''SEC. 317. EMERGENCY COMMUNICATIONS BACK-UP SYSTEM.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Communications Security Act of 2005, the Secretary, in conjunction with the Federal Communications Commission, shall evaluate the technical feasibility of creating a back-up emergency communications system that complements existing communications resources and takes into account next generation and advanced telecommunications technologies. The overriding objective for the evaluation shall be providing a framework for the development of a resilient interoperable communications system for emergency responders in an emergency. In conducting that evaluation, the Secretary shall evaluate all reasonable options, including satellites, wireless, and terrestrial-based communications systems and other alternative transport mechanisms that can be used in tandem with existing technologies.

''(b) COMPONENTS.—The back-up system shall include—

''(1) reliable means of emergency communications; and

''(2) if necessary, handsets, desktop communications devices, or other appropriate devices for each public safety entity.

''(c) FACTORS TO BE EVALUATED.—The evaluation under subsection (a) shall include—

''(1) a survey of all Federal agencies that use terrestrial or satellite technology for communications security and an evaluation of the feasibility of using existing systems for purposes creating such an emergency back-up medical facility public safety communications system;

''(2) the feasibility of using private satellite, wireless, or terrestrial networks for emergency communications;

''(3) the technical options, cost, and deployment methods of software, equipment,handsets or desktop communications devices for public safety entities in major urban areas, and nationwide; and

''(4) the feasibility and cost of necessary changes to the network operations center of terrestrial-based or satellite systems to enable the centers to serve as an emergency back-up communications systems.

''(d) REPORT.—Upon the completion of the evaluation under subsection (a), the Secretary shall submit a report to Congress that details the findings of the evaluation, including a full inventory of existing public and private resources most efficiently capable of providing emergency communications.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

''(f) EXPEDITED FUNDING OPTION AND IMPLEMENTATION STRATEGY.—If, as a result of the evaluation conducted under subsection (a), the Secretary determines that the establishment of such a back-up system is feasible then the Secretary shall request appropriations for the deployment of such a back-up communications system not later than 90 days after submission of the report under subsection (d).''.

(b) CLERICAL AMENDMENT.—The table of contents for the Homeland Security Act of 2002, as amended by section 4, is amended by inserting after the item relating to section 316 the following:

''Sec. 317. Emergency communications back-up system.''.

By Mr. DORGAN:

S. 1704. A bill to prohibit the use of Federal funds for the taking of property by eminent domain for economic development; to the Committee on the Judiciary.

Mr. DORGAN. Earlier this year, the Supreme Court ruled in Kelo vs. New London that it was permissible for a government to use the power of eminent domain simply for the purpose of economic development.

I am greatly troubled by this case. I do not believe that the government can or should take property for a non-governmental purpose simply because it will generate additional tax revenue.

This court decision stands logic on its head—and it is a dangerous precedent as well.

I understand that there will be times when it is essential for the government to use eminent domain for the public good. For example, eminent domain is appropriate in order to build a flood control project to protect a city. Or to construct a highway or lay a water line.

But it makes no sense for the Court to allow a city—or a state or even the federal government—to use its power to allow private developers to acquire property under the takings clause. Once you start down that path, whose private property is safe? Could my home be condemned because a larger, more expensive house could be built on that lot? Can a local café be seized in order to provide space for a new, high-end French restaurant?

Government at all levels should be protecting and strengthening private property rights—not diminishing them.

So today I am introducing legislation to clarify and strengthen private property rights and ensure that government cannot abuse its power of eminent domain in the name of ''economic development.''

First, my bill prevents the use of Federal funds for any economic development project that uses property that was subject of an eminent domain taking. This would cut off the spigot of Federal dollars to these questionable projects. Frankly, most economic development projects rely in some way on Federal dollars so this provision would have the practical effect of sharply curtailing this practice.

Second, my bill is explicit that traditional public use and public purpose projects are still permitted. I am not trying to end the use of eminent domain in order to protect public health and safety or in order to build important infrastructure in our communities. My bill makes this clear.

Finally, this bill clearly lays out that the funding prohibition includes takings of private property for the use of, or ownership of, another private individual or entity. One of the most troubling trends in this area is the use of eminent domain by a government that then turns the property over to a private person or group for their private gain.

This issue also demands attention at the state level. I commend the efforts of a number of leaders in North Dakota to make changes to our state constitution in a way that will protect private property owners.

Our former state attorney general, Heidi Heitkamp, is spearheading an effort to prevent the use of eminent domain at the State level for economic development purposes regardless of whether Federal funds are used. This is an important initiative and I fully support it. It is an important complement to the bill I am introducing today. In fact, much of the language in my bill reflects the language in the initiated measure in North Dakota.

Strong private property rights are a fundamental part of our country's heritage and I believe that we should take steps to protect those rights. This bill will afford all Americans better protection against inappropriate uses of eminent domain and seizure of property.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows.

S. 1704

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

SECTION 1. PROHIBITION ON USE OF FEDERAL FUNDS IN ECONOMIC DEVELOPMENT RELATING TO PROPERTY TAKEN BY EMINENT DOMAIN.

(a) SHORT TITLE.—This Act may be cited as the ''Private Property Protection Act of 2005''.

(b) PROHIBITION.—

(1) IN GENERAL.—No Federal funds may be used relating to a property that is the subject of a taking by eminent domain.

(2) EXCEPTION.—Paragraph (1) shall not apply if the property is being used for public use or a public purpose.

(c) PUBLIC USE OR PUBLIC PURPOSE .—Economic development, including an increase in the tax base, tax revenues, or employment, may not be the primary basis for establishing a public use or public purpose under subsection (b).

(d) TAKINGS FOR USE BY PRIVATE INDIVIDUAL OR ENTITY.—Subsection (b) shall include to takings of private property for the use of, or ownership by, any private individual or entity.

Ms. LANDRIEU:

S.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States relative to the reference to God in the Pledge of Allegiance and on United States currency; to the Committee on the Judiciary.

Ms. LANDRIEU. Mr. President, a Federal District Court judge in the Ninth Circuit has once again declared that the reference to God in the Pledge of Allegiance is unconstitutional. Just a couple of years ago, the Ninth Circuit Court of Appeals reached a similar conclusion in the case of Newdow v. U.S. Congress. I am now, as I was then, surprised and disappointed with this new ruling by the District Court.

Today I am reintroducing a proposed constitutional amendment that simply says that references to God in the Pledge of Allegiance and on our currency do not affect an establishment of religion under the First Amendment. References to God are found in every

one of our founding documents from the Declaration of Independence to the Constitution, as well as in the Pledge of Allegiance. The phrase ''In God We Trust'' appears on all of our currency and on many public buildings. Every day, we begin Senate sessions with a prayer and the Pledge. I firmly believe that the framers of the Constitution and the First Amendment did not want to ban all references to God from public discourse when they wrote the Establishment Clause. What they wanted to prevent was the establishment of an official national religion and to keep the government from getting intimately involved in the organization of one religion over another.

These references to God are ceremonial. Certainly, they do have meaning, but individuals are free to put whatever meaning on the word they choose. Indeed, I fully respect and support the rights of people not to participate in the Pledge or in ceremonial prayer and my amendment will not coerce anyone to recite the Pledge of Allegiance in public or in school.

I had hoped that the Supreme Court, which took the Newdow case up on appeal, would have settled this question once and for all. It did not. The Court dismissed the case saying Mr. Newdow lacked standing. The Supreme Court may have the opportunity to hear arguments in this case later on. If the Supreme Court should decide not to hear the case or to overrule the lower court, then Congress should restore the appropriate balance between church and state that I believe was the intent of the framers.

I urge my colleagues to support this joint resolution and I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection the bill was ordered to be printed in the RECORD as follows.

S.J. RES. 24

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission by the Congress:

''ARTICLE—

''SECTION 1. A reference to God in the Pledge of Allegiance or on United States currency shall not be construed as affecting the establishment of religion under the first article of amendment of this Constitution.

''SECTION 2. Congress shall have the power to enforce this article by appropriate legislation.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 237—EXPRESSING THE SENSE OF THE SENATE ON REACHING AN AGREEMENT ON THE FUTURE STATUS OF KOSOVO

Mr. VOINOVICH (for himself, Mr. LUGAR, and Mr. BIDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 237

Whereas, on June 10, 1999, the United Nations Security Council adopted Resolution 1244 which authorized the Secretary-General of the United Nations to establish an interim administration for Kosovo to assume the supreme legal authority in Kosovo with the task of promoting ''substantial autonomy and self-governance'' in Kosovo and facilitating a political process to determine the future status of Kosovo;

Whereas, on December 10, 2003, the United Nations interim administration, known as the United Nations Interim Administration Mission in Kosovo, presented the Standards for Kosovo document which set out the requirements to be met to advance stability in Kosovo;

Whereas the Standards for Kosovo require the establishment of functioning democratic institutions in Kosovo, including providing for the holding of elections, establishing the Provisional Institutions of Self-Government, and establishing media and civil society, the establishment of rule of law to ensure equal access to justice and to implement mechanisms to suppress economic and financial crime, and the establishment of freedom of movement in Kosovo, including the free use of language;

Whereas the Standards for Kosovo further require sustainable returns and the rights of communities and their members, improvements in economic and financial institutions, including the prevention of money laundering and the establishment of an attractive environment for investors, the establishment of property rights, including the preservation of cultural heritage, and the development of a sustained dialogue, including a Pristina-Belgrade dialogue and a regional dialogue;

Whereas the ethnic violence that occurred in Kosovo from March 17, 2004 through March 19, 2004, represented a severe setback to the progress the people of Kosovo achieved in implementing the Standards for Kosovo and resulted in 20 deaths and damage to or destruction of approximately 900 homes and 30 Serbian Orthodox churches and other religious sites;

Whereas the bomb attacks against the people and international institutions in Kosovo that occurred from July 2, 2005 through July 4, 2005, were unacceptable events that work counter to the interests and efforts of the majority of the people of Kosovo and signal that more work must be done to promote the implementation of the Standards for Kosovo;

Whereas the status of Kosovo, which is neither stable nor sustainable, is a critical issue affecting the aspirations of Southeast Europe for stability, peace, and eventual membership in the European Union;

Whereas the authorities and institutions of Kosovo must be empowered to act independently to achieve the Standards for Kosovo so that such authorities and institutions may assume responsibility for any progress or setbacks;

Whereas 2005 must be a year of decision for representatives of Kosovo, Serbia and Montenegro, and the United Nations to move forward on the status of Kosovo;

Whereas the basic values of multi-ethnicity, democracy, and market-orientation must remain at the heart of any effort to resolve the question of the future status of Kosovo; and

Whereas the support of all of the people of Kosovo is required to achieve a successful outcome that addresses those basic values: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the unresolved status of Kosovo is neither sustainable nor beneficial to the progress toward stability and peace in Southeast Europe and its integration with Europe;

(2) the leaders of Kosovo and Serbia and Montenegro and the representatives of the United Nations should work toward an agreement on the future status of Kosovo and a plan for transformation in Kosovo;

(3) such agreement and plan should—

(A) address the claims and satisfy the key concerns of the people of Kosovo and the people of Serbia and Montenegro;

(B) seek compromises from both Kosovo and Serbia and Montenegro to reach an agreement;

(C) promote the integration of Southeast Europe with the European Union and the North Atlantic Treaty Organization;

(D) reinforce efforts to encourage full cooperation by the governments of Kosovo and of Serbia and Montenegro with the International Crimes Tribunal for the Former Yugoslavia;

(E) promote stability in the region and take into consideration the stability of democracy in Kosovo and in Serbia and Montenegro;

(F) promote the active participation of Serbians in Kosovo in elections and in the government of Kosovo; and

(G) require the fulfillment of the Standards for Kosovo, the requirements that the United Nations Interim Administration Mission in Kosovo established to advance stability in Kosovo, in accordance with prior commitments and in support of the initiation of discussions on status with particular emphasis on the problem of human rights in minority communities;

(4) the anticipated discussions of the long-term status of Kosovo should result in a plan for implementing the Standards for Kosovo, particularly with regard to minority protections, return of property, and the development of rule of law as it relates to the improvement of protection of minorities, the return of internally displaced persons, the return of property, and the prosecution of human rights violations; and

(5) Kosovo, Serbia and Montenegro, and the United Nations, during the negotiations related to the long-term status of Kosovo, should require—

(A) increased monitoring and reporting of the progress on the implementation of the Standards for Kosovo and any incidents of human rights violations, and should broaden the involvement of minorities and community-level representatives in monitoring, reporting, and publicizing that progress;

(B) that the authorities and institutions of Kosovo be given greater authority and independence in fulfilling the Standards for Kosovo, including assuming the responsibility for any setbacks and progress and acquiring experience in assuming greater autonomy; and

(C) a broad public awareness campaign to raise awareness of both the plan to resolve the question of the status of Kosovo and the requirements for the transition of Kosovo to a permanent status, including the importance of the progress in implementing the

Standards for Kosovo and the necessity of ensuring peace and suppressing all forms of discrimination and violence so that the region may move forward toward a future of greater prosperity, stability, and lasting peace.

SENATE RESOLUTION 238—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE VAST CONTRIBUTIONS OF HISPANIC AMERICANS TO THE STRENGTH AND CULTURE OF OUR NATION

Mr. FRIST (for himself, Mr. SALAZAR, Mr. MARTINEZ, Mr. ALEXANDER, Mr. ALLEN, Mr. BURR, Mr. CHAMBLISS, Mr. COCHRAN, Mr. COLEMAN, Mr. CRAPO, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. MCCAIN, Mr. NELSON of Florida, Mr. OBAMA, Mr. ROBERTS, Mr. SANTORUM, Mr. STEVENS, Mr. TALENT, and Mr. VOINOVICH) submitted the following resolution; which was considered and agreed to:

S. RES. 238

Whereas from September 15, 2005, through October 15, 2005, the country celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics on this continent predates the founding of our Nation, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on American history, values, and culture;

Whereas since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Puerto Rico, Cuba, El Salvador and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic Americans have contributed throughout the ages to the prosperity and culture of our nation;

Whereas the United States Census Bureau now lists Hispanic Americans as the largest ethnic minority within the United States;

Whereas Hispanic Americans serve in all branches of the military and have fought valiantly in every war in United States history;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for ''conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty'';

Whereas 41 men of Hispanic origin have earned this distinction, including 21 such men who sacrificed their lives;

Whereas many Hispanic Americans who served in the military have continued their service to our country;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including two seats in the United States Senate; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 15, 2005, through October 15, 2005, as Hispanic Heritage Month;

(2) celebrates the vast contributions of Hispanic Americans to the strength and culture of our Nation; and

(3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1706. Mr. BINGAMAN (for himself, Ms. LANDRIEU, Mr. REID, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mrs. CLINTON, Mr. DAYTON, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1707. Mr. MCCAIN proposed an amendment to the bill H.R. 2862, supra.

SA 1708. Mr. SHELBY (for Mr. MARTINEZ) proposed an amendment to the bill H.R. 2862, supra.

SA 1709. Mr. SHELBY (for Mr. TALENT (for himself and Mr. DODD)) proposed an amendment to the bill H.R. 2862, supra.

SA 1710. Mr. SHELBY (for Ms. CANTWELL (for herself and Mr. ALLEN)) proposed an amendment to the bill H.R. 2862, supra.

SA 1711. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, supra.

SA 1712. Mr. SHELBY proposed an amendment to the bill H.R. 2862, supra.

SA 1713. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1714. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1715. Mr. SHELBY (for Mr. DEWINE) proposed an amendment to amendment SA 1671 proposed by Mr. DEWINE (for himself, Mr. VOINOVICH, Mr. ALLEN, Mr. WARNER, and Mrs. MURRAY) to the bill H.R. 2862, supra.

SA 1716. Mr. INOUYE (for himself, Mr. ROCKEFELLER, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 2862, supra; which was ordered to lie on the table.

SA 1717. Ms. SNOWE (for herself and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill H.R. 2862, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1706. Mr. BINGAMAN (for himself, Ms. LANDRIEU, Mr. REID, Mr. KENNEDY, Ms. MIKULSKI, Mr. DODD, Mrs. CLINTON, Mr. DAYTON, Mr. AKAKA, Mr. LIEBERMAN, Mr. SCHUMER, and Mrs. MURRAY) submitted an amendment intended to be proposed by him to the bill H.R. 2862, making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___EDUCATIONAL ASSISTANCE FOR INDIVIDUALS AND SCHOOLS IMPACTED BY HURRICANE KATRINA

Subtitle A—Support for Elementary and Secondary Schools With a Large Influx of Displaced Students

SEC. ___. SUPPORT FOR ELEMENTARY AND SECONDARY SCHOOLS WITH A LARGE INFLUX OF DISPLACED STUDENTS.

(a) PURPOSE.—It is the purpose of this section—

(1) to provide assistance to eligible local educational agencies experiencing large increases in student enrollment due to Hurricane Katrina;

(2) to facilitate the enrollment of students impacted by Hurricane Katrina into elementary schools and secondary schools served by such agencies; and

(3) to provide high quality instruction to such students.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Education shall award grants to eligible local educational agencies.

(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—

(A) CHILD COUNT.—Each State that has a large influx of displaced students due to Hurricane Katrina, as determined by the Secretary of Education, shall set a child count date for local educational agencies in the State that have a large influx of such students, as determined by the State, for the purpose of determining the total number of such students in each such agency.

(B) DEFINITION.—In this section, the term ''eligible local educational agency'' means a local educational agency—

(i) that serves, as determined in accordance with the child count described in subparagraph (A), not less than 30 displaced students due to Hurricane Katrina; or

(ii) that serves an elementary school or secondary school in which not less than 3 percent of the students enrolled at the school are displaced students due to Hurricane Katrina, as determined in accordance with the child count described in subparagraph (A).

(3) GRANT AMOUNT.—An eligible local educational agency that receives a grant under this section shall receive a grant amount that is equal to $4,000 multiplied by the number of students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina.

(c) APPLICATION.—Each eligible local educational agency desiring a grant under this section shall prepare and submit an application to the Secretary of Education that contains—

(1) an assurance that the educational programs, services, and activities proposed under this section will be administered by or under the supervision of the agency;

(2) an assurance that the agency will coordinate the use of funds received under this section with other funds received by the agency under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) and with programs described under such Act;

(3) an assurance that funds will be used—

(A) to improve instruction to students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina; and

(B) to facilitate such students' transition into schools served by the agency; and

(4) such other information and assurances as the Secretary may reasonably require.

(d) USE OF FUNDS.—Each eligible local educational agency that receives a grant under this section shall use the grant funds to enhance instructional opportunities for students who enroll in elementary schools and secondary schools served by such agency because the students are displaced due to Hurricane Katrina, which may include—

(1) basic instructional services for such students, including tutoring, mentoring, or academic counseling;

(2) salaries of personnel, including teacher aides, to provide instructional services to such students;