from the Los Angeles River Revitalization Master Plan; and

(2) the development process of that plan.

(c) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary is authorized to construct demonstration projects in order to provide information to develop the study under subsection (a)(1).

(2) FEDERAL SHARE.—The Federal share of the cost of any project under this subsection shall be not more than 65 percent.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $12,000,000.

SEC. 4005. NICHOLAS CANYON, LOS ANGELES, CALIFORNIA.

The Secretary shall carry out a study for bank stabilization and shore protection for Nicholas Canyon, Los Angeles, California, under section 3 of the Act of August 13, 1946 (33 U.S.C. 426g).

SEC. 4006. OCEANSIDE, CALIFORNIA, SHORELINE SPECIAL STUDY.

Section 414 of the Water Resources Development Act of 2000 (114 Stat. 2636) is amended by striking ''32 months'' and inserting ''44 months''.

SEC. 4007. COMPREHENSIVE FLOOD PROTECTION PROJECT, ST. HELENA, CALIFORNIA.

(a) FLOOD PROTECTION PROJECT.—

(1) REVIEW.—The Secretary shall review the project for flood control and environmental restoration at St. Helena, California, generally in accordance with Enhanced Minimum Plan A, as described in the final environmental impact report prepared by the city of St. Helena, California, and certified by the city to be in compliance with the California Environmental Quality Act on February 24, 2004.

(2) ACTION ON DETERMINATION.—If the Secretary determines under paragraph (1) that the project is economically justified, technically sound, and environmentally acceptable, the Secretary is authorized to carry out the project at a total cost of $30,000,000, with an estimated Federal cost of $19,500,000 and an estimated non-Federal cost of $10,500,000.

(b) COST SHARING.—Cost sharing for the project described in subsection (a) shall be in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

SEC. 4008. SAN FRANCISCO BAY, SACRAMENTO-SAN JOAQUIN DELTA, SHERMAN ISLAND, CALIFORNIA.

The Secretary shall carry out a study of the feasibility of a project to use Sherman Island, California, as a dredged material rehandling facility for the beneficial use of dredged material to enhance the environment and meet other water resource needs on the Sacramento-San Joaquin Delta, California, under section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326).

SEC. 4009. SOUTH SAN FRANCISCO BAY SHORELINE STUDY, CALIFORNIA.

(a) IN GENERAL.—The Secretary, in cooperation with non-Federal interests, shall conduct a study of the feasibility of carrying out a project for—

(1) flood protection of South San Francisco Bay shoreline;

(2) restoration of the South San Francisco Bay salt ponds (including on land owned by other Federal agencies); and

(3) other related purposes, as the Secretary determines to be appropriate.

(b) INDEPENDENT REVIEW.—To the extent required by applicable Federal law, a national science panel shall conduct an independent review of the study under subsection (a).

(c) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study under subsection (a).

(2) INCLUSIONS.—The report under paragraph (1) shall include recommendations of the Secretary with respect to the project described in subsection (a) based on planning, design, and land acquisition documents prepared by—

(A) the California State Coastal Conservancy;

(B) the Santa Clara Valley Water District; and

(C) other local interests.

SEC. 4010. SAN PABLO BAY WATERSHED RESTORATION, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall complete work as expeditiously as practicable on the San Pablo watershed, California, study authorized by section 209 of the Flood Control Act of 1962 (76 Stat. 1196) to determine the feasibility of opportunities for restoring, preserving, and protecting the San Pablo Bay Watershed.

(b) REPORT.—Not later than March 31, 2008, the Secretary shall submit to Congress a report that describes the results of the study.

SEC. 4011. FOUNTAIN CREEK, NORTH OF PUEBLO, COLORADO.

Subject to the availability of appropriations, the Secretary shall expedite the completion of the Fountain Creek, North of Pueblo, Colorado, watershed study authorized by a resolution adopted by the House of Representatives on September 23, 1976.

SEC. 4012. SELENIUM STUDY, COLORADO.

(a) IN GENERAL.—The Secretary, in consultation with State water quality and resource and conservation agencies, shall conduct regional and watershed-wide studies to address selenium concentrations in the State of Colorado, including studies—

(1) to measure selenium on specific sites; and

(2) to determine whether specific selenium measures studied should be recommended for use in demonstration projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 4013. PROMONTORY POINT THIRD-PARTY REVIEW, CHICAGO SHORELINE, CHICAGO, ILLINOIS.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary is authorized to conduct a third-party review of the Promontory Point project along the Chicago Shoreline, Chicago, Illinois, at a cost not to exceed $450,000.

(2) JOINT REVIEW.—The Buffalo and Seattle Districts of the Corps of Engineers shall jointly conduct the review under paragraph (1).

(3) STANDARDS.—The review shall be based on the standards under part 68 of title 36, Code of Federal Regulations (or successor regulation), for implementation by the non-Federal sponsor for the Chicago Shoreline Chicago, Illinois, project.

(b) CONTRIBUTIONS.—The Secretary shall accept from a State or political subdivision of a State voluntarily contributed funds to initiate the third-party review.

(c) TREATMENT.—While the third-party review is of the Promontory Point portion of the Chicago Shoreline, Chicago, Illinois, project, the third-party review shall be separate and distinct from the Chicago Shoreline, Chicago, Illinois, project.

(d) EFFECT OF SECTION.—Nothing in this section affects the authorization for the Chicago Shoreline, Chicago, Illinois, project.

SEC. 4014. VIDALIA PORT, LOUISIANA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for navigation improvement at Vidalia, Louisiana.

SEC. 4015. LAKE ERIE AT LUNA PIER, MICHIGAN.

The Secretary shall study the feasibility of storm damage reduction and beach erosion protection and other related purposes along Lake Erie at Luna Pier, Michigan.

SEC. 4016. MIDDLE BASS ISLAND STATE PARK, MIDDLE BASS ISLAND, OHIO.

The Secretary shall carry out a study of the feasibility of a project for navigation improvements, shoreline protection, and other related purposes, including the rehabilitation the harbor basin (including entrance breakwaters), interior shoreline protection, dredging, and the development of a public launch ramp facility, for Middle Bass Island State Park, Middle Bass Island, Ohio.

SEC. 4017. JASPER COUNTY PORT FACILITY STUDY, SOUTH CAROLINA.

(a) IN GENERAL.—The Secretary may determine the feasibility of providing improvements to the Savannah River for navigation and related purposes that may be necessary to support the location of container cargo and other port facilities to be located in Jasper County, South Carolina, near the vicinity of mile 6 of the Savannah Harbor Entrance Channel.

(b) CONSIDERATION.—In making a determination under subsection (a), the Secretary shall take into consideration—

(1) landside infrastructure;

(2) the provision of any additional dredged material disposal area for maintenance of the ongoing Savannah Harbor Navigation project; and

(3) the results of a consultation with the Governor of the State of Georgia and the Governor of the State of South Carolina.

SEC. 4018. JOHNSON CREEK, ARLINGTON, TEXAS.

The Secretary shall conduct a feasibility study to determine the technical soundness, economic feasibility, and environmental acceptability of the plan prepared by the city of Arlington, Texas, as generally described in the report entitled ''Johnson Creek: A Vision of Conservation, Arlington, Texas'', dated March 2006.

SEC. 4019. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND NEW YORK.

(a) DISPERSAL BARRIER PROJECT.—The Secretary shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal.

(b) CONSTRUCTION, MAINTENANCE, AND OPERATION.—If the Secretary determines that the project described in subsection (a) is feasible, the Secretary shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 5001. LAKES PROGRAM.

Section 602(a) of the Water Resources Development Act of 1986 (100 Stat. 4148; 110 Stat. 3758; 113 Stat. 295) is amended—

(1) in paragraph (18), by striking ''and'' at the end;

(2) in paragraph (19), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(20) Kinkaid Lake, Jackson County, Illinois, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(21) Lake Sakakawea, North Dakota, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(22) Lake Morley, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation;

''(23) Lake Fairlee, Vermont, removal of silt and aquatic growth and measures to address excessive sedimentation; and

''(24) Lake Rodgers, Creedmoor, North Carolina, removal of silt and excessive nutrients and restoration of structural integrity.''.

SEC. 5002. ESTUARY RESTORATION.

(a) PURPOSES.—Section 102 of the Estuary Restoration Act of 2000 (33 U.S.C. 2901) is amended—

(1) in paragraph (1), by inserting before the semicolon the following: ''by implementing a coordinated Federal approach to estuary habitat restoration activities, including the use of common monitoring standards and a common system for tracking restoration acreage'';

(2) in paragraph (2), by inserting ''and implement'' after ''to develop''; and

(3) in paragraph (3), by inserting ''through cooperative agreements'' after ''restoration projects''.

(b) DEFINITION OF ESTUARY HABITAT RESTORATION PLAN.—Section 103(6)(A) of the Estuary Restoration Act of 2000 (33 U.S.C. 2902(6)(A)) is amended by striking ''Federal or State'' and inserting ''Federal, State, or regional''.

(c) ESTUARY HABITAT RESTORATION PROGRAM.—Section 104 of the Estuary Restoration Act of 2000 (33 U.S.C. 2903) is amended—

(1) in subsection (a), by inserting ''through the award of contracts and cooperative agreements'' after ''assistance'';

(2) in subsection (c)—

(A) in paragraph (3)(A), by inserting ''or State'' after ''Federal''; and

(B) in paragraph (4)(B), by inserting ''or approach'' after ''technology'';

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''Except'' and inserting the following:

''(i) IN GENERAL.—Except''; and

(ii) by adding at the end the following:

''(ii) MONITORING.—

''(I) COSTS.—The costs of monitoring an estuary habitat restoration project funded under this title may be included in the total cost of the estuary habitat restoration project.

''(II) GOALS.—The goals of the monitoring are—

''(aa) to measure the effectiveness of the restoration project; and

''(bb) to allow adaptive management to ensure project success.'';

(B) in paragraph (2), by inserting ''or approach'' after ''technology''; and

(C) in paragraph (3), by inserting ''(including monitoring)'' after ''services'';

(4) in subsection (f)(1)(B), by inserting ''long-term'' before ''maintenance''; and

(5) in subsection (g)—

(A) by striking ''In carrying'' and inserting the following:

''(1) IN GENERAL.—In carrying''; and

(B) by adding at the end the following:

''(2) SMALL PROJECTS.—

''(A) DEFINITION.—Small projects carried out under this Act shall have a Federal share of less than $1,000,000.

''(B) DELEGATION OF PROJECT IMPLEMENTATION.—In carrying out this section, the Secretary, on recommendation of the Council, shall consider delegating implementation of the small project to—

''(i) the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service);

''(ii) the Under Secretary for Oceans and Atmosphere of the Department of Commerce;

''(iii) the Administrator of the Environmental Protection Agency; or

''(iv) the Secretary of Agriculture.

''(C) FUNDING.—Small projects delegated to another Federal department or agency may be funded from the responsible department or appropriations of the agency authorized by section 109(a)(1).

''(D) AGREEMENTS.—The Federal department or agency to which a small project is delegated shall enter into an agreement with the non-Federal interest generally in conformance with the criteria in subsections (d) and (e). Cooperative agreements may be used for any delegated project.''.

(d) ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.—Section 105(b) of the Estuary Restoration Act of 2000 (33 U.S.C. 2904(b)) is amended—

(1) in paragraph (4), by striking ''and'' after the semicolon;

(2) in paragraph (5), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) cooperating in the implementation of the strategy developed under section 106;

''(7) recommending standards for monitoring for restoration projects and contribution of project information to the database developed under section 107; and

''(8) otherwise using the respective agency authorities of the Council members to carry out this title.''.

(e) MONITORING OF ESTUARY HABITAT RESTORATION PROJECTS.—Section 107(d) of the Estuary Restoration Act of 2000 (33 U.S.C. 2906(d)) is amended by striking ''compile'' and inserting ''have general data compilation, coordination, and analysis responsibilities to carry out this title and in support of the strategy developed under this section, including compilation of''.

(f) REPORTING.—Section 108(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2907(a)) is amended by striking ''third and fifth'' and inserting ''sixth, eighth, and tenth''.

(g) FUNDING.—Section 109(a) of the Estuary Restoration Act of 2000 (33 U.S.C. 2908(a)) is amended—

(1) in paragraph (1), by striking subparagraphs (A) through (D) and inserting the following:

''(A) to the Secretary, $25,000,000 for each of fiscal years 2006 through 2010;

''(B) to the Secretary of the Interior (acting through the Director of the United States Fish and Wildlife Service), $2,500,000 for each of fiscal years 2006 through 2010;

''(C) to the Under Secretary for Oceans and Atmosphere of the Department of Commerce, $2,500,000 for each of fiscal years 2006 through 2010;

''(D) to the Administrator of the Environmental Protection Agency, $2,500,000 for each of fiscal years 2006 through 2010; and

''(E) to the Secretary of Agriculture, $2,500,000 for each of fiscal years 2006 through 2010.''; and

(2) in the first sentence of paragraph (2)—

(A) by inserting ''and other information compiled under section 107'' after ''this title''; and

(B) by striking ''2005'' and inserting ''2010''.

(h) GENERAL PROVISIONS.—Section 110 of the Estuary Restoration Act of 2000 (33 U.S.C. 2909) is amended—

(1) in subsection (b)(1)—

(A) by inserting ''or contracts'' after ''agreements''; and

(B) by inserting '', nongovernmental organizations,'' after ''agencies''; and

(2) by striking subsections (d) and (e).

SEC. 5003. DELMARVA CONSERVATION CORRIDOR, DELAWARE AND MARYLAND.

(a) ASSISTANCE.—The Secretary may provide technical assistance to the Secretary of Agriculture for use in carrying out the Conservation Corridor Demonstration Program established under subtitle G of title II of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

(b) COORDINATION AND INTEGRATION.—In carrying out water resources projects in the States on the Delmarva Peninsula, the Secretary shall coordinate and integrate those projects, to the maximum extent practicable, with any activities carried out to implement a conservation corridor plan approved by the Secretary of Agriculture under section 2602 of the Farm Security and Rural Investment Act of 2002 (16 U.S.C. 3801 note; 116 Stat. 275).

SEC. 5004. SUSQUEHANNA, DELAWARE, AND POTOMAC RIVER BASINS, DELAWARE, MARYLAND, PENNSYLVANIA, AND VIRGINIA.

(a) EX OFFICIO MEMBER.—Notwithstanding section 3001(a) of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (111 Stat. 176) and sections 2.2 of the Susquehanna River Basin Compact (Public Law 91–575) and the Delaware River Basin Compact (Public Law 87–328), beginning in fiscal year 2002, and each fiscal year thereafter, the Division Engineer, North Atlantic Division, Corps of Engineers—

(1) shall be the ex officio United States member under the Susquehanna River Basin Compact, the Delaware River Basin Compact, and the Potomac River Basin Compact;

(2) shall serve without additional compensation; and

(3) may designate an alternate member in accordance with the terms of those compacts.

(b) AUTHORIZATION TO ALLOCATE.—The Secretary shall allocate funds to the Susquehanna River Basin Commission, Delaware River Basin Commission, and the Interstate Commission on the Potomac River Basin (Potomac River Basin Compact (Public Law 91–407)) to fulfill the equitable funding requirements of the respective interstate compacts.

(c) WATER SUPPLY AND CONSERVATION STORAGE, DELAWARE RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Delaware River Basin Commission to provide temporary water supply and conservation storage at the Francis E. Walter Dam, Pennsylvania, for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(d) WATER SUPPLY AND CONSERVATION STORAGE, SUSQUEHANNA RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Susquehanna River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Susquehanna River Basin, during any period in which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

(e) WATER SUPPLY AND CONSERVATION STORAGE, POTOMAC RIVER BASIN.—

(1) IN GENERAL.—The Secretary shall enter into an agreement with the Potomac River Basin Commission to provide temporary water supply and conservation storage at Federal facilities operated by the Corps of Engineers in the Potomac River Basin for any period during which the Commission has determined that a drought warning or drought emergency exists.

(2) LIMITATION.—The agreement shall provide that the cost for water supply and conservation storage under paragraph (1) shall not exceed the incremental operating costs associated with providing the storage.

SEC. 5005. ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.

(a) COMPREHENSIVE ACTION PLAN.—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Mayor of the District of Columbia, the Governor of Maryland, the county executives of Montgomery County and Prince George's County, Maryland, and other stakeholders, shall develop and make available to the public a 10-year comprehensive action plan to provide for the restoration and protection of the ecological integrity of the Anacostia River and its tributaries.

(b) PUBLIC AVAILABILITY.—On completion of the comprehensive action plan under subsection (a), the Secretary shall make the plan available to the public.

SEC. 5006. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIERS PROJECT, ILLINOIS.

(a) TREATMENT AS SINGLE PROJECT.—The Chicago Sanitary and Ship Canal Dispersal Barrier Project (Barrier I) (as in existence on the date of enactment of this Act), constructed as a demonstration project under section 1202(i)(3) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)), and Barrier II, as authorized by section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), shall be considered to constitute a single project.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Secretary, acting through the Chief of Engineers, is authorized and directed, at full Federal expense—

(A) to upgrade and make permanent Barrier I;

(B) to construct Barrier II, notwithstanding the project cooperation agreement with the State of Illinois dated June 14, 2005;

(C) to operate and maintain Barrier I and Barrier II as a system to optimize effectiveness;

(D) to conduct, in consultation with appropriate Federal, State, local, and nongovernmental entities, a study of a full range of options and technologies for reducing impacts of hazards that may reduce the efficacy of the Barriers; and

(E) to provide to each State a credit in an amount equal to the amount of funds contributed by the State toward Barrier II.

(2) USE OF CREDIT.—A State may apply a credit received under paragraph (1)(E) to any cost sharing responsibility for an existing or future Federal project with the Corps of Engineers in the State.

(c) CONFORMING AMENDMENTS.—

(1) NONINDIGENOUS AQUATIC NUISANCE PREVENTION AND CONTROL.—Section 1202(i)(3)(C) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(i)(3)(C)), is amended by striking '', to carry out this paragraph, $750,000'' and inserting ''such sums as are necessary to carry out the dispersal barrier demonstration project under this paragraph''.

(2) BARRIER II AUTHORIZATION.—Section 345 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1352), is amended to read as follows:

''SEC. 345. CHICAGO SANITARY AND SHIP CANAL DISPERSAL BARRIER, ILLINOIS.

''There are authorized to be appropriated such sums as are necessary to carry out the Barrier II project of the project for the Chicago Sanitary and Ship Canal Dispersal Barrier, Illinois, initiated pursuant to section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2294 note; 100 Stat. 4251).''.

SEC. 5007. RIO GRANDE ENVIRONMENTAL MANAGEMENT PROGRAM, COLORADO, NEW MEXICO, AND TEXAS.

(a) SHORT TITLE.—This section may be cited as the ''Rio Grande Environmental Management Act of 2006''.

(b) DEFINITIONS.—In this section:

(1) RIO GRANDE COMPACT.—The term ''Rio Grande Compact'' means the compact approved by Congress under the Act of May 31, 1939 (53 Stat. 785, chapter 155), and ratified by the States.

(2) RIO GRANDE BASIN.—The term ''Rio Grande Basin'' means the Rio Grande (including all tributaries and their headwaters) located—

(A) in the State of Colorado, from the Rio Grande Reservoir, near Creede, Colorado, to the New Mexico State border;

(B) in the State of New Mexico, from the Colorado State border downstream to the Texas State border; and

(C) in the State of Texas, from the New Mexico State border to the southern terminus of the Rio Grande at the Gulf of Mexico.

(3) STATES.—The term ''States'' means the States of Colorado, New Mexico, and Texas.

(c) PROGRAM AUTHORITY.—

(1) IN GENERAL.—The Secretary shall carry out, in the Rio Grande Basin—

(A) a program for the planning, construction, and evaluation of measures for fish and wildlife habitat rehabilitation and enhancement; and

(B) implementation of a long-term monitoring, computerized data inventory and analysis, applied research, and adaptive management program.

(2) REPORTS.—Not later than December 31, 2008, and not later than December 31 of every sixth year thereafter, the Secretary, in consultation with the Secretary of the Interior and the States, shall submit to Congress a report that—

(A) contains an evaluation of the programs described in paragraph (1);

(B) describes the accomplishments of each program;

(C) provides updates of a systemic habitat needs assessment; and

(D) identifies any needed adjustments in the authorization of the programs.

(d) STATE AND LOCAL CONSULTATION AND COOPERATIVE EFFORT.—For the purpose of ensuring the coordinated planning and implementation of the programs described in subsection (c), the Secretary shall—

(1) consult with the States and other appropriate entities in the States the rights and interests of which might be affected by specific program activities; and

(2) enter into an interagency agreement with the Secretary of the Interior to provide for the direct participation of, and transfer of funds to, the United States Fish and Wildlife Service and any other agency or bureau of the Department of the Interior for the planning, design, implementation, and evaluation of those programs.

(e) COST SHARING.—

(1) IN GENERAL.—The non-Federal share of the cost of a project carried out under subsection (c)(1)(A)—

(A) shall be 35 percent;

(B) may be provided through in-kind services or direct cash contributions; and

(C) shall include provision of necessary land, easements, relocations, and disposal sites.

(2) OPERATION AND MAINTENANCE.—The costs of operation and maintenance of a project located on Federal land, or land owned or operated by a State or local government, shall be borne by the Federal, State, or local agency that has jurisdiction over fish and wildlife activities on the land.

(f) NONPROFIT ENTITIES.—Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b), with the consent of the affected local government, a nonprofit entity may be included as a non-Federal interest for any project carried out under subsection (c)(1)(A).

(g) EFFECT ON OTHER LAW.—

(1) WATER LAW.—Nothing in this section preempts any State water law.

(2) COMPACTS AND DECREES.—In carrying out this section, the Secretary shall comply with the Rio Grande Compact, and any applicable court decrees or Federal and State laws, affecting water or water rights in the Rio Grande Basin.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for fiscal year 2006 and each subsequent fiscal year.

SEC. 5008. MISSOURI RIVER AND TRIBUTARIES, MITIGATION, RECOVERY AND RESTORATION, IOWA, KANSAS, MISSOURI, MONTANA, NEBRASKA, NORTH DAKOTA, SOUTH DAKOTA, AND WYOMING.

(a) STUDY.—The Secretary, in consultation with the Missouri River Recovery and Implementation Committee established by subsection (b)(1), shall conduct a study of the Missouri River and its tributaries to determine actions required—

(1) to mitigate losses of aquatic and terrestrial habitat;

(2) to recover federally listed species under the Endangered Species Act (16 U.S.C. 1531 et seq.); and

(3) to restore the ecosystem to prevent further declines among other native species.

(b) MISSOURI RIVER RECOVERY IMPLEMENTATION COMMITTEE.—

(1) ESTABLISHMENT.—Not later than June 31, 2006, the Secretary shall establish a committee to be known as the ''Missouri River Recovery Implementation Committee'' (referred to in this section as the ''Committee'').

(2) MEMBERSHIP.—The Committee shall include representatives from—

(A) Federal agencies;

(B) States located near the Missouri River Basin; and

(C) other appropriate entities, as determined by the Secretary, including—

(i) water management and fish and wildlife agencies;

(ii) Indian tribes located near the Missouri River Basin; and

(iii) nongovernmental stakeholders.

(3) DUTIES.—The Commission shall—

(A) with respect to the study under subsection (a), provide guidance to the Secretary and any other affected Federal agency, State agency, or Indian tribe;

(B) provide guidance to the Secretary with respect to the Missouri River recovery and mitigation program in existence on the date of enactment of this Act, including recommendations relating to—

(i) changes to the implementation strategy from the use of adaptive management; and

(ii) the coordination of the development of consistent policies, strategies, plans, programs, projects, activities, and priorities for the program;

(C) exchange information regarding programs, projects, and activities of the agencies and entities represented on the Committee to promote the goals of the Missouri River recovery and mitigation program;

(D) establish such working groups as the Committee determines to be necessary to assist in carrying out the duties of the Committee, including duties relating to public policy and scientific issues;

(E) facilitate the resolution of interagency and intergovernmental conflicts between entities represented on the Committee associated with the Missouri River recovery and mitigation program;

(F) coordinate scientific and other research associated with the Missouri River recovery and mitigation program; and

(G) annually prepare a work plan and associated budget requests.

(4) COMPENSATION; TRAVEL EXPENSES.—

(A) COMPENSATION.—Members of the Committee shall not receive compensation from the Secretary in carrying out the duties of the Committee under this section.

(B) TRAVEL EXPENSES.—Travel expenses incurred by a member of the Committee in carrying out the duties of the Committee under this section shall be paid by the agency, Indian tribe, or unit of government represented by the member.

(c) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

SEC. 5009. LOWER PLATTE RIVER WATERSHED RESTORATION, NEBRASKA.

(a) IN GENERAL.—The Secretary, acting through the Chief of Engineers, may cooperate with and provide assistance to the Lower Platte River natural resources districts in the State of Nebraska to serve as local sponsors with respect to—

(1) conducting comprehensive watershed planning in the natural resource districts;

(2) assessing water resources in the natural resource districts; and

(3) providing project feasibility planning, design, and construction assistance for water resource and watershed management in the natural resource districts, including projects for environmental restoration and flood damage reduction.

(b) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity described in subsection (a) shall be 65 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity described in subsection (a)—

(A) shall be 35 percent; and

(B) may be provided in cash or in-kind.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $12,000,000.

SEC. 5010. CHEYENNE RIVER SIOUX TRIBE, LOWER BRULE SIOUX TRIBE, AND TERRESTRIAL WILDLIFE HABITAT RESTORATION, SOUTH DAKOTA.

(a) DISBURSEMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA AND THE CHEYENNE RIVER SIOUX TRIBE AND THE LOWER BRULE SIOUX TRIBE TERRESTRIAL WILDLIFE HABITAT RESTORATION TRUST FUNDS.—Section 602(a)(4) of the Water Resources Development Act of 1999 (113 Stat. 386) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by inserting ''and the Secretary of the Treasury'' after ''Secretary''; and

(B) by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the State of South Dakota funds from the State of South Dakota Terrestrial Wildlife Habitat Restoration Trust Fund established under section 603, to be used to carry out the plan for terrestrial wildlife habitat restoration submitted by the State of South Dakota after the State certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 603(d)(3) and only after the Trust Fund is fully capitalized.''; and

(2) in subparagraph (B), by striking clause (ii) and inserting the following:

''(ii) AVAILABILITY OF FUNDS.—On notification in accordance with clause (i), the Secretary of the Treasury shall make available to the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe funds from the Cheyenne River Sioux Terrestrial Wildlife Habitat Restoration Trust Fund and the Lower Brule Sioux Terrestrial Wildlife Habitat Restoration Trust Fund, respectively, established under section 604, to be used to carry out the plans for terrestrial wildlife habitat restoration submitted by the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe, respectively, after the respective tribe certifies to the Secretary of the Treasury that the funds to be disbursed will be used in accordance with section 604(d)(3) and only after the Trust Fund is fully capitalized.''.

(b) INVESTMENT PROVISIONS OF THE STATE OF SOUTH DAKOTA TERRESTRIAL WILDLIFE RESTORATION TRUST FUND.—Section 603 of the Water Resources Development Act of 1999 (113 Stat. 388) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Fund.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest the Fund in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in the Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of the Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of the Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of the Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUANCE OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which the Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the State of South Dakota the results of the investment activities and financial status of the Fund during the preceding 12-month period.

''(4) AUDITS.—

''(A) IN GENERAL.—The activities of the State of South Dakota (referred to in this subsection as the 'State') in carrying out the plan of the State for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the State is required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

''(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

''(i) determine whether funds received by the State under this section during the period covered by the audit were used to carry out the plan of the State in accordance with this section; and

''(ii) include the determination under clause (i) in the written findings of the audit.

''(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

''(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the State regarding the proposed modification.'';

(2) in subsection (d)(2), by inserting ''of the Treasury'' after Secretary''; and

(3) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury, to pay expenses associated with investing the Fund and auditing the uses of amounts withdrawn from the Fund—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

(c) INVESTMENT PROVISIONS FOR THE CHEYENNE RIVER SIOUX TRIBE AND LOWER BRULE SIOUX TRIBE TRUST FUNDS.—Section 604 of the Water Resources Development Act of 1999 (113 Stat. 389) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) INVESTMENTS.—

''(1) ELIGIBLE OBLIGATIONS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall invest the amounts deposited

under subsection (b) and the interest earned on those amounts only in interest-bearing obligations of the United States issued directly to the Funds.

''(2) INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary of the Treasury shall invest each of the Funds in accordance with all of the requirements of this paragraph.

''(B) SEPARATE INVESTMENTS OF PRINCIPAL AND INTEREST.—

''(i) PRINCIPAL ACCOUNT.—The amounts deposited in each Fund under subsection (b) shall be credited to an account within the Fund (referred to in this paragraph as the 'principal account') and invested as provided in subparagraph (C).

''(ii) INTEREST ACCOUNT.—The interest earned from investing amounts in the principal account of each Fund shall be transferred to a separate account within the Fund (referred to in this paragraph as the 'interest account') and invested as provided in subparagraph (D).

''(iii) CREDITING.—The interest earned from investing amounts in the interest account of each Fund shall be credited to the interest account.

''(C) INVESTMENT OF PRINCIPAL ACCOUNT.—

''(i) INITIAL INVESTMENT.—Each amount deposited in the principal account of each Fund shall be invested initially in eligible obligations having the shortest maturity then available until the date on which the amount is divided into 3 substantially equal portions and those portions are invested in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having a 2-year maturity, a 5-year maturity, and a 10-year maturity, respectively.

''(ii) SUBSEQUENT INVESTMENT.—As each 2-year, 5-year, and 10-year eligible obligation matures, the principal of the maturing eligible obligation shall also be invested initially in the shortest-maturity eligible obligation then available until the principal is reinvested substantially equally in the eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations having 2-year, 5-year, and 10-year maturities.

''(iii) DISCONTINUATION OF ISSUANCE OF OBLIGATIONS.—If the Department of the Treasury discontinues issuing to the public obligations having 2-year, 5-year, or 10-year maturities, the principal of any maturing eligible obligation shall be reinvested substantially equally in eligible obligations that are identical (except for transferability) to the next-issued publicly issued Treasury obligations of the maturities longer than 1 year then available.

''(D) INVESTMENT OF THE INTEREST ACCOUNT.—

''(i) BEFORE FULL CAPITALIZATION.—Until the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested in eligible obligations that are identical (except for transferability) to publicly issued Treasury obligations that have maturities that coincide, to the maximum extent practicable, with the date on which the Fund is expected to be fully capitalized.

''(ii) AFTER FULL CAPITALIZATION.—On and after the date on which each Fund is fully capitalized, amounts in the interest account of the Fund shall be invested and reinvested in eligible obligations having the shortest maturity then available until the amounts are withdrawn and transferred to fund the activities authorized under subsection (d)(3).

''(E) PAR PURCHASE PRICE.—The price to be paid for eligible obligations purchased as investments of the principal account shall not exceed the par value of the obligations so that the amount of the principal account shall be preserved in perpetuity.

''(F) HIGHEST YIELD.—Among eligible obligations having the same maturity and purchase price, the obligation to be purchased shall be the obligation having the highest yield.

''(G) HOLDING TO MATURITY.—Eligible obligations purchased shall generally be held to their maturities.

''(3) ANNUAL REVIEW OF INVESTMENT ACTIVITIES.—Not less frequently than once each calendar year, the Secretary of the Treasury shall review with the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe (referred to in this subsection as the 'Tribes') the results of the investment activities and financial status of the Funds during the preceding 12-month period.

''(4) AUDITS.—

''(A) IN GENERAL.—The activities of the Tribes in carrying out the plans of the Tribes for terrestrial wildlife habitat restoration under section 602(a) shall be audited as part of the annual audit that the Tribes are required to prepare under the Office of Management and Budget Circular A-133 (or a successor circulation).

''(B) DETERMINATION BY AUDITORS.—An auditor that conducts an audit under subparagraph (A) shall—

''(i) determine whether funds received by the Tribes under this section during the period covered by the audit were used to carry out the plan of the appropriate Tribe in accordance with this section; and

''(ii) include the determination under clause (i) in the written findings of the audit.

''(5) MODIFICATION OF INVESTMENT REQUIREMENTS.—

''(A) IN GENERAL.—If the Secretary of the Treasury determines that meeting the requirements under paragraph (2) with respect to the investment of a Fund is not practicable, or would result in adverse consequences for the Fund, the Secretary shall modify the requirements, as the Secretary determines to be necessary.

''(B) CONSULTATION.—Before modifying a requirement under subparagraph (A), the Secretary of the Treasury shall consult with the Tribes regarding the proposed modification.''; and

(2) by striking subsection (f) and inserting the following:

''(f) ADMINISTRATIVE EXPENSES.—There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the Secretary of the Treasury to pay expenses associated with investing the Funds and auditing the uses of amounts withdrawn from the Funds—

''(1) up to $500,000 for each of fiscal years 2006 and 2007; and

''(2) such sums as are necessary for each subsequent fiscal year.''.

SEC. 5011. CONNECTICUT RIVER DAMS, VERMONT.

(a) IN GENERAL.—The Secretary shall evaluate, design, and construct structural modifications at full Federal cost to the Union Village Dam (Ompompanoosuc River), North Hartland Dam (Ottauquechee River), North Springfield Dam (Black River), Ball Mountain Dam (West River), and Townshend Dam (West River), Vermont, to regulate flow and temperature to mitigate downstream impacts on aquatic habitat and fisheries.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000.

TITLE VI—PROJECT DEAUTHORIZATIONS

SEC. 6001. LITTLE COVE CREEK, GLENCOE, ALABAMA.

The project for flood damage reduction, Little Cove Creek, Glencoe, Alabama, authorized by the Supplemental Appropriations Act, 1985 (99 Stat. 312), is not authorized.

SEC. 6002. GOLETA AND VICINITY, CALIFORNIA.

The project for flood control, Goleta and Vicinity, California, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1826), is not authorized.

SEC. 6003. BRIDGEPORT HARBOR, CONNECTICUT.

(a) IN GENERAL.—The portion of the project for navigation, Bridgeport Harbor, Connecticut, authorized by the Act of July 3, 1930 (46 Stat. 919), consisting of an 18-foot channel in Yellow Mill River and described in subsection (b), is not authorized.

(b) DESCRIPTION OF PROJECT.—The project referred to in subsection (a) is described as beginning at a point along the eastern limit of the existing project, N. 123,649.75, E. 481,920.54, thence running northwesterly about 52.64 feet to a point N. 123,683.03, E. 481,879.75, thence running northeasterly about 1,442.21 feet to a point N. 125,030.08, E. 482,394.96, thence running northeasterly about 139.52 feet to a point along the east limit of the existing channel, N. 125,133.87, E. 482,488.19, thence running southwesterly about 1,588.98 feet to the point of origin.

SEC. 6004. BRIDGEPORT, CONNECTICUT.

The project for environmental infrastructure, Bridgeport, Connecticut, authorized by section 219(f)(26) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6005. HARTFORD, CONNECTICUT.

The project for environmental infrastructure, Hartford, Connecticut, authorized by section 219(f)(27) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6006. NEW HAVEN, CONNECTICUT.

The project for environmental infrastructure, New Haven, Connecticut, authorized by section 219(f)(28) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336), is not authorized.

SEC. 6007. INLAND WATERWAY FROM DELAWARE RIVER TO CHESAPEAKE BAY, PART II, INSTALLATION OF FENDER PROTECTION FOR BRIDGES, DELAWARE AND MARYLAND.

The project for the construction of bridge fenders for the Summit and St. Georges Bridge for the Inland Waterway of the Delaware River to the C & D Canal of the Chesapeake Bay, authorized by the River and Harbor Act of 1954 (68 Stat. 1249), is not authorized.

SEC. 6008. SHINGLE CREEK BASIN, FLORIDA.

The project for flood control, Central and Southern Florida Project, Shingle Creek Basin, Florida, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is not authorized.

SEC. 6009. BREVOORT, INDIANA.

The project for flood control, Brevoort, Indiana, authorized by section 5 of the Flood Control Act of 1936 (49 Stat. 1587), is not authorized.

SEC. 6010. MIDDLE WABASH, GREENFIELD BAYOU, INDIANA.

The project for flood control, Middle Wabash, Greenfield Bayou, Indiana, authorized by section 10 of the Flood Control Act of 1946 (60 Stat. 649), is not authorized.

SEC. 6011. LAKE GEORGE, HOBART, INDIANA.

The project for flood damage reduction, Lake George, Hobart, Indiana, authorized by section 602 of the Water Resources Development Act of 1986 (100 Stat. 4148), is not authorized.

SEC. 6012. GREEN BAY LEVEE AND DRAINAGE DISTRICT NO. 2, IOWA.

The project for flood damage reduction, Green Bay Levee and Drainage District No. 2, Iowa, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115), deauthorized in fiscal year 1991, and reauthorized by section 115(a)(1) of the Water Resources Development Act of 1992 (106 Stat. 4821), is not authorized.

SEC. 6013. MUSCATINE HARBOR, IOWA.

The project for navigation at the Muscatine Harbor on the Mississippi River at Muscatine, Iowa, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166), is not authorized.

SEC. 6014. BIG SOUTH FORK NATIONAL RIVER AND RECREATIONAL AREA, KENTUCKY AND TENNESSEE.

The project for recreation facilities at Big South Fork National River and Recreational

Area, Kentucky and Tennessee, authorized by section 108 of the Water Resources Development Act of 1974 (88 Stat. 43), is not authorized.

SEC. 6015. EAGLE CREEK LAKE, KENTUCKY.

The project for flood control and water supply, Eagle Creek Lake, Kentucky, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188), is not authorized.

SEC. 6016. HAZARD, KENTUCKY.

The project for flood damage reduction, Hazard, Kentucky, authorized by section 3 of the Water Resources Development Act of 1988 (102 Stat. 4014) and section 108 of the Water Resources Development Act of 1990 (104 Stat. 4621), is not authorized.

SEC. 6017. WEST KENTUCKY TRIBUTARIES, KENTUCKY.

The project for flood control, West Kentucky Tributaries, Kentucky, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081), section 201 of the Flood Control Act of 1970 (84 Stat. 1825), and section 401(b) of the Water Resources Development Act of 1986 (100 Stat. 4129), is not authorized.

SEC. 6018. BAYOU COCODRIE AND TRIBUTARIES, LOUISIANA.

The project for flood damage reduction, Bayou Cocodrie and Tributaries, Louisiana, authorized by section 3 of the of the Act of August 18, 1941 (55 Stat. 644, chapter 377), and section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 12), is not authorized.

SEC. 6019. BAYOU LAFOURCHE AND LAFOURCHE JUMP, LOUISIANA.

The uncompleted portions of the project for navigation improvement for Bayou LaFourche and LaFourche Jump, Louisiana, authorized by the Act of August 30, 1935 (49 Stat. 1033, chapter 831), and the River and Harbor Act of 1960 (74 Stat. 481), are not authorized.

SEC. 6020. EASTERN RAPIDES AND SOUTH-CENTRAL AVOYELLES PARISHES, LOUISIANA.

The project for flood control, Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, authorized by section 201 of the Flood Control Act of 1970 (84 Stat. 1825), is not authorized.

SEC. 6021. FORT LIVINGSTON, GRAND TERRE ISLAND, LOUISIANA.

The project for erosion protection and recreation, Fort Livingston, Grande Terre Island, Louisiana, authorized by the Act of August 13, 1946 (commonly known as the ''Flood Control Act of 1946'') (33 U.S.C. 426e et seq.), is not authorized.

SEC. 6022. GULF INTERCOASTAL WATERWAY, LAKE BORGNE AND CHEF MENTEUR, LOUISIANA.

The project for the construction of bulkheads and jetties at Lake Borgne and Chef Menteur, Louisiana, as part of the Gulf Intercoastal Waterway authorized by the first section of the River and Harbor Act of 1946 (60 Stat. 635), is not authorized.

SEC. 6023. RED RIVER WATERWAY, SHREVEPORT, LOUISIANA TO DAINGERFIELD, TEXAS.

The project for the Red River Waterway, Shreveport, Louisiana to Daingerfield, Texas, authorized by section 101 of the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6024. CASCO BAY, PORTLAND, MAINE.

The project for environmental infrastructure, Casco Bay in the Vicinity of Portland, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6025. NORTHEAST HARBOR, MAINE.

The project for navigation, Northeast Harbor, Maine, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 12, chapter 19), is not authorized.

SEC. 6026. PENOBSCOT RIVER, BANGOR, MAINE.

The project for environmental infrastructure, Penobscot River in the Vicinity of Bangor, Maine, authorized by section 307 of the Water Resources Development Act of 1992 (106 Stat. 4841), is not authorized.

SEC. 6027. SAINT JOHN RIVER BASIN, MAINE.

The project for research and demonstration program of cropland irrigation and soil conservation techniques, Saint John River Basin, Maine, authorized by section 1108 of the Water Resources Development Act of 1986 (106 Stat. 4230), is not authorized.

SEC. 6028. TENANT'S HARBOR, MAINE.

The project for navigation, Tenants Harbor, Maine, authorized by the first section of the Act of March 2, 1919 (40 Stat. 1275, chapter 95), is not authorized.

SEC. 6029. GRAND HAVEN HARBOR, MICHIGAN.

The project for navigation, Grand Haven Harbor, Michigan, authorized by section 202(a) of the Water Resources Development Act of 1986 (100 Stat. 4093), is not authorized.

SEC. 6030. GREENVILLE HARBOR, MISSISSIPPI.

The project for navigation, Greenville Harbor, Mississippi, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4142), is not authorized.

SEC. 6031. PLATTE RIVER FLOOD AND RELATED STREAMBANK EROSION CONTROL, NEBRASKA.

The project for flood damage reduction, Platte River Flood and Related Streambank Erosion Control, Nebraska, authorized by section 603 of the Water Resources Development Act of 1986 (100 Stat. 4149), is not authorized.

SEC. 6032. EPPING, NEW HAMPSHIRE.

The project for environmental infrastructure, Epping, New Hampshire, authorized by section 219(c)(6) of the Water Resources Development Act of 1992 (106 Stat. 4835), is not authorized.

SEC. 6033. MANCHESTER, NEW HAMPSHIRE.

The project for environmental infrastructure, Manchester, New Hampshire, authorized by section 219(c)(7) of the Water Resources Development Act of 1992 (106 Stat. 4836), is not authorized.

SEC. 6034. NEW YORK HARBOR AND ADJACENT CHANNELS, CLAREMONT TERMINAL, JERSEY CITY, NEW JERSEY.

The project for navigation, New York Harbor and adjacent channels, Claremont Terminal, Jersey City, New Jersey, authorized by section 202(b) of the Water Resources Development Act of 1986 (100 Stat. 4098), is not authorized.

SEC. 6035. EISENHOWER AND SNELL LOCKS, NEW YORK.

The project for navigation, Eisenhower and Snell Locks, New York, authorized by section 1163 of the Water Resources Development Act of 1986 (100 Stat. 4258), is not authorized.

SEC. 6036. OLCOTT HARBOR, LAKE ONTARIO, NEW YORK.

The project for navigation, Olcott Harbor, Lake Ontario, New York, authorized by section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143), is not authorized.

SEC. 6037. OUTER HARBOR, BUFFALO, NEW YORK.

The project for navigation, Outer Harbor, Buffalo, New York, authorized by section 110 of the Water Resources Development Act of 1992 (106 Stat. 4817), is not authorized.

SEC. 6038. SUGAR CREEK BASIN, NORTH CAROLINA AND SOUTH CAROLINA.

The project for flood damage reduction, Sugar Creek Basin, North Carolina and South Carolina, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4121), is not authorized.

SEC. 6039. CLEVELAND HARBOR 1958 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1958 (72 Stat. 299), is not authorized.

SEC. 6040. CLEVELAND HARBOR 1960 ACT, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion), Ohio, authorized by section 101 of the River and Harbor Act of 1960 (74 Stat. 482), is not authorized.

SEC. 6041. CLEVELAND HARBOR, UNCOMPLETED PORTION OF CUT #4, OHIO.

The project for navigation, Cleveland Harbor (uncompleted portion of Cut #4), Ohio, authorized by the first section of the Act of July 24, 1946 (60 Stat. 636, chapter 595), is not authorized.

SEC. 6042. COLUMBIA RIVER, SEAFARERS MEMORIAL, HAMMOND, OREGON.

The project for the Columbia River, Seafarers Memorial, Hammond, Oregon, authorized by title I of the Energy and Water Development Appropriations Act, 1991 (104 Stat. 2078), is not authorized.

SEC. 6043. SCHUYLKILL RIVER, PENNSYLVANIA.

The project for navigation, Schuylkill River (Mouth to Penrose Avenue), Pennsylvania, authorized by section 3(a)(12) of the Water Resources Development Act of 1988 (102 Stat. 4013), is not authorized.

SEC. 6044. TIOGA-HAMMOND LAKES, PENNSYLVANIA.

The project for flood control and recreation, Tioga-Hammond Lakes, Mill Creek Recreation, Pennsylvania, authorized by section 203 of the Flood Control Act of 1958 (72 Stat. 313), is not authorized.

SEC. 6045. TAMAQUA, PENNSYLVANIA.

The project for flood control, Tamaqua, Pennsylvania, authorized by section 1(a) of the Water Resources Development Act of 1974 (88 Stat. 14), is not authorized.

SEC. 6046. NARRAGANSETT TOWN BEACH, NARRAGANSETT, RHODE ISLAND.

The project for navigation, Narragansett Town Beach, Narragansett, Rhode Island, authorized by section 361 of the Water Resources Development Act of 1992 (106 Stat. 4861), is not authorized.

SEC. 6047. QUONSET POINT-DAVISVILLE, RHODE ISLAND.

The project for bulkhead repairs, Quonset Point-Davisville, Rhode Island, authorized by section 571 of the Water Resources Development Act of 1996 (110 Stat. 3788), is not authorized.

SEC. 6048. ARROYO COLORADO, TEXAS.

The project for flood damage reduction, Arroyo Colorado, Texas, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4125), is not authorized.

SEC. 6049. CYPRESS CREEK-STRUCTURAL, TEXAS.

The project for flood damage reduction, Cypress Creek-Structural, Texas, authorized by section 3(a)(13) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6050. EAST FORK CHANNEL IMPROVEMENT, INCREMENT 2, EAST FORK OF THE TRINITY RIVER, TEXAS.

The project for flood damage reduction, East Fork Channel Improvement, Increment 2, East Fork of the Trinity River, Texas, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1185), is not authorized.

SEC. 6051. FALFURRIAS, TEXAS.

The project for flood damage reduction, Falfurrias, Texas, authorized by section 3(a)(14) of the Water Resources Development Act of 1988 (102 Stat. 4014), is not authorized.

SEC. 6052. PECAN BAYOU LAKE, TEXAS.

The project for flood control, Pecan Bayou Lake, Texas, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742), is not authorized.

SEC. 6053. LAKE OF THE PINES, TEXAS.

The project for navigation improvements affecting Lake of the Pines, Texas, for the portion of the Red River below Fulton, Arkansas, authorized by the Act of July 13, 1892 (27 Stat. 88, chapter 158), as amended by the Act of July 24, 1946 (60 Stat. 635, chapter 595), the Act of May 17, 1950 (64 Stat. 163, chapter 188), and the River and Harbor Act of 1968 (82 Stat. 731), is not authorized.

SEC. 6054. TENNESSEE COLONY LAKE, TEXAS.

The project for navigation, Tennessee Colony Lake, Trinity River, Texas, authorized by section 204 of the River and Harbor Act of 1965 (79 Stat. 1091), is not authorized.

SEC. 6055. CITY WATERWAY, TACOMA, WASHINGTON.

The portion of the project for navigation, City Waterway, Tacoma, Washington, authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 6056. KANAWHA RIVER, CHARLESTON, WEST VIRGINIA.

The project for bank erosion, Kanawha River, Charleston, West Virginia, authorized by section 603(f)(13) of the Water Resources Development Act of 1986 (100 Stat. 4153), is not authorized.

Mr. BOND. I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOND. I thank all Senators for the passage of this very important bill. There has been tremendous bipartisan cooperation. I especially thank Senator JEFFORDS and Catharine Ransom, Jo-Ellen Darcy, and the great leadership of our chairman, Senator INHOFE. He did an outstanding job, with the great help of Angie Giancarlo, Ruth Van Mark and Stephen Aaron.

On my staff I express a special thanks to a fellow, Letmon Lee, who has worked on this tirelessly for better than 2 years, Karla Klingner, on my staff, Brian Klippenstein, who worked so hard. I believe we have a product we can take to the House.

It is long overdue that we pass the Water Resources Development Act. It was due to be passed in 2002. We have finally done it. My thanks to both sides.

Mr. JEFFORDS. I commend the Senator for his statement. I concur with him wholeheartedly. Let's get on with it.

Mr. BOND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 9

Mr. SPECTER. Mr. President, I ask unanimous consent that on Thursday at 9:30 a.m. the Senate proceed to Calendar No. 521, H.R. 9, the Voting Rights Act. I further ask there be 8 hours of debate equally divided between the two leaders or their designees with no amendments in order to the bill, and that following the use or yielding of time, the Senate proceed to a vote on passage without any intervening action or debate.

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

MORNING BUSINESS

Mr. SPECTER. Mr. President, I further ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. SPECTER. Mr. President, since we will be proceeding to the Voting Rights Act tomorrow morning at 9:30, I thought you would be interested to know, since you are on the Judiciary Committee, there will be no executive committee meeting because Senator LEAHY and I cannot be in two places at the same time. There will be no executive meeting tomorrow at 9:30. We will try to have a meeting off the floor if we can to pass out the judges.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. 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. WYDEN. Mr. President, I ask unanimous consent to speak in morning business for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator is recognized for 20 minutes.

OIL ROYALTIES

Mr. WYDEN. Mr. President, last week a group of Senators announced they had reached an agreement to open more offshore areas to oil drilling. For the first time, they would allow nearby States, under their proposal, to share in the oil royalties from drilling in Federal waters.

I have come to the floor tonight to say that while I am very hopeful the Senate can come to agreement on a plan that provides significantly more relief to the areas that have been ravaged by Hurricane Katrina, I am also hopeful that the Senate will use this opportunity to finally address a current program, a current royalty relief program, that is out of control and is diverting billions of dollars away from the Federal Treasury.

What the Senate is going to confront, apparently next week, is the prospect that while there is a royalty relief program now that needs to be fixed and has not been fixed, the Senate is going to start a new royalty relief program.

Usually, the first thing you do is fix the program that is not working today before you start anything else. Apparently, some would not be supportive of that taking place. I am one who sees this otherwise.

I also think if you can fix the current royalty relief program, where the Government Accountability Office says $20 billion to possibly $60 billion is being wasted, you could use that money from the current program—that even the sponsor, our respected former colleague, Senator Bennett Johnston, says is out of control—you could use that money from the current program, that wastes so much money, and get some of that to these areas that have been ravaged by Katrina.

There were two floods, in effect, that the Congress must now confront. First, we have to help rebuild the States of Louisiana, Mississippi, and Alabama that were destroyed by the storm surge of August 29 of last year. But the second flood that needs to be stemmed is the flood of billions of dollars of oil royalties that have gone into the pockets of the world's largest oil companies at a time when they have enjoyed extraordinary profits. They have enjoyed tremendous profits. We have seen extraordinary prices, and yet they continue to get these great subsidies.

As I say, if we can clean up the current royalty program, which is so inefficient that even its sponsor thinks is out of control, we will have more money to help these flood-ravaged areas of the gulf that are the legitimate concern of all of my colleagues from those States.

The existing oil royalty giveaways have grown over the years to become the biggest oil subsidy of all and one of the largest boondoggles that wastes taxpayer money of any Federal program.

The General Accountability Office estimates that at a minimum the Federal Government and the taxpayers are going to be out $20 billion in lost revenues. If the Government loses pending lawsuits, that amount could reach as high as $80 billion. This comes at a time when, according to the Congressional Research Service, the oil companies are enjoying record profits.

It will be very difficult to explain to the American public how Congress can be proposing to allow additional billions of dollars of royalty money to be given away before it first puts a stop to what is already going out the door.

Now, in opening this discussion tonight—I expect the Senate will look at this formally next week—I want to be very clear in saying that I understand the need of the gulf States to secure Federal funds to restore their coastlines and rebuild their communities. There is no question that Katrina and Rita flattened New Orleans and other communities up and down the gulf coast, and that there is a clear need for all Americans, including my constituents at home in Oregon, to be part of going to bat for our fellow Americans.

But I do hope, fervently, that as the Senate looks to find additional resources for these gulf States, the Senate will not be given a false choice between either aiding the gulf States or standing up for the public interest in the face of the outrageous oil company windfalls now being paid for today. We can and should do both.

Helping the victims of Katrina is not mutually exclusive from helping taxpayers. It is possible to do both. And as

I have outlined, if you clean up the oil royalty giveaway that is on the books today, that is so inefficient, you can take those dollars and give some of them to folks in the gulf States that are suffering.

Mr. President, my seatmate, Senator LANDRIEU, for whom I have the greatest respect, is from the great State of Louisiana, and she and other colleagues from the gulf States have come to the floor again and again and again to describe eloquently the devastation their States have faced from these hurricanes. Senator LANDRIEU has been a tireless advocate for her State. They have made a compelling case why Congress and the American people ought to provide real assistance to these communities.

Like my colleagues, like Senators of both parties, I want to help the hurricane victims in the gulf rebuild. But I also do not want to continue wasting taxpayer money in unnecessary giveaways to oil companies that have been raking in gushers of cash in the past few years.

As I indicated earlier when we talked about this subject at length on the floor of the Senate, the mistakes that were made in the current royalty relief program have been bipartisan. Certainly, the Clinton administration muffed the ball back in the 1990s when they did not step in and put a solid price threshold on this program. That caused a significant amount of money to be given away. But the mistakes made by the Clinton administration were compounded by Secretary Gale Norton in the Bush administration, and also by the Congress in the energy bill, which continued to sweeten the current royalty relief program.

So citizens and taxpayers have a bit of history: The current oil royalty relief program, which is such a colossal waste of taxpayer money, began when oil was $19 a barrel, and has been continuing at a time when oil has been well over $70 a barrel.

So I think it is important for the Senate to look at ways to provide additional help to the needs of the gulf States without turning a blind eye to this boondoggle that is on the books today—the oil royalty giveaway program that came about in the 1990s.

A possible solution to the current predicament is to use some of the money from the program, which does not work, to try to provide an additional boost of funding for the gulf States at present. Reforming the current royalty program could provide more money for areas hit by hurricanes and possibly other urgent priorities.

As long as we are on that subject, I would very much like to see some of the money that now goes to this inefficient oil royalty giveaway program used for the Secure Rural Schools legislation that is so important in my home State and much of the West and the South.

The oil companies are supposed to pay royalties to the Federal Government when they extract oil from Federal lands. But in order to stimulate production of oil in our country—this was back when oil was $19 a barrel—the Federal Government has been giving oil producers what has been known as royalty relief for some period of time.

Royalty relief is a nice way of saying that the oil companies are taking something from the American people without paying for it. That relief now amounts to billions of taxpayer dollars that are given away to companies that do not need them.

In fact, the President has said that with the price of oil at $55 a barrel, companies do not need incentives at all to drill for oil. That is the President of the United States, not some anti-oil advocate. The President of the United States has said that you do not need incentives with the price of oil above $55 a barrel. In fact, with prices shooting up to more than $75 a barrel—more than $20 higher than the price the President said meant there should not be any subsidies—I do not see how you can make a case at all for the current out-of-control oil royalty giveaway.

I am not the only person who is making this argument. For example, in May, a few weeks after I spent about 5 hours on the floor talking about this program, the other body, the House, held a historic vote to put an end to taxpayer-funded royalty giveaways to profitable oil companies. The House of Representatives, the other body, voted overwhelmingly, on a bipartisan basis, to put a stop to this waste of taxpayer dollars.

So what I spent 5 hours talking about on the floor of the Senate earlier this year—and Senators were saying: What is the point of this? What are going to be the implications? I think it is important to note that a few weeks after I took that time on the floor of this great body, the other body voted overwhelmingly to cut these unnecessary subsidies.

Even officials in the oil industry are saying that you cannot make a case for this multibillion-dollar subsidy at this time. The architect of the program, our respected former colleague, Senator Bennett Johnston, has said that what has taken place with respect to the royalty relief program is far removed from what he had in mind when he wrote the program.

Now, I believe the Senate ought to have another opportunity to debate and vote on the oil royalty issue, just as the other body did this spring. I was unable, earlier this year, despite being close to 5 hours on the floor, to even get an up-or-down vote on my proposal to stop ladling out tens of billions of dollars of unnecessary subsidies to the oil industry.

It seems to me if the U.S. Senate is going to vote on a new royalty scheme that will involve, again, enormous sums of money, the Senate certainly should have the opportunity to vote on reforming the existing program at that time.

We are, of course, in the middle of the summer driving season. This is a time of the year when our citizens drive more, as they go on summer vacations, when demand for gas goes up, and when prices at the pump continue to escalate. I am sure our citizens, who are now facing the highest gas prices ever at this time of the year, will be interested to know when the Senate will have a chance to vote on the question of whether, at this time of record prices, oil companies making record profits should continue to get record taxpayer subsidies in the form of royalty relief.

Along with several colleagues, I have written to the distinguished majority leader asking for the Senate to hold an up-or-down vote on ending royalty relief to profitable oil companies before the August recess. I will continue to press for a floor vote on reforming the oil royalty program at the earliest possible opportunity. I am going to do everything I can to see that this vote happens in a fashion that will expedite aid to the people and communities in the Gulf States who await our best efforts.

It is my understanding that the legislation to open up more offshore areas to oil drilling will come up under expedited procedures next week. I am going to work with colleagues who I know have a great interest in this. I have already spoken with Senator KYL, for example, who helped me greatly when we tried to roll back the oil royalty program earlier this year. I have also spoken with Senators LOTT and LANDRIEU and Chairman DOMENICI. I will continue to have those discussions. I simply wanted to take the time tonight, with the Senate having completed business for the week, to go through some of the implications of this offshore oil drilling program that will be debated next week.

What it comes down to is, before you start a brandnew program that will involve vast sums, you ought to clean up one that is on the books today and is currently out of control, wasting billions of dollars, according to the Government Accountability Office. Secondly, if you clean up the program that doesn't work today, you save some dollars and you can apply them to those devastated gulf States which have such a great need.

I intend to talk about this further next week. I do think it is time for the Senate to start thinking about the implications of what happens if you start a new program and you haven't fixed the one on the books today that even its author thinks is completely out of control and far removed from what he intended.

Mr. HATCH. Mr. President, today we have the opportunity to do something very important for a precious national resource: our children.

We must seize this opportunity and approve H.R. 4472, the Adam Walsh Child Protection and Safety Act of 2006.

As the father of six and the grandfather of 22, and about to be 23, my heart reaches out to parents whose children become the victims of sexual predators.

I cannot imagine what a nightmare that must be.

And as a legislator, I want to assure those parents that we are doing all we can to make certain this never happens again.

I am very confident that due to passing this legislation, there will be fewer sex offender victims in America, and fewer sex offenders roaming free.

This bill has enjoyed vast bipartisan support. When Senator BIDEN and I first introduced the legislation in the Senate, in the form of S. 1086 the Sex Offender Registration and Notification Act—42 Senators quickly signed on as cosponsors.

In particular, I thank for their support my colleague from Utah, BOB BENNETT, and Senator GRASSLEY. I also thank Representative MARK FOLEY who introduced a companion bill in the House and Chairman JIM SENSENBRENNER, who moved this through the House Judiciary Committee.

Majority Leader BILL FRIST and Speaker HASTERT are to be applauded for coming together to make sure this bill passed. I thank them all.

Technology of the 21st century, such as DNA testing, has empowered law enforcement to identify, prosecute, and punish sex offenders—the most despicable of criminals—as never before.

But advanced technology has also empowered sexual predators in way that outrages and disgusts me.

Some have compared the Internet to an ''open game preserve'' where sex offenders can prey on vulnerable children, meeting them in chat rooms and luring them into horrible situations.

Pedophiles use the web to hunt our children; now we will start using the web to hunt down sexual predators when this bill passes.

Today, there are more than 500,000 registered sex offenders in the United States.

Unfortunately, many of them receive limited sentences and roam invisibly through our communities.

With too many, we don't know where they are until it is too late.

We have tried tracking sex offenders through Web sites before, but these sites are virtually useless because the information is frequently wrong and outdated.

Most offenders register once a year, by mail. Moreover, state Web sites do not correspond with each other, and sex offenders are under penalty of only a misdemeanor if they lie or just decide not to participate. There are 150,000 out there that we do not know where they are.

This bill will enhance the web technology available for tracking convicted sex offenders and replace outdated, inaccurate Web sites with meaningful tools to protect children.

It will be a searchable national Web site that interacts with state sites.

Citizens in every state will be able to inform themselves about predators in their communities with accurate information.

Under this legislation, offenders will be required to report regularly to the authorities in person, and let them know when they move or change jobs.

And if they don't want to follow the rules, they will go to jail, because failure to provide truthful information will become a felony.

Those who break such a sacred trust and harm our children, no matter who they are, where they are from, or where they commit their crime, will have obligations under this law to make their whereabouts known voluntarily or subject themselves to additional prison time.

The bill also provides money to put tracking devices on high-risk sex offenders who are released from jail. If we convict these monsters, we can't lose track of them.

These are all common-sense solutions to a dark and horrible problem in our society.

We have all heard with horror the tales of sexual predators.

One of those tales that has captured national headlines comes from my home state of Utah. Elizabeth Smart, then a 14-year-old girl, was kidnapped from her home in 2002. Miraculously, she was rescued nine months later.

Since then, she and her father, Ed Smart, have vigorously labored on behalf of sex-crime victims and laws to help them, including this law.

Ed and Elizabeth have joined me in the Senate today. I thank them publicly, both for standing up and for fighting back. It means so much to all of us.

I have come to know and love them both, and I am grateful for the devotion they have shown for the children of this country.

This bill will call for the creation of a new office within the Department of Justice—called the SMART Office—the Director of which will be appointed by the President and confirmed by the Senate. SMART is an acronym which represents the reaffirmed efforts of the Justice Department to, Sentence—Monitor—Apprehend—Register—and Track, sex offenders. It is also named after Elizabeth Smart.

I thank the Department of Justice for their commitment to the issues of sex offenders, child pornography and the creation of the SMART Office—and I want to, again, thank the Smart family for their active participation in this debate and for helping to move this bill forward.

This legislation is truly ''smart'' legislation.

Also included in this legislation are child protection provisions first introduced in the House by Representative MIKE PENCE, and which I introduced here in the Senate.

This legislation will help prevent children from participating in the production of sexually explicit material.

It strengthens current law by requiring producers of sexually explicit material to keep records regarding the identity and age of performers.

I thank the Senator from Kansas, Senator BROWNBACK, who was this bill's original cosponsor, and the 29 other Senators, on both sides of the aisle, who joined as cosponsors of this bill.

As my colleagues are aware, Congress previously approved the PROTECT Act of 2003 against the backdrop of Department of Justice regulations applying recordkeeping statutes to both primary and secondary producers.

Along with the act's specific reference to the regulatory definition that existed at the time, this signaled Congress's agreement with the Department's view that it already had the authority to regulate secondary producers.

A Federal court in Colorado, however, recently enjoined the Department from enforcing the statute against secondary producers, a decision that conflicted with a DC court ruling on this point.

Title V of the Adam Walsh Act will eliminate any doubt that the recordkeeping statute applies to both primary and secondary producers. It clearly expresses Congress's agreement with the Department's regulatory approach and gives the Department the tools to enforce the statute.

I want to thank the American press corps for the attention it has given to this issue. News outlets have diligently raised the American public's awareness of the grave threat posed by today's sexual predators. And the press have followed the lead of John Walsh, host of ''America's Most Wanted.'' He and his wife, Reve, have waited nearly 25 years for the passage of this bill.

Next Thursday, July 27, 2006, marks 25 years since the abduction and murder of their son Adam. And on that 25th anniversary, it is our hope the President will sign into law legislation that will help law enforcement do what John has been doing all along—hunt down predators and criminals.

Ernie Allen, president of the National Center for Missing and Exploited Children, along with Robbie Callaway, John Libonati, and Carolyn Atwell-Davis were also very prominent spokespeople for this legislation, and I want to personally thank them.

The National Center for Missing and Exploited Children is one of the unsung heroes in the efforts to stop the abduction, exploitation, and murder of children. Their staff works long hours, and their commitment to stopping child pornography and sexual assault against kids is hard to match.

I am grateful that the Senate will soon act on this bill. In the preamble to our Nation's great Constitution, we the people promise to establish justice, promote the general welfare, and provide for the common defense. There is no defense more sacred, nor welfare more precious, than those of our children.

Currently, we track library books in this country better than we do sex offenders. With this measure, however, law enforcement will have the best means possible to protect our Nation's most precious national resource: our children.

Now, I appreciate the help of all of my colleagues. I certainly appreciate this time from the distinguished Senator from Oklahoma because I wanted to make this statement, and this was a good time to make it. I am grateful to him for providing the time. I yield back the remainder of my time and ask everybody in the Senate to vote for this bill.

VIOLENCE IN THE MIDDLE EAST

Mr. SCHUMER. Madam President, I rise to speak about the situation in the Middle East. As we have seen, the missiles are continuing to fly, the fighting continues, the situation gets volatile. This morning, another Hezbollah rocket attack—this time on Nazareth—caused the death of two more Israelis. So it is vitally important that we seriously discuss this issue.

Israel and its immediate neighbor Lebanon are in a state of peril that concerns the entire world. If I had one point to make this morning, it is this: President Bush is correct to fully support Israel in her effort to bring peace, to bring the soldiers home, to prevent missiles from flying on the northern fifth of Israel.

Mr. President, 1.2 million people are living in shelters. That is a fifth of the entire population. Israel has an inherent right as a sovereign nation not only to secure her borders but to defend herself from outside attack. I am urging the President to continue to stand tall and give Israel the space she needs, the time she needs, to defend herself and make sure that these missiles cannot continue to rain down upon her people at Hezbollah's will.

There is a great deal of pressure from the European community and from others that Israel should not be given the ability to defend herself. In short, if we were to prevent Israel from doing everything she could to stop these rockets from flying down on her people, we would be back where we are now 3 months, 6 months, a year from now, in the same situation.

So should there be peace and negotiations? Yes. Might it be possible eventually to have an international force in southern Lebanon? Perhaps, although many of us who believe in Israel are worried about that force because in the past it has not stopped terrorist attacks on Israel. But at the moment, we cannot allow the status quo to continue, where a militant terrorist organization, Hezbollah, has the ability to rain torture down on the northern part of Israel.

Israel must be allowed to defend herself like any nation. Can you imagine if some group were operating in Canada and continued to fire missiles at Buffalo and Detroit and Minneapolis and Seattle? Would the rest of the world tell the U.S. ''show restraint'' even though every night a hundred missiles came down on the cities, even though millions of people might be living in shelters? Of course not.

Every country has the right to defend herself. Israel is no exception. I salute President Bush for understanding that and hope he continues on that course because any other course, any appeasement of Hezbollah, will lead to this same sorry situation repeating itself.

Let's be clear: The state of Israel is not an aggressor here. Israel has stated over and over again its desire to live in peace with the Arab world. It is Israel's policy to allow a Palestinian state. And there are some in the Palestinian and Arab world who agree with it. But there are some who do not.

Hezbollah believes Israel has no right to exist, not simply in the West Bank and Gaza but in Tel Aviv and Jerusalem and Ashdod and Ashkelon. And Hezbollah has said they will do all they can to eradicate the state of Israel. Hezbollah is the aggressor.

I feel deeply for those who are injured, both Israeli and Lebanese, both Jew and Arab. But the Lebanese Government also has an obligation here; that is, not to allow terrorists to operate on her soil. I was so pleased to see that Saudi Arabia and other countries in the Arab world understand that Hezbollah is the provocateur here. But the world must unite against terrorism. The sad lesson we learn is that if terrorism is first directed at one country, it will inevitably spread, unless we have a strong, united world against terrorism.

In this case, Israel is not the aggressor. She is defending herself against an unlawful incursion into her borders by the terrorist organization Hezbollah. Hezbollah has rockets, and they shoot indiscriminately at civilians. Israel, on the other hand, in defending herself, goes out of her way and sacrifices the lives of her soldiers not to punish and hurt civilians. It is awfully difficult when people store missiles in their garages and in their homes.

But all Israel asks for is the ability to defend herself. To create some moral equivalency between Israel's response to these rocket attacks and the terrorist attacks themselves is, in my opinion, immoral. What other country would allow it? Would Prime Minister Chirac stand for restraint if missiles rained from Switzerland to Lyon? Would President Putin ask for restraint? Why he asks for restraint against terrorists in the Middle East but asks for world support against terrorists in Chechnya is beyond me. He seems to have a double standard.

Would any country simply watch as dozens of its own citizens were killed, countless more injured, the whole nation frantic with fear and uncertainty? No, of course not. Every nation would respond with strength and do everything it could to eradicate the terrorists. And that is just what Israel is doing now.

Prime Minister Olmert has publicly called for peace. He is right to do so. Israel did not seek out this conflict and does not seek its continuance. But neither will nor should Israel back down and simply allow Hezbollah to continue its reign of terror over Israel and its citizens at any time of its choosing.

So this is a sad situation. Lebanon's entire population is paying the price for Hezbollah's outrageous actions. The Prime Minister, Siniora, said in a statement:

> Lebanon cannot grow and develop if the government is the last to know and yet the first to pay the price.

The great mistake was allowing Hezbollah into the government and then allowing them free reign in southern Lebanon. It should not be a mistake that Lebanon repeats, and it should not be a mistake to which the world acquiesces.

Lebanese Prime Minister Siniora has called for his government to assert ''sovereignty in all Lebanese territory.'' I agree with this. You cannot have a terrorist separate nation living within your nation and then disclaim any responsibility and blame the country that is simply defending itself against terror.

As I said, I welcome the stance of Saudi Arabia and Egypt and Jordan and Kuwait, which characterized Hezbollah's actions as ''unexpected, inappropriate and irresponsible.'' This is a welcome stance, a new stance. But talk is cheap. We should hold the Arab League's feet to the fire and pressure them to take concrete steps that will force Hezbollah to stop its attacks and return the captured soldiers.

In short, our President is doing the right thing. Americans of all political philosophies and all parties back him in doing it. Our plea, Mr. President: Stay the course. Continue strong. Let Israel, who does not ask for United States troops or United States casualties in any way—defend herself. All she needs is the support of the world to help her fight terrorism, a terrorism which could afflict any one of our nations.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I think this may be the first time I have had occasion to stand on the floor and associate myself with the remarks of the distinguished Senator from New York. I appreciate his thoughtful remarks.

PRESIDENT'S VETO OF H.R. 810

Mr. HARKIN. Mr. President, I just watched the President of the United States veto the bill that passed here yesterday by 63 votes, the bill to provide that our scientists in this country, under the guidance of the National Institutes of Health, could conduct lifesaving research on embryonic stem cells, with strong ethical guidelines.

I will mince no words about the President's action and the words he used. I think this veto is a shameful display of cruelty and hypocrisy and ignorance. It is cruel because it denies hope to millions of Americans who suffer from Parkinson's, Alzheimer's, ALS, juvenile diabetes, and spinal cord injuries.

The best scientists in the world, overwhelmingly—including dozens of Nobel Prize winners, every director at the National Institutes of Health—say that embryonic stem cell research offers enormous potential to ease human suffering.

I think this veto displays some hypocrisy. The President describes it as immoral, yet himself provided funding for it in 2001. How is it that for those stem cells derived before 9 p.m. August 9, 2001, it is moral to do research on them, but it is immoral to do research on any stem cells after that? Please, explain that, Mr. President.

Quite frankly, I think this is a shameful display of ignorance about what stem cell research is. His spokesman today, Mr. Snow, said we are not going to kill these embryos to provide life to someone else. What a shameful display of ignorance. These cells are not killed. They are kept alive. These stem cells are kept alive to grow tissue and heart muscle, nerve muscle, reconnect spinal cords. If you kill them, they cannot do that. What sheer ignorance was on display by Mr. Snow this morning when he said that.

So, Mr. President, I will have more to say about this later. I only have a few minutes now. But I think what the President did is to condemn millions of Americans to suffering—needless suffering—and to take away the hope so many people have that this research could ease their suffering. I think it was a shameful display.

I congratulate the Senate which, in a bipartisan effort—63 votes—passed H.R. 810 yesterday. Now the President has vetoed it. We cannot bring it up again this year. But I can assure you that this Senate will take it up next January. We will be back, Mr. President. We will be back, and we will have more Senators next year willing to stand up—willing to stand up—against ignorance and hypocrisy and cruelty, more Senators who will stand up for embryonic stem cell research and help those who are suffering in our society. We will be back next January, and we will pass it again. And if this President vetoes it again, we will override it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I wish to respond to the Senator from Iowa very briefly.

I voted with the majority. I think we ought to give the President of the United States credit for a firmly based, knowledgeable position on this issue. Reasonable people can disagree on this issue. I think the debate generally that we had was good for America, but I respect the President's right to carry out his responsibilities as he sees fit. An exercise of a veto is within the President's authority.

I disagree with the President on this issue, but I respect his views and I respect his right to act as he feels is in the Nation's interest.

TRIBUTE TO WINTHROP PAUL ROCKEFELLER

Mrs. LINCOLN. Mr. President, I thank my colleague from West Virginia and my colleagues from Oklahoma and Vermont for allowing us this opportunity.

Today I rise to pay tribute to one of Arkansas' great public servants, business leaders, and philanthropists, our Lieutenant Governor, Winthrop Paul Rockefeller. Winthrop passed away quietly last Sunday after a period of illness. Words can hardly express the sense of loss we in Arkansas feel at the passing of Winthrop.

Everyone has heard of the Rockefeller name, there is no doubt. It is renowned the world over. Truth be told, Win could have used that name and the family fortune to do whatever he wanted or nothing at all. Many in similar circumstances have chosen to indulge themselves in personal excess. But not Win. He chose to live the life of a servant.

He had a plaque placed at his home on Petit Jean Mountain in Arkansas that really sums up how he lived and what he believed. The plaque quoted Micah, chapter 6, verse 8:

> He has showed us, O man, what is good. And what does the Lord require of you? To act justly and to love mercy, and to walk humbly with thy God.

All through his life, you see evidence of his desire to live out that Scripture. He was compassionate and thoughtful. He showed a strong love for his fellow man and a commitment to leaving this world a better place than he found it. Part of that commitment was expressed through his work at Little Rock-based Winrock International—one of the world's leading incubators of economic progress for developing economies.

His work there not only has had a profound impact on 107 nations spread across the globe but also has impacted Arkansas' rural areas as well. I have worked closely with Winrock International on many of those initiatives and have been proud to do so.

His Winthrop Rockefeller Foundation has also helped enrich the quality of life for rural America, particularly in the area of home ownership in my home area; that is, the Mississippi Delta.

He also strongly believed in developing the potential in our young people. One of his favorite organizations was the Boy Scouts of America. He served on the executive board of the National Council, and he was president of the Quapaw Area Council in 1997 and thereafter was a vice president. He also founded a program called Books in the Attic in which Boy Scouts could collect used books to distribute to families. Most importantly, however, he served for many years as an assistant Scoutmaster for Troop 12, and he attended Scout camp with his son regularly, as well as Scout meetings.

Win was also the father of two special needs children. His desire to see them and others like them succeed in life moved him to open a school for differently abled children called the Academy at Riverdale in Little Rock. This is just another example of the kind of heart he possessed.

Throughout his lifetime, Win also served in charitable organizations in many ways. The list is long, but some of the charities include the Arkansas State Police Commission, the President's Council on Rural America, and on and on. He served as a Texas Christian University trustee and was on the national boards of Ducks Unlimited, and the Nature Conservancy.

He served on the boards of the Arkansas Cancer Research Center and the Arkansas Arts Center Foundation. He was a trustee of the Winthrop Rockefeller Charitable Trust and Rockefeller Foundation.

In his spare time he was one of the finest Lieutenant Governors the State of Arkansas has ever known.

As I close paying tribute to this thoughtful, kind man, I am reminded of the story of David. He was looked upon as the most unlikely of men to become king of Israel. In the same way, it was easy for many to believe that they could look at outward things—Win's money perhaps, family connections, and his status—and draw conclusions about who he was.

But, as with David, man looks on the outside but God looks in the heart. Win's heart was always in the proper place, a faithful place. I truly believe that his heart has now found its rightful place in the hands of his King.

My condolences go out to his lovely wife Lisenne, his three daughters and five sons, to his extended family and my very dear friend and colleague, Senator JAY ROCKEFELLER, and I pray the Lord will keep this entire Rockefeller family in this time of grief.

Mr. President, I am proud to yield to my colleague from the great State of Arkansas, Senator PRYOR.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, we lost a great Arkansan this week and also a great American. I rise today to give tribute to Winthrop Paul Rockefeller.

When I think of Win Paul, I think of a man who demonstrated throughout the course of his life great faith, courage, and humility. He was a friend to me, but he was a friend to thousands of people around our State and around our Nation. He set a high standard for public service and for philanthropy and a high standard for leadership. In fact, he is one of those people who, regardless of his station in life, even had he

been born without a penny to his name, would have been selfless, and he would have lived a sacrificial life just as he did.

He has done so many great things for the State of Arkansas, for the country and for the world. Let me just name a few of the charities that he has been deeply involved with: The Boy Scouts of America, Project ChildSave, the Arkansas Literary Festival, the President's Council on Rural America, the Bill Fish Foundation, Ducks Unlimited, the Nature Conservancy, the Arkansas Coalition for Juvenile Justice—to name just a few.

He has helped so many people along the way. He has inspired people with the time he spent with them but also with his generosity.

I experienced that when I was about 10 or so years old. My father was the newly elected Governor of Arkansas and Win Paul walked in, a young man, and on the spot he bought for the Governor's mansion and gave to the State of Arkansas a new stove for the kitchen because he thought that Liza Jane Ashley, the cook at Governor's mansion, should not have to labor over that old, dilapidated stove she had. That is the way he was. We will never know the thousand acts of kindness he did for people.

I have to single out one organization that he loved so much and he is closely identified with in Arkansas and that is the Boy Scouts. He was involved in that organization for 30 years, and he led by example. The Boy Scouts' motto is ''Be prepared.'' I think that Win Paul Rockefeller was always prepared to help his fellow man. He was always looking for ways to be of service. The Boy Scouts' slogan is ''Do a good turn daily,'' and certainly he lived by that and lived by a very deep faith. He demonstrated his faith every single day that we all knew him.

Like my colleague from Arkansas, we extend our prayers to Lisenne, their children, and to JAY ROCKEFELLER and the entire Rockefeller family and all of their friends and all the people they have touched. We just want to say we know that he is in a better place. We know that he has been greeted at the Pearly Gates with open arms.

We will truly miss Winthrop Paul Rockefeller.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I thank the chairman of the full committee and ranking member for their generosity in allowing, hopefully, 15 minutes for eulogizing Win Paul. Win Paul was my first cousin. I think people need to know, he died from a really horrible form of cancer. We knew it was going to be difficult. He went to Seattle to get a variety of bone marrow transplants, and wasn't going anywhere. So, in effect, he came back to Arkansas, his home. In many ways like his father, in some ways under the shadow of his father, but in all ways committed to the people of Arkansas.

He originally came back to Arkansas at the age of 24 when his father died. He wanted to do good. When I think about him, I just think of his desire to be helpful to people. Both of my colleagues from Arkansas mentioned his relations, working with the Boy Scouts. One thing he was really proud of is that he racially integrated the Little Rock Boy Scouts, so that there were two sides.

I feel a great sense of loss personally as his first cousin, who knew him very well. He had a great affinity for Arkansas, which is a State that I love because it is very much like West Virginia.

He had a wonderful family, eight children. Several of them have very difficult developmental disabilities. He has, for that reason, and I think because of his general humanity, poured himself into people who do have developmental problems. Both Senators from Arkansas mentioned the Riverdale Academy, which I think tripled in size since it was founded in 2004.

He was ultimately a Lieutenant Governor who wanted to be Governor to do what all Governors want to do, which is to live out their vision, make his vision for Arkansas come true. He didn't have that chance. He gracefully withdrew from the race when it became evident to him that things weren't going to be very good in terms of his health. He came back to Arkansas a very, very sick person to die, to his home and to his God.

I am going to miss him. I thank my colleagues for indulging in this moment of thought about a family member to me and a political leader and friend to my two beloved colleagues from Arkansas.

He will be at home in Heaven.

PRESIDENTIAL REPORT

Mr. STEVENS. Mr. President, I ask unanimous consent that a letter from the President of the United States be printed in the RECORD today pursuant to the war powers resolution.

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

Hon. TED STEVENS,
President pro tempore of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Hostilities involving Israeli military forces and Hezbollah terrorists in Lebanon commenced on July 12, 2006, and have included military operations in the vicinity of the U.S. Embassy in Beirut.

Although there is no evidence that Americans are being directly targeted, the security situation has deteriorated and now presents a potential threat to American citizens and the U.S. Embassy. On July 14, the Department of State first requested Department of Defense assistance to support the departure of American citizens from Lebanon. On July 15, U.S. military helicopters temporarily deployed to Cyprus. On July 16, these combat-equipped helicopters delivered to U.S. Embassy, Beirut, a contingent of U.S. military personnel who will assist in planning and conducting the departure from Lebanon of U.S. Embassy personnel and citizens and designated third country personnel. The helicopters also transported U.S. citizens from Beirut to Cyprus. It is expected that these helicopters will continue to provide support to the Embassy, including for the departure of additional personnel from Lebanon. It is likely that additional combat-equipped U.S. military forces may be deployed to Lebanon and Cyprus and other locations, as necessary, in order to support further efforts to assist in the departure of persons from Lebanon and to provide security.

These actions are being undertaken solely for the purpose of protecting American citizens and property. United States forces will redeploy as soon as it is determined that the threat to U.S. citizens and property has ended and the departure of any persons, as necessary, is completed.

I have taken this action pursuant to my constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. I am providing this report as part of my efforts to keep the Congress informed, consistent with the War Powers Resolution.

Sincerely,

GEORGE W. BUSH.

THE WHITE HOUSE, *July 18, 2006.*

COMMENDING SHARON DALY

Mr. REID. Mr. President, I am pleased to rise today to commend Sharon Daly for her more than 30 years of service to those in need. Through her tireless advocacy, she has truly made an important contribution to the well-being of real people and has improved the character of this Nation.

Most of those who have benefited from her efforts will never know her name or the impact that she had on their lives. That is because Sharon wasn't one to seek the limelight or publicity for herself. Instead, she has quietly but determinedly dedicated herself to helping the most vulnerable among us—including those with disabilities, the homeless, victims of domestic violence, disadvantaged and abused children, and immigrants. Sharon's leadership and commitment truly exemplifies what it means to ''love you neighbor as yourself.''

Through her service at the Children's Foundation, the U.S. Conference of Catholic Bishops, the Children's Defense Fund, and most recently as vice president and then senior public policy advisor at Catholic Charities USA she has worked to make Federal programs, including the Food Stamps Program, Medicaid, the earned-income tax credit and many others, more responsive to the needs of those facing significant challenges in their lives. She helped Members of Congress and our staffs understand how the support provided by these programs helps low-income families and children address the ravages of poverty.

Sharon worked successfully on bipartisan efforts to enact the Family and Medical Leave Act and the Americans with Disabilities Act. She also played a lead role in the enactment of a 1993 package of benefits for low-income families with children, including major expansions in the earned-income tax credit, food stamps, immunization, and family preservation/child welfare services.

Mr. President, Sharon Daly is retiring from Catholic Charities USA. She will be deeply missed for her thoughtful guidance and leadership. I have confidence, however, that she will remain an inspiration to those who will follow in her footsteps.

TEEN DRIVER SAFETY

Mr. DURBIN. Mr. President, during the recent district work period, I read a front-page Chicago Tribune news article that reminded me of the importance of educating young adults about driving safety. And as students in Gibson City, IL, can tell you, the story is also a testament to what can be achieved through dedication, perseverance, and heart.

Summer can be a dangerous time for teen drivers, many of whom are just beginning to build their experience behind the wheel. In my home State of Illinois, July is the deadliest month for teen drivers. An average of 12 Illinois teens have been killed in car accidents every July for the last 10 years. We must work to prevent these tragic losses by educating America's teenage drivers about driver safety.

The Tribune article highlighted the story of the Arends family, of Gibson City, IL, who have turned an unimaginably heartbreaking tragedy into a successful campaign to save the lives of teen drivers. Three and a half years ago, 17-year-old twins Greg and Steve Arends were driving to work when Greg, the driver, lost control of the car, which slammed sideways into a telephone pole at 80 miles per hour. Neither boy was under the influence of drugs or alcohol, and both boys' seatbelts were fastened, but unfortunately, Greg's side of the vehicle bore the impact of the crash, and he died at the hospital. Miraculously, his twin brother Steve survived, thanks in part to wearing a seatbelt.

A year and a half after the accident, despite their immense pain and grief, the Arends family responded to a call from Judy Weber-Jones, a teacher at the local high school, who asked if they would be willing to help launch a teen driver safety campaign in Gibson City. They agreed, and Steve Arends even decided to participate in presentations for his peers. His is a powerful message, and it is already making a difference in the lives of teens in Gibson City. Though the accident left Steve with injuries that he is still trying to overcome, he has displayed great courage in sharing his unfortunate experience with his peers in Central Illinois.

Over the last year and a half, the campaign at Gibson City-Melvin-Sibley High School, called Project Ignition—License to Live, has grown to attract the participation of dozens of students and community volunteers. The Arends family has allowed students to place pictures of Greg around the school and gave the group a picture of the car mangled in the accident. Roadside signs erected all over town read ''Slow Down. Buckle Up. Remember Greg and Steve.'' Students have staged mock car accidents and organized demonstrations with crash simulators. The group has also produced videos, PowerPoint presentations, and public service announcements aimed at increasing seatbelt use, reducing speeding, and promoting safe driving practices among teens.

I commend the Arends family, Ms. Weber-Jones, and all those who collaborate with the Project Ignition—License to Live program for their work to save the lives of young drivers in Illinois. The campaign's success has been remarkable.

Since the start of the Project Ignition—License to Live program, seatbelt use among teens at Gibson City-Melvin-Sibley High School has increased at least 20 percent, the number of speeding tickets issued to teens has decreased by more than 70 percent, and the number of accidents reported to local police departments has dropped by more than half. This program is indeed saving lives. Six teens were involved in car accidents this past school year, and in all six cases, the teens were wearing their seatbelts and walked away with only minor injuries.

So what is Project Ignition—License to Live doing differently than other teen driver safety programs? In just a short time, this program has been able to achieve levels of improvement in teen driver safety and accident prevention that parents, teachers, law enforcement, and other leaders have not been able to accomplish in decades. The most notable difference is that this program is fueled by teens themselves. They have found a way to package messages about wearing seatbelts, slowing down, and staying alert that truly resonate among their peers. Theirs is a model that I believe should be replicated across the Nation.

The SAFETEA highway and transit bill that Congress passed 1 year ago included a provision to reward States that have passed strong primary seatbelt laws. Such laws allow law enforcement officials to stop, ticket, and fine drivers for not wearing a seatbelt. My home State of Illinois is one of those States that have already passed a primary seatbelt law. In 2006, Illinois will receive a one-time payment of $30 million in Federal funds authorized by SAFETEA. I commend Illinois for not only passing a primary seatbelt law that will save lives but also for dedicating all of the $30 million to highway safety programs. I recently sent a letter to Governor Blagojevich urging him to use the funds to bolster the efforts of groups like Project Ignition License to Live.

As the example of Gibson City and the Arends family shows, young adults take to heart the life lessons of their peers. Therefore, Governor Blagojevich and the State of Illinois would be wise to coordinate with groups such as Project Ignition—License to Live so that young adults can share their personal experiences and remind their peers to drive safe and buckle up. I urge my fellow Senators to continue to fund these important safety programs and to work with their State governments to pass primary seatbelt laws so that other States can follow Illinois' example and make highway safety a priority.

HONORING OUR ARMED FORCES

AIRMAN JASON J. DOYLE

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Navy Airman Jason Doyle of Nebraska. Airman Doyle died after falling overboard from the USS *Kitty Hawk* off the eastern coast of Japan on July 8. He was 19 years old.

Airman Doyle grew up near Sunset, UT. In 2000, he moved to Bellevue, NE and was a 2005 graduate of Papillion-La Vista South High School. He joined the Navy immediately following graduation.

Airman Doyle had a lifelong interest in flying and in Japanese culture. He turned those interests into an opportunity with the Navy. He was deployed with the Electronic Attack Squadron, VAQ, 136 aboard the USS *Kitty Hawk* in October 2005. His first leave was at a Japanese port, where he was able to experience a culture he had been fascinated with his entire life. Thousands of brave Americans like Airman Doyle are serving the United States worldwide.

Airman Doyle is survived by his father, Dale Doyle; his mother, Martha Bower; his stepmother, Susie Doyle; his brother Brandon; and sisters Shauna, Whitney, and Ashley.

I ask my colleagues to join me and all Americans in honoring Airman Jason Doyle.

REAUTHORIZATION OF THE NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

Mr. AKAKA. Mr. President, I am pleased to be an original cosponsor of a bipartisan bill to reauthorize the National Veterans Business Development Corporation, commonly known as the Vets Corp. This bill, the Veterans Corporation Reauthorization Act of 2006, was developed in a cooperative fashion by members of the Small Business and Veterans Affairs' Committees, in conjunction with Senator TALENT who was involved in the original establishment of the Vets Corp during his tenure in the other body.

The Vets Corp has a crucial mission—to foster entrepreneurship and business opportunities for veterans, with a special focus on service-disabled veterans. During this time of conflict abroad, this mission is extremely relevant. A seamless transition from military to civilian status requires that we give our veterans the tools necessary to succeed in their post-military lives. The Vets Corp seeks to do just this for veteran-owned small businesses.

Created by Congress in 1999, the Vets Corp had a slow start. While I believe that the new Vets Corp leadership is turning things around, there are some lingering concerns about the Vets Corp's funding and mission. I am hopeful that this legislation we are introducing today will help remedy these concerns. Under the terms of the legislation, the Vets Corp would be provided matching funds instead of a straight allocation. In addition, this bill would clarify the purpose of the organization as well as improve the structure of their advisory board.

Mr. President, I am proud to be a cosponsor of this bill. I applaud the hard work of Senators KERRY, SNOWE, TALENT, and their staffs in crafting this bipartisan bill. I hope my colleagues will support this bill and I urge its speedy passage.

VIOLENCE IN DARFUR

Mr. FEINGOLD. Mr. President, I am deeply troubled that violence in Darfur continues. It is disheartening to learn that the Government of Sudan continues to serve as an obstacle to the deployment of U.N. peacekeeping forces that could bolster the African Union Mission in Sudan, AMIS. While AMIS has conducted its mission to the best of its ability, it is clear that it has neither the resources nor the mandate to stop the violence that is affecting the lives of millions of innocent people. It remains critical that an international peacekeeping force be allowed to deploy to Darfur to augment the African Union Mission in Sudan and to establish a lasting and sustainable peace.

Peace in Darfur has been elusive, but it is not unattainable. The Government of Sudan must be a willing partner for peace; it must work with the international community to find an acceptable and expedient plan to introduce peacekeeping forces to that region. Until a more robust peacekeeping force can deploy to Darfur, it is important that the international community support continuing AMIS efforts there. Finally, parties to the conflict in Darfur must also abide by the recently agreed upon Darfur Peace Agreement, DPA, although it is apparent that this peace agreement is showing signs of strain.

Peace in Darfur is critical for establishing a lasting and comprehensive peace throughout Sudan and the region. That said, we must not ignore the continuing need to press for progress on the North-South Comprehensive Peace Agreement, CPA. The U.S. Government, with the international community and the United Nations, must continue to press for progress in implementing the CPA between the north and the south of Sudan. Unfortunately, well over a year from the signing of the CPA, it has become painfully clear that various important elements of the agreement have yet to be implemented, let alone completed. Key issues concerning land tenure rights, critical border agreements, oil revenue sharing, and armed militias in southern Sudan have yet to be settled or addressed fully.

While much of the lack of progress relating to the CPA relates to the complexity of the peace agreement, much of it relates to the limited capacity of the Government of Southern Sudan, GOSS, to provide effective governance, services, and protection of its citizens. There remain serious obstacles to the establishment of a viable and strong GOSS, including a continuing lack of sufficient infrastructure throughout the south and sporadic violence that disrupts various parts of the region. The international community must continue its support of Sudan's CPA, which means addressing the capacity that parties to the agreement have to implement the agreement.

The U.S. Government and the international community need to be sustained, coordinated, and comprehensive. We cannot dismiss the significance of the linkages and impact that each of these agreements have on one another, nor their significance for developing a solid foundation for addressing conflict throughout the region. Successful implementation of both the CPA and DPA will provide significant benefits to all communities in Sudan and will set the stage for a new era of peace for the entire country and region.

NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION

Ms. SNOWE. The Veterans Entrepreneurship and Small Business Development Act of 1999 created the National Veterans Business Development Corporation—The Veterans Corporation—to address gaps in providing small business and entrepreneurship assistance to veterans and service-disabled veterans. These services are to be delivered through newly created, community-based veterans business resource centers, VBRCs. The legislation authorized Federal funding through fiscal year 2004, with the requirement that the Corporation ''institute and implement a plan to raise private funds and become a self-sustaining corporation.''

While the Veterans Corporation's purpose and mission are well-intentioned, in practice, the Corporation has been unable to become self-sustaining and continues to rely on congressional appropriations. Furthermore, the Corporation's funding concerns have diminished its ability to create a vibrant national network of VBRCs. The Corporation's struggles have led it astray from the original intent of the law and hurt its delivery of services to our Nation's veterans. As such, my colleagues and I are introducing legislation to reauthorize the Veterans Corporation and to improve the direction of the Corporation as it works to serve veteran and service-disabled veteran entrepreneurs.

Although the Veterans Corporation has fallen on hard times, its vision of assisting veterans with their business needs is still admirable. In fact, according to the Small Business Administration, about 22 percent of veterans were either purchasing or starting a new business or considering doing so in 2004. Moreover, almost 72 percent of these new veteran entrepreneurs planned to employ at least one person at the outset of their new venture. Supporting veterans' small business needs has become increasingly important as soldiers begin to return from continuing U.S. military operations worldwide.

I have worked hard to put the Veterans Corporation on the track to success and to support the veteran entrepreneurs and veteran-owned small businesses that it serves. I have led efforts to ensure proper oversight of the Corporation, as well as assisted the Corporation through appropriate legislative action.

As Chair of the Senate Committee on Small Business and Entrepreneurship, I requested a Government Accountability Office, GAO, study, released in August 2004, to ensure that the Veterans Corporation was meeting its responsibilities and the needs of our Nation's veterans. The GAO report concluded that the Veterans Corporation faced a number of challenges in achieving self-sufficiency, noting that dramatically lower-than-expected revenues delayed the estimated date for achieving self-sustaining operations from fiscal year 2004 to fiscal year 2009. The GAO was also concerned with the Corporation's distinction as a government corporation,'' as determined by the Office of Management and Budget and the Department of Justice. This determination subjected the Corporation to numerous agency requirements and drained significant resources away from serving veterans. Again, this designation inhibited the Corporation's ability to become self-sustaining.

In the fall of 2004, I introduced emergency legislation that was passed into law to clarify the Corporation's status as a ''quasi-private entity,'' not a ''government corporation.'' At the time, this legislation relieved the 12-employee Corporation from burdensome Federal agency reporting requirements.

Following the enactment of this legislation, many of my colleagues and I encouraged the Corporation to work hard to get its fiscal house in order and to focus on reaching out to veterans in local communities, particularly through VBRCs. Unfortunately, the Corporation's most recent efforts to become self-sustaining have yielded insufficient results. Furthermore, since its inception, the Corporation has only succeeded in establishing four VBRCs. Therefore, it is appropriate to restructure the corporation to meet the original intent of the law and to better serve our veteran entrepreneurs.

I would like to thank Senators KERRY, TALENT, and AKAKA for working together with me to craft the bipartisan ''Veterans Corporation Reauthorization Act of 2006.'' We believe that this bill will clarify current law directing the Veterans Corporation, improve the Corporation's services to veterans by stressing the need to create VBRCs, and protecting the American taxpayer by ensuring that the Corporation meets its self-sustaining requirement.

More specifically, this legislation will focus the Corporation's purpose and mission to emphasize establishing a national network of information and assistance centers for use by veterans and the public.

This bill would strictly guide the Corporation's ability to access public funds. Although the legislation would reauthorize funding at $2 million for fiscal year 2007–fiscal year 2009, the funds would be directed through the Small Business Administration's Office of Veterans' Business Development. These funds would only be allocated to the Corporation if it first matches those funds on a dollar-for-dollar basis. Any funds not expended would revert back to the Treasury. Furthermore, there is a provision that restricts the amount of revenue the Corporation can raise from fee-for-service tools or direct charge, to the veteran receiving services.

Our legislation also reinforces current law by requiring that the Veterans Corporation must develop a plan to become self-sustaining and would add the requirement that the Corporation include an independent audit in its annual report to Congress, and includes a GAO audit to ensure review and compliance.

Finally, the legislation will postpone the transfer of duties from the SBA's Advisory Committee on Veterans Business Affairs to the Corporation, and improve notification of the Corporation's services to veterans and transitioning service members.

VOTING RIGHTS ACT REAUTHORIZATION

Mr. LEAHY. Mr. President, There are few things as critical to our Nation, and to American citizenship, as voting. Like the rights guaranteed by the first amendment, the right to vote is fundamental because it secures the effective exercise of all other rights. As people are able to register, vote, and elect candidates of their choice, their interests and rights get attention. The very legitimacy of our democratic Government is dependent on the access all Americans have to the electoral process.

The Voting Rights Act of 1965 transformed the landscape of political inclusion. As amended, the act contains important provisions for language assistance. Section 203, added as part of the second reauthorization of the Voting Rights in 1975, broadened this landscape by allowing millions more American citizens to participate fully in our democracy. Section 203, which requires bilingual voting assistance for certain language minority groups, was enacted to remove obstacles to voting posed by illiteracy and lack of bilingual language assistance resulting in large measure from unequal educational opportunities available to minorities. These provisions helped overcome discriminatory barriers which limited access to the political process for language minority groups and resulted in low turnout and registration. Along with section 4(f)(4), section 203 has led to extraordinary gains in representation and participation made by Asian Americans and Hispanic Americans.

Hispanic-American populations have been one of the primary minority language groups to benefit from the protections of the bilingual provisions of the Voting Rights Act. For example, effective implementation of the bilingual provisions in San Diego County, CA, helped increase voter registration by more than 20 percent. And voter turnout among Hispanic Americans in New Mexico rose 26 percent between 2000 and 2004 after television and radio spots were aired in districts with Spanish-educated listeners about voter registration and absentee ballots. Yet more needs to be done. Historically, Hispanic Americans have low voter turnout and less than 1 percent of all elected offices in the United States are held by Hispanic Americans.

I was troubled during the immigration debate that the rhetoric of some Members of the Senate appeared to be anti-Hispanic in supporting the adoption of an English language amendment. Senator SALAZAR and I wrote to the President following up on this provision. We asked whether the President will continue to implement the language outreach policies of President Clinton's Executive Order No. 13166. A prompt and straightforward affirmative answer would have gone a long way. Sadly, we have received no response from this White House. I have, however, raised the matter when the opportunity presented itself with the Secretary of Commerce and the Attorney General and both have assured me that the Bush administration will continue to adhere to the outreach efforts of the Clinton Executive order.

I understand why those efforts to amend the immigration bill to make English the official or national language provoked a reaction and seemed mean-spirited to so many. It elicited the extraordinary May 19 letter from the League of United Latin American Citizens, the Mexican American Legal Defense and Educational Fund, the National Association of Latino Elected Officials Educational Fund, the National Council of La Raza and the National Puerto Rican Coalition and from a larger coalition of interested parties from 96 national and local organizations.

Until that vote, in our previous 230 years we had not found it necessary or wise to adopt English as our official or national language. I believe it was in the Commonwealth of Pennsylvania that the State legislature shortly after the Revolutionary War authorized official publication of Pennsylvania's laws in German as well as English to serve the German-speaking population of that State. We have been a confident Nation unafraid to hear expressions in a variety of languages and willing to reach out to all within our borders. That tradition is reflected in section 203 of the Voting Rights Act and in President Clinton's Executive Order No. 13166. It is an honorable and just tradition.

We demean our history and our welcoming tradition when we disparage languages other than English and those who speak them. I have spoken about our including Latin phrases on our official seal and the many States that include mottos and phrases in Latin, French and Spanish on their State flags. We need not fear other languages. We would do better to do more to encourage and assist those who wish to be citizens to learn English, but we should recognize English, as Senator SALAZAR's amendment suggested, as our common and unifying language.

I hope that the President will join with us to protect language minority voters. As a presidential candidate, then-Governor Bush told a New Hampshire audience in September 1999, ''English-only would mean to people 'me, not you.' As the Washington Times noted recently:

> Mr. Bush speaks some Spanish and occasionally peppers speeches and conversations with words and phrases from the language. Speaking to a group of adults taking civics lessons yesterday at the Catholic Charities-operated Juan Diego Center, he lapsed into Spanish. Asked whether Mr. Bush planned to drop Spanish from his stump speeches, a White House spokeswoman said she does not expect that to happen.

The White House, government agencies and a number of Senators include Spanish language outreach on their official government websites. I am glad that they do. Ironically, some who pushed most strongly for some variant of English-only treatment in the immigration bill have bent our rules to address the Senate in Spanish.

We have been engaged in a contentious debate about immigrants who are not yet citizens, which is unfortunate. I wish we could join together to pass fair and comprehensive immigration reform. But the issue related to section 203 and section 4(f)4 of the Voting Rights Act affects American citizens. These provisions provide assistance to Native Americans and indigenous peoples, who speak languages which preceded the first English speakers on this continent. These are citizens who are trying to vote but many of them are struggling with the English language due to disparities in education and the incremental process of learning. It is imperative that all citizens be able to exercise their rights as citizens, particularly a right as fundamental as the

right to vote. Renewing the language provisions of the Voting Rights Act that are expiring and continue to be needed, will help make that a reality.

At this time I would like to summarize some of the evidence received by the Senate Judiciary Committee demonstrating the continuing need for sections 203 and 4(f)4.

We received extensive testimony about past and continuing educational disparities in jurisdictions covered by section 203 and section 4(f)4. According to multiple witnesses, many Alaska Natives, Native Americans, Asian Americans and Hispanic Americans suffer from inadequate educational opportunities to learn English. Unfortunately, our Judiciary Committee record demonstrates that the high illiteracy rates experienced by language minorities result from the failure of State and local officials to afford equal educational opportunities.

Several witnesses testified that these educational disparities are the major form of discrimination against language minorities. John Trasviña, president of MALDEF, testified, ''while they may speak conversational English well, these U.S. citizens may not be fully proficient because they were intentionally denied the academic instruction necessary to vote effectively in English-only elections that employ complicated language and terminology.'' The problem of unequal educational opportunities existed before the Voting Rights Act was passed in 1965 and continues today. Language minority children who were educated in the 1970s, 1980s and 1990s and given unequal education opportunities are the adults that today need the assistance of sections 203 and 4(f)(4). Children who are in schools today where they receive unequal education will need the assistance of these provisions to fully participate in the political process as adults.

Over the course of nine hearings, we heard and received testimony that not only are all states with the most limited English proficient students covered by section 203, but all the school districts with most limited English proficient students are also covered by section 203. These children will first begin to vote over the next 25 years while this proposed reauthorization of the Voting Rights Act is in effect, and they will not have had equal access to education and the opportunity to learn English.

In Alaska, which has the single largest indigenous population in the United States, an attorney for Native American Rights Fund testified about the dramatic educational disparity between Native people and non-Natives. Only 75 percent of all Alaska Natives completed high school compared to 90 percent of non-Natives. And still Alaska persists in holding all-English elections—in violation of section 203—which has impacted Alaska Natives' ability to vote with their turnout lagging behind statewide voter turnout by 17 percent.

According to the 2000 Census, the educational attainment of Hispanic Americans nationally is also lacking. Only 52.4 percent of all Hispanic Americans have a high school education or more, compared to 80.4 percent for all persons in the United States. Efforts to combat this educational disparity have resulted in dozens of lawsuits against states for failing to provide equal education to native and nonnative English speakers. We received testimony that successful school funding cases have been brought in half of all the section 203 covered States and are pending in many others. In Arizona in 2005, a Federal court cited the State of Arizona for contempt for failing over the course of the preceding 13 years to provide opportunities for Spanish-language students to learn English in the public schools. The court has been fining the State at least $500,000 a day until the problem is corrected and equal opportunities are provided to the 175,000 English language learner students estimated to be in Arizona's schools in 2006.

And I personally understand the challenges of learning English as your second language. As I have said before, my wife was born of immigrant parents and English became her second language. My mother was born of immigrant parents, with English as her second language. Fortunately, they learned it as young people. But for adults learning English, it can be much harder.

We received extensive testimony that classes for adult students to increase their English proficiency are too few and oversubscribed. Senator KENNEDY told us that in his own section 203 covered jurisdiction of Boston, the waiting period for English as a second language, ESL, classes is 17,000 students long which translates into a wait of as much as 3 years. In New York City, the ESL need is estimated to be 1 million, but only 41,347 adults were able to enroll in 2005 because of limited availability. It is a sad fact that most adult ESL programs no longer keep waiting lists because of the extreme demand, but use lotteries in which at least 75 percent are turned away, and the waiting time can be several years.

Continuing acts of discrimination against language minorities, such as those contained in the committee record, chill minority voting participation denying these citizens equal access to the balloting process. We heard countless examples of the continuing discrimination that minority language citizens face when participating or attempting to participate in the political process. These experiences will no doubt stick with each voter for some time.

Civil Rights organizations testified about numerous instances of discrimination that were documented while monitoring elections in covered jurisdictions in New York. For example, in the 2001 elections at Public School 228, a polling site coordinator, trying to thwart bilingual interpreters from performing their duties, yelled ''You f---ing Chinese, there's too many of you!'' In 2002, at Public School 82 and at the Botanical Garden, some of the comments made to Asian-American voters included poll workers calling South Asian voters ''terrorists'' and mocking the physical features of Asian eyes. While monitoring the 2003 elections, independent observers reported that in Public School 126 in Manhattan's Chinatown, poll inspectors ridiculed a voter's surname—Ho; in Public School 115 in Queens, disparaging remarks were directed at South Asian voters, with one coordinator continuously referring to herself as a ''U.S. citizen'' and that she, unlike them, was ''born here'' and that the other workers needed to ''keep an eye'' on all South Asian voters; at Flushing Bland Center in Queens, the site coordinator complained that Asian-American voters ''should learn to speak English.''

During the 2004 election, a Hispanic voter in San Antonio, TX, was told by an election judge that she was not on a voter registration list and could not cast a provisional ballot, despite the recently enacted Help America Vote Act which provides for provisional ballots in such situations. She and her family had been voting at the same polling station for over 20 years. The election judge refused to unlock the provisional ballot box until a Mexican American Legal Defense and Education Fund—MALDEF—attorney arrived and negotiated on behalf of the voter.

And the House of Representatives received equally disturbing testimony which was incorporated into our own RECORD. In 2003, the chairman of the Texas House Redistricting Committee stated that he did not intend to hold redistricting hearings in the Rio Grande Valley in South Texas, where many U.S. citizens are limited English proficient Spanish speakers, because only two members of the Redistricting Committee spoke Spanish. Chairman Crabb stated that the members of the committee who did not speak Spanish ''would have a very difficult time if we were out in an area other than Austin or other English speaking areas to be able to have committee hearings to be able to converse with the people that did not speak English.'' Many citizens living in areas of Texas with high concentrations of limited English proficient citizens would have been excluded from participating in local Redistricting Committee hearings had Hispanic advocates not interceded on their behalf. In another part of the country, due to a lack of sufficient bilingual ballots, Hispanic voters in Pima County, AZ, were forced to crowd around one translated poster of more than a dozen initiatives left in a poorly lit area during the 2004 elections.

Sadly, these examples are not isolated incidents of discrimination. Assistant Attorney General Wan Kim testified that the Department of Justice has brought more lawsuits to enforce

the language minority provisions of the Voting Rights Act in the previous 5 years than in all previous years combined. These facts and all the other testimony we received in Committee clearly demonstrate the ongoing need for section 203's protections and the need that we reauthorize these provisions of the Voting Rights Act.

Of course there are critics. There are critics who say that the language assistance provisions in the Voting Rights Act should be eliminated entirely because immigrants must learn English to pass the citizenship test and therefore should be able to vote in English. This argument is unsound for two reasons.

First, we received overwhelming testimony that the level of English proficiency required to pass a citizenship test does not approach the level of proficiency required to register to vote or to understand ballot measures. Naturalization requires a third or fourth grade knowledge of English. Sample test sentences on the Immigration and Naturalization Services Web site reveal that no sentence is more than 10 words long and most are seven or less, containing one or two syllable words. In addition, most candidates for citizenship are exempt from the English language requirements of the citizenship test because they are over the age of 50. Between 1986 and 2004, 9,055,732 people were naturalized of which 4,925,553 or 54 percent were over the age of 50.

Voting requires English proficiency at levels much higher than the citizenship test. A survey of voter registration materials reported on the Warren Institute on Race, Ethnicity and Diversity, admitted into our RECORD, found the English grade level of the materials just to register to vote was much higher than third or fourth grade knowledge. In Texas, a ''covered jurisdiction'' for section 203 purposes, the voter registration material required nearly a twelfth grade English comprehension for completion with an average of 21 words per sentence. The situation is similar in Arizona—ninth grade level with 15 words per sentence—California, college freshman level with 22 words per sentence, and New Mexico, twelfth grade level with 19 words per sentence. This survey only covers materials required to register to vote. We also heard testimony about the complexity of actually casting votes on ballot initiatives and directions to operate voting machines as examples of other English language barriers to language minority voters. Ballot initiatives are often long and complicated requiring high school level education or higher. Deborah Wright, Acting Assistant Registrar-Recorder and County Clerk for Los Angeles County, testified that written translations are provided in L.A. County because of the complex nature of the issues facing the voters in that state.

Complex ballots are not limited to California. We received evidence of numerous examples. Perhaps the one that struck me the most was a 2004 Fargo, ND, election ballot, where a single question concerning tax increases for infrastructure improvement was one sentence which contained 150 words written at the graduate school level.

Second, most language minorities protected by the Voting Rights Act are United States citizens by birth. The vast majority of language minorities are not immigrants. In fact, 3.4 million of the 4.5 million language minority students in the public schools are native-born U.S. citizens. Hispanic Americans are the single largest minority group covered by Sections 203 and 4(f)(4). According to 2000 Census data, 84.2 percent of all Hispanic American citizens in the United States were born here. Nearly half of the 11.9 million Asian Americans citizens in the United States were born here. Further, 98.6 percent of all Puerto Rican persons in the United States are native born and the language of Puerto Rican public schools is Spanish with English taught as a subject.

The committee received testimony that although there are costs associated with implementing the minority language assistance provisions, they are reasonable. Los Angeles, the largest and most diverse local election jurisdiction in the United States, provides assistance to voters in six languages other than English, and its compliance with section 203 requirements costs 10 percent or less of its annual election budget. And the Secretary of State for New Mexico testified before the House Judiciary Committee characterizing the costs of complying with section 203 as, ''a minimal cost to the State of New Mexico.''

One witness testified that she believed the costs of section 203 to be extremely burdensome. Linda Chavez, president of One Nation Indivisible, testified that Los Angeles County spent $3.3 million in 2002 to comply with section 203, which she thought was too much to ask the County to bear. However, as Deborah Wright's testimony on behalf of Los Angeles County made clear this number is a small percentage of the overall election budget, and is proportional to the 12.9 million limited English proficient voters in her jurisdiction. Ms. Chavez also alleged that ''[f]requently the cost of multilingual voter assistance is more than half of a jurisdiction's total election costs,'' citing a 1997 General Accounting Office report. However, a close look at that GAO report shows that only 3 out of the 34 jurisdictions surveyed spent over 50 percent of their total election budget on multilingual voter assistance. Contrary to Ms. Chavez's testimony, the report reveals that the costs of providing language assistance made up, on average, a little over 10 percent of total expenditures. Ensuring full access to American's right to vote certainly is worth this reasonable cost.

For jurisdictions that struggle with the costs of implementing sections 203 or 4(f)(4), the Department of Justice, DOJ, provides commendable assistance in managing the costs. Acting Assistant Attorney General Bradley Schlozman testified that ''the Civil Rights Division recognizes, of course, that States and municipalities do not have unlimited budgets, and we have thus designed our enforcement strategy to minimize unnecessary costs for local election officials.''

The DOJ urges covered jurisdictions to avoid costly and unhelpful expenditures such as publishing Spanish language notices in English language newspapers that are not read by those who rely on the Spanish language. Election officials are encouraged to identify the most effective and efficient channels of communication that are used by private enterprise, service providers, tribal governments, and the like to get information effectively to the language minority community at low cost.

The DOJ also encourages the use of fax and e-mail ''information trees,'' whereby bilingual election notices are sent at no cost to a wide array of businesses, unions, social and fraternal organizations, service providers, churches and other organizations with a request that these entities make announcements or otherwise disseminate the information to their membership's language minority voters. And the DOJ has incorporated ''best practices'' from around the country to help jurisdictions recruit sufficient numbers of bilingual poll workers. As a consequence of the testimony submitted on costs of implementation, we determined that costs are both reasonable and manageable.

There has been some discussion about allegations that in some jurisdictions no one uses the translated materials, but we also received hard research showing that limited English proficient citizens utilize the written and oral assistance offered in jurisdictions, but must be made aware it exists. According to a November 2000 exit survey of language minority voters in Los Angeles and Orange Counties in California, 54 percent of Asian and Pacific Islander voters and 46 percent of Hispanic voters reported that they would be more likely to vote if they received language assistance. These numbers are consistent with other exit surveys done in the same counties in March 2000 and November 1998.

Examples of ''low use'' of bilingual election materials are not evidence that bilingual materials are not needed. ''Low use'' more likely suggests that a jurisdiction is not conducting sufficient outreach to the communities that would most benefit. In a survey of 810 section 203 covered jurisdictions, nearly two-thirds of election officials admitted they do not engage in community outreach to covered language groups. How are people supposed to know the help is there, if there is no community outreach? We can, and we must do better.

I am nonetheless happy to report, that when sufficient outreach to language minorities is accomplished, materials are being used to assist in voting according to evidence received in Committee. In the 1990 general election, bilingual assistance was used by 25 percent of Hispanic voters in the State of Texas, and 18 percent of Hispanic voters in the State of California. In the 1988 general election, bilingual assistance was used by 20 percent of Hispanic voters in the State of New Mexico, 19 percent of Hispanic voters in the State of Texas, and 10 percent of Hispanic voters in the State of California.

Being from a small state, I know the importance and the power of community involvement, but perhaps the best evidence we heard that shows the power of community outreach was the experience of Chinese-American voters in King County, WA, which includes the city of Seattle. One witness who urged an opt-out provision in section 203 for low use cited King County's experience in 2000, the first year it became a covered jurisdiction for voters who speak Chinese. That year, according to the witness, only 24 Chinese ballots were used, demonstrating that ballots were not needed. But that is not the full story. The real story is that after that election, officials in King County worked with Chinese-American community organizations and increased the publicity about the availability of bilingual election materials. In 2005, the number of requested Chinese ballots increased by more than 5,800 percent. It shows the power of community outreach cannot be overstated.

Much has been made by some witnesses in committee, and even in the press, that any provision of bilingual election materials contribute to the balkanization of American society. Research offered in committee shows this allegation to be faulty. On the contrary, making bilingual election materials available has encouraged more language minorities to participate in all political aspects of American society. After the section 203 coverage was expanded to include a numeric trigger during the last reauthorization, the number of Asian Americans registered to vote increased dramatically. Between 1996 and 2004, Asian Americans had the highest increase of new voter registration—58.7 percent. And we received testimony that in districts where the Department of Justice has conducted enforcement ensuring bilingual election materials, participation not only in voting but in running for political office has increased. After an enforcement proceeding in Harris County, TX, the Vietnamese-American voter turnout doubled, and the first Vietnamese-American candidate in history, Hubert Vo, was elected to the Texas Legislature—defeating the incumbent chair of the Appropriations Committee by 16 votes out of over 40,000 cast.

These voting rights provisions work—they tell new citizens and citizens by birth who may not always feel they are afforded all of the opportunities they deserve that they are welcome to join our political process. They help new citizens and first time voters to overcome cultural differences which further contribute to disenfranchisement for limited English proficient citizens who are often unfamiliar with the American voting process and do not know about registration, referenda and voting machines. The charge of ''balkanization,'' as one witness put it is ''a loaded term of mythical proportions that has absolutely no basis in fact, and is used as a divisive measure.'' Based on the evidence we received, it is clear that the provisions of Sections 203 and 4(f)(4) have led to increased participation and representation. These provisions, that caused significant problems in the House of Representatives, have enabled language minorities to overcome what are tantamount to literacy tests at the polling place so that they can access their fundamental right to vote. Section 203 and section 4(f)4 of the Voting Rights Act must be reauthorized.

ADDITIONAL STATEMENTS

TRIBUTE TO JONATHON SOLOMON

• Mr. LIEBERMAN. Mr. President, today in Fort Yukon, people from all over the State of Alaska and the country will come together to celebrate the life of a remarkable leader of the Gwich'in Nation, Jonathon Solomon, who passed away last week at the age of 74.

As traditional chief of Fort Yukon, and chairman of the Gwich'in Steering Committee, Jonathon was a tireless advocate for the Gwich'in people. Born in Fort Yukon, he was raised to live a traditional subsistence lifestyle, and his upbringing directly influenced his passion and work throughout his life. Although Jonathon fought for many issues on behalf of the Gwich'in, his life's passion was the protection of the porcupine caribou herd and their birthing grounds on the coastal plain of the Arctic National Wildlife Refuge. Jonathon's efforts to protect the Arctic Refuge began in 1978, as the Alaska National Interest Lands Conservation Act was first being negotiated and he continued this work determinedly throughout his entire life. Among his many accomplishments, he led the 7-year effort to negotiate the U.S.-Canada agreement to protect the porcupine caribou herd and its habitat, signed July 1987, and was one of the chief organizers of the first Gwich'in gathering in 1988, which led to the creation of the Gwich'in Steering Committee. It was at this meeting in 1988, that the Gwich'in first came together as a nation to pass a resolution calling for permanent protection of the caribou calving and nursery grounds as congressionally designated wilderness.

Jonathon's work took him all over the country, including to Washington, DC, where on numerous occasions he spoke to Members of Congress and their staffs about the importance of protecting the Arctic Refuge. Throughout his life, Jonathon was an inspiration to all who knew him. He represented the Gwich'in people with dignity, devotion and respect. While we mourn his loss, I know that his energy will live on in all of us who carry on the fight to protect the Arctic Refuge and other places throughout the country that are special to all of us.•

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:32 a,m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 3504. An act to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

H.R. 42. An act to ensure that the right of an individual to display the flag of the United States on residential property not be abridged.

H.R. 810. An act to amend the Public Health Service Act to provide for human embryonic stem cell research.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 2:58 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 860. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas.

H.R. 4962. An act to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the ''Captain George A. Wood Post Office Building''.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 435. Concurrent resolution congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Federation, and for other purposes.

H. Con. Res. 438. Concurrent resolution expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 108. Concurrent resolution authorizing the printing of a revised edition of a pocket version of the United States Constitution, and other publications.

ENROLLED BILL SIGNED

At 7:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5117. An act to exempt persons with disabilities from the prohibition against providing section 8 rental assistance to college students.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 860. An act to provide for the conveyance of the reversionary interest of the United States in certain lands to the Clint Independent School District, El Paso County, Texas; to the Committee on Foreign Relations.

H.R. 4962. An act to designate the facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, as the ''Captain George A. Wood Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 435. Concurrent resolution congratulating Israel's Magen David Adom Society for achieving full membership in the International Red Cross and Red Crescent Federation, and for other purposes; to the Committee on Foreign Relations.

H. Con. Res. 438. Concurrent resolution expressing the sense of the Congress that continuation of the welfare reforms provided for in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 should remain a priority; to the Committee on Finance.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 19, 2006, she had presented to the President of the United States the following enrolled bill:

S. 3504. An act to amend the Public Health Service Act to prohibit the solicitation or acceptance of tissue from fetuses gestated for research purposes, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–347. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to the authorization and appropriation of funds to allow all members of the armed forces reserve component to access the TRICARE program; to the Committee on Armed Services.

SENATE CONCURRENT RESOLUTION NO. 147

Whereas, Army National Guard members are fulfilling commitments in Iraq, Afghanistan, Bosnia, and the Sinai, with members of the Hawaii Army National Guard having recently served in Iraq and Afghanistan; and

Whereas, presently almost half of all service personnel deployed in Iraq are members of the reserve components of the United States armed forces, including members of the National Guard and Army, Navy, Air Force, and Marine Corps Reserves; and

Whereas, under present law, for every ninety day period on active duty, a member of the reserve component receives one year of cost-share TRICARE health benefits if the member agrees to serve that year with a reserve component; and

Whereas, while well-intentioned, this measure does not go far enough to solve the problem of medical readiness that exists in the reserve component and can affect the mobilization and deployment of intact reserve component units; now, therefore, be it

Resolved by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, that the Congress of the United States is urged to authorize and appropriate funds to allow all members of the reserve component to access TRICARE health benefit coverage on a cost-share basis, without restrictions; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of Defense, members of Hawaii's congressional delegation, the Governor, and the Adjutant General.

POM–348. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to require a minimum time period for a business to refund an unauthorized overcharge on a debit card; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 208

Whereas, businesses across the Nation engage in the unfair trade practice of overcharging a debit cardholder's account for more than the sales price of goods or services without the cardholder's knowledge and consent; and

Whereas, this practice causes financial harm to debit cardholders by the assessment of overdraft fees and inability to access funds depleted by the overcharged amount; and

Whereas, legislation requiring a minimum time period for refunds by businesses who overcharge a debit cardholder's account without permission should be enacted: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to require a minimum time period for refunds by businesses who overcharge a debit cardholder's account without permission; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–349. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to urging and requesting the attorney general and the legislative auditor to continue to pursue all options necessary to permit the state to have an accurate accounting of assistance for which the state is required to pay a portion of the costs and urging and requesting the Louisiana congressional delegation to support such efforts; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION NO. 170

Whereas, the Federal Emergency Management Agency has requested a combined payment of almost one hundred fifty-six million dollars for the state's twenty-five percent share of the six hundred twenty-three million dollars spent through November 30, 2005, for Other Needs Assistance to one hundred eighty-one thousand Louisiana citizens affected by Hurricanes Katrina and Rita; and

Whereas, 44 CFR 206.16 requires the FEMA associate director or regional director to conduct audits and investigations as necessary to assure compliance with the Stafford Act and, for purposes of such audits and investigations, authorizes FEMA or state auditors, the governor's authorized representative, the regional director, the associate director, and the comptroller general of the United States, or their duly authorized representatives to inspect any books, documents, papers, and records of any person relating to any activity undertaken or funded under the Stafford Act; and

Whereas, Attorney General Charles Foti and Legislative Auditor Steve Theriot sent letters dated February 7, 2006, and February 17, 2006, requesting pursuant to 44 CFR 216.16, 206.62(b), and 206.64, source documentation which will allow the legislative auditor to g1ve assurance to the leaders of the state of Louisiana that these monies are, in fact, owing, and due: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby urge and request the attorney general and the legislative auditor to continue to pursue all options necessary to permit the state to have an accurate accounting of assistance for which the state is required to pay a portion of the costs and to urge and request the Louisiana congressional delegation to support such efforts; be it further

Resolved, That the Legislature of Louisiana does hereby urge and request the members of the Louisiana congressional delegation to support the efforts of the attorney general and the legislative auditor to permit the state to have an accurate accounting of money the Federal Emergency Management Agency claims the state owes; be, it further

Resolved, That copies of this Resolution be transmitted to the attorney general, the legislative auditor, each member of the Louisiana congressional delegation, and the acting director of the Federal Emergency Management Agency.

POM–350. A concurrent memorial adopted by the Senate of the Legislature of the State of Arizona relative to rejecting attempts to lower the mortgage index deduction in the Internal Revenue Code; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT MEMORIAL NO. 1003

Whereas, it has been the federal tax policy since the inception of the Internal Revenue Code to encourage home ownership; and

Whereas, the real estate industry generates 15 to 18 per cent of the gross domestic product, and the housing market has been the most vibrant sector of our state and national economies in the past five years, fueling much of the 2001–2002 economic recovery; and

Whereas, home ownership in Arizona and the United States is at record levels with more than 70 percent of families owning their own homes; and

Whereas, homes are the foundations of our culture, the basis for our community life and the bedrock value of the American dream; and

Whereas, with a low national savings rate and the impending retirement of the baby boom generation, home ownership and its resulting equity growth is in itself a method of savings and capital formation and should be encouraged; and

Whereas, the capital invested in housing and the equity it generates should be preserved for families and is generally the prime savings choice for lower and middle income Americans; and

Whereas, real estate and home ownership is almost always acquired with debt of some sort; and

Whereas, the current $1 million cap on mortgage indebtedness as a measure of allowable mortgage interest deductions was adopted nearly 20 years ago in 1987 and has not been indexed for inflation; and

Whereas, the Tax Reform Act of 1986 provided ample evidence that when the tax benefits associated with real estate ownership are curtailed, the value of real estate declines; and

Whereas, the President's Advisory Panel on Tax Reform has suggested lowering the cap on mortgage interest deductions; and

Whereas, any change in lowering the mortgage cap would cause a government-created collapse of housing prices, wiping out equity and wealth for millions of working families across this nation; and

Whereas, any change in lowering the mortgage cap would create a further barrier to home ownership for young families by diminishing the savings families could have in their homes and would lead to a decline in the homeownership rate.

Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

1. That the United States Congress reject any attempt to lower the mortage index deduction in the Internal Revenue Code.

2. That the United States Congress enact legislation raising the current mortgage cap and index it for inflation.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–351. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to providing funding for local housing authorities located in Vermilion Parish which were impacted by Hurricane Rita; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 74

Whereas, the parish of Vermilion was severally impacted by the devastation and destruction inflicted by Hurricane Rita; and

Whereas, the availability of safe and secure housing remains the greatest need for residents impacted by the hurricane; and

Whereas, in many areas of Vermilion Parish, nearly 100 percent of the available public housing units were either destroyed or rendered unlivable; and

Whereas, in addition to those areas which were directly impacted by the devastation caused by Hurricane Rita, numerous other communities in Vermilion Parish have been indirectly impacted as Louisiana residents have relocated and are in search of safe, secure, and affordable housing; and

Whereas, the shortage of such public housing is an immediate need that must be addressed prior to the start of the 2006 hurricane season; and

Whereas, in order to meet these housing needs, additional federal funds must be appropriated in order to construct and repair public housing units located in Vermilion Parish; and

Whereas, public housing authorities located in Vermilion Parish are poised to purchase additional property in order to locate and construct essential housing for the citizens of Louisiana; and

Whereas, the Congress of the United States must immediately address the significant public housing shortage being experienced by the parish of Vermilion: Therefore be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to provide funding for local housing authorities located in Vermilion Parish which were impacted by Hurricane Rita; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–352. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to reconsidering the decision to exclude Plaquemines Parish from the federal plan to invest $2.5 billion for levee re-enhancement in south Louisiana; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 83

Whereas, as the southernmost land area of Louisiana, Plaquemines Parish creates a corridor surrounding the Mississippi River as it flows to the Gulf of Mexico and the peninsula of saltwater marshes and estuaries forms the rich delta of the river; and

Whereas, Plaquemines Parish is the operational center for the offshore oil and gas industry, its port and harbor terminal district is sought after as the coal exporting capital of Louisiana, and the area provides a substantial portion of the state's shrimping industry, the nation's largest, and its commercial fishing is second only to Alaska; and

Whereas, the parish's location and geographical structure are vital to Louisiana and the nation as a buffer for tropical storms and hurricanes as without Plaquemines Parish, Hurricane Katrina would have advanced directly into New Orleans with no protection; and

Whereas, Hurricane Katrina washed away 57 square miles of the Plaquemines coastline, destroyed barrier islands that once protected the region from storms, and severely damaged levees on both east and west banks of the parish; and

Whereas, while Katrina-damaged levees will be ''repaired,'' President Bush has announced he will not seek the $1.6 billion needed to ''upgrade'' levees in the southern half of Plaquemines Parish and it has been proposed to exclude Plaquemines Parish from the $2.5 billion levee re-enhancement in south Louisiana pending further study on cost effectiveness; and

Whereas, the Legislature of Louisiana opposes this exclusion and urges the reconsideration of all of Plaquemines Parish as a top priority in the proposed levee upgrades for south Louisiana: therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to reconsider the decision to exclude Plaquemines Parish from the federal plan to invest $2.5 billion for levee re-enhancement in south Louisiana; and be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–353. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles; to the Committee on Energy and Natural Resources.

HOUSE CONCURRENT RESOLUTION NO. 205

Whereas, Louisiana's seaward boundary in the Gulf of Mexico has been judicially determined to be three geographical miles, and the United States has jurisdiction outside of three geographical miles; and

Whereas, Congress has the power to amend the Submerged Lands Act of 1953 to provide that Louisiana's seaward boundary extends twelve geographical miles into the Gulf of Mexico; and

Whereas, Louisiana acts as a significant energy corridor vital to the entire United States and provides intersections of oil and natural gas intrastate and interstate pipeline networks, which serve as references for futures markets, such as the Henry Hub for natural gas, the St. James Louisiana Light Sweet Crude Oil, and the Mars Sour Crude Oil contracts; and

Whereas, Louisiana provides storage for the nation's Strategic Petroleum Reserve and is the home of the nation's major import terminal for foreign oil, known as the Louisiana Offshore Oil Port; and

Whereas, Louisiana and its coastal wetlands provide access to nearly thirty-four percent of the United States natural gas supply and nearly twenty-nine percent of the United States oil supply; and

Whereas, the United States' economic growth depends on access to stable supplies of oil and natural gas; and

Whereas, Louisiana ranks first in crude oil production, including the outer continental shelf production, and ranks second in natural gas production, including the outer continental shelf production; and

Whereas, in 2001, the state of Louisiana received only one-half of one percent of the federal oil and gas revenues from its coast; and

Whereas, Hurricanes Katrina and Rita have shown that the loss of vital oil and gas infrastructure in Louisiana and the Gulf of Mexico has an immediate and direct impact upon the economy and well-being of the entire country and its citizens; and

Whereas, the hurricanes shut-in approximately fifty-three percent of the daily oil production in the Gulf of Mexico and shut-in approximately forty-seven percent of the daily gas production in the Gulf of Mexico; and

Whereas, for the time period of August 26, 2005, through November 3, 2005, the cumulative shut-in of oil production was approximately fourteen percent of the yearly oil production in the Gulf of Mexico, and the cumulative shut-in of gas production was approximately eleven percent of the yearly gas production in the Gulf of Mexico; and

Whereas, due to Hurricanes Katrina and Rita, Louisiana has suffered loss of life and tremendous devastation to its economy, its citizens, infrastructure, and coastal landscape; and

Whereas, the state has provided ten million dollars from our Rapid Response Fund for short-term, interest-free loans to struggling businesses and granted the full Interim Emergency Fund in the amount of sixteen million dollars to local governments in order for the governments' vital services to operate; and

Whereas, Louisiana has paid out approximately three hundred million dollars in unemployment benefits to hurricane-affected employees; and

Whereas, Louisiana has established a Rainy Day Fund that is worth approximately four hundred sixty million dollars, and the state is in the process of using at least one-third of this fund to balance the state budget; and

Whereas, in this regular session the Louisiana Legislature along with the governor are considering other options for balancing the budget, increasing revenues, and funding the massive cleanup, rebuilding, and restoration of southern Louisiana; and

Whereas, Hurricanes Katrina and Rita turned approximately one hundred square miles of southeast Louisiana coastal wetlands into open water and destroyed more wetlands east of the Mississippi River in one

month than experts estimated would be lost in over forty-five years; and

Whereas, monies are desperately needed to fund the state's cleanup, rebuilding, and restoration of southern Louisiana; and

Whereas, the state of Louisiana and its citizens are in a financial crisis; and

Whereas, in order to rebuild the state of Louisiana and protect its citizens, the state needs a significant, consistent, and ongoing stream of revenue: and

Whereas, the extension of Louisiana's seaward boundary into the Gulf of Mexico for twelve geographical miles will provide such stream of revenue; therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to extend Louisiana's seaward boundary in the Gulf of Mexico to twelve geographical miles; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–354. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Kansas relative to urging the federal government to lift the moratorium on offshore drilling for oil and natural gas; to the Committee on Energy and Natural Resources.

SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION NO. 5030

Whereas, policies of the federal government have placed much of the coastal Outer Continental Shelf off limits to oil and natural gas production; and Whereas, development of oil and natural gas resources, where allowed off our shores, has coexisted for decades with recreational and commercial activities while benefiting the entire nation; and

Whereas, Offshore oil and natural gas operations have a long history of environmentally sensitive and safe performance; and

Whereas, offshore development of oil and natural gas has provided needed supplies of American energy, generated substantial local, state and federal revenues and created thousands of jobs and economic development; and

Whereas, America's increased dependence on foreign energy supplies and global competition for oil and natural gas will create a threat to our national security; and

Whereas, the nation's farming and ranching sector depend on a reliable and affordable supply of energy to run equipment, fertilize crops and transport products to market; and

Whereas, the Economic Research Service of the United States Department of Agriculture estimates that farmers' fuel expenses for 2005 will have exceeded their 2004 fuel expenses by 41 percent, and higher energy prices mean increased costs to farmers and ranchers, who already face tremendous economic challenges; and

Whereas, the fertilizer industry depends on natural gas, and since 2002, 36 percent of the U.S. fertilizer industry has been shut down or mothballed and the industry has been forced to move production to other countries, creating a threat to our food security; and

Whereas, the Energy Information Administration of the United States Department of Energy projects that the average residential customer this winter will spend approximately 48 percent more on natural gas than last winter, creating a serious hardship for those who lived on a fixed or limited income, especially senior citizens; and

Whereas, today, the Outer Continental Shelf represents one of the brightest spots in terms of potential United States energy resources: now, therefore, be it

Resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the State of Kansas urges the Minerals Management Service of the United States Department of Interior to include all Outer Continental Shelf planning areas in its proposed five-year plan for 2007 through 2012 and approve the broadest possible plan for offshore development; and be it further

Resolved, That the Secretary of State is directed to send enrolled copies of this resolution to the United States Secretaries of Commerce, Interior and Energy, and to the administrators of the Minerals Management Service, Federal Energy Regulatory Commission, National Oceanic and Atmospheric Administration, and the Environmental Protection Agency, and to the President and Congressional leadership, and to each member of the Kansas congressional delegation.

POM–355. A resolution adopted by the Senate of the General Assembly of the Commonwealth of Pennsylvania relative to providing funding to the National Park Service to expedite repairs of damage caused by vandalism at Gettysburg National Military Park and urging the National Park Service to work with Federal, State and local law enforcement officials to apprehend and prosecute to the fullest extent available under statute the perpetrators of the vandalism; to the Committee on Energy and Natural Resources.

SENATE RESLUTION NO. 232

Whereas, on February 15, 2006, unknown individuals vandalized three Civil War monuments and stole a 120-year-old sword at the Gettysburg National Military Park; and

Whereas, the individuals desecrated the monument for the 4th New York Battery, also known as ''Smith's Battery,'' which was dedicated on July 2, 1888; and

Whereas, a bronze statue of a Zouave infantryman was pulled from the pedestal of the 114th Pennsylvania Volunteer Infantry Monument, which was dedicated on July 2, 1886; and

Whereas, the top stone and sculpture of the 11th Massachusetts Volunteer Infantry Monument, dedicated on October 8, 1885, was dislodged and its sword taken; and

Whereas, the Battle of Gettysburg on July 1 through 3, 1863, represents a pivotal point in the history of the United States in which thousands of men lost their lives and the reunification of our nation was ultimately ensured; and

Whereas, in the cemetery of Gettysburg, President Abraham Lincoln delivered one of the most historic and enduring speeches in American history; and

Whereas, the Gettysburg National Military Park and its cemetery, monuments and memorials are a treasured and sanctified landmark for the Commonwealth of Pennsylvania and the nation, honoring the men who fought valorously and who made the ultimate sacrifice; and

Whereas, the acts of vandalism are a malicious and heinous attack on the sanctity of the Gettysburg National Military Park and the memory of the men who fought there; therefore be it

Resolved, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to provide funding to the National Park Service to expedite repairs of damage caused by vandalism at Gettysburg National Military Park and urge the National Park Service to work with Federal, State and local law enforcement officials to apprehend and prosecute to the fullest extent available under statute the perpetrators of the vandalism; and be it further

Resolved, That a copy of this resolution be transmitted to the President of the United States, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–356. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 182

Whereas, as a result of the massive flooding suffered by the citizens in Orleans, Plaquemines, and St. Bernard parishes due to the overtopping of levees and levee breaches during Hurricanes Katrina and Rita, the issue and challenge of providing hurricane tidal flood protection for south Louisiana has gotten the attention of the nation; and

Whereas, not only were Orleans, Plaquemines, and St. Bernard parishes flooded as a result of the hurricane tidal surge, massive flooding was also prevalent in smaller communities in Terrebonne and Lafourche parishes; and

Whereas, the United States Army Corps of Engineers is focusing its attention on repairing the federal levees which breached during the 2005 hurricane season; however, there is also a system of nonfederal tidal levees, which offers a level of protection to the citizens of south Louisiana and which needs to be assessed, and in some cases, needs to be strengthened; and

Whereas, nonfederal tidal levees have long been a concern of the local citizens of smaller communities of this state since local and state funds to repair and strengthen such levees have fallen well short of the need; and

Whereas, nonfederal tidal levees are a valuable asset for citizens in south Louisiana because in many cases this system of levees is the only hurricane tidal flood protection these citizens enjoy; and

Whereas, since the state suffered such massive flooding as a result of the 2005 hurricane season, the need for a greater, more comprehensive hurricane tidal flood protection system for south Louisiana has never been more urgent; and

Whereas, the United States Army Corps of Engineers should evaluate both federal and nonfederal tidal levees in south Louisiana and should consider including nonfederal tidal levees in the federal program in order to provide comprehensive hurricane tidal flood protection for all of south Louisiana; and

Whereas, in order to avoid the costs of rebuilding entire communities, the federal government should consider fully funding the costs of repairing and upgrading the level of hurricane tidal flood protection for south Louisiana: therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading

hurricane tidal flood protection in south Louisiana; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–357. A resolution adopted by the Senate of the Legislature of the State of New Jersey relative to requesting that Rutgers, the State University, assist the Governor's ''Flood Mitigation Task Force'' in examining and determining the causes and solutions to help reduce flooding along the Delaware River, especially in Trenton; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 29

Whereas, from Friday April 1, 2005 through Sunday April 5, 2005, a major storm deposited four inches of rain on New Jersey, causing heavy main stream and river flooding, and prompting the Governor to declare a state of emergency; and

Whereas, an estimated 3,500 homes were affected by the flooding, with at least 5,600 people evacuated; and

Whereas, the April 2005 flood marks the third major flood in less than a year for New Jersey communities, emphasizing a strong need to establish safeguards for the areas most affected by the flooding; and

Whereas, the Governor has announced the creation of the ''Flood Mitigation Task Force'' to study and implement measures to reduce the impacts of flooding in New Jersey communities; and

Whereas, the members of the task force include the Commissioner of the Department of Environmental Protection, the Chair of the Department of Geography of Rutgers University, public and elected officials, and academic experts; and

Whereas, the task force will consult with the State climatologist, the Office of Emergency Management and the United States Geological Survey on ways to manage flooding; and

Whereas, it is in the best interest of the State to request the additional assistance of Rutgers, the State University, in determining the fundamental causes of the recent flooding in Trenton, New Jersey, as well as solutions to reduce flooding along the Delaware River in the future: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. This Senate resolution requests that Rutgers, the State University, assist the Governor's ''Flood Mitigation Task Force'' in determining the fundamental causes of the recent flooding in Trenton, New Jersey, as well as solutions to reduce flooding along the Delaware River in the future.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and the United States House of Representatives, and each member of Congress elected from this State.

POM–358. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to immediately authorizing the Morganza to the Gulf Hurricane Protection Project, and urging and requesting the U.S. Army Corps of Engineers to include such recommendation in its pending interim report to Congress; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 72

Whereas, an interim report being prepared by the U.S. Army Corps of Engineers as part of the Category 5 Hurricane Protection Study will shortly be submitted to Congress; and

Whereas, one purpose of the interim report is to allow Congress to act immediately on recommendations contained in the report; and

Whereas, Terrebonne Parish was severely impacted by Hurricane Rita, with flooding affecting approximately ten thousand businesses and homes; and

Whereas, with the exception of assistance in the two weeks immediately following the hurricane, Terrebonne Parish has received no further assistance from the federal government to repair flood control infrastructure; and

Whereas, funding for such flood control infrastructure has been excluded from significant federal appropriations for Louisiana and from the proposed federal budget for the coming fiscal year; and

Whereas, the Morganza to the Gulf Hurricane Protection Project has been ready for authorization for Congress since 2002, and was presented to Congress in that year after ten years of study, analysis, and evaluation; and

Whereas, such study and analysis shows that immediate implementation of the Morganza to the Gulf Hurricane Protection Project is the best way to obtain Category 5 hurricane protection for affected parts of Terrebonne and Lafourche parishes; and

Whereas, without implementation of such project, these areas lack protection from almost any significant storm levels and face potential disaster if implementation is further delayed: therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to immediately authorize implementation of the Morganza to the Gulf Hurricane Protection Project, be it further

Resolved, That the interim report being prepared by the U.S. Army Corps of Engineers for Congress as part of the Category 5 Hurricane Protection Study should include a recommendation for immediate authorization of the Morganza to the Gulf Hurricane Protection Project, be it further

Resolved, That a copy of this Resolution shall be transmitted, to the commander of the U.S. Army Corps of Engineers, the executive office of the New Orleans District of the U.S. Army Corps of Engineers, the secretary of the United States Senate and the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM–359. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 182

Whereas, as a result of the massive flooding suffered by the citizens in Orleans, Plaquemines, and St. Bernard parishes due to the overtopping of levees and levee breaches during Hurricanes Katrina and Rita, the issue and challenge of providing hurricane tidal flood protection for south Louisiana has gotten the attention of the nation; and

Whereas, not only were Orleans, Plaquemines, and St. Bernard parishes flooded as a result of the hurricane tidal surge, massive flooding was also prevalent in smaller communities in Terrebonne and Lafourche parishes; and

Whereas, the United States Army Corps of Engineers is focusing its attention on repairing the federal levees which breached during the 2005 hurricane season; however, there is also a system of nonfederal tidal levees, which offers a level of protection to the citizens of south Louisiana and which needs to be assessed, and in some cases, needs to be strengthened; and

Whereas, nonfederal tidal levees have long been a concern of the local citizens of smaller communities of this state since local and state funds to repair and strengthen such levees have fallen well short of the need; and

Whereas, nonfederal tidal levees are a valuable asset for citizens in south Louisiana because in many cases this system of levees is the only hurricane tidal flood protection these citizens enjoy; and

Whereas, since the state suffered such massive flooding as a result of the 2005 hurricane season, the need for a greater, more comprehensive hurricane tidal flood protection system for south Louisiana has never been more urgent; and

Whereas, the United States Army Corps of Engineers should evaluate both federal and nonfederal tidal levees in south Louisiana and should consider including nonfederal tidal levees in the federal program in order to provide comprehensive hurricane tidal flood protection for all of south Louisiana; and

Whereas, in order to avoid the costs of rebuilding entire communities, the federal government should consider fully funding the costs of repairing and upgrading the level of hurricane tidal flood protection for south Louisiana: therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to provide hurricane tidal flood protection to south Louisiana, including requiring the United States Army Corps of Engineers to evaluate both federal and nonfederal tidal levees in south Louisiana, to consider adding nonfederal tidal levees into the federal program, and to fully fund upgrading hurricane tidal flood protection in south Louisiana; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–360. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to ensure that the Centers for Medicare and Medicaid Services do not penalize senior citizens who resided in areas affected by Hurricane Katrina for taking advantage of the special enrollment period set for enrollment in Medicare Part D; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 203

Whereas, prescription drug costs have risen at a rapid rate over the past decade; and

Whereas, the rising costs of prescription drugs have proven unsustainable for millions of America's senior citizens; and

Whereas, in order to curb the ever-increasing burden of prescription drug costs on senior citizens, congress adopted a prescription drug benefit program as part of Medicare; and

Whereas, on December 8, 2003, President Bush signed the Medicare Prescription Drug, Improvement and Modernization Act, and this legislation provides senior citizens of the United States with a Medicare prescription drug benefit; and

Whereas, the drug benefit, otherwise known as Medicare Part D, is estimated by the Bush administration to currently have thirty-seven million enrollees; and

Whereas, Hurricane Katrina put an additional financial burden on many of Louisiana's seniors, as well as exacerbating many of the already severe health concerns of the state's citizens; and

Whereas, additional time to review and choose the proper prescription drug benefit is necessary, as many seniors have been occupied by the travails of rebuilding after the devastation wrought by Hurricane Katrina; and

Whereas, on March 8, 2006, Randy Brauer, the acting director of the division of enrollment and eligibility policy of the CMS issued a letter stating that evacuees of Hurricane Katrina will be granted a special enrollment period in which to enroll in Medicare Part D; and

Whereas, the normal deadline for enrollment is May fifteenth, and the extended deadline is over seven months later on December thirty-first; and

Whereas, state and local agencies as well as civic and community groups have informed senior citizens of the extended enrollment period; and

Whereas, though a special enrollment period has been created, CMS is considering penalizing seniors who decide to take advantage of the extended enrollment period; and

Whereas, many of the elderly have experienced financial hardship as a result of the hurricane that makes an increase in the cost of the drug benefit even more pernicious: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to ensure that the Centers for Medicare and Medicaid Services not penalize senior citizens who resided in areas affected by Hurricane Katrina for utilizing the special enrollment period established for enrollment in Medicare Part D; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–361. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to enacting the Nursing Home Fire Safety Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 247

Whereas, the safety of the elderly and disabled, our most vulnerable citizens, deserves the highest priority and attention. It is estimated that 20 to 30 percent of the nation's 17,000 nursing homes lack sprinkler systems. Such blatant oversights place the residents of these facilities at great risk in the event of a fire; and

Whereas, in 2005, legislation was introduced in Congress to enact the Nursing Home Fire Safety Act. It is the intent of Congress, through this legislation, to equip every nursing home in the country with a fire sprinkler system over the next five years, adopt the Life Safety Code, and provide direct loans and sprinkler retrofit assistance grants to assist with installation costs; and

Whereas, the bill requires the Center for Medicare and Medicaid Services (CMS), the agency authorized to implement nursing home regulations, to adopt the National Fire Protection Association's (NFPA) new requirement that all existing nursing homes be equipped with automatic fire sprinklers. It also provides the resources that existing nursing homes will need to retrofit their facilities while continuing to care for residents; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact the Nursing Home Fire Safety Act; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–362. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to extending the Medicare Part D prescription drug deadline to December 31, 2006; to the Committee on Finance.

HOUSE RESOLUTION NO. 727

Whereas, Many older and disabled citizens in the United States and the Commonwealth of Pennsylvania depend on the Federal Government for assistance with the purchase of necessary prescription drugs; and

Whereas, The Federal Medicare Part D prescription drug benefit can help all eligible Americans and Pennsylvanians with the rising out-of-pocket drug costs, especially those persons with limited incomes; and

Whereas, Given enough time to eliminate the confusion created by the changes in this prescription drug program, most eligible citizens will sign up or obtain alternative insurance coverage; and

Whereas, Beneficiary and caregiver education and counseling is critical to promote informed decision making and smooth transition as this new drug benefit is implemented; and

Whereas, The current proposed May 15, 2006, deadline for enrollment in the program or alternative insurance is too soon to include everyone it should because of the confusion and lack of education and counseling for seniors and caregivers: Therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the Congress of the United States to extend the Medicare Part D prescription drug deadline to December 31, 2006; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–363. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to repealing the excise tax on telecommunications; to the Committee on Finance.

HOUSE CONCURRENT MEMORIAL NO. 2007

Whereas, the first federal excise tax on communications was enacted in 1898 for the purpose of funding the Spanish-American War; and

Whereas, the tax was introduced as a ''temporary'' luxury tax; and

Whereas, the federal excise tax on communications was repealed in 1902 and was not reenacted until World War I required additional revenues; and

Whereas, the World War I federal excise tax on communications was repealed in 1924 and was reenacted in 1932; and

Whereas, all of the initial federal excise taxes on telecommunications applied only to toll, long distance service; and

Whereas, in 1941, with the advent of World War II, the federal excise tax on communications was extended to general service; and

Whereas, a federal excise tax on telephone service has been in effect in every year since 1941, despite enactment of periodic legislation to repeal or phaseout the tax; and

Whereas, telephone service is no longer a luxury. but rather a necessity for consumers of all income levels; and

Whereas, the federal excise tax is regressive, as low-income Americans pay a higher percentage of their income for telephone services than high-income Americans; and

Whereas, telecommunications services are the infrastructure on which new technologies including the Internet depend, and therefore the telecommunications excise tax discourages expansion of both the telephone infrastructure and new technologies; and

Whereas, the federal excise tax on telecommunications flows into the general fund, rather than being earmarked for a specific purpose; and

Whereas. in 2000. both houses of Congress passed a repeal of the federal excise tax on telecommunications, which was vetoed by President William Jefferson Clinton.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring. prays:

1. That the Congress of he United States repeal the federal excise tax on telecommunications.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–364. A resolution adopted by the House of Representatives of the Legislature of the State of Utah relative to supporting permanent repeal of the Federal Inheritance Tax; to the Committee on Finance.

HOUSE RESOLUTION NO. 3

Whereas, under tax relief legislation passed in 2001, the Federal Inheritance Tax, or death tax, was temporarily phased out but not permanently eliminated;

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death;

Whereas, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time;

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes;

Whereas, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars each year in extra output and an average of 145,000 additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and the United States Senate, repeal of the death tax holds wide bipartisan support: Now, therefore, be it

Resolved, That the House of Representatives of the state of Utah requests our elected representatives and senators in the United States Congress support, work to pass, and vote for the immediate and permanent repeal of the death tax; and be it further

Resolved, That copies of this resolution be sent to the members of Utah's congressional delegation.

POM–365. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to appropriating sufficient funding for the recovery of the shrimp industry and voting against the repeal of the ''Byrd Amendment''; to the Committee on Finance.

SENATE RESOLUTION NO. 117

Whereas, Louisiana has the nation's only warm water shrimp cannery; and

Whereas, before hurricanes Katrina and Rita, Louisiana generated an estimated one

hundred twenty million pounds of shrimp and sold approximately nine thousand commercial shrimp gear licenses; and

Whereas, Louisiana shrimpers are the largest community of shrimpers in the Atlantic and Gulf of Mexico regions; and

Whereas, due to hurricanes Katrina and Rita, the shrimp industry suffered devastating economic and infrastructure losses; and

Whereas, due to the hurricanes, assessments estimate that for the shrimp industry the total potential production lost at retail level is approximately nine hundred and nineteen million dollars; and

Whereas, the influx of foreign shrimp sold at below market prices causes domestic prices to drop to levels at which domestic producers are unable to survive in the industry; and

Whereas, the United States House Committee on Ways and Means recommended to repeal the provision of the Continued Dumping and Subsidy Offset Act, commonly known as the ''Byrd Amendment''; and

Whereas, the ''Byrd Amendment'' required duties to be collected under antidumping and countervailing duty orders and required payment to eligible domestic producers who initiated the petition which resulted in the imposition of the duties; and

Whereas, Louisiana was one of the original states that initiated a petition against foreign shrimp producers; and

Whereas, taking into consideration the potential repeal of the ''Byrd Amendment'' and the effects of hurricanes Katrina and Rita, the shrimp industry and the state of Louisiana stands to suffer severe financial losses: Therefore, be it

Resolved, That the Senate of Louisiana memorializes the Congress of the United States to appropriate sufficient funding for the recovery of the shrimp industry. Be it further

Resolved, That the Senate of Louisiana memorializes the Congress of the United States to vote against the repeal of the ''Byrd Amendment.'' Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–366. A joint resolution adopted by the Legislature of the State of Utah relative to the tax deductibility of medical expenses by individuals; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 2

Whereas, access to quality health care is a basic need of individuals and families within the State;

Whereas, employer sponsored health insurance is the most common means of insuring nonelderly Americans;

Whereas, the growth in the cost of health care has made it increasingly difficult for employers, especially small employers, to provide affordable health care coverage to their employees;

Whereas, there is consequently a need to foster insurance coverage other than employer sponsored health insurance;

Whereas, current Federal law provides a tax benefit for health insurance provided as an employee fringe benefit, but generally offers no similar tax benefit for health insurance purchased by individuals;

Whereas, current Federal law provides a tax benefit on third-party payment of medical expenses, but generally offers no similar tax benefit for most individuals' direct payment of medical expenses;

Whereas, this tax structure has negative implications such as: curtailing competition for health insurance and health care services generally resulting in higher costs; increasing large group health care delivery systems resulting in decisions being made by large health care bureaucracies and the eroding of the doctor-patient relationship; restricting individuals' freedom to exercise direct control over their health care costs; and discriminating against individuals who work for employers that do not provide health benefits, who are unemployed, or who are disabled;

Whereas, access to health care, choice in health care decisions, and affordability of health care may improve if Congress places the medical choices made by individuals on equal footing with those made by employers and third parties; and

Whereas, Congress is considering adoption of the Health Care Freedom of Choice Act through the passage of H.R. 4625, 109th Cong. (2005) which would provide for the tax deductibility of expenses for medical care of the taxpayer, the taxpayer's spouse, or a dependent of the taxpayer, which the taxpayer pays but for which the taxpayer is not compensated: Now, therefore, be it

Resolved, That the Legislature of the State of Utah urges Congress to pass H.R. 4625, 109th Congress, First Session, which provides tax benefits to individual health care choices; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the members of Utah's congressional delegation.

POM–367. A joint resolution adopted by the Legislature of the State of Utah relative to expressing opposition to a recent decision of the United States Supreme Court regarding pornography and urging Congress to pass a constitutional amendment to protect children from accessing pornography; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 7

Whereas, in Ashcroft v. American Civil Liberties Union, 124 S. Ct. 2783, 159 L. Ed. 2d 690, plaintiffs challenged the content-based speech restrictions of the Child Online Protection Act (COPA), which was designed to protect minors from exposure to pornography on the World Wide Web;

Whereas, in that case, the United States Supreme Court invoked a requirement that, in order to prevail in a court challenge, the federal government must demonstrate that less restrictive methods of protecting minors from pornography are not as effective as current law;

Whereas, in that case, the United States Supreme Court held that the federal government failed to meet the burden of proving that proposed alternatives such as filtering software, a plausible less restrictive alternative to COPA, would be less effective in protecting minors from exposure to pornography on the Internet;

Whereas, child pornography has become a $3 billion annual industry;

Whereas, the United States Customs Service estimates that there are more than 100,000 websites offering child pornography, which is illegal worldwide;

Whereas, these unlawful sexual images can be purchased very easily at these websites;

Whereas, more than 20,000 images of child pornography are posted on the Internet every week;

Whereas, one in five children who use computer chat rooms has been approached over the Internet by pedophiles;

Whereas, in 2002, the United States Supreme Court stated in another case that virtual pornographic images of children are a victimless crime;

Whereas, in many instances it is impossible for a viewer to determine whether an image is a virtual or an actual photographic image;

Whereas, the determination of whether the material is ''harmful to minors'' was intended by the United States Supreme Court to be made by lawfully appointed juries made up of, in the Court's own words, ''average person[s], applying contemporary community standards, would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest'' and ''taken as a whole, lack serious literary, artistic, political, or scientific value for minors'';

Whereas, the United States Congress should take deliberate action to protect minors through the passage of a constitutional amendment protecting minors from exposure to pornography; and

Whereas, governments and the courts must respond decisively when minors are exposed to material that is harmful to them, in the name of preserving the free speech right of adults: Therefore, be it

Resolved, That the Legislature of the state of Utah expresses opposition to the United States Supreme Court's decision in Ashcroft v. American Civil Liberties Union, 124 S. Ct. 2783, 159 L. Ed. 2d 690, and other recent cases that claim to preserve the free speech rights of adults while exposing minors to material the United States Supreme Court has stated is ''harmful to minors;'' and be it further

Resolved, That the Legislature of the state of Utah, in order to help protect children, strongly urges the United States Congress to pass a constitutional amendment, if necessary, prohibiting child pornography, actual or simulated; and be it further

Resolved, That the Legislature strongly urges Congress to pass a constitutional amendment, if necessary, to criminalize the possession or viewing of child pornography, actual or simulated, by any individual; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the United States Supreme Court, and to the members of Utah's congressional delegation.

POM–368. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to support and establish a free trade agreement between the United States and Taiwan; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 212

Whereas, Taiwan has developed steadily into a major international trading power with over three hundred forty billion dollars in two-way trade and the world's seventeenth largest economy; and

Whereas, Taiwan is the United States' eighth largest trading partner, with trade flowing between these nations totaling over fifty-six billion dollars in 2005 alone; and

Whereas, Taiwan is the sixth largest market for United States agricultural products, including beef, wheat, corn, and soybeans, and with the strong purchasing power of its twenty-three million people, there are many opportunities to further expand bilateral trade between Taiwan and the United States; and

Whereas, Taiwan is the world's largest supplier of computer monitors and is a leading personal computer manufacturer; and

Whereas, some of the biggest industries in Taiwan are electronics and computer products, chemicals and petrochemicals, basic metals, machinery, textiles, transport equipment, plastics, and machinery; and

Whereas, a United States-Taiwan free trade agreement would lead to further investment by firms in both Taiwan and the

United States and would create new business opportunities and new jobs; and

Whereas, a United States-Taiwan free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development; and

Whereas, the United States International Trade Commission (USITC) and the Institute for International Economics (IIE) estimate that a United States-Taiwan free trade agreement would increase United States exports to Taiwan by about six billion dollars: Therefore be it

Resolved, that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to support and establish a free trade agreement between the United States and Taiwan; and be it further

Resolved, a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–369. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to permitting emergency workers and equipment to cross the international border with Mexico to address emergencies that threaten both sides of the border; to the Committee on Foreign Relations.

CONCURRENT MEMORIAL

Whereas, Arizona and Mexico share a border that stretches for more than three hundred fifty miles; and

Whereas, the threats from environmental spills, leaks, explosions and similar disasters involving toxic substances in border communities are not constrained by political boundaries and can threaten people and communities on both sides; and

Whereas, the threats from fires, floods and similar natural disasters are not constrained by political boundaries and can threaten people and communities on both sides; and

Whereas, as a result of a joint legislative protocol session with the members of the Arizona Legislature, on December 1, 2005, the Legislature of Sonora, Mexico adopted a resolution calling on the federal government in Mexico to permit emergency workers and vehicles to cross the international border to fight such environmental and natural disasters as long as they return to their country of origin when the emergency subsides.

Whereas, authorizing emergency workers and equipment to cross the international border requires action by the President and Congress of the United States of America.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

(1) That the President and Congress of the United States of America recognize the importance of authorizing emergency workers and equipment from the United States of America and Mexico to cross their respective international borders whenever an environmental or natural disaster threatens communities on both sides;

(2) That the President and Congress of the United States of America take the action necessary to authorize emergency workers and equipment from the United States of America and Mexico to cross their respective international borders whenever an environmental or natural disaster threatens communities on both sides as long as they return to their country of origin when the emergency subsides; and

(3) That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States of America, the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–370. A resolution adopted by the Senate of the Legislature of the State of Utah relative to urging the Bush Administration to support Taiwan's participation in the World Health Organization; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 3

Whereas, the World Health Organization's (WHO) Constitution states that ''The objective of the World Health Organization shall be the attainment by all peoples of the highest possible level of health'';

Whereas, this position demonstrates that the WHO is obligated to reach all peoples throughout the world, regardless of state or national boundaries;

Whereas, the WHO Constitution permits a wide variety of entities, including nonmember states, international organizations, national organizations, and nongovernmental organizations, to participate in the activities of the WHO;

Whereas, five entities, for example, have acquired the status of observer of the World Health Assembly (WHA) and are routinely invited to its assemblies;

Whereas, both the WHO Constitution and the International Covenant of Economic, Social, and Cultural Rights (ICESCR) declare that health is an essential element of human rights and that no signatory shall impede on the health rights of others;

Whereas, Taiwan seeks to be invited to participate in the work of the WHA simply as an observer, instead of as a full member, in order to allow the work of the WHO to proceed without creating political frictions and to demonstrate Taiwan's willingness to put aside political controversies for the common good of global health;

Whereas, this request is fundamentally based on professional health grounds and has nothing to do with the political issues of sovereignty and statehood;

Whereas, Taiwan currently participates as a full member in organizations like the World Trade Organization (WTO); Asia-Pacific Economic Cooperation (APEC), and several other international organizations that count the People's Republic of China among their membership;

Whereas, Taiwan has become an asset to all these institutions because of a flexible interpretation of the terms of membership;

Whereas, closing the gap between the WHO and Taiwan is an urgent global health imperative;

Whereas, the health administration of Taiwan is the only competent body possessing and managing all the information on any outbreak in Taiwan of epidemics that could potentially threaten global health;

Whereas, excluding Taiwan from the WHO's Global Outbreak Alert and Response Network (GOARN), for example, is dangerous and self defeating from a professional perspective;

Whereas, good health is a basic right for every citizen of the world and access to the highest standard of health information and services is necessary to help guarantee this right;

Whereas, direct and unobstructed participation in international health cooperation forums and programs is therefore crucial, especially with today's greater potential for the cross-border spread of various infectious diseases through increased trade and travel;

Whereas, the WHO sets forth in the first chapter of its charter the objectives of attaining the highest possible level of health for all people;

Whereas, Taiwan's population of 23 million people is larger than that of three quarters of the member states already in the WHO and shares the noble goals of the organization;

Whereas, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those in western countries, the eradication of such infectious diseases as cholera, smallpox, and the plague, and the first country in the world to provide children with free hepatitis B vaccinations;

Whereas, Taiwan is not allowed to participate in any WHO-organized forums and workshops concerning the latest technologies in the diagnosis, monitoring, and control of diseases;

Whereas, in recent years, both the Taiwanese Government and individual Taiwanese experts have expressed a willingness to assist financially or technically in WHO-supported international aid and health activities but have ultimately been unable to render assistance;

Whereas, the WHO does allow observers to participate in the activities of the organization; and

Whereas, in light of all the benefits that participation could bring to the state of health of people not only in Taiwan, but also regionally and globally, it seems appropriate, if not imperative, for Taiwan to be involved with the WHO: Therefore, be it

Resolved, That the Senate of the state of Utah urges the Bush Administration to support Taiwan and its 23 million people in obtaining appropriate and meaningful participation in the World Health Organization (WHO); and be it further

Resolved, That the Senate urges that United States' policy should include the pursuit of some initiative in the WHO which would give Taiwan meaningful participation in a manner that is consistent with the organization's requirements; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the United States Secretary of State, the Secretary of Health and Human Services, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, the Government of Taiwan, and the World Health Organization.

POM–371. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to urging the President and Congress of the United States to take immediate action in assisting with the peacekeeping mission and efforts to resolve the conflict in the Darfur region of Sudan; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 741

Whereas, the people of Darfur have suffered for decades from the devastating effects of drought; and

Whereas, in 2003 a crisis associated with drought conditions and limited food production was further compounded by a campaign of violence in the region; and

Whereas, since 2003 an estimated 300,000 people have died as a result of the genocide in Darfur and approximately 3.5 million men, women and children in the region continue to face violence and starvation; and

Whereas, a separate Sudanese conflict lasting more than two decades ended in 2005, raising hope in the country, but conditions have worsened; and

Whereas, recently the scope and degree of violence has escalated, leading to the arrival of tens of thousands of people at refugee camps in Sudan and Chad; and

Whereas, civilians are unable to grow food and sustain life as roving government-sponsored militias systematically beat, rape and kill the people of Darfur; and

Whereas, the United Nations refugee agency, the United Nations High Commissioner for Refugees, recently announced it will be cutting refugee assistance funds to Darfur by 44%, which adds to the urgency of the situation; and

Whereas, on February 17, 2006, President Bush stated that he would push for additional United Nations and North Atlantic Treaty Organization (NATO) assistance to protect the people of Darfur; and

Whereas, on March 24, 2006, the United Nations Security Council adopted a resolution to further support assistance efforts in Darfur; and

Whereas, intervention by the United States and the United Nations may take time to implement; and

Whereas, if the security situation continues to deteriorate and the humanitarian life-support system fully collapses, the casualty rate could rise as high as 100,000 per month: Therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania urge the President of the United States to push for:

(1) immediate assistance to the African Union peacekeeping mission to improve their civilian protection capacity until the United Nations can fully deploy a capable peacekeeping force;

(2) a United Nations peacekeeping force to take over the African Union peacekeeping mission in Darfur; and

(3) greater United States involvement in the Darfur peace process and urge the President to use the power of his office to encourage other world leaders to do so as well; and be it further

Resolved, That the House of Representatives urge members of Congress to:

(1) support short-term supplemental funding for peacekeeping and humanitarian aid in Sudan, a minimum of which should include the $514 million requested by the President in the Fiscal Year 2006 supplemental appropriations bill;

(2) support long-term Fiscal Year 2007 funding for humanitarian aid, NATO and United Nations peacekeeping and reconstruction assistance; and

(3) pass the strongest possible version of the Darfur Peace and Accountability Act, which includes placing additional penalties on the Government of the Sudan and on those persons, complicit in the genocide: and be it further

Resolved, That copies of this resolution be transmitted to the President, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–372. A concurrent resolution adopted by the Legislature of the State of Utah relative to recognizing the contributions of Fred C. Adams to the State of Utah; to the Committee on Health, Education, Labor, and Pensions.

HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, the Utah Shakespearean Festival is considered by many to be one of the most prestigious repertory theaters and Shakespearean festivals in the United States;

Whereas, over the last 44 years, the Utah Shakespearean Festival, which is currently in its 45th season, has hosted 4,148,008 people who have attended 144 productions of Shakespeare's plays;

Whereas, as of the year 2000, the Utah Shakespearean Festival had produced Shakespeare's entire canon of plays;

Whereas, the Utah Shakespearean Festival has employed 170 musicians, 376 electricians, 218 directors, 447 designers, 314 props artists, 957 carpenters, 877 Greenshow performers, 260 make-up artists, 2,007 actors, 291 stage managers, and 1,272 costumers;

Whereas, Fred C. Adams is the Festival Founder and Executive Producer Emeritus;

Whereas, under Mr. Adams's guidance, the Festival has grown from a budget of $1,000 and 3,276 paid admissions in 1962, to a 2006 annual budget of $6 million and an anticipated attendance of 150,000 paid admissions;

Whereas, beginning his long association as a teacher at Southern Utah University in 1959, he retired from his university teaching and directing responsibilities in 2000, to devote his energies full-time to the day-to-day artistic operations of the Festival;

Whereas, Mr. Adams received his B.A. and M.A. degrees from Brigham Young University in theater arts and Russian;

Whereas, on June 4, 2000, the Utah Shakespearean Festival received the prestigious Tony Award for Outstanding Regional Theater at Radio City Music Hall in New York City;

Whereas, 1,389 schools have participated in the Festival's High School Shakespeare Competition since 1977;

Whereas, 183,280 students have seen the Festival's Educational Tour since 2001;

Whereas, the International Festival and Events Association estimates the annual economic impact of the Utah Shakespearean Festival to be in excess of $64 million;

Whereas, in 2001 the Festival received the 25th Annual National Governors Association Award for Distinguished Service to the Arts;

Whereas, Mr. Adams is the recipient of the Pioneer of Progress Award for the Days of '47 in Salt Lake City (2005), the Ernst and Young Entrepreneur of the Year Award (2003), the Utah Theater Association's Lifetime Service Award (2000), an honorary doctorate degree from Southern Utah University (1999), the Institute of Outdoor Drama's Mark R. Sumner Award (1998), Brigham Young University's Distinguished Service Award (1995), Geneva Steel's Modern Pioneer Award (1994), the Cedar City Area Chamber of Commerce Arts Contribution Award (1992), Southern Utah University's Outstanding Alumni Award (1991), the Citizen Meritorious Service Award from the American Parks and Recreation Society (1991), Utah Business Magazine's Outstanding Business Leader recognition (1989), the First Annual Governor's Award in the Arts (1989), and the Distinguished Alumni Award from Brigham Young University (1984 and 1987);

Whereas, Mr. Adams was also honored to carry the Olympic flame in Cedar City during the 2002 Winter Olympic Torch Relay;

Whereas, Mr. Adams was the featured personality for the Utah Travel Council's summer tourism advertising campaign in 1995 and 1996, appearing in a number of magazines, including Condé Nast Traveler, Mature Outlook, American Heritage, Midwest Living, National Geographic Traveler, Gourmet, and Life;

Whereas, Mr. Adams is the author of many articles appearing in several professional magazines, and he is a favorite lecturer for educational institutions and professional organizations throughout the United States and Europe;

Whereas, Mr. Adams also conducts and is host for at least one annual tour to Europe;

Whereas, as executive director of the Festival Center Project, Mr. Adams will now focus on securing funding for the completion of the Utah Shakespearean Festival Center for the Performing Arts;

Whereas, the projected $65 million Center will feature Renaissance-style buildings surrounding a brick-paved central plaza and a beautiful fountain highlighted by bronze statues of some of Shakespeare's most loved characters;

Whereas, the Center will include the relocated Adams Shakespearean Theater (a Tudor-styled outdoor theater), and one additional small performance facility (the New Playwright's Theater), as well as a bookstore, art gallery, bakery, restaurant, ale house, costume and scene shops, Greenshow performance stages, a seminar grove, and a feast hall patterned after the great banquet halls of Europe, all of which will compliment the state-of-the-art Randall L. Jones Theater, built in 1989;

Whereas, as executive producer emeritus he will consult and advise the Festival concerning play selection, choosing directors and designers, and long-term planning;

Whereas, Mr. Adams will also continue to be seen at the Festival as he conducts orientations, participates in all Festival functions, and greets patrons and his many friends before the plays; and

Whereas, the life and accomplishments of Fred C. Adams and his contribution to the arts and to economic development in the State of Utah merit the thanks and praise of a grateful state: Now, therefore, be it

Resolved, that the Legislature of the State of Utah, the Governor concurring therein, recognize the enormous contributions of Fred C. Adams to the arts in the State of Utah, and to its economic development; be it further

Resolved, That a copy of this resolution be sent to Fred C. Adams.

POM–373. A Senate concurrent resolution adopted by the Legislature of the State of Kansas relative to federal funding of education; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 1618

Whereas, The state of Kansas under the Quality Performance Accreditation (QPA) System has long pursued the goal of improving the academic performance of all students, especially students of racial and ethnic background, lower economic status, limited English proficiency and with learning disabilities or challenges; and

Whereas, The state of Kansas, therefore, applauds the President and the United States Congress for putting forth the same goals in the reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, and emphasizing the urgency in improving the performance of these students; and

Whereas, The reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, has encouraged some needed changes in public education and was initially accompanied with relatively large increases in federal funding for public elementary and secondary education; and

Whereas, However, the increases in federal funding since the first year of the reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, have been minimal; and

Whereas, The federal government has decreased funding for reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, in fiscal year 2006 by $793,000,000, decreased funding for postsecondary education by $166,000,000, and decreased funding for programs that serve students with disabilities by $21,000,000: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Kansas legislature memorializes the President and the United States Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing its funding for the reauthorization

of the Elementary and Secondary Education Act of 1965 commonly known as the No Child Left Behind Act of 2001, the Higher Education Act, the Individuals with Disabilities Education Act and other educational related programs; and

Be it further resolved: That the state of Kansas requests that the President, United States Congress and United States Department of Education offer the various states waivers, exemptions or whatever flexibility is possible regarding the requirements of the reauthorization of the Elementary and Secondary Education Act of 1965, commonly known as the No Child Left Behind Act of 2001, in any year that federal funding for public elementary and secondary education is decreased to prevent states from spending state and local resources on activities that have not proven effective in raising student achievement and may not be the priority of an individual state; and

Be it further resolved: That the state of Kansas encourages other states to pass similar resolutions; and

Be it further resolved: That the Secretary of State send an enrolled copy of this resolution to the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives, Secretary of the United States Department of Education and each member of the Kansas legislative delegation.

POM–374. A resolution adopted by the House of Representatives of the General Assembly of the Commonwealth of Pennsylvania relative to applauding the contributions of Pennsylvania's Taiwanese-American community and joining in support of the participation of the Republic of China in the role of World Health Organization observer; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 690

Whereas, The Commonwealth of Pennsylvania and the Republic of China (Taiwan) have had a long history of friendship; and

Whereas, Philadelphia is home to a large Taiwanese community; and

Whereas, The people of the Taiwanese-American community maintain close ties with family and friends in their native land and are concerned about their health, safety and quality of life; and

Whereas, Good health is essential to every citizen of the world, just as access to the highest standards of health information and service is necessary to improve the public health; and

Whereas, The World Health Organization (WHO) set forth, in the first chapter of its charter, the objective of attaining the highest possible level of health for all people; and

Whereas, The House of Representatives of the Commonwealth of Pennsylvania is justly proud to support the participation of Taiwan in the role of observer in the World Health Organization in the upcoming World Health Assembly (WHA) at its annual summit to be held in Geneva, Switzerland in May 2006; and

Whereas, Taiwan's population of more than 23 million is larger than that of 75% of the current WHO member states; and

Whereas, The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

Whereas, The State Department, in its report to the Congress of the United States in April 2005, reaffirmed United States support of Taiwan's observer status in the WHA; and

Whereas, Fifty-three members of the United States House of Representatives wrote a letter to Secretary of State Condoleezza Rice on December 16, 2005, expressing their support of observer status for Taiwan at the annual meeting of the WHA; and

Whereas, The United States Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, In recent years Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the WHO; and

Whereas, The government and the people of Taiwan have been actively engaged in various activities in the fields of medical assistance and humanitarian relief to countries in Africa, Asia, Central America and the Caribbean in such places as Afghanistan, Chad, El Salvador, Honduras and Liberia and have contributed financial resources to global relief efforts and to combat disease around the world; and

Whereas, Taiwan's participation in international health forums and programs is critical, especially with today's greater potential for the cross-border spread of various infectious diseases such as human immunodeficiency virus (HIV), tuberculosis and malaria; and

Whereas, Recent outbreaks of the lethal avian flu and severe acute respiratory syndrome (SARS) in East Asia and Southeast Asia have caused panic around the world and have accentuated the importance of Taiwan's participation in international health forums and the inherent danger of nonparticipation; and

Whereas, Taiwan's substantial achievements in the field of health include having one of the highest life expectancy levels in Asia and having low maternal and infant mortality rates, eradicating such infectious diseases as cholera, smallpox and plague and being the first to eradicate polio and to provide children with hepatitis B vaccinations; and

Whereas, Taiwan's WHO observer status affects the health rights of millions of Taiwanese people and benefits regional and global public health; Therefore, be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania pause in its deliberations to applaud the contributions of Pennsylvania's Taiwanese-American community and join in support of the participation of Taiwan in the role of WHO observer; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the United States Department of Health and Human Services, to each member of the Pennsylvania Congressional Delegation and to the World Health Organization.

POM–375. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting changes to the No Child Left Behind Act of 2001; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 105

Whereas, the National Conference of State Legislatures created a special task force (Task Force) that spent ten months conducting a comprehensive, bipartisan review of the No Child Left Behind Act of 2001; and

Whereas, this review identified a number of changes that must be made to the No Child Left Behind Act for it to become a positive impetus to school improvement and ensure that young people will learn at their full potential; and

Whereas, the Task Force drafted forty-three recommendations outlining these necessary changes to provide useful, workable requirements for schools, many of which could be easily incorporated into the No Child Left Behind Act; and

Whereas, the four key Task Force recommendations include: (1) removing obstacles that block state education innovations and undermine programs that were succeeding prior to the passage of the No Child Left Behind Act; (2) providing the federal financial assistance necessary for states to meet No Child Left Behind Act classroom goals; (3) removing the ''one-size-fits-all'' student performance measurements in favor of more sophisticated systems that measure progress on an individualized basis; and (4) recognizing that individual schools face special challenges, and that significant differences exist between rural and urban schools: Now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, That the Hawaii State Legislature strongly urges the Congress of the United States to support the worthwhile recommendations of the National Conference of State Legislatures special task force on revisions to the No Child Left Behind Act; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and Hawaii's congressional delegation.

POM–376. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to supporting the goal of eliminating suffering and death from cancer by the year 2015; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 15 S.D. 1

Whereas, cancer is the second leading cause of death and touches almost every family, with over ten million Americans now living with a history of cancer; and

Whereas, cancer affects one out of every four Americans or one out of every two men and one out of every three women; and

Whereas, this year alone, cancer will claim the lives of more than 570,000 Americans or 1,500 people per day; and

Whereas, 1,700 Hawaii residents or roughly one out of every five deaths in Hawaii is attributed to cancer; and

Whereas, more than 1,300,000 cancer cases were diagnosed in 2005; and

Whereas, approximately 5,000 men and women in Hawaii are diagnosed each year with the disease; and

Whereas, it is estimated that cancer cost the Nation nearly $190 billion 2003, including more than $69 billion in direct medical costs; and

Whereas, the cost for cancer care in Hawaii is estimated to cost $500 million each year; and

Whereas, the Nation's investment in cancer research and programs have led to actual progress; and

Whereas, between 1991 and 2001, cancer death rates declined by more than nine percent and about 258,000 lives were saved; and

Whereas, at least half of all cancer deaths could have been prevented by applying existing knowledge; and

Whereas, the Director of the National Cancer Institute has set a bold goal to eliminate suffering and death from cancer by 2015; and

Whereas, eliminating cancer related suffering and death will require a commitment by the Hawaii State Legislature to continue to make the fight against cancer a priority; now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, That the Hawaii State Legislature supports the goal of eliminating suffering and death due to cancer by 2015; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the Director of Health, the Hawaii Comprehensive Cancer Control Coalition, U.S. House of Representatives, U.S. Senate, and to the Director of the National Cancer Institute.

POM–377. A joint resolution adopted by the Legislature of the State of Utah relative to urging the citizens of Utah to increase their awareness of the contributions paraeducators make in educating children in public schools; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 15

Whereas, for the more than 40 years since they were first introduced into the nation's schools, the roles of ''teacher aides'' have become more complex and demanding;

Whereas, these aides have become technicians who are more aptly described as paraeducators;

Whereas, under the direction of teachers, paraeducators assist with the delivery, to both learners and their parents, of instructional and other direct services designed to support instructional plans and educational goals;

Whereas, more than 7,000 paraeducators serve in Utah's school districts and charter schools, providing invaluable services and support to students in Utah's public schools;

Whereas, these paraeducators display a high degree of professionalism and spend considerable time and energy in career development;

Whereas, paraeducators work as members of teams in the classroom where the teacher has the ultimate responsibility for the design and implementation of the classroom education program, the education programs of individual students, and for the evaluation of those programs and student progress;

Whereas, paraeducators work under the ultimate supervision of the school principal and are assigned to work under the direction of a teacher or team of teachers;

Whereas, while they perform clerical tasks, prepare materials, and monitor learners in nonacademic settings, paraeducators perform many other tasks under the supervision of teachers and, in some cases, related services professionals;

Whereas, paraeducators in early childhood, elementary, middle, and secondary classrooms and programs engage individual and small groups of learners in instructional activities developed by teachers, carry out behavior management and disciplinary plans developed by teachers, and assist teachers with functional and other assessment activities;

Whereas, paraeducators can also document and provide objective information about learner performance that enables teachers to plan and modify curriculum and learning activities for individuals, assist teachers with organizing learning activities and maintaining supportive environments, and assist teachers with involving parents or other caregivers in their child's education;

Whereas, recent legislation requires paraprofessionals to be qualified to perform their jobs and requires local districts to provide adequate training and supervision of their paraeducators;

Whereas, by serving jointly with teachers, paraeducators enhance the continuity and quality of services for many students in Utah schools; and

Whereas, the services provided by paraeducators, though not widely understood or recognized, are a key element in the success of Utah's education efforts: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges the citizens of Utah to increase their awareness of the critical role paraeducators play in the education of Utah school children; be it further

Resolved, That a copy of this resolution be sent to each of Utah's school districts, charter schools, the National Resource Center for Paraprofessionals, members of the Utah Education Coalition and education community, the Utah Parent Teacher Association, the Utah State Board of Education, and the Utah State Office of Education.

POM–378. A joint resolution adopted by the Legislature of the State of Utah relative to urging state agencies to replace ''mental retardation'' references in their documents with a more respectful description; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 14

Whereas, the stigma attached to the phrase ''mental retardation'' creates an unwarranted burden on those who experience this intellectual disability;

Whereas, in some cases government agencies inadvertently perpetuate this burden by continuing to use this archaic term;

Whereas, this phrase should be changed to reflect a sensitivity to those who experience this disability;

Whereas, many government agencies throughout the United States have altered their documents to refer to these individuals as persons with a disability;

Whereas, the use of ''persons with a disability'' removes a measure of the sting and stigma suffered by those who must struggle with this disability every day of their lives; and

Whereas, Utah state agencies should take deliberate steps to update their documents to reflect this more sensitive reference to characterize those who experience this disability: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges Utah's state agencies to review their official documents and replace current references to ''mental retardation'' with an alternative that reflects increased sensitivity to those who experience this disability; and be it further

Resolved, That the Legislature encourages state agencies to review and consider alternative references to this disability that are used by other states; and be it further

Resolved, That a copy of this resolution be sent to the Department of Human Resources, the Utah Developmental Disabilities Council, the Department of Health, the Department of Human Services, and People First.

POM–379. A resolution adopted of the Legislature of the State of Utah relative to encouraging Utah schools to educate children regarding risks of sun exposure; to the Committee on Health, Education, Labor, and pensions.

SENATE RESOLUTION NO. 2

Whereas, one in five Americans will get skin cancer in their lifetime;

Whereas, melanoma, the most deadly form of skin cancer, is now the second leading cause of cancer for women in their 20's and 30's;

Whereas, melanoma is now the fastest growing cancer in the U.S., with cases increasing at an epidemic rate of 3% per year;

Whereas, there have been no significant advances in the medical treatment of advanced melanoma or its survival rate in the last 30 years;

Whereas, in a survey by the Centers for Disease Control, 74% of young adults and 50% of older adults said that they had little or no knowledge about melanoma;

Whereas, in 1940, the chance of a U.S. citizen getting melanoma was 1 in 1,500, by 2004 it was 1 in 67, and by 2010 scientists predict it will be 1 in 50;

Whereas, if caught in the earliest stages, melanoma is entirely treatable with a survival rate of nearly 100%;

Whereas, if untreated and allowed to spread, there is no known effective treatment or cure for melanoma;

Whereas, the lifetime risk of getting skin cancer is linked to sun exposed sunburn during childhood and adolescence;

Whereas, studies have shown that the occurrence of at least two blistering sunburns before the age of 18 years may double the risk for development of melanoma as an adult;

Whereas, it is estimated that regular use of sunscreen during childhood could lower skin cancer incidence by nearly 80%;

Whereas, since 1982; incidences of pediatric melanoma in children have more than doubled;

Whereas, Utah's melanoma rates are among the highest in the nation;

Whereas, Utah regularly ranks in the top five states in the nation for per capita deaths from melanoma;

Whereas, the United States Department of Health and Human Services Classifies solar radiation as a known human carcinogen;

Whereas, the causes, prevention, and early detection of skin cancer, particularly melanoma, are fairly well understood and easy to learn;

Whereas, schools have the potential to educate and positively influence pupil and family behavior regarding skin cancer prevention;

Whereas, simple, inexpensive changes in behavior such as wearing sunscreen, avoiding midday sun exposure, and wearing a shirt and hat can alter lifelong skin cancer risks;

Whereas, several programs are available to educators to help them teach students about the risks and prevention of skin cancer, and the programs could be integrated into classes in Utah schools;

Whereas, the United States Environmental Protection Agency has created a program that educates school-age children on the risks of exposure to the sun;

Whereas, this program, called SunWise, is provided free of charge, is designed for school-age children, requires no teacher training, and is easily integrated into a school's curriculum;

Whereas, SunWise is currently being used by 14,000 schools around the country and 246 school in Utah with great success;

Whereas, a low-cost program about the risks, and prevention of skin cancer, Sunny Days, Healthy Ways, was developed with grants from the National Cancer Institute;

Whereas, the Centers for Disease Control have free materials on the prevention of skin cancer which, can be downloaded from their website and used in class or sent home with children to help educate families;

Whereas, Only Skin Deep is a Utah based program designed to train high school students to teach their peers about skin cancer prevention;

Whereas, this program has been successfully used in Utah schools, is free of charge, and requires no time from teachers; and

Whereas, faced with the reality of the risks of sun exposure and with the variety of low or no-cost programs and materials available, Utah schools should educate their students on the risks and prevention of skin cancer: Now, therefore, be it

Resolved, That the Senate of the state of Utah urges Utah's public schools to consider incorporating sun exposure awareness programs and materials into their curriculum. Be it further

Resolved, That copies of this resolution be sent to each school district in the state of

Utah, the Utah Parent Teachers Association, the American Cancer Society of Utah, the Utah Cancer Action Network, the Utah State Office of Education, the Utah State Board of Education, the Utah Department of Health, the National Cancer Institute, and the Utah Society of Dermatologic Medicine and Surgery.

POM–380. A concurrent resolution adopted by the Legislature of the State of Utah relative to encouraging school boards to adopt policy prohibiting bullying; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 1

Whereas, school bullying, harassment, and intimidation greatly reduce a student's ability to both achieve and surpass academic standards in Utah;

Whereas, school bullying, harassment and intimidation can directly affect a student's health and well-being and thus contribute to excess absences from school, physical sickness, mental and emotional anguish, and long-term social and mental consequences;

Whereas, bullying, harassment; and intimidation can take physical, verbal, and written forms, including use of electronic media;

Whereas, it is long past time for not only society, but also for each community in Utah, down to the individual school community level, to acknowledge that bullying is not some sort of right of passage to be simply ignored or tolerated;

Whereas, incidents of reported school-related bullying in the state and throughout the nation are ample evidence of the need for intervention;

Whereas, many bullies eventually end up with criminal records and are involved in abusive relationships because they have not learned appropriate social behavior;

Whereas, it is within the goals and dictates of the state's public education system to provide a healthy, positive, and safe learning atmosphere for all Utah children in the state's public schools;

Whereas, many schools across the state are already engaged in prevention efforts, including Utah's K–12 prevention program, Prevention Dimensions;

Whereas, these programs emphasize assessment of the prevalence of bullying incidents and preventive, early intervention strategies; and

Whereas, with the help of local school boards, school districts and school personnel, parents, and concerned individuals, school bullying can be effectively addressed: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express its condemnation of bullying, harassment, and intimidation in Utah schools. Be it further

Resolved, That the Legislature and the Governor urge school districts, concerned parents, the members of the Utah Substance Abuse and Anti-Violence Coordinating Council, and the members of the Utah Education Coalition, which includes the State Board of Education, the Utah Education Association, the Utah Parent Teacher Association, the Utah School Employees Association, the Utah Association of Elementary School Principals, the Utah Association of Secondary School Principals, the Utah School Boards Association, the Utah State Office of Education, and the Utah School Superintendents Association to work together to further define and understand the multiple aspects of bullying and effectively utilize systems for reporting school-related bullying incidents. Be it further

Resolved, That the Legislature and the Governor call upon school districts, concerned parents, the members of Utah Education Coalition, and the members of the Utah Substance Abuse and Anti-Violence Coordinating Council to respond to school-related bullying incidents by implementing a program where victims of bullying can be identified and assisted, and perpetrators educated, in order to create safer schools that provide a positive learning environment. Be it further

Resolved, That the Legislature and the Governor encourage these groups to come together to form a coalition whose goal would be to bring about, through education and other means, the end of bullying, harassment, and intimidation in the states public schools. Be it further

Resolved, That a copy of this resolution be sent to the State Board of Education, the Utah Education Association, the Utah Parent Teacher Association, the Utah School Employees Association, the Utah Association of Elementary School Principals, the Utah Association of Secondary School Principals, the Utah School Boards Association, the Utah State Office of Education, the Utah School Superintendents Association, the Utah Substance Abuse and Anti-Violence Coordinating Council, each public school district in the state of Utah, and the Utah Charter School Association.

POM–381. A joint resolution by the Legislature of the State of Utah relative to recognizing the rights of public school students to voluntarily participate in religious expression in public schools; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 9

Whereas, a firm understanding of the proper and lawful role of religious expression is requisite to full participation in public institutions;

Whereas, a state of confusion and in some cases fear among the general citizenry exists as to the proper role of religious expression in public schools and other public settings;

Whereas, the free exercise of religion is a fundamental right guaranteed by both the United States Constitution and the Utah Constitution;

Whereas, the freedom of speech is a fundamental right guaranteed by both the United States Constitution and the Utah Constitution;

Whereas, the First Amendment to the United States Constitution states, ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble'';

Whereas, the Utah Constitution states, ''The rights of conscience shall never be infringed. The State shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; . . . There shall be no union of Church and State, nor shall any church dominate the State or interfere with its functions. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or for the support of any ecclesiastical establishment.'';

Whereas, the Utah Constitution also states: ''No law shall be passed to abridge or restrain the freedom of speech or of the press'';

Whereas, prayer is fundamental to the exercise of both religion and free speech;

Whereas, courts have upheld the right of students to spontaneously and nondisruptively pray in school settings, and school administrators and teachers are in no way permitted to discourage such religious expression, including prayer, by a student;

Whereas, in the classroom, instruction covering religious subject matter is permitted, provided the teacher does not advocate religion in general or one or more religions in particular;

Whereas, students participating in the singing of songs that are religious in theme, and expressions often related to holidays that are ''religious in nature, also enjoy legal protection under the state and federal constitutions;

Whereas, the courts have established a three-part test for determining if a government action violates the establishment of religion clause of the First Amendment to the United States Constitution: (1) the government action must have a secular (nonreligious) purpose; (2) the government action's primary purpose must not be to inhibit or to advance religion; and (3) there must be no excessive entanglement between government and religion; and

Whereas, the United States Supreme Court has ruled the union-of-church-and-state ban applies only to circumstances that join a particular religious denomination and the state so that the two function in tandem on an ongoing basis: Now, therefore, be it

Resolved, That the Legislature of the state of Utah recognizes the right of public school students to voluntarily participate in prayer, and also in the singing of songs and in expressions related to holidays that are religious in nature, in public schools, within known legal limits of religious expression, tolerance, civility, and dignity as contemplated by this nation's founders. Be it further

Resolved, That a copy of this resolution be sent annually to each student currently enrolled in Utah's public schools, each parent of a student currently enrolled in Utah's public schools, the Utah Parent Teacher Association, the Utah Education Association, the Utah State Board of Education, the Utah State Office of Education, the Utah Association of Counties, and the Utah League of Cities and Towns.

POM–382. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to providing states with the necessary funding to implement the goals of the No Child Left Behind Act of 2001 and other education-related programs; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 104

Whereas, the State of Hawaii has long pursued the goal of improving the academic performance of all students, especially those of minority racial and ethnic backgrounds, lower economic status, and limited English proficiency, and those with learning disabilities or challenges; and

Whereas, the State of Hawaii, therefore, applauds the President of the United States and Congress for setting the same goals in the No Child Left Behind Act of 2001, and emphasizing the urgency in closing the achievement gaps for these students; and

Whereas, the No Child Left Behind Act has encouraged some needed changes in public education and was initially accompanied by relatively large increases in federal funding for public elementary and secondary education; and

Whereas, the increases in federal funding since the first year of implementation of the No Child Left Behind Act have been minimal and insufficient to meet its requirements; and

Whereas, the federal government has decreased funding for programs implementing the No Child Left Behind Act in fiscal year 2006 by almost $800,000,000, and for overall public education by $606,000,000, including cuts of more than $165,000,000 from postsecondary education and over $20,000,000 from programs for students with disabilities: Now, therefore, be it

Resolved, by the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006, the House of Representatives concurring, That the Hawaii Legislature urges the President of the United States and United States Congress to make a serious commitment to improving the quality of the nation's public schools by substantially increasing its funding for implementation of the No Child Left Behind Act, the Higher Education Act, the Individuals with Disabilities Education Act, and other education-related programs; and be it further

Resolved, That the State of Hawaii requests that in any year that federal funding for public elementary and secondary education is decreased, the President, United States Congress, and the United States Department of Education create flexibility in No Child Left Behind Act requirements through the use of state waivers, exemptions, or other mechanisms; and be it further

Resolved, That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the United States House of Representatives, the United States Secretary of Education, and Hawaii's congressional delegation.

POM–383. A joint resolution adopted by the General Assembly of the State of Colorado relative to requesting the United States Senate to pass the ''Stem Cell Research Enhancement Act of 2005''; to the Committee on Health, Education, Labor, and Pensions.

HOUSE JOINT RESOLUTION NO. 06–1034

Whereas, In May 2005, by a bipartisan vote of 238 to 194, the United States House of Representatives passed H.R. 810, the ''Stem Cell Research Enhancement Act of 2005'', and the bill is currently pending in the United States Senate; and

Whereas, H.R. 810 would authorize research using embryonic stem cells only if the stem cells are derived from human embryos that have been donated from in-vitro fertilization clinics, are created for the purpose of fertility treatment, and are in excess of the clinical need of the individuals seeking such treatment; and

Whereas, H.R. 810 would further require that it be determined that the human embryos used for research are ones that would never be implanted in a woman and would otherwise be discarded, and that the individuals donating the human embryos give written, informed consent to the donation and do not receive any financial or other inducements to make the donation; and

Whereas, Stem cell research offers the opportunity to discover cures and treatments for diseases such as Parkinson's, Alzheimer's, ALS, diabetes, spinal cord injury, and many others; and

Whereas, We have a responsibility to ensure that this research proceeds with ethical safeguards and strict guidelines, and, by permitting research only on excess embryos created in the in-vitro fertilization process and establishing a clear, voluntary consent process for donors, H.R 810 meets this responsibility; and

Whereas, Senator Bill Frist, Senate Majority leader, noted, ''While human embryonic stem cell research is still at a very early stage, the limitations put in place in 2001 will, over time, slow our ability to bring potential new treatments for certain diseases. Therefore, I believe the President's policy should be modified'': Now, therefore, be it

Resolved, by the House of Representatives of the Sixty-fifth General Assembly of the State of Colorado, the Senate concurring herein; That the General Assembly of the state of Colorado requests the United States Senate to move expeditiously to pass H.R. 810 and urges all members of the United States Senate to vote in favor of H.R. 810; and be it further

Resolved, That copies of this Joint Resolution be sent to the President and Vice-President of the United States, the Majority and Minority Leaders of the Senate, the Colorado Senate delegation.

POM–384. A joint resolution adopted by the Legislature of the State of Utah relative to supporting Utah Highway Patrol use of white crosses as roadside memorials; to the Committee on Homeland Security and Governmental Affairs.

HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, since the creation of the Utah Highway Patrol in 1935, 14 Highway Patrol officers have been killed in the line of duty;

Whereas, the 14 Utah Highway Patrolmen who have been killed in the line of duty are Patrolman George ''Ed'' VanWagenen and Troopers Armond A. ''Monty'' Luke, George Dee Rees, Charles D. Warren, John R. Winn, William J. Antoniewicz, Robert B. Hutchings, Ray Lynn Pierson, Daniel W. Harris, Joseph ''Joey'' S. Brumett III, Dennis ''Dee'' Lund, Doyle R. Thorne, Randy K. Ingram, and Thomas S. Rettberg;

Whereas, for the families of these officers who have paid the ultimate price for their service, there is often very little that can be done to stem the tide of their grief and suffering, or to help them move on with their lives;

Whereas, the families of these officers killed in the line of duty have been involved in, and have supported, the creation of roadside memorials that are placed near the location of the incidents that caused the deaths of their loved ones;

Whereas, each memorial represents a Utah Highway Patrol officer who died in the line of duty and service to the state of Utah and its citizens;

Whereas, a white cross has become widely accepted as a symbol of a death, and not a religious symbol, when placed along a highway;

Whereas, the memorials remind the citizens of Utah and this nation of the price that is too often paid for safety and freedom;

Whereas, the memorials also console the family members left behind, who too often consist of young mothers and young children;

Whereas, the primary feature of the memorials is a white cross, which was never intended as a religious symbol, but as a symbol of the sacrifice made by these highway patrol officers;

Whereas, the beehive emblem, which is also the official state emblem, is attached to the cross because the emblem is worn as part of the official Utah Highway Patrol uniform;

Whereas, the purchase and placement of these memorials has been accomplished with private funds only; and

Whereas, given the heartfelt yet nonsectarian intentions of the memorials, removing or tampering with them would clearly convey an absence of concern, respect, and recognition of the sacrifices made by these officer and their families: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, express support for the Utah Highway Patrol's use of white crosses, or other appropriate symbols as requested by the family, as roadside memorials as a means to pay tribute to the heroes from the ranks of the Utah Highway Patrol who have fallen and to their families; and be it further

Resolved, That a copy of this resolution be sent to the surviving spouse or nearest relative of each Utah Highway Patrol Officer who has been killed in the line of duty and service to the citizens of Utah, the Utah Highway Patrol, and the Utah Highway Patrol Association.

POM–385. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to authorizing funding for the Navajo Health Foundation/Sage Memorial Hospital; to the Committee on Indian Affairs.

HOUSE CONCURRENT MEMORIAL NO. 2002

Your memorialist respectfully represents:

Whereas, the Navajo Nation finds that the lack of appropriations by the United States Congress for full funding of the Navajo Health Foundation/Sage Memorial Hospital, Inc. contract severely and negatively impacts the delivery of health care services to Navajo recipients of health care services.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the United States Congress authorize and rebudget contract health care service funds appropriated to the Navajo Area Indian Health Service into hospital and clinic budgeted funds to fully fund the P.L. 93–638 contract with the Navajo Health Foundation/Sage Memorial Hospital.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of United States House of Representatives, the United States Secretary of Health and Human Services and each Member of Congress from the State of Arizona.

POM–386. A concurrent memorial adopted by the House of Representatives of the Legislature of the State of Arizona relative to permanently repealing the death tax, dissolving United States Membership in the United Nations, and removing specific areas relating to faith from the jurisdiction of the United States Supreme Court; to the Committee on the Judiciary.

HOUSE CONCURRENT MEMORIAL NO. 2011

Whereas, under tax relief legislation passed in 2001, the death tax was temporarily phased out but not permanently eliminated; and

Whereas, farmers and other small business owners will face losing their farms and businesses if the federal government resumes the heavy taxation of citizens at death; and

Whereas, this is a tax that is particularly damaging to families who are working their way up the ladder and trying to accumulate wealth for the first time; and

Whereas, employees suffer layoffs when small and medium businesses are liquidated to pay death taxes; and

Whereas, if the death tax had been repealed in 1996, the United States economy would have realized billions of dollars of extra output each year and an average of 145,000 additional new jobs would have been created; and

Whereas, having repeatedly passed in the United States House of Representatives and Senate, repeal of the death tax holds wide bipartisan support.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That the Congress of the United States immediately and permanently repeal the death tax.

Your memorialist respectfully represents:

Whereas, the United States of America became an independent, sovereign nation for the reasons expressed in the Declaration of Independence and as the result of a bloody war to achieve its independence: and

Whereas, the Constitution of the United States of America is, and rightfully must remain, the Supreme Law of the Land; and

Whereas, the Constitution of the United States of America provides for limited, nondelegable and diffused powers of governments that are separated among the Congress, the President and the judiciary and that preserve the powers and duties of the individual states and the people; and

Whereas, the Constitution of the United States of America guarantees personal liberties of each individual citizen; and

Whereas, the Charter of the United Nations purports to supersede the independence and sovereignty of the United States and the Constitution of the United States of America and to usurp powers delegated in the Constitution by:

1. Concentrating in the United Nations Security Council control and use of certain American military personnel and the military personnel of all member nations for its own purposes without any accountability and in violation of the exclusive power of the United States Congress to declare war.

2. Seeking authority to tax citizens of the United States and other member nations directly to support United Nations activities.

3. Sponsoring and extending to all nations, whether signatories or not, an International Criminal Court that violates the rights of the accused as well as the Constitution of the United States and the Bill of Rights; and

Whereas, the oil-for-food effort in Iraq has been a global scandal that has enriched Saddam Hussein and his inner circle, leaving the Iraqi people further deprived, and has further enabled him to acquire arms and munitions that have been used against United States forces, all having occurred while under the supervision of the United Nations; and

Whereas, Congressman Ron Paul of Texas has introduced a bill in Congress that is known as the American Sovereignty Restoration Act of 2005. This important legislation, H.R. 1146, would end the membership of the United States in the United Nations; and

Whereas, the only benefit to the United States of America to belong to the United Nations is that we have veto authority on the Security Council to protect our allies, such as the Nation of Israel; and

Whereas, H.R. 1146 would repeal the United Nations Participation Act of 1945, the United Nations Headquarters Agreement Act and various other related laws. The bill would prevent the authorization of further monies for United Nations military operations and would terminate the participation of the United States in United Nations peacekeeping operations; and

Whereas, the Constitution and bylaws of the United Nations frequently conflict with the Constitution and laws of the United States. Over the years, past presidents have unconstitutionally transferred their authority to United Nations commanders without the consent of Congress; and

Whereas, the enactment of H.R. 1146, the American Sovereignty Restoration Act of 2005, would end the usurpation of American powers by the United Nations and would reaffirm the sovereignty of the United States.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That upon such time that the United States of America ceases to use its veto authority on the United Nations Security Council to protect Israel, the Congress of the United States take immediate steps to ensure the passage of H.R. 1146, the American Sovereignty Restoration Act of 2005, and take any other measures necessary to dissolve the membership of the United States in the United Nations.

Your memorialist also respectfully represents:

Whereas, on June 27, 2005, the United States Supreme Court, in two razor thin majorities of 5–4 concluded that it is consistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas, but not on the courthouse walls of two counties in Kentucky; and

Whereas, many Americans are deeply puzzled as to how the Court could produce two opposite results involving the same Ten Commandments; and

Whereas, it is appropriate to observe that, based on the Kentucky decision, it is acceptable to display the Ten Commandments in a county courthouse, provided you do not believe in God; and

Whereas. Justice Scalia, in the Kentucky case, used these words to emphasize the importance of the Ten Commandments to most Americans: ''The three most popular religions in the United States, Christianity, Judaism and Islam—which combined account for 97.7% of all believers—are monotheistic . . . [a]ll of them, moreover (Islam included), believe that the Ten Commandments were given by God to Moses, and are divine prescriptions for a virtuous life''; and

Whereas, very recent polling data by a major Washington, D.C. paper revealed that a huge majority of the American people supports posting the Ten Commandments; and

Whereas, S520 and HR1070 are bills that would allow the display of the Commandments in public places in America. The operative language provides: ''. . . [t]he Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any matter to the extent that relief is sought against an entity of Federal, State, or local government, or against an officer or agent of Federal, State, or local government (whether or not acting in official or personal capacity), concerning that entity's, officer's, or agent's acknowledgment of God as the sovereign source of law, liberty, or government''; and

Whereas, hearings were held on the same language in June 2004 in the Constitution, Civil Rights and Property Rights Subcommittee of the Senate Judiciary Committee. Hearings were also held on this language in September 2004 in the Courts Subcommittee of the House Judiciary Committee: and

Whereas, former Chief Justice Rehnquist, in the Texas case, used the following words to describe the obvious duplicity of the United States Supreme Court in telling local governments in America that they may not display the Ten Commandments in local buildings in their communities while at the same time allowing the Ten Commandments to be present on the building housing the United States Supreme Court: ''Since 1935, Moses has stood, holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Courtroom as well as the doors leading into the Courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets.''; and

Whereas, the Kentucky decision will be used by litigants who want to remove God from the public square in America. Sooner or later, this effort will take place in our states. Reports have indicated that efforts to remove the Ten Commandments from public buildings or public parks are now underway in at least twenty-five different places in America.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That the United States Congress adopt S520 and HR1070, and in so doing, protect the ability of the people of this state and nation to display the Ten Commandments in public buildings, to express their faith in public, to retain God in the Pledge of Allegiance and in the national motto, and to use article III, section 2.2, United States Constitution, to remove these areas from the jurisdiction of the United States Supreme Court.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

POM–387. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to making the Republic of Poland eligible for the United States Department of State Visa Waiver Program; to the Committee on the Judiciary.

HOUSE RESOLUTION 269

Whereas, The Republic of Poland is a free, democratic, and independent nation. The fall of the Berlin Wall in 1989 paved the way for Poland to break free from Soviet control and pursue its own destiny. In 1999, the United States and the Republic of Poland became formal allies when Poland was granted membership in the North Atlantic Treaty Organization. Since that historic occasion, the Republic of Poland has proven to be an indispensable ally in the global campaign against terrorism. Poland actively participated in Operation Iraqi Freedom and the Iraqi reconstruction mission, shedding blood along with American military personnel; and

Whereas, From the beginning of Poland's new independence, the Polish people have expressed their wishes for close ties with America. On April 15, 1991, the Republic of Poland unilaterally repealed the visa obligation for United States citizens traveling to Poland. The United States has not reciprocated this gesture. Our Department of State's Visa Waiver Program currently allows citizens from 27 countries to travel to the United States for tourism or business for up to 90 days without first obtaining visas for entry. The countries that currently participate in the Visa Waiver Program include Andorra, Australia, Austria, Belgium, Brunei, Denmark, Finland, France, Germany, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Portugal, San Marino, Singapore, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom; and

Whereas, the President of the United States and other high ranking officials have rightly described Poland as ''one of our closest friends.'' After emerging from five decades of foreign domination, the people of Poland have made great strides in building a free and prosperous nation to stand by America's side in the great struggle of our day. It is appropriate that the Republic of Poland be made eligible for the United States Department of State Visa Waiver Program: Now, therefore, be it

Resolved by the House of Representatives, That we memorialize the President of the United States and the United States Congress to make the Republic of Poland eligible for the United States Department of State Visa Waiver Program; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Ambassador of the Republic of Poland to the United States of America.

POM–388. A resolution adopted by the Senate of the Legislature of the Commonwealth

of Massachusetts relative to affirming the civil rights and liberties of the people of Massachusetts; to the Committee on the Judiciary.

SENATE RESOLUTION

Whereas, the struggle to establish democracy and secure the rights and liberties of Americans began in Massachusetts; and

Whereas, the Declaration of Rights of the inhabitants of the Commonwealth of Massachusetts was the first enumeration of the civil rights and liberties of Americans, provided a model for the United States Constitution and its Bill of Rights, and continues to serve the Citizens of the Commonwealth; and

Whereas, every duly elected public official in Massachusetts has sworn to uphold the Constitution of the United States and the Constitution of the Commonwealth; and

Whereas, in response to the terrorist attacks of September 11, 2001, the United States Congress passed, without public hearings and with little debate, the USA PATRIOT Act (Public Law 107–56), provisions of which threaten the fundamental rights and liberties of citizens and non-citizens; and

Whereas, through executive orders, changes in procedures, and other actions, the United States Department of Justice has adopted practices which infringe upon the rights and liberties of citizens and non-citizens; and

Whereas, fifty-three Massachusetts cities and towns and more than 400 cities and towns across the United States have passed resolutions that affirm their support for our fundamental freedoms and that state their opposition to provisions of the USA Patriot Act and the practices of the United States Department of Justice; and

Whereas, on November 2, 2004, in the 9 State legislative districts where it appeared on the ballot, voters approved, by overwhelming margins, a referendum question requesting legislators to support a Massachusetts resolution asserting that the campaign against terrorism should not be waged at the expense of civil rights and liberties, and to support legislation barring the use of State resources for racial and religious profiling, for secret investigations without reasonable grounds, and for maintaining files on individuals and organizations without reasonable suspicion of criminal conduct; and

Whereas, the States of Alaska, Hawaii, Vermont, Maine, Montana, Idaho and Colorado have passed resolutions opposing provisions of the USA PATRIOT Act and Federal practices which threaten our civil liberties; and

Whereas, in recent testimony and through legislative initiatives, the United States Department of Justice has indicated an intention to seek even greater powers of surveillance, investigation and prosecution; now there be it

Resolved, That the Massachusetts State Senate hereby affirms the rights and liberties of the people of Massachusetts and our system of checks and balances as specified in the United States Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Massachusetts; and be it further

Resolved, That the Massachusetts State Senate hereby affirms that measures taken to protect our local and national security must be guided by and must respect principles of American liberty and the rights of persons as enshrined in the Constitution of the Commonwealth of Massachusetts, the United States Constitution and the Bill of Rights; and be it further

Resolved, That the Massachusetts State Senate hereby requests that the State and local law enforcement authorities refrain from actions that impinge and infringe upon and violate constitutional rights, such as racial and religious profiling, conducting warrantless searches and maintaining files on individuals and organizations without reasonable suspicion of criminal conduct; and be it further

Resolved, That the Massachusetts State Senate hereby urges the United States Congress to allow to sunset, to repeal or to amend those sections of the USA PATRIOT Act which allow the executive branch to infringe upon the rights and liberties of persons as specified in the United States Constitution, the Bill of Rights and the Constitution of the Commonwealth of Massachusetts, and to oppose any additional legislation that would infringe upon these rights and liberties; and be it further

Resolved, That the Massachusetts State Senate hereby urges the United States Department of Justice and other Federal agencies and departments to refrain from any investigations, procedures or prosecutions which infringe upon the liberties of persons as specified in the United States Constitution, the Bill of Rights and the Constitution of the Commonwealth of Massachusetts, or which single out individuals for legal scrutiny or enforcement activity based upon their race, religion, ethnicity or country of origin; and be it further

Resolved, That the Massachusetts State Senate hereby urges the United States Congress to exercise its constitutionally necessary and proper oversight responsibilities relative to the operations and actions of the Departments of Defense and Justice, the National Security Agency and the Central Intelligence Agency that may adversely affect and impinge upon civil rights and liberties, and to ensure the publication of its findings; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Clerk of the Senate to the Honorable George W. Bush, President of the United States; to Alberto Gonzales, Attorney General of the United States; and to Michael J. Sullivan, United States Attorney for Massachusetts; and be it further

Resolved, That copies of these resolutions shall be transmitted to United States Senators Edward Kennedy and John Kerry, Congressmen Michael Capuano, William Delahunt, Barney Frank, Stephen Lynch, Edward Markey, James McGovern, Marty Meehan, Richard Neal, John Olver and John Tierney, Massachusetts Governor Mitt Romney, Massachusetts Attorney General Tom Reilly, Massachusetts State Police Colonel Thomas G. Robbins and to all city and town halls and public libraries within the Commonwealth of Massachusetts.

POM–389. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to passing a constitutional amendment banning the desecration of the United States flag; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 23

Whereas, during the first session of the 109th Congress of the United States of America, House Joint Resolution 10 was introduced proposing to amend the Constitution of the United States to authorize the Congress to prohibit the physical desecration of the flag of the United States; and

Whereas, the United States House of Representatives on June 22, 2005, by a vote of two hundred eighty-six to one hundred thirty, passed the constitutional amendment prohibiting the physical desecration of the United States flag; and

Whereas, the United States Senate has until the end of 2006 to take action upon House Joint Resolution 10; and

Whereas, since 1995, the United States Senate has failed to pass five similar constitutional amendments which were previously passed by the United States House of Representatives; and

Whereas, the United States Senate should not continue to prevent the individual states of the United States from having a voice in whether or not to ratify this constitutional amendment: Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Senate to take such actions as are necessary to pass the proposed constitutional amendment banning the desecration of the United States flag which was passed by the United States House of Representatives on June 22, 2005; and be it further.

Resolved, That a copy of this Resolution shall be transmitted to the president of the United States, the secretary of the United States Senate, the clerk of the United States House of Representatives, and each member of the Louisiana delegation to the United States Congress.

POM–390. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to taking such actions as are necessary to support the Marriage Protection Amendment; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 235

Whereas, marriage is a sacred institution that has endured for centuries as the bedrock of a healthy and successful family; and

Whereas, the stable and healthy marriage is the most beneficial circumstance within which to rear children; and

Whereas, marriage has been reflected historically in the laws of the United States and of the individual states as the union of a man and a woman; and

Whereas, in the 2004 Regular Session of the Louisiana Legislature, Act No. 926 provided that marriage in this state shall consist only of the union of one man and one woman; and

Whereas, Act No. 926 of the 2004 Regular Session was approved by eighty-three percent of the House of Representatives and seventy-nine percent of the Senate; and

Whereas, Act No. 926 of the 2004 Regular Session was submitted to the voters of Louisiana on September 18, 2004, and was approved by seventy-eight percent of the voters; and

Whereas, thirteen other states of the United States have approved similar constitutional amendments limiting marriage to the union of one man and one woman; and

Whereas, the protection of marriage is essential to the continued strength of the nation, and it is vital that Congress and the United States senators from Louisiana vote to support the Marriage Protection Amendment: Therefore be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress and Senators Mary Landrieu and David Vitter to take such actions as are necessary to support and vote for the Marriage Protection Amendment presently pending in the United States Senate; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each of the United States senators from Louisiana.

POM–391. A joint resolution adopted by the General Assembly of the State of Tennessee relative to the addition of a balanced budget amendment to the United States Constitution; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 574

Whereas with each passing year our nation falls further into debt as federal government expenditures repeatedly exceed available revenue; and

Whereas the federal public debt now stands at approximately $8.2 trillion, which equates to $27,600 of debt for every man, woman, and child in America; and

Whereas the annual federal budget has risen to unprecedented levels, demonstrating an unwillingness or inability of both the legislative and executive branches of federal government to control the federal debt; and

Whereas fiscal discipline is a powerful means for strengthening our nation; with a constitutional provision requiring a federal balanced budget, less of America's financial resources would be channeled into servicing the national debt and more of our tax dollars would be available for public endeavors that reflect our national priorities, such as education, health, the security of our nation, and the creation of jobs; and

Whereas Thomas Jefferson recognized the importance of a balanced budget when he wrote: ''The question whether one generation has the right to bind another by the deficit it imposes is a question of such consequence as to place it among the fundamental principles of government. We should consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay for them ourselves.''; and

Whereas state legislatures overwhelmingly recognize the necessity of maintaining a balanced budget; whether through constitutional requirement or by statute, 49 states require a balanced budget; and

Whereas in promoting the broadest principles of a government of, by, and for the people, one of the core functions of the United States Constitution is to enumerate and limit federal power; and

Whereas the federal government's unlimited ability to borrow involves decisions of such magnitude, with such potentially profound consequences for the nation and its people, today and in the future, that it is an appropriate subject for limitation by the United States Constitution; and

Whereas the United States Constitution vests the ultimate responsibility to approve or disapprove amendments to the Constitution with the people of the several states, as represented by their elected legislatures: Now, therefore, be it

Resolved by the Senate of the One Hundred Fourth General Assembly of the State of Tennessee, the House of Representatives Concurring, that we hereby strongly urge the United States Congress to propose, adopt, and submit to the states for ratification an amendment to the United States Constitution requiring a balanced federal budget on an annual basis, except in times of extreme national emergency; and be it further

Resolved, that an enrolled copy of this resolution be transmitted to the President and the Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, and each member of Tennessee's Congressional delegation.

POM–392. A resolution adopted by the Senate of the General Assembly of the State of Tennessee relative to the ''Constitution Restoration Act of 2005''; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 158

Resolved by the Senate of the One Hundred Fourth General Assembly of the State of Tennesee, That through passage of this resolution, this body hereby memorializes the United Slates Congress to enact S. 520 and H.R. 1070 of the 109th Congress, which bears the short title ''Constitution Restoration Act of 2005'', and by enacting such legislation protect the ability of the people of our state and nation to:

(1) Display the Ten Commandments in public buildings and public places in this state and nation;

(2) Express their faith in public;

(3) Retain God in the Pledge of Allegiance;

(4) Retain ''In God We Trust'' as our national motto; and

(5) Otherwise acknowledge God as the sovereign source of law, liberty, and government in these United States; and be it further

Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives; the President and the Secretary of the United States House of Representatives; the President and the Secretary of the United States Senate; and to each member of Tennessee's delegation to the United States Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 2464. A bill to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990, and for other purposes (Rept. No. 109–284).

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 2802. A bill to improve American innovation and competitiveness in the global economy (Rept. No. 109–285).

By Mr. SPECTER, from the Committee on the Judiciary, with an amendment:

S. 2703. A bill to amend the Voting Rights Act of 1965.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. SHELBY for the Committee on Banking, Housing, and Urban Affairs.

*James Lambright, of Mississippi, to be President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

*Linda Mysliwy Conlin, of New Jersey, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2009.

*J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors of the Export-Import Bank of the United States for a term expiring January 20, 2009.

*Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board for a term expiring February 27, 2013.

*Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

*Edmund C. Moy, of Wisconsin, to be Director of the Mint for a term of five years.

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

*Andrew B. Steinberg, of Maryland, to be an Assistant Secretary of Transportation.

*Mark V. Rosenker, of Maryland, to be Chairman of the National Transportation Safety Board for a term of two years.

*R. Hunter Biden, of Delaware, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Donna R. McLean, of the District of Columbia, to be a Member of the Reform Board (Amtrak) for a term of five years.

*John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration.

*Coast Guard nominations beginning with Rear Adm. (Ih) Gary T. Blore and ending with Rear Adm. (Ih) Joel R. Whitehead, which nominations were received by the Senate and appeared in the Congressional Record on May 3, 2006.

Mr. STEVENS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination list which was printed in the Record of the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

*National Oceanic and Atmospheric Administration nomination beginning with Philip A. Gruccio and ending with Jamie S. Wasser, which nominations were received by the Senate and appeared in the Congressional Record on May 24, 2006.

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Lawrence A. Warder, of Texas, to be Chief Financial Officer, Department of Education.

*Troy R. Justesen, of Utah, to be Assistant Secretary for Vocational and Adult Education, Department of Education.

*Harry R. Hoglander, of Massachusetts, to be a Member of the National Mediation Board for a term expiring July 1, 2008.

*Elizabeth Dougherty, of the District of Columbia, to be a Member of the National Mediation Board for a term expiring July 1, 2009.

*Ronald S. Cooper, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BOND:

S. 3685. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself and Mr. ALEXANDER):

S. 3686. A bill to suspend temporarily the duty on certain AC electric motors; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3687. A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes; to the Committee on Indian Affairs.

By Mr. MCCAIN (for himself and Mr. GRAHAM):

S. 3688. A bill to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS:

S. 3689. A bill to establish a national historic country store preservation and revitalization program; to the Committee on Environment and Public Works.

By Ms. STABENOW:

S. 3690. A bill to authorize the Secretary of State to pay the costs of evacuating nationals of the United States from the Middle East in response to the hostilities between Israel and its neighbors that began in July 2006, and to require, except in limited circumstances, the reimbursement of such costs; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. AKAKA, and Mr. TALENT):

S. 3691. A bill to amend the Small Business Act, to reform and reauthorize the National Veterans Business Development Corporation, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mrs. CLINTON, Mr. DEWINE, Mr. DOMENICI, Mr. KENNEDY, Mr. LIEBERMAN, Mr. LOTT, Mr. REED, and Mr. SESSIONS):

S. 3692. A bill to extend the date on which the National Security Personnel System will first apply to certain defense laboratories; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER (for himself and Mr. BIDEN):

S. 3693. A bill to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005; considered and passed.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. HARKIN, Mr. COLEMAN, and Mr. DURBIN):

S. 3694. A bill to increase fuel economy standards for automobiles, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, and Mr. LEAHY):

S. 3695. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEWINE:

S. Con. Res. 110. A concurrent resolution commemorating the 60th anniversary of the historic 1946 season of Major League Baseball Hall of Fame member Bob Feller and his return from military service to the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 138

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 138, a bill to make improvements to the microenterprise programs administered by the Small Business Administration.

S. 191

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 191, a bill to extend certain trade preferences to certain least-developed countries, and for other purposes.

S. 311

At the request of Mr. SMITH, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 311, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 401

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 401, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 424

At the request of Mr. BOND, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 666

At the request of Mr. DEWINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 2123

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2123, a bill to modernize the manufactured housing loan insurance program under title I of the National Housing Act.

S. 2154

At the request of Mr. OBAMA, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2154, a bill to provide for the issuance of a commemorative postage stamp in honor of Rosa Parks.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2250, a bill to award a congressional gold medal to Dr. Norman E. Borlaug.

S. 2491

At the request of Mr. CORNYN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2491, a bill to award a Congressional gold medal to Byron Nelson in recognition of his significant contributions to the game of golf as a player, a teacher, and a commentator.

S. 2560

At the request of Mr. SPECTER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2560, a bill to reauthorize the Office of National Drug Control Policy.

S. 2586

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2586, a bill to establish a 2-year pilot program to develop a curriculum at historically Black colleges and universities, Tribal Colleges, and Hispanic serving institutions to foster entrepreneurship and business development in underserved minority communities.

S. 2590

At the request of Mr. COBURN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2616

At the request of Mr. SANTORUM, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2616, a bill to amend the Surface Mining Control and Reclamation Act of 1977 and the Mineral Leasing Act to improve surface mining control and reclamation, and for other purposes.

S. 2646

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2646, a bill to create a 3-year pilot program that makes small, nonprofit child care businesses eligible for loans under title V of the Small Business Investment Act of 1958.

S. 2663

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2663, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 2679

At the request of Mr. TALENT, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2679, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, and for other purposes.

S. 2703

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2703, a bill to amend the Voting Rights Act of 1965.

At the request of Mr. LEAHY, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Maine (Ms. COLLINS) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2703, supra.

S. 3495

At the request of Mr. SMITH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 3495, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Vietnam.

S. 3620

At the request of Mr. LEVIN, the name of the Senator from Rhode Island

(Mr. CHAFEE) was added as a cosponsor of S. 3620, a bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields.

S. 3629

At the request of Mr. ENSIGN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 3629, a bill to require a 50-hour workweek for Federal prison inmates, to reform inmate work programs, and for other purposes.

S. 3656

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3656, a bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes.

S. 3658

At the request of Mr. GRASSLEY, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 3658, a bill to reauthorize customs and trade functions and programs in order to facilitate legitimate international trade with the Untied States, and for other purposes.

S. 3667

At the request of Mr. FRIST, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 3667, a bill to promote nuclear nonproliferation in North Korea.

S. 3678

At the request of Mr. BURR, the names of the Senator from Utah (Mr. HATCH), the Senator from New York (Mrs. CLINTON), the Senator from Kansas (Mr. ROBERTS), the Senator from Georgia (Mr. ISAKSON), the Senator from Ohio (Mr. DEWINE) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 3678, a bill to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, and for other purposes.

S. 3680

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 3680, a bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes.

S. 3681

At the request of Mr. DOMENICI, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 3681, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. RES. 526

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 526, a resolution condemning the murder of United States journalist Paul Klebnikov on July 9, 2004, in Moscow, and the murders of other members of the media in the Russian Federation.

AMENDMENT NO. 4677

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of amendment No. 4677 intended to be proposed to S. 728, a bill to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOND:

S. 3685. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Mr. President, children endure a lot. They cannot always tell us what is wrong. Often they do not know themselves. So it takes a special person to work with young people and help identify their problems. Every child deserves the opportunity to reach their full potential, but it takes more than a bookbag full of pencils, paper, books and rulers to equip children with the tools necessary to succeed in school.

The most important tool kids will take to school is their eyes. Good vision is critical to learning. Eighty percent of what kids learn in their early school years is visual. Unfortunately, we overlook that fact sometimes. According to the CDC only one in three children receive any form of preventive vision care before entering school. That means many kids are in school right now with an undetected vision problem. One in four children has a vision problem that can interfere with learning. Some children are even labeled ''disruptive'' or thought to have a learning disability when the real reason for their difficulty is an undetected vision problem.

Without any vision care, some of our children will continue to fall through the cracks. I sympathize with these kids because I suffer from permanent vision loss in one eye as a result of undiagnosed Amblyopia in childhood. Amblyopia is the No. 1 cause of vision loss in young Americans. If discovered and treated early, vision loss from Amblyopia can be largely prevented. Had I been identified and treated before I entered school, I could have avoided a lifetime of vision loss. Parents are not always aware that their child may suffer from a vision problem. By educating parents on the importance of vision care and recognizing signs of visual impairment we can help children avoid unnecessary vision loss.

To ensure that children get the vital vision care that they need to succeed, today I am introducing the Vision Care for Kids Act of 2006 which will establish a grant program to complement and encourage existing state efforts to improve children's vision care. More specifically, grant funds will be used to: (1) provide comprehensive eye exams to children that have been previously identified as needing such services; (2) provide treatment or services necessary to correct vision problems identified in that eye exam; and (3) develop and disseminate educational materials to recognize the signs of visual impairment in children for parents, teachers, and health care practitioners.

We need to do this. We must improve vision care for children to better equip them to succeed in school and in life. The Vision Care for Kids Act, endorsed by the American Academy of Ophthalmology, American Optometric Association, and Vision Council of America, will make a difference in the lives of children across the country.

By Mr. McCAIN (for himself and Mr. GRAHAM):

S. 3688. A bill to preserve the Mount Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States; to the Committee on Energy and Natural Resources.

Mr. McCAIN. Mr President, today I am introducing legislation to preserve the Mount Soledad Veterans Memorial in San Diego, CA. I am pleased to be joined in this effort by Senator GRAHAM.

Since 1913, a series of crosses have stood on top of Mount Soledad, property owned by the city of San Diego. In April of 1954, the site was designated to commemorate the sacrifices made by members of the Armed Forces who served in World War II, as well as the Korean war.

In 1989, one individual filed suit against the city claiming that the display of the cross by he city was unconstitutional and, therefore, violated his civil rights. In 1991, a Federal judge issued an injunction prohibiting the permanent display of the cross on city property. Since that time, the city has repeatedly tried to divest itself of the property through sale or donation. But the plaintiff continued to mount legal challenges to every attempted property transfer—revealing that his true objection is not to the city's display of the cross, but to the cross itself. The legal wrangling over this memorial continues today.

The Mount Soledad Memorial is a remarkably popular landmark. On two different occasions, the voters of San Diego passed, by votes of 76 percent, ballot measures designed to transfer the property to entities that could maintain it.

I do not believe that the Mount Soledad cross violates the Constitution. Consequently, I do not believe there is just cause for removing it from its position as the centerpiece of the

Soledad Veterans Memorial. Therefore, given the many years of legal disputes regarding this issue, I believe it is past time it is resolved.

The bill I am introducing would bring the Mount Soledad cross under the control of the Federal Government, and specifically the Department of Defense. The process set forth in the bill is consistent with analysis provided by the Department of Justice's Office of Legislative Affairs in a recent letter to the chairman of the House Armed Services Committee. In that letter, the OLA stated, ''we would . . . point out that Congress could enact the necessary authority [to acquire the Mount Soledad Memorial] through an immediate legislative taking. . .''

This bill would allow for the just compensation for the property in question. It also would address the required maintenance for the memorial and the surrounding property through a memorandum of understanding between the Secretary of Defense and the Mount Soledad Memorial Association. The minimal financial commitment required in this legislation will ensure the endurance of this memorial which serves as a reminder of the hundreds of thousands of men and women who made enormous sacrifices when our country called upon them.

I encourage my colleagues to join me in supporting this legislation, which will ensure the preservation of an important tribute to our men and women of the Armed Forces.

By Mr. JEFFORDS:

S. 3689. A bill to establish a national historic country store preservation and revitalization program; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I have long been a proponent of measures that support historic preservation and economic development. In keeping with that tradition, I rise today to introduce the National Historic Country Store Preservation and Revitalization Act of 2006.

This bill establishes a national program to support historic country store preservation and will aid in the revitalization of rural villages and community centers nationwide.

For many Americans, the country store brings to mind days that have since passed, before much of this country became stamped with shopping malls and the ''big-box'' store. But for thousands of people living in Vermont and for millions more living in rural communities across the United States, a visit to the local country store is a regular part of one's daily life.

In my hometown of Shrewsbury, VT, the Pierce Store was the hub of our small community when my wife Liz and I settled there in 1963. Run by the four Pierce siblings—Marjorie, Glendon, Marion and Gordon—the store was the place to go for a neighborly chat as much as for your milk and butter. Unfortunately, the Pierce Store closed its doors some years back and Shrewsbury lost a vital part of its identity.

Yet while some country stores have been forced to close their doors, others have shown incredible resiliency.

They have survived floods and fires, overcome economic downturns, and reformulated their inventories to meet modern needs. According to the Vermont Grocers' Association, country stores account for an estimated $55 million annually in retail sales in Vermont alone.

But with increased competition and additional costs to maintain aging structures, today's remaining country store owners are hard-pressed to overcome these unprecedented challenges.

My legislation authorizes the U.S. Economic Development Administration to make grants to national, state and local agencies and non-profit organizations to support historic country store preservation efforts. In addition, the bill establishes a revolving loan fund. The fund will be used for research, restoration work that will improve our understanding of existing needs and provide the assistance required to address them. The bill promotes the study of best practices for preserving structures, improving profitability and promoting collaboration among country store owners.

My legislation unites small business development and historic preservation principles to sustain these invaluable community institutions. I encourage my colleagues to join me in my efforts to protect our rural heritage by preventing the further loss of our Nation's historic country stores.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3689

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Historic Country Store Preservation and Revitalization Act of 2006''.

SEC. 2. FINDINGS.

Congress finds that—

(1) historic country stores are lasting icons of rural tradition in the United States;

(2) historic country stores are valuable contributors to the civic and economic vitality of their local communities;

(3) historic country stores demonstrate innovative approaches to historic preservation and small business practices;

(4) historic country stores are threatened by larger competitors and the costs associated with maintaining older structures; and

(5) the United States should—

(A) collect and disseminate information concerning the number, condition, and variety of historic country stores;

(B) develop opportunities for cooperation among proprietors of historic country stores; and

(C) promote the long-term economic viability of historic country stores through the provision of financial assistance to historic country stores.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNTRY STORE.—

(A) IN GENERAL.—The term ''country store'' means a structure independently owned and formerly or currently operated as a business that—

(i) sells or sold grocery items and other small retail goods; and

(ii) is located in—

(I) an economically distressed area; or

(II) a nonmetropolitan area, as defined by the Secretary.

(B) INCLUSION.—The term ''country store'' includes a cooperative.

(2) ECONOMICALLY DISTRESSED AREA.—The term ''economically distressed area'' means an area that meets 1 or more of the criteria described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

(3) ELIGIBLE APPLICANT.—The term ''eligible applicant'' means—

(A) a State department of commerce or economic development;

(B) a national or State nonprofit organization that—

(i) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986; and

(ii)(I) has experience or expertise, as determined by the Secretary, in the identification, evaluation, rehabilitation, or preservation of historic country stores; or

(II) is undertaking economic and community development activities;

(C) a national or State nonprofit trade organization that—

(i) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986; and

(ii) acts as a cooperative to promote and enhance country stores; and

(D) a State historic preservation office.

(4) FUND.—The term ''Fund'' means the Historic Country Store Revolving Loan Fund established under section 5(a).

(5) HISTORIC COUNTRY STORE.—The term ''historic country store'' means a country store that—

(A) has operated at the same location for at least 50 years; and

(B) retains sufficient integrity of design, materials, and construction to clearly identify the structure as a country store.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the Assistant Secretary for Economic Development.

SEC. 4. HISTORIC COUNTRY STORE PRESERVATION AND REVITALIZATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a historic country store preservation and revitalization program—

(1) to collect and disseminate information on historic country stores;

(2) to promote State and regional partnerships among proprietors of historic country stores; and

(3) to sponsor and conduct research on—

(A) the economic impact of historic country stores in rural areas, including the impact on unemployment rates and community vitality;

(B) best practices to—

(i) improve the profitability of historic country stores; and

(ii) protect historic country stores from foreclosure or seizure; and

(C) best practices for developing cooperative organizations that address the economic and historic preservation needs of—

(i) historic country stores; and

(ii) the communities served by the historic country stores.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make grants to, or enter into contracts or cooperative agreements with, eligible applicants to carry out an eligible project under paragraph (2).

(2) ELIGIBLE PROJECTS.—A grant under this subsection may be made to an eligible applicant for a project—

(A)(i) to rehabilitate or repair a historic country store; and

(ii) to enhance the economic benefit of the historic country store to the communities served by the historic country store;

(B) to identify, document, and conduct research on historic country stores; and

(C) to develop and evaluate appropriate techniques or best practices for protecting historic country stores.

(3) REQUIREMENTS.—An eligible applicant that receives a grant for an eligible project under paragraph (1) shall comply with all applicable requirements for historic preservation projects under Federal, State, and local law.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) identifies the number of grants made under subsection (b);

(B) describes the type of grants made under subsection (b); and

(C) includes any other information that the Secretary determines to be appropriate.

(c) COUNTRY STORE ALLIANCE PILOT PROJECT.—

(1) IN GENERAL.—The Secretary shall carry out a pilot project in the State of Vermont under which the Secretary shall conduct demonstration activities to preserve historic country stores and the communities served by the historic country stores, including—

(A) the collection and dissemination of information on historic country stores in the State;

(B) the development of collaborative country store marketing and purchasing techniques; and

(C) the development of best practices for historic country store proprietors and communities facing transitions involved in the sale or closure of a historic country store.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) describes the results of the pilot project; and

(B) includes any recommended changes of the Secretary to the program established under subsection (a), based on the results of the pilot project.

SEC. 5. HISTORIC COUNTRY STORE REVOLVING LOAN FUND.

(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary of the Treasury shall establish in the Treasury of the United States a revolving fund, to be known as the ''Historic Country Store Revolving Loan Fund'', consisting of—

(1) such amounts as are appropriated to the Fund under subsection (b);

(2) ⅓ of the amounts appropriated under section 8(a); and

(3) any interest earned on investment of amounts in the Fund under subsection (d).

(b) TRANSFERS TO FUND.—There are appropriated to the Fund amounts equivalent to—

(1) the amounts repaid on loans under section 6; and

(2) the amounts of the proceeds from the sales of notes, bonds, obligations, liens, mortgages and property delivered or assigned to the Secretary pursuant to loans made under section 6.

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under section 6.

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this Act.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(2) INTEREST-BEARING OBLIGATIONS.—Investments may be made only in interest-bearing obligations of the United States.

(3) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(4) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(5) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

SEC. 6. LOANS FOR HISTORIC COUNTRY STORE REHABILITATION OR REPAIR PROJECTS.

(a) IN GENERAL.—Using amounts in the Fund, the Secretary may make direct loans to eligible applicants for projects—

(1) to purchase, rehabilitate, or repair historic country stores; or

(2) to establish microloan funds to make short-term, fixed-interest rate loans to proprietors of historic country stores.

(b) APPLICATIONS.—

(1) IN GENERAL.—To be eligible for a loan under this section, an eligible applicant shall submit to the Secretary a complete application for a loan that addresses the criteria described in paragraph (2).

(2) CONSIDERATIONS FOR APPROVAL OR DISAPPROVAL.—In determining whether to approve or disapprove an application for a loan submitted under paragraph (1), the Secretary shall consider—

(A) the demonstrated need for the purchase, construction, reconstruction, or renovation of the historic country store based on the condition of the historic country store;

(B) the age of the historic country store;

(C) the extent to which the project to purchase, rehabilitate, or repair the historic country store includes collaboration among historic country store proprietors and other eligible applicants; and

(D) any other criteria that the Secretary determines to be appropriate.

(c) REQUIREMENTS.—An eligible applicant that receives a loan for a project under this section shall comply with all applicable standards for historic preservation projects under Federal, State, and local law.

(d) REPORT.—Not later than 1 year after the date on which the Fund is established under subsection (a), and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) identifies—

(A) the number of loans provided under this section;

(B) the repayment rate of the loans; and

(C) the default rate of the loans; and

(2) includes any other information that the Secretary determines to be appropriate.

SEC. 7. PERFORMANCE REPORT.

Any eligible applicant that receives financial assistance under this Act shall, for each fiscal year for which the eligible applicant receives the financial assistance, submit to the Secretary a performance report that—

(1) describes—

(A) the allocation of the amount of financial assistance received under this Act;

(B) the economic benefit of the financial assistance, including a description of—

(i) the number of jobs retained or created; and

(ii) the tax revenues generated; and

(2) addresses any other reporting requirements established by the Secretary.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act, $50,000,000 for the period of fiscal years 2006 through 2011, to remain available until expended.

(b) COUNTRY STORE ALLIANCE PILOT PROJECT.—Of the amount made available under subsection (a), not less than $250,000 shall be made available to carry out section 4(c).

By Mr. KERRY (for himself, Ms. SNOWE, Mr. AKAKA, and Mr. TALENT):

S. 3691. A bill to amend the Small Business Act, to reform and reauthorize the National Veterans Business Development Corporation, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as the ranking member of the Committee on Small Business and Entrepreneurship, I am joined today by my colleagues Senators SNOWE, AKAKA, and TALENT to introduce the Veterans Corporation Reauthorization Act of 2006.

This legislation is the product of lengthy bipartisan discussions about how we might be able to restore and revitalize the mission of The Veterans Corporation. Established in 1999 through Public Law 106–50, The National Veterans Business Development Corporation, commonly known as The Veterans Corporation, TVC, is charged with the task of assisting the men and women who have served this country in the military by helping them create and expand their own businesses. There are over 5 million veteran entrepreneurs across the country—over 550,000 in the Commonwealth of Massachusetts alone—and approximately 200,000 veterans are expected to retire in 2006. Additionally, 2004 data from the Small Business Administration, SBA, shows that approximately 22 percent of veterans in the U.S. household

population purchased or started a new business, or were considering doing so. This legislation ensures that necessary steps are taken to continue fostering entrepreneurship and business ownership among a veterans population that can clearly benefit from such assistance nationwide.

My distinguished colleagues and I feel that TVC is an organization worth reinvigorating. In fiscal year 2005, TVC reached out to over 18,000 current and potential veteran entrepreneurs, and opened three Veteran Business Resource Centers in Boston, MA; Flint, MI; and San Diego, CA, in addition to the flagship location in St. Louis, MO. In my home State of Massachusetts, TVC has close to 100 business owners and over 400 registered members.

Yet, in recent years, TVC has come under criticism for its overall performance. Many within the veterans community, and indeed some of my colleagues in Congress, do not believe TVC has produced results that warrant the millions of dollars in funding the organization has received. I understand this sentiment, and share in the desire to ensure taxpayer dollars are well-spent. This was among my primary concerns as we approached reauthorizing TVC. However, my colleagues and I came to the conclusion that by reauthorizing the organization, Congress could ensure greater oversight and accountability on the part of TVC and its use of Federal dollars—ultimately resulting in better service for our veterans. This is exactly what the Veterans Corporation Reauthorization Act of 2006 aims to do.

This legislation builds on the preexisting TVC program in order to expand its reach nationwide, so that more veterans can have the tools they need to realize their entrepreneurial aspirations. Through a series of provisions that target the weaknesses of TVC and develop sound policies to strengthen them and clarify the organization's mission within the veterans community it serves, this bill makes several key improvements to the corporation.

In its inception, we envisioned that TVC would establish centers across the country to help assist veteran entrepreneurs with their small business needs. Unfortunately, the organization has shifted its primary focus toward the development of online programs in recent years. Although it is a good thing that TVC has four centers across the country, clearly more needs to be done to build upon these and develop a substantial number of new centers and networking opportunities for veterans nationwide. That is why this bill clarifies the role TVC should have in local communities. In rewriting the purpose of TVC in this capacity, our legislation explicitly states that the organization should be actively working to form more centers in order to build and create a national network linking veterans to the information, counseling, and assistance they need in starting and maintaining their businesses.

A recurring frustration that echoes from many veterans nationwide is that they are often unable to gain access to the Federal contracting and procurement realm. It is downright shameful that so many servicemen and women feel as though a government they fought so hard to protect all but abandons them—continuing to award myriad contracts to big businesses. By law, the Federal Government has a 3-percent contracting goal for service-disabled veterans. However, in 2004 only 0.38 percent of government contracts were awarded to service-disabled veterans. Patterns such as this are all too common—replaying themselves year in and year out. Clearly, more ought to be done to help those veterans who are looking to gain access to Federal contracts. Given this, our legislation directs TVC to assist veterans, particularly service-disabled veterans, with Federal contracting opportunities.

We received numerous complaints from veterans about the way the administration has chosen to interpret the current law such that it severely limits Congress's role in appointing board members. In this, TVC had experienced significant staffing changes on its Board of Directors since 1999. Our legislation ensures that the President works with the chair and ranking members of the Senate Committee on Small Business and Entrepreneurship and/or the Senate Committee on Veterans Affairs, and their House counterparts, to appoint nine members of the board with 4-year terms. Additionally, our legislation dictates that in this nomination process, the President and Congress consult with veterans groups nationwide. Furthermore, the Veterans Corporation Reauthorization Act of 2006 stipulates that no more than five of the nine board members be from the same political party and that all have business experience, knowledge of veterans issues, as well as the wherewithal to raise private funds for TVC. I firmly believe that this provision will ensure that TVC has top-notch board members, who can offer the best service to those who have already served our country.

This legislation authorizes $2 million in Federal funds annually from fiscal years 2007 through 2009. Additionally, because TVC was originally to become a self-sustaining entity, our bill requires that for all Federal dollars received, the organization match those dollar amounts with private funds. Since its authorization expired in 2004, TVC's original matching requirement vanished, and the organization instead received Federal funding without any private fundraising requirement. We felt that this matching requirement needed to be reinstated to better enable TVC to become fully self-sustaining. Thus, our legislation forces TVC to function in a way similar to the SBA's Women's Business Centers and Small Business Development Centers. The leveraging of Federal dollars enables TVC to expand its donor base so that it can achieve the goal of self-sustainability. Additionally, it has come to our attention through conversations with the veterans community, that servicemen and women are being charged high fees for using TVC services. That was never the intention when this program was conceptualized, and it is wrong for TVC to earn its private funds on the backs of veterans. We fix that in this bill by limiting the amount of non-Federal funds that TVC can raise in the form of fees to veterans to no more than 33 percent of the organization's total revenue.

In addition to the matching-fund requirement within our bill, it also requires that TVC develop a comprehensive plan for privatization within 6 months of the enactment of the Veterans Corporation Reauthorization Act of 2006. To ensure that TVC is in full compliance with the provisions in our bill, and that its self-sustaining plan demonstrates a certain degree of feasibility, we have asked the Government Accountability Office to conduct an audit of the organization no later than one year after date of enactment.

Finally, this bill extends the SBA's Veterans Advisory Committee, which the administration planned on terminating as of this year. Originally established through Public Law 106–50, this committee was to advise and counsel the SBA Administrator and the agency's Associate Administrator for Veterans' Business Development on the entrepreneurial needs and concerns of veteran small business owners and to monitor public and private plans that have the potential to impact veteran entrepreneurs from obtaining capital, credit, and to access markets. Additionally, it was to roll into TVC by September 30, 2004. However, when this date came around, it was clear that TVC was in no position to take on more responsibilities. Thus, Congress reauthorized the Veterans Advisory Committee and postponed the transfer date until this year. As the deadline closes in, we thought it best to reauthorize Veterans Advisory Committee and again postpone the transfer.

America's veterans and service-disabled veteran communities deserve a resource to assist them in bringing their entrepreneurial ideas into fruition. Nationwide, more and more veterans are turning to small businesses as a means of carving out their piece of the American dream, despite the many barriers they face upon reentering civilian life. The strengthening and revitalization of TVC that this legislation proposes, is one way that Congress can help in this effort and ensure greater effectiveness and accountability within the organization in the years ahead.

I urge my colleagues to join in support of this bipartisan Veterans Corporation Reauthorization Act of 2006—because in helping TVC succeed, we are ultimately helping veterans succeed and prosper.

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

S. 3691

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Corporation Reauthorization Act of 2006''.

SEC. 2. PURPOSES OF THE CORPORATION.

(a) PURPOSES.—Section 33(b) of the Small Business Act (15 U.S.C. 657c(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) to establish and maintain a national network of information and assistance centers for use by veterans and the public by—

''(A) providing information regarding small business oriented employment or development programs;

''(B) providing access to studies and research concerning the management, financing, and operation of small business enterprises, small business participation in international markets, export promotion, and technology transfer;

''(C) providing referrals to business analysts who can provide direct counseling to veteran small business owners regarding the subjects described in this section;

''(D) serving as an information clearinghouse for business development and entrepreneurial assistance materials, as well as other veteran assistance materials, as deemed necessary, that are provided by Federal, State and local governments; and

''(E) providing assistance to veterans and service-disabled veterans in efforts to gain access to Federal prime contracts and subcontracts; and''; and

(2) in paragraph (2), by striking ''including service-disabled veterans'' and inserting ''particularly service-disabled veterans''.

SEC. 3. MANAGEMENT OF THE CORPORATION.

(a) APPOINTMENTS TO THE BOARD.—Section 33(c)(2) of the Small Business Act (15 U.S.C. 657c(c)(2)) is amended to read as follows:

''(2) APPOINTMENT OF VOTING MEMBERS.—

''(A) IN GENERAL.—The President shall, after considering recommendations proposed under subparagraph (B), appoint the 9 voting members of the Board, all of whom shall be United States citizens, and not more than 5 of whom shall be members of the same political party.

''(B) RECOMMENDATIONS.—Recommendations shall be submitted to the President for appointments under this paragraph by the chairman or ranking member (or both) of the Committee on Small Business and Entrepreneurship or the Committee on Veterans Affairs (or both) of the Senate or the Committee on Small Business or the Committee on Veterans Affairs (or both) of the House of Representatives.

''(C) CONSULTATION WITH VETERAN ORGANIZATIONS.—Recommendations under subparagraph (B) shall be made after consultation with such veteran service organizations as are determined appropriate by the member of Congress making the recommendation.

''(D) CONSIDERATIONS.—Consideration for eligibility for membership on the Board shall include business experience, knowledge of veterans' issues, and ability to raise funds for the Corporation.

''(E) LIMITATION ON INTERNAL RECOMMENDATIONS.—No member of the Board may recommend an individual for appointment to another position on the Board.''.

(b) TERMS.—Section 33(c)(6) of the Small Business Act (15 U.S.C. 657c(c)(6)) is amended to read as follows:

''(6) TERMS OF APPOINTED MEMBERS.—

''(A) IN GENERAL.—Each member of the Board of Directors appointed under paragraph (2) shall serve for a term of 4 years.

''(B) UNEXPIRED TERMS.—Any member of the Board of Directors appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of the term. A member of the Board of Directors may not serve beyond the expiration of the term for which the member is appointed.''.

(c) REMOVAL OF BOARD MEMBERS.—Section 33(c) of the Small Business Act (15 U.S.C. 657c(c)) is amended by adding at the end the following:

''(12) REMOVAL OF MEMBERS.—With the approval of a majority of the Board of Directors and the approval of the chairmen and ranking members of the Committee on Small Business and Entrepreneurship and the Committee on Veterans Affairs of the Senate, the Corporation may remove a member of the Board of Directors that is deemed unable to fulfill his or her duties, as established under this section.''.

SEC. 4. TIMING OF TRANSFER OF ADVISORY COMMITTEE DUTIES.

Section 33(h) of the Small Business Act (15 U.S.C. 657c(h)) is amended by striking ''October 1, 2006'' and inserting ''October 1, 2009''.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 33(k) of the Small Business Act (15 U.S.C. 657c(k)(1)) is amended—

(1) in paragraph (1)—

(A) by inserting '', through the Office of Veteran's Business Development of the Administration,'' after ''to the Corporation''; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

''(A) $2,000,000 for fiscal year 2007;

''(B) $2,000,000 for fiscal year 2008; and

''(C) $2,000,000 for fiscal year 2009.'';

(2) by striking paragraph (2) and inserting the following:

''(2) MATCHING REQUIREMENTS.—

''(A) IN GENERAL.—The Administration shall require, as a condition of any grant (or amendment or modification thereto) made to the Corporation under this section, that a matching amount (excluding any fees collected from recipients of such assistance) equal to the amount of such grant be provided from sources other than the Federal Government.

''(B) LIMITATION.—Not more than 33 percent of the total revenue of the Corporation, including the funds raised for use at the Veteran's Business Resource Centers, may be acquired from fee-for-service tools or direct charge to the veteran receiving services, as described in this section, except that the amount of any such fee or charge may not exceed the amount of such fee or charge in effect on the date of enactment of the Veterans Corporation Reauthorization Act of 2006.

''(C) MISSION-RELATED LIMITATION.—The Corporation may not engage in revenue producing programs, services, or related business ventures that are not intended to carry out the mission and activities described in section (b).

''(D) RETURN TO TREASURY.—Funds appropriated under this section that have not been expended at the end of the fiscal year for which they were appropriated shall revert back to the Treasury.''; and

(3) by striking paragraph (3).

SEC. 6. PRIVATIZATION.

Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsections (f) and (i); and

(2) by redesignating subsections (g), (h), (j), and (k) as subsections (f) through (i), respectively; and

(3) by adding at the end the following:

''(j) PRIVATIZATION.—

''(1) DEVELOPMENT OF PLAN.—Not later than 6 months after the date of enactment of the Veterans Corporation Reauthorization Act of 2006, the Corporation shall develop, institute, and implement a plan to raise private funds and become a self-sustaining corporation.

''(2) GAO AUDIT AND REPORT.—

''(A) AUDIT.—The Comptroller General of the United States shall conduct an audit of the Corporation, in accordance with generally accepted accounting principles and generally accepted audit standards.

''(B) INCLUSIONS.—The audit required by this paragraph shall include—

''(i) an evaluation of the efficacy of the Corporation in carrying out the purposes under section (b); and

''(ii) an analysis of the feasibility of the sustainability plan developed by the Corporation.

''(C) REPORT.—Not later than 1 year after the date of enactment of the Veterans Corporation Reauthorization Act of 2006, the Comptroller General shall submit a report on the audit conducted under this paragraph to the Committee on Small Business and Entrepreneurship and the Committee on Veterans Affairs of the Senate and to the Committee on Small Business and the Committee on Veterans Affairs of the House of Representatives.''.

By Mr. OBAMA (for himself, Mr. LUGAR, Mr. BIDEN, Mr. SMITH, Mr. BINGAMAN, Mr. HARKIN, Mr. COLEMAN, and Mr. DURBIN):

S. 3694. A bill to increase fuel economy standards for automobiles, and for other purposes; to the Committee on Finance.

Mr. OBAMA. Mr. President, 33 years ago, this Nation faced a crisis that touched every American. In 1973, in the shadow of a war against Israel, the Arab nations of OPEC decided to embargo shipments of crude oil to the West.

The economic effects were devastating. For American drivers, the price at the gas pump rose from a national average of 38.5 cents per gallon in May 1973 to 55.1 cents per gallon in June 1974. The stock market fell, and countries across the world faced terrible cycles of inflation and recession that lasted well into the 1980s.

Lawmakers in Washington reacted by calling for a nationwide daylight savings time and a national speed limit. They established a new Department of Energy that eventually created a strategic petroleum reserve. Perhaps most important, Congress enacted the Corporate Average Fuel Economy standards, or CAFE, the first-ever requirements for automakers to improve gas mileage on the vehicles we drive.

At the time, auto executives protested, saying there was no way to increase fuel economy without making cars smaller. One company predicted that Americans would all be driving sub-compacts as a result of CAFE. But CAFE did work, and under the direction of Congress, the National Highway Traffic Safety Administration, NHSTA, nearly doubled the average gas mileage of cars from 14 miles per gallon in 1976 to 27.5 mpg for cars in 1985. Today, CAFE standards save us about 3 million barrels of oil per day, making it the most successful energy-saving measure ever adopted.

Now 30 years later, Americans again are feeling the pain at the pump. The price of oil has reached $78 a barrel, and Americans are paying more than $3.00 a gallon for gas. America's 20-million-barrel-a-day habit costs our economy $800 million a day, or $300 billion annually. Because we import 60 percent of our oil, much of it from the Middle East, our dependence on oil is also a national security issue as well. Al-Qaida knows that oil is America's Achilles heel. Osama bin Laden has urged his supporters to ''Focus your operations on oil, especially in Iraq and the gulf area, since this will cause them to die off.''

At a time when the energy and security stakes couldn't be higher, CAFE standards have been stagnant. In fact, because of a long-standing deadlock in Washington, CAFE standards that initially increased so quickly have remained stagnant for the last 20 years.

Since 1985, efforts to raise the CAFE standard have been stymied by opponents who have argued that Congress does not possess the expertise to set specific benchmarks and that an inflexible congressional mandate would result in the production of less safe cars and a loss of American jobs. This has been a bureaucratic logjam that has ignored technological innovations in the auto industry and crippled our ability to increase fuel efficiency.

To attempt to break this two-decade-long deadlock and start the U.S. on the path towards energy independence, I have joined with Senators LUGAR, BIDEN, SMITH, BINGAMAN, HARKIN, COLEMAN, and DURBIN to introduce the Fuel Economy Reform Act of 2006. This bill would set a new course by establishing regular, continual, and incremental progress in miles per gallon, targeting 4 percent annually, but preserving NHTSA expertise and flexibility on how to meet those targets.

Over the past 20 years, NHTSA's efforts to improve fuel economy have been encumbered with loopholes and resistance. With this bill, CAFE standards would increase by 4 percent every year unless NHTSA can justify a deviation in that rate by proving that the increase is technologically unachievable, does not materially reduce the safety of automobiles manufactured or sold in the U.S., or can prove it is not cost-effective when comparing with the economic and geopolitical value of a gallon of gasoline saved. We specifically define the grounds upon which NHTSA can determine cost-effectiveness. By flipping the presumption that has served as a barrier to action, we replace the status quo of continued stagnation with steady, measured progress.

Under this system, if the 4 percent annualized improvement occurs over ten years, this bill would save 1.3 million barrels of oil per day—or 20 billion gallons of gasoline per year. If gasoline is just $2.50 per gallon, consumers will save $50 billion at the pump in 2018. By 2018, we would be cutting global warming pollution by 220 million metric tons of carbon dioxide equivalent gases.

The Fuel Economy Reform Act also would provide fairness and flexibility to domestic automakers by establishing different standards for different types of cars. Currently, manufacturers have to meet broad standards over their whole fleet of cars. This disadvantages companies like Ford and General Motors that produce full lines of small and large cars and trucks rather than manufacturers that only sell small cars.

In order to enable domestic manufacturers to develop advanced-technology vehicles, this legislation provides tax incentives to retool parts and assembly plants. This will strengthen the U.S. auto industry by allowing it to compete with foreign hybrid and other fuel efficient vehicles. It is our expectation that NHTSA will use its enhanced authority to bring greater market-based flexibility into CAFE compliance by allowing the banking and trading of credits among all vehicle types and between manufacturers.

Finally, the bill also would expand the tax incentives that encourage consumers to buy advanced technology vehicles. The bill would lift the current 60,000-per-manufacturer cap on buyer tax credits to allow more Americans to buy ultra-efficient vehicles like hybrids.

By ending a 20-year stalemate on CAFE, the Fuel Economy Reform Act will recapture the innovation that Congress and the auto industry launched in response to the OPEC crisis. In the process, we will safeguard our national security, protect our economy, reduce consumer pain at the pump, and protect our climate, environment, and public health. I urge my colleagues to join our bipartisan coalition and support the Fuel Economy Reform Act.

By Mr. ROCKEFELLER (for himself, Mr. SCHUMER, and Mr. LEAHY):

S. 3695. A bill to amend the Federal Food, Drug, and Cosmetic Ad to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with Senators SCHUMER and LEAHY to introduce an important piece of legislation for seniors, individual with disabilities, children, and anyone who is taking a brand name prescription drug with a generic equivalent. The bill we are introducing today would outlaw the latest in a long line of loopholes that brand name manufacturers have found to limit generic drug access to the market.

Our legislation would prohibit brand name manufacturers from introducing so-called ''authorized generics'' during the 180-day period that Congress intended true generics to have exclusive market rights. Some of my colleagues may be wondering what an ''authorized generic'' is.

An authorized generic drug is a brand name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic in order to confuse consumers and shut true generics out of the market. This is a huge problem and one that is becoming even more prevalent as patents on some of the best-selling brand name pharmaceuticals start to expire.

Pravachol, Zocor and Zoloft have patents that have expired or will expire this year. Together, these drugs account for approximately $9 billion in sales annually. In 2007, another top-selling brand name drug, Norvasc, will lose its patent protection, followed by Advair the following year.

When brand name drugs lose patent rights, this opens the door for consumers, employers, third-party payers, and other purchasers to save billions—between 50 and 80 percent on the costs of prescriptions—by using generic versions of these drugs. Brand name drug companies are expected to lose as much as $75 billion over the next 5 years as some of their best sellers go off-patent and generic competition increases. So, not surprisingly, these big pharmaceutical companies are desperately trying to protect their market share and prevent consumers from cashing in on savings from generic drugs.

We have addressed this issue before. In 1984, Congress passed the Hatch-Waxman legislation to provide consumers greater access to lower cost generic drugs. The intent of this law was to improve generic competition, while preserving the ability of brand name manufacturers to discover and market new and innovative products. As part of this law, the first generic company on the market after challenging an expiring brand name patent is granted 180-days of exclusive market rights, which is just a fraction of the up to 20 years of exclusive market rights afforded brand companies.

This 6-month incentive is crucial to maintaining the balance between encouraging brand drug companies to make new drugs and encouraging generic drug companies to make existing drugs more affordable. Challenging a brand name drug's patent takes time, money, and involves absorbing a great deal of risk. Generic drug companies rely on the added revenue provided by the 180-day exclusivity period to recoup their costs, fund new patent challenges where appropriate, and ultimately pass savings onto consumers.

This latest attempt by big drug companies to protect their profits puts billions of dollars in savings for consumers in jeopardy. The bill we are introducing today eliminates the authorized generic loophole, protects the integrity of the 180 days, and improves consumer access to lower-cost generic drugs. I urge my colleagues to support this timely and important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 3695

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

SECTION 1. PROHIBITION OF AUTHORIZED GENERICS.

Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(o) PROHIBITION OF AUTHORIZED GENERIC DRUGS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, no holder of a new drug application approved under subsection (c) shall manufacture, market, sell, or distribute an authorized generic drug, direct or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

''(2) AUTHORIZED GENERIC DRUG.—For purposes of this subsection, the term 'authorized generic drug'—

''(A) means any version of a listed drug (as such term is used in subsection (j)) that the holder of the new drug application approved under subsection (c) for that listed drug seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) with respect to that listed drug; and

''(B) does not include any drug to be marketed, sold, or distributed—

''(i) by an entity eligible for exclusivity with respect to such drug under subsection (j)(5)(B)(iv); or

''(ii) after expiration or forfeiture of any exclusivity with respect to such drug under such subsection (j)(5)(B)(iv).''.

Mr. LEAHY. Mr. President, recently I was pleased to introduce with Senators KOHL, GRASSLEY and SCHUMER, the Preserve Access to Affordable Generics Act of 2006, S. 3582. That bill was designed to improve the timely and effective introduction of generic pharmaceuticals into the marketplace.

It is no secret that prescription drug prices are rapidly increasing and are a source of considerable concern to many Americans, especially senior citizens and families. In a marketplace free of manipulation, generic drug prices can be as much as 80 percent lower than the comparable brand name version. Unfortunately, there are still some companies driven by greed that may be keeping low-cost, life-saving generic drugs off the marketplace, off pharmacy shelves, and out of the hands of consumers by carefully crafted anti-competitive agreements between drug manufacturers.

In 2001, and last Congress, I introduced a related bill, the Competition Act. That bill, which is now law, is small in terms of length but large in terms of impact. It ensured that law enforcement agencies could take quick and decisive action against companies seeking to cheat consumers by delaying availability of generic medicines. It gave the Federal Trade Commission and the Justice Department access to information about secret deals between drug companies that keep generic drugs out of the market—a practice that not only hurts American families, particularly senior citizens, by denying them access to low-cost generic drugs, but also contributes to rising medical costs.

The Drug Competition Act, which was incorporated in the Medicare Modernization Act, was a bipartisan effort to protect consumers in need of patented medicines who were being forced to pay considerably higher costs because of collusive secret deals designed. It is regrettable that we must come to the floor again today and take additional action to prevent drug companies from continuing to find and exploit loopholes.

The bill I am introducing tonight with Senators ROCKEFELLER and SCHUMER is very important. It will provide incentives for generic companies to make the investments needed to introduce low-cost generic medicines for all our citizens.

The bill assures all Americans that the original intent of the Hatch-Waxman law is carried out. That law was to provide incentives for generic companies to challenge the validity of patents on medicines and provide incentives for generic companies to manufacture low-cost medicines. That incentive was simple.

Under Hatch-Waxman law, the first generic company, called the first-filer, which successfully develops a generic version of a patented drug and meets certain other requirements, can get a 180-day exclusivity period to be the only generic company to have permission to make and sell that generic drug.

That was called an exclusivity period because that is what the Congress intended—that generic company would have the exclusive right for 180 days to make the generic version of the patented medicine.

The problem is that recently brand-name companies have been labeling their own patented drugs also as a generic version of itself, or licensing others to make it, and selling both the brand-name version and the so-called generic version. This undercuts the potential profits of the ''real'' generic company and denies them what the Hatch-Waxman law promised and for a long time delivered—an exclusivity period lasting up to 180 days.

When the brand-name company offers a competing ''fake'' generic version of the drug, that can cut the profits of the real generic manufacturer greatly—thus making it less likely that a real generic company will even want to make the product.

The Rockefeller bill prevents the brand-name company from doing that for the 180-day exclusivity period. I hope my colleagues will join me in supporting this effort.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 110—COMMEMORATING THE 60TH ANNIVERSARY OF THE HISTORIC 1946 SEASON OF MAJOR LEAGUE BASEBALL HALL OF FAME MEMBER BOB FELLER AND HIS RETURN FROM MILITARY SERVICE TO THE UNITED STATES

Mr. DEWINE submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 110

Whereas Robert William Andrew Feller was born on November 3, 1918, near Van Meter, Iowa, and resides in Gates Mills, Ohio;

Whereas Bob Feller enlisted in the Navy 2 days after the attack on Pearl Harbor in 1941;

Whereas, at the time of his enlistment, Bob Feller was at the peak of his baseball career, as he had been signed to the Cleveland Indians at the age of 16, had struck out 15 batters in his first Major League Baseball start in August 1936, and established a Major League record by striking out 18 Detroit Tigers in a single, 9-inning game;

Whereas Bob Feller is the first pitcher in modern Major League Baseball history to win 20 or more games before the age of 21;

Whereas Bob Feller pitched the only opening day no-hitter in Major League Baseball history;

Whereas, on April 16, 1940, at Comiskey Park in Chicago, Bob Feller threw his first no-hitter and began the season for which he was awarded Major League Baseball Player of the Year;

Whereas Bob Feller served with valor in the Navy for nearly 4 years, missing almost 4 full baseball seasons;

Whereas Bob Feller was stationed mostly aboard the U.S.S. Alabama as a gunnery specialist, where he kept his pitching arm in shape by tossing a ball on the deck of that ship;

Whereas Bob Feller earned 8 battle stars and was discharged in late 1945, and was able to pitch 9 games at the end of that season, compiling a record of 5 wins and 3 losses;

Whereas 60 years ago, amid great speculation that, after nearly 4 seasons away from baseball, his best pitching days were behind him, Bob Feller had 1 of the most amazing seasons in baseball history;

Whereas, in the 1946 season, Bob Feller pitched 36 complete games in 42 starts;

Whereas, on April 30, 1946, in a game against the New York Yankees, Bob Feller pitched his second career no-hitter;

Whereas, in 1946, Bob Feller pitched in relief 6 times, saving 4 games;

Whereas, in 1946, Bob Feller routinely threw between 125 and 140 pitches a game, a feat not often seen today;

Whereas, in 1946, Bob Feller pitched 371⅓ innings and had 348 strikeouts;

Whereas, in 1946, Bob Feller had an earned run average of 2.18;

Whereas, in 1946, a fastball thrown by Bob Feller was clocked at 109 mph;

Whereas Bob Feller was the winning pitcher in the 1946 All Star Game, throwing 3 scoreless innings in a 12–0 victory by the American League;

Whereas, in 1946, Bob Feller led the American League in wins, shutouts, strikeouts, games pitched, and innings;

Whereas the baseball career of Bob Feller ended in 1956, but not before pitching his

third no-hitter against the Detroit Tigers on July 1, 1951, pitching 12 1-hit games, amassing 266 victories and 2,581 strikeouts, and leading the league in strikeouts 7 times;

Whereas Bob Feller was inducted into the Baseball Hall of Fame in 1962; and

Whereas Bob Feller, a beloved baseball figure known as ''Bullet Bob'' and ''Rapid Robert,'' placed service to his country ahead of playing the game he loved and is a decorated war veteran: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress commemorates the 60th anniversary of the 1946 season of Bob Feller and his return from military service to the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4681. Mr. FEINGOLD (for himself, Mr. MCCAIN, Mr. CARPER, Mr. LIEBERMAN, Mr. JEFFORDS, Ms. COLLINS, and Ms. SNOWE) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

SA 4682. Mr. INHOFE (for himself, Mr. BOND, Mr. COCHRAN, Mr. THUNE, Mr. DOMENICI, Mr. BURNS, Mr. CORNYN, and Mrs. HUTCHISON) proposed an amendment to the bill S. 728, supra.

SA 4683. Mr. INHOFE (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 728, supra.

SA 4684. Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. LIEBERMAN) proposed an amendment to the bill S. 728, supra.

TEXT OF AMENDMENTS

SA 4681. Mr. FEINGOLD (for himself, Mr. MCCAIN, Mr. CARPER, Mr. LIEBERMAN, Mr. JEFFORDS, Ms. COLLINS, and Ms. SNOWE) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike section 2007 and insert the following:

SEC. 2007. INDEPENDENT PEER REVIEW.

(a) DEFINITIONS.—In this section:

(1) CONSTRUCTION ACTIVITIES.—The term ''construction activities'' means development of detailed engineering and design specifications during the preconstruction engineering and design phase and the engineering and design phase of a water resources project carried out by the Corps of Engineers, and other activities carried out on a water resources project prior to completion of the construction and to turning the project over to the local cost-share partner.

(2) PROJECT STUDY.—The term ''project study'' means a feasibility report, reevaluation report, or environmental impact statement prepared by the Corps of Engineers.

(b) DIRECTOR OF INDEPENDENT REVIEW.—The Secretary shall appoint in the Office of the Secretary a Director of Independent Review. The Director shall be selected from among individuals who are distinguished experts in engineering, hydrology, biology, economics, or another discipline related to water resources management. The Secretary shall ensure, to the maximum extent practicable, that the Director does not have a financial, professional, or other conflict of interest with projects subject to review. The Director of Independent Review shall carry out the duties set forth in this section and such other duties as the Secretary deems appropriate.

(c) SOUND PROJECT PLANNING.—

(1) PROJECTS SUBJECT TO PLANNING REVIEW.—The Secretary shall ensure that each project study for a water resources project shall be reviewed by an independent panel of experts established under this subsection if—

(A) the project has an estimated total cost of more than $40,000,000, including mitigation costs;

(B) the Governor of a State in which the water resources project is located in whole or in part, or the Governor of a State within the drainage basin in which a water resources project is located and that would be directly affected economically or environmentally as a result of the project, requests in writing to the Secretary the establishment of an independent panel of experts for the project;

(C) the head of a Federal agency with authority to review the project determines that the project is likely to have a significant adverse impact on public safety, or on environmental, fish and wildlife, historical, cultural, or other resources under the jurisdiction of the agency, and requests in writing to the Secretary the establishment of an independent panel of experts for the project; or

(D) the Secretary determines on his or her own initiative, or shall determine within 30 days of receipt of a written request for a controversy determination by any party, that the project is controversial because—

(i) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(ii) there is a significant dispute regarding the economic, or environmental costs or benefits of the project.

(2) PROJECT PLANNING REVIEW PANELS.—

(A) PROJECT PLANNING REVIEW PANEL MEMBERSHIP.—For each water resources project subject to review under this subsection, the Director of Independent Review shall establish a panel of independent experts that shall be composed of not less than 5 nor more than 9 independent experts (including at least 1 engineer, 1 hydrologist, 1 biologist, and 1 economist) who represent a range of areas of expertise. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that members have no conflict with the project being reviewed, and shall consult with the National Academy of Sciences in developing lists of individuals to serve on panels of experts under this subsection. An individual serving on a panel under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(B) DUTIES OF PROJECT PLANNING REVIEW PANELS.—An independent panel of experts established under this subsection shall review the project study, receive from the public written and oral comments concerning the project study, and submit a written report to the Secretary that shall contain the panel's conclusions and recommendations regarding project study issues identified as significant by the panel, including issues such as—

(i) economic and environmental assumptions and projections;

(ii) project evaluation data;

(iii) economic or environmental analyses;

(iv) engineering analyses;

(v) formulation of alternative plans;

(vi) methods for integrating risk and uncertainty;

(vii) models used in evaluation of economic or environmental impacts of proposed projects; and

(viii) any related biological opinions.

(C) PROJECT PLANNING REVIEW RECORD.—

(i) IN GENERAL.—After receiving a report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet.

(ii) RECOMMENDATIONS.—The Secretary shall prepare a written explanation of any recommendations of the independent panel of experts established under this subsection not adopted by the Secretary. Recommendations and findings of the independent panel of experts rejected without good cause shown, as determined by judicial review, shall be given equal deference as the recommendations and findings of the Secretary during a judicial proceeding relating to the water resources project.

(iii) SUBMISSION TO CONGRESS AND PUBLIC AVAILABILITY.—The report of the independent panel of experts established under this subsection and the written explanation of the Secretary required by clause (ii) shall be included with the report of the Chief of Engineers to Congress, shall be published in the Federal Register, and shall be made available to the public on the Internet.

(D) DEADLINES FOR PROJECT PLANNING REVIEWS.—

(i) IN GENERAL.—Independent review of a project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(ii) DEADLINE FOR PROJECT PLANNING REVIEW PANEL STUDIES.—An independent panel of experts established under this subsection shall complete its review of the project study and submit to the Secretary a report not later than 180 days after the date of establishment of the panel, or not later than 90 days after the close of the public comment period on a draft project study that includes a preferred alternative, whichever is later. The Secretary may extend these deadlines for good cause.

(iii) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel of experts established under this subsection does not submit to the Secretary a report by the deadline established by clause (ii), the Chief of Engineers may continue project planning without delay.

(iv) DURATION OF PANELS.—An independent panel of experts established under this subsection shall terminate on the date of submission of the report by the panel.

(E) EFFECT ON EXISTING GUIDANCE.—The project planning review required by this subsection shall be deemed to satisfy any external review required by Engineering Circular 1105-2-408 (31 May 2005) on Peer Review of Decision Documents.

(d) SAFETY ASSURANCE.—

(1) PROJECTS SUBJECT TO SAFETY ASSURANCE REVIEW.—The Secretary shall ensure that the construction activities for any flood damage reduction project shall be reviewed by an independent panel of experts established under this subsection if the Director of Independent Review determines that—

(A) project performance is critical to the public health and safety;

(B) reliability of project performance under emergency conditions is critical;

(C) the project utilizes innovative materials or techniques; or

(D) the project design is lacking in redundancy, or the project has a unique construction sequencing or a short or overlapping design construction schedule.

(2) SAFETY ASSURANCE REVIEW PANELS.—At the appropriate point in the development of

detailed engineering and design specifications for each water resources project subject to review under this subsection, the Director of Independent Review shall establish an independent panel of experts to review and report to the Secretary on the adequacy of construction activities for the project. An independent panel of experts under this subsection shall be composed of not less than 5 nor more than 9 independent experts selected from among individuals who are distinguished experts in engineering, hydrology, or other pertinent disciplines. The Director of Independent Review shall apply the National Academy of Science's policy for selecting committee members to ensure that panel members have no conflict with the project being reviewed. An individual serving on a panel of experts under this subsection shall be compensated at a rate of pay to be determined by the Secretary, and shall be allowed travel expenses.

(3) DEADLINES FOR SAFETY ASSURANCE REVIEWS.—An independent panel of experts established under this subsection shall submit a written report to the Secretary on the adequacy of the construction activities prior to initiation of physical construction and every two years thereafter until construction activities are completed. The Director of Independent Review may establish an alternate schedule if such schedule would better serve the purposes of assuring public safety, and upon written notification to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(4) SAFETY ASSURANCE REVIEW RECORD.—After receiving a written report from an independent panel of experts established under this subsection, the Secretary shall take into consideration any recommendations contained in the report and shall immediately make the report available to the public on the internet. The Secretary also shall submit the report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(e) EXPENSES.—

(1) IN GENERAL.—The costs of an independent panel of experts established under subsection (c) or (d) shall be a Federal expense and shall not exceed—

(A) $250,000, if the total cost of the project in current year dollars is less than $50,000,000; and

(B) 0.5 percent of the total cost of the project in current year dollars, if the total cost is $50,000,000 or more.

(2) WAIVER.—The Secretary, at the written request of the Director of Independent Review, may waive the cost limitations under paragraph (1) if the Secretary determines appropriate.

(f) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(g) SAVINGS CLAUSE.—Nothing in this section shall be construed to affect any authority of the Secretary to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SA 4682. Mr. INHOFE (for himself, Mr. BOND, Mr. COCHRAN, Mr. THUNE, Mr. DOMENICI, Mr. BURNS, Mr. CORNYN, and Mrs. HUTCHISON) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike section 2007 and insert the following:

SEC. 2007. INDEPENDENT REVIEWS.

(a) DEFINITIONS.—In this section:

(1) AFFECTED STATE.—The term ''affected State'' means a State in which a water resources project is located, in whole or in part.

(2) ELIGIBLE ORGANIZATION.—The term ''eligible organization'' means an organization that—

(A) is described in section 501(c)(3), and exempt from Federal tax under section 501(a), of the Internal Revenue Code of 1986;

(B) is independent;

(C) is free from conflicts of interest;

(D) does not carry out or advocate for or against Federal water resources projects; and

(E) has experience in establishing and administering peer review panels.

(3) PROJECT STUDY.—

(A) IN GENERAL.—The term ''project study'' means a feasibility study or reevaluation study for a project.

(B) INCLUSIONS.—The term ''project study'' includes any other study associated with a modification or update of a project that includes an environmental impact statement or an environmental assessment.

(b) PEER REVIEWS.—

(1) POLICY.—

(A) IN GENERAL.—Major engineering, scientific, and technical work products related to Corps of Engineers decisions and recommendations to Congress should be peer reviewed.

(B) APPLICATION.—This policy—

(i) applies to peer review of the scientific, engineering, or technical basis of the decision or recommendation; and

(ii) does not apply to the decision or recommendation itself.

(2) GUIDELINES.—

(A) IN GENERAL.—Not later than the date that is 1 year after the date of enactment of this Act, the Chief of Engineers shall publish and implement guidelines to Corps of Engineers Division and District Engineers for the use of peer review (including independent peer review) of major scientific, engineering, and technical work products that support the recommendations of the Chief to Congress for implementation of water resources projects.

(B) INFORMATION QUALITY ACT.—The guidelines shall be consistent with section 515 of Public Law 106–554 (114 Stat. 2763A153) (commonly known as the ''Information Quality Act''), as implemented in Office of Management and Budget, Revised Information Quality Bulletin for Peer Review, dated December 15, 2004.

(C) REQUIREMENTS.—The guidelines shall adhere to the following requirements:

(i) APPLICATION OF PEER REVIEW.—Peer review shall—

(I) be applied only to the engineering, scientific, and technical basis for recommendations; and

(II) shall not be applied to—

(aa) a specific recommendation; or

(bb) the application of policy to recommendations.

(ii) PROJECTS SUBJECT TO INDEPENDENT PEER REVIEW.—

(I) IN GENERAL.—The Chief of Engineers shall ensure that each project study for a water resources project is subject to review by an independent panel of experts if—

(aa) the project has an estimated total cost of more than $100,000,000 (including mitigation costs); or

(bb) the Secretary determines that the project is controversial because—

(AA) there is a significant dispute regarding the size, nature, potential safety risks, or effects of the project; or

(BB) there is a significant dispute regarding the economic or environmental costs or benefits of the project.

(II) INDEPENDENT PANELS.—The Chief of Engineers may consider whether to establish an independent panel of experts to review a project study if—

(aa) the Governor of an affected State submits to the Secretary a written request for the establishment of an independent panel of experts for the project; or

(bb) the head of a Federal agency charged with reviewing the project determines that the project is likely to have a significant adverse impact on cultural, environmental, or other resources under the jurisdiction of the agency and submits to the Secretary a written request for the establishment of an independent panel of experts for the project.

(III) REVIEW OF TECHNICAL SPECIFICATIONS AND DESIGN.—The Chief of Engineers shall establish an independent panel of experts, at the appropriate point in project planning, to review and provide written comments on the technical and design specifications of the Corps of Engineers for any water resources project—

(aa) the performance of which is critical to the public health, safety, and welfare;

(bb) the reliability of performance under emergency conditions of which is critical;

(cc) that uses innovative materials or techniques; or

(dd) in any case in which—

(AA) the project design of which is lacking in redundancy; or

(BB) the project has a unique construction sequencing or a short or overlapping design construction schedule.

(iii) ANALYSES AND EVALUATIONS IN MULTIPLE PROJECT STUDIES.—Guidelines shall provide for conducting and documenting peer review of major scientific, technical, or engineering methods, models, procedures, or data that are used for conducting analyses and evaluations in multiple project studies.

(iv) INCLUSIONS.—Peer review applied to project studies may include a review of—

(I) the economic and environmental assumptions and projections;

(II) project evaluation data;

(III) economic or environmental analyses;

(IV) engineering analyses;

(V) methods for integrating risk and uncertainty;

(VI) models used in evaluation of economic or environmental impacts of proposed projects; and

(VII) any related biological opinions.

(v) EXCLUSION.—Peer review applied to project studies shall exclude a review of any methods, models, procedures, or data previously subjected to peer review.

(vi) TIMING OF REVIEW.—Peer review related to the engineering, scientific, or technical basis of any project study shall be completed prior to the completion of any Chief of Engineers report for a specific water resources project.

(vii) DELAYS; INCREASED COSTS.—Peer reviews shall be conducted in a manner that does not—

(I) cause a delay in study completion; or

(II) increase costs.

(viii) RECORD OF RECOMMENDATIONS.—

(I) IN GENERAL.—After receiving a report from any peer review panel, the Chief of Engineers shall prepare a record that documents—

(aa) any recommendations contained in the report; and

(bb) any written response for any recommendation adopted or not adopted and included in the study documentation.

(II) INDEPENDENT REVIEW RECORD.—If the panel is an independent peer review panel of a project study, the record of the review shall be included with the report of the Chief of Engineers to Congress.

(ix) INDEPENDENT PANEL OF EXPERTS.—

(I) IN GENERAL.—Any independent panel of experts assembled to review the engineering, science, or technical basis for the recommendations of a specific project study shall—

(aa) complete the peer review of the project study and submit to the Chief of Engineers a report not later than 180 days after the date of establishment of the panel, or (if the Chief of Engineers determines that a longer period of time is necessary) at the time established by the Chief, but in no event later than 90 days after the date a draft project study of the District Engineer is made available for public review; and

(bb) terminate on the date of submission of the report by the panel.

(II) FAILURE TO COMPLETE REVIEW AND REPORT.—If an independent panel does not complete the peer review of a project study and submit to the Chief of Engineers a report by the deadline established under subclause (I), the Chief of Engineers shall continue the project without delay.

(3) COSTS.—

(A) IN GENERAL.—The costs of a panel of experts established for a peer review under this section—

(i) shall be a Federal expense; and

(ii) shall not exceed $500,000 for review of the engineering, scientific, or technical basis for any single water resources project study.

(B) WAIVER.—The Chief of Engineers may waive the $500,000 limitation under subparagraph (A) as the Chief of Engineers determines appropriate.

(4) REPORT.—Not later than 5 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the implementation of this section.

(5) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any peer review panel established under this section.

(6) PANEL OF EXPERTS.—The Chief of Engineers may contract with the National Academy of Sciences (or a similar independent scientific and technical advisory organization), or an eligible organization, to establish a panel of experts to peer review for technical and scientific sufficiency.

(7) SAVINGS CLAUSE.—Nothing in this section affects any authority of the Secretary or the Chief of Engineers to cause or conduct a peer review of the engineering, scientific, or technical basis of any water resources project in existence on the date of enactment of this Act.

SA 4683. Mr. INHOFE (for himself and Mr. BOND) submitted an amendment intended to be proposed by him to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

Strike section 2004 and insert the following:

SEC. 2004. FISCAL TRANSPARENCY AND PRIORITIZATION REPORT.

(a) IN GENERAL.—On the third Tuesday of January of each year beginning January 2008, the Chief of Engineers shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(1) the expenditures of the Corps of Engineers for the preceding fiscal year and estimated expenditures for the current fiscal year; and

(2) the extent to which each authorized project of the Corps of Engineers meets the national priorities described in subsection (b).

(b) NATIONAL PRIORITIES.—

(1) IN GENERAL.—The national priorities referred to in subsection (a)(2) are—

(A) to reduce the risk of loss of human life and risk to public safety;

(B) to benefit the national economy;

(C) to protect and enhance the environment; and

(D) to promote the national defense.

(2) EVALUATION OF PROJECTS.—

(A) IN GENERAL.—In evaluating the extent to which a project of the Corps of Engineers meets the national priorities under paragraph (1), the Chief of Engineers—

(i) shall develop a relative rating system that is appropriate for—

(I) each project purpose; and

(II) if applicable, multipurpose projects; and

(ii) may include an evaluation of projects using additional criteria or subcriteria, if the additional criteria or subcriteria are—

(I) clearly explained; and

(II) consistent with the method of evaluating the extent to which a project meets the national priorities under this paragraph.

(B) FACTORS.—The Chief of Engineers shall establish such factors, and assign to the factors such priority, as the Chief of Engineers determines to be appropriate to evaluate the extent to which a project meets the national priorities.

(C) CONSIDERATION.—In establishing factors under subparagraph (B), the Chief of Engineers may consider—

(i) for evaluating the reduction in the risk of loss of human life and risk to public safety of a project—

(I) the human population protected by the project;

(II) current levels of protection of human life under the project; and

(III) the risk of loss of human life and risk to public safety if the project is not completed, taking into consideration the existence and probability of success of evacuation plans relating to the project, as determined by the Director of the Federal Emergency Management Agency;

(ii) for evaluating the benefit of a project to the national economy—

(I) the benefit-cost ratio, and the remaining benefit-remaining cost ratio, of the project;

(II) the availability and cost of alternate transportation methods relating to the project;

(III) any applicable financial risk to a non-Federal sponsor of the project;

(IV) the costs to State, regional, and local entities of project termination;

(V) any contribution of the project with respect to international competitiveness; and

(VI) the extent to which the project is integrated with, and complementary to, other Federal, State, and local government programs, projects, and objectives within the project area;

(iii) for evaluating the extent to which a project protects or enhances the environment—

(I) for ecosystem restoration projects and mitigation plans associated with other project purposes—

(aa) the extent to which the project or plan restores the natural hydrologic processes of an aquatic habitat;

(bb) the significance of the resource to be protected or restored by the project or plan;

(cc) the extent to which the project or plan is self-sustaining; and

(dd) the cost-effectiveness of the project or plan; and

(II) the pollution reduction benefits associated with using water as a method of transportation of goods; and

(iv) for evaluating the extent to which a project promotes the national defense—

(I) the effect of the project relating to a strategic port designation; and

(II) the reduction of dependence on foreign oil associated with using water as a method of transportation of goods.

(c) CONTENTS.—In addition to the information described in subsections (a) and (b), the report shall contain a detailed accounting of the following information:

(1) With respect to general construction, information on—

(A) projects currently under construction, including—

(i) allocations to date;

(ii) the number of years remaining to complete construction;

(iii) the estimated annual Federal cost to maintain that construction schedule; and

(iv) a list of projects the Corps of Engineers expects to complete during the current fiscal year; and

(B) projects for which there is a signed cost-sharing agreement and completed planning, engineering, and design, including—

(i) the number of years the project is expected to require for completion; and

(ii) estimated annual Federal cost to maintain that construction schedule.

(2) With respect to operation and maintenance of the inland and intracoastal waterways under section 206 of Public Law 95–502 (33 U.S.C. 1804)—

(A) the estimated annual cost to maintain each waterway for the authorized reach and at the authorized depth; and

(B) the estimated annual cost of operation and maintenance of locks and dams to ensure navigation without interruption.

(3) With respect to general investigations and reconnaissance and feasibility studies—

(A) the number of active studies;

(B) the number of completed studies not yet authorized for construction;

(C) the number of initiated studies; and

(D) the number of studies expected to be completed during the fiscal year.

(4) Funding received and estimates of funds to be received for interagency and international support activities under section 318(a) of the Water Resources Development Act of 1990 (33 U.S.C. 2323(a)).

(5) Recreation fees and lease payments.

(6) Hydropower and water storage fees.

(7) Deposits into the Inland Waterway Trust Fund and the Harbor Maintenance Trust Fund.

(8) Other revenues and fees collected.

(9) With respect to permit applications and notifications, a list of individual permit applications and nationwide permit notifications, including—

(A) the date on which each permit application is filed;

(B) the date on which each permit application is determined to be complete; and

(C) the date on which the Corps of Engineers grants, withdraws, or denies each permit.

(10) With respect to the project backlog, a list of authorized projects for which no funds have been allocated for the 5 preceding fiscal years, including, for each project—

(A) the authorization date;

(B) the last allocation date;

(C) the percentage of construction completed;

(D) the estimated cost remaining until completion of the project; and

(E) a brief explanation of the reasons for the delay.

SA 4684. Mr. MCCAIN (for himself, Mr. FEINGOLD, and Mr. LIEBERMAN) proposed an amendment to the bill S. 728, to provide for the consideration and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; as follows:

On page 76 between lines 20 and 21, insert the following:

SEC. 2007. WATER RESOURCES CONSTRUCTION PROJECT PRIORITIZATION REPORT.

(a) PRIORITIZATION REPORT.—

(1) IN GENERAL.—On the third Tuesday of January of each year beginning January 2007, the Water Resources Planning Coordinating Committee established under section 2006(a) (referred to in this section as the ''Coordinating Committee'') shall submit to the Committees on Environment and Public Works and Appropriations of the Senate, the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives, and the Office of Management and Budget, and make available to the public on the Internet, a prioritization report describing Corps of Engineers water resources projects authorized for construction.

(2) INCLUSIONS.—Each report under paragraph (1) shall include, at a minimum, a description of—

(A) each water resources project included in the fiscal transparency report under section 2004(b)(1);

(B) each water resources project authorized for construction—

(i) on or after the date of enactment of this Act; or

(ii) during the 10-year period ending on the date of enactment of this Act; and

(C) other water resources projects authorized for construction, as the Coordinating Committee and the Secretary determine to be appropriate.

(3) PRIORITIZATION REQUIREMENTS.—

(A) IN GENERAL.—Each project described in a report under paragraph (1) shall—

(i) be categorized by project type; and

(ii) be classified into a tier system of descending priority, to be established by the Coordinating Committee, in cooperation with the Secretary, in a manner that reflects the extent to which the project achieves national priority criteria established under subsection (b).

(B) MULTIPURPOSE PROJECTS.—Each multipurpose project described in a report under paragraph (1) shall—

(i) be classified by the project type that best represents the primary project purpose, as determined by the Coordinating Committee; and

(ii) be classified into the tier system described in subparagraph (A)(ii) within that project type.

(C) TIER SYSTEM REQUIREMENTS.—In establishing a tier system under subparagraph (A)(ii), the Secretary shall ensure that—

(i) each tier is limited to $5,000,000,000 in total authorized project costs; and

(ii) includes not more than 100 projects.

(4) REQUIREMENT.—In preparing reports under paragraph (1), the Coordinating Committee shall balance, to the maximum extent practicable—

(A) stability in project prioritization between reports; and

(B) recognition of newly-authorized construction projects and changing needs of the United States.

(b) NATIONAL PRIORITY CRITERIA.—

(1) IN GENERAL.—In preparing a report under subsection (a), the Coordinating Committee shall prioritize water resources construction projects within the applicable category based on an assessment by the Coordinating Committee of the following criteria:

(A) For flood and storm damage reduction projects, the extent to which the project—

(i) addresses critical flood damage reduction needs of the United States, including by reducing the risks to loss of life by considering current protection levels; and

(ii) avoids increasing risks to human life or damages to property in the case of large flood events, avoids adverse environmental impacts, or produces environmental benefits.

(B) For navigation projects, the extent to which the project—

(i) addresses priority navigation needs of the United States, including by having a high probability of producing the economic benefits projected with respect to the project and reflecting regional planning needs, as applicable; and

(ii) avoids adverse environmental impacts.

(C) For environmental restoration projects, the extent to which the project—

(i) addresses priority environmental restoration needs of the United States, including by restoring the natural hydrologic processes and spatial extent of an aquatic habitat while being, to the maximum extent practicable, self-sustaining; and

(ii) is cost-effective or produces economic benefits.

(2) BENEFIT-TO-COST RATIOS.—In prioritizing water resources projects under subsection (a)(3) that require benefit-to-cost ratios for inclusion in a report under subsection (a)(1), the Coordinating Committee shall assess and take into consideration the benefit-to-cost ratio and the remaining benefit-to-cost ratio of each project.

(3) FACTORS FOR CONSIDERATION.—In preparing reports under subsection (a)(1), the Coordinating Committee may take into consideration any additional criteria or subcriteria, if the criteria or subcriteria are fully explained in the report.

(4) STATE PRIORITIZATION DETERMINATIONS.—The Coordinating Committee shall establish a process by which each State may submit to the Coordinating Committee for consideration in carrying out this subsection any prioritization determination of the State with respect to a water resources project in the State.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Coordinating Committee shall submit to Congress proposed recommendations with respect to—

(A) a process to prioritize water resources projects across project type;

(B) a process to prioritize ongoing operational activities carried out by the Corps of Engineers;

(C) a process to address in the prioritization process recreation and other ancillary benefits resulting from the construction of Corps of Engineers projects; and

(D) potential improvements to the prioritization process established under this section.

(2) CONTRACTS WITH OTHER ENTITIES.—The Coordinating Committee may offer to enter into a contract with the National Academy of Public Administration or any similar entity to assist in developing recommendations under this subsection.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday, July 27, 2006 at 2:30 p.m. in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 3638, to encourage the Secretary of the Interior to participate in projects to plan, design, and construct water supply projects and to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to encourage the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal in the State of California; S. 3639, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects; H.R. 177, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes.; H.R. 2341, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austin Water and Wastewater Utility, Texas; and H.R. 3418, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Joshua Johnson at 202–224–5861 or Steve Waskiewicz at 202–228–6195.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the

Senate on July 19, 2006, at 10 a.m., in open session to continue to receive testimony on military commissions in light of the Supreme Court decision in Hamdan v. Rumsfeld.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 19, 2006, at 10 a.m., to conduct a vote on the nomination of Mr. Frederic S. Mishkin, of New York, to be a member of the Board of Governors of the Federal Reserve System; Ms. Linda Mysliwy Conlin, of New Jersey, to be First Vice President of The Export-Import Bank; Mr. Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board; Mr. Edmund C. Moy, of Wisconsin, to be Director of the Mint; Mr. J. Joseph Grandmaison, of New Hampshire, to be a member of the Board of Directors of the Export-Import Bank; and Mr. James Lambright, of Missouri, to be President of the Export-Import Bank. Immediately following the vote, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet to conduct an Oversight Hearing on the semi-annual monetary policy report of The Federal Reserve.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 19, 2006, at 10 a.m., to conduct a hearing on ''The Semiannual Monetary Policy Report to the Congress.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be allowed to meet at 10 a.m. on Wednesday, July 19, 2006, to consider S. 3661, S. Con. Res. 71, S. 3679, the National Transportation Safety Board Reauthorization Act of 2006, nominations, and the Committee print of the Maritime Administration Improvements Act of 2006.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE. Mr. President, I ask unanimous consent that on Wednesday, July 19, 2006, at 9 a.m., the Committee on Environment and Public Works be authorized to hold a hearing on the science and risk assessment behind the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions meet in executive session during the session of the Senate on Wednesday, July 19, 2006, at 10:30 a.m in SD–430.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, July 19, 2006, at 10 a.m. for a hearing titled, ''DHS Purchase Cards: Credit Without Accountability.''

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

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on ''Credit Card Interchange Fees: Antitrust Concerns?'' on Wednesday, July 19, 2006, at 9:30 a.m. in Dirksen Senate Office Building Room 226.

Witnesses

Panel I: Bill Douglas, Chief Executive Officer, Douglas Distributing, Sherman, TX. Kathy Miller, Owner, The Elmore Store, Elmore, VT. Joshua R. Floum, Executive Vice President, General Counsel and Secretary, Visa U.S.A., Washington, DC. Joshua L. Peirez, Group Executive, Global Public Policy and Associate General Counsel, MasterCard Worldwide, Purchase, NY. The Hon. Timothy J. Muris, Former Chairman, Federal Trade Commission, Of Counsel, O'Melveny & Meyers, Washington, DC. W. Stephen Cannon, President and Managing Partner, Constantine Cannon, Washington, DC.

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

COMMITTEE ON THE JUDICIARY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, July 19, 2006, at 2 p.m. in the Dirksen Senate Office Building Room 226.

I. Bills

S. 2703, Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006 [SPECTER, LEAHY, GRASSLEY, KENNEDY, DEWINE, FEINSTEIN, BROWNBACK, DURBIN, SCHUMER, KOHL, BIDEN, FEINGOLD]

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. INHOFE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 19, 2006, at 2:30 p.m. to hold a closed briefing.

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

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, July 19, 2006, at 10 a.m. The purpose of the hearing is to provide oversight on the implementation of Public Law 108–148 (the Healthy Forests Restoration Act).

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

SUBCOMMITTEE ON TECHNOLOGY, INNOVATION, AND COMPETITIVENESS

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Technology, Innovation, and Competitiveness be allowed to meet at 11 a.m. on Wednesday, July 19, 2006, to discuss High Performance Computing.

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

AUTHORIZATION TO APPOINT SENATE COMMITTEE TO ESCORT PRIME MINISTER OF IRAQ INTO HOUSE OF REPRESENTATIVES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Nuri al-Maliki, Prime Minister of the Republic of Iraq, into the House Chamber for a joint meeting at 11 a.m. on Wednesday, July 26.

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

MAKING TECHNICAL CORRECTIONS TO VIOLENCE AGAINST WOMEN ACT AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005

Mr. MCCONNELL. I ask unanimous consent that the Senate proceed to immediate consideration of S. 3693 introduced earlier today.

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

The assistant legislative clerk read as follows:

A bill (S. 3693) to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Oklahoma, I object.

Objection is heard.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to vitiate any action on the previous bill.

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

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THUNE). Without objection, it is so ordered.

COPYRIGHT ROYALTY JUDGES PROGRAM TECHNICAL CORRECTIONS ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 515, H.R. 1036.

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

The assistant legislative clerk read as follows:

A bill (H.R. 1036) to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part intended to be stricken is shown in boldface brackets and the part intended to be inserted is shown in italic.)

H.R. 1036

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Copyright Royalty Judges Program Technical Corrections Act''.

SEC. 2. REFERENCE.

Any reference in this Act to a provision of title 17, United States Code, refers to such provision as amended by the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108–419) and the Satellite Home Viewer Extension and Reauthorization Act of 2004 (title IX of division J of Public Law 108–447).

SEC. 3. AMENDMENTS TO CHAPTER 8 OF TITLE 17, UNITED STATES CODE.

Chapter 8 of title 17, United States Code, is amended as follows:

(1) Section 801(b)(1) is amended, in the matter preceding subparagraph (A), by striking ''119 and 1004'' and inserting ''119, and 1004''.

(2) Section 801 is amended by adding at the end the following:

''(f) EFFECTIVE DATE OF ACTIONS.—On and after the date of the enactment of the Copyright Royalty and Distribution Reform Act of 2004, in any case in which time limits are prescribed under this title for performance of an action with or by the Copyright Royalty Judges, and in which the last day of the prescribed period falls on a Saturday, Sunday, holiday, or other nonbusiness day within the District of Columbia or the Federal Government, the action may be taken on the next succeeding business day, and is effective as of the date when the period expired.''.

(3) Section 802(f)(1)(A) is amended—

(A) in clause (i), by striking ''clause (ii) of this subparagraph and subparagraph (B)'' and inserting ''subparagraph (B) and clause (ii) of this subparagraph''; and

(B) by striking clause (ii) and inserting the following:

''(ii) One or more Copyright Royalty Judges may, or by motion to the Copyright Royalty Judges, any participant in a proceeding may, request from the Register of Copyrights an interpretation of any material questions of substantive law that relate to the construction of provisions of this title and arise in the course of the proceeding. Any request for a written interpretation shall be in writing and on the record, and reasonable provision shall be made to permit participants in the proceeding to comment on the material questions of substantive law in a manner that minimizes duplication and delay. Except as provided in subparagraph (B), the Register of Copyrights shall deliver to the Copyright Royalty Judges a written response within 14 days after the receipt of all briefs and comments from the participants. The Copyright Royalty Judges shall apply the legal interpretation embodied in the response of the Register of Copyrights if it is timely delivered, and the response shall be included in the record that accompanies the final determination. The authority under this clause shall not be construed to authorize the Register of Copyrights to provide an interpretation of questions of procedure before the Copyright Royalty Judges, the ultimate adjustments and determinations of copyright royalty rates and terms, the ultimate distribution of copyright royalties, or the acceptance or rejection of royalty claims, rate adjustment petitions, or petitions to participate in a proceeding.''.

(4) Section 802(f)(1)(D) is amended by inserting a comma after ''undertakes to consult with''.

(5) Section 803(a)(1) is amended—

(A) by striking ''The Copyright'' and inserting ''The Copyright Royalty Judges shall act in accordance with this title, and to the extent not inconsistent with this title, in accordance with subchapter II of chapter 5 of title 5, in carrying out the purposes set forth in section 801. The Copyright''; and

(B) by inserting after ''Congress, the Register of Copyrights,'' the following: ''copyright arbitration royalty panels (to the extent those determinations are not inconsistent with a decision of the Librarian of Congress or the Register of Copyrights),''.

(6) Section 803(b) is amended—

(A) in paragraph (1)(A)(i)(V)—

(i) by striking ''in the case of'' and inserting ''the publication of notice requirement shall not apply in the case of''; and

(ii) by striking '', such notice may not be published.'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking'', together with a filing fee of $150'';

(ii) in subparagraph (B), by striking ''and'' after the semicolon;

(iii) in subparagraph (C), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) the petition to participate is accompanied by either—

''(i) in a proceeding to determine royalty rates, a filing fee of $150; or

''(ii) in a proceeding to determine distribution of royalty fees—

''(I) a filing fee of $150; or

''(II) a statement that the petitioner (individually or as a group) will not seek a distribution of more than $1000, in which case the amount distributed to the petitioner shall not exceed $1000.'';

(C) in paragraph (3)(A)—

(i) by striking ''(A) IN GENERAL.—Promptly'' and inserting ''(A) COMMENCEMENT OF PROCEEDINGS.—

''(i) RATE ADJUSTMENT PROCEEDING.—Promptly''; and

(ii) by adding at the end the following:

''(ii) DISTRIBUTION PROCEEDING.—Promptly after the date for filing of petitions to participate in a proceeding to determine the distribution of royalties, the Copyright Royalty Judges shall make available to all participants in the proceeding a list of such participants. The initiation of a voluntary negotiation period among the participants shall be set at a time determined by the Copyright Royalty Judges.''.

(D) in paragraph (4)(A), by striking the last sentence; and

(E) in paragraph (6)(C)—

(i) in clause (i)—

(I) in the first sentence, by inserting ''and written rebuttal statements'' after ''written direct statements'';

(II) in the first sentence, by striking ''which may'' and inserting ''which, in the case of written direct statements, may''; and

(III) by striking ''clause (iii)'' and inserting ''clause (iv)'';

(ii) by amending clause (ii)(I) to read as follows:

''(ii)(I) Following the submission to the Copyright Royalty Judges of written direct statements and written rebuttal statements by the participants in a proceeding under paragraph (2), the Copyright Royalty Judges, after taking into consideration the views of the participants in the proceeding, shall determine a schedule for conducting and completing discovery.'';

(iii) by amending clause (iv) to read as follows:

''(iv) Discovery in connection with written direct statements shall be permitted for a period of 60 days, except for discovery ordered by the Copyright Royalty Judges in connection with the resolution of motions, orders, and disputes pending at the end of such period. The Copyright Royalty Judges may order a discovery schedule in connection with written rebuttal statements.''; and

(iv) by amending clause (x) to read as follows:

''(x) The Copyright Royalty Judges shall order a settlement conference among the participants in the proceeding to facilitate the presentation of offers of settlement among the participants. The settlement conference shall be held during a 21-day period following the 60-day discovery period specified in clause (iv) and shall take place outside the presence of the Copyright Royalty Judges.''.

(7) Section 803(c)(2)(B) is amended by striking ''concerning rates and terms''.

(8) Section 803(c)(4) is amended by striking '', with the approval of the Register of Copyrights,''.

(9) Section 803(c)(7) is amended by striking ''of Copyright'' and inserting ''of the Copyright''.

(10) Section 803(d)(2)(C)(i)(I) is amended by striking ''statements of account and any report of use'' and inserting ''applicable statements of account and reports of use''.

(11) Section 803(d)(3) is amended by striking ''If the court, pursuant to section 706 of title 5, modifies'' and inserting ''Section 706 of title 5 shall apply with respect to review by the court of appeals under this subsection. If the court modifies''.

(12) Section 804(b)(1)(B) is amended—

(A) by striking ''801(b)(3)(B) or (C)'' and inserting ''801(b)(2)(B) or (C)''; and

(B) in the last sentence, by striking ''change is'' and inserting ''change in''.

(13) Section 804(b)(3) is amended—

(A) in subparagraph (A), by striking ''effective date'' and inserting ''date of enactment''; and

(B) in subparagraph (C)—

(i) in clause (ii), by striking ''that is filed'' and inserting ''is filed''; and

(ii) in clause (iii), by striking ''such subsections (b)'' and inserting ''subsections (b)''.

SEC. 4. ADDITIONAL TECHNICAL AMENDMENTS.

(a) DISTRIBUTION OF ROYALTY FEES.—Section 111(d) of title 17, United States Code, is amended—

(1) in the second sentence of paragraph (2), by striking all that follows ''Librarian of Congress'' and inserting ''upon authorization by the Copyright Royalty Judges.'';

(2) in paragraph (4)—

(A) in subparagraph (B)—

(i) by striking the second sentence and inserting the following: ''If the Copyright Royalty Judges determine that no such controversy exists, the Copyright Royalty Judges shall authorize the Librarian of Congress to proceed to distribute such fees to the copyright owners entitled to receive them, or to their designated agents, subject to the deduction of reasonable administrative costs under this section.''; and

(ii) in the last sentence, by striking ''finds'' and inserting ''find''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) During the pendency of any proceeding under this subsection, the Copyright Royalty Judges shall have the discretion to authorize the Librarian of Congress to proceed to distribute any amounts that are not in controversy.''.

(b) SOUND RECORDINGS.—Section 114(f) of title 17, United States Code, is amended—

(1) in paragraph (1)(A), in the first sentence, by striking ''except where'' and all that follows through the end period and inserting ''except in the case of a different transitional period provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period as the parties may agree.'';

(2) by amending paragraph (2)(A) to read as follows:

''(2)(A) Proceedings under chapter 8 shall determine reasonable rates and terms of royalty payments for public performances of sound recordings by means of eligible nonsubscription transmission services and new subscription services specified by subsection (d)(2) during the 5-year period beginning on January 1 of the second year following the year in which the proceedings are to be commenced, except in the case of a different transitional period provided under section 6(b)(3) of the Copyright Royalty and Distribution Reform Act of 2004, or such other period as the parties may agree. Such rates and terms shall distinguish among the different types of eligible nonsubscription transmission services and new subscription services then in operation and shall include a minimum fee for each such type of service. Any copyright owners of sound recordings or any entities performing sound recordings affected by this paragraph may submit to the Copyright Royalty Judges licenses covering such eligible nonsubscription transmissions and new subscription services with respect to such sound recordings. The parties to each proceeding shall bear their own costs.''; and

(3) in paragraph (2)(B), in the last sentence, by striking ''negotiated under'' and inserting ''described in''.

(c) PHONORECORDS OF NONDRAMATIC MUSICAL WORKS.—Section 115(c)(3) of title 17, United States Code, is amended—

(1) in subparagraph (B), by striking ''subparagraphs (B) through (F)'' and inserting ''this subparagraph and subparagraphs (C) through (E)'';

(2) in subparagraph (D), in the third sentence, by inserting ''in subparagraphs (B) and (C)'' after ''described''; and

(3) in subparagraph (E), in clauses (i) and (ii)(I), by striking ''(C) or (D)'' each place it appears and inserting ''(C) and (D)''.

(d) NONCOMMERCIAL BROADCASTING.—Section 118 of title 17, United States Code, is amended—

(1) in subsection (b)(3), by striking ''copyright owners in works'' and inserting ''owners of copyright in works''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''established by'' and all that follows through ''engage'' and inserting ''established by the Copyright Royalty Judges under subsection (b)(4), engage''; and

(B) in paragraph (1), by striking ''(g)'' and inserting ''(f)''.

(e) SATELLITE CARRIERS.—Section 119 of title 17, United States Code, is amended—

(1) in subsection (b)(4)—

(A) in subparagraph (B), by striking the second sentence and inserting the following: ''If the Copyright Royalty Judges determine that no such controversy exists, the Copyright Royalty Judges shall authorize the Librarian of Congress to proceed to distribute such fees to the copyright owners entitled to receive them, or to their designated agents, subject to the deduction of reasonable administrative costs under this section.''; and

(B) by amending subparagraph (C) to read as follows:

''(C) WITHHOLDING OF FEES DURING CONTROVERSY.—During the pendency of any proceeding under this subsection, the Copyright Royalty Judges shall have the discretion to authorize the Librarian of Congress to proceed to distribute any amounts that are not in controversy.''; and

(2) in subsection (c)(1)(F)(i), in the last sentence, by striking ''arbitrary'' and inserting ''arbitration''.

(f) DIGITAL AUDIO RECORDING DEVICES.—Section 1007 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in the second sentence, by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges''; and

(B) in the last sentence, by striking ''by the Librarian''; and

(2) in subsection (c), in the last sentence, by striking ''by the Librarian''.

(g) REMOVAL OF INCONSISTENT PROVISIONS.—The amendments contained in subsection (h) of section 5 of the Copyright Royalty and Distribution Reform Act of 2004 shall be deemed never to have been enacted.

(h) EFFECTIVE DATE.—Section 6(b)(1) of the Copyright Royalty and Distribution Reform Act of 2004 (Public Law 108–419) is amended by striking ''commenced before the date of enactment of this Act'' and inserting ''commenced before the effective date provided in subsection (a)''.

[SEC. 5. EFFECTIVE DATE.

[This Act and the amendments made by this Act shall be effective as if included in the Copyright Royalty and Distribution Reform Act of 2004.]

SEC. 5. PARTIAL DISTRIBUTION OF ROYALTY FEES.

Section 801(b)(3)(C) of title 17, United States Code, is amended—

(1) by striking all that precedes clause (i) and inserting the following:

''(C) Notwithstanding section 804(b)(8), the Copyright Royalty Judges, at any time after the filing of claims under section 111, 119, or 1007, may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the Copyright Royalty Judges conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—''; and

(2) in clause (i), by striking ''such'' and inserting ''the''.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), this Act and the amendments made by this Act shall be effective as if included in the Copyright Royalty and Distribution Reform Act of 2004.

(b) PARTIAL DISTRIBUTION OF ROYALTY FEES.—Section 5 shall take effect on the date of enactment of this Act.

Mr. LEAHY. Mr. President, I am pleased that the Judiciary Committee unanimously approved the Copyright Royalty Judges Program Technical Corrections Act, H.R. 1036, a bill that makes several important, noncontroversial, technical corrections to the Copyright Royalty and Distribution Reform Act of 2004. In particular, I am grateful to Senators SPECTER and HATCH for their efforts in the important work we have done, on this bill and so many others, over the years to strengthen our Nation's intellectual property laws. When Senators from different parties can collaborate as productively as we have on these tough issues, the legislative process is working the way it should.

The Copyright Royalty and Distribution Reform Act of 2004, which Senator HATCH and I jointly authored, modernized and improved the process by which certain royalty rates, such as those for small webcasters, are determined. Passage of the act was an important step toward creating laws that adequately protect and compensate makers of creative works. The Technical Corrections Act, H.R. 1036, makes truly technical corrections that shore up those laws and further preserve the traditional role of important intellectual property protections.

In addition to these technical corrections, I, along with Chairman SPECTER and Senator HATCH, offered an amendment that makes one more correction. Several copyright holders had brought it to our attention that under current laws, copyright royalty judges do not have the ability to allocate portions of cable and satellite royalties before the end of royalty distribution proceedings. This has resulted in more than $1 billion in cable and satellite royalties being withheld from rightful recipients. Our amendment rectified the problem by providing copyright royalty judges with explicit statutory discretion for partial distribution of royalties and was included in the legislation that the Judiciary Committee approved last week.

Now that the bill is on the floor, I urge my colleagues to move it quickly, by unanimous consent.

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

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

The committee amendment was agreed to.

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

The bill (H.R. 1036) was read the third time and passed, as follows:

H.R. 1036

Resolved, That the bill from the House of Representatives (H.R. 1036) entitled ''An Act to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, and for other purposes.'' do pass with the following amendment: On page 16, line 4 through 7, strike and insert the following amendment:

On page 16, line 4 through 7, strike and insert the following:

SEC. 5. PARTIAL DISTRIBUTION OF ROYALTY FEES.

Section 801(b)(3)(C) of title 17, United States Code, is amended—

(1) by striking all that precedes clause (i) and inserting the following:

''(C) Notwithstanding section 804(b)(8), the Copyright Royalty Judges, at any time after the filing of claims under section 111, 119, or 1007, may, upon motion of one or more of the claimants and after publication in the Federal Register of a request for responses to the motion from interested claimants, make a partial distribution of such fees, if, based upon all responses received during the 30-day period beginning on the date of such publication, the Copyright Royalty Judges conclude that no claimant entitled to receive such fees has stated a reasonable objection to the partial distribution, and all such claimants—''; and

(2) in clause (i), by striking ''such'' and inserting ''the''.

SEC. 6. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided under subsection (b), this Act and the amendments made by this Act shall be effective as if included in the Copyright Royalty and Distribution Reform Act of 2004.

(b) PARTIAL DISTRIBUTION OF ROYALTY FEES.—Section 5 shall take effect on the date of enactment of this Act.

MAKING TECHNICAL CORRECTIONS TO VIOLENCE AGAINST WOMEN ACT AND DEPARTMENT OF JUSTICE REAUTHORIZATION ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3693, which was introduced earlier today.

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

The assistant legislative clerk read as follows:

A bill (S. 3693) to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005.

There being to objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 3693) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3693

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

SECTION 1. UNIVERSAL GRANT CONDITIONS AND DEFINITIONS OF THE VIOLENCE AGAINST WOMEN ACT OF 2005.

(a) SHORT TITLE.—Section 1 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by—

(1) inserting ''(a) IN GENERAL'' before ''This''; and

(2) adding at the end the following:

''(b) SEPARATE SHORT TITLES.—Section 3 and titles I through IX of this Act may be cited as the 'Violence Against Women Reauthorization Act of 2005'. Title XI of this Act may be cited as the 'Department of Justice Appropriations Authorization Act of 2005'.''.

(b) CLARIFY EFFECTIVE DATES.—The Violence Against Women Act and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by adding after section 3 the following new section:

''SEC. 4. EFFECTIVE DATE OF SPECIFIC SECTIONS.

''Notwithstanding any other provision of this Act or any other law, sections 101, 102 (except the amendment to section 2101(d) of the Omnibus Crime Control and Safe Streets Act of 1968 included in that section), 103, 121, 203, 204, 205, 304, 306, 602, 906, and 907 of this Act shall not take effect until the beginning of fiscal year 2007.''.

(c) ENSURE COMPREHENSIVE DEFINITIONAL SECTION.—

(1) CRIMES ON CAMPUSES.—Section 304 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by adding at the end the following:

''(g) DEFINITIONS AND GRANT CONDITIONS.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

(2) OUTREACH TO UNDERSERVED POPULATIONS.—Section 120 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by adding at the end the following:

''(i) DEFINITIONS AND GRANT CONDITIONS.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

(3) CULTURAL SERVICES.—Section 121 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by adding at the end the following:

''(h) DEFINITIONS AND GRANT CONDITIONS.—In this section the definitions and grant conditions in section 40002 of the Violence Against Women Act of 1994 shall apply.''.

(d) CORRECT DEFINITION OF SEXUAL ASSAULT.—Section 40002(a)(23) of the Violence Against Women Act of 1994, as added by section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), is amended by striking ''prescribed'' and inserting ''proscribed''.

(e) TRIBAL DEFINITIONS.—Section 40002(a) of the Violence Against Women Act of 1994, as added by section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), is amended—

(1) in paragraph (1), by striking ''Alaskan'' and inserting ''Alaska Native'';

(2) by redesignating paragraphs (31) through (36) as paragraphs (32) through (37), respectively; and

(3) by adding after paragraph (30) the following:

''(31) TRIBAL NONPROFIT ORGANIZATION.—The term 'tribal nonprofit organization' means—

''(A) a victim services provider that has as its primary purpose to assist Native victims of domestic violence, dating violence, sexual assault, or stalking; and

''(B) staff and leadership of the organization must include persons with a demonstrated history of assisting American Indian or Alaska Native victims of domestic violence, dating violence, sexual assault, or stalking.''.

(f) CLARIFY MATCHING PROVISION IN THE UNIVERSAL GRANT CONDITION.—Section 40002(b) of the Violence Against Women Act of 1994, as added by section 3 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), is amended by striking paragraph (1) and inserting the following:

''(1) MATCH.—No matching funds shall be required for any grant or subgrant made under this Act for—

''(A) any tribe, territory, or victim service provider; or

''(B) any other entity, including a State, that—

''(i) petitions for a waiver of any match condition imposed by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development; and

''(ii) whose petition for waiver is determined by the Attorney General or the Secretaries of Health and Human Services or Housing and Urban Development to have adequately demonstrated the financial need of the petitioning entity.''.

SEC. 2. TITLE I—LAW ENFORCEMENT TOOLS.

(a) DUPLICATE PROVISION.—Title I of the Violence Against Women Act of 2005 (Public Law 109–162) is amended by striking section 108.

(b) AUTHORIZATION PERIOD.—Section 1167 of the Violence Against Women Act of 2005 is amended by striking ''2006 through 2010'' and inserting ''2007 through 2011''.

(c) DEFINITION OF SPOUSE OF INTIMATE PARTNER.—Section 2266(7)(A) of title 18, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii) section 2261A—

''(I) a spouse or former spouse of the target of the stalking, a person who shares a child in common with the target of the stalking, and a person who cohabits or has cohabited as a spouse with the target of the stalking; or

''(II) a person who is or has been in a social relationship of a romantic or intimate nature with the target of the stalking, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.''.

(d) STRIKE REPEATED SECTIONS.—The Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by striking sections 1134 and 1135.

(e) CONDITIONS ON TECHNICAL ASSISTANCE.—Section 40002(b)(11) of the Violence Against Women Act of 1994 is amended by inserting before ''If there'' the following: ''Of the total amounts appropriated under this title, not less than 3 percent and up to 8 percent, unless otherwise noted, shall be available for providing training and technical assistance relating to the purposes of this title to improve the capacity of the grantees, subgrantees, and other entities.''.

(f) REMOVE THE TECHNICAL ASSISTANCE PROVISION IN STOP AND GRANTS TO ENCOURAGE ARREST.—The Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) in section 2007, by striking subsection (i), as added by section 101 of the Violence Against Women and Department of Justice Reauthorization Act of 2005; and

(2) by striking section 2106, as added by section 102 of the Violence Against Women and Department of Justice Reauthorization Act of 2005.

(g) CORRECT STOP GRANT ALLOCATION.—Section 2007 (b)(2) of the Omnibus Crime

Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1), as amended by section 101 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by striking ''and the coalitions for combined Territories of the United States'' and inserting ''the coalition for Guam, the coalition for American Samoa, the coalition for the United States Virgin Islands, and the coalition for the Commonwealth of the Northern Mariana Islands.''.

(h) UNDERSERVED POPULATIONS REPORT.—Section 120(g) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by striking '', every 18 months,''.

(i) CORRECT DEFINITION OF DATING PARTNER.—Section 2266(10) of title 18, United States Code, as amended by section 116 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is further amended by striking ''and the existence of such a relationship'' and inserting ''. The existence of such a relationship is''.

(j) ALTER COMPLIANCE TIME FOR FORENSIC EXAM CERTIFICATION.—Section 2010(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–4(d)) as added by section 101 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by—

(1) striking ''Nothing'' and inserting ''(1) IN GENERAL.—''; and

(2) inserting at the end the following:

''(2) COMPLIANCE PERIOD.—States, territories, and Indian tribal governments shall have 3 years from the date of enactment of the Violence Against Women and Department of Justice Reauthorization Act of 2005 to come into compliance with this subsection.''.

(k) CORRECT UNDERSERVED POPULATIONS GRANT PROGRAM.—Section 121 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended—

(1) in subsection (a)(1), by inserting at the end the following : ''The requirements of the grant programs identified in paragraph (2) shall not apply to this new grant program.''; and

(2) in subsection (b)(2) by striking the period and inserting '', including—

''(A) working with State and local governments and social service agencies to develop and enhance effective strategies to provide culturally and linguistically specific services to victims of domestic violence, dating violence, sexual assault, and stalking;

''(B) increasing communities' capacity to provide culturally and linguistically specific resources and support for victims of domestic violence, dating violence, sexual assault, and stalking crimes and their families;

''(C) strengthening criminal justice interventions, by providing training for law enforcement, prosecution, courts, probation, and correctional facilities on culturally and linguistically specific responses to domestic violence, dating violence, sexual assault, and stalking;

''(D) enhancing traditional services to victims of domestic violence, dating violence, sexual assault, and stalking through the leadership of culturally and linguistically specific programs offering services to victims of domestic violence, dating violence, sexual assault, and stalking;

''(E) working in cooperation with the community to develop education and prevention strategies highlighting culturally and linguistically specific issues and resources regarding victims of domestic violence, dating violence, sexual assault, and stalking;

''(F) providing culturally and linguistically specific programs for children exposed to domestic violence, dating violence, sexual assault, and stalking;

''(G) providing culturally and linguistically specific resources and services that address the safety, economic, housing, and workplace needs of victims of domestic violence, dating violence, sexual assault, or stalking, including emergency assistance; or

''(H) examining the dynamics of culture and its impact on victimization and healing.''.

(l) FIX ALLOCATION ISSUE IN STOP GRANTS.—Subparagraphs (A) and (B) of section 2007(c)(3) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(c)(3) (A) and (B)) are amended to read as follows:

''(A) not less than 25 percent shall be allocated for law enforcement and not less than 25 percent shall be allocated for prosecutors;

''(B) not less than 30 percent shall be allocated for victims services of which at least 10 percent shall be distributed to culturally specific community-based organizations; and''.

(m) CORRECT GAO STUDY.—Section 119(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by striking ''of domestic violence.'' and inserting ''of these respective crimes.''

(n) PROTECTION ORDER CORRECTION.—Section 106(c) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by striking ''the registration or filing of a protection order'' and inserting ''the registration, filing of a petition for, or issuance of a protection order, restraining order or injunction''

SEC. 3. TITLE II—IMPROVED SERVICES.

(a) SEXUAL ASSAULT SERVICES INTO VAWA.—Section 202 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is repealed.

(b) SEXUAL ASSAULT SERVICES PROGRAM.—The Violence Against Women Act of 1994 (Public Law 103–322) is amended by adding at the end the following:

''Subtitle P—Sexual Assault Services

''SEC. 41601. SEXUAL ASSAULT SERVICES PROGRAM.

''(a) PURPOSES.—The purposes of this section are—

''(1) to assist States, Indian tribes, and territories in providing intervention, advocacy, accompaniment, support services, and related assistance for—

''(A) adult, youth, and child victims of sexual assault;

''(B) family and household members of such victims; and

''(C) those collaterally affected by the victimization, except for the perpetrator of such victimization; and

''(2) to provide for technical assistance and training relating to sexual assault to—

''(A) Federal, State, tribal, territorial and local governments, law enforcement agencies, and courts;

''(B) professionals working in legal, social service, and health care settings;

''(C) nonprofit organizations;

''(D) faith-based organizations; and

''(E) other individuals and organizations seeking such assistance.

''(b) GRANTS TO STATES AND TERRITORIES.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to States and territories to support the establishment, maintenance, and expansion of rape crisis centers and other programs and projects to assist those victimized by sexual assault.

''(2) ALLOCATION AND USE OF FUNDS.—

''(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by a State or territory governmental agency under this subsection for any fiscal year may be used for administrative costs.

''(B) GRANT FUNDS.—Any funds received by a State or territory under this subsection that are not used for administrative costs shall be used to provide grants to rape crisis centers and other nonprofit, nongovernmental organizations for programs and activities within such State or territory that provide direct intervention and related assistance.

''(C) INTERVENTION AND RELATED ASSISTANCE.—Intervention and related assistance under subparagraph (B) may include—

''(i) 24-hour hotline services providing crisis intervention services and referral;

''(ii) accompaniment and advocacy through medical, criminal justice, and social support systems, including medical facilities, police, and court proceedings;

''(iii) crisis intervention, short-term individual and group support services, and comprehensive service coordination and supervision to assist sexual assault victims and family or household members;

''(iv) information and referral to assist the sexual assault victim and family or household members;

''(v) community-based, linguistically and culturally specific services and support mechanisms, including outreach activities for underserved communities; and

''(vi) the development and distribution of materials on issues related to the services described in clauses (i) through (v).

''(3) APPLICATION.—

''(A) IN GENERAL.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time and in such manner as the Attorney General may reasonably require.

''(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

''(i) set forth procedures designed to ensure meaningful involvement of the State or territorial sexual assault coalition and representatives from underserved communities in the development of the application and the implementation of the plans;

''(ii) set forth procedures designed to ensure an equitable distribution of grants and grant funds within the State or territory and between urban and rural areas within such State or territory;

''(iii) identify the State or territorial agency that is responsible for the administration of programs and activities; and

''(iv) meet other such requirements as the Attorney General reasonably determines are necessary to carry out the purposes and provisions of this section.

''(4) MINIMUM AMOUNT.—The Attorney General shall allocate to each State not less than 1.50 percent of the total amount appropriated in a fiscal year for grants under this section, except that the United States Virgin Islands, American Samoa, Guam, the District of Columbia, Puerto Rico, and the Commonwealth of the Northern Mariana Islands shall each be allocated 0.125 percent of the total appropriations. The remaining funds shall be allotted to each State and each territory in an amount that bears the same ratio to such remaining funds as the population of such State and such territory bears to the population of all the States and the territories. The District of Columbia shall be treated as a territory for purposes of calculating its allocation under the preceding formula.

''(c) GRANTS FOR CULTURALLY SPECIFIC PROGRAMS ADDRESSING SEXUAL ASSAULT.—

''(1) GRANTS AUTHORIZED.—The Attorney General shall award grants to eligible entities to support the establishment, maintenance, and expansion of culturally specific intervention and related assistance for victims of sexual assault.

''(2) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(A) be a private nonprofit organization that focuses primarily on culturally specific communities;

''(B) must have documented organizational experience in the area of sexual assault intervention or have entered into a partnership with an organization having such expertise;

''(C) have expertise in the development of community-based, linguistically and culturally specific outreach and intervention services relevant for the specific communities to whom assistance would be provided or have the capacity to link to existing services in the community tailored to the needs of culturally specific populations; and

''(D) have an advisory board or steering committee and staffing which is reflective of the targeted culturally specific community.

''(3) AWARD BASIS.—The Attorney General shall award grants under this section on a competitive basis.

''(4) DISTRIBUTION.—

''(A) The Attorney General shall not use more than 2.5 percent of funds appropriated under this subsection in any year for administration, monitoring, and evaluation of grants made available under this subsection.

''(B) Up to 5 percent of funds appropriated under this subsection in any year shall be available for technical assistance by a national, nonprofit, nongovernmental organization or organizations whose primary focus and expertise is in addressing sexual assault within underserved culturally specific populations.

''(5) TERM.—The Attorney General shall make grants under this section for a period of no less than 2 fiscal years.

''(6) REPORTING.—Each entity receiving a grant under this subsection shall submit a report to the Attorney General that describes the activities carried out with such grant funds.

''(d) GRANTS TO STATE, TERRITORIAL, AND TRIBAL SEXUAL ASSAULT COALITIONS.—

''(1) GRANTS AUTHORIZED.—

''(A) IN GENERAL.—The Attorney General shall award grants to State, territorial, and tribal sexual assault coalitions to assist in supporting the establishment, maintenance, and expansion of such coalitions.

''(B) MINIMUM AMOUNT.—Not less than 10 percent of the total amount appropriated to carry out this section shall be used for grants under subparagraph (A).

''(C) ELIGIBLE APPLICANTS.—Each of the State, territorial, and tribal sexual assault coalitions.

''(2) USE OF FUNDS.—Grant funds received under this subsection may be used to—

''(A) work with local sexual assault programs and other providers of direct services to encourage appropriate responses to sexual assault within the State, territory, or tribe;

''(B) work with judicial and law enforcement agencies to encourage appropriate responses to sexual assault cases;

''(C) work with courts, child protective services agencies, and children's advocates to develop appropriate responses to child custody and visitation issues when sexual assault has been determined to be a factor;

''(D) design and conduct public education campaigns;

''(E) plan and monitor the distribution of grants and grant funds to their State, territory, or tribe; or

''(F) collaborate with and inform Federal, State, or local public officials and agencies to develop and implement policies to reduce or eliminate sexual assault.

''(3) ALLOCATION AND USE OF FUNDS.—From amounts appropriated for grants under this subsection for each fiscal year—

''(A) not less than 10 percent of the funds shall be available for grants to tribal sexual assault coalitions; and

''(B) the remaining funds shall be available for grants to State and territorial coalitions, and the Attorney General shall allocate an amount equal to 1/56 of the amounts so appropriated to each of those State and territorial coalitions.

''(4) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General determines to be essential to carry out the purposes of this section.

''(5) FIRST-TIME APPLICANTS.—No entity shall be prohibited from submitting an application under this subsection during any fiscal year for which funds are available under this subsection because such entity has not previously applied or received funding under this subsection.

''(e) GRANTS TO TRIBES.—

''(1) GRANTS AUTHORIZED.—The Attorney General may award grants to Indian tribes, tribal organizations, and nonprofit tribal organizations for the operation of sexual assault programs or projects in Indian tribal lands and Alaska Native villages to support the establishment, maintenance, and expansion of programs and projects to assist those victimized by sexual assault.

''(2) ALLOCATION AND USE OF FUNDS.—

''(A) ADMINISTRATIVE COSTS.—Not more than 5 percent of the grant funds received by an Indian tribe, tribal organization, and nonprofit tribal organization under this subsection for any fiscal year may be used for administrative costs.

''(B) GRANT FUNDS.—Any funds received under this subsection that are not used for administrative costs shall be used to provide grants to tribal organizations and nonprofit tribal organizations for programs and activities within Indian country and Alaskan native villages that provide direct intervention and related assistance.

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated $50,000,000 to remain available until expended for each of the fiscal years 2007 through 2011 to carry out the provisions of this section.

''(2) ALLOCATIONS.—Of the total amounts appropriated for each fiscal year to carry out this section—

''(A) not more than 2.5 percent shall be used by the Attorney General for evaluation, monitoring, and other administrative costs under this section;

''(B) not more than 2.5 percent shall be used for the provision of technical assistance to grantees and subgrantees under this section;

''(C) not less than 65 percent shall be used for grants to States and territories under subsection (b);

''(D) not less than 10 percent shall be used for making grants to State, territorial, and tribal sexual assault coalitions under subsection (d);

''(E) not less than 10 percent shall be used for grants to tribes under subsection (e); and

''(F) not less than 10 percent shall be used for grants for culturally specific programs addressing sexual assault under subsection (c).''.

SEC. 4. TITLE III—YOUNG VICTIMS.

(a) CORRECT CITATION IN SECTION 41204.—Section 41204(f)(2) of the Violence Against Women Act of 1994 (42 U.S.C. 14043c–3) is amended by striking ''(b)(4)(D)'' and inserting ''(b)(4)''.

(b) CORRECT CAMPUS GRANT PROGRAM'S PURPOSE AREAS.—Section 304(b)(2) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended by striking the first sentence and inserting ''To develop and implement campus policies, protocols, and services that more effectively identify and respond to the crimes of domestic violence, dating violence, sexual assault and stalking, and to train campus administrators, campus security personnel, and personnel serving on campus disciplinary or judicial boards on such policies, protocols, and services.''.

(c) CORRECTION.—In section 758(c)(1)(A) of the Public Health Services Act (42 U.S.C. 294h(c)(1)(A)), insert ''experiencing'' after ''to individuals who are'' and before ''or who have experienced''.

(d) CAMPUS REPORTING REQUIREMENT.—Section 304(d)(2)(A) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by striking ''biennial''.

SEC. 5. TITLE VI—HOUSING AMENDMENTS.

(a) AMENDMENTS TO COLLABORATIVE GRANT PROGRAM.—Section 41404 of the Violence Against Women Act of 1994 (as added by Public Law 109–162; 119 Stat. 3033) is amended—

(1) in subsection (a)(1) by striking ''of Children'' and inserting ''for Children''; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) in the heading, by striking ''(1) IN GENERAL.—''; and

(ii) by adding at the end ''Such activities, services, or programs—'';

(B) in paragraph (2), by striking ''(2) ACTIVITIES, SERVICES, PROGRAMS.—Such activities, services, or programs described in paragraph (1)'' and inserting ''(1)'';

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively; and

(D) in paragraph (3), as so redesignated, by striking ''paragraph (3)'' and inserting ''paragraph (2)''.

(b) TECHNICAL AMENDMENTS TO STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Section 423(a)(8) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383(a)(8)) is amended—

(1) in the first sentence of subparagraph (A), by striking ''subsection'' and inserting ''section''; and

(2) in subparagraph (B)(ii), by striking ''or 'victim service providers' ''.

(c) TECHNICAL AMENDMENT TO VIOLENCE AGAINST WOMEN ACT OF 2005.—Section 606 of the Violence Against Women Act of 2005 (Public Law 104–162; 119 Stat. 3041) is amended in the heading by striking ''**VOUCHER**''.

(d) SELECTION OF TENANTS.—Section 8(d)(1)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(d)(1)(A)) is amended to read as follows:

''(A) the selection of tenants shall be the function of the owner, subject to the annual contributions contract between the Secretary and the agency, except that with respect to the certificate and moderate rehabilitation programs only, for the purpose of selecting families to be assisted, the public housing agency may establish local preferences, consistent with the public housing agency plan submitted under section 5A (42 U.S.C. 1437c–1) by the public housing agency and that an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission;''.

(e) TECHNICAL AMENDMENTS TO HOUSING ASSISTANCE PROGRAM.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) in subsection (c)(9)(C), by striking clause (ii) and inserting the following:

''(ii) Notwithstanding clause (i) or any Federal, State, or local law to the contrary,

an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.'';

(2) in subsection (d)(1)(B)(iii), by striking subclause (II) and inserting the following:

''(II) Notwithstanding subclause (I) or any Federal, State, or local law to the contrary, a public housing agency may terminate assistance to, or an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.'';

(3) in subsection (f)—

(A) in paragraph (9), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (10)(A)(i), by striking ''; and'' and inserting ''; or''; and

(C) in paragraph (11)(B), by striking ''blood and marriage'' and inserting ''blood or marriage'';

(4) in subsection (o)—

(A) in the second sentence of paragraph (6)(B)—

(i) by striking ''by'' after ''denial of program assistance'';

(ii) by striking ''for admission for'' and inserting ''for admission or''; and

(iii) by striking ''admission, and that nothing'' and inserting ''admission. Nothing'';

(B) in paragraph (7)(D)—

(i) by striking clause (ii) and inserting the following:

''(ii) LIMITATION.—Notwithstanding clause (i) or any Federal, State, or local law to the contrary, a public housing agency may terminate assistance to, or an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.'';

(ii) in clause (iii), by striking ''access to control'' and inserting ''access or control''; and

(iii) in clause (v), by striking ''terminate,'' and inserting ''terminate''; and

(C) in paragraph (20)(D)(ii), by striking ''distribution'' and inserting ''distribution or''; and

(5) in subsection (ee)(1)—

(A) in subparagraph (A), by striking ''the owner, manager, or public housing agency requests such certification'' and inserting ''the individual receives a request for such certification from the owner, manager, or public housing agency'';

(B) in subparagraph (B)—

(i) by striking ''the owner, manager, public housing agency, or assisted housing provider has requested such certification in writing'' and inserting ''the individual has received a request in writing for such certification for the owner, manager, or public housing agency'';

(ii) by striking ''manager, public housing'' and inserting ''manager or public housing'' each place that term appears; and

(iii) by striking '', or assisted housing provider'' each place that term appears;

(C) in subparagraph (C), by striking ''sexual assault,'';

(D) in subparagraph (D), by striking ''sexual assault,''; and

(E) in subparagraph (E)—

(i) by striking ''manager, public housing'' and inserting ''manager or public housing'' each place that term appears; and

(ii) by striking '', or assisted housing provider'' each place that term appears.

(f) TECHNICAL AMENDMENT TO SECTION 6 OF UNITED STATES HOUSING ACT OF 1937.—Section 6 of the United States Housing Act of 1937 (42 U.S.C. 1437d) is amended—

(1) in subsection (l)(6), by striking subparagraph (B) and inserting the following: ''(B) notwithstanding subparagraph (A) or any Federal, State, or local law to the contrary, a public housing agency may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant and such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing;''; and

(2) in subsection (u)—

(A) in paragraph (1)(A), by striking ''the public housing agency requests such certification'' and inserting ''the individual receives a request for such certification from the public housing agency'';

(B) in paragraph (1)(B), by striking ''the public housing agency has requested such certification in writing'' and inserting ''the individual has received a request in writing for such certification from the public housing agency''; and

(C) in paragraph (3)(D)(ii), by striking ''blood and marriage'' and inserting ''blood or marriage''.

SEC. 6. TITLE VIII—IMMIGRATION AND NATIONALITY ACT.

(a) PETITIONS FOR IMMIGRANT STATUS.—Section 204(a)(1)(D)(v) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)(v)) is amended by inserting ''or (B)(iii)'' after ''(A)(iv)''.

(b) INADMISSIBLE ALIENS.—Section 212 of such Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)—

(A) in paragraph (4)(C)(i)—

(i) in subclause (II), by striking '', or'' at the end and inserting a semicolon; and

(ii) by adding at the end the following:

''(III) classification or status as a VAWA self-petitioner; or'';

(B) in paragraph (6)(A)(ii), by amending subclause (I) to read as follows:

''(I) the alien is a VAWA self-petitioner;''; and

(C) in paragraph (9)(C)(ii), by striking ''the Attorney General has consented'' and all that follows through ''United States.'' and inserting the following: ''the Secretary of Homeland Security has consented to the alien's reapplying for admission.

''(iii) WAIVER.—The Secretary of Homeland Security may waive the application of clause (i) in the case of an alien who is a VAWA self-petitioner if there is a connection between—

''(I) the alien's battering or subjection to extreme cruelty; and

''(II) the alien's removal, departure from the United States, reentry into the United States; or attempted reentry into the United States.'';

(2) in subsection (g)(1), by amending subparagraph (C) to read as follows:

''(C) is a VAWA self-petitioner,'';

(3) in subsection (h)(1), by amending subparagraph (C) to read as follows:

''(C) the alien is a VAWA self-petitioner; and''; and

(4) in subsection (i)(1), by striking ''an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B)'' and inserting ''a VAWA self-petitioner''.

(c) DEPORTABLE ALIENS.—Section 237(a)(1)(H)(ii) of such Act (8 U.S.C. 1227(a)(1)(H)(ii)) is amended to read as follows:

''(ii) is a VAWA self-petitioner.''.

(d) REMOVAL.—Section 239(e)(2)(B) of such Act (8 U.S.C. 1229(e)(2)(B)) is amended by striking ''(V)'' and inserting ''(U)''.

(e) CANCELLATION OF REMOVAL.—Section 240A(b)(4)(B) of such Act (8 U.S.C. 1229b(b)(4)(B)) is amended by striking ''they were applications filed under section 204(a)(1)(A)(iii), (A)(iv), (B)(ii), or (B)(iii) for purposes of section 245 (a) and (c).'' and inserting ''the applicants were VAWA self-petitioners.''.

(f) ADJUSTMENT OF STATUS.—Section 245 of such Act (8 U.S.C. 1255) is amended—

(1) in subsection (a), by striking ''under subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii) of section 204(a)(1) or'' and inserting ''as a VAWA self-petitioner''; and

(2) in subsection (c), by striking ''under subparagraph (A)(iii), (A)(iv), (A)(v), (A)(vi), (B)(ii), (B)(iii), or (B)(iv) of section 204(a)(1)'' and inserting ''as a VAWA self-petitioner''.

(g) IMMIGRATION OFFICERS.—Section 287 of such Act (8 U.S.C. 1357) is amended by redesignating subsection (i) as subsection (h).

(h) PENALTIES FOR DISCLOSURE OF INFORMATION.—Section 384(a)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367(a)(2)) is amended by striking ''clause (iii) or (iv)'' and all that follows and inserting ''paragraph (15)(T), (15)(U), or (51) of section 101(a) of the Immigration and Nationality Act or section 240A(b)(2) of such Act.''.

SEC. 7. TITLE IX—INDIAN WOMEN.

(a) OMNIBUS CRIME CONTROL AND SAFE STREETS.—

(1) GRANTS TO COMBAT VIOLENT CRIMES AGAINST WOMEN.—Part T of the Omnibus

Crime Control and Safe Streets Act of 1968 is amended—

(A) by redesignating the second section 2007 (42 U.S.C. 3796gg–10) (relating to grants to Indian tribal governments), as added by section 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, as section 2015;

(B) by redesignating the second section 2008 (42 U.S.C. 3796gg–11) (relating to a tribal deputy), as added by section 907 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, as section 2016; and

(C) by moving those sections so as to appear at the end of the part.

(2) STATE GRANT AMOUNTS.—Section 2007(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–1(b)), as amended by section 906(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by striking paragraph (1) and inserting the following:

''(1) 10 percent shall be available for grants under the program authorized by section 2015, which shall not otherwise be subject to the requirements of this part (other than section 2008);''.

(3) GRANTS TO INDIAN TRIBAL GOVERNMENTS.—Section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (as redesignated by paragraph (1)(A)), is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''and tribal organizations'' and inserting ''or authorized designees of Indian tribal governments'';

(ii) in paragraph (6), by striking ''and'' at the end;

(iii) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(8) provide legal assistance necessary to provide effective aid to victims of domestic violence, dating violence, stalking, or sexual assault who are seeking relief in legal matters arising as a consequence of that abuse or violence, at minimal or no cost to the victims.''; and

(B) by striking subsection (c).

(4) TRIBAL DEPUTY RESPONSIBILITIES.—Section 2016(b)(1)(I) of the Omnibus Crime Control and Safe Streets Act of 1968 (as redesignated by paragraph (1)(B)) is amended by inserting after ''technical assistance'' the following: ''that is developed and provided by entities having expertise in tribal law, customary practices, and Federal Indian law''.

(5) GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS.—Section 2101 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796hh) is amended by striking subsection (e) and inserting the following:

''(e) ALLOTMENT FOR INDIAN TRIBES.—

''(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015.

''(2) APPLICABILITY OF PART.—The requirements of this part shall not apply to funds allocated for the program described in paragraph (1).''.

(b) RURAL DOMESTIC VIOLENCE.—

(1) IN GENERAL.—Section 40295(d) of the Safe Homes for Women Act of 1994 (42 U.S.C. 13971(d)), as amended by section 306 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by striking paragraph (1) and inserting the following:

''(1) ALLOTMENT FOR INDIAN TRIBES.—

''(A) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

''(B) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in subparagraph (A).''.

(2) CONFORMING AMENDMENT.—Section 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 is amended by—

(A) striking subsection (d); and

(B) redesignating subsections (e) through (g) as subsections (d) through (f), respectively.

(c) VIOLENCE AGAINST WOMEN ACT OF 1994.—

(1) TRANSITIONAL HOUSING ASSISTANCE.—Section 40299(g) of the Violence Against Women Act of 1994 (42 U.S.C. 13975(g)), as amended by sections 602 and 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended—

(A) in paragraph (3)(C), by striking clause (i) and inserting the following:

''(i) INDIAN TRIBES.—

''(I) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

''(II) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in subclause (I).''; and

(B) by striking paragraph (4).

(2) COURT TRAINING AND IMPROVEMENTS.—Section 41006 of the Violence Against Women Act of 1994 (42 U.S.C. 14043a–3), as added by section 105 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended by striking subsection (c) and inserting the following:

''(c) SET ASIDE.—

''(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

''(2) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).''.

(d) VIOLENCE AGAINST WOMEN ACT OF 2000.—

(1) LEGAL ASSISTANCE FOR VICTIMS.—Section 1201(f) of the Violence Against Women Act of 2000 (42 U.S.C. 3796gg–6(f)), as amended by sections 103 and 906 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''10 percent'' and inserting ''3 percent'';

(ii) by redesignating subparagraph (B) as subparagraph (C); and

(iii) by inserting after subparagraph (A) the following:

''(B) TRIBAL GOVERNMENT PROGRAM.—

''(i) IN GENERAL.—Not less than 7 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

''(ii) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in clause (i).''; and

(B) by striking paragraph (4).

(2) SAFE HAVENS FOR CHILDREN.—Section 1301 of the Violence Against Women Act of 2000 (42 U.S.C. 10420), as amended by sections 906 and 306 of the Violence Against Women and Department of Justice Reauthorization Act of 2005, is amended—

(A) in subsection (e)(2)—

(i) by striking subparagraph (A); and

(ii) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(B) by striking subsection (f) and inserting the following:

''(f) ALLOTMENT FOR INDIAN TRIBES.—

''(1) IN GENERAL.—Not less than 10 percent of the total amount available under this section for each fiscal year shall be available for grants under the program authorized by section 2015 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10).

''(2) APPLICABILITY OF PART.—The requirements of this section shall not apply to funds allocated for the program described in paragraph (1).''.

SEC. 8. TITLE XI—DEPARTMENT OF JUSTICE.

(a) ORGANIZED RETAIL THEFT.—Section 1105(a)(3) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 509 note) is amended by striking ''The Attorney General through the Bureau of Justice Assistance in the Office of Justice may'' and inserting ''The Director of the Bureau of Justice Assistance of the Office of Justice Programs may''.

(b) FORMULAS AND REPORTING.—Sections 1134 and 1135 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 3108), and the amendments made by such sections, are repealed.

(c) GRANTS FOR YOUNG WITNESS ASSISTANCE.—Section 1136(a) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3743(a)) is amended by striking ''The Attorney General, acting through the Bureau of Justice Assistance, may'' and inserting ''The Director of the Bureau of Justice Assistance of the Office of Justice Programs may''.

(d) USE OF FEDERAL TRAINING FACILITIES.—Section 1173 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (28 U.S.C. 530c note) is amended—

(1) in subsection (a), by inserting ''or for meals, lodging, or other expenses related to such internal training or conference meeting'' before the period; and

(2) in subsection (b), by striking ''that requires specific authorization'' and inserting ''authorized''.

(e) OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.—Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by redesignating the section 105 titled ''**OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT**'' as section 109 and transferring such section to the end of such part A.

(f) COMMUNITY CAPACITY DEVELOPMENT OFFICE.—Section 106 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712e) is amended by striking ''section 105(b)'' each place such term appears and inserting ''section 103(b)''.

(g) AVAILABILITY OF FUNDS.—Section 108(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712g(b)) is amended by striking ''revert to the Treasury'' and inserting ''be deobligated''.

(h) DELETION OF DUPLICATIVE REFERENCE TO TRIBAL GOVERNMENTS.—Section 501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751(b) is amended—

(1) in paragraph (1), by inserting ''or'' after the semicolon;

(2) in paragraph (2), by striking ''; or'' and inserting a period; and

(3) by striking paragraph (3).

(i) APPLICATIONS FOR BYRNE GRANTS.—Section 502 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3752) is amended in the matter preceding paragraph (1), by striking ''90 days'' and inserting ''120 days''.

(j) MATCHING GRANT PROGRAM FOR SCHOOL SECURITY.—Part AA of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797a et seq.) is amended—

(1) in section 2701(a), by striking ''The Attorney General, acting through the Office of Community Oriented Policing Services,'' and inserting ''The Director of the Office of Community Oriented Policing Services (in this section referred to as the 'Director')''; and

(2) by striking ''Attorney General'' each place such term appears and inserting ''Director''.

(k) FUNDING.—Section 1101 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) is amended—

(1) in paragraph (8), by striking ''$800,255,000'' and inserting ''$809,372,000'';

(2) in paragraph (11), by striking ''$923,613,000'' and inserting ''$935,817,000'';

(3) in paragraph (12), by striking ''$8,000,000'' and inserting ''$10,000,000''; and

(4) in paragraph (14), by striking ''$1,270,000'' and inserting ''$1,303,000''.

(l) DRUG COURTS TECHNICAL ASSISTANCE AND TRAINING.—Section 2957(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797u–6(b)) is amended by striking ''Community Capacity Development Office'' each place such term appears and inserting ''Bureau of Justice Assistance''.

(m) AIMEE'S LAW.—Section 2001(e)(1) of division C of Public Law 106–386 (42 U.S.C. 13713(e)(1)) is amended by striking ''section 506 of the Omnibus Crime Control and Safe Streets Act of 1968'' and inserting ''section 505 of the Omnibus Crime Control and Safe Streets Act of 1968''.

(n) EFFECTIVE DATES.—

(1) OFFICE OF WEED AND FEED STRATEGIES.—Section 1121(c) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3712a note) is amended by striking ''90 days after the date of the enactment of this Act'' and inserting ''with respect to appropriations for fiscal year 2007 and for each fiscal year thereafter''.

(2) SUBSTANCE ABUSE TREATMENT.—

(A) IN GENERAL.—Chapter 4 of subtitle B of title XI of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 3110) is amended by adding at the end the following:

''SEC. 1147. EFFECTIVE DATE.

''The amendments made by sections 1144 and 1145 shall take effect on October 1, 2006.''.

(B) CONFORMING AMENDMENT.—The table of contents in section 2 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 106–162; 119 Stat. 2960) is amended by inserting after the item relating to section 1146 the following:

''Sec. 1147. Effective date.''.

(3) OFFICE OF AUDIT, ASSESSMENT, AND MANAGEMENT.—Section 1158(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3712d note) is amended to read as follows:

''(b) EFFECTIVE DATE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), section 109 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712d) shall take effect on April 5, 2006.

''(2) CERTAIN PROVISIONS.—Subsections (c), (d), and (e) of section 109 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712d) shall take effect on October 1, 2006.''.

(4) OFFICE OF APPLIED LAW ENFORCEMENT TECHNOLOGY.—

(A) IN GENERAL.—Section 1160(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3712f note) is amended by striking ''90 days after the date of the enactment of this Act'' and inserting ''on October 1, 2006''.

(B) AVAILABILITY OF FUNDS.—Section 1161(b) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (42 U.S.C. 3712g note) is amended by striking ''90 days after the date of the enactment of this Act'' and inserting ''on October 1, 2006''.

(5) EVIDENCE-BASED APPROACHES.—Section 1168 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 3122) is amended—

(A) by striking ''Section 1802'' and inserting the following:

''(a) IN GENERAL.—Section 1802''; and

(B) by adding at the end the following:

''(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.''.

(6) STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.—Section 1196 of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 3130) is amended by adding at the end the following:

''(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2006.''.

Mr. LEAHY. Mr. President, I am pleased that the Senate will pass a bill providing needed corrections to the Violence Against Women Act, VAWA, and the Department of Justice authorization bill we passed last year.

Among the improvements made in the amendment, the changes ensure that the VAWA public housing provisions allow a landlord to bifurcate a lease to evict an abuser while allowing a cosigning lessee as well as an authorized resident to remain as tenants. The bill also makes technical improvements in the administration of STOP grants and the Campus Grant Program. The bill improves the administration of grants to tribal governments and ensures that the 10-percent designation of VAWA grants to Indian tribes applies throughout all sections of the law.

I commend the efforts of all those who worked hard to improve this important law, and I am glad to support the improvements in this amendment that will sustain this law as a vital tool in our efforts to put an end to domestic violence.

In the last 25 years I believe that we have only been successful twice in passing authorization bills for the Department of Justice. I was pleased to be involved in both of them, working with Chairman SENSENBRENNER and the Republican leader on the Senate Judiciary Committee at the time. This bill improves the most recent authorization we considered and passed in a bipartisan manner.

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 518, S. 418.

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

The assistant legislative clerk read as follows:

A bill (S. 418) to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Military Personnel Financial Services Protection Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds that—

(1) members of the Armed Forces perform great sacrifices in protecting our Nation in the War on Terror;

(2) the brave men and women in uniform deserve to be offered first-rate financial products in order to provide for their families and to save and invest for retirement;

(3) members of the Armed Forces are being offered high-cost securities and life insurance products by some financial services companies engaging in abusive and misleading sales practices;

(4) one securities product offered to service members, known as the ''mutual fund contractual plan'', largely disappeared from the civilian market in the 1980s, due to excessive sales charges;

(5) with respect to a mutual fund contractual plan, a 50 percent sales commission is assessed against the first year of contributions, despite an average commission on other securities products of less than 6 percent on each sale;

(6) excessive sales charges allow abusive and misleading sales practices in connection with mutual fund contractual plan;

(7) certain life insurance products being offered to members of the Armed Forces are improperly marketed as investment products, providing minimal death benefits in exchange for

excessive premiums that are front-loaded in the first few years, making them entirely inappropriate for most military personnel; and

(8) the need for regulation of the marketing and sale of securities and life insurance products on military bases necessitates Congressional action.

SEC. 3. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) LIFE INSURANCE PRODUCT.—

(A) IN GENERAL.—The term ''life insurance product'' means any product, including individual and group life insurance, funding agreements, and annuities, that provides insurance for which the probabilities of the duration of human life or the rate of mortality are an element or condition of insurance.

(B) INCLUDED INSURANCE.—The term ''life insurance product'' includes the granting of—

(i) endowment benefits;

(ii) additional benefits in the event of death by accident or accidental means;

(iii) disability income benefits;

(iv) additional disability benefits that operate to safeguard the contract from lapse or to provide a special surrender value, or special benefit in the event of total and permanent disability;

(v) benefits that provide payment or reimbursement for long-term home health care, or long-term care in a nursing home or other related facility;

(vi) burial insurance; and

(vii) optional modes of settlement or proceeds of life insurance.

(C) EXCLUSIONS.—Such term does not include workers compensation insurance, medical indemnity health insurance, or property and casualty insurance.

(2) NAIC.—The term ''NAIC'' means the National Association of Insurance Commissioners (or any successor thereto).

SEC. 4. PROHIBITION ON FUTURE SALES OF PERIODIC PAYMENT PLANS.

(a) AMENDMENT.—Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a–27) is amended by adding at the end the following new subsection:

''(j) TERMINATION OF SALES.—

''(1) TERMINATION.—Effective 30 days after the date of enactment of the Military Personnel Financial Services Protection Act, it shall be unlawful, subject to subsection (i)—

''(A) for any registered investment company to issue any periodic payment plan certificate; or

''(B) for such company, or any depositor of or underwriter for any such company, or any other person, to sell such a certificate.

''(2) NO INVALIDATION OF EXISTING CERTIFICATES.—Paragraph (1) shall not be construed to alter, invalidate, or otherwise affect any rights or obligations, including rights of redemption, under any periodic payment plan certificate issued and sold before 30 days after such date of enactment.''.

(b) TECHNICAL AMENDMENT.—Section 27(i)(2)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–27(i)(2)(B)) is amended by striking ''section 26(e)'' each place that term appears and inserting ''section 26(f)''.

(c) REPORT ON REFUNDS, SALES PRACTICES, AND REVENUES FROM PERIODIC PAYMENT PLANS.—Not later than 6 months after the date of enactment of this Act, the Securities and Exchange Commission shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, a report describing—

(1) any measures taken by a broker or dealer registered with the Securities and Exchange Commission pursuant to section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)) to voluntarily refund payments made by military service members on any periodic payment plan certificate, and the amounts of such refunds;

(2) after such consultation with the Secretary of Defense, as the Commission considers appropriate, the sales practices of such brokers or dealers on military installations over the 5 years preceding the date of submission of the report and any legislative or regulatory recommendations to improve such practices; and

(3) the revenues generated by such brokers or dealers in the sales of periodic payment plan certificates over the 5 years preceding the date of submission of the report, and the products marketed by such brokers or dealers to replace the revenue generated from the sales of periodic payment plan certificates prohibited under subsection (a).

SEC. 5. REQUIRED DISCLOSURES REGARDING OFFERS OR SALES OF SECURITIES ON MILITARY INSTALLATIONS.

Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)) is amended by inserting immediately after paragraph (13) the following:

''(14) The rules of the association include provisions governing the sales, or offers of sales, of securities on the premises of any military installation to any member of the Armed Forces or a dependant thereof, which rules require—

''(A) the broker or dealer performing brokerage services to clearly and conspicuously disclose to potential investors—

''(i) that the securities offered are not being offered or provided by the broker or dealer on behalf of the Federal Government, and that its offer is not sanctioned, recommended, or encouraged by the Federal Government; and

''(ii) the identity of the registered broker-dealer offering the securities;

''(B) such broker or dealer to perform an appropriate suitability determination, including consideration of costs and knowledge about securities, prior to making a recommendation of a security to a member of the Armed Forces or a dependant thereof; and

''(C) that no person receive any referral fee or incentive compensation in connection with a sale or offer of sale of securities, unless such person is an associated person of a registered broker or dealer and is qualified pursuant to the rules of a self-regulatory organization.''.

SEC. 6. METHOD OF MAINTAINING BROKER AND DEALER REGISTRATION, DISCIPLINARY, AND OTHER DATA.

Section 15A(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3(i)) is amended to read as follows:

''(i) OBLIGATION TO MAINTAIN REGISTRATION, DISCIPLINARY, AND OTHER DATA.—

''(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—A registered securities association shall—

''(A) establish and maintain a system for collecting and retaining registration information;

''(B) establish and maintain a toll-free telephone listing, and a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding—

''(i) registration information on its members and their associated persons; and

''(ii) registration information on the members and their associated persons of any registered national securities exchange that uses the system described in subparagraph (A) for the registration of its members and their associated persons; and

''(C) adopt rules governing the process for making inquiries and the type, scope, and presentation of information to be provided in response to such inquiries in consultation with any registered national securities exchange providing information pursuant to subparagraph (B)(ii).

''(2) RECOVERY OF COSTS.—A registered securities association may charge persons making inquiries described in paragraph (1)(B), other than individual investors, reasonable fees for responses to such inquiries.

''(3) PROCESS FOR DISPUTED INFORMATION.—Each registered securities association shall adopt rules establishing an administrative process for disputing the accuracy of information provided in response to inquiries under this subsection in consultation with any registered national securities exchange providing information pursuant to paragraph (1)(B)(ii).

''(4) LIMITATION ON LIABILITY.—A registered securities association, or an exchange reporting information to such an association, shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.

''(5) DEFINITION.—For purposes of this subsection, the term 'registration information' means the information reported in connection with the registration or licensing of brokers and dealers and their associated persons, including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law, or exchange or association rule, and the source and status of such information.''.

SEC. 7. FILING DEPOSITORIES FOR INVESTMENT ADVISERS.

(a) INVESTMENT ADVISERS.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–4) is amended—

(1) by striking ''Every investment'' and inserting the following:

''(a) IN GENERAL.—Every investment''; and

(2) by adding at the end the following:

''(b) FILING DEPOSITORIES.—The Commission may, by rule, require an investment adviser—

''(1) to file with the Commission any fee, application, report, or notice required to be filed by this title or the rules issued under this title through any entity designated by the Commission for that purpose; and

''(2) to pay the reasonable costs associated with such filing and the establishment and maintenance of the systems required by subsection (c).

''(c) ACCESS TO DISCIPLINARY AND OTHER INFORMATION.—

''(1) MAINTENANCE OF SYSTEM TO RESPOND TO INQUIRIES.—

''(A) IN GENERAL.—The Commission shall require the entity designated by the Commission under subsection (b)(1) to establish and maintain a toll-free telephone listing, or a readily accessible electronic or other process, to receive and promptly respond to inquiries regarding registration information (including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law or rule to be reported) involving investment advisers and persons associated with investment advisers.

''(B) APPLICABILITY.—This subsection shall apply to any investment adviser (and the persons associated with that adviser), whether the investment adviser is registered with the Commission under section 203 or regulated solely by a State, as described in section 203A.

''(2) RECOVERY OF COSTS.—An entity designated by the Commission under subsection (b)(1) may charge persons making inquiries, other than individual investors, reasonable fees for responses to inquiries described in paragraph (1).

''(3) LIMITATION ON LIABILITY.—An entity designated by the Commission under subsection (b)(1) shall not have any liability to any person for any actions taken or omitted in good faith under this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) INVESTMENT ADVISERS ACT OF 1940.—Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3a) is amended—

(A) by striking subsection (d); and

(B) by redesignating subsection (e) as subsection (d).

(2) NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996.—Section 306 of the National Securities Markets Improvement Act of 1996 (15 U.S.C. 80b–10, note) is repealed.

SEC. 8. STATE INSURANCE AND SECURITIES JURISDICTION ON MILITARY INSTALLATIONS.

(a) CLARIFICATION OF JURISDICTION.—Any provision of law, regulation, or order of a State with respect to regulating the business of insurance or securities shall apply to insurance or securities activities conducted on Federal land or facilities in the United States and abroad, including military installations, except to the extent that such law, regulation, or order—

(1) directly conflicts with any applicable Federal law, regulation, or authorized directive; or

(2) would not apply if such activity were conducted on State land.

(b) PRIMARY STATE JURISDICTION.—To the extent that multiple State laws would otherwise apply pursuant to subsection (a) to an insurance or securities activity of an individual or entity on Federal land or facilities, the State having the primary duty to regulate such activity and the laws of which shall apply to such activity in the case of a conflict shall be—

(1) the State within which the Federal land or facility is located; or

(2) if the Federal land or facility is located outside of the United States, the State in which—

(A) in the case of an individual engaged in the business of insurance, such individual has been issued a resident license;

(B) in the case of an entity engaged in the business of insurance, such entity is domiciled;

(C) in the case of an individual engaged in the offer or sale (or both) of securities, such individual is registered or required to be registered to do business or the person solicited by such individual resides; or

(D) in the case of an entity engaged in the offer or sale (or both) of securities, such entity is registered or is required to be registered to do business or the person solicited by such entity resides.

SEC. 9. REQUIRED DEVELOPMENT OF MILITARY PERSONNEL PROTECTION STANDARDS REGARDING INSURANCE SALES; ADMINISTRATIVE COORDINATION.

(a) STATE STANDARDS.—Congress intends that—

(1) the States collectively work with the Secretary of Defense to ensure implementation of appropriate standards to protect members of the Armed Forces from dishonest and predatory insurance sales practices while on a military installation of the United States (including installations located outside of the United States); and

(2) each State identify its role in promoting the standards described in paragraph (1) in a uniform manner, not later than 12 months after the date of enactment of this Act.

(b) STATE REPORT.—It is the sense of Congress that the NAIC should, after consultation with the Secretary of Defense and, not later than 12 months after the date of enactment of this Act, conduct a study to determine the extent to which the States have met the requirement of subsection (a), and report the results of such study to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(c) ADMINISTRATIVE COORDINATION; SENSE OF CONGRESS.—It is the sense of the Congress that senior representatives of the Secretary of Defense, the Securities and Exchange Commission, and the NAIC should meet not less frequently than twice a year to coordinate their activities to implement this Act and monitor the enforcement of relevant regulations relating to the sale of financial products on military installations of the United States.

SEC. 10. REQUIRED DISCLOSURES REGARDING LIFE INSURANCE PRODUCTS.

(a) REQUIREMENT.—Except as provided in subsection (e), no person may sell, or offer for sale, any life insurance product to any member of the Armed Forces or a dependant thereof on a military installation of the United States, unless a disclosure in accordance with this section is provided to such member or dependent at the time of the sale or offer.

(b) DISCLOSURE.—A disclosure in accordance with this section is a written disclosure that—

(1) states that subsidized life insurance is available to the member of the Armed Forces from the Federal Government under the Servicemembers' Group Life Insurance program (also referred to as ''SGLI''), under subchapter III of chapter 19 of title 38, United States Code;

(2) states the amount of insurance coverage available under the SGLI program, together with the costs to the member of the Armed Forces for such coverage;

(3) states that the life insurance product that is the subject of the disclosure is not offered or provided by the Federal Government, and that the Federal Government has in no way sanctioned, recommended, or encouraged the sale of the life insurance product being offered;

(4) fully discloses any terms and circumstances under which amounts accumulated in a savings fund or savings feature under the life insurance product that is the subject of the disclosure may be diverted to pay, or reduced to offset, premiums due for continuation of coverage under such product;

(5) states that no person has received any referral fee or incentive compensation in connection with the offer or sale of the life insurance product, unless such person is a licensed agent of the person engaged in the business of insurance that is issuing such product;

(6) is made in plain and readily understandable language and in a type font at least as large as the font used for the majority of the solicitation material used with respect to or relating to the life insurance product; and

(7) with respect to a sale or solicitation on Federal land or facilities located outside of the United States, lists the address and phone number at which consumer complaints are received by the State insurance commissioner for the State having the primary jurisdiction and duty to regulate the sale of such life insurance products pursuant to section 8.

(c) VOIDABILITY.—The sale of a life insurance product in violation of this section shall be voidable from its inception, at the sole option of the member of the Armed Forces, or dependent thereof, as applicable, to whom the product was sold.

(d) ENFORCEMENT.—If it is determined by a Federal or State agency, or in a final court proceeding, that any person has intentionally violated, or willfully disregarded the provisions of, this section, in addition to any other penalty under applicable Federal or State law, such person shall be prohibited from further engaging in the business of insurance with respect to employees of the Federal Government on Federal land, except—

(1) with respect to existing policies; and

(2) to the extent required by the Federal Government pursuant to previous commitments.

(e) EXCEPTIONS.—This section shall not apply to any life insurance product specifically contracted by or through the Federal Government.

SEC. 11. IMPROVING LIFE INSURANCE PRODUCT STANDARDS.

(a) IN GENERAL.—It is the sense of Congress that the NAIC should, after consultation with the Secretary of Defense, and not later than 6 months after the date of enactment of this Act, conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on—

(1) ways of improving the quality of and sale of life insurance products sold on military installations of the United States, which may include—

(A) limiting such sales authority to persons that are certified as meeting appropriate best practices procedures; and

(B) creating standards for products specifically designed to meet the particular needs of members of the Armed Forces, regardless of the sales location; and

(2) the extent to which life insurance products marketed to members of the Armed Forces comply with otherwise applicable provisions of State law.

(b) CONDITIONAL GAO REPORT.—If the NAIC does not submit the report as described in subsection (a), the Comptroller General of the United States shall—

(1) study any proposals that have been made to improve the quality of and sale of life insurance products sold on military installations of the United States; and

(2) not later than 6 months after the expiration of the period referred to in subsection (a), submit a report on such proposals to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 12. REQUIRED REPORTING OF DISCIPLINARY ACTIONS.

(a) REPORTING BY INSURERS.—Beginning 1 year after the date of enactment of this Act, no insurer may enter into or renew a contractual relationship with any other person that sells or solicits the sale of any life insurance product on any military installation of the United States, unless the insurer has implemented a system to report to the State insurance commissioner of the State of domicile of the insurer and the State of residence of that other person—

(1) any disciplinary action taken by any Federal or State government entity with respect to sales or solicitations of life insurance products on a military installation that the insurer knows, or in the exercise of due diligence should have known, to have been taken; and

(2) any significant disciplinary action taken by the insurer with respect to sales or solicitations of life insurance products on a military installation of the United States.

(b) REPORTING BY STATES.—It is the sense of Congress that, not later than 1 year after the date of enactment of this Act, the States should collectively implement a system to—

(1) receive reports of disciplinary actions taken against persons that sell or solicit the sale of any life insurance product on any military installation of the United States by insurers or Federal or State government entities with respect to such sales or solicitations; and

(2) disseminate such information to all other States and to the Secretary of Defense.

(c) DEFINITION.—As used in this section, the term ''insurer'' means a person engaged in the business of insurance.

SEC. 13. REPORTING BARRED PERSONS SELLING INSURANCE OR SECURITIES.

(a) ESTABLISHMENT.—The Secretary of Defense shall maintain a list of the name, address, and other appropriate information relating to persons engaged in the business of securities or insurance that have been barred or otherwise limited in any manner that is not generally applicable to all such type of persons, from any or all military installations of the United States, or that have engaged in any transaction that is prohibited by this Act.

(b) NOTICE AND ACCESS.—The Secretary of Defense shall ensure that—

(1) the appropriate Federal and State agencies responsible for securities and insurance regulation are promptly notified upon the inclusion in or removal from the list required by subsection (a) of a person under the jurisdiction of one or more of such agencies; and

(2) the list is kept current and easily accessible—

(A) for use by such agencies; and

(B) for purposes of enforcing or considering any such bar or limitation by the appropriate Federal personnel, including commanders of military installations.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Defense shall issue regulations in accordance with this subsection to provide for the establishment and maintenance of the list required by this section, including appropriate due process considerations.

(2) TIMING.—

(A) PROPOSED REGULATIONS.—Not later than the expiration of the 60-day period beginning on the date of enactment of this Act, the Secretary of Defense shall prepare and submit to the appropriate Committees of Congress a copy of the regulations required by this subsection that are proposed to be published for comment. The Secretary may not publish such regulations for comment in the Federal Register until the expiration of the 15-day period beginning on the date of such submission to the appropriate Committees of Congress.

(B) FINAL REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate Committees of Congress a copy of the regulations under this section to be published in final form.

(C) EFFECTIVE DATE.—Final regulations under this paragraph shall become effective 30 days after the date of their submission to the appropriate Committees of Congress under subparagraph (B).

(d) DEFINITION.—For purposes of this section, the term ''appropriate Committees of Congress'' means—

(1) the Committee on Financial Services and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Banking, Housing, and Urban Affairs and the Committee on Armed Services of the Senate.

SEC. 14. STUDY AND REPORTS BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) STUDY.—The Inspector General of the Department of Defense shall conduct a study on the impact of Department of Defense Instruction 1344.07 (as in effect on the date of enactment of this Act) and the reforms included in this Act on the quality and suitability of sales of securities and insurance products marketed or otherwise offered to members of the Armed Forces.

(b) REPORTS.—Not later than 12 months after the date of enactment of this Act, the Inspector General of the Department of Defense shall submit an initial report on the results of the study conducted under subsection (a) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, and shall submit followup reports to those committees on December 31, 2008 and December 31, 2010.

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

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

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 418), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR THURSDAY, JULY 20, 2006

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, July 20. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to H.R. 9, the Voting Rights Act, as under the previous order.

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

PROGRAM

Mr. MCCONNELL. Mr. President, tomorrow, the Senate will consider the Voting Rights Act under a limited time agreement. There are 8 hours of debate, but we hope to yield back some of the time and vote in the afternoon tomorrow. We will also have votes on several circuit court and district court nominees, the Adam Walsh Child Protection and Safety Act, and under an agreement reached earlier this week, we will proceed to the consideration of S. 403, the Child Custody Protection Act. So Senators should plan for a full day tomorrow with a number of votes throughout the day.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator HARKIN.

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

The Senator from Iowa is recognized.

STEM CELL RESEARCH ENHANCEMENT ACT

Mr. HARKIN. Mr. President, a few hours ago, the President used his first ever veto in his 6 years of being in office to kill H.R. 810, the Stem Cell Research Enhancement Act, a bill that is supported by over 70 percent of the American public, a bill that was supported by a bipartisan majority of the House, a bill that was supported by a bipartisan, big majority in the Senate—63 Members of the Senate, Republicans and Democrats, voted for it yesterday—and is supported by 591 different patient advocacy groups, research institutions, universities, scientific organizations, biomedical research institutions—everything from Alzheimer's to Parkinson's to cancer, spinal cord injuries, you name it. This bill has almost been universally supported. Over 80 Nobel laureates support this bill. Virtually every reputable scientist in America supports this bill.

I will mince no words about the President's action today. The veto he cast is a shameful display of cruelty, hypocrisy, and contempt for science. It is cruel because it denies hope to millions of Americans who suffer from Parkinson's and Alzheimer's, who have already received the death sentence of Lou Gehrig's disease, kids suffering from juvenile diabetes all over America, those suffering from cancer and spinal cord injuries, and many other diseases and injuries.

The best scientists in the world, as I said, including many dozens of Nobel Prize winners and every Director at the National Institutes of Health say that embryonic stem cell research offers enormous potential to cure these illnesses, to ease suffering, to make the lame walk again.

H.R. 810 would have expanded Federal funding to pursue this research. But with the stroke of his pen today, the President vetoed this bill and dashed the hopes of millions of Americans.

This veto displays hypocrisy because the President describes the research as immoral. He himself provided Federal funding for it. His press Secretary, Tony Snow, claimed yesterday that using leftover embryos, even those already slated to be discarded, is tantamount to murder. That is the word he used. Here is his own words. Mr. Snow said:

> The President believes strongly that for the purpose of research, it is inappropriate for the Federal Government to finance something that many people consider murder.

Mr. Snow went on to say that the President is one of those people who consider the practice to be murder.

This is a very bizarre statement. First, H.R. 810 would not allow Federal funding to be used to derive human embryos. That is already prohibited by existing law. And I couldn't believe my ears today when I heard the President say that H.R. 810—which passed with 63 Senate votes, and passed with the majority of the House—would overturn over 10 years of Federal prohibitions against deriving embryos.

I couldn't believe the President said that. The bill expressly does not do that. How could he say that? Either A, he did not read the bill; B, his assistants didn't read the bill; or C, he is purposely misleading the American public.

We do not overturn what is called the so-called Dickey-Wicker amendment that prohibits Federal funds from deriving stem cells. That is existing law. Federal funding can only be used to conduct research on stem cell lines, not to derive them. That derivation has to be funded privately. The President himself has already supported that.

What is even stranger and more bizarre and more hypocritical is that the President has already endorsed embryonic stem cell research. Under the policy that he announced 5 years ago, on August 9, 2001—I remember it well. I was in Iowa. I was listening to the radio, listening to his speech because this was an area of interest to me. Senator SPECTER and I had the first hearings in 1998, right after Doctors Gearhart and Thomson had derived the first human embryonic stem cells at the University of Wisconsin. That was in November of 1998. We commenced hearings after that, and when I was

chairman I continued the hearings. So I was chairman of the committee at the time—and of the subcommittee—that funded these programs at the time, so I was listening to the President's speech.

Under the policy that he announced nearly 5 years ago, he allowed Federal funding—get this—he allowed Federal funding for research on embryonic stem cell lines that were derived before 9 p.m, August 9, 2001, but no Federal funding for any research on any lines derived after that date and time.

So let's look at this. Here is the stem cell hypocrisy. The President of the United States—President Bush—said that all the stem cell lines derived before August 9, 2001, at 9 p.m.—is morally acceptable. If they are derived after 9 p.m. on August 9, 2001, they are morally unacceptable. Who drew this line, I ask? What right does the President of the United States have to say that something is moral before 9 p.m. and immoral afterward? I mean, what about the lines that were derived at 9:05 p.m. or 9:30 p.m? Why is that line there? It is because the President arbitrarily drew it.

So I ask, if using discarded embryos to extract stem cells is murder, isn't it then immoral to allow Federal research on existing lines of embryonic stem cells, as the current administration policy permits? Murder is murder, Mr. President. So if you, Mr. President, are saying that it is all right for Federal funds to be used for research on stem cell lines derived before August 9, 2001, at 9 p.m., why is that any different from afterward? Why isn't it here murder and here it is not? And isn't it immoral to allow privately funded embryonic stem cell research to continue?

Now, again, as we heard many times on the Senate floor over the last couple of days of debate, privately funded embryonic stem cell research goes on in the United States, but according to the President, this is murder. And if it is really murder to take left over human embryos and cause them to cease to be embryos, but to take the stem cells out, why isn't the President using his authority, his moral authority to shut down all the in vitro fertilization clinics in America?

By his definition of murder, these clinics are institutions of mass murder because they routinely dispose of countless unwanted embryos. Virtually every time a couple goes to a fertility clinic, left over embryos are created. That is how the IVF—in vitro fertilization—process, works. Eventually, after moms and dads have had their children, when they have had all the children they want, they either call the clinic or the clinic calls them—someone has to pay to keep these frozen, so the clinic may call and say: Well, we have all these embryos left over. Do you want to continue to pay to have them frozen?

No, we don't want them anymore. You have our consent to discard them.

Every day this happens. If that is murder, then how can the President permit it to continue? Where is his outrage? Where is his outrage at the IVF clinics in this country? Why isn't he here proposing legislation to shut down in vitro fertilization in this country, make it a crime, a Federal crime to conduct in vitro fertilization?

In the President's narrow moral universe, it seems to be fine to destroy embryos—to throw them away as the byproduct of producing babies through IVF, but it is murder to use the embryos to conduct lifesaving research. Someone please explain the logic of that to me.

One more time: In the President's narrow moral universe, to take these unwanted embryos that are left over from in vitro fertilization clinics, throw them away, flush them down the drain, that is OK. To take the same embryos, extract the stem cells, keep them alive, keep them growing, to perhaps discover something that will save someone's life, that is murder.

I don't get it. Who gave the President the authority to draw that line? He may be the President of the United States, but he is not the moral authority for all Americans. I say, Mr. President, you are not our moral Ayatollah. You don't have that right, and you don't have that power. Oh, you can veto legislation. You can veto it. But you notice, when the President vetoed the bill today, he didn't veto it on the grounds it was unconstitutional. He did not veto it on the grounds it spent too much money. He did not veto it on any grounds that Congress exceeded its authority, none of the usual reasons that a President gives for vetoing a bill. He vetoed it because he said it is immoral, tantamount to murder.

No. I am sorry. It is hypocrisy at the extreme for the President to take that position. As I said, if you take the lines before August 9 at 9 p.m., it is OK; after August 9 at 9 p.m., it is not OK. No, you are not our moral Ayatollah, Mr. President. You may be our President, and I respect you for being the President of the United States. I respect the office. But I don't pay any respect to someone trying to dictate to me the moral authority of the President of the United States; that somehow you can define what is moral and what is immoral. Leave that to our religious leaders. Leave that to our theologians.

Why isn't the President prosecuting the many thousands of American men and women who use these IVF clinics? If their attempts to have children result in leftover embryos and their embryos eventually get discarded, aren't they complicit in murder? Let's say a couple had in vitro fertilization; they wanted to have children. They finally have their children, and they say: We don't want the rest of those embryos, you can discard them—because they have to approve it. Are they complicit in murder?

Under the President's narrow moral logic—I hate to call it logic—under the President's narrow moral view, any man or woman who allows their embryos to be discarded, something that happens every single day all over the country, is authorizing murder. Why is the President standing idly by? Why isn't he putting all these men and women in jail? I would have to warn him, though, there are over 50,000 babies born every year to couples via IVF. We are going to have to build a lot of jails if you are going to throw them all in jail for murder.

As I have said, the President's veto is cruel for dashing the hopes of millions of Americans who suffer. It is hypocritical, as I pointed out here, because the President says it is OK in one moment but it is not OK here.

I want to point out another thing the President gave misinformation about today. He said today that there were 22 lines, stem cell lines for research—from here on this chart. That is OK, you understand. That is morally OK because, according to the President, it was before 9 p.m. of August 9. I still don't understand that, but somehow that is morally OK. What he didn't tell you is that when he made this decision at 9 p.m. on August 9, at that time he said there were 78 lines. Now he says there are 22.

There is one other thing the President didn't say today and we all know is a scientific fact: Every single one of those stem cell lines is contaminated because they were all grown in Petri dishes with mouse cells to energize them and grow them—so they are all contaminated. They will not be used for human therapies. Many of those stem cell lines are sick. They are not viable. He didn't tell you that, either, did he? He didn't tell you that they are all contaminated with mouse cells. He didn't say that.

As I have said, it is cruel, it is hypocritical, and his veto today shows a shocking contempt for science, a disdain for science. I don't know who the President's science teachers were when he was in school, but I will bet none of them are bragging about it.

The President's political adviser, Karl Rove, told the Denver Post last week that researchers have found ''far more promise from adult stem cells than from embryonic stem cells.'' I hate to disagree with such a renowned biomedical expert as Karl Rove but, frankly, he does not know what he is talking about and his statement is absolutely, totally, irrevocably false.

Here is what Dr. Michael Clarke of Stanford University said about Mr. Rove's claim: It is ''just not true.'' I will take Dr. Clarke's word over Mr. Rove's any day of the week. Dr. Clarke is the director of the Stanford stem cell institute, and he published the first study showing how adult stem cells replicate themselves. So here is an authority on adult stem cells basically saying what Karl Rove said is just not true. Yet Karl Rove says it.

Dr. Stephen Teitelbaum also disagrees with Mr. Rove. Dr. Teitelbaum

is a professor of pathology at the Washington University School of Medicine in St. Louis, a former President of the Federation of American Societies for Experimental Biology. I spoke with him on the phone yesterday. He said something that struck me, and I wrote it down. He said if people want to disagree on moral grounds, that is fine. If people want to have a certain moral view of something, that is their right in our society. But they don't have the right to buttress their claims with misinformation and falsehoods. In other words, the President and Mr. Rove are entitled to their own moral opinions, whatever they may be. However narrow they may be, they are entitled to them. But they are not entitled to mislead the public with misinformation and falsehoods. And that is what the President did today. That is what the President did today.

The facts are that virtually every reputable scientist in this country believes in the promise of embryonic stem cell research to cure and treat diseases. It has the greatest potential to do so. By vetoing H.R. 810, the President is closing his heart and his mind to the facts, to the science, and to the strict ethical guidelines we put in the bill.

By his veto today, the President has put himself in some very illustrious company down through history, people such as Cardinal Roberto Bellarmino, who told Galileo that it was heresy for him to claim that the Earth went around the Sun. Religious teaching at that time said that the Earth was the center of the universe and everything revolved around the Earth. We forget that Galileo was sentenced to life in prison.

The President also puts himself in the company of people such as Pope Boniface VIII, who banned the practice of cadaver dissection in the 1200s, and for 300 years it was banned. There was no dissection of cadavers until finally someone came along who decided to do it and discovered all of the different ways the muscles work in the body. Of course, now we know that cadaver dissection from donated cadavers has led us to all kinds of medical breakthroughs and the understanding of how the human body works. But here was a Pope who said: No, you can't do it. Just like the President today—no, you can't do it. So the President can take his place alongside Pope Boniface VIII.

The President could also take his spot alongside people such as Rev. Edward Massey, who had this to say in 1722 in response to the new science of vaccination. Here is what Reverend Massey said:

> Diseases are sent by providence for the punishment of sin and a proposed attempt to prevent them is a diabolical operation.

Imagine how many millions of lives would have been lost if the Reverend Massey's ignorance had prevailed, if a President of the United States had said: You know, Reverend Massey is right, we are not going to permit vaccinations. Think of it. President Bush, take your place right alongside him.

I might add you don't even have to go back so far. The President has company in more recent times. Just a few decades ago, many religious people considered heart transplants to be immoral—heart transplants to be immoral. Others objected on moral grounds to the use of anesthesia during childbirth, saying that the Bible held that women were meant to suffer when delivering babies.

Many people opposed in vitro fertilization, one of those being Dr. Leon Kass. Guess what he was. He was the head of this President's Bioethics Council. Years ago, he opposed in vitro fertilization. Do you get the picture? And the President made him the head of his Bioethics Council.

I guess, Mr. President, you can take your place alongside Leon Kass, too. Tell all those wonderful families out there who have had babies through IVF, tell them that they were wrong, they should not have had them.

In all of these cases, we look back with a sense of astonishment that people could be so blinded by a narrow view of religion or ideology that they could stand in the way of scientific progress that has saved lives, eased pain and made life better for so many people.

Twenty or 30 years from now, history books will ask the same question about this President. People will wonder: How could he have objected to research that has led to so much good for so many people?

Maybe not in my lifetime—I don't know how long God will give me here on Earth. But maybe these young people's lifetimes here, the pages, maybe in their lifetime through the embryonic stem cell research that is being done in Great Britain, Korea, Singapore, and other places around the world where a number of scientists—because they are handcuffed to do that research here—will find a way of taking embryonic pluripotent stem cells and finding how they make nerve cells. And guess what. Just as they have done with rats—we have seen the films of rats with their spinal cords severed, taking embryonic stem cells from other rats and putting them into these rats and watching them walk again. As my departed friend Christopher Reeve, the first Superman, said after that, ''Oh, to be a rat.''

You all remember the tragedy of Christopher Reeve. He was paralyzed from the neck down. He fought so hard for embryonic stem cell research.

It has been said that we are 99 percent rat. I don't mean just us politicians. I mean humans. And politicians, maybe more. I don't know. But it is said of humans that we are basically 99 percent the same DNA as a rat. We can do it for rats. It is not hard to think that the same thing can be done for humans.

It is going to happen in their lifetimes—the lifetimes of these young people here today. Somewhere, in Great Britain, somewhere, they can do this research and we will find out how to take these cells—people like my nephew Kelly who hasn't walked for 27 years because of a spinal cord injury—and make it possible for people like him to walk again.

People will say, What was this President thinking? Like Pope Boniface VIII, like Cardinal Bellarmino, like Reverend Massey—how could the President have objected to this ethical good research that has led to so much good for so many people?

Let's be clear. Nothing could be more pro-life than signing this bill into law.

We all know people—friends or family members—with ALS or Parkinson's or juvenile diabetes or a spinal cord injury. What could be more pro-life than using the scientific tools that God has given us to help heal them?

White House spokesperson Tony Snow said yesterday, ''The President is not going to get on the slippery slope of taking something that is living and making it dead for the purpose of research.''

Again, I want to emphasize a couple of things. We carefully crafted H.R. 810 to impose strict ethical standards on embryonic stem cell research. This bill would not allow Federal funds to be used to create or destroy human embryos. The only embryos we are talking about are those already slated for destruction in the clinics. It is right there in the bill. Let me read it:

> Prior to the consideration of embryo donation and through consultation with the individuals seeking fertility treatment, it was determined that the embryos would never be implanted in a woman and would otherwise be discarded.

It is right there in the bill.

All we are saying is, instead of discarding some 400,000 embryos that are currently sitting frozen in storage, let us use some of them—as long as the donors give written informed consent—to help people who are suffering from diseases. I think it is this choice that is truly respectful of human life.

Besides, the stem cells that come from those embryos don't die. That is the amazing thing about stem cells. They keep reproducing themselves. They just keep reproducing themselves. They will be more alive when used as treatment in research than if they were washed down a drain or sit in storage for another hundred years.

Think about that. They talk about destroying these embryos. If you take an embryo from an IVF clinic and destroy it, wash it down the drain, that is the end of it. That really does destroy the embryo. That does kill it. That ends it.

But if you take that embryo and take the stem cells out—talking about a blastocyst which has about 100 or 200 cells—take some of those cells out, those cells live. They are alive. They do not die. They live. They grow. They became tissue, nerve tissue, bone tissue, or maybe they became other

things that we can use to help cure disease. They live. It seems to me that it is the pro-life position. Using research to improve people's lives is a true pro-life position.

Once again, the President has staked out an extreme ideological position—a position that flies in the face of science and common sense. He refuses to listen to any other point of view, including the pleas of Nancy Reagan, Republican supporters of the bill, scientists all over America, and people at NIH.

I was told that some Republican supporters of this bill requested an opportunity to talk with the President, and they were turned down. He didn't even want to talk to them.

As I have said, President Bush's veto is cruel, hypocritical, and absolutely disdainful of science. But I guess most of all, it is just sad. It is just sad.

On Monday and Tuesday, we had a great debate. On Tuesday we had a great bipartisan vote, 63 Senators, Republicans, Democrats, liberals, conservatives, pro-life, pro-choice, all came together to support life-saving research. That was also supported by more than 70 percent of Americans. It was a huge debate for millions of Americans suffering from disease and paralysis who might be cured by this life-saving research.

After the vote, I went upstairs. There was a young woman in a wheelchair. She must have been upstairs watching the vote. I didn't ask her name. She was using a wheelchair, and she said, ''Thank you—thank you for giving me hope.''

Today, the President slammed the door. He took that hope away. How sad. How sad.

The President insists that he knows better than the American people; he knows better than all of the scientists; he knows better than all the directors at the National Institutes of Health; he knows better than 63 Senators; he knows better than the majority of the House.

So with one arrogant stroke of his pen, he dashed the bill, dashed the hopes of millions of Americans. He vetoed the hopes. It wasn't just a veto of the bill. He vetoed the hopes of millions of Americans living with Parkinson's, ALS, juvenile diabetes, and spinal cord injuries.

Where is the President's compassion? How dare the President refer to himself as a compassionate conservative.

I don't think you can get much more conservative than Senator ORRIN HATCH, Senator SMITH, Senator LOTT, and a number of Senators here. I named them because they are cosponsors of the bill. You don't get much more conservative than that. Can you get much more conservative than Nancy Reagan? I don't think so. They were compassionate. They were truly compassionate.

My message to my nephew Kelly who waited 27 years, my message to millions of others whose hopes were raised this week and then sadly crushed today, my message is this: The President's veto is not the final word. It may be this year because to get the agreement to bring up the bill we had to agree that we wouldn't bring it up again this year. So it is over for this year. Perhaps next year, when Senator SPECTER and I will reintroduce this bill along with others in January, we will have more Senators here. We will have more Senators who represent the true wishes of the American people, who understand the necessity for moving ahead on stem cell research.

Maybe the voters this fall will speak about that. All those families who have someone with Parkinson's, Alzheimer's or juvenile diabetes, maybe they will say, Look, we need people in the Senate and in the House who will help us get over this veto.

The President's veto is not the final word. Science is on our side. Ethics is on our side. There is an election in November. It will be known where every candidate, where he or she stands on embryonic stem cell research. We will introduce it again in January. We will be back. We will not go away. And just perhaps we will have a few more Senators and a few more Members of the House who want to do the ethical, right thing, and help cure disease and suffering with the potential of embryonic stem cell research.

It is a sad day, a sad day, indeed. We will be back.

ORDER OF PROCEDURE

Mr. HARKIN. Mr. President, I ask unanimous consent that if the majority leader or his designee introduces a bill related to energy during Thursday's session, it be in order to move to proceed to that legislation on Friday.

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

Mr. HARKIN. I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m., Thursday, June 20, 2006.

Thereupon, the Senate, at 7:41 p.m., adjourned until Thursday, June 20, 2006, at 9:30 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING NOLAN K. STARK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Nolan K. Stark, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 41, and in earning the most prestigious award of Eagle Scout.

Nolan has been very active with his troop, participating in many Scout activities. Over the many years Nolan has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Nolan K. Stark for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP)

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. AL GREEN of Texas. Mr. Speaker, I would like to honor the National Association for the Advancement of Colored People—NAACP—for its 97 years of faithful service as champions of social justice on behalf of African-Americans and for fighting for almost a century so that all Americans could realize and experience the American dream. The NAACP has always been comprised of dedicated people who would not stand still while the rights of Americans of color were denied and they have built a legacy on ensuring that every single American was able to carry out their lives under the full protection of the law.

From the ballot box to the classroom, the dedicated workers, organizers, and leaders who make up this tremendous organization and maintain its status as an immense civil rights organization have been continuously fighting on the frontlines for social and economic justice.

Since the foundation of this great organization was laid down more than a century ago alongside the banks of the Niagara Falls, this movement has fought long and hard to ensure that the voices of African-American women and men would be heard. The legacy of pioneers such as W.E.B. DuBois, Thurgood Marshall, Rosa Parks, Mary Mcleod Bethune, Mary White Ovington, Joel Elias Spingarn and Roy Wilkins, along with the hundreds of thousands of nameless faces who worked tirelessly can not and must not be forgotten.

The history of the NAACP is one of sacrifice and suffering. From bold investigations of terrorist lynching, protests of mass murders, segregation and discrimination, to testimony before congressional committees on the vicious tactics used to bar African-Americans from the ballot box, it was the talent, determination, and tenacity of NAACP members that saved lives and changed many negative aspects of American society.

Mr. Speaker, Medgar Evers was a World War II veteran and a field secretary for the NAACP. This proud member of the NAACP was one of the many martyrs of the civil rights movement and his assassination at the hands of a white supremacist from Mississippi in 1963 helped prompt President John Kennedy to ask Congress for a comprehensive civil-rights bill, which President Lyndon Johnson signed into law the following year. Because of the continuous sacrifice of NAACP leaders and members like Medgar Evers, America is a better place than it was 40 years ago and because of the continuous effort of the NAACP America will provide a better tomorrow for all of our citizens.

Mr. Speaker, it is my privilege to honor the National Association for the Advancement of Colored People—NAACP—for its 97 years of faithful service on behalf of African-Americans as champions of social justice and for its leadership in the continuous struggle for civil and human rights for all.

MARRIAGE PROTECTION AMENDMENT

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Ms. MCCOLLUM of Minnesota. Mr. Speaker, once again this Republican led Congress is exercising an election year ploy with their attempt today to demonize gay and lesbian Americans. H.J. Res. 88 is an attempt to write hate and discrimination into our Nation's Constitution and disgracefully use this House to advance a cynical and cruel political agenda. While my Republican colleagues are actively working to transform the Constitution into a document of discrimination by passing H.J. Res. 88, the rest of America is concerned about very real and serious issues that this Congress is ignoring.

American families are concerned about real issues that affect their daily lives like the price of gasoline as it rises above $3 per gallon, the deteriorating situation in Iraq that is costing the American people the lives of their loved ones and $3 billion per week, and they are deeply concerned about the skyrocketing cost of healthcare and prescription drugs while at the same time insurance and drug companies report massive profits. The American people are not threatened by men and women in loving and committed relationships. They are threatened and at risk by a do-nothing Congress that ignores the real challenges facing America.

President Bush and his followers seek to permanently enshrine discrimination and hate as part of our Constitution. Nothing could be more disgraceful and fundamentally un-American. I am committed to defeat this intolerance and work tirelessly for equal rights, justice and respect for all Americans. Gay and lesbian Americans are citizens who must never be treated as second class citizens, as H.J. Res. 88 proposes. They must be guaranteed what America's founding fathers called for in the Declaration of Independence when they stated, ''all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness.''

I urge my colleagues to reject discrimination and hate by voting against H.J. Res. 88.

RECOGNIZING JEFFREY AARON WULFF FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jeffrey Aaron Wulff, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Jeffery has been very active with his troop, participating in many Scout activities. Over the many years Jeffery has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Jeffery Aaron Wulff for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING BENJAMIN L. HOOKS

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. AL GREEN of Texas. Mr. Speaker, I would like to honor the life, legacy, and leadership of Benjamin L. Hooks. For 15 years Benjamin L. Hooks presided over America's largest and most influential organization for African-Americans, the National Association for the Advancement of Colored People, NAACP. Under his leadership, the influence of this organization was greatly enhanced, adding several hundred thousand new members to its

ranks. Beginning in 1977, when he became executive director of the NAACP, he began issuing formal opinions on topics as diverse as the lack of Black executives in Hollywood, the role of the Black middle class on the improvement of life in the low-income areas, and the 1991 nomination and confirmation of Judge Clarence Thomas to the U.S. Supreme Court.

Benjamin L. Hooks was born in Memphis, TN in 1925, the fifth of seven children of Robert B. and Bessie Hooks. Although his family was comfortable by so-called Black standards, Hooks would recall wearing hand-me-down clothes and watching his mother stretch the groceries so everyone had enough to eat. Hooks's parents were both hard-working Americans, and his grandmother was the second Black woman in the United States to graduate from college—Berea College in Kentucky.

During the Second World War, Benjamin L. Hooks found himself in the humiliating position of guarding Italian prisoners of war who were allowed to eat in restaurants that were off limits to him because he was not White. The experience helped to deepen his resolve to fight against all forms of discrimination in the United States. After his wartime service—he was promoted to the rank of staff sergeant—he would later head north to Chicago to study law at DePaul University. Even after putting his life on the line for his country, no law school in his native Tennessee would admit him simply because he was not White.

Hooks earned his J.D. degree in 1948 and promptly returned to Memphis, vowing to help break down segregation. He passed the Tennessee Bar examination and opened up his own law practice, confronting prejudice at every turn. By the late 1960s Hooks worked as a judge, a businessman, a lawyer, and a minister. Twice a month he flew to Detroit and preached at the Greater New Mount Moriah Baptist Church. Always dedicated to the civil rights struggle, he constantly made himself available to the NAACP as needed for civil rights protests and marches.

On November 6, 1976, the 64-member board of directors of the NAACP elected Hooks executive director of the prominent civil rights organization. Dr. Hooks and his wife handled the NAACP's business and helped to plan for its future for more than 15 years. He told the New York Times that a ''sense of duty and responsibility'' to the NAACP compelled him to stay in office through the 1990s. In February of 1992, at the age of 67, he announced his resignation from the post after many years of faithful and dedicated service. The service of this great leader will never go unforgotten.

Mr. Speaker, it is my privilege to honor the life, legacy, and leadership of Benjamin L. Hooks.

HONORING JEANNE SANITATE ON HER ACHIEVEMENTS AT THE VETERANS ANNUAL WHEELCHAIR GAMES

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. ANDREWS. Mr. Speaker, I rise today to honor Jeanne Sanitate, a disabled Air Force veteran from Medford, New Jersey on her three gold medals and one bronze medal in the 26th Annual Veterans Wheelchair Games in Alaska.

The 26th Annual Wheelchair Games took place July 3–8, 2006 and is the largest annual wheelchair sports event in the world. This event is committed to improving the quality of life for veterans with disabilities and fostering better health through sports competition. Jeanne Sanitate joined more than 500 people, both novices and experienced athletes, for a week of competition in more than 15 events. Jeanne Sanitate won her gold medals in bowling, Air-Gun Para, and table tennis. She also collected a bronze in softball. This was her first time competing in the games, and she competed as a Class IV in the novice division.

Mr. Speaker, I celebrate the accomplishments of Jeanne Sanitate at the 26th Annual Veterans Wheelchair Games. I applaud her past service to this country as a veteran and her remarkable athletic abilities and personal achievements.

RECOGNIZING SEAN ALEXANDER BURNS-SPRUNG FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sean Alexander Burns-Sprung a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop, participating in many scout activities. Over the many years Sean has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Sean Alexander Burns-Sprung for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CARIBBEAN-AMERICAN HERITAGE MONTH

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Ms. LEE. Mr. Speaker, I rise today to pay tribute to the Caribbean American community in honor of the first-ever National Caribbean American Heritage Month.

On June 27, 2005, the House unanimously adopted H. Con. Res. 71, my resolution to declare June National Caribbean American Heritage Month. On February 14, 2006, the Senate followed suit, thanks to the work of Senator SCHUMER of New York and Arielle Goren on his staff.

And let me begin by recognizing the many people who helped realize this 2-year bipartisan, bicameral effort, because this was quite a feat. First, I want to recognize our colleague, a great leader on so many issues and especially on health care, Congresswoman DONNA CHRISTENSEN from the Caribbean, who has been tremendous in terms of bringing us together to address the issues of health disparities throughout our country and throughout the world.

Also, I would like to thank the Institute of Caribbean Studies, especially Dr. Claire Nelson and her team, for joining us in this effort from the very beginning.

And we must recognize our friends from the Caribbean diplomatic corps, who worked so hard to spread the word about this effort both at home in the Caribbean and in their embassies and consulates across the country.

There are many Members of Congress who supported this effort. In addition to early support from my colleagues in the Congressional Black Caucus and Friends of the Caribbean Task Force, the former chair of the Western Hemisphere Subcommittee, Representative Cass Ballenger, was the first Republican to endorse this bill, and his successor, Chairman DAN BURTON, was one of the first to help urge the President to issue an official proclamation.

This was truly a bipartisan effort, with, of course, our chairman Mr. HYDE of the International Relations Committee and our ranking member Mr. LANTOS, who lent their very strong support.

And, of course, we never would have done any of this without our staff. First, let me commend and thank my staff person Jamila Thompson for her leadership and for her commitment to not only this issue and this bill, but for so many of the efforts that she mounts. She has roots in the Bahamas, and she understands the importance of recognizing Caribbean Americans and their proper role and proper recognition in our country.

Also, we had many other House staff members—Ted Brennan, Jack Scharfen, Paul Oostburg, Dan Getz, Mark Walker, and Michael Layman—who worked in a bipartisan way to make this a reality and really to realize this dream for many, many people.

The Government Reform Committee, Chairman TOM DAVIS, and our Ranking Member HENRY WAXMAN applauded the passage of this resolution last year and were instrumental in its passage.

And, of course, in the final weeks before the proclamation was issued by the White House, a coalition was formed that was very instrumental in urging the White House to officially declare June National Caribbean-American Heritage Month. This coalition included Senator MEL MARTINEZ from Florida, Ambassador Tom Shannon, State Department's Assistant Secretary for the Western Hemisphere, and Brian Nichols of his staff.

And the Caribbean American community was very active around this effort. It could not have been done without them. From Glenn Joseph and John Felix in Florida; to Jean Alexander, Horace Morancie, and Anthony Carter in New York; to Shorron Levy in California and so many others across the country, this became, quite frankly, an international grassroots effort.

So I am pleased that on June 5, the President responded by officially declaring June National Caribbean American Heritage Month.

We have some phenomenal spokespersons Sheryl Lee Ralph and basketball legend Rick Fox, who are traveling throughout the country.

Sheryl Lee Ralph is a woman of Caribbean descent from Jamaica actually, and is a great actress as well. Her voice on HIV and AIDS, as well as promoting and spreading the word about Caribbean American Heritage Month, will be very valuable in terms of making sure that our entire country knows about the phenomenal contributions of Caribbean Americans.

On a very personal level, my relationship with persons of Caribbean descent began with the late great former member of this body, the first African American woman elected to Congress, Congresswoman Shirley Chisholm. I worked as a volunteer in her historic 1972 Presidential campaign. As a woman of Barbadian and Guyanese descent, Congresswoman Chisholm never forgot her roots and connections to the Caribbean. Her work, whether it was fighting for equal access to education in the United States Congress or Haitian refugees in detention camps, her commitment always stemmed from her faith and her strong Caribbean values.

When the United States-Caribbean relations began to deteriorate over the war in Iraq, the coups in Haiti, and the Cuban embargo, I knew that we needed to go back and really recognize our deep and strong relations with the Caribbean. So we need to send a message of goodwill to the Caribbean American community.

Soon I will be introducing the Shirley Chisholm Caribbean Educational Exchange Act of 2006 to provide existing and expanded educational exchanges between our country and the Caribbean.

This legislation has two components:

First it supports and expands existing primary and secondary training programs currently operating in the Caribbean.

And second it establishes the Shirley Chisholm Educational Exchange program structure for U.S. and Caribbean high school, undergraduate and graduate students, and professional scholars.

I would like to close by reminding those here in Congress and others watching at home that during Caribbean-American Heritage Month, each of us should look to the past and to the future in recognizing the strong role of the Caribbean and the Caribbean-American community in United States history.

Thank you. Mr. Speaker. This process was really an exercise in democracy, and I ask unanimous consent to insert into the CONGRESSIONAL RECORD a list of organizations from across the country that supported this effort:

The Secretary of State Condoleezza Rice and CARICOM Foreign Ministers included the following statement in their joint press release issued at the conclusion of the US–CARICOM Ministerial Meeting held in The Bahamas in March 2006:

''The Ministers and the Secretary of State welcomed the recent resolution of the U.S. Congress to commemorate Caribbean American Heritage Month in June. The resolution is a recognition of the deep and lasting human ties that bind the United States and the Caribbean.''

This bi-partisan effort to create a National Caribbean-American Heritage Month is supported by Ambassador Albert Ramdin, Assistant Secretary General of the Organization of American States, the Caucus of CARICOM Ambassadors in Washington, DC, and the following organizations:

The Institute for Caribbean Studies, DC; Caribbean-Central American Action, DC; Caribbean American Chamber of Commerce of Florida, Inc.; The West Indian American Day Carnival Association, NY; Caribbean-American Cultural Association, Inc. of North America (CACANA), FL; Caribbean-American Center of New York; Conference of Heads of Caribbean Organizations of Central Florida; TnT International, Inc.; The Caribbean American Chamber of Commerce and Industry—Greater Washington Area Network; South Florida Caribbean Diaspora Task Force; Trinidad & Tobago Working Women's Committee, DC; Caribbean Association of World Bank Group and IMP Staff, DC; Caribbean American Chamber of Commerce and Industry, Inc. (CACCI), NY; Global Exchange, CA; Caribbean Peoples International Collective, NY (CPIC); The St. Lucia Nationals Association; Andrea M. Ewart, P.C.; Dominica Academy of Arts & Sciences, DC; Metro Atlanta Caribbean Cultural Arts Centre, Inc. (MACCA); The Washington Office on Latin America (WOLA); The Caribbean Voice, NY; Northern California Caribbean American Heritage Month Committee; Central Florida's Caribbean Sun Newspaper; The Guyanese Society of St. Louis; The Caribbean Club in Mount Vernon, NY; Caribbean Professional Networking Series, DC; Caribbean World Arts & Culture, Inc.; St. Kitts and Nevis Association of Metropolitan Washington; The West Indian Social Club of Hartford. Inc.; The Inter-American Economic Council; Sunrise Symphony Steelpan Corporation; Barbados Assoc. of Central Florida; Jamaican American Association of Central Florida; Grenadian-American Educational and Cultural Organization of Central Florida, Inc.; Caribbean and Floridian Association, Inc. (CAFA); Guyanese American Cultural Association of Central Florida; Orlando Carnival Association, Inc.; Alliance of Guyanese Expatriates of Central Florida; Caribbean Students' Association at the University of Central Florida; Jamaican/American Partners in Education, GA; Central Florida Cricket League; Caribbean Bar Association (Central Florida Chapter); Antigua and Barbuda Association of Central Florida; Association of Asian Cultural Festivals, Inc.; Caribbean Community Connection of Orlando, Inc.; Trinidad & Tobago Association of Central Florida; Suriname American Network; Haitian American Support Group of Central Florida, Inc.; Caribbean-Guyana Institute for Democracy; The Indo-Caribbean Council, NY; The Haitian American Historical Society, FL; Caribbean American Intercultural Organization; Sistas-With Style, CA; Dominican American National Roundtable, DC; West Indian Social Club of Hartford, Inc.; Caribbean American Society of Hartford; The Ballentine Group; Jamaica Progressive League; St. Lucian American Society of Hartford; Mico Alumni Association Inc.; Guyanese American Cultural Association; Connecticut Haitian American Organization, Inc.; Barbados American Society of Hartford; Sportsmen Athletic Club & Cricket Hall of Fame; Cultural Dance Troupe of the West Indies; Trinidad and Tobago Steel Symphony; Jamaica Ex-Policeman Association of Connecticut; West Indian American Newspaper; Center for Urban & Caribbean Research; CAYASCO, Inc.; Martin Luther King Jr. Soccer League; Morancie Family Reunion, Inc., NY; Tropical Paradise Restaurant and Juice Bar, NY; Jamaica Nationals Association, DC; Medgar Evers College, NY; Carriacou Charitable Health Services, Inc., NY; The Caribbean World News Network, NY; The Shirley Chisholm Cultural Institute for Children, Inc., DC; Caribbean Research Center, NY; Montserrat Progressive Society of NY, Inc.; The Georgia Caribbean-American Heritage Month Planning Committee, GA; Ainsley Gill & Associates LLC, DC; SOCA Warriors United, NY; The Black Diaspora, NY; Sunrise Symphony Steelpan Orchestra, Inc., NY; Gloria's In & Out Restaurant, NY; Virgin Islands Association, DC; CCB International, Inc., NJ; TATUCA, NY; Callaloo Magazine, NY; Department of African American Studies, Ohio University; Hannah's Place International, NY; Guyana Folk Festival, DC; Caribbean Sunshine Awards, NJ; Trinidad and Tobago Business Association, Inc., NY; RAJHUMARI Center for Indo-Caribbean Arts & Culture, NY; Mauby Media Services, NY; Merrymakers Cultural Association, NY; Caribbean People's Association, NJ; Trin-American Social & Cultural Association, DC; Trinidadian and Tobagonians Inc., NY; Gasparillo Group, NY; Trinidad and Tobago Association of Washington, MA; Caribbean Journal, NY; St. Anthony's Spiritual Baptist Church, PA; Friends of the Caribbean, Inc., DC; The International Consortium of Caribbean Professionals (ICCP); Tropicalfete.com, NY; St. Louis-Georgetown Sisters Cities Committee, MO; Virgin Islands Association of the District of Columbia (VIA); Patterson Dental Clinic, NJ; Barbados American Society of Hartford, Inc.; TransAfrica Forum, DC; Caribbean-African-American Hotline, Ads, News, Gospel & Global Events (411XCHANGE), NY; Belizean Information & Services International, NY; St. Vincent and the Grenadines Nationals Association of Washington, DC; eCaroh Caribbean Emporium, MA; Caribbean American Weekly (CAW), NY; Council of St. Vincent and the Grenadines Organizations U.S.A., Inc., NY; St. Vincent Benevolent Association; Bequia United Progressive Organization, Inc.; Chateaubelair Development Organization; Club St. Vincent, Inc.; Canouan United Social Organization, Inc.; Friends of the St. Vincent Grammar School; Girls High School Alumnae; Hairoun Sports Club; St. Vincent and the Grenadines Humanitarian Organization; Mas Productions Unlimited; Striders Social and Cultural Organization; St. Vincent and the Grenadines Ex-Police Association; St. Vincent and the Grenadines Ex-Teachers Association; St. Vincent and the Grenadines Nurses Association; United Vincie Cultural Group of Brooklyn; Concerned Americans for Racial Equality, NY; Benevolent Missions of Atlanta, Inc. (BMA); Barbados Association of Greater Houston; Bahamian Junkanoo Association of Metropolitan DC.; The National Coalition on Caribbean Affairs (NCOCA), MD.

H. CON. RES. 71 COSPONSORS (81) DURING THE 109TH CONGRESS

Representatives BECERRA, BERKLEY, BERMAN, S. BISHOP, C. BROWN, S. BROWN,

BORDALLO, BURTON, BUTTERFIELD, CAPUANO, CARSON, CHRISTENSEN, W.L. CLAY, CLYBURN, CONYERS, CROWLEY, CUMMINGS, D. DAVIS, J. DAVIS, DELAHUNT, ENGEL, FALEOMAVAEGA, FARR, FATTAH, FEENEY, FORD, FORTUÑO, B. FRANK, A. GREEN, GRIJALVA, GUTIERREZ, A. HASTINGS, HONDA, JACKSON-LEE, JEFFERSON, E.B. JOHNSON, TUBBS JONES, KAPTUR, KILPATRICK, KUCINICH, KUHL, LANTOS, LEWIS, LOFGREN, MALONEY, MCCARTHY, MCDERMOTT, MCGOVERN, MCKINNEY, MCCOLLUM, MEEK, MEEKS, MENENDEZ, MILLENDER-MCDONALD, G. MOORE, NADLER, NAPOLITANO, NORTON, OWENS, PALLONE, PAYNE, RANGEL, RUSH, T. RYAN, SERRANO, D. SCOTT, SCHAKOWSKY, SHIMKUS, SLAUGHTER, SOLIS, B. THOMPSON, TOWNS, VAN HOLLEN, VELÁZQUEZ, WATERS, WATT, WEINER, WEXLER, WOOLSEY, WYNN

H. RES. 570 CO-SPONSORS DURING THE 108TH CONGRESS (65)

Representatives PAYNE, NEY, CHRISTENSEN, Ballenger, OWENS, RANGEL, SERRANO, HASTINGS (FL), TUBBS JONES, MCDERMOTT, MEEK (FL), CLYBURN, CAPUANO, WATT, LEWIS, A. DAVIS, B. SCOTT, S. BISHOP, B. THOMPSON, NORTON, EDDIE BERNICE JOHNSON, WATERS, CUMMINGS, KILPATRICK, RUSH, LOFGREN, TOWNS, GRIJALVA, D. SCOTT, Majette, WEINER, MEEKS (NY), Acevedo-Vilá, CONYERS, KUCINICH, WYNN, JACKSON-LEE, SWEENEY, BERMAN, DELAHUNT, WOOLSEY, FEENEY, SHIMKUS, VAN HOLLEN, ENGEL, Deutsch, WATSON, Ballance, MENENDEZ, BERKLEY, JEFFERSON, RUPPERSBERGER, LANTOS, ISRAEL, GONZALEZ, LACY CLAY, WEXLER, ROS-LEHTINEN, FORD, JACKSON, MILLENDER-MCDONALD, C. BROWN, D. MOORE.

CARIBBEAN-AMERICAN HERITAGE MONTH, 2006—BY THE PRESIDENT OF THE UNITED STATES OF AMERICA—A PROCLAMATION

During Caribbean-American Heritage Month, we celebrate the great contributions of Caribbean Americans to the fabric of our Nation, and we pay tribute to the common culture and bonds of friendship that unite the United States and the Caribbean countries.

Our Nation has thrived as a country of immigrants, and we are more vibrant and hopeful because of the talent, faith, and values of Caribbean Americans. For centuries, Caribbean Americans have enriched our society and added to the strength of America. They have been leaders in government, sports, entertainment, the arts, and many other fields.

During the month of June, we also honor the friendship between the United States and the Caribbean countries. We are united by our common values and shared history, and I join all Americans in celebrating the rich Caribbean heritage and the many ways in which Caribbean Americans have helped shape this Nation.

Now, Therefore, I, George W. Bush, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim June 2006 as Caribbean-American Heritage Month. I encourage all Americans to learn more about the history of Caribbean Americans and their contributions to our Nation.

In Witness Whereof, I have hereunto set my hand this fifth day of June, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

GEORGE W. BUSH.

TRIBUTE TO CHARLIE LOUVIN

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. COOPER. Mr. Speaker, I rise today to salute one of the great voices in American music and a resident of my hometown of Nashville: Charlie Louvin.

Charlie just celebrated his 79th birthday at a day-long celebration held at the Louvin Brothers Museum in Nashville last weekend. Folks from around the country came to wish Charlie well and to thank him for his many great musical accomplishments on stage as a performer, and to recognize his extraordinary songwriting achievements.

Charlie Louvin's career has spanned more than six decades and earned him a following that cuts across all music genres and generations.

Charlie Louvin was born Charlie Loudermilk in Alabama in 1927. Along with his older brother Ira, he grew up listening to the Grand Ole Opry on the radio at night and dreamed of a career on the stage of Opry.

Changing their name to Louvin, the brothers made their first musical performance on July 4th, 1940, playing background music for the merry-go-round at a country fair. From that time on, the Louvins became known for a distinctive style of harmony singing that blended gospel harmonies with country influences. They performed regularly across the South, particularly in Alabama and Tennessee, building a following that would earn them attention—and a recording contract—in Nashville.

From the mid-1950s through the early 1960s, the Louvin Brothers had over twenty entries on Billboard's country chart, including "Cash on the Barrelhead" and "You're Running Wild." The Louvins would achieve their childhood dream, invited to join the Grand Ole Opy in 1955. Ira Louvin would die in a tragic automobile accident in 1965 but Charlie would continue on his own to record, perform and win the hearts of music lovers everywhere.

In the late 1960s and early 1970s, groups like The Byrds and country rocker Gram Parsons introduced rock fans to the Louvins' talents, recording some of their classic songs. In 2002, Charlie was inducted into the Country Music Hall of Fame and, the following year, artists as diverse as James Taylor, Patty Loveless, Merle Haggard and Dolly Parton joined together to pay tribute to the Louvins. The result was a special CD: "Livin', Lovin', Losin': Songs of the Louvin Brothers" that became a must-have recording for country and rock fans alike. Even today, Charlie is apt to be found on stage performing alongside the likes of Cake, the popular rock band he recently toured with, or on stage at the Opry.

As one of Nashville's most highly respected musicians and writers, I congratulate Charlie Louvin on his 79th birthday—and for creating music that is just as relevant today as it was 50 years ago.

RECOGNIZING JACOB LEE BUEHLER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Jacob Lee Buehler, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many scout activities. Over the many years Jacob has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Jacob Lee Buehler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO MR. JOSE R. CORONADO

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. CUELLAR. Mr. Speaker, I rise today to honor Mr. Jose R. Coronado, Director of the South Texas Veterans Health Care System, on his coming retirement on July 21st, 2006, from his years of Federal service and outreach to the veterans of South Texas.

Jose R. Coronado was born and raised in Benavides, Texas. He attended the Texas College of Arts and Industries at Texas A&M University-Kingsville, and graduated in 1957 with a Bachelor of Science in Zoology/Chemistry. This was followed by a Masters of Science Degree in Education/Administration from Texas A&M University-Kingsville. He began his long, illustrious Federal career when he was selected by the Veterans Administration through a national competition to attend the U.S. Army-Baylor University Graduate Program in Healthcare Administration where he earned his second Masters Degree in 1973. Mr. Coronado is also an Army veteran from the 11th Armored Cavalry Regiment where he served as a Battalion Operations Sergeant from 1953 to 1955.

His experience in the Army led him to his first position with the VA as an Administrative Officer in the Research Department of the Veterans Administration Medical Center in the City of Houston, Texas. This was the start of a long, illustrious career with the Veterans Administration, where he is now the Director of the South Texas Veterans Health Care System in the City of San Antonio. He was responsible for a healthcare delivery system which has an annual budget of $404.4 million; three divisions, namely that of the Audie L. Murphy Division, the Kerrville Division, and the Satellite Clinic Division. The South Texas Veterans Health Care System is also affiliated with the University of Texas Health Science Center in San Antonio, which enables it to

have an ambulatory care program with outpatient clinics in Corpus Christi, Laredo, McAllen, San Antonio, and Victoria.

In addition to his lifelong involvement in the medical community, Mr. Coronado was honored as a member of the Senior Executive Service of the United States with three Presidential Rank Awards by Presidents Ronald Reagan, George H. Bush, and Bill Clinton. In addition to these prestigious awards, Mr. Coronado has received the Regent's Award in 2002 from the American College of Health Care Executives, the 1995 Ray E. Brown Award by the Association of Military Surgeons in the United States, and other numerous awards.

Mr. Speaker, I am honored to have had this time to recognize the wonderful dedication of Jose R. Coronado to the City of San Antonio and to the medical community of South Texas, and I thank you for this time.

MARRIAGE PROTECTION AMENDMENT

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. TIAHRT. Mr. Speaker, I rise in strong support of H.J. Res. 88, the Marriage Protection Amendment offered by Representative MARILYN MUSGRAVE.

The resolution reads: ''Marriage in the United States shall consist solely of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.''

This resolution is identical to the resolution that was voted on by the House on September 30, 2004. Although the House received a majority vote on the previous resolution, H.J. Res. 106, it wasn't enough for a constitutional amendment. The American people are overwhelmingly supportive of a constitutional amendment that will protect traditional marriage between one man and one woman. In fact, since the vote in 2004, 16 States have passed State constitutional amendments to protect and defend traditional marriage, including my home State of Kansas. By an overwhelming margin of 70–30 percent, Kansans passed such an amendment in April 2005. The American people have been heard. Now it is time to ensure the will of the people be protected by passing a constitutional amendment that will define marriage as the union of one man and one woman. With activist judges overruling the will of the people time and time again, there is no other way than to amend the U.S. Constitution.

Marriage is the foundation of our society.

The well-being and welfare of children should always be our focus. Children that are raised in a home with a married mother and father consistently do better in every measure of well-being than their peers who come from divorced or step-parent, single-parent, cohabiting homes. When there is a breakdown in the family or failure to form marriages becomes widespread, society is harmed by a whole host of social pathologies from increased poverty, crime, mental illness, illegal drug use to clinical depression, and suicide. The very best environment for children, our most vulnerable members of society, should be of the utmost importance. I will continue to fight for children and families and to defend the will of the people of the Fourth District of Kansas.

Next month, I will celebrate my 30th anniversary of marriage with my beautiful bride, Vicki. Our marriage has been a blessing. I have gained even more respect for the institution over the past 3 decades and will defend it against attack.

I vote in favor of protecting traditional marriage between one man and one woman today and I encourage my colleagues to vote for H.J. Res. 88.

RECOGNIZING ANTHONY CHARLES CHANDLER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Anthony Charles Chandler, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 270, and in earning the most prestigious award of Eagle Scout.

Anthony has been very active with his troop, participating in many scout activities. Over the many years Anthony has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Anthony Charles Chandler for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THANK YOU, CYPRUS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. McGOVERN. Mr. Speaker, every year I have taken the time to remember the Black Anniversary of the Turkish Invasion of Cyprus. Thirty-two years ago, in 1974, Turkish forces invaded northern Cyprus and seized control of more than one-third of the island. In 1983, these illegal occupiers arbitrarily declared the territory to be an independent state. This so-called ''Turkish Republic of Northern Cyprus'' remains to this day shunned by the international community, recognized as legitimate only by Turkey.

This year, an ''invasion'' of another sort is taking place during this anniversary. The Republic of Cyprus has opened its skies, its communities, and its facilities to thousands of European and American evacuees fleeing the fighting in Lebanon. By boat, by ferry, by airplane these French, Italian, British, American and other evacuees arrive safely on Cypriot soil. There they find peace for the first time in many days as they make arrangements to return to their own homelands and family members, anxiously awaiting their safe return.

The Cyprus government has organized reception and hospitality for all foreign nationals arriving at the Larnaca Port from Lebanon. The Cyprus government is opening up hotels, and providing temporary housing in schools, exhibition spaces and prefabricated housing for evacuees while they arrange the next stage of their journey home. I am inserting a July 19 ANA–MPA wire story on the hospitality of the Cyprus Republic for all the evacuees landing on their shores.

As I see the many photos and broadcast images of evacuees from Lebanon arriving safely in Cyprus, my heart is too full to speak this year about the dark events of three decades past. I only wish to say ''thank you'' to President Papadopoulos and to the people of Cyprus, thank you for the sanctuary you are providing and serving as a critical transit point for these shell-shocked individuals and families.

The island of Cyprus remains divided because of the brutality and intransigence of just one country, Turkey. But this anniversary the world has witnessed the compassionate heart of the only true nation of Cyprus as it has embraced these evacuees and helped each of them find their way home.

MORE FLEE LEBANON VIA CYPRUS

NICOSIA.—Organising the reception and hospitality of foreign nationals arriving in Larnaca from Lebanon is a coordinating committee set up by the Cyprus government, which oversees the activities of the various government services and other bodies involved.

There is heightened activity and traffic at Larnaca port as hundreds of Europeans and Americans arrive on boats from Beirut.

Arrivals on Wednesday included the Norwegian ship ''Hual Transporter'' with more than 1,100 people on board, mostly of American or Scandinavian origin.

The U.S. Ambassador to Cyprus Ronald Schlicher said that several thousand U.S. citizens were expected to arrive on Cyprus, who would stay in hotels or—if there were not enough beds—in schools and an exhibition space equipped with tents and prefab housing provided by the Cyprus government.

Thanking Nicosia, Schlicher said that the Cyprus Republic had offered significant assistance and that this could be a good opportunity to deepen U.S.-Cyprus cooperation.

Later on Wednesday, the Panamanian-flagged ship ''Oriental Queen'' is expected to arrive at the port in Limassol carrying another 800–900 Americans, to be followed by the cruise ship ''Serenate'' that will left off passengers that were on a scheduled cruise to Port Said in Egypt and then depart immediately without passengers.

The Greek ferry boat ''Ierapetra'', chartered by the French government, set sail for Beirut at dawn on Wednesday to pick up another 2,000-odd people, followed by the Greek Navy tank-landing craft ''Alcyone'' soon after it arrived from Greece.

According to an announcement by the Greek armed forces general staff, meanwhile, the tank-landing craft ''Ikaria'' was expected to arrive in Beirut at 14:30 on Wednesday afternoon.

The foreigners arriving in Cyprus are mostly leaving from Larnaca airport, or staying at hotels until arrangements for their departure can be made.

Meanwhile, during the U.S. State Department briefing on the Lebanon evacuation efforts, Assistant Secretary for Consular Affairs Maura Harty expressed gratitude for help offered by the Cyprus Republic.

''We're so grateful to them . . . Cypriots have met every helicopter and ship with sandwiches and water and juice. They're just

being fantastic. Department of Defense is meeting planes as well for security reasons and for protection purposes,'' she said.

She also noted that the U.S. was trying to minimise the time spent by its citizens on the island and would try to coordinate the arrival of ships with chartered planes to take them home, as far as possible.

''We just want that throughput to be as efficient as it can be. So there is bottled water. There is a fair grounds that we have rented. There are some air-conditioned facilities. The Cypriot Civil Defense Force has been very helpful to us in what they have provided,'' she added.

IN RECOGNITION OF MASTER ARTIST WAN KO YEE

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mrs. JONES of Ohio. Mr. Speaker, I rise today in recognition of Master Artist Wan Ko Yee, an exceptional artist whose work has been exhibited throughout the world. His work encompasses the genres of painting, calligraphy, literature, and sculpture. Philosophically, his paintings reflect Buddhist themes and the ideas of tolerance and peace between nations. In esthetic terms, his paintings are infused with balance and an appreciation of the natural world.

It is my hope that cultural diplomacy will begin to have enhanced value in coming years as a means of building understanding between nations. Toward this end, it is important to create awareness of the history and culture of Asian communities in this country and throughout the world.

In 2003, Master Artist Wan Ko Yee exhibited selected works at the House of Representatives in an exhibit that was well attended and appreciated. He has been recognized by the Royal Academy of Arts of the United Kingdom, and the Organization of American States. I commend Master Artist Wan Ko Yee on his artistic contributions.

RECOGNIZING DANIELLE McCURDY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Danielle McCurdy of Blue Springs, Missouri. Danielle recently won the Comcast Leaders and Achievers Scholarship sponsored by Comcast and the Comcast Foundation. She will formally receive the award on July 26, 2006.

Danielle completed a lengthy nomination and selection process, and was chosen from a field of numerous qualified candidates. Comcast recognized Danielle's leadership skills, dedication to community service, positive attitude, and academic achievement.

Comcast and the Comcast Foundation have committed a significant portion of their resources toward motivating young people. In Danielle, Comcast found a high school student who will surely be a force for positive change in the community.

Mr. Speaker, I proudly ask you to join me in recognizing Danielle McCurdy of Blue Springs, Missouri. Danielle's commitment to excellence is remarkable, and I am honored to represent her in the United States Congress.

HONORING THE LIFE AND SERVICE OF JOHN EDWARD PECHMANN

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. McINTYRE. Mr. Speaker, I rise today to pay special tribute to an outstanding leader in Southeastern North Carolina, Mr. John Edward Pechmann. Mr. Pechmann unexpectedly passed away on July 15, 2006. John leaves behind a wife, Amy, and son, Jack, but his legacy and contributions will live on in the hearts and minds of many for generations to come.

In lamenting the loss of this great man, The Fayetteville (NC) Observer eloquently described John as ''a Renaissance man—a talented lawyer, a fine fisherman, a skilled manager, an expert antiques collector, and a devoted father and husband.'' As head of the North Carolina Wildlife Resources Commission, John dedicated his life to ensuring that our outdoors were enjoyed, protected, and sustained. Indeed, in 2001, John received the Governor's Award as North Carolina's Conservationist of the Year. As a lawyer, John displayed the integrity and honor that reflects the best of our judicial system. As a leader in the community of his beloved home and state, Fayetteville, North Carolina, John never saw a challenge too great and never met a stranger he did not want to help. As a father and husband, John always put family first and loved the time he spent with his son fishing. Next month, there will be a fishing education center dedicated in his honor at Lake Rim in his home county of Cumberland. Although, John will not be there in person to rightfully receive the honor and praise he so deserves for his commitment to fish, wildlife, and the environment, the center will be a lasting memory that all can enjoy and strive to emulate.

Samuel Logan Bringle, the legendary leader in the Salvation Army, once said some very important words that are reflective of the character and life of John. He said, ''The final estimate of a man will show that history cares not one iota about the title he has carried or the rank he has borne, but only about the quality of his deeds and the character of his heart.'' Indeed, John Pechmann has reflected this through his sacrifice and commitment.

Mr. Speaker, dedicated service to others combined with dynamic leadership has been the embodiment of John's life. May we all use his wisdom, selflessness, and integrity as a source of inspiration and encouragement during our walk on this earth. Indeed, may God bless to all of our memories the tremendous life and legacy of John Edward Pechmann.

MICROSOFT'S ''OPEN PLATFORM PRINCIPLES'' ANNOUNCEMENT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. INSLEE. Mr. Speaker, I commend Microsoft's announcement today that it will adopt a set of ''Open Platform Principles'' that will govern the development of Windows desktop operating systems.

Four years ago, the Justice Department rejected calls to force Microsoft to remove code out of Windows and to reorganize its business. Instead, the department adopted a consent decree setting out basic rules to preserve competitive opportunities for other companies, while ensuring that Microsoft could continue to improve its products. As a result, the U.S. software industry is thriving with competition and innovation.

The ''Open Platform Principles'' that Microsoft announced today give me tremendous confidence that innovation and competition will continue. The principles broaden the Department's consent decree and makes them a standard part of how Microsoft does business. They give every company, large and small, confidence that they will be treated fairly and can compete equally.

In 2004, the European Commission ordered Microsoft to delete code out of Windows. To the commission's shock, absolutely no one bought this substandard version of Windows. The commission now appears intent on actively managing how Microsoft designs Vista, its new platform. Microsoft's new guiding principles ensure that Windows will continue to be a great platform for innovation and competition. The fact that Microsoft adopted these principles voluntarily shows that it recognizes the important responsibilities that come with being an industry leader. I congratulate Microsoft for taking this important and forward-looking step.

RECOGNIZING SOPHIA LEE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Sophia Lee of Blue Springs, Missouri. Sophia recently won the Comcast Leaders and Achievers Scholarship sponsored by Comcast and the Comcast Foundation. She will formally receive the award on July 26, 2006.

Sophia completed a lengthy nomination and selection process, and was chosen from a field of numerous qualified candidates. Comcast recognized Sophia's leadership skills, dedication to community service, positive attitude, and academic achievement.

Comcast and the Comcast Foundation have committed a significant portion of their resources toward motivating young people. In Sophia, Comcast found a high school student who will surely be a force for positive change in the community.

Mr. Speaker, I proudly ask you to join me in recognizing Sophia Lee of Blue Springs, Missouri. Sophia's commitment to excellence is remarkable, and I am honored to represent her in the United States Congress.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Ms. LEE. Mr. Speaker, on Monday, July 17, 2006, I missed rollcall votes Nos. 375, 376, and 377. Had I been present, I would have voted ''aye'' on H.R. 3085, ''nay'' on H.R. 3496, and ''aye'' on H.R. 3279.

TRIBUTE TO JONATHON SOLOMON

HON. RAÚL GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRIJALVA. Mr. Speaker, I rise today to remember and honor a great American who has recently passed away.

Last week, Jonathon Solomon, a leader and elder of the Gwich'in Nation, passed away in Alaska. A lifelong advocate on behalf of his people, Jonathon was an inspiration to many and was instrumental in the fight to protect the birthplace of the Porcupine Caribou Herd in the Arctic National Wildlife Refuge. As a Traditional Chief of Fort Yukon, Jonathon was raised in the traditional subsistence lifestyle, depending on the Porcupine Caribou herd as his ancestors before him had for a millennium. To the Gwich'in, there is no more sacred place than the calving grounds of the caribou herd upon which their way of life depends. Jonathon was one of the leading Gwich'in voices on a myriad of issues. He halted the construction of a dam in the 1960's that would have flooded several Gwich'in villages, and was one of the first native leaders to work on the Alaska Native Claims Settlement Act. However, it was protecting the sacred calving grounds of the Porcupine Caribou Herd that was the most significant issue in Jonathon's life.

His work to protect the Arctic Refuge began in 1978, when the House was debating the Alaska National Interest Lands Conservation Act. In 1988 when the House was considering oil drilling in the calving grounds in the Arctic Refuge, Jonathon helped organize the first Gwich'in Gathering. At the gathering, the Gwich'in Steering was created, and the first resolution of the Gwich'in Nation, calling for permanent protection of the caribou calving and nursery grounds as congressionally designated wilderness, was passed. In 2002, he and two other Gwich'in leaders were honored with the prestigious Goldman Environmental Prize for their work to protect the calving grounds in the Arctic Refuge.

I had the great honor of meeting Jonathon during one of his many trips to Washington, DC, to talk with Members about the threat of oil drilling to the way of life of the Gwich'in people. Jonathon was ever an optimistic advocate, dedicated to his people, and sure in his cause. His funeral will be today in Fort Yukon, Alaska, and it is my privilege to honor him this morning.

RECOGNIZING TYSON R. STARK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Tyson R. Stark a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 41, and in earning the most prestigious award of Eagle Scout.

Tyson has been very active with his troop, participating in many Scout activities. Over the many years Tyson has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Tyson R. Stark for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING SHARON DALY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mrs. LOWEY. Mr. Speaker, I rise today to recognize the accomplishments of Sharon Daly and to congratulate her on being named a Human Needs Hero by the Coalition on Human Needs.

Sharon Daly has had a long, distinguished career serving the most vulnerable people in our society with a level of compassion and commitment that is unrivaled.

After hearing from numerous women escaping family violence that ineligibility for food stamps was a major hardship, Sharon played a vital role in convincing Congress that change was necessary, In 1980, federal law was changed so that women residing in battered women's shelters and families with high child care expenses could receive food stamps.

In addition, Sharon fought to secure benefits for people with disabilities and mental illness and played a critical role in garnering momentum for enactment of the Family and Medical Leave Act as well as an expansion of the Earned Income Tax Credit and family preservation/child welfare services.

In her almost 30 years of work in Washington, DC, Sharon has worked at the Children's Foundation, the U.S. Conference of Catholic Bishops, the Children's Defense Fund, and Catholic Charities USA. Additionally, she provided expert leadership on the Board of the Coalition on Human Needs, including serving as Chairwoman from 1994 to 2000. Her career has been marked by remarkable dedication to providing help to those in need.

Mr. Speaker, I am proud to recognize my good friend Sharon Daly for an unparalleled career fighting for those who may be unable to fight for themselves, and I urge my colleagues to join me in honoring her tremendous accomplishments.

PERSONAL EXPLANATION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. NADLER. Mr. Speaker, my train was delayed, and as a result, I missed three votes on July 17, 2006. I ask that the RECORD reflect that had I been able to, I would have voted ''aye'' on rollcall vote No. 375, regarding the Trail of Tears National Historic Trail; ''aye'' on rollcall vote No. 376, regarding Federal contributions to the Washington Metropolitan Area Transit Authority; and ''aye'' on rollcall vote No. 377, the Federal Judiciary Emergency Tolling Act.

MARRIAGE PROTECTION AMENDMENT

SPEECH OF

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. MARKEY. Mr. Speaker, the world around us is engulfed in a state of peril. Our soldiers in Iraq are facing increased violence, Israel is fighting a multi-state sponsored terrorist organization, India was ravaged by a series of rail bombings last week, development in Afghanistan is being stifled by warlords, North Korea is testing the limits of its neighbors with missile tests, Iran is testing the international community's patience and defying its commitment to the Non-Proliferation Treaty, Mexico is heavily divided over its ''Florida-like'' uncertain presidential election, the humanitarian crisis in Sudan rages on.

Here in the homeland, we struggle to pick up the pieces after Katrina, millions of Americans are living in poverty, the minimum wage hasn't risen in nearly 10 years, we're shortchanging our veterans coming home from Iraq, families are struggling to send their kids to college, school districts face confusion over the implementation of No Child Left Behind, seniors face difficulties paying for their prescription drugs, major cities are receiving less homeland security funds, and consumers are paying over $3 a gallon at the pump.

How do we respond to these challenges? The Republican leadership says we should spend our time making sure that two adults who love each other cannot form a marriage. Is this why our founding fathers created the greatest democracy in the world—to keep people apart? Our country and our world deserve better than this. To say that the threat of same sex marriage is so great that it requires the alteration of our Constitution to include discriminatory language is a slap in the face to those that have fought for equality and civil rights.

We already debated gay marriage nearly two years ago with the Defense of Marriage Act. States that don't want to honor other states civil unions don't have to.

I believe that states should have the right to grant same-sex marriages or offer couples the same legal rights as those of other couples. I share this position with Vice President DICK CHENEY. This flagrant attempt to include discrimination into our Constitution is nothing but

election year politics and the American people deserve better.

TRIBUTE TO PHIL MOELLER

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Miss MCMORRIS. Mr. Speaker, I rise today to recognize Phil Moeller for being appointed and confirmed as Commissioner for the Federal Energy Regulatory Commission. He was confirmed by the Senate last Friday and will serve in this position through 2010.

I have known Phil for over a decade and believe he has a unique background that will enable him to address the challenges and opportunities of our 21st century energy system. He is a native of Spokane, owns a farm in eastern Washington, and fully understands Northwest energy issues. Phil's work at the state and federal level, as well as in the private sector, has proven effective in his approach to solve problems but also strive to develop consensus on the most challenging issues.

Phil maintains the highest ethical and personal standards of achievement and conduct. His work ethic, combined with his in-depth knowledge of energy markets, hydroelectricity, oil and gas, transmission systems and our overall energy supply makes him ideal to serve as a Commissioner for FERC.

Phil served as energy policy advisor to former U.S. Senator Slade Gorton, and most recently served as the Washington representative for Alliant Energy Corp. He also worked for nearly 10 years as the staff coordinator for the Washington State Senate Committee on Energy, Utilities and Telecommunications.

Mr. Speaker, I rise today to commend Phil Moeller for his exceptional work to protect and develop Northwest energy and wish him the best of luck as he begins his new position as Commissioner for FERC.

ON THE 25TH ANNIVERSARY OF THE PUBLIC LAW CENTER IN ORANGE COUNTY, CALIFORNIA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to congratulate the Public Law Center for its 25 years of service to the people of Orange County, California.

Thousands of Orange County lower-income residents have benefited from the myriad of pro bono services that the PLC offers. The PLC has amassed an army of legal professionals to help our community. They hold community legal clinics every-other months. For more specific needs, they help refer clients to specialized private attorneys.

The PLC also provides assistance to local community organizations, the non-profits that understand all the challenges that our less fortunate Orange County brothers and sisters face. What would we do if we didn't have the PLC to help navigate the complicated world of employment contracts and housing agreements?

The PLC is there too for needy families, and to individuals with special needs, like people living with HIV/AIDS.

I am very grateful for the Public Law Center's work with members of the South East Asian community. Our Vietnamese community especially requires and deserves special attention, as they face legal and cultural challenges which are unique to them.

One challenge in particular is dealing with the awful scourge of human trafficking. I am proud to call the PLC a partner—along with St. Anselm's Cross Cultural Center, the cities of Santa Ana, Garden Grove and Westminster, along with other community organizations—in their work with the Orange County Human Trafficking Coalition. The U.S. Congress recently recognized the work of the Coalition by awarding it with a Federal law enforcement grant. While the Federal Government works with local law enforcement to arrest and prosecute the traffickers, the PLC and its partners work to provide services to victims. This cooperation is a model for public private cooperation.

In its 25 years, the Public Law Center has worked on countless cases, and its service to our community is immeasurable. I can only wish its board, staff and volunteers another 25 years of continued success and service.

INTRODUCTION OF THE ''PROTECTING CHILDREN'S HEALTH IN SCHOOLS ACT OF 2006''

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. DINGELL. Mr. Speaker, helping children learn and be successful in life should be a priority for us. It is unfortunate the Bush administration does not agree. This bill, the ''Protecting Children's Health in Schools Act of 2006'', will stop the harmful Medicaid cuts proposed by the President so that disabled children can continue receiving the medical services they need in order to continue to learn in school. Without this bill, the administration's actions are placing children's health and education in jeopardy by leaving the brunt of the burden on already stretched State education systems.

Since 1986 Federal Medicaid policy has explicitly recognized the essential nature of the link between Medicaid and health care for low-income children whose special healthcare needs make management of and access to treatment in school settings an imperative. Recent actions by the administration, however, including audits and proposed regulatory cuts in payments to schools for providing healthcare services in the President's FY2007 budget, have created an atmosphere of uncertainty about the continued ability of children with serious and chronic health conditions to get the health care they need that will allow them to attend school in mainstream, community settings.

Rather than discouraging the provision of health care in schools, the administration should be providing extensive technical assistance to States to optimize children's opportunities to receive needed school-based health care. This would enable them to learn in community educational settings instead of being forced to remain at home, which is fully permitted under the current law. Close to 7 million children currently receive education and related services through school districts ranging from assistive technology for students with hearing disabilities to personal aides for students with several developmental or physical disabilities. These services are determined, based on a student's medical needs, to be necessary for the ''appropriate'' education of that student.

This bill I am introducing with Representatives WHITFIELD, MILLER, and many others, would set forward clear guidelines in the statute for providing and receiving reimbursement for this care, rather than put schools, families, and their disabled children, and States in a situation where they are uncertain whether or not these medically-necessary services and the related administrative and transportation costs will be covered under Medicaid. This legislation has the support of the American Association of School Administrators, the American Federation of Teachers, the National Education Association, the National Rural Education Advocacy Coalition, the Council of Great City Schools, and the National Association of State Directors of Special Education, among other organizations.

The administration's current moves and proposed budget cuts curtailing Medicaid coverage and provision of health services in schools endanger the health and educational opportunities for 7 million children. This bill, in essence, maintains and protects current law coverage for children with special needs.

TRIBUTE TO THE OWEGO, NEW YORK, FIRE DEPARTMENT HOSE TEAMS

HON. SHERWOOD BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. BOEHLERT. Mr. Speaker, it is my pleasure to honor the Owego, New York, Fire Department Hose Teams for placing first and second at the Central New York Firematic Hose Races on July 16, 2006, during the 113th Annual Central New York Firemen's Convention in New York Mills, New York.

In a superb victory, Owego's Susquehanna House Company #1 secured the overall points title, successfully defending its title from last year and winning its third and final leg on the overall traveling trophy. Three legs are required to retire the traveling trophy. This year's victory marks the second time the Owego team has successfully retired the trophy. Since the inception of firematic hose races in the 1940's, Owego has won 12 championships. In addition, Owego's Croton Hose #3 team finished second overall.

Team members for the Susquehanna House Company #1 included J.T. Fisher, Patrick Gavin, Tim Gavin, Danny Gavin, and Lou Striley. The Owego Fire Department proudly protects 26,000 residents, and its members participate on a volunteer status. Therefore, the winners deserve to be recognized not only for their excellent performance, but also for their outstanding service to the community as firefighters.

Both teams have donated their prize money, a total of $350, to the Owego Fire Department

Training Tower Fund in memory of fallen firefighter Steve Gavin, who hose raced for Owego teams for 34 years before his passing in the fall of 2003. I commend the winners for this noble tribute in honor of a man who gave so much to his family and community.

On behalf of the entire 24th Congressional district, I congratulate the Owego teams for their achievements, and for their tireless service to the Owego community.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mrs. BONO. Mr. Speaker, I would like to commend Representatives CASTLE and DEGETTE for their tireless efforts on behalf of H.R. 810, the Stem Cell Research Enhancement Act of 2005. This important legislation provides much needed expansion of federal policy while implementing stricter ethical guidelines for this research.

I would be remiss in my commendation if I failed to mention the work of former first lady Nancy Reagan, who has been a true leader on this issue. I would like to reiterate a point made in one of her oft quoted statements on this issue, ''We have lost so much time already. I just really can't bear to lose any more.'' Time is one commodity that we cannot create, we cannot stop and we cannot afford to waste. The American people have made clear their support for this research, and I am proud that Congress has acted. We have passed this critical stem cell legislation in both the House and the Senate. We are on the brink of moving forward in a scientific endeavor that has the potential to ease the pain and suffering of millions—to be stopped here is to deprive millions of hope.

While I commend President Bush for taking the initiative in 2001 to provide Federal funds for stem cell research, I am deeply disappointed with the decision to move ahead with this veto. Many human diseases arise from a defect in a single gene; muscular dystrophy, cystic fibrosis, and Huntington's disease, to name a few. Embryonic research provides an unparalleled opportunity to understand and perhaps correct some of the errors that result in these medical conditions.

My own State of California has already moved ahead by establishing the Institute for Regenerative Medicine, which will devote $3 billion to embryonic stem cell over the next 10 years. As the people of California did, Congress now has the opportunity to permit embryonic stem cell research, which will allow scientists throughout the entire country to search for cures and to stay competitive with the rest of the world.

The President's veto today is not in line with the hope that he created in 2001. His leadership at that time opened a critical door to some of the most promising research of our generation, and embryonic stem cell research will enhance and advance that vision of progress. I will be voting to override this veto and I urge my colleagues to do the same.

BRIDGING YEARS OF TENSION

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. DELAHUNT. Mr. Speaker, sometimes we get it right. When we do, it's worth celebrating.

Next week on Cape Cod, in my congressional district, leaders of the Wampanoag Tribal Council will sit down with officials of Mashpee, Massachusetts, to discuss the future of the town—together.

Just a few years ago, such a meeting would have been inconceivable. The chasm between the aspirations of the Wampanoags and the fears of other local residents resulted in a generation of ill will among neighbors. Today I take to the floor of the House of Representatives to salute the people—all the people—of the Town of Mashpee for finding the higher road.

As my colleagues may know, the federal Bureau of Indian Affairs recently granted preliminary approval to the Mashpee Wampanoag's petition for tribal designation. After a public comment period now underway, it is expected that the BIA will authorize full tribal status next spring.

This designation has national significance for the tribe that originally welcomed the Pilgrims to our shores. Closer to home, its anticipation could have salted old wounds. Instead, it has inspired new collaboration. When town and tribal representatives meet next week, it will affirm our collective respect for the quality of life that has long defined Cape Cod—weaving diversity with common purpose.

This is uncharted and perhaps challenging territory, but it is an opportunity that most communities never enjoy. It begins with the considerable financial benefits—for the Tribe, for the Town and our region—that accompany tribal status. However, the decision of the Town and the Tribe to embrace this opportunity will also yield a benefit less tangible but at least as valuable: a spirit of renewal as a community, in the name of all Mashpee residents and their families.

As the following newspaper editorial outlines, ''Federal recognition . . . is not simply for tribal members . . . it's about Mashpee, and that can be good for all of us. It's hard to contemplate a firmer foundation for . . . the months and years ahead.''

[From the CapeNews.net]

MASHPEE EDITORIAL: A MOST ENCOURAGING LETTER

Since March 31, when the Mashpee Wampanoag received initial recognition as a federal tribe, Mashpee selectmen have been eager to get talks underway to find out what full federal acknowledgment next year will mean for the wider community. As weeks passed without any tangible response from the tribe, selectmen became a little impatient and also a tad wary, asking why tribal council members seemed unwilling to talk. From the tribe's standpoint, the lack of response was more akin to: ''What's the hurry? We've waited 30 years for federal recognition. Be patient, talks will happen in due time.''

Then, on May 10, Town Counsel Patrick Costello had an initial discussion with William McDermott, an attorney for the tribe, at Mr. McDermott's West Roxbury office. A month passed before the next exchange.

On June 12, Mr. Costello wrote a letter to Mr. McDermott laying out seven topics the selectmen want to discuss with the tribal council. Mr. Costello wrote: ''I believe that, most, if not all, of these topics are typical subjects for discussion between federally recognized tribes and neighboring local government entities.''

Perhaps so, but the dominant theme was land. What was the tribe going to do with its own land in Mashpee? What were its plans for acquiring additional land in town? What role would land claims play in acquisition?

Tribal council members have repeatedly said that there would be no return to the land suit days and that Mashpee property owners have nothing to fear from federal recognition. They have also promised that they would not bring casino gambling to Mashpee or anywhere else on Cape Cod. But selectmen believe they have a responsibility to get these two issues formalized. Town Manager Joyce Mason and the selectmen released Mr. Costello's letter and we published the full text June 16. This public airing took Mr. McDermott by surprise because he said it was his intention to keep the initial talks private.

What comes into play here is something that can add perhaps unintended tension: the very different standings of the town and the tribe. The Mashpee Wampanoag have both political and cultural leaders. They are a large extended family and a private corporation. Meetings of the tribal council are not open to non-tribal members. They don't have to make their every move public.

While selectmen can and do meet in executive session, the substance of those meetings is known in outline, whether it's litigation, for example, or a personnel issue. But outside of his carefully defined framework, selectmen are bound to conduct the town's business in public. As political leaders, they also have a vested interest in the public's knowing that they are acting responsibly in regard to the $42 million town budget and the approximately $5 billion worth of property in Mashpee. Releasing Mr. Costello's letter may not fit into the tribe's more private way of conducting business, but it lets Mashpee residents who are skeptical of unwritten agreements know that town officials are taking their fiduciary responsibilities seriously. If the tribe's delay in wanting to open talks raised concerns at town hall, these must have been somewhat alleviated Monday with the arrival of a letter from Mr. McDermott to Mr. Costello. At the selectmen's meeting Monday night, there was an almost palpable sense of relief at the most encouraging tone of Mr. McDermott's words on the tribe's behalf.

In response to the selectmen's seven topics for discussion, the tribe lists six of their own: affordable and stable housing; local public education; police and fire protection; healthcare; transportation infrastructure; and preservation and conservation of lands and waters.

The encouraging and positive tone is set in Mr. McDermott's first sentence. The six issues detailed in the letter are ones ''the tribe believes are mutual objectives for the both the town and the tribe, and should be discussed when the two meet.''

Mr. McDermott's second sentence gets to the nub of selectmen's concerns: ''First, however, the tribe has asked me to reiterate, in response to Items 3 and 4 in your June 12 letter, the tribe's prior commitments that it will not conduct gaming activities in the Town of Mashpee or on Cape Cod, and that it will not make any claims to private lands or file suit asserting such a claim in connection with the tribe's efforts to acquire lands within the town.''

The discussions, which can begin ''any time during the week of July 24 that is convenient for the town,'' Mr. McDermott

writes, ''can lead to a mutually cooperative framework between the tribe and town to improve the quality of housing, education, law enforcement, fire protection, public safety, health care, transportation, and preservation of lands and water in a way that will improve the life of all residents of Mashpee.''

In essence, with these words, the Mashpee Wampanoag are bridging years of tension in a wonderfully generous and inclusive manner. Federal recognition and its financial advantages is not simply for tribal members, they are saying, it's about Mashpee, and that can be good for all of us. It's hard to contemplate a firmer foundation for the private and public talks and conversations in the months and years ahead.

HONORING MARY AND JIM HORN FOR THEIR LIFETIME OF SERVICE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. BURGESS. Mr. Speaker, I rise today to honor Mary and Jim Horn for their lifetime of service to the city of Denton as well as the State of Texas.

Ms. Mary Horn, formerly Mary Roberts, has had an important leadership role in both the government and business realms. Before she served as the first and only female Denton County Tax Assessor-Collector, she rose from the position of a flight attendant to become the Manager of Special Operations at Braniff. She was the first woman in that company to serve as an executive. From there, she moved on to manage her own business from 1982 to 1992, After serving two terms as the Denton County Tax Assessor-Collector, she ran and was overwhelmingly elected Denton County Judge. Again, she became the first and only woman thus far to serve in that capacity.

In 1998, she was awarded the Outstanding Volunteer Award of the Denton County Republican Party. She was honored at the Texas Federation of Republican Women during their Tribute to Women at State Convention. In 1999, she was nominated for the ''Tax Assessor-Collector of the Year'' Award.

Representative Jim Horn served in many important leadership roles. In 1969, he led the Aerosmith Corporation as the Executive Vice President. He followed this with a move to the role of Precinct Chairman. He then served as Denton County Republican Party Chairman and as the elected Committeeman on the State Republican Executive Committee. In 1980, he became the first Republican to be elected county-wide to a State legislator in over 100 years. To top off his career, Representative Horn was recognized for his efforts with the honorable ''Hat's Off'' Award for his many years of loyal service to the city of Denton as well as the State of Texas.

Representative Jim Horn and his lovely wife Judge Mary Horn will be recognized in August for their many achievements with the dedication of the Mary and Jim Horn Government Center. Mr. Speaker, it is with great honor that I stand here today to recognize them for their tireless public service. It has been a pleasure working with them both and representing them in Washington. I know that the city of Denton and the State of Texas would have been at a loss without their leadership.

STATEMENT RECOGNIZING THE ACCREDITATION OF THE FIELD MUSEUM OF NATURAL HISTORY IN CHICAGO BY THE AMERICAN ASSOCIATION OF MUSEUMS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to recognize the recent accreditation of the Field Museum of Natural History in Chicago by the American Association of Museums. Accreditation is awarded to less than 5 percent of museums in the United States, and the Field Museum now stands among those few museums honored for its high professional standards and excellence in education and stewardship. Anyone who has ever been to the Field Museum knows than an award for excellence befits this well-known Chicago institution.

Mark Twain wrote, ''It is hopeless for the occasional visitor to try to keep up with Chicago—she outgrows his prophecies faster than he can make them. She is always a novelty; for she is never the Chicago you saw when you passed through the last time.'' Twain's comment remains timeless. Chicago's wonderful museums are never the same since the last time you walked down their halls, especially the Field Museum.

As we speak, hundreds of thousands of advance tickets have been booked from visitors around the world who are waiting to experience the Field Museum's latest exhibition, Tutankhamun and the Golden Age of the Pharaohs. The Museum's commitment to educational programs for people from all backgrounds and educational levels, provides an important window to our world and an educational venue paralleled by few institutions of its type. The exhibits contained within the Field Museum elucidate remote and ancient cultural practices from around the world for others to learn. Their archaeological work has produced astonishing finds from the earth's past. Current groundbreaking work in avian genetics may expose important information that will help address an avian flu pandemic. Beyond traditional museum activities, the Field Museum, in collaboration with the Chicago Cultural Alliance, contributes to Chicago cultural life in many ways. Together the Alliance is developing an innovative program that targets at-risk youth by engaging them in arts workshops that allows them to address issues of identity, conflict resolution, and their heritage. These are but a few of the ways the Field Museum enriches all of our lives through discovery, education, and community outreach.

Museum staffs go to great lengths to consult State educational curricula and guidelines when designing exhibits, thereby further enhancing the quality and relevance of the museum experience. Each year, we spend over $1 billion to create and stage educational exhibits and special programs. The men and women of the Field Museum are to be commended for their dedication to stewardship, rigorous research, and the creative educational ways they reach out to the community to feed people's curiosity and wonder for the world in which we live. Just as the American Association of Museums recognized the Field Museum of Natural History with accreditation, today I also want to celebrate and congratulate those responsible for the amazing work that transpires within and outside its halls.

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. PAUL. Mr. Speaker, the issue of government funding of embryonic stem cell research is one of the most divisive issues facing the country. While I sympathize with those who see embryonic stem cell research as providing a path to a cure for the dreadful diseases that have stricken so many Americans, I strongly object to forcing those Americans who believe embryonic stem cell research is immoral to subsidize such research with their tax dollars.

The main question that should concern Congress today is does the United States Government have the constitutional authority to fund any form of stem cell research. The clear answer to that question is no. A proper constitutional position would reject federal funding for stem cell research, while allowing the individual states and private citizens to decide whether to permit, ban, or fund this research. Therefore, I will vote to uphold President Bush's expected veto of H.R. 810.

Unfortunately, many opponents of embryonic stem cell research are disregarding the Constitution by supporting S. 2754, an ''acceptable'' alternative that funds non-embryonic stem cell research. While this approach is much less objectionable than funding embryonic stem cell research, it is still unconstitutional. Therefore, I must also oppose S. 2754.

Federal funding of medical research guarantees the politicization of decisions about what types of research for what diseases will be funded. Thus, scarce resources will be allocated according to who has the most effective lobby rather than allocated on the basis of need or even likely success. Federal funding will also cause researchers to neglect potential treatments and cures that do not qualify for federal funds.

In order to promote private medical research, I have introduced the Cures Can Be Found Act (H.R. 3444). H.R. 3444 promotes medical research by providing a tax credit for investments and donations to promote adult and umbilical cord blood stem cell research and providing a $2,000 tax credit to new parents for the donation of umbilical cord blood from which to extract stem cells. The Cures Can Be Found Act will ensure greater resources are devoted to this valuable research. The tax credit for donations of umbilical cord blood will ensure that medical science has a continuous supply of stem cells. Thus, this bill will help scientists discover new cures using stem cells and, hopefully, make routine the use of stem cells to treat formerly incurable diseases.

H.R. 3444 will benefit companies like Prime Cell, which is making great progress in transforming non-embryonic stem cells into any cell type in the body. Prime Cell is already talking

to health care practitioners about putting its findings to use to help cure diseases.

Companies like Prime Cell are continuing the great American tradition of private medical research that is responsible for many medical breakthroughs. For example, Jonas Salk, discoverer of the polio vaccine, did not receive one dollar from the federal government for his efforts.

Mr. Speaker, there is no question that forcing taxpayers to subsidize embryonic stem cell research violates basic constitutional principles. However, S. 2754 also exceeds Congress's constitutional authority and may even retard effective adult stem cell research. Therefore, I urge my colleagues to vote against S. 2754 and vote to uphold President Bush's veto of H.R. 810. Instead, I urge my colleagues to support H.R. 3444, the Cures Can Be Found Act.

SUPPORT FOR REPRESENTATIVE MOLLOHAN

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. HEFLEY. Mr. Speaker, there is enough blame to go around. The minority leadership of the House has politicized the ethics process for partisan political gain. Likewise, the majority party has tried to take control of the ethics process again for partisan reasons.

I have been encouraged recently that the House Ethics Committee is again taking action in investigative matters. I am disappointed, however, that Representative ALAN MOLLOHAN (D–WV), the former ranking minority member, is being given blame by some for inactivity of the committee over the last 16 months.

If I put myself in Representative MOLLOHAN's position, I am not sure I would have acted any differently. The House Ethics Committee is the only House committee that has an even number of Republicans and Democrats. Due to the nature of the committee and the important work it conducts, all committee activity should be conducted on a bipartisan basis.

As I review the events at the start of the 109th Congress, it leads me to the conclusion that several important actions were conducted by the majority without consulting the minority. These partisan actions were contrary to the nature and spirit of the way business has been, and should be, conducted by the Ethics Committee. If I had been the ranking member of the Ethics Committee and the majority party had arbitrarily and unilaterally changed the rules I would have had an obligation to react, just as Representative MOLLOHAN did. If I had been the ranking member and the majority party unilaterally fired the senior committee staff in contradiction to rules which say both the majority and minority must agree, I would have had to react, just as Representative MOLLOHAN did. If I had been the ranking member and the majority party tried to put a partisan chief of staff in as the staff director for the Ethics Committee in contradiction to the standards of a nonpartisan staff I would have had to react, just as Representative MOLLOHAN did.

In other words, I feel Representative MOLLOHAN did exactly what was expected of him as the ranking minority member when the bipartisan nature of the ethics process was unilaterally challenged by the majority. He had the courage to stand up to partisan actions when he should have.

My experience with Representative MOLLOHAN when we served together on the Ethics Committee during the 108th Congress is that he was completely nonpartisan and that he would absolutely take no instructions from his leadership on the conduct of the Ethics Committee. That was my philosophy as well, and should be the stance of all who serve on this important committee.

Representative MOLLOHAN has recently been dealing with some other issues that I know nothing about and won't speak to, but as the committee chairman I couldn't have asked for a more thoughtful and considerate ranking member to work with.

His successor as ranking minority member on the Ethics Committee, Representative HOWARD BERMAN (D–CA), is an excellent choice. I have also worked with Representative BERMAN on the committee and I have the highest respect for him.

In conclusion, it is apparent to me that the leadership of both parties have forgotten the importance of a bipartisan ethics process in the House. The Ethics Committee proved during the 108th Congress that, working in a bipartisan manner, it could handle politically sensitive and difficult cases.

Both parties need to return to a bipartisan Ethics Committee and bipartisan ethics process or the House as a whole will continue to suffer.

INTRODUCTION OF THE TEACHER CENTER ACT OF 2006

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. MILLER of California. Mr. Speaker, I am pleased today to introduce the Teacher Center Act of 2006.

First and foremost, I want to thank our teachers for their dedication and commitment to taking on all of the demands of their profession. We ask them to perform miracles every day in our underfunded and overcrowded system. And we owe it to them and to their students to provide more than rhetoric about our commitment to supporting teachers and helping them succeed.

Teacher quality is the number one in-school influence on student achievement. Congress recognized this when we passed the No Child Left Behind law and we've come a long way in making sure that every child is taught by a highly qualified teacher. In NCLB we also took a major step forward in improving professional development opportunities for our Nation's teachers. We moved away from 1-day workshops that were not connected to the curriculum and, instead, provided resources to help States and local school districts develop programs that provide continuous, high-quality professional development. This was—and is—essential to meeting the Nation's goal of high standards of learning for every child.

Now we have a responsibility to go to the next step, building on innovative models of dynamic professional development. Teachers tell us that in order to better meet the learning needs of students, particularly those with the greatest needs, it is essential that we support teachers in honing their instructional skills and techniques with a full repertoire of research-based, proven strategies. We need to pay heed to their call.

The Teacher Center Act of 2006 builds on NCLB by assisting teachers in helping students meet high academic standards. Teacher Centers align professional development with state standards and district curricula and incorporate research about proven classroom strategies—all while meeting high levels of rigor and expertise in both the design and delivery of services.

Teacher Centers employ a strategy in which professional development is made available ''for teachers, of teachers, and by teachers.'' Teachers' voices drive and design the services, which are delivered by expert, practicing teachers and other experts. Teacher Centers provide teachers with opportunities to take charge of their own professional growth and take a lead in the decision-making and implementation of staff development programs based on their needs.

One of the most exciting elements of Teacher Centers is the focus on data-driven instruction in which test results and other indicators of student need are used to drive classroom instruction and strategies. While Teacher Centers give priority focus to literacy and math, they also highlight other essential areas of the curriculum including science, social studies, art, music, foreign languages, health, and physical education. Interdisciplinary approaches to instruction are another example of the type of innovative approaches to professional development that the Teacher Centers provide.

Teacher Centers also help to bridge the gap between groups of students by promoting the effective use of technology to support instruction. Technology is changing at lightning speed and Teacher Centers are particularly helpful to teachers by helping them learn to use technology effectively in their classrooms.

Finally, as we move forward in efforts to ensure that all students receive a high-quality education, we must pay particular attention to the needs of English language learners, students with disabilities, recently arrived students from foreign countries, and other students with special needs. Teacher Centers provide a great opportunity for teachers of these students who have developed effective strategies for helping these students improve their academic achievement to share what they have learned with their peers.

The Teacher Center Act of 2006 is a positive and important step in strengthening the teaching profession and in strengthening our schools. I look forward to achieving the vision of a better school system for all of our children.

MARRIAGE PROTECTION AMENDMENT

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. PAUL. Mr. Speaker, while I oppose federal efforts to redefine marriage as something

other than a union between one man and one woman, I do not believe a constitutional amendment is either a necessary or proper way to defend marriage.

While marriage is licensed and otherwise regulated by the states, government did not create the institution of marriage. In fact, the institution of marriage most likely pre-dates the institution of government! Government regulation of marriage is based on state recognition of the practices and customs formulated by private individuals interacting in civil society. Many people associate their wedding day with completing the rituals and other requirements of their faith, thus being joined in the eyes of their church and their creator, not with receiving their marriage license, thus being joined in the eyes of the state.

If I were in Congress in 1996, I would have voted for the Defense of Marriage Act, which used Congress's constitutional authority to define what official state documents other states have to recognize under the Full Faith and Credit Clause, to ensure that no state would be forced to recognize a ''same sex'' marriage license issued in another state. This Congress, I am an original cosponsor of the Marriage Protection Act, H.R. 1100, that removes challenges to the Defense of Marriage Act from federal courts' jurisdiction. If I were a member of the Texas legislature, I would do all I could to oppose any attempt by rogue judges to impose a new definition of marriage on the people of my state.

Having studied this issue and consulted with leading legal scholars, including an attorney who helped defend the Boy Scouts against attempts to force the organization to allow gay men to serve as scoutmasters, I am convinced that both the Defense of Marriage Act and the Marriage Protection Act can survive legal challenges and ensure that no state is forced by a federal court's or another state's actions to recognize same sex marriage. Therefore, while I am sympathetic to those who feel only a constitutional amendment will sufficiently address this issue, I respectfully disagree. I also am concerned that the proposed amendment, by telling the individual states how their state constitutions are to be interpreted, is a major usurpation of the states' power. The division of power between the federal government and the states is one of the virtues of the American political system. Altering that balance endangers self-government and individual liberty. However, if federal judges wrongly interfere and attempt to compel a state to recognize the marriage licenses of another state, that would be the proper time for me to consider new legislative or constitutional approaches.

Conservatives in particular should be leery of anything that increases federal power, since centralized government power is traditionally the enemy of conservative values. I agree with the assessment of former Congressman Bob Barr, who authored the Defense of Marriage Act:

''The very fact that the FMA [Federal Marriage Amendment] was introduced said that conservatives believed it was okay to amend the Constitution to take power from the states and give it to Washington. That is hardly a basic principle of conservatism as we used to know it. It is entirely likely the left will boomerang that assertion into a future proposed amendment that would weaken gun rights or mandate income redistribution.''

Passing a constitutional amendment is a long, drawn-out process. The fact that the marriage amendment already failed to gather the necessary two-thirds support in the Senate means that, even if two-thirds of House members support the amendment, it will not be sent to states for ratification this year. Even if the amendment gathers the necessary two-thirds support in both houses of Congress, it still must go through the time-consuming process of state ratification. This process requires three-quarters of the state legislatures to approve the amendment before it can become effective. Those who believe that immediate action to protect the traditional definition of marriage is necessary should consider that the Equal Rights Amendment easily passed both houses of Congress and was quickly ratified by a number of states. Yet, that amendment remains unratified today. Proponents of this marriage amendment should also consider that efforts to amend the Constitution to address flag burning and require the federal government to balance the budget have been ongoing for years, without any success.

Ironically, liberal social engineers who wish to use federal government power to redefine marriage will be able to point to the constitutional marriage amendment as proof that the definition of marriage is indeed a federal matter! I am unwilling either to cede to federal courts the authority to redefine marriage, or to deny a state's ability to preserve the traditional definition of marriage. Instead, I believe it is time for Congress and state legislatures to reassert their authority by refusing to enforce judicial usurpations of power.

In contrast to a constitutional amendment, the Marriage Protection Act requires only a majority vote of both houses of Congress and the President's signature to become law. The bill already has passed the House of Representatives; at least 51 Senators would vote for it; and the President would sign this legislation given his commitment to protecting the traditional definition of marriage. Therefore, those who believe Congress needs to take immediate action to protect marriage this year should focus on passing the Marriage Protection Act.

Because of the dangers to liberty and traditional values posed by the unexpected consequences of amending the Constitution to strip power from the states and the people and further empower Washington, I cannot in good conscience support the marriage amendment to the United States Constitution. Instead, I plan to continue working to enact the Marriage Protection Act and protect each state's right not to be forced to recognize a same-sex marriage.

THE ONGOING BATTLE AGAINST SLAVERY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. RANGEL. Mr. Speaker, I rise today to praise the traveling exhibition created by the Schomburg Center for Research in Black Culture, a branch organization of the New York Public Library, in conjunction with the UNESCO Slave Route Project to mark the United Nation's General Assembly's resolution proclaiming 2004 as the International Year to Commemorate the Struggle against Slavery and its Abolition. To reach a wider audience the Schomburg Center has created versions in French, Portuguese, Spanish, as well as in English. The online version of the exhibition is available on the Schomburg Center website. (http://www.nypl.org/research/ sc/sc.html)

The exhibition, titled Lest We Forget: The Triumph Over Slavery, is a celebration of the extraordinary human capacity to overcome oppression and injustice. Its tour through Africa, the Caribbean, Central and South America and Europe, is a reminder of a heritage that binds people of all races and color, across national and religious boundaries.

Lest We Forget shows us the images of downtrodden degraded people who were stripped of their humanity and culture who were forced to live their lives as mindless, agendaless pawns in vicious, all-powerful systems of human degradation. The transatlantic slave trade was brutal, vicious, denigrating and horrific. It is a representation of one of the most consistent assaults on human dignity and self-worth in the history of mankind.

We see a different kind of slavery today. Guest-workers, lured from third world countries with false promises, are forced to work in hazardous work conditions with very little wages in countries where oftentimes they do not even speak the language. They have virtually no rights as foreign workers and are sometimes forbidden by law to form unions. These modern-day slaves have no recourse but to follow the directives of their employers to exploit their helplessness. The United Nations defines an enslaved person as one whose movement and decision-making abilities are curtailed so that he/she does not have the ability to choose his employer. With this in mind, it is doubly important for us to recall the brutal reality of slavery and systematic degradation of human dignity; and take action in order to eliminate this modern-day slavery.

I commend the Schomburg Center for creating this remarkable presentation, and the UNESCO for making it accessible across the globe. Their cooperation and collaboration has made the exhibition a resounding success, and I hope to see this cooperation repeated and expanded in finding the resolution to the problem of slavery in today's world.

TRAVELING WITH A GLOBAL APPEAL

To mark the United Nations International Year to Commemorate the Struggle Against Slavery and its Abolition in 2004. UNESCO commissioned the Schomburg Center to create a traveling version of its exhibition Lest We Forget: The Triumph Over Slavery. The exhibition highlighted the extraordinary capacity of human beings to confront and transcend oppression, and to overcome state-sanctioned injustice.

The traveling version of Lest We Forget has toured in Africa, the Caribbean, Central and South America, and Europe. Travelling to countries such as Cameroon, South Africa, Cape Verde, Mali, Mozambique, Guinea Bissau, Senegal, The Bahamas, Dominican Republic, Jamaica, Brazil, Sweden, France, Finland, and Norway. To help ensure that the exhibition did indeed reach a wider audience the Schomburg created versions in English, French, Portuguese, and Spanish.

Just as Lest We Forget tells a portion of the story about people of the African Diaspora, so too does In Motion: The African-American Migration Experience, which originally opened at the Schomburg Center in February 2005. In Motion traces 13 different migration patterns of African Americans over 500 years. As part of the Schomburg

Center's ever-expanding Traveling Exhibition Program, In Motion opened at the Lyric Theater in the historic ''Overtown'' district of Miami, Florida at the beginning of Black History Month.

Miami Mayor Manny Diaz opened the exhibition with a reception and Schomburg Center Chief Howard Dodson was on hand for the unveiling. The exhibition's Miami host Dr. Dorothy Fields, Founder of the Black Archives, History and Research Foundation of South Florida, Inc, knew In Motion would be perfect for her city. ''Miami is a city of many people from so many different countries. As soon as you walk in the information about the Haitian migration experience is right there, strategically in the center [of the theater],'' said Dr. Fields. ''In Motion: The African-American Migration Experience explains that we are all different branches of the same tree.''

To guarantee that the exhibition would have a lasting effect, Dr. Fields and her colleagues signed a contract with the county to do a Black History bus tour, which began at the Lyric Theater, this resulted in more than 9,000 visitors in one month. And they even devoted the entire month of May to bring school children to see and learn from the exhibition, and offered two days of teacher workshops with In Motion Project Content Manager Sylviane Diouf, so that educators could prepare their students for the experience ahead of time.

In Motion is set to run at the Lyric Theater until the end of May, Miami's Haitian American Month, but Dr. Fields has confirmed that her organization has plans to expand on In Motion, by providing the Schomburg Center with primary sources on the African Diaspora in Miami to develop another exhibition.

With traveling exhibitions like Lest We Forget and In Motion, the resources of the Schomburg Center reach far beyond its structure to educate and inspire scores of people around the world.

Traveling dates: Lest We Forget

When: May 19–July 19, 2006.

Where: Esmeraldas International Center for Afro-Amerindian Cultural Diversity and Human Development, Esmeraldas, Ecuador.

Organizer: UNESCO Quito's Office.

In Motion: The African-American Migration Experience

When: October 2, 2006–March 9, 2007.

Where: National Heritage Museum, 33 Marrett Road, Lexington, MA 02421

For more information about the Traveling Exhibition Program, please visit www.schomburgcenter.org, or contact Mei TeiSing Smith at msmith@nypl.org, or by calling (212) 491–2204.

ACKNOWLEDGING THE OUTSTANDING PUBLIC SERVICE OF HESTER HILL

HON. JOHN TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. TANNER. Mr. Speaker, I rise today to recognize a very distinguished volunteer from Tennessee, who was awarded this year's national Humanitarian of the Year award. I want to congratulate and thank Hester Hill, who has given so much time and effort for a very valuable public service program called Angel Flight.

Angel Flight South Central began in 1991, assisting medical patients and their family members with air transportation they could not otherwise get. It specializes in offering free non-emergency travel for those in need, and the shipment of blood and organs for medical procedures. The travel is provided by volunteers like Mrs. Hill and pilots who offer their time and aircraft at no cost. Last year alone, Angel Flight South Central flew more than 3,000 medical missions at no charge to its carriers. In the weeks following Hurricane Katrina, the rescue group flew hundreds of missions, reuniting people with their loved ones.

Mr. Speaker, Hester Hill has given so much of her time and skill to help others when they need it most. I hope you and our colleagues will join me in honoring Hester Hill for the passionate and dedicated service she has provided to others and congratulate her on this prestigious award she has earned.

PAYING TRIBUTE TO EMILIA GUENECHEA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Emilia Guenechea for her outstanding efforts to bring awareness to minorities and the underprivileged in Las Vegas.

Over the past ten years, Emilia has served in various positions in her quest to create and implement plans for healthy communities, and she has participated in a variety of programs to assist members of the Hispanic community in Las Vegas. Emilia served as the Woman to Woman Program Coordinator for the YMCA and SAFE HOUSE Shelter, providing a support system for Hispanic women. She also served as the Salud in Acción Program Coordinator, where she was responsible for the planning and coordination of all media production associated with the cancer prevention program for Hispanic women. In addition, Emilia has dedicated two years to the National Cancer Institute's Cancer Information Service Partnership Program as Coordinator for the Northwest Region, where she conducted a comprehensive study to identify gaps in cancer information and education services in order to identify, implement, and maintain partnerships with organizations to serve the underprivileged.

In addition to her outstanding work with the Hispanic community, Emilia has a very impressive academic record. She received her first Master's degree in Clinical Psychology at the Iberoamericana University in Mexico, and her second Master's degree in Counseling from the University of Nevada, Las Vegas.

Emilia is currently the Nevada Cancer Institute's Multicultural Community Outreach and Education Production Manager, a position she has enjoyed since October of 2005. In her role, she develops and implements programs to increase awareness, education, and early detection of chronic diseases. Emilia's main goals are to increase the screening numbers of breast, cervical, colorectal, and prostate cancers, and to increase the participation in clinical trials within multicultural communities. Emilia's hard work is leading to progress in these often difficult and culturally sensitive tasks.

Mr. Speaker, I am proud to honor Emilia Guenechea. Her dedication to creating health awareness has greatly impacted the diverse communities of Las Vegas. She is truly a remarkable woman who should serve as an inspiration and a roll model for us all. I commend her efforts and wish her the best in future endeavors.

FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 2006

Ms. SLAUGHTER. Mr. Chairman, nearly 150 years ago, after a long and bloody civil war, our Nation recognized that minorities should have the right to participate as full citizens in our democracy. Unfortunately, granting a right in the constitution and enforcing that right throughout America are two different challenges, and 100 years later, minorities still have trouble casting a ballot in some parts of the country. In 1965, Congress passed the Voting Rights Act to put an end to the racially discriminatory voting practices plaguing the South, and other parts of the country. Now 40 years have gone by, and some of my colleagues might tell you that we don't need the Voting Rights Act anymore, that we've fixed the problems, and that every adult citizen in this country has the same opportunity to cast his or her ballot.

While I truly wish that were the case, I'm here to tell you that racially discriminatory voting practices are still alive and well in many parts of the United States. For a clear example of why the Voting Rights Act remains relevant and necessary, take a look at Robert Kennedy Jr.'s exhaustively researched article which just ran in Rolling Stone Magazine—I ask unanimous consent to insert a copy of the article into the record. In his article, Robert Kennedy, Jr. lays out a clear pattern of voting irregularities in Ohio in 2004, many of which disenfranchised African American voters in particular. Together, these irregularities may have even played a part in the outcome of the election.

Mr. Chairman, from Buffalo to Rochester, my district is home to some of the most significant moments in the history of the civil rights movement. In 1847, abolitionist Frederick Douglass began circulating the North Star in Rochester, New York. The paper won acclaim from the local printer's union, gave Mr. Douglass a platform to spread his message of civil rights, and demonstrated the successes possible for free African Americans. In July 1905, the Niagara Movement held a meeting in Buffalo during which W.E.B. DuBois authored the Declaration of Principles. This document would later become the basis of the National Association for the Advancement of Colored People, our Nation's most prominent civil rights organization.

I am proud to represent a district with such a rich history in civil rights, and am fully committee to ensuring that the protections that courageous activists from Buffalo and Rochester worked so hard to achieve are diminished.

North Star bore the motto, ''Right is of no sex—Truth is of no color—God is the Father of us all, and we are all Brethren.'' I hope that motto will guide my colleagues as we consider legislation to reauthorize the Voting Rights Act. Our democracy relies upon the ideal that everyone has an equal voice in each election, and the Voting Rights Act has been a vital component in ensuring that this ideal is enforced. Our Nation has come a long way in protecting the voting rights of minorities, but we still have a long way to go.

To weaken the Voting Rights Act would weaken our democracy itself, and everything we stand for as Americans.

PERSONAL EXPLANATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. ROTHMAN. Mr. Speaker, on July 18, 2006, due to illness, I missed 3 recorded votes. I take my voting responsibility very seriously, and had I been present, I would have voted ''yes'' on recorded vote No. 379; ''no'' on recorded vote No. 380; ''yes'' on recorded vote No. 381.

TRIBUTE TO JIM BURKE

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. THOMAS. Mr. Speaker, I rise today with my colleague Mr. Costa to honor the life of our friend, Jim Burke, a Bakersfield community leader, philanthropist, and businessman, who passed away on Monday, July 17, 2006. In Bakersfield, the name Jim Burke is synonymous with generosity.

Jim was born on August 1, 1925, in Bakersfield, California, to Mr. and Mrs. James Joseph Burke, a family with Kern County pioneer roots. His great grandfather, Daniel Burke, came to Kern County in 1864 from Ireland. Jim graduated from Kern County Union High School in 1943 with accolades as a scholar, athlete, and president of the student body. He attended Stanford University for a year before joining the Navy and serving on the USS *Midway* and the USS *New Mexico*. After two and a half years of service in the Navy, Jim returned to Stanford and graduated in 1948 as an Industrial Engineer. In 1950, Jim married Bebe Rinker and they subsequently had a daughter, Michele (Mikie).

Jim began his career in the parts department of Haberfelde Ford in 1949, became a partner in the Haberfelde family business in 1964, and purchased the remaining business interest in 1972. In 1977, he renamed it Jim Burke Ford and it has since become one of the largest Ford dealerships in the country, with over 370 employees. Jim cared deeply for his employees and customers and was known to buy back a vehicle if a customer had an unresolved vehicle problem with Ford in order to address the issue with Ford himself.

Throughout his life, Jim's passion was in the areas of education and health care. He worked with educators to create ''The Ford Dimension,'' which is a program that for 32 years has taught high school students about the private enterprise system and the practical problems of the business world.

In 1994, over 200 Ford Dimension alumni from across the nation founded the Jim Burke Education Foundation in his honor. Later in 2003, Ford Dimension alumni and the Jim Burke Education Foundation created a leadership program, Dream Builders, to develop leadership and life skills in high school seniors and share with them the value of civic responsibility as a lifetime commitment.

Jim also actively worked to address the hospital and healthcare needs in Bakersfield. He was a founding director of the Friends of Mercy Foundation, which assists in the healthcare needs of the local community, and he served as Chairman of the Mercy Hospital Board of Trustees as well as a director of Bakersfield Memorial Hospital.

Jim was also involved with numerous organizations in the community such as the Campfire Girls, Better Business Bureau, the Trade Club of Greater Bakersfield, Bakersfield Chamber of Commerce, the California State University Bakersfield Foundation, and served as chairman of the Kern County Business Outlook Conference. Jim was also very active in the Catholic community. Jim's fundraising efforts and work with the Sisters of Mercy addressed the special needs of others, such as construction of the Madison Place, a model low-income housing project.

Over the course of his life, Jim received numerous awards and honors for his service to the community and business achievements. In fact, in 1976, he was recognized with the Time Magazine Quality Dealership Award for his outstanding business performance and involvement in the community. In 1995, Jim was inducted into the Automotive Hall of Fame and he received a Honorary Doctorate from California State University, Bakersfield in 1997.

Yet no award will ever capture the true humanity, strength, and leadership that Jim achieved. Throughout his life, Jim and his family continuously strived to better our community and help others, with humility and true compassion. Jim was immensely successful in his efforts and we will never know the full extent of the impact Jim's kindness and compassion had. On this day, we rise, on behalf of a community in mourning, to remember with great appreciation Jim Burke, a man who embodied the civic generosity and leadership that is uniquely American and that has made Kern County such a great place to live. Accordingly, we offer our deep condolences to Bebe and his family.

PAYING TRIBUTE TO REE WENGERT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Ree Wengert, a prominent Las Vegas singer and activist, who passed away on Sunday, July 2, 2006, at the age of 78.

Ree was born on December 14, 1927 in Charleston, WV, and was the youngest of an amazing 12 children. Ree chose to complete her undergraduate studies at Marymount College in Tarrytown, NY. She was soon awarded a full scholarship to the Julliard School of Music.

In 1952, Ree moved to Las Vegas, NV, and joined the Las Vegas Service League, which is now known as the Junior League of Las Vegas. She also began performing charity work for the Catholic Church. In the 1980s and '90s, she donated her services to Southern Nevada in many ways, including singing in charity events and advocating for AIDS victims' rights. She often visited and spoke with the most critically ill patients in the University Medical Center's AIDS ward.

Ree was most prominently known as the wonderful wife of Ward Wengert, a banker and civic leader in Las Vegas who passed in 1996, and mother to Rhetta Storebo, Rene McCown, Ward Jr., and Cyril, who passed in 1997. She also enjoyed four grandchildren.

Mr. Speaker, I am honored to recognize Ree Wengert and her amazing family for their contributions to the Southern Nevada community. She will be dearly missed.

TRIBUTE TO THE ANNIVERSARY OF THE BIG THOMPSON FLOOD

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mrs. MUSGRAVE. Mr. Speaker, I rise to commemorate the 30th anniversary of Colorado's Big Thompson Flood.

On July 31, 1976, residents and visitors in the Big Thompson Canyon suffered the unspeakable horror of one of the worst natural disasters in Colorado history.

I will never forget when the news started to break and the tragedy started to unfold.

In just a few hours, more than a foot of rain fell in the area surrounding the Big Thompson River, causing a wall of water over 20 feet tall to sweep through the canyon. In its wake, the flood claimed the lives of 144 people and left many others homeless. In all, over 400 homes and dozens of businesses were destroyed.

As we pause to commemorate the tragic events of 30 years ago, we remember the many lives that were taken from us by the waters of the Big Thompson and offer our thoughts and prayers for those they left behind.

It is often said that the worst of circumstances bring forth the best in people. In the hours and weeks following the disaster, the community surrounding Big Thompson Canyon displayed unparalleled graciousness and compassion. From the heroic rescuers who plucked survivors from the craggy canyon walls, to the countless others who gave their time, talents and resources, we saw the best of the American spirit in the wake of disaster.

Mr. Speaker, today Big Thompson Canyon and, more significantly, the lives of those touched by the flood still bear the scars from that terrible July night. As we mark the 30th anniversary of one of the worst natural disasters in Colorado history, I urge my colleagues to join me in remembering those who lost their lives and the countless others whose lives have been forever changed by the Big Thompson Flood.

TRIBUTE TO COLONEL JAMES ELI CROWTHER

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. SHUSTER. Mr. Speaker, I rise today to honor Colonel James Eli Crowther, a distinguished officer who served his country and his home state of Pennsylvania throughout his life. As a native of Tyrone, the Colonel was the third Burgess (Mayor) of Tyrone and was serving in that capacity as the American Civil War began.

Colonel Crowther served the Pennsylvania militia in the mid 1800's, where he was commissioned as a First Lieutenant in the Washington Infantry in early August of 1842. From there he was again commissioned as a First Lieutenant for the Tyrone Artillery in early July of 1858. Less than one year later he began service as the Caption of the Tyrone Cavalry. His command of that Cavalry was influential during the first 90 days of service at the beginning of the American Civil War. The Cavalry then became Company D of the 14th Pennsylvania Infantry.

Crowther volunteered as an Officer through the Civil War, commissioned as Lieutenant Colonel in 1861 and then Colonel in March of 1863. It was less than 2 months later that Colonel James E. Crowther was killed in action at Chancellorsville on May 3, 1863.

His service to his country was noble, and his rank was earned through hard work and dedication to American principles and values. The leadership that Colonel Crowther displayed throughout his service and lifetime is to be remembered and respected as our country continues to move forward honoring those values.

In his memory, the Colonel Crowther Foundation was established. This organization's intent is to protect, teach and re-live the rich and storied history of Pennsylvania and continue to honor the distinguished Colonel. As can be found in their mission statement, the Foundation strives to 'create a living heritage environment where preservation is enhanced by demonstration and education.' It is only through our history that we are able to create a future.

As a tribute to this man's great accomplishments the Tyrone Borough Council has declared Saturday August 6th, 2006 to be Colonel Crowther Day. Crowther's military service to the state of Pennsylvania and our country will not be forgotten.

PAYING TRIBUTE TO CRAIG HARRIS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor Craig Harris for his outstanding efforts as a taxicab driver safety advocate. Craig passed away on Wednesday, June 21, 2006 at the age of 56.

Craig had been a Las Vegas resident for 28 years and a taxi driver for Yellow-Checker-Star Transportation since 1979. Having been assaulted and robbed twice by passengers, Craig fully understood the dangers of driving a taxi. A long-time advocate of taxi driver safety, Craig was one of the first to test still cameras in taxis as a deterrent against attacks on drivers. According to his long-time boss and Yellow-Checker-Star's director of operations, Bill Shranko, Craig's work led to camera installation in each of the company's cabs. Since then, Shranko says there has been at least a sixty percent decrease in attacks on drivers. Craig's hard work and advocacy has produced impressive results for driver safety.

In addition to driving a cab forty hours a week and his efforts to promote driver safety, Craig also found time to represent local drivers as a steward for the Industrial Technical Professional Employees Union, helping fired drivers to regain their jobs and making sure that drivers have access to important benefits, including health insurance. He led a campaign to raise thousands of dollars to aid the family of a colleague who was killed while on duty as a cab driver, and always offered to help colleagues and their families when in need.

Born in Los Angeles on October 14, 1949, Craig graduated from Shasta College in Northern California. He worked on newspapers in California and Oklahoma before moving to Las Vegas in 1978 and beginning work on the Trip Sheet magazine for cab drivers in the 1980s. He served as managing editor of the magazine and often wrote articles dealing with driver safety and furthering the fair treatment of drivers. His work helped turn the six-page newspaper of the '80s into the 48-page magazine of today, which reaches over 7,000 monthly readers.

Mr. Speaker, I am proud to honor Craig Harris for his outstanding service and representation of the taxi drivers of Las Vegas. His tireless efforts to help drivers and their families and his hard work as a driver, journalist, and advocate have greatly contributed to the safety of the profession, and he will be greatly missed.

ALTERNATIVE PLURIPOTENT STEM CELL THERAPIES ENHANCEMENT ACT

SPEECH OF

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 2006

Mr. ACKERMAN. Mr. Speaker, I rise in opposition of S. 2754, the Alternative Stem Cell Research Enhancement Act. I think we can all agree that stem-cell research holds tremendous promise for advances in health care for all Americans. Stem-cell research may one day lead to treatments for Parkinson's, Alzheimer's, arthritis, cancer, diabetes, multiple sclerosis, spinal-cord injuries, Lou Gehrig's disease, strokes, severe bums and many more diseases and injuries.

However, Mr. Speaker, five years ago, the President made a self-serving and short-sighted decision to limit federally funded embryonic stem-cell research to stem-cell lines that already existed. At that time, on August 9, 2001, the President promised 78 stem-cell lines would be available to federal researchers, yet five years later, there are at most, only 22 lines available. Even worse, Mr. Speaker, many of these lines are contaminated with animal cells that make them unusable for human-therapeutic study.

So, Mr. Speaker, here we are half a decade later, and we are considering S. 2754 and another Republican bill, S. 3504, the Fetus Farming Prohibition Act. Let there be no mistake, Mr. Speaker, these proposals are nothing but a smoke screen; they were introduced to give political cover to Republican members who didn't vote for the embryonic stem-cell bill. I have no problem with measures that would encourage development of stem-cell lines from nonembryonic methods and prohibit embryo implantation for the purpose of deriving stem-cell lines. However, the real issue here is the President's policy that has prohibited federal funds for embryonic stem-cell research.

Let me be clear, neither of these Republican-sham bills is in any way a viable alternative to the measure the House passed last year, H.R. 810, the Stem Cell Research Enhancement Act. That legislation would allow federal funding for research on embryonic stem-cell lines regardless of the date on which they were derived. Researchers and scientists would be eligible to utilize their federal funds for research on a new stem-cell line as long as their work met the strict ethical guidelines contained in the bill. Those rules restrict stem-cell lines to embryos that were created originally for fertility purposes, and that are no longer needed. This legislation will take the President's political shackles off our researchers and scientists and allow them to expand the number of stem-cell lines that are eligible for federally funded research.

The Senate has finally acted, passing H.R. 810, the Stem Cell Research Enhancement Act, this afternoon. So, there is now, finally, a historic opportunity to fund research that holds incredible promise, that could lead to incredible medical breakthroughs. So, what does the President do? He pledges yet again to veto embryonic stem-cell research legislation.

How out of touch can he be? Mr. Speaker, the President has promised to veto hope; hope for the millions of Americans who have cancer or Lou Gehrig's disease or diabetes or Parkinson's disease. He has promised to veto hope for victims of cancer and Alzheimer's disease. I am shocked but not surprised that President Bush has said that his very first veto will be to block this legislation. As usual, President Bush and his rightwing Republican allies are way out on the political margins. So, if you're counting votes Mr. President, mine will be to override. My vote will be for all those Americans who want us to put their needs first, and political paybacks, second. I will vote to override the President's shameful veto when the House again takes up H.R. 810, and I urge all my colleagues to vote to override the President's veto. This vote is the key vote showing whether Congress is genuinely committed to effective federally funded embryonic stem-cell research, and most of all, restoring hope to millions of sick Americans.

TRIBUTE TO ELLIS PARK

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. WHITFIELD. Mr. Speaker, I rise to bring to the attention of the House an historical day

for Thoroughbred Horse Racing in western Kentucky—the reopening of Ellis Park.

Since opening its gates for the first time in October of 1922, Ellis Park has been a significant part of Kentucky and Indiana's equine history. During those years the one and one eighth mile long track has provided horsemen and trainers a venue to showcase the sport they love.

Today, Ellis Park re-opens after suffering a devastating tornado on November 6th, 2005, that claimed the lives of 25 individuals in the surrounding community of Evansville, Indiana, and that delivered a direct hit to the Ellis Park race track damaging several buildings and killing some of the Thoroughbred Horses stabled at the track.

Today is one of triumph over tragedy as those who suffered so much move forward and continue to rebuild their community.

Mr. Speaker, the re-opening of historic Ellis Park under the new ownership of Kentucky Businessman Ron Geary promises a bright future for Thoroughbred Racing in western Kentucky and the tri-state region. Mr. Geary has committed to continue and build upon an 85 year history that has made Ellis Park a popular setting for friends and family to come together and enjoy the atmosphere created by the sight and sound of thoroughbreds thundering towards the finish line.

PAYING TRIBUTE TO SANDY HEVERLY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. PORTER. Mr. Speaker, I rise today to honor my good friend Sandy Heverly for her dedication to victims of DUI accidents and their families.

Sandy became impassioned with the anti-DUI movement after she, her husband, children and mother were all injured as a result of an accident caused by a drunk driver. Following this incident, Sandy decided to try to help DUI victims and create awareness about the severity of DUI crimes. Since then, Sandy has been a driving force in the anti-DUI movement in Nevada, and has helped enhance awareness nationwide.

Through her positions as Executive Director and Co-Founder of STOP DUI, Executive Director of Nevada Mothers Against Drunk Driving (MADD), and Nevada Students Against Destructive Decisions (SADD) State Coordinator, Sandy has spread the message about drunk driving throughout Nevada and the Nation. She has increased awareness by making over 1,000 anti-DUI presentations to students, civic organizations, and the gaming and liquor industries, and through various media movements, including the eight-year ''Red Ribbon Campaign.'' With STOP DUI, Sandy established a Victim's Assistance Program to provide immediate financial assistance to DUI victims and their families, the only program of its kind in the Nation. She has also helped the bipartisan Congressional Stop DUI Caucus shed new light on the epidemic of drunk driving in America.

On July 19, 2006, Sandy's efforts to end drunk driving will be recognized as she is sworn in to the President's Advisory Commission for Drug-Free Communities. Her extensive knowledge and experience in bringing awareness to the anti-DUI cause will undoubtedly make Sandy an asset to the Commission.

Mr. Speaker, I am proud to honor Sandy Heverly for her dedication and advocacy against drunk driving. As the co-chair of the Congressional Stop DUI Caucus, and father to a daughter injured by a drunk driver, ridding our nation's roads of these dangerous drivers is a cause that is very important to me. I congratulate Sandy for her appointment to the President's Advisory Commission for Drug-Free Communities, and I wish her the best in her future endeavors.

TRIBUTE TO KATHIE SIMPKINS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mrs. EMERSON. Mr. Speaker, I rise today to honor the life and contributions of Kathie Simpkins from East Prairie, Missouri, who passed away on July 16, 2006. Kathie was a standout individual, a dedicated public servant, and a true friend. As the City Administrator for East Prairie, Kathie brought innovative ideas and unbridled enthusiasm to her job.

Kathie's sense of community is strong and deep-rooted, which has made her a successful individual in East Prairie. She was even recognized as East Prairie Woman of the Year in 2005. Kathie demonstrated the kind of pragmatic, problem-solving ability that is rare anywhere in the Nation and a real blessing to us in Southern Missouri. As City Administrator, Kathie was responsible for securing and administering more than $12 million in state and federal grants.

Spending her life living in her hometown, Kathie was Southern Missouri through-and-through. She was a 1973 graduate of East Prairie High School and a 1978 graduate of Southeast Missouri State University in Cape Girardeau, where she majored in business administration and marketing management. Kathie was a fixture at professional and other local organizations' meetings. She was always in search of another way to serve her neighbor.

Kathie Simpkins' family and friends have lost a dear part of their life, but the entire region has lost a tremendous advocate for Southern Missouri. It will take the hard work of many individuals to fill the void Kathie has left in our community. We are fortunate to have known Kathie and been inspired by her. She leaves a legacy of good management and great investment in the people of East Prairie.

I feel very fortunate to have known Kathie, and I want to ensure that she is remembered for her wealth of good works. She is a true model of civic pride and community service. Kathie Simpkins has made an immeasurable contribution to our district, our state, and our Nation. Thank you, Kathie, and God bless you.

SETON HALL UNIVERSITY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. PASCRELL. Mr. Speaker, I wanted to take a moment to welcome the entire Seton Hall community here to Capitol Hill for their annual 'Hall on the Hill' Reception. Let me thank Monsignor Sheeran for his leadership at Seton Hall, as well as his profound words given at invocation on the House floor this morning. Let me also congratulate my good friend Phil Thigpen for the honor he is receiving this evening. Phil has always been active in the community and clearly he has done his alma mater proud.

As Seton Hall University celebrates 150 years of service to our educational community, it is appropriate to take a moment to acknowledge what a remarkable achievement it is. Founded in 1856, Seton Hall University predates even the Civil War.

Throughout the years, Seton Hall University has educated our Nation's youth, providing them with the tools necessary to succeed in the ever-changing world. One of Seton Hall's greatest aspects is its versatility. With programs in business, law, medicine, and the humanities, students are free to explore all areas of academia. The John C. Whitehead School of Diplomacy and International Relations is world-renowned for its fantastic professors and unique alliance with the United Nations Association of the United States of America. Ranked in the top 125 national universities by US News and World Report, Seton Hall is truly a premier academic institution.

But, it is not just academics which makes Seton Hall University such a great institution. Being the largest Catholic University in the state of New Jersey, Seton Hall has a special focus on its ethical mission, teaching students not just how to be great scholars but great people. Part of this ethical mission includes tolerance and openness. In fact, few schools are so diverse and welcome students of so many different backgrounds. Its location in South Orange, New Jersey also allows the university to benefit from the diversity of its surroundings and proximity to New York City.

A Seton Hall University experience does not end at the doors of the classroom. Many Pirates have gone on to achieve great feats at both the collegiate and professional athletics level, including baseball player Craig Biggio and ESPN sportscaster, Dick Vitale. Students also have the opportunity to take part in over one hundred different extracurricular organizations to expand their interests and talents.

Educating our Nation's youth is a service to more than just the students who earn degrees. Universities such as Seton Hall provide a service to our entire community by training future generations of our Nation's leaders. It is an honor to celebrate this 150th anniversary of Seton Hall University and I hope that it will continue to educate our students for at least another 150 years.

RECOGNIZING SETON HALL UNIVERSITY ON THEIR 150TH ANNIVERSARY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to recognize Seton Hall University on the occasion of their 150th anniversary. The University is located in South Orange, New Jersey and is a community of 1,500 employees, 10,000 students, and 70,000 distinguished alumni. From the university's humble beginnings as a small local diocesan college, Seton Hall has grown into New Jersey's largest Catholic university. Founding Reverend, Bishop James Roosevelt Bayley, had not only a patriotic attachment but also a personal one to the school's namesake: Mother Elizabeth Ann Seton, the first American-born saint and his aunt. Using her devotion to values-based education as a guide, Seton Hall embarked on their noble mission to educate young minds in New Jersey.

The university has remained a steady ground for its faculty and students, even through catastrophes like fire and war, always remembering their motto, "No Matter What the Hazard, Yet Forward." This resilient spirit has seen Seton Hall through these historic 150 years and will surely carry them into a bright future. Seton Hall is recognized as a leader in educational technology and will continue to attract the best and the brightest to their campus.

As reflected in their mission, Seton Hall students are not only prepared with a well-rounded education but also a unique focus on service that prepares them to become citizen leaders in their professional and community lives.

I congratulate Seton Hall University on their 150th anniversary and encourage them to remain vigilant on their mission to mold intelligent and ethical scholars.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 20, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 21

10 a.m.
Foreign Relations
To hold hearings to examine Extradition Treaty Between the United States of America and the United Kingdom of Great Britain and Northern Ireland, and related exchanges of letters, signed at Washington on March 31, 2003 (Treaty Doc. 108–23).
SD–419

JULY 25

9:30 a.m.
Armed Services
Airland Subcommittee
To hold hearings to examine the F-22A multiyear procurement proposal in review of the Defense Authorization Request for fiscal year 2007.
SR–222
Judiciary
To hold hearings to examine the authority to prosecute terrorists under the war crime provisions of Title 18.
SD–226

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold an oversight hearing to examine the Joint Planning and Development Office.
SR–253
Banking, Housing, and Urban Affairs
To hold hearings to examine regulation of hedge funds.
SD–538
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the Department of Defense Supply Chain Management Plan, focusing on the extent to which the supply chain management improvement plan is integrated with other Department of Defense logistics strategies, concepts, and plans, and if the Department has identified valid performance metrics and data to use in monitoring initiatives and measuring progress.
SD–342
Intelligence
To hold a closed hearing regarding intelligence matters.
SH–219

2:30 p.m.
Finance
Health Care Subcommittee
To hold hearings to examine a decade of covering children relating to State Children's Health Insurance Program.
SD–215

JULY 26

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the nominations of Michael V. Dunn, of Iowa, to be a Commissioner of the Commodity Futures Trading Commission, Nancy Montanez-Johner, of Nebraska, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services, and to be a Member of the Board of Directors of the Commodity Credit Corporation, Margo M. McKay, of Virginia, to be an Assistant Secretary of Agriculture, and Bruce I. Knight, of South Dakota, to be Under Secretary of Agriculture for Marketing and Regulatory Programs, and to be a Member of the Board of Directors of the Commodity Credit Corporation.
SR–328A
Judiciary
To hold hearings to examine the current and future status of the Foreign Intelligence Surveillance Act which prescribes procedures for requesting judicial authorization for electronic surveillance and physical search of persons engaged in espionage or international terrorism against the United States on behalf of a foreign power.
SD–226

10 a.m.
Energy and Natural Resources
Business meeting to consider the nominations of John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, and Mark Myers, of Alaska, to be Director of the United States Geological Survey, both of the Department of the Interior, and Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, Federal Energy Regulatory Commission.
SD–366
Intelligence
To hold a closed meeting regarding intelligence matters.
SH–219

11 a.m.
Commerce, Science, and Transportation
To hold a hearing to examine pending nominations.
SR–253

JULY 27

10 a.m.
Agriculture, Nutrition, and Forestry
Forestry, Conservation, and Rural Revitalization Subcommittee
To hold an oversight hearing to examine the Department of Agriculture's use of technical service providers.
SR–328A
Small Business and Entrepreneurship
Business meeting to markup an original bill to reauthorize the Small Business Administration.
SR–428A
Veterans' Affairs
To hold hearings to examine the nominations of Patrick W. Dunne, of New York, to be Assistant Secretary of Veterans Affairs for Policy and Planning, and Thomas E. Harvey, of New York, to be Assistant Secretary of Veterans Affairs for Congressional Affairs.
SR–418

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings to examine S. 3638, to encourage the Secretary of the Interior to participate in projects to plan, design, and construct water supply projects and to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to encourage the design, planning, and construction of projects to treat impaired surface water, reclaim and reuse impaired groundwater, and provide brine disposal in the State of California, S. 3639, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to provide standards and procedures for the review of water reclamation and reuse projects, H.R. 177, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System

Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, H.R. 2341, to amend the Reclamation Wastewater and Groundwater Study and FAcilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the City of Austim Water and Wastewater Utility, Texas, and H.R. 3418, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project.

SD–366

Intelligence

To receive a closed briefing regarding intelligence matters.

SH–219

AUGUST 2

9 a.m.

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold hearings to examine H.R. 4200, to improve the ability of the Secretary of Agriculture and the Secretary of the Interior to promptly implement recovery treatments in response to catastrophic events affecting Federal lands under their jurisdiction, including the removal of dead and damaged trees and the implementation of reforestation treatments, to support the recovery of non-Federal lands damaged by catastrophic events, to revitalize Forest Service experimental forests.

SR–328A

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2864, Water Resources Development Act.

House committees ordered reported 31 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S7809–S7947

Measures Introduced: Eleven bills and one resolution were introduced, as follows: S. 3685–3695, and S. Con. Res. 110. **Pages S7920–21**

Measures Reported:

S. 2464, to revise a provision relating to a repayment obligation of the Fort McDowell Yavapai Nation under the Fort McDowell Indian Community Water Rights Settlement Act of 1990. (S. Rept. No. 109–284)

S. 2802, to improve American innovation and competitiveness in the global economy, with amendments. (S. Rept. No. 109–285)

S. 2703, to amend the Voting Rights Act of 1965, with an amendment. **Page S7920**

Measures Passed:

Water Resources Development Act: Senate passed H.R. 2864, to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, after striking all after the enacting clause, and inserting in lieu thereof, the text of S. 728, Senate companion measure, after agreeing to the following amendments proposed thereto:

Pages S7813–94

Adopted:

By 54 yeas to 46 nays (Vote No. 208), Feingold Modified Amendment No. 4681, to modify a section relating to independent peer review of water resources projects. **Pages S7814–24, S7839**

Rejected:

By 49 yeas to 51 nays (Vote No. 209), Inhofe Amendment No. 4682, to modify a section relating to independent reviews. **Pages S7824–39**

By 19 yeas to 80 nays (Vote No. 210), McCain Amendment No. 4684, to provide for a water resources construction project prioritization report.

Pages S7840–42, S7851–52

By 43 yeas to 56 nays (Vote No. 211), Inhofe/Bond Amendment No. 4683, to modify a section relating to a fiscal transparency and prioritization report. **Pages S7842–52**

Subsequently, S. 728 was returned to the Senate calendar (pursuant to the order of July 14, 2006).

Copyright Royalty Judges Program Technical Corrections Act: Senate passed H.R. 1036, to amend title 17, United States Code, to make technical corrections relating to Copyright Royalty Judges, after agreeing to the committee amendment.

Pages S7934–36

Violence Against Women Technical Corrections: Senate passed S. 3693, to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005.

Pages S7933–34, S7936–41

Military Personnel Financial Services Protection Act: Senate passed S. 418, to protect members of the Armed Forces from unscrupulous practices regarding sales of insurance, financial, and investment products, after agreeing to the committee amendment in the nature of a substitute. **Pages S7941–44**

Voting Rights Reauthorization Act—Agreement: A unanimous-consent-time agreement was reached providing that at 9:30 a.m., on Thursday, July 20, 2006, Senate begin consideration of H.R. 9, to amend the Voting Rights Act of 1965, that there be eight hours of debate equally divided between the Majority Leader and Minority Leader, or their designees; that there be no amendments in order to the bill; and that following the use, or yielding back of time, Senate vote on final passage of the bill.

Pages S7894, S7944

Escort Committee—Agreement: A unanimous-consent agreement was reached providing that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Nuri al-Maliki, the Prime Minister of the Republic of Iraq, into the House Chamber for a joint meeting to be held at 11 a.m., on Wednesday, July 26, 2006. **Page S7933**

Energy Bill Agreement: A unanimous-consent agreement was reached providing that if the Majority Leader or his designee introduces a bill related to energy on Thursday, July 20, 2006, it shall be in order to move to proceed to that legislation on Friday, July 21, 2006. **Page S7947**

Messages From the House: **Pages S7905–06**

Measures Referred: **Page S7906**

Enrolled Bills Presented: **Page S7906**

Petitions and Memorials: **Pages S7906–20**

Executive Reports of Committees: **Page S7920**

Additional Cosponsors: **Pages S7921–22**

Statements on Introduced Bills/Resolutions: **Pages S7922–29**

Additional Statements: **Page S7905**

Amendments Submitted: **Pages S7929–32**

Notices of Hearings/Meetings: **Page S7932**

Authorities for Committees to Meet: **Pages S7932–33**

Record Votes: Four record votes were taken today. (Total—211) **Pages S7839, S7851–52**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:41 p.m., until 9:30 a.m., on Thursday, July 20, 2006. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7944.)

Committee Meetings

(Committees not listed did not meet)

MILITARY COMMISSION: HAMDAN V. RUMSFELD

Committee on Armed Services: Committee concluded hearings to examine the status of military commissions in light of the Supreme Court decision in Hamdan v. Rumsfeld, after receiving testimony from Elisa C. Massimino, Human Rights First, Katherine Newell Bierman, Human Rights Watch, Eugene R. Fidell, Feldesman Tucker Leifer Fidell, LLP, on behalf of the National Institute of Military Justice, James Jay Carafano, Heritage Foundation, and Neal K. Katyal, Georgetown University, all of Washington, D.C.; Michael Mernin, Association of the Bar of the City of New York, New York, New York; David A. Schlueter, St. Mary's University, San Antonio, Texas; and Scott L. Silliman, Duke University School of Law Center on Law, Ethics, and National Security, Durham, North Carolina.

MONETARY POLICY REPORT

Committee on Banking, Housing, and Urban Affairs: Committee concluded an oversight hearing to examine the Semi-Annual Monetary Policy Report of the Federal Reserve, after receiving testimony from Ben S. Bernanke, Chairman, Board of Governors of the Federal Reserve System.

BUSINESS MEETING

Committee on Banking, Housing, and Urban Affairs: Committee ordered favorably reported the nominations of Frederic S. Mishkin, of New York, to be a Member of the Board of Governors of the Federal Reserve System, Linda Mysliwy Conlin, of New Jersey, to be First Vice President, James Lambright, of Missouri, to be President, and J. Joseph Grandmaison, of New Hampshire, to be a Member of the Board of Directors, all of the Export-Import Bank of the United States, Geoffrey S. Bacino, of Illinois, to be a Director of the Federal Housing Finance Board, Edmund C. Moy, of Wisconsin, to be Director of the Mint, Department of the Treasury.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported the following business items:

S. Con. Res. 71, expressing the sense of Congress that States should require candidates for driver's licenses to demonstrate an ability to exercise greatly increased caution when driving in the proximity of a potentially visually impaired individual;

S. 3661, to amend section 29 of the International Air Transportation Competition Act of 1979 relating to air transportation to and from Love Field, Texas;

S. 3679, to authorize appropriations for the National Transportation Safety Board;

An original bill, proposed Maritime Administration Improvements Act of 2006; and

The nominations of Mark V. Rosenker, of Maryland, to be Chairman of the National Transportation Safety Board, R. Hunter Biden, of Delaware, and Donna R. McLean, of the District of Columbia, each to be a Member of the Reform Board (Amtrak), John H. Hill, of Indiana, to be Administrator of the Federal Motor Carrier Safety Administration, and Andrew B. Steinberg, of Maryland, to be Assistant Secretary for Aviation and International Affairs, both of

the Department of Transportation, and routine lists in the Coast Guard and NOAA.

HIGH-PERFORMANCE COMPUTING

Committee on Commerce, Science, and Transportation: Subcommittee on Technology, Innovation, and Competitiveness concluded a hearing to examine high-performance computing as a priority in the overall Federal research and development portfolio, the impact and success of interagency coordination in this area, and United States leadership in high-performance computing in the context of global competitiveness in information technology and its applications, after receiving testimony from Simon Szykman, Director, National Coordination Office for Networking and Information Technology Research and Development; Irving Wladawsky-Berger, IBM Corporation, Somers, New York; Christopher Jehn, Cray Inc., Arlington, Virginia; Jack Waters, Level (3) Communications, Broomfield, Colorado; Joseph Lombardo, University of Nevada National Supercomputing Center for Energy and the Environment, Las Vegas; Michael Garrett, The Boeing Company, Seattle, Washington; and Stanley Burt, Advanced Biomedical Computing Center, Frederick, Maryland.

HEALTHY FORESTS RESTORATION ACT

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded an oversight hearing on the implementation of The Healthy Forests Restoration Act (Public Law 108–148), after receiving testimony from Nina Rose Hatfield, Deputy Assistant Secretary of the Interior for Policy, Management and Budget; Dale Bosworth, Chief, U.S. Forest Service, Department of Agriculture; Rick Delaco, Village of Ruidoso, Lincoln County, New Mexico; Colleen MacLeod, Commissioner, Union County, La Grande, Oregon, on behalf of the National Association of Counties; Matthew Koehler, WildWest Institute, Missoula, Montana; and Jay Jensen, Council of Western State Foresters, Lakewood, Colorado.

AIR QUALITY STANDARDS

Committee on Environment and Public Works: Committee concluded a hearing to examine the science and risk assessment behind the Environmental Protection Agency's proposed revisions to the particulate matter air quality standards, after receiving testimony from George Gray, Assistant Administrator, Research and Development, Environmental Protection Agency; John B. Stephenson, Director, Natural Resources and Environment, Government Accountability Office; Roger O. McClellan, Toxicology and Human Health Risk Analysis, Albuquerque, New Mexico; George D. Thurston, New York University School of Medicine, New York, New York; and Anne E. Smith, CRA International, and Daniel S. Greenbaum, Health Effects Institute, both of Boston, Massachusetts.

DHS PURCHASE CARDS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine Department of Homeland Security purchase cards, focusing on whether DHS's control environment and management of purchase card usage were effective, key internal control activities operated effectively and provided reasonable assurance that purchase cards were used appropriately, and indications existed of potentially fraudulent, improper, and abusive or questionable purchase card activity at DHS, after receiving testimony from Gregory D. Kutz, Managing Director, and John J. Ryan, Assistant Director, both of Forensic Audits and Special Investigations, Government Accountability Office; and David L. Norquist, Chief Financial Officer, Department of Homeland Security.

BUSINESS MEETING

Committee on Health, Education, Labor, and Pensions: Committee ordered favorably reported the following business items:

S. 3678, to amend the Public Health Service Act with respect to public health security and all-hazards preparedness and response, with an amendment in the nature of a substitute;

S. 843, to amend the Public Health Service Act to combat autism through research, screening, intervention and education, with an amendment in the nature of a substitute; and

The nominations of Elizabeth Dougherty, of the District of Columbia, and Harry R. Hoglander, of Massachusetts, each to be a Member of the National Mediation Board, Ronald S. Cooper, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission, and Lawrence A. Warder, of Texas, to be Chief Financial Officer, and Troy R. Justesen, of Utah, to be Assistant Secretary for Vocational and Adult Education, both of the Department of Education.

CREDIT CARD INTERCHANGE FEES

Committee on the Judiciary: Committee concluded a hearing to examine antitrust concerns relating to credit card interchange rates—the fees that credit card issuers, and/or processors, charge the merchant to process a credit card transaction, after receiving testimony from Bill Douglass, Douglass Distributing Company, Sherman, Texas, on behalf of the National Association of Convenience Stores; Kathy Miller, The Elmore Store, Elmore, Vermont; Joshua L. Peirez, MasterCard Worldwide, Purchase, New York; and Joshua R. Floum, Visa U.S.A., Inc., Timothy J.

Muris, George Mason University School of Law and O'Melveny and Meyers, and W. Stephen Cannon, Constantine Cannon, on behalf of the Merchants Payments Coalition, Inc., all of Washington, D.C.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported S. 2703, to amend the Voting Rights Act of 1965, with an amendment.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 14 public bills, H.R. 5831–5844; 2 private bills, H.R. 5845–5846; and 7 resolutions, H. Con. Res. 449–451; and H. Res. 926–929 were introduced.

Pages H5490–92

Additional Cosponsors: **Page H5492**

Reports Filed: Reports were filed today as follows:

H. Res. 925, providing for consideration of H.R. 5684, to implement the United States-Oman Free Trade Agreement (H. Rept. 109–579); and

H.R. 4804, to modernize the manufactured housing loan insurance program under title I of the National Housing Act, with an amendment (H. Rept. 109–580). **Page H5490**

Speaker: Read a letter from the Speaker wherein he appointed Representative Miller of Michigan to act as Speaker pro tempore for today. **Page H5383**

Chaplain: The prayer was offered by the guest Chaplain, Monsignor Robert Sheeran, President, Setan Hall University, South Orange, New Jersey. **Page H5383**

Pledge Protection Act of 2005: The House passed 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 by a recorded vote of 260 ayes to 167 noes, Roll No. 385, after ordering the previous question. **Pages H5388–H5419, H5432–33**

Agreed to:

Atkin amendment (No. 3 printed in H. Rept. 109–577) to add language making it explicit that the Act is effective immediately and applies to all pending and future litigation. **Pages H5417–19**

Rejected:

Jackson-Lee of Texas amendment (No. 2 printed in H. Rept. 109–577) that sought to require that Federal courts have jurisdiction when free exercise of religion is violated due to coerced or mandatory recitation of the Pledge; and **Pages H5416–17**

Watt amendment (No. 1 printed in H. Rept. 109–577) that sought to preserve the authority of the United States Supreme Court to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, the Pledge of Allegiance, as defined in 4 U.S.C. section 4, or its recitation (by a recorded vote of 183 ayes to 241 noes, Roll No. 384). **Pages H5415–16, H5432–33**

H. Res. 920, the rule providing for further consideration of the bill was agreed to by a yea-and-nay vote of 257 yeas to 168 nays, Roll No. 383, after agreeing to order the previous question by a yea-and-nay vote of 224 yeas to 200 nays, Roll No. 382. **Pages H5396–97**

Suspension: The House agreed to suspend the rules and pass the following measures:

Preserving the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States: H.R. 5683, amended, to preserve the Mt. Soledad Veterans Memorial in San Diego, California, by providing for the immediate acquisition of the memorial by the United States, by a (2/3) yea-and-nay vote of 349 yeas to 74 nays with 3 voting "present" , Roll No. 386; and **Pages H5422–26, H5433–34**

Expressing sympathy for the people of India in the aftermath of the deadly terrorist attacks in Mumbai on July 11, 2006: H. Res. 911, amended, to express sympathy for the people of India in the aftermath of the deadly terrorist attacks in Mumbai on July 11, 2006, by a (2/3) yea-and-nay vote of 425 yeas with none voting "nay", Roll No. 387. **Pages H5426–32, H5434–35**

Agreed to amend the title so as to read: "Resolution condemning in the strongest possible terms the

July 11, 2006, terrorist attacks in India and expressing condolences to the families of the victims and sympathy to the people of India.''. Page H5435

Presidential Veto Message—Stem Cell Research Enhancement Act of 2005: Read a message from the President wherein he announces his veto of H.R. 810, to amend the Public Health Service Act to provide for human embryonic stem cell research, and explains his reasons therefor—ordered printed (H. Doc. 109–127). Pages H5435–51

Subsequently, the House voted to sustain the President's veto of H.R. 810, to amend the Public Health Service Act to provide for human embryonic stem cell research by a yea-and-nay vote of 235 yeas to 193 nays, Roll No. 388 (two-thirds of those present not voting to override). Pages H5450–51

Subsequently, the message and the bill were referred to the Committee on Energy and Commerce. Page H5451

Suspensions—Proceedings Postponed: The House completed debate on the following measures under suspension of the rules. Further consideration of the measures is expected to resume tomorrow, July 20th:

Commending the National Aeronautics and Space Administration on the completion of the Space Shuttle's second Return-to-Flight mission: H. Con. Res. 448, to commend the National Aeronautics and Space Administration on the completion of the Space Shuttle's second Return-to-Flight mission; and Pages H5419–22

Condemning the recent attacks against the State of Israel, holding terrorists and their state-sponsors accountable for such attacks, supporting Israel's right to defend itself: H. Res. 921, to condemn the recent attacks against the State of Israel, holding terrorists and their state-sponsors accountable for such attacks, supporting Israel's right to defend itself (agreed by unanimous consent to extend the time for debate). Pages H5451–80

Senate Message: Message received from the Senate today appear on page H5383.

Quorum Calls—Votes: Five yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H5396, H5397, H5432–33, H5433, H5434, H5434–35 and H5450–51. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at midnight.

Committee Meetings

GUEST WORKER PROGRAMS

Committee on Education and the Workforce: Held a hearing entitled ''Guest Worker Programs: Impact on the American Workforce and U.S. Immigration Policy.'' Testimony was heard from public witnesses.

YUCCA MOUNTAIN SCHEDULE

Committee on Energy and Commerce: Subcommittee on Energy and Air Quality held a hearing entitled ''DOE's Revised Schedule for Yucca Mountain.'' Testimony was heard from Edward F. Sproat, III, Director, Office of Civilian Radioactive Waste Management, Department of Energy.

CLIMATE CHANGE ASSESSMENTS

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled ''Questions Surrounding the 'Hockey Stick' Temperature Studies: Implications for Climate Change Assessments.'' Testimony was heard from public witnesses.

NONADMITTED AND REINSURANCE REFORM ACT

Committee on Financial Services: Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises approved for full Committee action, as amended, H.R. 5637, Nonadmitted and Reinsurance Reform Act of 2006.

COIN AND CURRENCY ISSUES

Committee on Financial Services: Subcommittee on Domestic and International Monetary Policy, Trade, and Technology held a hearing entitled ''Coin and Currency Issues Facing Congress: Can We Still Afford Money?'' Testimony was heard from the following officials of the Department of the Treasury: Larry Felix, Director, Bureau of Engraving and Printing; and David A. Lebryk, Acting Director, U.S. Mint; Louise Roseman, Director, Division of Reserve Bank Operations and Payment Systems, Board of Governors, Federal Reserve System; Scott Johnson, Deputy Special Agent in Charge, Criminal Investigative Division, U.S. Secret Service, Department of Homeland Security; Brent D. Glass, Director, National Museum of American History, Smithsonian Institution; and public witnesses.

CUTTING GOVERNMENT WASTE

Committee on Government Reform: Held a hearing entitled ''Cutting Out the Waste: An Overview of H.R. 5766, Government Efficiency Act; and H.R. 3282, Abolishment of Obsolete Agencies and Federal Sunset Act of 2005.'' Testimony was heard from Representatives Tiahrt and Brady of Texas; and public witnesses.

DEPARTMENT OF HOMELAND SECURITY AUTHORIZATION FOR FISCAL YEAR 2007

Committee on Homeland Security: Ordered reported, as amended, H.R. 5814, Department of Homeland Security Authorization Act for Fiscal Year 2007.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 5414, To enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts;'' H.R. 3509, amended, Workplace Goods Job Growth and Competitiveness Act of 2005; and H.R. 5535, amended, Prevention of Civil RICO Abuse Act of 2006.

The Committee began markup of H.R. 1704, Second Chance Act of 2005.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 138, amended, To revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA–06P; H.R. 383, amended, Ice Age Floods National Geologic Trail Designation Act of 2005; H.R. 631, To provide for acquisition of subsurface mineral rights to land owned by the Pascua Yaqui Tribe and land held in trust for the Tribe; H.R. 1796, Mississippi River Trail Study Act; H.R. 2110, amended, Colorado Northern Front Range Mountain Backdrop Protection Study Act; H.R. 2334, amended, City of Oxnard Water Recycling and Desalination Act of 2005; H.R. 3350, Tribal Development Corporation Feasibility Study Act of 2005; H.R. 3534, Piedras Blancs Historic Light Station Outstanding Natural Area Act of 2005; H.R. 3961, To authorize the National Park Service to pay for services rendered by subcontractors under a General Service Administration Indefinite Deliver/Quantity Contract issued for work to be completed at the Grant Canyon National Park; H.R. 4382, Southern Nevada Readiness Center Act; H.R. 4588, amended, Water Resources Research Act Amendments of 2005; H.R. 4750, amended, Lower Republican River Basin Study Act; H.R. 4789, amended, To require the Secretary of the Interior to convey certain public land located wholly or partially within the boundaries of the Wells Hydroelectric Project of Public Utility District No. 1 of Douglas County, Washington to the utility district; H.R. 4857, Endangered Species Compliance and Transparency Act of 2006; H.R. 4957, amended, Tylersville Fish Hatchery Conveyance Act; H.R. 5016, amended, Las Cienegas Enhancement Act; H.R. 5025, amended, Mount Hood Stewardship Legacy Act; H.R. 5132, amended, River Basin National Battlefield Study Act; H.R. 5381, National Fish Hatchery System Volunteer Act of 2006; H.R. 5539, amended, North American Wetlands Conservation Reauthorization Act of 2006; H.R. 5802, amended, NPS Concessions Reform Act of 2006, H.R. 3603, amended, Central Idaho Economic Development and Recreation Act; and H.R. 233, Northern California Coastal Wild Heritage Wilderness Act.

UNITED STATES-OMAN FREE TRADE AGREEMENT IMPLEMENTATION ACT

Committee on Rules: Granted, by a vote of 7 to 3, a closed rule providing 2 hours of debate in the House on H.R. 5684, United States-Oman Free Trade Agreement Implementation Act, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against consideration of the bill. The rule provides that pursuant to section 151 of the Trade Act of 1974, the previous question shall be considered as ordered on the bill to final passage without intervening motion. Finally, the rule provides that during consideration of the bill, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker in consonance with section 151 of the Trade Act of 1974. Testimony was heard from Representatives Shaw and Cardin.

VOTING MACHINES

Committee on Science: and the Committee on House Administration, held a joint hearing on Voting Machines: Will New Standards and Guidelines Prevent Future Problems? Testimony was heard from Donetta Davidson, Commissioner, Election Assistance Commission; William Jeffrey, Director, National Institute of Standards and Technology, Department of Commerce; Mary Kiffmeyer, Secretary, State of Minnesota; Linda Lamone, Administrator of Elections, Board of Elections, State of Maryland; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Ordered reported the following bills: H.R. 5483, Railroad Retirement Disability Earnings Act; H.R. 5782, amended, Pipeline Safety Improvement Act of 2006; H.R. 5808, amended, Public Transportation Security Assistance Act of 2006; H.R. 5810, amended, To amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to authorize funding for brownfields revitalization activities and State response programs; H.R. 5830, Wright Amendment Reform Act; H.R. 5811, amended, MARPOl Annex VI Implementation Act of 2006; and H.R. 4653, To repeal a prohibition on the use of certain funds for tunneling in certain areas with

respect to the Los Angeles to San Fernando Metro Rail project, California.

The Committee also approved GSA Capital Investment and Leasing Program Resolutions.

OVERSIGHT—TRANSIT SAFETY

Committee on Transportation and Infrastructure: Subcommittee on Highways, Transit and Pipelines held an oversight hearing on Transit Safety: the Federal Transit Administration's State Safety Oversight Program. Testimony was heard from Susan E. Schruth, Associate Administrator, Program Management, Federal Transit Administration, Department of Transportation; Kate Siggerud, Director, Physical Infrastructure Issues, GAO; and public witnesses.

VETERANS SERVICE OFFICERS CLAIMS DEVELOPMENT

Committee on Veterans' Affairs: Subcommittee on Disability Assistance and Memorial Affairs held a hearing on the role of national, state, and county veterans' service officers in claims development. Testimony was heard from Jack McCoy, Associate Deputy Under Secretary, Policy and Program Management, Veterans Benefits Administration, Department of Veterans Affairs; COL. Warren R. McPherson, USMC (Ret.), Executive Director, Department of Veterans Affairs, State of Florida; Tim Tetz, Executive Director, Office of Veterans Services, State of Nevada; and representatives of veterans organizations.

WELFARE REFORM REVIEW

Committee on Ways and Means: Held a hearing to Review Outcomes of 1996 Welfare Reforms. Testimony was heard from Senator Santorum; former Speaker of the House Newt Gingrich of Georgia; Tommy G. Thompson, former Secretary of Health and Human Services; June O'Neill, former Director, CBO; and public witnesses.

FOREIGN INTELLIGENCE SURVEILLANCE ACT

Permanent Select Committee on Intelligence: Held a hearing on the Foreign Intelligence Surveillance Act. Testimony was heard from Judge Richard A. Posner, U.S. Court of Appeals for the Seventh Circuit; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, JULY 20, 2006

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine USDA dairy programs, 10 a.m., SR–328A.

Committee on Appropriations: business meeting to mark up H.R. 5631, making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, proposed legislation making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2007, H.R. 5385, making appropriations for the military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2007, and H.R. 5576, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2007, 2 p.m., SD–106.

Committee on Armed Services: to receive a closed briefing regarding overhead imagery systems, 9:30 a.m., S–407, Capitol.

Committee on Energy and Natural Resources: to hold hearings to examine the nominations of John Ray Correll, of Indiana, to be Director of the Office of Surface Mining Reclamation and Enforcement, and Mark Myers, of Alaska, to be Director of the United States Geological Survey, both of the Department of the Interior, and Drue Pearce, of Alaska, to be Federal Coordinator for Alaska Natural Gas Transportation Projects, Federal Energy Regulatory Commission, 10 a.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine U.S. policy options regarding North Korea, 9:30 a.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, and International Security, to receive a closed briefing regarding Iran, 11 a.m., S–407, Capitol.

Subcommittee on Federal Financial Management, Government Information, and International Security, to hold hearings to examine Iran's nuclear impasse, focusing on the status of Iran's nuclear weapons capabilities, European negotiations and the UN Security Council, and the feasibility of further negotiations, democracy promotion, sanctions, and/or military operations, 1:30 p.m., SD–342.

Committee on Veterans' Affairs: to hold hearings to examine ''VA Data Privacy Breach: Twenty-Six Million People Deserve Assurance of Future Security'', 10 a.m., SR–418.

Select Committee on Intelligence: to receive a closed briefing regarding intelligence matters, 2:30 p.m., SH–219.

Special Committee on Aging: to hold hearings to examine the generic drug maze relating to access to affordable, life-saving drugs, 10 a.m., SD–106.

House

Committee on Agriculture, hearing on H.R. 3849, PIC and POPs Conventions and the LRTAP POPs Protocol Implementation Act, 10 a.m., 1300 Longworth.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearing on H.R. 16, Tribal Labor Relations Restoration Act of 2005, 10:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet, hearing on H.R. 5785, Warning, Alert, and Response Network Act, 10 a.m., 2123 Rayburn.

Committee on Financial Services, hearing on monetary policy and the state of the economy, 10 a.m., 2128 Rayburn.

Committee on Government Reform, to consider the following: H.R. 5664, To designate the facility of the United States Postal Service located at 110 Cooper Street Babylon, New York, as the ''Jacob Fletcher Post Office Building;'' H. Res. 605, Recognizing the life of Preston Robert Tisch and his outstanding contributions to New York City, the New York Giants Football Club, the National Football League, and the United States; H. Res. 823, Commending the outstanding efforts by members of faith-based and community organizations in response to Hurricane Katrina and Hurricane Rita; H. Res. 901, Honoring former President William Jefferson Clinton on the occasion of his 60th birthday; a Committee Report entitled ''Brownfields: What Will It Take to Turn Lost Opportunities Into America's Gain?'' H.R. 3282, Abolishment of Obsolete Agencies and Federal Sunset Act of 2005; and H.R. 5766, Government Efficiency Act of 2006; followed by a hearing entitled ''Climate Change: Understanding the Degree of the Problem,'' 9:30 a.m., 2154 Rayburn.

Subcommittee on Criminal Justice, Drug Policy and Human Resources and the Subcommittee on Economic Security, Infrastructure Protection, and Cyber-Security of the Committee on Homeland Security, joint hearing entitled ''Expanding the Border: Construction Options and Strategic Placement Fence,'' 2 p.m., 2118 Rayburn.

Subcommittee on Energy and Resources, hearing entitled ''Hybrid Cars: Increasing Fuel Efficiency and Reducing Oil Dependence,'' 2 p.m., 2247 Rayburn.

Committee on Homeland Security, executive, briefing on the National Asset Database by the Department of Homeland Security Office of Infrastructure Protection, 10 a.m., H2–176 Ford.

Committee on International Relations, hearing on Asian Free Trade Agreements: Are They Good for the USA? 10 a.m., and a hearing on the Sale of F–16 Aircraft and Weapons Systems to Pakistan, 1:30 p.m., 2172 Rayburn.

Subcommittee on Africa, Global Human Rights and International Operations, hearing on Angola's Long Delayed Election, 2 p.m., 2255 Rayburn.

Subcommittee on Oversight and Investigations, hearing on U.S. Nonproliferation Strategy: Policies and Technical Capabilities, 9:30 a.m., 2255 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 682, Regulatory Flexibility Improvements Act, 11:30 a.m., 2141 Rayburn.

Subcommittee on Immigration, Border Security, and Claims, oversight hearing entitled ''Energy Employees Occupational Illness Compensation Program Act: Are We Fulfilling the Promise We Made to Cold War Veterans When We Created the Program? Part 3 in a Series,'' 2 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Fisheries and Oceans, oversight hearing on the U.S. Fish and Wildlife Service's Growing Operations Crisis Within the National Wildlife Refuge System, 10 a.m., 1324 Longworth.

Committee on Small Business, Subcommittee on Rural Enterprises, Agriculture, and Technology and the Subcommittee on Tax, Finance, and Exports, joint hearing entitled ''Chinese Barriers to Trade: Does China Play Fair?'' 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation, oversight hearing on U.S. Coast Guard Licensing and Documentation of Merchant Mariners, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, to mark up the following measures: Veterans Identify and Credit Protection Act of 2006; Construction and Lease Authorization; H. Con. Res. 125, Expressing the support for the designation and goals of ''Hire a Veteran Week'' and encouraging the President to issue a proclamation supporting those goals; and H. Con. Res. 347, Honoring the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their contributions to the health care of veterans and the health-care system of the Nation, 10:30 a.m., 334 Cannon.

Committee on Ways and Means, to consider the United States-Peru Trade Promotion Agreement Implementation Act, 9:30 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, hearing on FBI Confidential Human Source Operations, 1:30 p.m., H–405 Capitol.

Joint Meetings

Conference: meeting of conferees on S. 250, to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, 3 p.m., HC–5, Capitol.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, July 20

Senate Chamber

Program for Thursday: Senate will begin consideration of H.R. 9, Voting Rights Reauthorization Act, and after a period of debate, vote on final passage of the bill. Also, Senate expects to begin consideration of S. 403, Child Custody Protection Act, the Adam Walsh Child Protection and Safety Act, and vote on the confirmation of certain judicial nominations.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, July 20

House Chamber

Program for Thursday: Consideration of H.R. 5684—United States-Oman Free Trade Agreement Implementation Act and H. Res. 925 (Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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