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No. 98

## House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CONAWAY).

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
July 24, 2006.

I hereby appoint the Honorable K. MICHAEL CONAWAY to act as Speaker pro tempore on this day.

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

### MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 31, 2006, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

### PROGRESS IN AFGHANISTAN

Mr. STEARNS. Mr. Speaker, I come to the floor to talk about progress in Afghanistan. There has been a lot of publicity lately about questioning that progress.

My colleagues, since the onset of Operation Enduring Freedom, Afghanistan has made real and substantive progress. To understand the degree to which this progress can be measured, it is important, of course, to remember the many obstacles that we faced in Afghanistan.

Consider, for example, that life expectancy is only 45 years; 71 percent of Afghans over 15 cannot read or write; 91 percent of all rural women are illiterate. Three out of five girls do not go to school, and most of the existing infrastructure has been destroyed. Under those conditions, we realize that progress still is able to proceed.

Now, in testimony before the House Armed Services Committee, James Kunder, the Assistant Administrator for Asia and the Near East for USAID said, "Historically, the vast majority of Afghans have not had access to electricity or safe water. In some remote, mountainous villages, the nearest paved road is a 2-week walk away. And when USAID first arrived in Kabul, much of the population had been severely traumatized after years and years of war. Most Afghans did not remember a time when conflict was not a major part of their lives."

So, my colleagues, against this background, the overthrow of the Taliban by the United States and coalition forces, the rebuilding of roads and infrastructure, and the widespread participation by the Afghan people in presidential and parliamentary elections is a monumental and historic achievement. Afghanistan continues to confront obstacles, but the colossal steps forward that have already been taken should not be underestimated.

In order to increase business opportunities and develop a private sector in Afghanistan, the USAID's Alternative Livelihoods' Private Sector Development Unit opened their first Eastern Regional Business Development Center in Jalalabad. Now, my colleagues, this office works closely with local government, national and international communities, to promote business enterprises, effective services and full employment.

Approximately 6,000 businesses have already registered in one of the provinces. There have been successes in the

agriculture sector as well, including 600 farmers in the Jalalabad region who have received training in harvest handling, packaging and marketing to improve their business opportunities. This program is developing a regional market information system to develop quality standards and retail marketing measures for farmers and business people.

Over 4,000 women in 13 districts have benefitted from the micro-enterprise development projects that train them and increase their income potential. Said one of these recipients, a mother of five in one province, quote, I learned how to sell and to market my products during the USAID training, so I now sell cheese in the neighborhood and in the nearest markets. The skill of cheesemaking has helped me and my family to stand on our own two feet and depend on this, instead of poppy cultivation.

Furthermore, Afghanistan's reconstruction has made considerable progress during the past 4 years. Recently, the World Bank reported that "led by the government with international support, but relying most on the energy and initiative of the Afghan people themselves, reconstruction has resulted in solid achievements. Economic growth, unprecedented primary school enrollments, including for girls, great expansion of immunization, rehabilitation of major highways, a new and stable currency, promulgation of a new constitution, presidential and parliamentary elections, return of refugees and the demobilization of militias . . . Yet the challenges still remain enormous."

Since 2001, the United States has dedicated \$60.5 million for primary education to construct schools, train teachers, provide books and supplies. Currently, approximately 5.3 million Afghan children are enrolled in schools, and 40 percent of them are females.

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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In contrast, on June 11, 2006, the Taliban extremists burned a school and have been implicated or have claimed responsibility for damaging more than 45 schools, assassinating teachers and intimidating school-age children in the past year. Notwithstanding the Taliban threat, three volunteer teachers and 60 students traveled as far as 9 miles to attend the first day of school outside of their city in Afghanistan. That is progress.

The United States has provided more than \$87 million to health care programs throughout Afghanistan. This funding includes programs to train women as health care workers, community midwives, and improving health care, including the construction of women's wings at hospitals and dormitories. As of March, 2006, USAID has completed 454 clinics that serve 340,000 patients per month. Overall, the U.S. has provided basic health services to more than 5 million people in 14 provinces. USAID has trained over 6,000 Afghan community health care professionals.

As we can see, Mr. Speaker, much progress has been made in Afghanistan, but much work still remains. We must continue this process towards a free and prosperous Afghanistan.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CONAWAY) at 2 p.m.

#### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord God, as the voice of truth, You tell us: "Whoever perseveres to the end will be saved."

On this Monday, as we embrace this week and the work You require of us, both as this institution of leadership and as Americans, Your children born of freedom, give us the grace of perseverance.

May daily work and prayerful hopes guide us a step at a time to reach the goals that will bring fulfillment to the promises of our constitutional lives as a people and lead us to find eternal reward for just deeds, both now and forever. Amen.

#### THE JOURNAL

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

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

#### PLEDGE OF ALLEGIANCE

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

Mr. POE 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.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, July 21, 2006.

Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Class 2(b) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 21, 2006, at 12:40 pm:

That the Senate Agreed to without amendment H. Con. Res. 448.

With best wishes, I am,  
Sincerely,

KAREN L. HAAS,  
*Clerk of the House.*

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
U.S. HOUSE OF REPRESENTATIVES,  
Washington, DC, July 21, 2006.

Hon. J. DENNIS HASTERT,  
*The Speaker, House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 21, 2006, at 10:00 a.m.:

That the Senate agreed to S. Con. Res. 112.  
That the Senate passed with amendments H.R. 4472.

That the Senate passed S. 2690.

That the Senate passed S. 3187.

That the Senate passed without amendment H.R. 2977.

That the Senate passed without amendment H.R. 3440.

That the Senate passed without amendment H.R. 3549.

That the Senate passed without amendment H.R. 3934.

That the Senate passed without amendment H.R. 4108.

That the Senate passed without amendment H.R. 4456.

That the Senate passed without amendment H.R. 4561.

That the Senate passed without amendment H.R. 4688.

That the Senate passed without amendment H.R. 4786.

That the Senate passed without amendment H.R. 4995.

That the Senate passed without amendment H.R. 5245.

That the Senate passed without amendment H.R. 4101.

With best wishes, I am,  
Sincerely,

KAREN L. HAAS,  
*Clerk of the House.*

#### PEACE, PEACE, AT ANY PRICE PEACE?

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

Mr. POE. Mr. Speaker, people cry peace, peace. But there can be no peace as long as there is one side that enjoys the shooting and refuses to stop.

Hezbollah, a gang of psychothugs and criminals, kidnapped Israelis and are firing rockets from their hole in the wall in southern Lebanon into Israel. Israel has responded and their commanders say they are going to take out these terrorists.

Now appeasement peaceniks who believe in peace at any price, like France's Chirac, want Israel to stop and talk things over, probably over a bottle of French wine.

But Hezbollah won't stop shooting. These are the same pseudopeace experts that told Israel to withdraw from occupying Lebanon. Israel did just that back in 2000, then gave up Gaza to the Palestinians so there would be so-called land for peace.

But the terrorists in Gaza, Hamas, are shooting rockets into southern Israel, while Hezbollah terrorists, still in Lebanon, are shooting rockets into northern Israel. And the world's peace police still whine for harmony.

Mr. Speaker, you make peace by making the terrorist criminals stop shooting. Here guns talk louder than appeasement words. And that's just the way it is.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. On July 24, 1998, at 3:40 p.m., Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police were killed in the line of duty defending the Capitol against an intruder armed with a gun.

At 3:40 p.m. and in between votes that are to commence at 6:30 p.m., the Chair will recognize the anniversary of this tragedy by observing a moment of silence in their memory.

#### ALLEVIATING THE PROBLEM OF HIGH GAS PRICES

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

Ms. FOXX. Mr. Speaker, I rise today to address a problem that faces all

Americans: skyrocketing gas prices. The cost for an average American to fill up his or her car has been rising steadily over the past 3 months, and the price of a barrel of oil hit a record high 2 weeks ago.

It is absolutely crucial that we build up our own domestic supply of oil in order to decrease our dependence on foreign-born fossil fuels. Drilling off the Outer Continental Shelf and opening the ANWR to oil exploration are two Republican initiatives for strengthening our domestic supply.

In addition, Republicans have supported tax credits for the production and use of ethanol and biodiesel. We have also offered incentives for increased refinery capacity and have created stiffer penalties for price gouging at the pump.

Mr. Speaker, I remain absolutely committed to working with my colleagues on both sides of the aisle to alleviate the problems of high gas prices and our utter dependence on foreign oil.

#### 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 after 6:30 p.m. today.

#### MOUNT HOOD STEWARDSHIP LEGACY ACT

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5025) to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5025

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

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Mount Hood Stewardship Legacy Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Implementation.
- Sec. 3. No reduction in Mount Hood National Forest funding.

#### TITLE I—WILDERNESS AREA DESIGNATIONS

- Sec. 101. Findings and purpose.
- Sec. 102. Designation of wilderness areas, Mount Hood National Forest.
- Sec. 103. Administration of wilderness areas.
- Sec. 104. Maintenance and replacement of foot bridges in wilderness areas.

#### TITLE II—WILD AND SCENIC RIVER DESIGNATIONS

- Sec. 201. Findings and purpose.

- Sec. 202. Wild and scenic river designations, Mount Hood National Forest.

- Sec. 203. Relation to Middle Fork Irrigation District.

#### TITLE III—RECREATION

- Sec. 301. Findings and purpose.
- Sec. 302. Retention of Mount Hood National Forest land use fees from special use authorizations.
- Sec. 303. Use of funds in special account to support recreation.
- Sec. 304. Annual reporting requirement.
- Sec. 305. Mount Hood National Forest Recreational Working Group.
- Sec. 306. Consideration of conversion of forest roads to recreational uses.
- Sec. 307. Improved trail access for persons with disabilities.

#### TITLE IV—TRANSPORTATION

- Sec. 401. Findings and purpose.
- Sec. 402. Mount Hood region defined.
- Sec. 403. Transportation plan.
- Sec. 404. Study regarding gondola connection and intermodal transportation center.

#### TITLE V—FOREST AND WATERSHED STEWARDSHIP

- Sec. 501. Findings and purpose.
- Sec. 502. Forest stewardship assessment.
- Sec. 503. Sustainable biomass utilization study.
- Sec. 504. Watershed management memoranda of understanding.

#### TITLE VI—CRYSTAL SPRINGS WATER- SHED SPECIAL RESOURCES MANAGE- MENT UNIT

- Sec. 601. Findings and purpose.
- Sec. 602. Establishment of Crystal Springs Watershed Special Resources Management Unit.
- Sec. 603. Administration of Management Unit.
- Sec. 604. Acquisition of lands.
- Sec. 605. Effective date.

#### TITLE VII—LOCAL AND TRIBAL RELATIONSHIPS

- Sec. 701. Findings and purpose.
- Sec. 702. First foods gathering areas.
- Sec. 703. Forest Service coordination with State and local governments.
- Sec. 704. Savings provisions regarding relations with Indian tribes.
- Sec. 705. Improved natural disaster preparedness.

#### TITLE VIII—LAND CONVEYANCES

##### Subtitle A—Cooper Spur-Government Camp Land Exchange

- Sec. 801. Findings and purpose.
- Sec. 802. Cooper Spur-Government Camp Land Exchange.
- Sec. 803. Treatment of Inn at Cooper Spur and the Cooper Spur Ski Area.
- Sec. 804. General provisions.

##### Subtitle B—Other Land Exchanges

- Sec. 811. Land exchange, Port of Cascade Locks-Pacific Crest National Scenic Trail.
- Sec. 812. Hunchback Mountain land exchange, Clackamas County.

#### SEC. 2. IMPLEMENTATION.

References in this Act to the Secretary of Agriculture or the Secretary mean the Secretary of Agriculture, acting through the Forest Service.

#### SEC. 3. NO REDUCTION IN MOUNT HOOD NA- TIONAL FOREST FUNDING.

Nothing in this Act is intended to authorize a reduction in the amount of funds appropriated or otherwise made available for the Mount Hood National Forest below the average annual funding level provided for the national forest during fiscal years 1997 through 2006.

#### TITLE I—WILDERNESS AREA DESIGNATIONS

##### SEC. 101. FINDINGS AND PURPOSE.

The purpose of this title is to designate approximately 77,216 acres of National Forest System land in the Mount Hood National Forest as wilderness. The most recent designation of wilderness in the Mount Hood National Forest occurred in 1984, and the designation of an additional 77,216 acres by this title represents a 41 percent increase in the amount of wilderness designated in the national forest.

##### SEC. 102. DESIGNATION OF WILDERNESS AREAS, MOUNT HOOD NATIONAL FOREST.

(a) DESIGNATION.—In furtherance of the purposes of this title and the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the Mount Hood National Forest are designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) BIG BOTTOM WILDERNESS.—National Forest System land comprising approximately 1,330 acres, as generally depicted on the map entitled “Big Bottom Wilderness” and dated June 2006, which shall be known as the “Big Bottom Wilderness”.

(2) BULL OF THE WOODS WILDERNESS ADDITION.—National Forest System land comprising approximately 4,717 acres, as generally depicted on the map entitled “Bull of the Woods Wilderness” and dated June 2006, is incorporated in and shall be considered to be a part of the Bull of the Woods Wilderness, as designated by section 3(4) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328).

(3) COOPER SPUR WILDERNESS.—National Forest System land comprising approximately 2,038 acres, as generally depicted on the map entitled “Cooper Spur Wilderness” and dated June 2006, which shall be known as the “Cooper Spur Wilderness”.

(4) GORGE RIDGELINE WILDERNESS.—National Forest System land comprising approximately 22,577 acres, as generally depicted on the map entitled “Gorge Ridgeline Wilderness” and dated June 2006, which shall be known as the “Gorge Ridgeline Wilderness”.

(5) MOUNT HOOD WILDERNESS ADDITIONS.—National Forest System land comprising approximately 4,672 acres, as generally depicted on the maps entitled “Mount Hood Wilderness (Elk Cove/Mazama Addition)” and “Mount Hood Wilderness (Sandy Addition)” and dated June 2006, is incorporated in and shall be considered to be a part of the Mount Hood Wilderness, as designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(6) ROARING RIVER WILDERNESS.—National Forest System land comprising approximately 37,749 acres, as generally depicted on the map entitled “Roaring River Wilderness” and dated June 2006, which shall be known as the “Roaring River Wilderness”.

(7) SALMON-HUCKLEBERRY WILDERNESS ADDITIONS.—National Forest System land comprising approximately 4,133 acres, as generally depicted on the maps entitled “Salmon Huckleberry Wilderness (Alder Creek Addition)” and “Salmon Huckleberry Wilderness (Eagle Creek Addition)” and dated June 2006, is incorporated in and shall be considered to be a part of the Salmon-Huckleberry Wilderness, as designated by section 3(2) of the Oregon Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-328).

##### (b) MAPS AND LEGAL DESCRIPTION.—

(1) SUBMISSION OF LEGAL DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture shall prepare and submit to Congress a legal description of each wilderness area designated or expanded by subsection (a). It

is the intent of Congress that the final boundary description of the wilderness area be written so that any road or trail depicted on the map referred to in subsection (a) corresponding to that wilderness area as being inside of the designated area shall in fact be inside of the wilderness area and any road or trail depicted on the map as being outside of the designated area shall in fact be outside of the wilderness area.

(2) **FORCE OF LAW.**—The maps referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct technical errors in the maps and legal descriptions. The Secretary shall notify Congress of any change made in a map or legal description under the authority of this paragraph and the reason for the change.

(3) **PUBLIC AVAILABILITY.**—The maps referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Forest Service.

(c) **CHARACTER OF DESIGNATED LAND.**—

(1) **EXCLUSION OF PRIVATE LAND.**—It is the intent of Congress that the wilderness areas designated or expanded by this section do not incorporate any private land in-holding. If any private land is inadvertently included within the boundaries of a wilderness area designated or expanded by this section, the Secretary of Agriculture shall ensure that the landowner continues to have adequate access to the private land.

(2) **EXCLUSION OF FERC PROJECT LANDS.**—Lands inside the Federal Energy Regulatory Commission boundaries established as of the date of the enactment of this Act for a licensed hydroelectric project are excluded from wilderness areas designated or expanded by this section. Operations, maintenance, and construction activities associated with such a project are not affected in any way by the designation or expansion of wilderness areas by this section.

(3) **NO PRECEDENT VALUE.**—Nothing in this subsection is intended to establish a precedent with regard to the designation of Federal land as wilderness by any provision of law enacted after the date of the enactment of this Act.

(4) **COLUMBIA GORGE AIRSHED.**—The designation of wilderness by this section in the Columbia Gorge, as depicted on the map entitled “Gorge Ridgeline Wilderness” and dated June 2006, shall not result in the designation of a Class I airshed in the Columbia Gorge through Federal regulatory action.

**SEC. 103. ADMINISTRATION OF WILDERNESS AREAS.**

(a) **MANAGEMENT.**—Subject to valid existing rights, the National Forest System land designated as wilderness by section 102 shall be administered by the Secretary of Agriculture in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in the Wilderness Act to the effective date of such Act shall be considered to be a reference to the date of the enactment of this Act.

(b) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any non-Federal land that is located within the boundaries of the National Forest System land designated as wilderness by section 102 and is acquired by the United States after the date of the enactment of this Act shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.).

(c) **WITHDRAWAL.**—Subject to valid existing rights, the National Forest System land des-

ignated as wilderness by section 102 is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(d) **FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.**—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report No. 98-40 of the 98th Congress, the Secretary of Agriculture may take such measures on the National Forest System land designated as wilderness by section 102 as are necessary for the control of fire, insects, and diseases.

(e) **SNOW SENSORS AND STREAM GAUGES.**—Nothing in this title prevents the installation and maintenance of hydrologic, meteorologic, or climatological instrumentation on the National Forest System land designated as wilderness by section 102 if the Secretary of Agriculture determines that hydrologic, meteorologic, or climatological instrumentation is appropriate to further the scientific, educational, and conservation purposes of the wilderness areas.

(f) **MILITARY ACTIVITIES.**—Nothing in this Act precludes low-level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over the National Forest System land designated as wilderness by section 102.

(g) **LIVESTOCK.**—Grazing of livestock and the maintenance of existing facilities related to grazing on the National Forest System land designated as wilderness by section 102, where established before the date of the enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of House Report 101-405 of the 101st Congress.

(h) **FISH AND WILDLIFE MANAGEMENT.**—

(1) **IN GENERAL.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary of Agriculture may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats on the National Forest System land designated as wilderness by section 102 if such activities are consistent with applicable wilderness management plans and carried out in accordance with applicable guidelines and policies. Nothing in this Act affects the jurisdiction of the State of Oregon with respect to fish and wildlife on the public land located in the State.

(2) **BULL TROUT RESTORATION PROJECT.**—It is the intent of Congress that nothing in this title prevents the Secretary of Agriculture from conducting the Bull Trout restoration project underway as of the date of the enactment of this Act in Clear Branch Creek west of Lawrence Lake in order to restore historic trout populations and habitat. Project work shall be carried out in accordance with the minimum tools policies of the Forest Service.

(i) **CONTINUED USE BY MEMBERS OF INDIAN TRIBES.**—

(1) **ACCESS.**—In recognition of the past use of the National Forest System land designated as wilderness by section 102 by members of Indian tribes for traditional cultural and religious purposes, the Secretary of Agriculture shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes.

(2) **TEMPORARY CLOSURES.**—In carrying out this subsection, the Secretary, at the request of an Indian tribe, may temporarily close to the general public one or more specific portions of the National Forest System land

designated as wilderness by section 102 to protect the privacy of the members of the Indian tribe in the conduct of the traditional cultural and religious activities in the wilderness area. Any such closure shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.

(3) **APPLICABLE LAW.**—Access to the wilderness areas under this subsection shall be provided in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and Public Law 95-341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996 et seq.).

(j) **ADJACENT MANAGEMENT.**—Nothing in this Act creates protective perimeters or buffer zones around the National Forest System land designated as wilderness by section 102. The fact that nonwilderness activities or uses can be seen or heard from the designated wilderness shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

**SEC. 104. MAINTENANCE AND REPLACEMENT OF FOOT BRIDGES IN WILDERNESS AREAS.**

In the case of each wilderness area designated or expanded by section 102, it is the intent of Congress that the Secretary of Agriculture be able to provide for the maintenance of the foot bridge crossings in the wilderness area and, when needed, the replacement of the foot bridge crossings to ensure public access and safety. Foot bridge replacement work shall be carried out in accordance with the minimum tools policies of the Forest Service.

**TITLE II—WILD AND SCENIC RIVER DESIGNATIONS**

**SEC. 201. FINDINGS AND PURPOSE.**

The purpose of this title is to designate approximately 25 miles of waterways in the Mount Hood National Forest as additions to the National Wild and Scenic Rivers System. The addition of these 25 miles of waterways represents an increase of 20 percent in the total length of all of the waterways in the Mount Hood National Forest included in the National Wild and Scenic Rivers System.

**SEC. 202. WILD AND SCENIC RIVER DESIGNATIONS, MOUNT HOOD NATIONAL FOREST.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

“( ) MOUNT HOOD NATIONAL FOREST, OREGON.—The following rivers in the Mount Hood National Forest in the State of Oregon, to be administered by the Secretary of Agriculture:

“(A) The 4.1 miles of the South Fork of the Clackamas River from its confluence with the East Fork of the South Fork of the Clackamas to its confluence with the Clackamas River, as a scenic river.

“(B) The 8.5 miles of Eagle Creek from its headwaters to the Mount Hood National Forest boundary, of which—

“(i) the 6.7-mile segment from its headwaters to the west section line of section 20, township 3 south, range 6 east, shall be administered as a wild river; and

“(ii) the remaining 1.8-mile segment from such section line shall be administered as a recreational river.

“(C) The 3.7 miles of the Middle Fork of the Hood River from the confluence of Clear and Coe Branches to the Mount Hood National Forest boundary in sections 11 and 12 of township 1 south, ranges 9 and 10 east, as a scenic river.

“(D) The 4.6 miles of the South Fork Roaring River from its headwaters to its confluence with Roaring River, as a wild river.

“(E) The 4.3 miles of the Zig Zag River from its headwaters to the Mount Hood Wilderness boundary, as a wild river.”.

**SEC. 203. RELATION TO MIDDLE FORK IRRIGATION DISTRICT.**

(a) **NO IMPACT ON WATER RIGHTS OR FLOW REQUIREMENTS.**—The designation of the Middle Fork of the Hood River as a scenic river by the amendment made by section 202 is not intended to have any impact on water rights or flow requirements with regard to the Middle Fork Irrigation District.

(b) **EXCLUSION OF OPERATIONAL AREAS.**—The area of the Middle Fork of the Hood River designated as a scenic river by the amendment made by section 202 does not include any portion of the operation area of the Middle Fork Irrigation District.

**TITLE III—RECREATION**

**SEC. 301. FINDINGS AND PURPOSE.**

The purpose of this title is to recognize and support recreation as a dynamic social and economic component of the legacy and future of the Mount Hood National Forest.

**SEC. 302. RETENTION OF MOUNT HOOD NATIONAL FOREST LAND USE FEES FROM SPECIAL USE AUTHORIZATIONS.**

(a) **SPECIAL ACCOUNT.**—The Secretary of the Treasury shall establish a special account in the Treasury for Mount Hood National Forest.

(b) **DEPOSITS.**—Except as provided in section 7 of the Act of April 24, 1950 (commonly known as the Granger-Thye Act; 16 U.S.C. 580d), the National Forest Organizational Camp Fee Improvement Act of 2003 (title V of division F of Public Law 108-107; 16 U.S.C. 6231 et seq.), Public Law 106-206 (commonly known as the Commercial Filming Act; 16 U.S.C. 4601-6d), and the Federal Lands Recreation Enhancement Act (title VIII of division J of Public Law 108-477; 16 U.S.C. 6801 et seq.), all land use fees received after the date which is six months after the date of the enactment of this Act from special use authorizations, such as recreation residences, resorts, winter recreation resorts, communication uses, and linear rights-of-way, and all other special use types issued with regard to Mount Hood National Forest shall be deposited in the special account established under subsection (a).

(c) **AVAILABILITY.**—Subject to subsection (d), amounts in the special account established under subsection (a) shall remain available, without further appropriation and until expended, for expenditure as provided in section 303. Upon request of the Secretary of Agriculture, the Secretary of the Treasury shall transfer to the Secretary of Agriculture from the special account such funds as the Secretary of Agriculture may request. The Secretary shall accept and use the funds in accordance with section 303.

(d) **TERMINATION OF SPECIAL ACCOUNT.**—The special account required by subsection (a) shall terminate at the end of the 10-year period beginning on the date of the enactment of this Act. Any amounts remaining in the special account at the end of such period shall be transferred to the general fund of the Treasury.

**SEC. 303. USE OF FUNDS IN SPECIAL ACCOUNT TO SUPPORT RECREATION.**

(a) **AUTHORIZED USES.**—The Secretary of Agriculture shall use funds received from the special account under section 302(c) for the following purposes related to Mount Hood National Forest:

(1) Installation, repair, maintenance, and facility enhancement related directly to visitor enjoyment, visitor access, and health and safety, such as—

(A) the improvement and maintenance of trails, including trails used for hiking, biking, snowmobiling, horseback riding,

cross-country skiing, and off-highway vehicles;

(B) water system improvements; and

(C) personal sanitation facilities improvements.

(2) Interpretive programs, visitor information, visitor services, visitor needs assessments, mapping, signage, Leave-No-Trace materials, and wilderness rangers.

(3) Habitat restoration directly related to recreation.

(4) Cooperative environmental restoration projects with non-Federal partnership groups and associations, including groups and associations that work with youth.

(5) Law enforcement and rescue and recovery efforts related to public use and recreation, such as law enforcement at recreation events, search and rescue operations, illegal recreation activities investigations, and enforcement.

(6) Improving administration of special use authorizations.

(7) Preparation of documents required under the National Environmental Policy Act of 1969 in connection with the improvement or development of recreational opportunities.

(8) Other projects or partnerships recommended by the Mount Hood National Forest Recreation Working Group established by section 305.

(b) **ALLOCATION REQUIREMENTS.**—Of the total funds received by the Secretary of Agriculture from the special account under section 302(c) for a fiscal year, the Secretary shall allocate the funds as follows:

(1) 95 percent of the funds to Mount Hood National Forest.

(2) 5 percent of the funds to the Regional Office for the Pacific Northwest Region of the Forest Service to develop needed policy and training to support programs in wilderness areas, special uses, trails, developed and dispersed recreation, and interpretation related to Mount Hood National Forest.

**SEC. 304. ANNUAL REPORTING REQUIREMENT.**

The Secretary of Agriculture shall submit to Congress an annual report specifying—

(1) the total funds received by the Secretary from the special account under section 302(c) for the preceding fiscal year;

(2) how the funds were allocated and expended; and

(3) the results from such expenditures.

**SEC. 305. MOUNT HOOD NATIONAL FOREST RECREATIONAL WORKING GROUP.**

(a) **ESTABLISHMENT AND PURPOSE.**—The Secretary of Agriculture shall establish the Mount Hood National Forest Recreational Working Group for the purpose of providing advice and recommendations to the Forest Service on planning and implementing recreation enhancements in Mount Hood National Forest, including advice and recommendations regarding how the funds in the special account established under section 302 should be requested and expended.

(b) **DUTIES.**—The Working Group shall—

(1) review projects proposed by the Secretary for Mount Hood National Forest under section 303(a);

(2) propose projects under section 303(a) to the Secretary;

(3) recommend the amount of funds from the special account established under section 302 to be used to fund projects under section 303; and

(4) provide opportunities for citizens, organizations, Indian tribes, the Forest Service, and other interested parties to participate openly and meaningfully, beginning at the early stages of the development of projects under section 303(a).

(c) **APPOINTMENT.**—

(1) **APPOINTMENT AND TERM.**—The Regional Forester, acting on behalf of the Secretary of

Agriculture, shall appoint the members of the Working Group for a term of three years beginning on the date of appointment. A member may be reappointed to subsequent three-year terms.

(2) **INITIAL APPOINTMENT.**—The Regional Forester shall make initial appointments to the Working Group not later than 180 days after the date of the enactment of this Act.

(3) **VACANCIES.**—The Regional Forester shall make appointments to fill vacancies on the Working Group as soon as practicable after the vacancy has occurred.

(4) **COMPENSATION.**—Members of the Working Group shall not receive any compensation for their service on the Working Group.

(5) **NOMINATIONS.**—The State of Oregon and county governments for each county directly adjacent to or containing any portion of Mount Hood National Forest may submit a nomination to the Regional Forester for each activity or interest group category described in subsection (d).

(6) **BROAD AND BALANCED REPRESENTATION.**—In appointing the members of the Working Group, the Regional Forester shall provide for a balanced and broad representation from the recreation community.

(d) **COMPOSITION OF WORKING GROUP.**—The Working Group shall be composed of 15 members, selected so that the following activities and interest groups are represented:

(1) Summer non-mechanized recreation, such as hiking.

(2) Winter non-motorized recreation, such as snowshoeing and backcountry skiing.

(3) Mountain biking.

(4) Hunting and fishing.

(5) Summer motorized recreation, such as off-highway vehicle use.

(6) Local environmental groups.

(7) Winter motorized recreation, such as snowmobiling.

(8) Permitted ski areas.

(9) Forest products industry.

(10) Affected Indian tribes.

(11) Local holder of a recreation residence permit.

(12) Local government interests, such as a county commissioner or city mayor in an elected position representing a county or city directly adjacent or containing any portion of Mount Hood National Forest.

(13) A resident of Government Camp.

(14) The State of Oregon.

(15) Operators of campground facilities open to the general public.

(e) **CHAIRPERSON.**—The chairperson of the Working Group shall be selected by a majority of the Working Group.

(f) **OTHER WORKING GROUP AUTHORITIES AND REQUIREMENTS.**—

(1) **STAFF ASSISTANCE.**—The Secretary of Agriculture shall provide staff assistance to the Working Group from Federal employees under the jurisdiction of the Secretary.

(2) **MEETINGS.**—All meetings of the Working Group shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) **RECORDS.**—The Working Group shall maintain records of the meetings of the Working Group and make the records available for public inspection.

(g) **LIMITATION ON ADMINISTRATIVE ASSISTANCE.**—Not more than five percent of the funds allocated under section 303(b)(1) to Mount Hood National Forest for a fiscal year may be used to provide administrative assistance to the Working Group during that fiscal year.

(h) **FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Working Group.

(i) **TERMINATION OF WORKING GROUP.**—The Working Group shall terminate at the end of the 10-year period beginning on the date of the enactment of this Act.

**SEC. 306. CONSIDERATION OF CONVERSION OF FOREST ROADS TO RECREATIONAL USES.**

(a) EVALUATION OF CURRENTLY CLOSED ROADS.—

(1) CONSIDERATION FOR RECREATIONAL USE.—The Secretary of Agriculture may make a determination regarding whether the Forest Service roads in Mount Hood National Forest that were selected before the date of the enactment of this Act for closure and decommissioning, but have not yet been decommissioned, should be converted to recreational uses to enhance recreational opportunities in the national forest, such as conversion to single-track trails for mountain bikes and trails for snowmobiling, off-road vehicle use, horseback riding, hiking, cross country skiing, and other recreational uses.

(2) CONSIDERATION OF ENVIRONMENTAL AND ECONOMIC IMPACTS.—In evaluating the feasibility and suitability of converting Forest Service roads under this subsection to recreational uses, and the types of recreational uses to be authorized, the Secretary shall take into account the environmental and economic impacts of implementing the conversion and of the resulting recreational uses.

(3) PUBLIC PROCESS.—The consideration and selection of Forest Service roads under this subsection for conversion to recreational uses, and the types of recreational uses to be authorized, shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Working Group.

(b) FUTURE CLOSURE CONSIDERATIONS.—Whenever the Secretary of Agriculture considers a Forest Service road in Mount Hood National Forest for possible closure and decommissioning after the date of the enactment of this Act, the Secretary shall include, as an alternative to decommissioning the road, consideration of converting the road to recreational uses to enhance recreational opportunities in the Mount Hood National Forest.

**SEC. 307. IMPROVED TRAIL ACCESS FOR PERSONS WITH DISABILITIES.**

(a) CONSTRUCTION OF TRAIL.—The Secretary of Agriculture may enter into a contract with a partner organization or other person to design and construct a trail at a location selected by the Secretary in Mount Hood National Forest suitable for use by persons with disabilities.

(b) PUBLIC PROCESS.—The selection of the trail location under subsection (a) and the preparation of the design of the trail shall be a public process, including consultation by the Secretary of Agriculture with the Mount Hood National Forest Recreational Working Group.

(c) FUNDING.—The Secretary of Agriculture may use funds in the special account established under section 302 to carry out this section.

**TITLE IV—TRANSPORTATION****SEC. 401. FINDINGS AND PURPOSE.**

The purpose of this title is to support the development of an integrated, multi-modal transportation plan for the Mount Hood region designed to achieve comprehensive solutions to transportation challenges in the region necessary to promote appropriate economic development, preserve landscapes, and enhance public safety.

**SEC. 402. MOUNT HOOD REGION DEFINED.**

In this title, the term “Mount Hood region” means Mount Hood and the other areas immediately surrounding the mountain, as well as the Highway 26 and Highway 35 corridors in and near Mount Hood National Forest, other State, county, and Forest Service roads in and near the national forest, and the gateway communities along these corridors and roads.

**SEC. 403. TRANSPORTATION PLAN.**

(a) FOREST SERVICE PARTICIPATION.—The Secretary of Agriculture is authorized and directed to work with the State of Oregon to develop an integrated, multi-modal transportation plan for the Mount Hood region.

(b) PLANNING PROCESS.—The transportation plan shall conform with Federal and Oregon transportation planning requirements and be the product of a collaborative process, preferably through the use of a commission composed of interested persons appointed by the State, with representation from the Forest Service and local governments in the Mount Hood region.

(c) SCOPE OF PLAN.—The transportation plan shall address both—

(1) transportation of people to and from areas outside the Mount Hood region on major corridors traversing the region; and

(2) transportation of people from place to place within the Mount Hood region.

(d) SPECIFIC ELEMENTS OF PLAN.—At a minimum, the transportation plan shall consider the following:

(1) Transportation alternatives between and among recreation areas and gateway communities within the Mount Hood region.

(2) Park and ride facilities at gateway communities.

(3) Intermodal transportation centers to link public transportation, parking, and recreation destinations.

(4) A new interchange on Highway 26 in or near Government Camp.

(5) Designation, maintenance, and improvements of alternative routes utilizing Forest Service and/or State roads for emergency routes or improved access to, and travel within, the Mount Hood region.

(6) Reconstruction of Highway 35 from Mineral Creek to Baseline Road to address ongoing debris flow locations.

(7) Mechanisms for funding implementation of the plan, including Federal grants or appropriations, public-private partnerships, incremental tax financing, and other financing tools that link transportation infrastructure improvements with development.

(e) COMPLETION.—The transportation plan shall be completed within two years after the date on which funds are first made available under subsection (f) for the plan.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Agriculture \$2,000,000, which the Secretary shall provide to the State of Oregon for the preparation of the transportation plan for the Mount Hood region.

**SEC. 404. STUDY REGARDING GONDOLA CONNECTION AND INTERMODAL TRANSPORTATION CENTER.**

(a) STUDY AUTHORIZED.—The Secretary of Agriculture shall conduct a study of the feasibility of establishing—

(1) a gondola connection between Timberline Lodge and Government Camp, Oregon, in the vicinity of the historic gondola corridor; and

(2) an intermodal transportation center in or near Government Camp.

(b) CONSIDERATION OF SITES.—In conducting the study under this section, the Secretary may include consideration of one or more possible sites for the gondola connection and intermodal transportation center.

**TITLE V—FOREST AND WATERSHED STEWARDSHIP****SEC. 501. FINDINGS AND PURPOSE.**

The purpose of this title is to direct the Forest Service to prepare an assessment to promote forested landscapes resilient to catastrophic fire, insects, and disease, to protect homes and communities from property damage and threats to public safety, and to protect and enhance existing community or

municipal watersheds. It is the intent of Congress that site-specific forest health projects undertaken pursuant to this assessment shall be completed in accordance with existing law.

**SEC. 502. FOREST STEWARDSHIP ASSESSMENT.**

(a) PREPARATION OF ASSESSMENT.—The Secretary of Agriculture shall prepare an assessment to identify the forest health needs in those areas of the Mount Hood National Forest with a high incidence of insect or disease infestation (or both), heavily overstocked tree stands, or moderate-to-high risk of unnatural catastrophic wildfire for the purpose of improving condition class, which significantly improves the forest health and water quality. The Secretary may utilize existing information to complete the assessment. The assessment shall also identify specific projects to address these issues.

(b) IMPROVED MAPPING.—The assessment may include improved mapping of condition class 2 and condition class 3 areas and other areas identified in subsection (a) in Mount Hood National Forest.

(c) COMPLETION.—The Secretary of Agriculture shall complete the assessment not later than one year after the date of the enactment of this Act.

(d) DURATION OF STUDY.—The assessment shall cover a 10-year period.

(e) IMPLEMENTATION.—Not later than one year after completion of the assessment, the Secretary shall commence implementation of projects to address the needs identified in the assessment. These projects shall be implemented using authorities available to the Secretary to manage the Mount Hood National Forest to achieve the purpose specified in subsection (a).

(f) DELAY.—During development of the assessment under this section, a forest management project that is unaffiliated with the assessment and has completed review as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321) in accordance with existing law, need not be delayed in the event the Secretary fails to meet the deadline specified in subsection (c).

(g) RELATION TO EXISTING LAW AND PLANS.—Nothing in this section grants the Secretary any authority to manage the Mount Hood National Forest contrary to existing law. The assessment conducted by the Secretary under this section shall not supersede, be considered a supplement or amendment to, or in any way affect the legal or regulatory authority of the Mount Hood National Forest Land and Resource Management Plan or the collection of documents entitled “Final Supplemental Environmental Impact Statement and Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl” and “Standards and Guidelines for Management of Habitat for Late-Successional and Old-Growth Forest Related Species Within the Range of the Northern Spotted Owl”.

(h) PUBLIC PARTICIPATION.—The Secretary shall provide an opportunity for interested persons to be involved in development of the assessment conducted by the Secretary under this section.

**SEC. 503. SUSTAINABLE BIOMASS UTILIZATION STUDY.**

(a) STUDY REQUIRED.—The Secretary of Agriculture shall conduct a study to assess the amount of long-term sustainable biomass available in the Mount Hood National Forest that, consistent with applicable law, could be made available as a raw material for—

(1) the production of electric energy, sensible heat, transportation fuel, or substitutes for petroleum-based products;

(2) dimensional lumber, fencing, framing material, poles, firewood, furniture, chips, pulp for paper; or

(3) other commercial purposes.

(b) **BIOMASS DEFINED.**—In this section, the term “biomass” means small diameter trees and understory vegetation that is removed from forested land as a by-product of forest restoration efforts.

**SEC. 504. WATERSHED MANAGEMENT MEMORANDA OF UNDERSTANDING.**

(a) **COMPLETION OF MEMORANDA OF UNDERSTANDING.**—To the extent that memoranda of understanding or other legal agreements involving watersheds of Mount Hood National Forest do not exist between irrigation districts or municipalities and the Forest Service, the Secretary of Agriculture may complete memoranda of understanding that outline stewardship goals to manage the watersheds for water quality and water quantity.

(b) **ELEMENTS OF MEMORANDUM.**—A memorandum of understanding involving a watershed of Mount Hood National Forest shall encourage adaptability, establish benchmarks regarding water quality and water quantity, and require monitoring to determine progress in meeting such benchmarks. The memorandum of understanding may restrict public access to areas of the watershed where appropriate.

(c) **PUBLIC PROCESS REQUIRED.**—

(1) **COLLABORATION AND CONSULTATION.**—The Secretary of Agriculture shall ensure that the process by which the Secretary enters into a memorandum of understanding with an irrigation district, local government, or other entity involving a watershed of Mount Hood National Forest is based on collaboration and cooperation between the Forest Service and local jurisdictions and other interested persons.

(2) **PUBLIC MEETING REQUIRED.**—The Secretary and the other party or parties to the proposed memorandum of understanding shall hold at least one joint public meeting before completing a final draft of the memorandum of understanding.

(3) **PUBLIC COMMENT.**—A draft memorandum of understanding also shall be open to public comment before being finalized.

**TITLE VI—CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT**

**SEC. 601. FINDINGS AND PURPOSE.**

The purpose of this title is to establish a special resources management unit to ensure protection of the quality and quantity of the Crystal Springs watershed as a clean drinking water source for the residents of Hood River County, Oregon, while also allowing visitors to enjoy its special scenic, natural, cultural, and wildlife values.

**SEC. 602. ESTABLISHMENT OF CRYSTAL SPRINGS WATERSHED SPECIAL RESOURCES MANAGEMENT UNIT.**

(a) **ESTABLISHMENT.**—Effective as provided by section 605, the Secretary of Agriculture shall establish a special resources management unit in the State of Oregon consisting of all National Forest System land that is located within 200 yards from any point on the perimeter of the Crystal Springs Zone of Contribution, as determined by the Crystal Springs Water District, and other National Forest System land in and around the Inn at Cooper Spur and the Cooper Spur Ski Area, as depicted on the map entitled “Crystal Springs Watershed Special Resources Management Unit” and dated June 2006 in this subtitle referred to as the “official map”).

(b) **DESIGNATION.**—The special resources management unit established pursuant to subsection (a) shall be known as the Crystal Springs Watershed Special Resources Management Unit, in this title referred to as the “Management Unit”.

(c) **EXCLUSION OF CERTAIN LAND.**—The Management Unit does not include any National Forest System land otherwise covered by subsection (a) that is designated as wilderness by title I.

(d) **WITHDRAWAL.**—Subject to valid existing rights, National Forest System land included in the Management Unit are permanently withdrawn from all forms of appropriation under the public land laws, including the mining laws and mineral and geothermal leasing laws.

(e) **MAPS AND LEGAL DESCRIPTION.**—

(1) **SUBMISSION OF LEGAL DESCRIPTIONS.**—As soon as practicable after the effective date specified in section 605, the Secretary shall prepare and submit to Congress a legal description of the Management Unit.

(2) **FORCE OF LAW.**—The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct technical errors in the map and legal descriptions. The map of the Crystal Springs Zone of Contribution is incorporated in this Act to delineate the boundaries of the Management Unit, and the delineation of these boundaries is not intended to affect the specific uses that may occur on private land within the boundaries of the Management Unit.

(3) **PUBLIC AVAILABILITY.**—The map referred to in subsection (a) and the legal descriptions prepared under paragraph (1) shall be filed and made available for public inspection in the appropriate offices of the Forest Service.

**SEC. 603. ADMINISTRATION OF MANAGEMENT UNIT.**

(a) **GENERAL APPLICABILITY OF EXISTING LAWS.**—Except as provided in this title, all other laws and regulations affecting National Forest System lands shall continue to apply to the National Forest System lands included in the Management Unit.

(b) **AUTHORIZED ACTIVITIES.**—

(1) **PROCESS FOR ALLOWING ACTIVITIES.**—Only activities described in this subsection may occur in the Management Unit, and the Secretary of Agriculture may permit an activity described in this subsection to occur in the Management Unit only after the Secretary—

(A) obtains the review and opinions of the Crystal Springs Water District regarding the effect of the activity on the purposes of the Management Unit;

(B) complies with all applicable Federal law regarding development and implementation of the activity; and

(C) when appropriate, provides to the general public advance notice of the activity, an opportunity to comment on the activity, and appeal rights regarding the activity.

(2) **RECREATION.**—The Secretary may—

(A) continue to maintain recreational opportunities and trails, in existence in the Management Unit as of the effective date specified in section 605, within their existing and historic footprints or at an alternative location; and

(B) develop new foot paths or cross-county skiing trails in the Management Unit.

(3) **LEASE OF CERTAIN IMPROVEMENTS.**—The Secretary may lease improvements and facilities, in existence in the Management Unit as of the effective date specified in section 605, within their existing and designated footprints to one or more concessionaires.

(4) **ROAD MAINTENANCE.**—Subject to subsection (d), the Secretary may maintain National Forest System roads, in existence in the Management Unit as of the effective date specified in section 605 or as directed by the management plan required by subsection (d). Maintenance may include the installation of culverts and drainage improvements and other similar activities.

(5) **FUEL REDUCTION IN PROXIMITY TO IMPROVEMENTS AND PRIMARY PUBLIC ROADS.**—The Secretary may permit fuel reduction on

National Forest System land in the Management Unit—

(A) extending up to 400 feet from structures on National Forest System land or structures on adjacent private land; and

(B) extending up to 400 feet from the Cooper Spur Road, the Cloud Cap Road, and the Cooper Spur ski area loop road.

(6) **OTHER FUEL REDUCTION AND FOREST HEALTH ACTIVITIES.**—The Secretary may conduct fuel reduction and forest health management activities in the Management Unit, with priority given to activities that restore previously harvested stands, including the removal of logging slash, smaller diameter material, and ladder fuels. The purpose of any fire risk reduction or forest health management activity conducted in the Management Unit shall be the maintenance and restoration of fire-resilient forest structures containing multi-storied canopies (where ecologically appropriate) and the protection of water quality, water quantity, scenic, cultural natural and wildlife values.

(c) **SPECIFICALLY PROHIBITED ACTIVITIES.**—The following activities may not occur on National Forest System land in the Management Unit, whether separately or, except as provided in paragraph (2), as part of an activity authorized by subsection (b):

(1) New road construction or renovation of existing non-System roads.

(2) Projects undertaken for the purpose of harvesting commercial timber. The harvest of merchantable products that are a by-product of activities conducted pursuant to subsection (b)(6) and carried out pursuant to a stewardship contract are not prohibited by this subsection

(3) Commercial livestock grazing.

(4) The placement or maintenance of fuel storage tanks.

(5) The application of any toxic chemicals, including pesticides, rodenticides, herbicides, or retardants, for any purpose, except with the consent of the Crystal Springs Water District.

(d) **MANAGEMENT PLAN.**—

(1) **PLAN REQUIRED.**—Within nine months after the effective date specified in section 605, the Secretary of Agriculture shall adopt a management plan for the Management Unit that, while providing for the limited activities specifically authorized by subsection (b), protects the watershed from illegal dumping, human waste, fires, vandalism and other risks to water quality.

(2) **CONSULTATION AND PUBLIC PARTICIPATION.**—The Secretary shall prepare the management plan in consultation with the Crystal Springs Water District, the Cooper Spur Wild and Free Coalition, and Hood River County and provide for public participation as described in subsection (b)(1)(C).

(e) **FOREST ROAD CLOSURES.**—As part of the management plan required by subsection (d), the Secretary of Agriculture may provide for the closure or gating to the general public of any Forest Service road within the Management Unit, except for the road commonly known as Cloud Cap Road.

(f) **PRIVATE LAND.**—Nothing in this section affects the use of, or access to, any private property within the Crystal Springs Zone of Contribution by the owners of the private property and their guests. The Secretary is encouraged to work with interested private landowners who have voluntarily agreed to cooperate with the Secretary to further the purposes of this title.

(g) **RELATIONSHIP WITH WATER DISTRICT.**—Except as provided in this section, the Crystal Springs Water District has no authorities over management or use of National Forest System land included in the Management Unit.

**SEC. 604. ACQUISITION OF LANDS.**

(a) **ACQUISITION AUTHORITY.**—The Secretary of Agriculture may acquire from willing

landowners any lands located in the Crystal Springs Zone of Contribution within the boundaries of Mount Hood National Forest. Lands so acquired shall automatically be added to the Management Unit.

(b) **PROHIBITION ON SUBSEQUENT CONVEYANCE.**—The Secretary may not sell, trade, or otherwise transfer ownership of any land within the Management Unit, including any of the land acquired under subsection (a) or received by the Secretary as part of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title VIII and included within the Management Unit, to any person.

**SEC. 605. EFFECTIVE DATE.**

The Secretary of Agriculture shall establish the Management Unit as soon as practicable after the final closing of the Cooper Spur-Government Camp land exchange authorized by subtitle A of title VIII, but in no case later than 30 days after the date of the final closing of such land exchange. The Management Unit may not be established before final closing of the land exchange.

**TITLE VII—LOCAL AND TRIBAL RELATIONSHIPS**

**SEC. 701. FINDINGS AND PURPOSE.**

The purpose of this title is to recognize and support the ability of Native Americans to continue to gather first foods in the Mount Hood National Forest using traditional methods and the central role of the State of Oregon and local governments in managing for issues dealing with natural and developed environments in the vicinity of the national forest.

**SEC. 702. FIRST FOODS GATHERING AREAS.**

(a) **PRIORITY USE AREAS.**—The Secretary of Agriculture shall identify, establish, develop, and manage priority-use areas in Mount Hood National Forest for the gathering of first foods by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by the national forest. The priority-use areas shall be identified, established, developed, and managed in a manner consistent with the memorandum of understanding entered into between the Department of Agriculture, the Bureau of Land Management, the Bureau of Indian Affairs, and the Confederated Tribes of the Warm Springs Reservation of Oregon (in this section referred to as the “Warm Springs Tribe”) and dated April 23, 2003, and such further agreements as are necessary between the Secretary of Agriculture and the Warm Springs Tribe to carry out the purposes of this section.

(b) **PRIORITY USE.**—Members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest shall have exclusive rights to gather first foods in the priority-use areas established pursuant to subsection (a).

(c) **APPLICABLE LAW.**—In considering and selecting National Forest System land for inclusion in a priority-use area under subsection (a), the Secretary of Agriculture shall comply with the land and resource management plan for Mount Hood National Forest and applicable laws.

(d) **FIRST FOODS DEFINED.**—In this section, the term “first foods” means roots, berries, and plants on National Forest System land in Mount Hood National Forest that have been gathered for traditional and cultural purposes by members of Indian tribes with treaty-reserved gathering rights on lands encompassed by Mount Hood National Forest.

**SEC. 703. FOREST SERVICE COORDINATION WITH STATE AND LOCAL GOVERNMENTS.**

Congress encourages the Secretary of Agriculture to cooperate with the State of Oregon, local communities, counties, and Indian tribes in the vicinity of Mount Hood Na-

tional Forest, and the heads of other Federal agencies to identify common ground, coordinate planning efforts around the national forest, and make the Federal Government a better partner in building cooperative and lasting solutions for management of Mount Hood National Forest and non-Federal land in the vicinity of the national forest.

**SEC. 704. SAVINGS PROVISIONS REGARDING RELATIONS WITH INDIAN TRIBES.**

(a) **TREATY RIGHTS.**—Nothing in this Act is intended to alter, modify, enlarge, diminish, or extinguish the treaty rights of any Indian tribe, including the off-reservation reserved rights established by the Treaty of June 25, 1855, with the Tribes and Bands of Middle Oregon (12 Stat. 963). Section 702 is consistent with and intended to implement the gathering rights reserved by such treaty.

(b) **TRIBAL LANDS.**—Nothing in this Act is intended to affect lands held in trust by the Secretary of the Interior for Indian tribes or individual members of Indian tribes or other lands acquired by the Army Corps of Engineers and administered by the Secretary of the Interior for the benefit of Indian tribes and individual members of Indian tribes.

(c) **HUNTING AND FISHING.**—Nothing in this Act is intended to affect the laws, rules, and regulations pertaining to hunting and fishing under existing State and Federal laws and Indian treaties.

**SEC. 705. IMPROVED NATURAL DISASTER PREPAREDNESS.**

(a) **IMPOSITION OF STANDARDS.**—New development occurring on land conveyed by the Secretary of Agriculture under title VIII or undertaken or otherwise permitted by the Secretary of Agriculture on National Forest System land in Mount Hood National Forest after the date of the enactment of this Act shall be constructed or altered in compliance with one of the nationally recognized model building codes or wildland-urban interface codes and with other applicable nationally recognized codes.

(b) **INCLUSION OF STANDARDS IN LAND CONVEYANCES.**—In the case of each of the land conveyances described in title VIII, the Secretary shall impose the requirements of subsection (a) as a condition on the conveyance of the Federal land under the conveyance.

(c) **EFFECT ON STATE AND LOCAL LAW.**—To the maximum extent feasible, the codes imposed pursuant to subsection (a) shall be consistent with the nationally recognized codes adopted by the State of Oregon or political subdivisions of the State. This section shall not be construed to limit the power of the State of Oregon or a political subdivision of the State to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.

(d) **ENFORCEMENT.**—The codes imposed pursuant to subsection (a) may be enforced by the same entities otherwise enforcing building codes regarding new development occurring on land conveyed by the Secretary of Agriculture under title VIII.

**TITLE VIII—LAND CONVEYANCES**

**Subtitle A—Cooper Spur-Government Camp Land Exchange**

**SEC. 801. FINDINGS AND PURPOSE.**

The purpose of this subtitle is to recognize the years of work by local residents and political and business leaders from throughout the States of Oregon and Washington to protect the north side of Mount Hood and bring to culmination the land exchange authorized by section 802. Congress finds that numerous public hearings have been held where broad public support has been voiced for the protection of Mount Hood and the consummation of the land exchange.

**SEC. 802. COOPER SPUR-GOVERNMENT CAMP LAND EXCHANGE.**

(a) **CONVEYANCE REQUIRED.**—The Secretary of Agriculture shall convey to Mt. Hood

Meadows Oregon, Limited Partnership (in this subtitle referred to as “Mt. Hood Meadows”), all right, title, and interest of the United States in and to—

(1) a parcel of National Forest System land in Mount Hood National Forest consisting of approximately 80 acres in Government Camp, Clackamas County, Oregon, as depicted on the map entitled “Cooper Spur-Government Camp Land Exchange” and dated June 2006 (in this subtitle referred to as the “official map”); and

(2) a parcel of National Forest System land in Mount Hood National Forest consisting of approximately 40 acres in Government Camp, as depicted on the official map.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, shall convey to the United States all right, title, and interest of these entities in and to—

(1) a parcel of private land consisting of approximately 770 acres at Cooper Spur, as depicted on the official map;

(2) all buildings, furniture, fixtures, and equipment at the Inn at Cooper Spur covered by the appraisal described in subsection (c)(1);

(3) the 1,350 acre special use permit for the Cooper Spur Ski Area, as depicted on the official map; and

(4) all buildings, furniture, fixtures, and equipment at the Cooper Spur Ski Area covered by the appraisal described in subsection (c)(1).

(c) **APPRAISED VALUES OF CONVEYED PROPERTY.**—

(1) **USE OF AGREED UPON APPRAISAL.**—For purposes of the land exchange authorized by this subtitle, the values of the land and other property to be conveyed under subsections (a) and (b) are derived from appraisals performed in 2005 by Steve A. Hall, MAI, CCIM, Oregon State Certified General Appraiser. The appraisals were performed in compliance with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisitions 2000 and have been reviewed and approved by the parties to the settlement agreement.

(2) **APPRAISED VALUES.**—

(A) **FEDERAL LAND.**—The appraised value of the land to be conveyed by the Secretary of Agriculture under subsection (a) is \$3,810,000.

(B) **PRIVATE LAND AND PROPERTY.**—The appraised value of the land and other property to be conveyed by Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, under subsection (b) is \$5,535,000.

(3) **TREATMENT OF EXCESS CONSIDERATION.**—The amount by which the appraised value of the land and other property conveyed by Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, under subsection (b) exceeds the appraised value of the land conveyed by the Secretary under subsection (a), \$1,725,000, represents a donation to the United States.

(d) **COMPLETION OF LAND EXCHANGE.**—The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the conveyances under this section and complete the closing of the conveyances within eight months after the date of the enactment of this Act.

(e) **RECONVEYANCE OF LAND AND IMPROVEMENTS.**—

(1) **PROHIBITION ON RECONVEYANCE OF LAND.**—The Secretary of Agriculture may not reconvey any of the land (as opposed to improvements thereon) acquired by the United States under subsection (b).

(2) **LIMITATION ON RECONVEYANCE OF IMPROVEMENTS.**—Any subsequent sale or lease of improvements acquired under subsection

(b) may not be made to Mt. Hood Meadows, or any successor thereof.

(f) **EXISTING RIGHTS.**—The conveyance of Federal land under this section shall be subject to valid existing rights of third parties. In the alternative, the Secretary of Agriculture may grant substitute permit rights of equivalent utility to use other Federal land.

**SEC. 803. TREATMENT OF INN AT COOPER SPUR AND THE COOPER SPUR SKI AREA.**

(a) **SOLICITATION OF NEW CONCESSIONAIRE.**—Not later than 60 days after the date of the final closing of the land exchange under section 802, the Secretary of Agriculture shall prepare and publish a proposed prospectus in order to solicit a new concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area within the new configuration of these establishments, as depicted on the official map.

(b) **COMPETITIVE PROCESS.**—Prospective concessionaires shall be able to bid competitively for the right to operate either the Inn at Cooper Spur or the Cooper Spur Ski Area (or both together) in an open process that considers all values, not just the highest dollar value.

(c) **CONSULTATION.**—The Secretary of Agriculture shall consult with Mt. Hood Meadows, Meadows North, LLC, and North Face Inn, LLC, the Hood River Valley Residents Committee, the Cooper Spur Wild and Free Coalition, and the Hood River County Commission in selecting a new concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area and to prepare for the orderly and smooth transition of the operation of the Inn at Cooper Spur and the Cooper Spur Ski Area to the new concessionaire.

(d) **TREATMENT OF PROCEEDS.**—All funds received pursuant to a concession contract under this section shall be deposited in the fund established by Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act) and shall remain available to the Secretary of Agriculture until expended, without further appropriation, for use in Mount Hood National Forest, with priority given to the Hood River Ranger District for restoration projects on the North side of Mount Hood.

(e) **ALTERNATIVE CONVEYANCE AND SPECIAL USE PERMIT.**—If the Secretary of Agriculture has not selected a concessionaire for the Inn at Cooper Spur and the Cooper Spur Ski Area by the end of the one-year period beginning on the date of the publication of the prospectus under subsection (a), the Secretary may convey, without consideration, the improvements acquired under paragraphs (2) and (4) of section 802(b) only to Hood River County, Oregon. If the Secretary conveys improvements to Hood River County pursuant to this subsection, the Secretary shall issue a special use permit that would allow reasonable access to and management of the improvements under terms similar to the Cooper Spur Ski Area Special Use Permit.

**SEC. 804. GENERAL PROVISIONS.**

(a) **APPLICABLE LAW.**—Except as otherwise provided in this subtitle, the exchange of Federal land under section 802 is subject to the existing laws and regulations applicable to the conveyance and acquisition of land under the jurisdiction of the Forest Service. It is anticipated that the Secretary of Agriculture will be able to carry out the land exchange without the promulgation of additional regulations.

(b) **CONDITIONS ON ACCEPTANCE.**—Title to the non-Federal land to be acquired by the Secretary of Agriculture under section 802 must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land

shall conform with the title approval standards applicable to Federal land acquisitions.

(c) **LEGAL DESCRIPTIONS.**—The exact acreage and legal description of the land to be exchanged under section 802 shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange, shall be borne by the Secretary.

**Subtitle B—Other Land Exchanges**

**SEC. 811. LAND EXCHANGE, PORT OF CASCADE LOCKS-PACIFIC CREST NATIONAL SCENIC TRAIL.**

(a) **CONVEYANCE REQUIRED.**—The Secretary of Agriculture shall convey to the Port of Cascade Locks, Cascade Locks, Oregon (in this section referred to as the “Port”), all right, title, and interest of the United States in and to a parcel of National Forest System land in the Columbia River Gorge National Scenic Area consisting of approximately 10 acres, as depicted on the map entitled “Port of Cascade Locks-Pacific Crest National Scenic Trail Land Exchange” and dated June 2006.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the Port shall convey to the United States all right, title, and interest of the Port in and to a parcel of land consisting of approximately 40 acres, as depicted on the map referred to in subsection (a). The acquisition of this land will ensure the continued integrity of the Pacific Crest National Scenic Trail in the vicinity of Cascade Locks and the public’s ability to access the north Oregon entrance of the trail.

(c) **EQUAL VALUE EXCHANGE.**—The values of the land to be exchanged under this section shall be determined pursuant to an appraisal acceptable to the Secretary of Agriculture and the Port. If the values are not equal, they shall be equalized in the manner provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(d) **COMPLIANCE WITH EXISTING LAW.**—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(e) **CONDITIONS ON ACCEPTANCE.**—Title to the non-Federal land to be acquired by the Secretary of Agriculture under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(f) **LEGAL DESCRIPTIONS.**—The exact acreage and legal description of the land to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of such survey, as well as other administrative costs incurred to execute the land exchange, shall be negotiated between the Secretary and the Port.

(g) **EXISTING RIGHTS.**—The conveyance of Federal land under this section shall be subject to valid existing rights of third parties. In the alternative, the Secretary of Agriculture may grant substitute permit rights of equivalent utility to use other Federal land.

(h) **COMPLETION OF LAND EXCHANGE.**—The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the conveyances under this section and complete the closing of the conveyances within 16 months after the date of the enactment of this Act.

**SEC. 812. HUNCHBACK MOUNTAIN LAND EXCHANGE, CLACKAMAS COUNTY.**

(a) **CONVEYANCE REQUIRED.**—The Secretary of Agriculture shall convey to Clackamas

County, Oregon (in this section referred to as the “County”), all right, title, and interest of the United States in and to a parcel of National Forest System land in the Mount Hood National Forest consisting of approximately 160 acres, as depicted on the map entitled “Hunchback Mountain Land Exchange-Clackamas County” and dated June 2006.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the County shall convey to the United States all right, title, and interest of the County in and to a parcel of land consisting of approximately 160 acres, as depicted on the map referred to in subsection (a). The acquisition of this parcel will ensure the continued integrity of the forested land, a substantial portion of which exceeds 120 years in age, and the public’s access to the parcel.

(c) **EQUAL VALUE EXCHANGE.**—The values of the land to be exchanged under this section shall be determined pursuant to an appraisal acceptable to the Secretary of Agriculture and the County. If the values are not equal, they shall be equalized in the manner provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)).

(d) **COMPLIANCE WITH EXISTING LAW.**—Except as otherwise provided in this section, the Secretary shall carry out the land exchange under this section in the manner provided in section 206 of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1716).

(e) **CONDITIONS ON ACCEPTANCE.**—Title to the non-Federal land to be acquired by the Secretary of Agriculture under this section must be acceptable to the Secretary, and the conveyances shall be subject to valid existing rights of record. The non-Federal land shall conform with the title approval standards applicable to Federal land acquisitions.

(f) **LEGAL DESCRIPTIONS.**—The exact acreage and legal description of the land to be exchanged under this section shall be determined by surveys satisfactory to the Secretary of Agriculture. The costs of any such survey, as well as other administrative costs incurred to execute the land exchange, shall be negotiated between the Secretary and the County.

(g) **EXISTING RIGHTS.**—The conveyance of Federal land under this section shall be subject to valid existing rights of third parties. In the alternative, the Secretary of Agriculture may grant substitute permit rights of equivalent utility to use other Federal land.

(h) **COMPLETION OF LAND EXCHANGE.**—The Secretary of Agriculture shall complete all legal and regulatory processes required in connection with the land exchange under this section and complete the closing of the land exchange not later than 16 months after the date of the enactment of this Act.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

**GENERAL LEAVE**

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to present to the House the Mount Hood Stewardship Legacy Act. I want to thank Resources Committee Chairman Richard Pombo for his support of this legislation and his assistance in our work to move it forward at this time. I also want to express my appreciation to my Oregon colleagues, EARL BLUMENAUER, PETER DEFazio and DARLENE HOOLEY for their work on the Mount Hood Stewardship Legacy Act, H.R. 5025.

Together, we have crafted a bipartisan, locally written and widely supported plan to protect the special places on Mount Hood for future generations to enjoy, while working to improve access, recreation, forest health and watersheds. We have worked with the Confederated Tribes of Warm Springs to fulfill treaty trust obligations and we have worked with local interests to resolve a nearly 30-year battle over development in the Upper Hood River Valley. This measure comes to the floor today in shape to become law at any time.

I want to thank EARL BLUMENAUER for his leadership in starting this process nearly 3 years ago when he suggested that he and I could work together to consider the issues and pressures facing Oregon's icon, Mount Hood. Perhaps because our history goes back to the 1970s, we were able to rekindle a little bit of that Oregon spirit and dream by working together to develop a shared vision for Mount Hood, using a very public and collaborative process.

I appreciate the detailed analysis that the Forest Service has put into carefully reviewing the Mount Hood Stewardship Legacy Act. Likewise, I appreciate the technical comments from groups like the American Forest Resource Council, the Campaign For America's Wilderness and American Rivers, the State of Oregon and the five county governments that are directly impacted by what takes place in the Mount Hood National Forest.

Colleagues, H.R. 5025 is a balanced plan that not only protects extraordinary places for future generations, but also will lead to improved forest health conditions across a broad region of a forest that, frankly, in some areas is in trouble. Our measure seeks to protect water quality and quantity, while enhancing recreational opportunities for an ever-growing population. We address transportation needs and encourage continued public collaboration.

The current version of the bill we will discuss here today is draft number 10 and was drafted from a concept paper presented to the public in two forums in December of 2005, one in Hood River, Oregon, and one in Portland, Oregon. The concept paper was drafted following two public summits which drew about 250 participants each. They specified or looked at challenges facing the Mount Hood National Forest conducted in August of 2003 and 2004. And we had a 2-day roundtable discussion at Timberline Lodge in July of 2005 where

we had 50 key stakeholders. Then we followed that up with a 41-mile backpacking trip just about a year ago.

When approved by the Congress, this legislation will provide the largest addition of forest wilderness to America's inventory in the last 3 years, the first additional wilderness classification on Mount Hood in the last 22 years and a 40 percent increase over existing designations. It will resolve a 30-year-old land management dispute in the Hood River Valley, and it designates 26 miles of wild and scenic rivers. It also calls for improved forest health conditions across a landscape that is in trouble.

But let me be very clear about our intent for this legislation. We intend it to increase the amount of wilderness, but we intend that that adhere strictly to the 1964 Wilderness Act, increase the amount of Wild and Scenic Rivers on the Mount Hood National Forest, while in total agreement that these designations not reduce the amount of land that is specifically identified for timber emphasis harvest nor would they deliberately result in future land management conflicts.

If recreational activities, such as snowmobiling, were to take place within view or earshot of a wilderness, then that activity would still be allowed to continue.

Any landowners with private inholdings incorporated by the designations would be granted full access to their lands, although we don't believe there are any.

We require the Forest Service to develop and implement through existing authorities a 10-year assessment to address bug-infested, disease-ridden and heavily overstocked trees and to take action using site-specific, environmentally reviewed, and publicly noticed projects to improve these areas to the optimum condition class.

Where memorandums of understanding or legislative authorities do not currently exist between irrigation districts or municipalities and the Forest Service, the Forest Service would be directed to enter into MOUs that outline stewardship goals to manage watersheds for water quality and water quantity.

Existing development footprints are the best places to enhance recreational opportunities and maximize future potential. These areas could potentially include the footprints of Government Camp, Ski Bowl, Timberline, Mount Hood Meadows, and lands allocated A-11 under the approved forest plan. Also if there are roads slated to be closed, they should be considered for other recreational uses.

Establish a recreation working group comprised of local stakeholders to advise the Forest Service on planning for future recreational enhancements.

Develop an integrated transportation network that brings people to and from Mount Hood National Forest and safely transports people from place to place on the mountain.

We would require the Forest Service to enter into MOUs with Native Amer-

ican Tribes to provide for huckleberry picking and other customary and traditional harvesting of "first foods" to ensure healthy stands of huckleberries and other traditional plant species.

We encourage cooperation with Mount Hood's local communities, counties, the State, the Tribes, and Federal land agencies to identify common ground, coordinate planning efforts around the mountain and make the Federal Government a better partner in building cooperative and lasting solutions.

Last summer, EARL and I made history as probably the only bipartisan backpacking duo in the Congress to make the journey around Mount Hood. Over the course of 4 days and 3 nights, we hiked 41 miles, climbed and descended 9,000 feet, and along the way saw firsthand the mountain from every perspective, including the one my ancestors saw 161 years ago this fall when they completed their wagon train journey to the proposed land of Oregon.

It is in this spirit of promise for a better future, nurtured by an on-the-ground appreciation, that we bring you this legislation and ask for your support.

Finally, I will include for the CONGRESSIONAL RECORD an exchange between Congressman POMBO of the Resources Committee and Chairman GOODLATTE of the Agriculture Committee. I thank Chairman GOODLATTE for his cooperation in helping this bill be considered today.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON AGRICULTURE,  
Washington, DC, July 21, 2006.

Hon. RICHARD POMBO,  
Chairman, Committee on Resources,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for forwarding a draft copy of H.R. 5025, the Mount Hood Stewardship Legacy Act, which the Committee on Resources favorably reported. As you know, the Committee on Agriculture received an additional referral.

Because of your wish to expedite this legislation and the history of cooperation between our Committees on these matters, I will agree to discharge H.R. 5025 from further consideration by the Committee on Agriculture. The Committee on Agriculture will discharge the bill with the understanding that discharge does not waive any future jurisdictional claim over this issue or similar measures. Furthermore, in the event a conference with the Senate is requested on this matter, the Committee on Agriculture reserves the right to seek appointment of conferees.

Again, I am grateful for the cooperative spirit in which you have worked regarding this matter and others.

Sincerely,

BOB GOODLATTE,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,  
Washington, DC, July 26, 2006.

Hon. BOB GOODLATTE,  
Chairman, Committee on Agriculture,  
Washington, DC.

DEAR MR. CHAIRMAN: On July 19, 2006, the Committee on Resources ordered favorably reported with amendments H.R. 5025, the Mount Hood Stewardship Legacy Act. The bill was referred primarily to the Committee

on Resources, with an additional referral to the Committee on Agriculture. I have forwarded a copy of the Committee-adopted amendment to your staff for review; it includes the language in Title V of the bill that was agreed to by our staff.

The author of the bill, Congressman Greg Walden, would like to see it considered on the Floor before we adjourn for the August District Work period, and Leadership has indicated its willingness to help. With this very tight timeline, I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bill so that it may be scheduled under suspension of the rules as soon as possible. This discharge in no way affects your jurisdiction over the subject matter of the bill and it will not serve as precedent for future referrals. If H.R. 5025 or a similar bill is conferred with the Senate, I would support naming Committee on Agriculture members to the conference committee. Finally, I would be happy to insert this letter and your response in the Congressional Record when the bill is considered in the House of Representatives.

Thank you for your consideration of my request, and I look forward to bringing H.R. 5025 to the Floor soon.

Sincerely,

RICHARD W. POMBO,  
*Chairman.*

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Mr. Speaker, I will include at this point in the RECORD Chapter 9 of a book, an autobiography and reminiscences of Sara J. Cummings, my great, great grandmother, who made that trek 161 years ago. It details in this chapter how they nearly perished on that mountain in the snowy October blizzard.

#### CHAPTER IX

##### WE CROSS THE CASCADE MOUNTAINS AND ARE LOST FOR ELEVEN DAYS

My husband and Mrs. Welch's three sons were to drive the stock. After some deliberation it was decided that my brother, Lemuel, should accompany them. That decided my case. I, too, would accompany them. To this there was a strong remonstrance but my will was not to be swayed in that matter. Mother wept but I told them of my fears concerning their frail boats to stem the current of that raging river, for we had seen the Celilo Falls. Father and my husband had gone as far as the Cascade Falls. After some consideration of the matter she finally became more reconciled. Soon as all the arrangements were completed we gathered the stock, counted them, and started out on our perilous journey. This was on the first day of October, 1845.

I forgot to mention that we were to be assisted by one of father's hired men, the same Marion Poe who had traveled with us from the first day of our journey. On the day of our departure I placed my new Spanish saddle that was bought for me in St. Louis, on my strong and trusty young nag, and, with parting tears and good-byes, we dared the wilderness and the desert.

We were substantially provided with food as a good horse was loaded with all necessary provisions, but on the second day out from The Dalles Poe was left to bring the pack horse while we were rounding the stock in the direction of our destination and again he met a band of stragging Indians. As he attempted to talk to them they deliberately led the pack horse into ambush and half an hour later we returned from the various courses that had called us away and found Poe riding dejectedly along, with nothing to prevent us from starving. We would have re-

turned to The Dalles but the others were already two days journey down the river and we were not prepared to replenish the stores. So it was left us to attempt the mountains without food, except beef.

After another day or two we heard loud hallowing behind us. The sounds were not such as to cause alarm and soon it was seen to come from a party of five, young men and one old trapper. These parties were not cumbered with baggage and thought to go on ahead and select camping places and kill game. Learning of our loss the Smith boys kindly divided stores as far as we would permit them, giving me nineteen biscuits and a small rasher of bacon. A small portion of tea and sugar was tied on my saddle so we had a comfortable supper.

The traveling was slow and toilsome. Heavy fall rains were coming on and the steep slopes were almost impassible for man and beast. On the sixth day we became entangled in a thicket of vine-maples and were compelled to turn back to our camping place of the previous night. Next day we found it impossible to proceed through the dense growth of Mountain Laurel. The cattle ate freely of this shrub and were so poisoned that we dared not eat the meat.

The old gentleman, Mr. Carson, had been chosen guide and he was misled by the Indian trails that led to the berry patches far up on the slopes of Mount Hood. So we had been making little progress toward the place of our destination. One morning we awoke in a blinding snowstorm. We toiled along the whole day through without seeing a tree or a spear of grass. Our course seemed to be up a gradual steep slope. As night was coming on it seemed we must all perish, but weak, faint and starving we went on. The stronger men now led the way and left relays to shout back so that we might follow them. My husband and I were the last in the line. The strongest horses had given out before noon and we were compelled to walk and lead our riding nags.

The loose stock became so weak and discouraged that we left them altogether, but the poor lost creatures followed along for most of the afternoon. Our situation was each moment becoming more desperate. The only hope of our lives lay in finding shelter and wood for a fire. The few pieces of bed clothing that were tied on our saddles were wet and our garments were dripping wet through and through with the snow that had fallen on us all day long and had melted and thoroughly drenched every garment that we wore. As the evening light illumined the receding storm clouds we realized our hazardous situation as never before and we turned our course down the mountainside. Fortunately for us there were no shadows and the eternal snows cast a white light that was sufficient to guide our feet, even after the day had drawn to a close. We were now crossing the line from the eternal snows into that newly fallen and, as our weary feet sank into the sand that underlay the new snow, hope deserted us, yet on and on we went. At a few minutes before 10:00 o'clock that night we were walking on firmer ground, the wet snow being about a foot deep. I was so faint and weak that I could scarcely put one foot before the other and was dragged along by my husband. One man was leading a fine young horse of which he had taken great care, and leading the animal near my side insisted that I ride. My husband lifted me on the horse but not one step would the poor beast take although I weighed less than eighty pounds at that time. The men then placed my brother on the horse's back but with the same result. My husband was now leading me along and lifted me over the obstructions of the path. We were of course the last in the line of relays and the welcome

sound of "we have found wood," was wafted to our ears. This gave us a renewed energy and by an almost super-human effort we at last reached the assembled group. No sign of a fire was to be seen and most of the men and all the boys were shedding tears. We were told that not a man could be found whose hands had strength to fire a gun, and not a dry thread of clothing for kindling. All were panic stricken and all hope seemed abandoned.

My husband had been exerting all his power in assisting me along and as soon as he realized the situation he seized the gun and fired it into the little bunch of kindling the men had prepared, but no fire resulted. He now made every man present haul off his coat and in the inner lining of Mr. J. Moore's coat a small piece of dry quilted lining was found. This was placed in a handful of whittlings, and as the gun was reloaded all realized that upon that charge depended our lives. With almost super-human effort Mr. Walden succeeded in firing the gun and in an instant the flames burst forth. A great shout of thanksgiving burst forth and each poor suffering traveler crowded as near as possible to the welcome fire.

I was so exhausted and discouraged that I sat down on a hummock and was perfectly indifferent as to the result. But soon as there was sufficient warmth my husband led me to the fire side. No sooner had the warmth penetrated my wet and freezing garments than such excruciating pains seized me that I was wild with pain and could not forbear the scream that rent the air on that wild mountain. There was nothing to be done and I had to endure this suffering until the clothing on my body was dry and the chill of frost drawn out of my limbs.

My saddle horse was the only animal that was brought into the camp and soon my bedding was spread up to dry, and while the great pitch pine trees were consumed with fire the group of weary travelers were soon fast asleep. Mr. Walden presented me with a biscuit, one that he had carried since our morning meal, fearing that some such extremity might overtake us. The morsel of food renewed my strength and as the warm woolen blankets were wrapped snugly around me I reclined near the great heap of glowing logs and felt that God in his great mercy would yet guide us safely into the land of our adoption. We slept soundly and awoke to find the sky cloudless, clear and aglow with the light of the morning sun. The only hope of our lives now lay in the men finding the cattle that one might be used for food, as not a morsel now remained of any sort and some of us had been stinted for more than a week.

All arose and, after due deliberation, it was decided that I should remain with the two boys, my brother Lemuel, and Mrs. Welch's son. All the others were to go in quest of the stock. We watched the weary procession as they disappeared over the distant slope and the boys would have given up to tears, but that hope which precludes despair was ever present in my heart and, after obeying the instruction to "Keep a good fire and smoke going, as it may prove a guide to our return," I proposed that we go to the summit of a near ridge and look beyond and in the direction of our anticipated home. In our wanderings I became separated from the boys.

My attention was wholly devoted to the majestic hue of Mount Hood as seen from that high Southern slope. We were far above the timber line and the prospect was great. We were at the edge of vast snow fields and looking upward towards the summit I saw an unusually black looking spot, and after clambering up many hundreds of feet I came upon what seemed to be an extinct crater, and near what seemed to me to be the summit of a mountain. I anxiously hoped to see

smoke issue therefrom. I sat down, lost in thought and admiration of the beautiful and wonderful view that opened before my eyes.

The sky was cloudless. The storms of the previous day had so cleared the air of dust and impurities that my horizon was boundless, and this, my first, prospect of everlasting green forests and their wonderful vividness, green on all the near approaches and changing with wonderful blend from green to ethereal blue, and on the distant margin rested the shade of blue, so intense, so indescribably beautiful that no power of words can express the wonderful panorama of beauty with which my soul was entranced. Seated on eternal snow, looking from over these mountains and hills, across wide valleys into dark glens, above the roar of wind or of water, I was lost in infinity.

Time speeded by without my conscious measurement. It was now about 12:00 o'clock in the day. The decent proved long and tedious. I went in search of the boys and found them busily engaged rolling boulders down the mountainside to hear the crash of their descent and the thud of their landing in the depths of some forested canyon far beneath our feet. By persuasion I convinced them of the dangers of their amusement, and we walked in various directions viewing the curious and wonderful things about us. At some distance from us we saw a curiously colored copse and on approaching nearer we found it to be a dense growth of small green bushes loaded with masses of small purplish berries growing on slender twigs. The fruit was odorless and of a tempting look. I feared to eat them although they were as fragrant as ripe apples, but, venturing a taste, I found them delicious. I plucked some branches and carried them to our camp fire and tested them again and again until I decided they were harmless. The boys and I ate freely of them. Our hunger and thirst was appeased and we realized the nutritious effect. We now carried and laid by the campfire a fine stock of the berries to await the return of the weary and starving men folks, should they be so fortunate as to reach us when nightfall should overtake us.

Just before sunset the men and beasts were seen crossing a distant ridge. Instinct seemed to have directed the weary, chilled beasts to climb a distant ridge where they found shelter under a towering cliff. The men found them huddled together. The horses and cattle were in one group apparently afraid to venture out in the snow. The grand rock roof and sandy floor protected them from cold and storm, and but for the tinkle of their bells they might have perished. As it was they had been quite comfortable for the night. Not far from our camp was some short grass and leafy shrubs on which they could browse. Our saddles, budgets, and bed-clothing had rested safely on the backs of our weary beasts.

Early next morning we resumed our journey, having butchered a beef which we could not eat on account of the poisoned laurel. One of the men had named the fruit which we produced, huckleberries, and from these we made our only breakfast food. My own party had been fourteen days with only nine hard-tack biscuits and four small slices of bacon. The Smith boys and all the others in the crowd were also about out of food, and it was decided to make forced marches in the direction of Oregon City, which, from this treeless height, we judged to be nearly West of us.

We kept the stock with us until we reached the grass lands at the head of Sandy River. Each one then decided to go in quest of food as the men were becoming desperate and had lost all fear of wild beasts so that even the sight of a grizzly bear would not have frightened us. Our horses were now so weak that

my husband could not ride any one of them only a few rods at a time. My case now developed the last stages of starvation.

Just after dark we reached the river where it was now quite a broad stream, rolling and tumbling over high boulders. I tried to urge my pet riding nag into the water but it was no use. On the opposite bank we saw a small fire burning and rightfully judged it to be some lagging member of our advanced party. My husband desired to cross, hoping to find something for our starving nags to eat.

After awhile we heard the sound of a human voice. It proved to be Mr. Allen Miner, a young man who had left the party early in the morning and had walked all day in advance of us. He had crossed the river in daylight. He called our horses by name and at this they plunged into the raging stream. My saddle girth broke and I had to hold by the mane and balance myself as Dolly would swim the deep channels, mount the rugged rocks or plunge over the sand bars, but, by the mercy of God, husband and I found ourselves safely across. Allen had a bright fire to welcome us and had killed a bird which he had broiled, and this he shared with us.

We rested until daybreak. The horses had lain all night by the fire and we had great difficulty in getting them up by daybreak. Allen Miner now took the two boys, Mrs. Welch's son and my brother, Lemuel, and forged ahead in search of food. Husband and I went on as fast as our weary limbs would carry us. Most of the party reached the home of Peter Hatch about 2:00 o'clock on that afternoon. They were given some food and were put to bed. Husband and I came in sight of their lights, for Mrs. Hatch kept a tallow candle burning in the window and outside of the house a good fire of logs that we might be guided to their place.

I now took off my blanket dress and put on my spick and span new dress and corded sun-bonnet which I had carried safely on my saddle, and thus arrayed, by my husband's help, I staggered into the door. Mrs. Hatch caught me in her arms and her first words were, "Why dear woman, I supposed your clothing had been torn off your body long ago."

We were seated by the fire. She bathed our weary limbs, and after we had rested a few moments, seeing our starved, wan look, she apologized for having but one potato baked with salt and a little butter for each. She then entertained us with pleasant conversation and put more potatoes to bake. In less than an hour's time we were served with baked potatoes, wheat, butter, and a small slice of bread. We then retired for the night.

We awoke early with ravenous appetites. Mrs. Hatch was aware of this, and, knowing the danger of our condition had wisely stinted our meals. Our breakfast was more substantial. They had beef of excellent quality and on this day we were given four meals, and each one recovered from this nineteen days of want with no serious after effects.

My husband and the others were equally blest but they did not rest contentedly as all our prospects for making a home in the newly settled region was in finding our poor stock and teams. As soon as they were able to go on the trail a good supply of food was prepared and returned to the stock and were blest in finding every one of the animals in better condition and grazing in a friendly herd, horses, oxen and stock cattle. Not a hoof was missing and within a week's time we were surprised to see them all brought safely to the end of our journey.

Mrs. Peter Hatch continued to supervise our necessities and in all the world there could not be found a woman more capable and more willing to make her fellow-beings happy and comfortable. Later I shall give a short tribute to this noble lady.

A few days rest restored the strength and vitality to our weary bodies and the first

thought was to secure employment for the winter. The pasturage was free and we left the poor animals to recuperate for winter while we prepared to work for Dr. McLaughlin at his saw mill on the Taualatin river. After two months work we learned that we were to receive nothing for our work that fall and we returned to Oregon City where we learned that father, mother, and all our friends with whom we had parted at The Dalles, were safely established in good houses at the old foundry works on the Willamette river. Father came right up to see us and took the stock home with him. Mr. Walden rented rooms in Orgeon City and we remained there all winter. I had for near neighbor, Mrs. J. Welch who afterwards moved to Astoria and remained there a respected lady and the mother of a noble family.

The environs of our new home, surrounded by giant fir trees, the healthful sea breezes, the strange sights and sounds were sources of continual thought. The long distance that separated us from our old home in the Mississippi valley, precluded any form of home sickness and our united efforts were wholly set upon the building of a home.

As yet we had seen nothing of the land claims which had been the lure of our most sanguine hopes, but the first effort of our lives was wholly devoted to the acquirement of the necessities of life.

Of our winter in Oregon City and the subsequent experiences, I will tell you in the next chapter.

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

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

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, as the majority explained, H.R. 5025 designates approximately 77,216 acres of National Forest System lands in the Mount Hood National Forest as wilderness.

The legislation also designates about 25 miles of waterways as part of the National Wild and Scenic River System, creates a system for fee retention on the Mount Hood National Forest, requires the Secretary to prepare a 10-year forest stewardship assessment, and sets up three land exchanges.

Mr. Speaker, I would like to recognize my colleagues from Oregon, Representatives EARL BLUMENAUER, PETER DEFAZIO and DARLENE HOOLEY, who are all cosponsors of H.R. 5025.

In particular, Mr. BLUMENAUER has worked tirelessly over the past several years to craft and advance this legislation. Mr. Speaker, we support the pending measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on the bill. I, too, would like to thank Chairman POMBO, Ranking Member RAHALL, Subcommittee Ranking Member UDALL, and the staff of the committee that they worked with, and colleagues PETER DEFAZIO and DARLENE HOOLEY for helping bring this legislation to the floor today.

The Mount Hood Stewardship Legacy Act represents a tremendous amount of

hard work by 1,000 Oregonians who found common ground on the critical issues facing our State's icon, Mount Hood.

Mr. Speaker, I want to especially thank my colleague and subcommittee chair, Mr. WALDEN, for working with me for more than 3 years on this legislation, and for his idea that we actually hike around the mountain. It was a fitting capstone to a really extraordinary opportunity to work together, to strengthen a friendship, and be able to focus on something that is so important to our State.

Together, we enlisted extensive involvement of citizen groups, environmental organizations, recreational advocates, public agencies, tribal representatives, and local governments to create a bill that establishes a long-term sustainable vision for the mountain and addresses the immediate challenges of wilderness protection, recreation, transportation, forest health, water quality, development, and Native American rights.

It seems so simple today, as we come forward, not just with the Mount Hood wilderness bill, but with a comprehensive vision for the future of Mount Hood. The plan makes sense. The pieces fit together in logical ways. But it seems so simple only because 1,000 people, public servants, academics, expert stakeholders, volunteers and people who just plain care about the mountain were willing to roll up their sleeves and invest 3 years to work with my partner, GREG WALDEN, and me, to make this happen.

I must also acknowledge three other critical people, who were invested in this, in this body and soul, Colby Marshall, on Congressman WALDEN's staff, Janine Benner and Hillary Barbour on mine. They were a team in Washington, D.C., they were a team in Oregon, and they were a key part, literally, in joining us around the mountain. We would not be here today without their efforts.

We began drafting with a document that contained core principles and concepts. The ideas were developed through the elaborate public process that my colleague, Congressman WALDEN, just outlined, and that great 41-mile hike around the mountain.

It was through these meetings with interested parties, thousands of public comments, that we further refined the principles and then translated them into the legislation, which was introduced this spring. Following the Forest Subcommittee hearing in April, we continued working with stakeholders, the Forest Service, our colleagues from both parties, staff people, to refine the language and clarify the intent.

Mr. Speaker, it has been a long hard effort, but it has been worth it, because the stakes for Mount Hood and the Pacific northwest have never been higher. It is not just an icon for both our home towns of Hood River and Portland, it is the single most important recreational resource in Oregon. A million people

depend upon the integrity of the mountain for their drinking water. And it is a place of retreat for tens of thousands of people every year.

There are hundreds of people who call the mountain their home, and we have historic treaty and moral obligations to Native Americans for whom the mountain has special spiritual and practical significance.

By solemn treaty rights, they are owed their due for gathering first foods, hunting, fishing and for spiritual observances.

This bill deals with the important elements that will profoundly affect Oregonians for generations to come. First and foremost, over 77,000 acres of pristine wilderness will be protected, a 40 percent increase in wilderness inventory.

Over 25 miles of river will be protected as "wild and scenic." This bill will protect the pristine quality of these areas that people hold so dear.

It is not by any stretch of the imagination the last word on wilderness, but it does break down the log jam that has prevented wilderness from moving forward for over 20 years.

We have dealt with the very complicated and challenging issue of recreation. Our legislation will ensure that people who love to snowshoe, ski, mountain bike, snowmobile and hike will have access, but we are also making sure that we will all not collectively be loving the mountain to death.

We have laid the groundwork to address the mountain's transportation challenges in a way that will both ensure the safety of the mountain's visitors and residents, while at the same time moving more people but in fewer cars to and from key recreation destinations.

Even the 3,449 miles of forest roads that are currently in uneven states of repair and without adequate resource provide the basis for a potential unparalleled system of bicycle facilities. We will help the Forest Service work with local communities to address forest health and water shed issues. We will enhance the ability of Native Americans to gather first foods and exercise their treaty rights.

We address long simmering disputes about where development on the mountain should take place. For example, the Cooper Spur land exchange settles a 30-year dispute on the north side of the mountain, and is widely supported by conservation groups, citizens, and the ski industry and county government.

Its implementation keeps development on the south side of the mountain where infrastructure already exists, while protecting the pristine north side in perpetuity. With this legislation, we honor the historic mediated settlement between the parties and we now appear to be within reach of a long-term solution that is in everyone's best interest.

Today, Mr. Speaker, is one of the most important days in the modern history of Mount Hood. We have proven

that the many people who care can put the pieces together in a finely-balanced fashion that produces a blueprint for the next century, while enhancing current uses and being true to the mountain legacy we all hold so dear.

This is the most progress we have seen in either the House or the Senate in over 20 years. I am hopeful that our friends in the other body will seize the day. If they choose to act this week, the President can sign this bill into law before Labor Day, assuring the single most important step in crafting and implementing the legacy of Mount Hood for the next century.

Ms. BORDALLO. Mr. Speaker, I wish to thank Mr. WALDEN and Mr. BLUMENAUER from Oregon for their support of this legislation. We support this legislation.

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

Mr. WALDEN of Oregon. Mr. Speaker, in conclusion, I want to thank my colleague from Oregon especially, Congressman BLUMENAUER. We have had a great partnership over 3 years working on this legislation to bring it to this point, building it from the ground up. And we could not have done it without the very talented staff that he referenced in his remarks, Colby Marshall, Janine Benner and Hillary Barbour. They have just been terrific troopers, helping us every way, and went on the backpack trip with us, but let the record show clearly, we each carried our own packs along the trail. And my wife and son also accompanied us on that backpack trip.

It was a great way to learn about the mountain and see it firsthand. It is truly a remarkable place and great piece of America. I hope others will come and enjoy it as we have.

Mr. Speaker, I yield back the balance of my time and ask for your support for this very important and progressive legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 5025, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### HOLDING CERTAIN LANDS IN TRUST FOR THE UTU UTU GWAITU PAIUTE TRIBE

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 854) to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe, as amended.

The Clerk read as follows:

H.R. 854

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

**SECTION 1. LANDS TO BE HELD IN TRUST.**

(a) *IN GENERAL.*—Subject to valid existing rights, all right, title, and interest of the United States in and to the lands, including improvements and appurtenances, described in subsection (b) are hereby declared to be held in trust by the United States for the benefit of the Utu Utu Gwaitu Paiute Tribe, Benton Paiute Reservation.

(b) *LAND DESCRIPTION.*—The lands to be held in trust pursuant to subsection (a) are the approximately 240 acres described as follows: Mount Diablo Base and Meridian, Township 2 South, Range 31 East Section 11: SE ¼ and E ½ of SW ¼.

(c) *GAMING RESTRICTION.*—Lands taken into trust pursuant to subsection (a) shall not be considered to have been taken into trust for, and shall not be eligible for, class II gaming or class III gaming (as those terms are used in the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

**GENERAL LEAVE**

Mr. WALDEN of Oregon. 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 bill under consideration.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

H.R. 854 is a bill to provide for certain lands to be held in trust for the Benton Paiute Reservation in Northern California, home of Utu Utu Gwaitu Indian Tribe.

H.R. 854 would transfer 240 acres of land from the Bureau of Land Management and place that land into trust for the benefit of the tribe. The 240 acres are contiguous to the existing reservation and have been classified as suitable for disposal through the BLM land use planning process.

This acreage is of vital importance to the tribe in its quest for self-sufficiency and to enhance its potential for economic development. Additionally, because of the tribe's strong commitment to a solid economic future based on growth and hard work, the tribal council passed a resolution to prohibit gaming on the 240-acre parcel.

This resolution makes it clear that the tribe will not carry out gaming activities on the land proposed for transfer. I commend the efforts of Congressman MCKEON of California, the sponsor of H.R. 854, who has worked diligently since the 104th Congress to see this legislation enacted into law.

I look forward to the support of this House on H.R. 854.

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

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

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, the majority has adequately explained this legislation, H.R. 854, and we have no objections to it.

MR. MCKEON. Mr. Speaker, I rise today in strong support of H.R. 854 and urge my colleagues to join me in supporting its adoption. I introduced H.R. 854 on February 16, 2005, to transfer 240 acres of excess Bureau of Land Management, BLM, lands into trust for the Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, Tribe.

The Benton Paiute Reservation is located in Mono County, approximately 40 miles northeast of Bishop, CA, in one of the most remote and isolated areas of my congressional district. The 240 acres proposed for transfer under H.R. 854 are immediately adjacent to the existing 160-acre Benton Paiute reservation and have been classified by the BLM as "suitable for disposal" for more than a decade.

In fact, legislation facilitating this transfer goes as far back as the 104th Congress. We have come a long way to get to this day and I'd like to thank Chairman POMBO for his help in making it possible. I would also like to praise the committee staff, particularly Tom Brierton, Chris Fluhr and Jim Hall.

Mr. Speaker, the lands taken into trust under H.R. 854 are of vital importance to the Utu Utu Gwaitu Paiute Tribe in its quest for self-sufficiency and to enhance its potential for economic development. The land in question will be put to good use, including the construction of much needed tribal housing units, a health station, wellness center, fire station, police station and an industrial park for manufacturing businesses.

Additionally, because of the Utu Utu Gwaitu's strong commitment to a solid economic future based on growth and hard work, the tribe has passed a tribal government resolution to prohibit gaming on the 240-acre parcel. This makes it clear that the tribe will not carry out gaming activities on the lands proposed for transfer. To reflect this, H.R. 854 includes a specific prohibition on gaming.

Because of this, I am pleased to say that H.R. 854 has strong support in my district, with backing from the Mono County government and local community, as well as from numerous California Indian tribal governments and organizations.

Finally, I am pleased to be able to say that no Federal funds will be necessary to accomplish the proposed land transfer in this legislation. In short, Mr. Speaker, this bill is an example of that bird we see too rarely around here these days: A "win-win" proposition.

In closing, Mr. Speaker, I'd like to commend the efforts of all the members of the Utu Utu Gwaitu Paiute Tribe, and in particular, I'd like to praise Chairman Joseph Saulque.

Chairman Saulque has been an advocate for Indian people for more than three decades and is one of the most long-serving tribal leaders in California. His outstanding work, particularly in the fields of Indian health and education, has made a tremendous difference in improving the lives of generations of California Indians.

It has been my pleasure to work with Chairman Saulque and the Utu Utu Gwaitu Paiute Tribe over the last 4 years and I want to thank them for their part in helping to make this bill possible.

With that, Mr. Speaker, I urge my colleagues to support H.R. 854.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time and urge passage of the legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 854, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1430

**MUSCONETCONG WILD AND SCENIC RIVERS ACT**

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1307) to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1307

*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 "Musconetcong Wild and Scenic Rivers Act".

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Secretary of the Interior, in cooperation and consultation with appropriate Federal, State, regional, and local agencies, is conducting a study of the eligibility and suitability of the Musconetcong River in the State of New Jersey for inclusion in the Wild and Scenic Rivers System.

(2) The Musconetcong Wild and Scenic River Study Task Force has prepared, with assistance from the National Park Service, a river management plan for the study area entitled "Musconetcong River Management Plan" and dated April 2003, which establishes goals and actions that will ensure long-term protection of the outstanding values of the river and compatible management of land and water resources associated with the river.

(3) Thirteen municipalities and three counties along segments of the Musconetcong River eligible for designation have passed resolutions supporting the Musconetcong River Management Plan, agreeing to take action to implement the goals of the plan, and endorsing designation of the river.

**SEC. 3. DESIGNATION OF PORTIONS OF MUSCONETCONG RIVER, NEW JERSEY, AS SCENIC AND RECREATIONAL RIVERS.**

(a) *DESIGNATION.*—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

"(167) MUSCONETCONG RIVER, NEW JERSEY.—(A) The 24.2 miles of river segments in New Jersey, to be administered by the Secretary of the Interior, consisting of—

"(i) the segment from Saxton Falls to the Route 46 bridge (approximately 3.5 miles), as a scenic river; and

"(ii) the segment from the Kings Highway bridge to the railroad tunnels at

Musconetcong Gorge (approximately 20.7 miles), as a recreational river.

“(B) Notwithstanding section 10(c), the river segments referred to in subparagraph (A) shall not be administered as part of the National Park System.”

(b) MANAGEMENT OF SEGMENTS.—

(1) COMPLIANCE WITH MANAGEMENT PLAN.—The Secretary of the Interior shall manage the segments of the Musconetcong River, New Jersey, designated as a scenic river or recreational river by the amendment made by subsection (a) in accordance with the river management plan entitled “Musconetcong River Management Plan” and dated April 2002, prepared by the Musconetcong River Management Committee, the National Park Service, the Heritage Conservancy, and the Musconetcong Watershed Association, which establishes goals and actions that will ensure long-term protection of the outstanding values of the river segments and compatible management of land and water resources associated with the river segments.

(2) COOPERATION.—The Secretary shall manage the river segments in cooperation with appropriate Federal, State, regional, and local agencies, including—

(A) the Musconetcong River Management Committee;

(B) the Musconetcong Watershed Association;

(C) the Heritage Conservancy;

(D) the National Park Service; and

(E) the New Jersey Department of Environmental Protection.

(c) SATISFACTION OF REQUIREMENTS FOR PLAN.—The management plan shall be considered to satisfy the requirements for a comprehensive management plan for the river segments under subsection 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) FEDERAL ROLE.—

(1) RESTRICTIONS ON WATER RESOURCE PROJECTS.—In determining under section 7(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1278(a)) whether a proposed water resources project would have a direct and adverse effect on the values for which a river segment is designated as part of the Wild and Scenic Rivers System, the Secretary shall consider the extent to which the project is consistent with the management plan.

(2) COOPERATIVE AGREEMENTS.—Any cooperative agreements entered into under section 10(e) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e)) relating to a river segment—

(A) shall be consistent with the management plan; and

(B) may include provisions for financial or other assistance from the United States to facilitate the long-term protection, conservation, and enhancement of the river segment.

(3) SUPPORT FOR IMPLEMENTATION.—The Secretary may provide technical assistance, staff support, and funding to assist in the implementation of the management plan.

(e) LAND MANAGEMENT.—

(1) IN GENERAL.—The Secretary may provide planning, financial, and technical assistance to local municipalities and non-profit organizations to assist in the implementation of actions to protect the natural and historic resources of the river segments.

(2) PLAN REQUIREMENTS.—After adoption of recommendations made in section IV of the management plan, the zoning ordinances of the municipalities bordering the segments shall be considered to satisfy the standards and requirements under section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(f) DESIGNATION OF ADDITIONAL RIVER SEGMENT.—

(1) FINDING.—Congress finds that the Musconetcong River segment “C”, as described in the management plan, is suitable for designation as a recreational river pursuant to this subsection if the Secretary determines that there is adequate local support for the designation.

(2) DESIGNATION AND ADMINISTRATION.—If the Secretary determines that there is adequate local support for designating the additional river segment as a recreational river—

(A) the Secretary shall publish in the Federal Register a notice of the designation of the segment;

(B) the segment shall thereby be designated as a recreational river in accordance with the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); and

(C) the Secretary shall administer the additional river segment as a recreational river.

(3) CRITERIA FOR LOCAL SUPPORT.—In determining whether there is adequate local support for the designation of the additional river segment, the Secretary shall consider, among other things, the preferences of local governments expressed in resolutions concerning designation of the segment.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such funds as are necessary to carry out this section, including the amendment to the Wild and Scenic Rivers Act made by this section.

(h) DEFINITIONS.—In this section:

(1) ADDITIONAL RIVER SEGMENT.—The term “additional river segment” means Musconetcong River segment “C”, as described in the management plan, from Hughesville Mill to the Delaware River Confluence (approximately 4.3 miles).

(2) MANAGEMENT PLAN.—The term “management plan” means the river management plan entitled “Musconetcong River Management Plan” and dated April 2002.

(3) RIVER SEGMENTS.—The term “river segments” means the segments of the Musconetcong River, New Jersey, designated as a scenic river or recreational river by the amendment made by subsection (a) in accordance with the management plan.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1307 introduced by Congressman SCOTT GARRETT of New Jersey designates two segments of the Musconetcong River, totaling 24.2 miles, as a component of the National Wild and Scenic Rivers System.

In 1992, residents of the Lower Musconetcong River Valley formed a not-for-profit organization committed to protecting the river. In 1995, the New Jersey Department of Environmental Protection recommended to the National Park Service that the river be included in the nationwide rivers inventory of candidate rivers for wild and scenic designation. Two years later, 18 river municipalities requested that the Park Service study the river for its suitability for inclusion in the National Wild and Scenic Rivers System. In June of 2004, the Park Service found portions of the river suitable, and these

sections have been included in H.R. 1307. I would urge my colleagues to support H.R. 1307.

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

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

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, the majority has already explained the purpose of H.R. 1307, which was introduced by the gentleman from New Jersey, Representative SCOTT GARRETT. We support H.R. 1307, and have no objection to the adoption of the legislation by the House today.

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

Mr. WALDEN of Oregon. Mr. Speaker, it is now my honor and privilege to yield such time as he may consume to the gentleman from New Jersey (Mr. GARRETT), who has put an incredible amount of work into this legislation to bring it forward and has been a dutiful and diligent lawmaker in that respect.

Mr. GARRETT of New Jersey. Mr. Speaker, I am proud to come to the floor today in support of our legislation, H.R. 1307, the Musconetcong Wild and Scenic Rivers Act. And I also commend the gentleman for his pronunciation of the Musconetcong River as well. It is not an easy river to designate.

I would also like to take this opportunity to thank the chairman, Chairman POMBO, and all of his staff from the Resources Committee for their help in bringing this bill forward. I appreciate all of their hard work and working along with our offices to that end. I would also like to extend my thanks as well to Majority Whip ROY BLUNT and the majority staff, and also the majority leader's office and his staff as well for helping us move things along and getting this legislation to the floor today.

The Musconetcong River is the largest New Jersey tributary to the Delaware River, which we are all familiar with. It is nestled in the heart of the New Jersey Highlands, and it contains a remarkably diverse array of natural and cultural resources. There are over 20 streams along the river, and they support wild trout populations and others. Residents can also enjoy the wonderful scenic views and plants and animal life that are now rare in other parts of New Jersey. The limestone geological features present in the Musconetcong River corridor are unique in the State of New Jersey. And the steep slopes and the forested regions in the upper segments of the river corridor contrast with the historic villages, the pastures, and the rolling agricultural lands that are in the middle and lower end of the valley.

Since the early 1990s, the residents of the river valley have been organizing, coming together to protect this cherished natural treasure, and so the bill before us today represents the works of many individuals over a 15-year period.

So I would like to take this moment to especially thank a couple of those individuals. I would like to thank Susan Dickey, who is chairwoman of the Musconetcong Advisory Committee; and also Beth Styler Barry, she is the executive director of the Musconetcong Watershed Association, for both of their tireless working in constructing this legislation and lobbying to help to get it along its way.

This bill does enjoy broad bipartisan support of all the entire New Jersey congressional delegation, 18 municipalities along the river, and also the National Park Service. Now, New Jersey already is the most densely populated State in the country, featuring growing exurbs which continue to put pressure on the remaining very small wild spaces in New Jersey. While this legislation will not freeze development in that area, it will work to preserve the existing character of the river, a character of true beauty and recreational enjoyment.

The Musconetcong River Management Plan called for in this legislation was developed cooperatively, and it calls for a management framework that acknowledges the importance and preferences for local leadership and the additional preferences and protections afforded by a national wild and scenic river designation. A key principle of the management framework as proposed in this plan is the existing institutions which will continue to play a primary role in the long-term protection of the Musconetcong River.

Again, I would like to thank the gentleman; I would like to thank the chairman for his support and the Speaker for bringing this bill to a vote. H.R. 1307 will ensure that the residents of New Jersey can continue to enjoy the Musconetcong River for its hiking, its canoeing, and fishing along into the future. And I also would like to invite the chairman, for his next backpack trip that he makes, to come and join us along the Musconetcong River in New Jersey.

Mr. WALDEN of Oregon. I would like to thank the gentleman from New Jersey. I would look forward to that opportunity to come see this river that you have spoken so highly of and have now sought to protect in this very special way. We appreciate again your diligence in this effort in bringing this bill forward.

Ms. BORDALLO. Mr. Speaker, I have no further speakers, we support the measure, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, indeed we have no further speakers, and I would yield back the balance of my time and encourage an "aye" vote on this measure.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 1307, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### CAHABA RIVER NATIONAL WILDLIFE REFUGE EXPANSION ACT

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4947) to expand the boundaries of the Cahaba River National Wildlife Refuge, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4947

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Cahaba River National Wildlife Refuge Expansion Act".*

##### SEC. 2. DEFINITIONS.

*In this Act:*

(1) REFUGE.—*The term "Refuge" means the Cahaba River National Wildlife Refuge and the lands and waters in such refuge in Bibb County, Alabama, as established by the Cahaba River National Wildlife Refuge Establishment Act (Public Law 106-331).*

(2) SECRETARY.—*The term "Secretary" means the Secretary of the Interior.*

##### SEC. 3. EXPANSION OF BOUNDARIES.

(a) EXPANSION.—*The boundaries of the Refuge are expanded to include land and water in Bibb County, Alabama, depicted as "Proposed National Wildlife Refuge Expansion Boundary" on the map entitled "Cahaba River NWR Expansion" and dated March 14, 2006.*

(b) AVAILABILITY OF MAP.—*The Secretary shall make the map referred to in subsection (a) available for inspection in appropriate offices of the United States Fish and Wildlife Service.*

##### SEC. 4. ACQUISITION OF LAND AND WATER IN EXPANDED BOUNDARIES.

(a) IN GENERAL.—*Subject to subsection (b), the Secretary may acquire by donation, purchase with donated or appropriated funds, or exchange the land and water, and interests in land and water (including conservation easements), within the boundaries of the Refuge as expanded by this Act.*

(b) MANNER OF ACQUISITION.—*All acquisitions of land or waters under this section shall be made in a voluntary manner and shall not be the result of forced takings.*

(c) INCLUSION IN REFUGE; ADMINISTRATION.—*Any land, water, or interest acquired by the Secretary under this section—*

(1) *shall be part of the Refuge; and*

(2) *shall be administered by the Secretary in accordance with—*

(A) *the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);*

(B) *the Cahaba River National Wildlife Refuge Establishment Act; and*

(C) *this Act.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

##### GENERAL LEAVE

Mr. WALDEN of Oregon. 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 bill under consideration.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support H.R. 4947, introduced by our colleague, Congressman SPENCER BACHUS, to expand the boundaries of the Cahaba River National Wildlife Refuge in Bibb County, Alabama. This refuge was legislatively created in 2000, and it has done a remarkable job of conserving 64 rare and imperiled species and 131 species of fish. The Cahaba River is the longest free-flowing river in the State, and it may have the greatest fish biodiversity per mile of any river in the United States.

Under Congressman SPENCER BACHUS's legislation, an additional 3,600 acres would become eligible for acquisition. This would help to maximize the benefits of this refuge and ensure that unique plants like the beautiful Cahaba lily and the more than 60 other rare species survive in the future.

Mr. Speaker, H.R. 4947 proposes a modest increase in the size of the Cahaba River Refuge. It is enthusiastically supported by the local communities and the two major land owners. U.S. Steel and Forest Investment Associates have indicated that they are interested in being willing sellers in this expansion effort.

I want to compliment Congressman SPENCER BACHUS for his tireless effort and effective leadership on behalf of the Cahaba River National Wildlife Refuge, which is a very special place in rural Alabama; and I would urge an "aye" vote on this legislation.

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

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

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, we support this legislation that would authorize the 3,600-acre expansion of the Cahaba River National Wildlife Refuge located in Alabama. Witness testimony received during the May 10, 2006, Fisheries Subcommittee hearing on the bill demonstrated that the expansion of this refuge is essential towards ensuring the long-term protection of threatened forested bottom-land habitat and preservation of the river's unrivaled aquatic biodiversity.

Mr. Speaker, I urge Members to support this worthy bill.

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

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time and encourage our Members to support this very important legislation brought to us by SPENCER BACHUS.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 4947, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

**AUTHORIZING ESTABLISHMENT OF  
COMMEMORATIVE WORK TO  
HONOR BRIGADIER GENERAL  
FRANCIS MARION**

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5057) to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion, as amended.

The Clerk read as follows:

H.R. 5057

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

**SECTION 1. COMMEMORATIVE WORK TO HONOR  
BRIGADIER GENERAL FRANCIS MARION  
AND HIS FAMILY.**

(a) FINDINGS.—*The Congress finds that:*

(1) Francis Marion was born in 1732 in St. John's Parish, Berkeley County, South Carolina. He married Mary Esther Videau on April 20th, 1786. Francis and Mary Esther Marion had no children, but raised a son of a relative as their own, and gave the child Francis Marion's name.

(2) Brigadier General Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines.

(3) Brigadier General Marion's tactics, which were unheard of in rules of warfare at the time, included lightning raids on British convoys, after which he and his forces would retreat into the swamps to avoid capture. British Lieutenant Colonel Tarleton stated that "as for this damned old swamp fox, the devil himself could not catch him". Thus, the legend of the "Swamp Fox" was born.

(4) His victory at the Battle of Eutaw Springs in September of 1781 was officially recognized by Congress.

(5) Brigadier General Marion's troops are believed to be the first racially integrated force fighting for the United States, as his band was a mix of Whites, Blacks, both free and slave, and Native Americans.

(6) As a statesman, he represented his parish in the South Carolina senate as well as his State at the Constitutional Convention.

(7) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated Americans as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to Brigadier General Francis Marion for his bravery and leadership during the Revolutionary War, without which the United States would not exist.

(8) Brigadier General Marion's legacy must live on. At present, and since 1878, United States Reservation 18 has been officially referred to as Marion Park. Located between 4th and 6th Streets, S.E., at the intersection of E Street and South Carolina Avenue, S.E., in Washington, DC, the park lacks a formal commemoration to this South Carolina hero who was important to the initiation of the Nation's heritage.

(9) The time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of Briga-

dier General Marion's contributions. Such a South Carolina hero deserves to be given the proper recognition.

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—*The Marion Park Project, a committee of the Palmetto Conservation Foundation, may establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion and his service.*

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—*The commemorative work authorized by subsection (b) shall be established in accordance with chapter 89 of title 40, United States Code (commonly known as the Commemorative Works Act).*

(d) USE OF FEDERAL FUNDS PROHIBITED.—*Federal funds may not be used to pay any expense of the establishment of the commemorative work authorized by subsection (b). The Marion Park Project, a committee of the Palmetto Conservation Foundation, shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of that commemorative work.*

(e) DEPOSIT OF EXCESS FUNDS.—*If, upon payment of all expenses of the establishment of the commemorative work authorized by subsection (b) (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the authority for the commemorative work under chapter 89 of title 40, United States Code, there remains a balance of funds received for the establishment of that commemorative work, the Marion Park Project, a committee of the Palmetto Conservation Foundation, shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of such title.*

(f) DEFINITIONS.—*For the purposes of this section, the terms "commemorative work" and "the District of Columbia and its environs" have the meanings given to such terms in section 8902(a) of title 40, United States Code.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

**GENERAL LEAVE**

Mr. WALDEN of Oregon. 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 bill under consideration.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5057 introduced by Congressman JOE WILSON of South Carolina would authorize the Marion Park Project to establish a commemorative work on Federal land in the District of Columbia to honor Brigadier General Francis Marion. General Francis Marion, known as The Swamp Fox, was a Revolutionary War officer from South Carolina. He led a band of irregular fighters in the back- and low-country swamps of South Carolina to fight the British troops under Lord Cornwallis. He is generally credited as the father of guerrilla warfare.

Marion Park in the District of Columbia is named after the famous gen-

eral; however, there is very little recognition of the man himself at the park. The Marion Park Project was established in partnership with the non-profit Palmetto Conservation Foundation with the goal of placing a monument to General Marion at the park. The group has coordinated this effort with the National Park Service and is now seeking authorization from Congress so the project may move forward. No Federal funds will be authorized for the establishment of the commemorative work, and the Marion Park Project will be responsible for raising the funds.

Finally, I would like to recognize the work of our colleague, Congressman WILSON, and the important contribution of Congressman HENRY BROWN in bringing this legislation to this House floor today, and I would urge my colleagues to support H.R. 5057.

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

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

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. General Francis Marion, also known as The Swamp Fox, was a pivotal figure in the American Revolutionary War and is deserving of commemoration here in our Nation's capital.

No Federal funds will be used for this memorial project; and the design, the construction, and the maintenance will proceed pursuant to the Commemorative Works Act. Furthermore, while this memorial will be authorized for placement at a site here in Washington, DC, it will not be on the National Mall.

We support passage of H.R. 5057. The bill was introduced by my good friend from South Carolina, Congressman JOE WILSON.

Mr. WILSON of South Carolina. Mr. Speaker, I rise today as a supporter and chief sponsor of H.R. 5057, the "Brigadier General Francis Marion Memorial Act." General Marion, more commonly known as The Swamp Fox, was a renowned patriot who represented my State of South Carolina and our fledgling Nation well with his brave service in the Revolutionary War. As a South Carolinian, I am proud his legacy has been honored with a memorial park here in Washington. This particularly is meaningful to me as General Marion and I share the heritage of French Huguenots who have contributed so much to American history. I am grateful that a statue of the Swamp Fox will be erected on its premises as an inspiration for our citizens. Passage of this bill is a crucial first step in making this dream a reality.

I would specifically like to thank Ken Driggers and Nancy Stone-Collum of the Palmetto Conservation Foundation, which serves as a conduit for the fundraising part of this process. Additionally, I would like to thank the South Carolina Humanities Council for supporting John McCabe, the enthusiastic histories who originally had the vision to honor the "Swamp Fox." John created the Francis Marion Park Project to assist in the fundraising

and planning efforts, and I cannot be more pleased with the progress that has taken place. Also, the National Park Service deserves recognition for their guidance through this important process.

The entire South Carolina delegation, as well as Chairman RICHARD POMBO, have lent their support to this project. As such, I am confident our efforts will be successful.

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

Mr. BROWN of South Carolina. Mr. Speaker, H.R. 5057 is an important bill for my constituents in South Carolina's First Congressional District.

General Francis Marion is an important part of the history of South Carolina and the national forest bearing his name is located within my Congressional District.

Francis Marion commanded the only Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines. General Marion's tactics, which were unheard of in rules of warfare at this time, commanded lightning raids on British convoys, and then he and his forces would retreat into the swamps to avoid capture. British General Tarleton stated that "as for this damned old swamp fox, the devil himself could not catch him." Thus, the legend of the "Swamp Fox" was born. His victory at the Battle of Eutaw Springs in September of 1771 was officially recognized by Congress.

H.R. 5057 seeks to authorize the Marion Park Project and the Committee of the Palmetto Conservation Foundation to establish a statue of General Francis Marion on Federal land in the District of Columbia in Marion Park at no Federal Government expense.

I was proud to work with Resources Chairman POMBO and National Parks Subcommittee Chairman PEARCE to assist in the passage of this bill through the committee not only for my constituents in South Carolina's First District but for all South Carolinians.

I urge all of my colleagues to support H.R. 5057.

Ms. BORDALLO. Mr. Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I yield back the balance of my time and encourage my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 5057, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Marion Park Project, a committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion."

A motion to reconsider was laid on the table.

## NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY TRANSFER ACT

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 310) to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada.

The Clerk read as follows:

S. 310

*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 "Newlands Project Headquarters and Maintenance Yard Facility Transfer Act".

### SEC. 2. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the memorandum of agreement between the District and the Secretary identified as Contract No. 3-LC-20-805 and dated June 9, 2003.

(2) DISTRICT.—The term "District" means the Truckee-Carson Irrigation District in the State of Nevada.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

### SEC. 3. CONVEYANCE OF NEWLANDS PROJECT HEADQUARTERS AND MAINTENANCE YARD FACILITY.

(a) CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act and in accordance with the Agreement and any applicable laws, the Secretary shall convey to the District all right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) DESCRIPTION OF PROPERTY.—The real property referred to in paragraph (1) is the real property within the Newlands Projects, Nevada, that is—

(A) known as "2666 Harrigan Road, Fallon, Nevada"; and

(B) identified for disposition on the map entitled "Newlands Project Headquarters and Maintenance Yard Facility".

(b) CONSIDERATION.—Notwithstanding any other provision of law, amounts received by the United States for the lease or sale of Newlands Project land comprising the Fallon Freight Yard shall, for purposes of this section, be treated as consideration for the real property conveyed under subsection (a).

(c) REPORT.—If the Secretary has not completed the conveyance under subsection (a) within 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(1) explains the reasons why the conveyance has not been completed; and

(2) specifies the date by which the conveyance will be completed.

(d) ENVIRONMENTAL REVIEW, REMEDIATION, AND REMOVAL.—In accordance with the Agreement, the Secretary may not convey the real property under subsection (a) until—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable requirements relating to cultural resources have been complied with for the real property to be conveyed under subsection (a); and

(2) any required environmental site assessment, remediation, or removal has been completed with respect to the real property to be conveyed under subsection (a).

(e) LIABILITY.—The United States shall not be liable for damages of any kind arising out of any act, omission by, or occurrence relat-

ing to, the District or any employee, agent, or contractor of the District with respect to the real property conveyed under subsection (a) that occurs before, on, or after the date of the conveyance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. 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 bill under consideration.

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

There was no objection.

□ 1445

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Senate 310, introduced by Senator JOHN ENSIGN, transfers 35 acres of Federal land to the Truckee-Carson Irrigation District. This transfer, which includes the Newlands Project Headquarters and Maintenance Yard Facility, will allow the irrigation district to make permanent improvements on the property for the continued operations and maintenance of the facility. The bill also stipulates that environmental analyses, including those under the National Environmental Policy Act, must be completed prior to transfer.

Congressman JIM GIBBONS is the author of the House companion measure, H.R. 540, which passed the House of Representatives in May of 2005. He should be commended for his work and leadership on this issue. This legislation is a win for the local water users and a win for the American taxpayers.

I urge my colleagues to support this commonsense bill.

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

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

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, we on this side of the aisle have no objection to passage of S. 310. This simple and noncontroversial transfer of a small amount of real property has been adequately explained by the majority, and, in fact, this is the second time this measure has come before the House.

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

Mr. WALDEN of Oregon. Mr. Speaker, despite the overwhelming enthusiastic support for this legislation, we have no other speakers at this 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 Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 310.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

DESIGNATING THE NEGRO LEAGUES BASEBALL MUSEUM IN KANSAS CITY, MISSOURI, AS AMERICA'S NATIONAL NEGRO LEAGUES BASEBALL MUSEUM

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 60) designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum.

The Clerk read as follows:

S. CON. RES. 60

Whereas the Negro Leagues Baseball Museum in Kansas City, Missouri, was founded in 1990, in honor of those individuals who played in the Negro Baseball Leagues as a result of segregation in America;

Whereas the Negro Leagues Baseball Museum is the only public museum in the Nation that exists for the exclusive purpose of interpreting the experiences of the players in the Negro Leagues from 1920 through 1970;

Whereas the Negro Leagues Baseball Museum project began in the 1980s, through a large scale, grass roots, civic and fundraising effort by citizens and baseball fans in the Kansas City metropolitan area;

Whereas the first Negro Leagues Baseball Museum was located at 1615 East 18th Street in the historic "18th and Vine District", which was designated by the city of Kansas City, Missouri, in 1988 as historic in nature and the birthplace of the Negro Leagues;

Whereas the current Negro Leagues Baseball Museum was opened at 1616 East 18th Street in 1997, with a dramatic expansion of core exhibition and gallery space and over 10,000 square feet of new interpretive and educational exhibits;

Whereas the Negro Leagues Baseball Museum continues to receive strong support from the residents of the Kansas City metropolitan area and annually entertains over 60,000 visitors from all 50 States, and numerous foreign countries;

Whereas there remains a need to preserve the evidence of honor, courage, sacrifice, and triumph in the face of segregation of those African Americans who played in the Negro Leagues;

Whereas the Negro Leagues Baseball Museum seeks to educate a diverse audience through its comprehensive collection of historical materials, important artifacts, and oral histories of the participants in the Negro Leagues and the impact that segregation played in the lives of these individuals and their fans; and

Whereas a great opportunity exists to use the invaluable resources of the Negro Leagues Baseball Museum to teach the Nation's school children, through on-site visits, traveling exhibits, classroom curriculum, distance learning, and other educational initiatives: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) designates the Negro Leagues Baseball Museum in Kansas City, Missouri, including the museums future and expanded exhibits, collections library, archives, artifacts and education programs as "America's National Negro Leagues Baseball Museum";

(2) supports the efforts of the Negro Leagues Baseball Museum to recognize and preserve the history of the Negro Leagues and the impact of segregation on our Nation;

(3) recognizes that the continued collection, preservation, and interpretation of the historical objects and other historical materials held by the Negro Leagues Baseball Museum enhances our knowledge and understanding of the experience of African Americans during legal segregation;

(4) commends the ongoing development and visibility of the "Power Alley" educational outreach program for teachers and students throughout the Nation sponsored by the Negro Leagues Baseball Museum;

(5) asks all Americans to join in celebrating the Negro Leagues Baseball Museum and its mission of preserving and interpreting the legacy of the Negro Leagues; and

(6) encourages present and future generations to understand the sensitive issues surrounding the Negro Leagues, how they helped shape our Nation and Major League Baseball, and how the sacrifices made by Negro League players helped make baseball America's national pastime.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. 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 bill under consideration.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Senate Concurrent Resolution 60, introduced by Senator TALENT, would designate the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum.

Because of racism and segregation laws that barred African Americans from playing baseball on major league teams in the first half of the 20th century, black baseball players were forced to form their own teams and the first Negro baseball league. Between 1920 and 1955, more than 70 teams played in these leagues. However, by the early 1960s, attendance dropped at Negro league games, and the last of the Negro league teams went out of business. Then, in 1990, the Negro Leagues Baseball Museum was established in Kansas City, Missouri, to preserve and interpret the history of the Negro leagues.

Although the National Baseball Hall of Fame recognizes the achievements of baseball's greatest players of all races, the Negro Leagues Museum tells the story of the black athletes who built a successful baseball league.

I urge adoption of the resolution.

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

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

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, the fact that the Negro Leagues ever existed in this country is a painful reminder of the dark days of legalized racism through segregation. However, the success of those leagues, the innovations begun in those leagues and the stars who played in those leagues are sources of great pride and inspiration.

National recognition for the Negro Leagues Baseball Museum in Kansas City, Missouri, is a fitting tribute to those who were involved in the Negro leagues and to the great work the museum is doing to preserve this important chapter in the story of America.

Furthermore, Mr. Speaker, Representative EMANUEL CLEAVER is to be commended as the sponsor of the House companion to this resolution. Representative CLEAVER's tireless efforts on behalf of this legislation were crucial in bringing this measure before the House today.

We support passage of Senate Concurrent Resolution 60.

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

Mr. WALDEN of Oregon. Mr. Speaker, I encourage that our Members support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 60.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

ELECTRONIC DUCK STAMP ACT OF 2005

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1496) to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps.

The Clerk read as follows:

S. 1496

*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 "Electronic Duck Stamp Act of 2005".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) on March 16, 1934, Congress passed and President Roosevelt signed the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the "Duck Stamp Act"), which requires all migratory waterfowl hunters 16 years of age or older to buy a Federal migratory bird hunting and conservation stamp annually;

(2) the Federal Duck Stamp program has become one of the most popular and successful conservation programs ever initiated;

(3) because of that program, the United States again is teeming with migratory waterfowl and other wildlife that benefit from wetland habitats;

(4) as of the date of enactment of this Act, 1,700,000 migratory bird hunting and conservation stamps are sold each year;

(5) as of 2003, those stamps have generated more than \$600,000,000 in revenue that has been used to preserve more than 5,000,000 acres of migratory waterfowl habitat in the United States; and

(6) many of the more than 540 national wildlife refuges have been paid for wholly or partially with that revenue.

### SEC. 3. DEFINITIONS.

In this Act:

(1) **ACTUAL STAMP.**—The term “actual stamp” means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), that is printed on paper and sold through a means in use immediately before the date of enactment of this Act.

(2) **AUTOMATED LICENSING SYSTEM.**—

(A) **IN GENERAL.**—The term “automated licensing system” means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) **INCLUSION.**—The term “automated licensing system” includes a point-of-sale, Internet, or telephonic system used for a purpose described in subparagraph (A).

(3) **ELECTRONIC STAMP.**—The term “electronic stamp” means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this Act, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under section 4(b).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

### SEC. 4. ELECTRONIC DUCK STAMP PILOT PROGRAM.

(a) **REQUIREMENT TO CONDUCT PROGRAM.**—The Secretary shall conduct a 3-year pilot program under which up to 15 States authorized by the Secretary may issue electronic stamps.

(b) **COMMENCEMENT AND DURATION OF PROGRAM.**—The Secretary shall—

(1) use all means necessary to expeditiously implement this section by the date that is 1 year after the beginning of the first full Federal migratory waterfowl hunting season after the date of enactment of this Act; and

(2) carry out the pilot program for 3 Federal migratory waterfowl hunting seasons.

(c) **CONSULTATION.**—The Secretary shall carry out the program in consultation with State management agencies.

### SEC. 5. STATE APPLICATION.

(a) **APPROVAL OF APPLICATION REQUIRED.**—A State may not participate in the pilot program under this Act unless the Secretary has received and approved an application submitted by the State in accordance with this section.

(b) **CONTENTS OF APPLICATION.**—The Secretary may not approve a State application unless the application contains—

(1) a description of the format of the electronic stamp that the State will issue under the pilot program, including identifying features of the licensee that will be specified on the stamp;

(2) a description of any fee the State will charge for issuance of an electronic stamp;

(3) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(4) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(5) the manner by which actual stamps will be delivered;

(6) the policies and procedures under which the State will issue duplicate electronic stamps; and

(7) such other policies, procedures, and information as may be reasonably required by the Secretary.

(c) **PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.**—Not later than 30 days before the date on which the Secretary begins accepting applications for participation in the pilot program, the Secretary shall publish—

(1) deadlines for submission of applications to participate in the program;

(2) eligibility requirements for participation in the program; and

(3) criteria for selecting States to participate in the program.

### SEC. 6. STATE OBLIGATIONS AND AUTHORITIES.

(a) **DELIVERY OF ACTUAL STAMP.**—The Secretary shall require that each individual to whom a State sells an electronic stamp under the pilot program shall receive an actual stamp—

(1) by not later than the date on which the electronic stamp expires under section 7(c); and

(2) in a manner agreed upon by the State and Secretary.

(b) **COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.**—

(1) **REQUIREMENT TO TRANSMIT.**—The Secretary shall require each State participating in the pilot program to collect and submit to the Secretary in accordance with this section—

(A) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(B) the face value amount of each electronic stamp sold by the State; and

(C) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(2) **TIME OF TRANSMITTAL.**—The Secretary shall require the submission under paragraph (1) to be made with respect to sales of electronic stamps by a State occurring in a month—

(A) by not later than the 15th day of the subsequent month; or

(B) as otherwise specified in the application of the State approved by the Secretary under section 5.

(3) **ADDITIONAL FEES NOT AFFECTED.**—This section shall not apply to the State portion of any fee collected by a State under subsection (c).

(c) **ELECTRONIC STAMP ISSUANCE FEE.**—A State participating in the pilot program may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under the program, including costs of delivery of actual stamps.

(d) **DUPLICATE ELECTRONIC STAMPS.**—A State participating in the pilot program may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(e) **LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.**—A State may not require that an individual purchase a

State hunting license as a condition of issuing an electronic stamp under the pilot program.

### SEC. 7. ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.

(a) **STAMP REQUIREMENTS.**—The Secretary shall require an electronic stamp issued by a State under the pilot program—

(1) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(2) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(b) **RECOGNITION OF ELECTRONIC STAMP.**—Any electronic stamp issued by a State under the pilot program shall, during the effective period of the electronic stamp—

(1) bestow upon the licensee the same privileges as are bestowed by an actual stamp;

(2) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(3) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(c) **DURATION.**—An electronic stamp issued by a State under the pilot program shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

### SEC. 8. TERMINATION OF STATE PARTICIPATION.

Participation by a State in the pilot program may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under section 5; and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

### SEC. 9. EVALUATION.

(a) **EVALUATION.**—The Secretary, in consultation with State fish and wildlife management agencies and appropriate stakeholders with expertise specific to the duck stamp program, shall evaluate the pilot program and determine whether the pilot program has provided a cost-effective and convenient means for issuing migratory-bird hunting and conservation stamps, including whether the program has—

(1) increased the availability of those stamps;

(2) assisted States in meeting the customer service objectives of the States with respect to those stamps;

(3) maintained actual stamps as an effective and viable conservation tool; and

(4) maintained adequate retail availability of the actual stamp.

(b) **REPORT.**—The Secretary shall submit to Congress a report on the findings of the Secretary under subsection (a).

### SEC. 10. TECHNICAL CORRECTIONS.

(a) **PROHIBITION ON TAKING.**—The first section of the Act of March 16, 1934 (16 U.S.C. 718a) is amended by striking “That no person who has attained the age of sixteen years” and all that follows through the end of the section and inserting the following:

#### “SECTION 1. PROHIBITION ON TAKING.

“(a) **PROHIBITION.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), no individual who has attained the age of 16 years shall take any migratory waterfowl unless, at the time of the taking,

the individual carries on the person of the individual a valid Migratory Bird Hunting and Conservation Stamp, validated by the signature of the individual written in ink across the face of the stamp prior to the time of the taking by the individual of the waterfowl.

“(2) EXCEPTION.—No stamp described in paragraph (1) shall be required for the taking of migratory waterfowl—

- “(A) by Federal or State agencies;
- “(B) for propagation; or

“(C) by the resident owner, tenant, or sharecropper of the property, or officially designated agencies of the Department of the Interior, for the killing, under such restrictions as the Secretary may by regulation prescribe, of such waterfowl when found damaging crops or other property.

“(b) DISPLAY OF STAMP.—Any individual to whom a stamp has been sold under this Act shall, upon request, display the stamp for inspection to—

“(1) any officer or employee of the Department of the Interior who is authorized to enforce this Act; or

“(2) any officer of any State or political subdivision of a State authorized to enforce State game laws.

“(c) OTHER LICENSES.—Nothing in this section requires any individual to affix the Migratory Bird Hunting and Conservation Stamp to any other license prior to taking 1 or more migratory waterfowl.”

(b) SALES; FUND DISPOSITION; UNSOLD STAMPS.—Section 2 of the Act of March 16, 1934 (16 U.S.C. 718b) is amended by striking “SEC. 2.” and all that follows through the end of subsection (a) and inserting the following:

**“SEC. 2. SALES; FUND DISPOSITION; UNSOLD STAMPS.**

“(a) SALES.—

“(1) IN GENERAL.—The stamps required under section 1 shall be sold by the Postal Service and may be sold by the Department of the Interior, pursuant to regulations promulgated jointly by the Postal Service and the Secretary, at—

“(A) any post office; and

“(B) such other establishments, facilities, or locations as the Postal Service or the Secretary (or a designee) may direct or authorize.

“(2) PROCEEDS.—The funds received from the sale of stamps under this Act by the Department of the Interior shall be deposited in the Migratory Bird Conservation Fund in accordance with section 4.

“(3) MINIMUM AND MAXIMUM VALUES.—Except as provided in subsection (b), the Postal Service shall collect the full face value of each stamp sold under this section for the applicable hunting year.

“(4) VALIDITY.—No stamp sold under this Act shall be valid under any circumstances to authorize the taking of migratory waterfowl except—

“(A) in compliance with Federal and State laws (including regulations);

“(B) on the condition that the individual so taking the waterfowl wrote the signature of the individual in ink across the face of the stamp prior to the taking; and

“(C) during the hunting year for which the stamp was issued.

“(5) UNUSED STAMPS.—

“(A) DEFINITION OF RETAIL DEALER.—In this paragraph, the term ‘retail dealer’ means—

“(i) any individual or entity that is regularly engaged in the business of retailing hunting or fishing equipment; and

“(ii) any individual or entity duly authorized to act as an agent of a State or political subdivision of a State for the sale of State or county hunting or fishing licenses.

“(B) REDEMPTION OF UNUSED STAMPS.—The Department of the Interior, pursuant to reg-

ulations promulgated by the Secretary, shall provide for the redemption, on or before the 30th day of June of each year, of unused stamps issued for the year under this Act that—

“(i) were sold on consignment to any person authorized by the Secretary to sell stamps on consignment (including retail dealers for resale to customers); and

“(ii) have not been resold by any such person.

“(6) PROHIBITION ON CERTAIN STAMP SALES.—The Postal Service shall not—

“(A) sell on consignment any stamps issued under this Act to any individual, business, or organization; or

“(B) redeem stamps issued under this Act that are sold on consignment by the Secretary (or any agent of the Secretary).”

(c) COST OF STAMPS.—Section 2(b) of the Act of March 16, 1934 (16 U.S.C. 718b(b)) is amended—

(1) by striking “(b) The” and inserting the following:

“(b) COST OF STAMPS.—The”;

(2) by striking “Secretary of the Interior” and inserting “Secretary”;

(3) by striking “migratory bird conservation fund” and inserting “Migratory Bird Conservation Fund”; and

(4) in paragraph (2), by striking “For purposes” and all that follows through “of any such year.”

(d) AUTHORIZATION AND EXEMPTION.—Section 3 of the Act of March 16, 1934 (16 U.S.C. 718c) is amended by striking “SEC. 3. Nothing” and inserting the following:

**“SEC. 3. AUTHORIZATION AND EXEMPTION.**

“Nothing”.

(e) EXPENDITURE OF FUNDS.—Section 4 of the Act of March 16, 1934 (16 U.S.C. 718d) is amended—

(1) by redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively, and indenting appropriately;

(2) by striking “SEC. 4. All moneys” and all that follows through “expended:” and inserting the following:

**“SEC. 4. EXPENDITURE OF FUNDS.**

“(a) IN GENERAL.—All funds received for stamps sold under this Act shall be—

“(1) accounted for by the Postal Service or the Secretary, as appropriate;

“(2) paid into the Treasury of the United States; and

“(3) reserved and set aside as a special fund, to be known as the ‘Migratory Bird Conservation Fund’ (referred to in this section as the ‘fund’), to be administered by the Secretary.

“(b) USE OF FUNDS.—All funds received into the fund are appropriated for the following purposes, to remain available until expended:”;

(3) in subsection (b)(1) (as redesignated by paragraphs (1) and (2))—

(A) by striking “(1) So much” and all that follows through “for engraving” and inserting the following:

“(1) ADVANCE ALLOTMENTS.—So much as may be necessary shall be used by the Secretary for engraving”;

(B) by striking “migratory bird hunting stamps” and inserting “Migratory Bird Hunting and Conservation Stamps”;

(C) by striking “personal” and inserting “personnel”; and

(D) by striking “postal service” and inserting “Postal Service”;

(4) in subsection (b)(2) (as so redesignated)—

(A) by striking “(2) Except as provided in subsections (c) and (d) of this section” and inserting the following:

“(2) AREAS FOR REFUGES.—Except as provided in paragraph (3) and subsection (c)”; and

(B) by inserting “(16 U.S.C. 715 et seq.)” after “Conservation Act”;

(5) in subsection (b)(3) (as so redesignated)—

(A) by striking “(3) The Secretary of the Interior is authorized to utilize funds made available under subsection (b) of this section for the purposes of such subsection, and such other funds as may be appropriated for the purposes of such subsection, or of this subsection,” and inserting the following:

“(3) CONDITIONS ON USE OF FUNDS.—The Secretary may use funds made available under paragraph (2) for the purposes of that paragraph, and such other funds as may be appropriated for the purposes of that paragraph or this paragraph.”; and

(B) in the second sentence—

(i) by inserting “(16 U.S.C. 715 et seq.)” after “Conservation Act”; and

(ii) by striking “this subsection” and inserting “this paragraph”;

(6) by redesignating subsection (d) as subsection (c); and

(7) in subsection (c) (as so redesignated)—

(A) in paragraph (1)—

(i) by striking “(1) The Secretary of the Interior may utilize” and inserting the following:

“(1) IN GENERAL.—The Secretary may use”; and

(ii) by striking “migratory bird hunting and conservation stamps” and inserting “Migratory Bird Hunting and Conservation Stamps”; and

(B) in paragraph (2), by striking “(2) The Secretary of the Interior” and inserting the following:

“(2) COMPONENTS OF REPORT.—The Secretary”.

(f) LOANS AND TRANSFERS, ALTERATION, AND REPRODUCTION OF STAMPS.—Section 5 of the Act of March 16, 1934 (16 U.S.C. 718e) is amended—

(1) by striking “SEC. 5. (a) That no person to whom has been sold a migratory-bird hunting stamp,” and inserting the following:

**“SEC. 5. LOANS AND TRANSFERS, ALTERATION, AND REPRODUCTION OF STAMPS.**

“(a) IN GENERAL.—No person to whom has been sold a Migratory Bird Hunting and Conservation Stamp.”;

(2) in subsection (b), by striking “(b)” and all that follows through “shall alter” and inserting the following:

“(b) ALTERATION.—Except as provided in clauses (i) and (ii) of section 504(l)(D) of title 18, United States Code, no person shall alter”;

(3) in subsection (c)—

(A) by striking “(c) Notwithstanding” and inserting the following:

“(c) REPRODUCTION.—Notwithstanding”;

(B) by striking “Secretary of the Interior” each place it appears and inserting “Secretary”; and

(C) in the matter following paragraph (2)—

(i) by striking “migratory bird hunting stamps” and inserting “Migratory Bird Hunting and Conservation Stamps”; and

(ii) by striking “shall be paid into the migratory bird conservation fund” and inserting “shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund”.

(g) ENFORCEMENT.—Section 6 of the Act of March 16, 1934 (16 U.S.C. 718f) is amended—

(1) by striking “SEC. 6. For the efficient” and inserting the following:

**“SEC. 6. ENFORCEMENT.**

“For the efficient”; and

(2) in the first sentence—

(A) by striking “Secretary of Agriculture” and inserting “Secretary”;

(B) by striking “Department of Agriculture” and inserting “Department of the Interior”; and

(C) by inserting "(16 U.S.C. 703 et seq.)" after "Treaty Act".

(h) VIOLATIONS; COOPERATION; USE OF CONTEST FEES; DEFINITIONS; SHORT TITLE.—The Act of March 16, 1934 is amended by striking sections 7 through 10 (16 U.S.C. 718g–718j) and inserting the following:

**"SEC. 7. VIOLATIONS.**

"Any person that violates or fails to comply with any provision of this Act (including a regulation promulgated under this Act) shall be subject to the penalties described in section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707).

**"SEC. 8. COOPERATION.**

"The Secretary is authorized to cooperate with the States and the territories and possessions of the United States in the enforcement of this Act.

**"SEC. 9. USE OF CONTEST FEES.**

"Notwithstanding any other provision of law, funds received by the United States Fish and Wildlife Service in the form of fees for entering any Migratory Bird Hunting and Conservation Stamp contest shall be credited—

"(1) first, to the appropriation account from which expenditures for the administration of the contest are made; and

"(2) second, to the extent any funds remain, to the Migratory Bird Conservation Fund.

**"SEC. 10. DEFINITIONS.**

"(a) IN GENERAL.—In this Act, the terms defined in the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) have the meanings given those terms in those Acts.

"(b) OTHER DEFINITIONS.—In this Act:

"(1) HUNTING YEAR.—The term 'hunting year' means the 1-year period beginning on July 1 of each year.

"(2) MIGRATORY WATERFOWL.—The term 'migratory waterfowl' means the species enumerated in paragraph (a) of subdivision 1 of article I of the Convention between the United States and Great Britain for the Protection of Migratory Birds, signed at Washington on August 16, 1916 (USTS 628) (16 U.S.C. 703 et seq.).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

"(4) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico;

"(D) Guam;

"(E) American Samoa;

"(F) the Commonwealth of the Northern Mariana Islands;

"(G) the Federated States of Micronesia;

"(H) the Republic of the Marshall Islands;

"(I) the Republic of Palau; and

"(J) the United States Virgin Islands.

"(5) TAKE.—The term 'take' means—

"(A) to pursue, hunt, shoot, capture, collect, or kill; or

"(B) to attempt to pursue, hunt, shoot, capture, collect, or kill.

**"SEC. 11. SHORT TITLE.**

"This Act may be cited as the 'Migratory Bird Hunting and Conservation Stamp Act'."

(i) DISPOSITION OF UNSOLD STAMPS.—Section 3 of the Act of July 30, 1956 (Public Law 84-838; 70 Stat. 722), is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) in subsection (a) (16 U.S.C. 718b-1)—

(A) by striking "SEC. 3. (a) Hereafter" and all that follows through the end of the first sentence and inserting the following:

**"SEC. 3. DISPOSITION OF UNSOLD STAMPS.**

"(a) DISPOSITION OF UNSOLD STAMPS.—A Migratory Bird Hunting and Conservation

Stamp shall be transferred to the Postal Service or the Secretary of the Interior (or a designee) for sale to a collector if the stamp—

"(1) has not been sold by the end of the hunting year (as that term is defined in section 10 of the Migratory Bird Hunting and Conservation Stamp Act) during which the stamp is issued; and

"(2) as determined by the Postal Service or the Secretary of the Interior—

"(A) is appropriate to supply a market for sale to collectors; and

"(B) is in suitable condition for sale to a collector."; and

(B) by striking the second sentence and inserting the following:

"(b) SURPLUS STOCK.—The Postal Service or the Secretary of the Interior may destroy any surplus stock of Migratory Bird Hunting and Conservation Stamps at such time and in such manner as the Postal Service or the Secretary of the Interior determines to be appropriate."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. 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 bill under consideration.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to support Senate 1496, the Electronic Duck Stamp Act. I would also like to compliment the author of this legislation, Senator MIKE CRAPO, and the sponsors of the House version, Congressmen RON KIND and CHIP PICKERING.

The first Federal duck stamp was issued in 1934. Since that time, hunters and wildlife art enthusiasts have purchased more than 122 million stamps that have produced more than \$700 million in revenues. With those funds, the Migratory Bird Commission has conserved more than 5.2 million acres of land that have provided essential habitat for countless migratory birds.

Senate 1496 is a positive step in the right direction of bringing this program into the 21st century. Today, hunters and fishermen throughout the United States can obtain their necessary State licenses online. The Electronic Duck Stamp Act will direct the Secretary of the Interior to conduct a 3-year pilot program by allowing certain States to issue electronic Federal migratory bird stamps.

Under the terms of the bill, the Fish and Wildlife Service will approve the application of any interested States that will include the format of the stamp, a description of any processing fees, the process of delivering the actual printed duck stamp and the

issuance of any duplicate stamps. In addition, the legislation contains safeguards to ensure customer satisfaction, the maintenance of traditional stamps and adequate retail availability of the actual stamp.

Senate 1496 is the result of successful negotiations between the U.S. Fish and Wildlife Service, the States and conservation organizations. It is a sound bill that will provide customer convenience without undermining the Federal duck stamp program. After the 3-year trial period, Congress can then decide whether to make the electronic duck stamps a permanent fixture.

With that, Mr. Speaker, I urge an "aye" vote on Senate 1496.

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

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

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, I support this legislation that would direct the Secretary of the Interior to initiate a pilot program to provide a convenient electronic option for waterfowl hunters to purchase their annual duck stamp, an icon in American conservation which since 1934 has generated over \$700 million for waterfowl habitat acquisition and protection.

I applaud the sponsor of the House companion legislation, Congressman RON KIND, for his leadership on this issue and for his commonsense recognition that we should take advantage of modern technology to increase the availability and ease in acquiring duck stamps.

I also commend Mr. KIND for the great sensitivity he has shown in making sure that the pilot program created under this legislation will not undermine the artistic value of the paper stamps. These stamps will still be issued for sale, and we expect that they will continue to be cherished by stamp collectors and conservationists for many years to come.

This legislation also contains some overdue technical amendments to the Duck Stamp Act itself, which should provide helpful clarifications important in maintaining and enhancing this very popular program.

I urge Members to support this non-controversial bill.

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

Mr. WALDEN of Oregon. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. GARRETT) for a colloquy.

Mr. GARRETT of New Jersey. Mr. Speaker, with regard to S. 1496, this program, my understanding, creates a 3-year pilot program to distribute Federal duck stamps electronically. Duck stamps are something which I am very familiar with and am completely in support of the overall program. These stamps are sold to hunters, conservationists and collectors, raising funds to acquire land in the national wildlife

refuge system, which, in turn, are then beneficial to the duck hunters in my district and yours as well.

The question goes to the overall cost of this system and who will be paying for the system. Traditionally, under the duck stamp program, it is not a cost to the overall taxpayers of the country. Rather, it is those who enter in to select to buy the duck stamps themselves.

However, this is the point. CBO estimates that this bill will cost \$750,000, or three-quarters of a million dollars, over the next 3 years to implement and that the fees authorized will not be sufficient to offset this cost. In light of this report from the CBO, can you assure us that the costs will be generated from the actual sale of the stamps, and can you point out where the error has been, therefore, in the CBO cost estimates in this program?

Mr. WALDEN of Oregon. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Speaker, I appreciate the gentleman's question.

The CBO does estimate, indeed, that the implementing legislation would cost the Federal Government \$750,000 over the next 3 years, assuming the availability of appropriated funds. However, this is also set up and estimates the Fish and Wildlife Service would spend \$250,000 annually to carry out the 3-year project, again, assuming the availability of appropriated funds, but the legislation makes it very specific that they can recoup their costs as an administrative fee when they issue the duck stamp.

So it should become very self-supporting. Just as you referenced in the other program, they can actually add a cost to cover their administrative costs. We are just trying to simplify this, make it available online to duck hunters as an ease. They will still get the duck stamp in the mail, but we anticipate fully in the legislation the cost to be recovered by the users.

Mr. GARRETT of New Jersey. I do appreciate that.

So it is your understanding that there is, in essence, a base price for the stamp and then maybe perhaps, I will use the term supplemental cost, which will be the costs going on the sale over the Web or whatever the exchange is.

Mr. WALDEN of Oregon. That is my understanding, yes.

Mr. GARRETT of New Jersey. I apologize for being redundant on this point, is there something specific that I that can look back to specifically in the language that says that, that goes to that point?

Mr. WALDEN of Oregon. If the gentleman will suspend for a moment.

Mr. GARRETT of New Jersey. I think we are on the same page on this. I want to just make sure that it is revenue neutral.

Mr. WALDEN of Oregon. It is a several page bill. If we had had a little ad-

vance warning, we could have had it highlighted here.

Section 6(3)(c), Electronic Stamp Issuance Fee. A State participating in the pilot program may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under the program, including costs of delivery of actual stamps.

Does that clarify?

Mr. GARRETT of New Jersey. I thank you.

Mr. WALDEN of Oregon. Does that satisfy the gentleman's question then?

Mr. GARRETT of New Jersey. Yes.

Mr. WALDEN of Oregon. Very good.

Mr. KIND. Mr. Speaker, I rise today in support of S. 1496, the companion legislation to H.R. 1494 that Representative CHIP PICKERING and I authored, the Electronic Duck—or E-Duck—Stamp Act. This legislation has a simple purpose: To make it easier for duck hunters, stamp and wildlife art collectors, and conservationists to do the things they love. The bill does this by creating a pilot program in which 15 States, authorized by the Secretary of the Interior, may issue Federal duck stamps electronically.

Since its creation in 1934, the Federal Duck Stamp Program has become one of the most popular and successful conservation programs ever initiated. Because of it, our country is again teeming with migratory waterfowl and other wildlife that rely on wetland habitats. Today, roughly 1.7 million hunting and conservation stamps are sold each year. Recent data show that the sale of Federal duck stamps has generated more than \$700,000,000 in revenue used to preserve over 5.2 million acres of migratory waterfowl habitat in the United States.

The E-Duck Stamp Act seeks to enhance the strong legacy of this important conservation program. Under this bill, hunters will, for the first time, be able to purchase duck stamps on-line in a safe, easy, and convenient manner. People living in rural areas, like mine in western Wisconsin, will no longer have to gas up the truck to buy a stamp, and instead can double-click their mouse and be ready to go hunt. More importantly, it provides this new alternative while protecting the legacy that the great duck stamp artist ding darling left us by taking explicit measures to ensure the future of the actual stamp—miniature works of art from some of our country's best wildlife artists.

I would like to thank both Ducks Unlimited and the International Association of Fish and Wildlife Agencies in crafting this bill. I appreciate their strong commitment to the Federal Duck Stamp Program and their input into the creation of this legislation. Additionally, I would like to thank everyone on resources staff and the Congressional Sportsmen's Caucus for all their hard work on this legislation. I look forward to continuing our work together to implement this program once it becomes law.

I urge all my colleagues to support S. 1496.

Ms. BORDALLO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I encourage my colleagues to support S. 1496, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1496.

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. HENSARLING. 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.

□ 1500

## NATIONAL HERITAGE AREAS ACT OF 2006

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 203) to reduce temporarily the royalty required to be paid for sodium produced, to establish certain National Heritage Areas, and for other purposes, as amended.

The Clerk read as follows:

S. 203

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

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “National Heritage Areas Act of 2006”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—SODA ASH ROYALTY REDUCTION

Sec. 101. Short title.

Sec. 102. Reduction in royalty rate on soda ash.

Sec. 103. Study.

#### TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

##### Subtitle A—Northern Rio Grande National Heritage Area

Sec. 201. Short title.

Sec. 202. Congressional findings.

Sec. 203. Definitions.

Sec. 204. Northern Rio Grande National Heritage Area.

Sec. 205. Authority and duties of the Management Entity.

Sec. 206. Duties of the Secretary.

Sec. 207. Private property protections; savings provisions.

Sec. 208. Sunset.

Sec. 209. Authorization of appropriations.

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     **TITLE I—SODA ASH ROYALTY REDUCTION**  
     **SEC. 101. SHORT TITLE.**  
     This title may be cited as the "Soda Ash Royalty Reduction Act of 2006".  
     **SEC. 102. REDUCTION IN ROYALTY RATE ON SODA ASH.**  
     Notwithstanding section 102(a)(9) of the Federal Land Policy Management Act of 1976 (43 U.S.C. 1701(a)(9)), section 24 of the Mineral Leasing Act (30 U.S.C. 262), and the terms of any lease under that Act, the royalty rate on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market from Federal land in the 5-year period beginning on the date of enactment of this Act shall be 2 percent.  
     **SEC. 103. STUDY.**  
     After the end of the 4-year period beginning on the date of enactment of this Act, and before the end of the 5-year period beginning on that date, the Secretary of the Interior shall report to Congress on the effects of the royalty reduction under this title, including—  
     (1) the amount of sodium compounds and related products at the point of shipment to market from Federal land during that 4-year period;  
     (2) the number of jobs that have been created or maintained during the royalty reduction period;  
     (3) the total amount of royalty paid to the United States on the quantity or gross value of the output of sodium compounds and related products at the point of shipment to market produced during that 4-year period, and the portion of such royalty paid to States; and  
     (4) a recommendation of whether the reduced royalty rate should apply after the end of the 5-year period beginning on the date of enactment of this Act.  
     **TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS**  
     **Subtitle A—Northern Rio Grande National Heritage Area**  
     **SEC. 201. SHORT TITLE.**  
     This subtitle may be cited as the "Northern Rio Grande National Heritage Area Act".  
     **SEC. 202. CONGRESSIONAL FINDINGS.**  
     The Congress finds that—  
     (1) northern New Mexico encompasses a mosaic of cultures and history, including 8 Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;  
     (2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;  
     (3) the area includes spectacular natural, scenic, and recreational resources;  
     (4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

#### SEC. 203. DEFINITIONS.

As used in this subtitle—

(1) the term “heritage area” means the Northern Rio Grande Heritage Area; and

(2) the term “Secretary” means the Secretary of the Interior.

#### SEC. 204. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) MANAGEMENT ENTITY.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

#### SEC. 205. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this subtitle.

(4) If the management entity fails to submit a management plan to the secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this subtitle until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Sec-

retary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) AUTHORITY.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) DUTIES.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(3) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sites in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this subtitle, consistent with the management plan.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY.—The management entity may not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—

(1) For any year in which the management entity receives Federal funds under this subtitle, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

#### SEC. 206. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

#### SEC. 207. PRIVATE PROPERTY PROTECTIONS; SAVINGS PROVISIONS.

(a) PRIVATE PROPERTY PROTECTION.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation or promotion to the management entity.

(2) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the heritage area, shall have their property immediately removed from within the boundary by submitting a written request to the management entity.

(3) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(4) LIABILITY.—Designation of the heritage area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(5) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(6) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the heritage area to participate in or be associated with the heritage area.

(b) EFFECT OF ESTABLISHMENT.—The boundaries designated for the heritage area represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the heritage area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the heritage area or its viewshed by the Secretary, the National Park Service, or the management entity.

(c) TRIBAL LANDS.—Nothing in this subtitle shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(d) TRUST RESPONSIBILITIES.—Nothing in this subtitle shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

#### SEC. 208. SUNSET.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

#### SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

#### Subtitle B—Atchafalaya National Heritage Area

#### SEC. 211. SHORT TITLE.

This subtitle may be cited as the “Atchafalaya National Heritage Area Act”.

#### SEC. 212. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term “Heritage Area” means the Atchafalaya National Heritage Area established by section 213(a).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 213(c).

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Heritage Area developed under section 215.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of Louisiana.

**SEC. 213. ATCHAFALAYA NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established in the State the Atchafalaya National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, East Baton Rouge, and Ascension Parish.

(c) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) **COMPOSITION.**—The local coordinating entity shall be composed of 14 members appointed by the governing authority of each parish within the Heritage Area.

**SEC. 214. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.**

(a) **AUTHORITIES.**—For the purposes of developing and implementing the management plan and otherwise carrying out this subtitle, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) **DUTIES.**—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this subtitle, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) **ACQUISITION OF REAL PROPERTY.**—The local coordinating entity shall not use Federal funds received under this subtitle to acquire real property or an interest in real property.

(d) **PUBLIC MEETINGS.**—The local coordinating entity shall conduct public meetings at least quarterly.

**SEC. 215. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) **CONSIDERATION OF OTHER PLANS AND ACTIONS.**—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) **CONTENTS.**—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this subtitle;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) **SUBMISSION TO SECRETARY FOR APPROVAL.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) **EFFECT OF FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Area is submitted to the Secretary.

(e) **APPROVAL.**—

(1) **IN GENERAL.**—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) **ACTION FOLLOWING DISAPPROVAL.**—

(A) **IN GENERAL.**—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) **DEADLINE FOR APPROVAL OF REVISION.**—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) **REVISION.**—

(1) **IN GENERAL.**—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) **EXPENDITURE OF FUNDS.**—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

**SEC. 216. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent to the local coordinating entity for such preservation, conservation, or promotion.

(b) **LANDOWNER WITHDRAWAL.**—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the local coordinating entity.

**SEC. 217. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

**SEC. 218. EFFECT OF SUBTITLE.**

Nothing in this subtitle or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

**SEC. 219. REPORTS.**

For any year in which Federal funds have been made available under this subtitle, the

local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

**SEC. 220. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent unless the Secretary determines that no reasonable means are available through which the local coordinating entity can meet its cost sharing requirement for that activity.

**SEC. 221. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance to the local coordinating entity under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

**Subtitle C—Arabia Mountain National Heritage Area**

**SEC. 231. SHORT TITLE.**

This subtitle may be cited as the “Arabia Mountain National Heritage Area Act”.

**SEC. 232. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds the following:

(1) The Arabia Mountain area contains a variety of natural, cultural, historical, scenic, and recreational resources that together represent distinctive aspects of the heritage of the United States that are worthy of recognition, conservation, interpretation, and continuing use.

(2) The best methods for managing the resources of the Arabia Mountain area would be through partnerships between public and private entities that combine diverse resources and active communities.

(3) Davidson-Arabia Mountain Nature Preserve, a 535-acre park in DeKalb County, Georgia—

(A) protects granite outcrop ecosystems, wetland, and pine and oak forests; and

(B) includes federally-protected plant species.

(4) Panola Mountain, a national natural landmark, located in the 860-acre Panola Mountain State Conservation Park, is a rare example of a pristine granite outcrop.

(5) The archaeological site at Miners Creek Preserve along the South River contains documented evidence of early human activity.

(6) The city of Lithonia, Georgia, and related sites of Arabia Mountain and Stone Mountain possess sites that display the history of granite mining as an industry and culture in Georgia, and the impact of that industry on the United States.

(7) The community of Klondike is eligible for designation as a National Historic District.

(8) The city of Lithonia has 2 structures listed on the National Register of Historic Places.

(b) **PURPOSES.**—The purposes of this subtitle are as follows:

(1) To recognize, preserve, promote, interpret, and make available for the benefit of the public the natural, cultural, historical, scenic, and recreational resources in the area that includes Arabia Mountain, Panola Mountain, Miners Creek, and other significant sites and communities.

(2) To assist the State of Georgia and the counties of DeKalb, Rockdale, and Henry in the State in developing and implementing an integrated cultural, historical, and land re-

source management program to protect, enhance, and interpret the significant resources within the heritage area.

**SEC. 233. DEFINITIONS.**

In this subtitle:

(1) **HERITAGE AREA.**—The term “heritage area” means the Arabia Mountain National Heritage Area established by section 234(a).

(2) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Arabia Mountain Heritage Area Alliance or a successor of the Arabia Mountain Heritage Area Alliance.

(3) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the heritage area developed under section 236.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(5) **STATE.**—The term “State” means the State of Georgia.

**SEC. 234. ARABIA MOUNTAIN NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established the Arabia Mountain National Heritage Area in the State.

(b) **BOUNDARIES.**—The heritage area shall consist of certain parcels of land in the counties of DeKalb, Rockdale, and Henry in the State, as generally depicted on the map entitled “Arabia Mountain National Heritage Area”, numbered AMNHA-80,000, and dated October 2003.

(c) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **LOCAL COORDINATING ENTITY.**—The Arabia Mountain Heritage Area Alliance shall be the local coordinating entity for the heritage area.

**SEC. 235. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.**

(a) **AUTHORITIES.**—For purposes of developing and implementing the management plan, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, political subdivisions of the State, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) **DUTIES.**—

(1) **MANAGEMENT PLAN.**—

(A) **IN GENERAL.**—The local coordinating entity shall develop and submit to the Secretary the management plan.

(B) **CONSIDERATIONS.**—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the heritage area.

(2) **PRIORITIES.**—The local coordinating entity shall give priority to implementing actions described in the management plan, including the following:

(A) Assisting units of government and nonprofit organizations in preserving resources within the heritage area.

(B) Encouraging local governments to adopt land use policies consistent with the management of the heritage area and the goals of the management plan.

(3) **PUBLIC MEETINGS.**—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan.

(4) **ANNUAL REPORT.**—For any year in which Federal funds have been made available under this title, the local coordinating entity shall submit to the Secretary an annual report that describes the following:

(A) The accomplishments of the local coordinating entity.

(B) The expenses and income of the local coordinating entity.

(5) **AUDIT.**—The local coordinating entity shall—

(A) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(B) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of those funds.

(c) **USE OF FEDERAL FUNDS.**—

(1) **IN GENERAL.**—The local coordinating entity shall not use Federal funds made available under this title to acquire real property or an interest in real property.

(2) **OTHER SOURCES.**—Nothing in this title precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

**SEC. 236. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—The local coordinating entity shall develop a management plan for the heritage area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, cultural, historical, scenic, and recreational resources of the heritage area.

(b) **BASIS.**—The management plan shall be based on the preferred concept in the document entitled “Arabia Mountain National Heritage Area Feasibility Study”, dated February 28, 2001.

(c) **CONSIDERATION OF OTHER PLANS AND ACTIONS.**—The management plan shall—

(1) take into consideration State and local plans; and

(2) involve residents, public agencies, and private organizations in the heritage area.

(d) **REQUIREMENTS.**—The management plan shall include the following:

(1) An inventory of the resources in the heritage area, including—

(A) a list of property in the heritage area that—

(i) relates to the purposes of the heritage area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the heritage area.

(2) Provisions for the protection, interpretation, and enjoyment of the resources of the heritage area consistent with the purposes of this subtitle.

(3) An interpretation plan for the heritage area.

(4) A program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the heritage area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(5) A description and evaluation of the local coordinating entity, including the membership and organizational structure of the local coordinating entity.

(e) **SUBMISSION TO SECRETARY FOR APPROVAL.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) **EFFECT OF FAILURE TO SUBMIT.**—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this subtitle until such date as a management plan for the heritage area is submitted to the Secretary.

(f) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (e), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) REVISION.—If the Secretary disapproves a management plan submitted under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(g) REVISION OF MANAGEMENT PLAN.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

#### SEC. 237. TECHNICAL AND FINANCIAL ASSISTANCE.

(a) IN GENERAL.—At the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the heritage area to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, scenic, and recreational resources that support the purposes of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources and associated values of the heritage area.

#### SEC. 238. EFFECT ON CERTAIN AUTHORITY.

(a) OCCUPATIONAL, SAFETY, CONSERVATION, AND ENVIRONMENTAL REGULATION.—Nothing in this subtitle—

(1) imposes an occupational, safety, conservation, or environmental regulation on the heritage area that is more stringent than the regulations that would be applicable to the land described in section 234(b) but for the establishment of the heritage area by section 234(a); or

(2) authorizes a Federal agency to promulgate an occupational, safety, conservation, or environmental regulation for the heritage area that is more stringent than the regulations applicable to the land described in section 234(b) as of the date of enactment of this Act, solely as a result of the establishment of the heritage area by section 234(a).

(b) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act; or

(2) grants powers of zoning or land use to the local coordinating entity.

#### SEC. 239. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds made available under this subtitle shall not exceed 50 percent.

#### SEC. 240. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

#### SEC. 241. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

#### SEC. 242. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexistent regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

#### Subtitle D—Mormon Pioneer National Heritage Area

#### SEC. 251. SHORT TITLE.

This subtitle may be cited as the “Mormon Pioneer National Heritage Area Act”.

#### SEC. 252. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(2) in the area starting along the Highway 89 corridor at the Arizona border, passing through Kane, Garfield, Piute, Sevier,

Wayne, and Sanpete Counties in the State of Utah, and terminating in Fairview, Utah, there are a variety of heritage resources that demonstrate—

(A) the colonization of the western United States; and

(B) the expansion of the United States as a major world power;

(3) the great relocation to the western United States was facilitated by—

(A) the 1,400-mile trek from Illinois to the Great Salt Lake by the Mormon pioneers; and

(B) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California;

(4) the 250-mile Highway 89 corridor from Kanab to Fairview, Utah, contains some of the best features of the Mormon colonization experience in the United States;

(5) the landscape, architecture, traditions, beliefs, folk life, products, and events along Highway 89 convey the heritage of the pioneer settlement;

(6) the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers—

(A) interacted with Native Americans; and

(B) established towns and cities in a harsh, yet spectacular, natural environment;

(7) the colonization and settlement of the Mormon settlers opened up vast amounts of natural resources, including coal, uranium, silver, gold, and copper;

(8) the Mormon colonization played a significant role in the history and progress of the development and settlement of the western United States; and

(9) the artisans, crafters, innkeepers, outfitters, farmers, ranchers, loggers, miners, historic landscape, customs, national parks, and architecture in the Heritage Area make the Heritage Area unique.

(b) PURPOSE.—The purpose of this subtitle is to establish the Heritage Area to—

(1) foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities in the State;

(2) empower communities in the State to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;

(3) conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the Heritage Area; and

(4) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the Heritage Area.

#### SEC. 253. DEFINITIONS.

In this subtitle:

(1) ALLIANCE.—The term “Alliance” means the Utah Heritage Highway 89 Alliance.

(2) HERITAGE AREA.—The term “Heritage Area” means the Mormon Pioneer National Heritage Area established by section 254(a).

(3) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 255(a).

(4) MANAGEMENT PLAN.—The term “management plan” means the plan developed by the local coordinating entity under section 256(a).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Utah.

#### SEC. 254. MORMON PIONEER NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established the Mormon Pioneer National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the Heritage Area shall include areas in the State—

(A) that are related to the corridors—

(i) from the Arizona border northward through Kanab, Utah, and to the intersection of Highway 89 and Highway 12, including Highway 12 and Highway 24 as those highways loop off Highway 89 and rejoin Highway 89 at Sigurd;

(ii) from Highway 89 at the intersection of Highway 12 through Panguitch, Junction, Marysvale, and Sevier County to Sigurd;

(iii) continuing northward along Highway 89 through Axtell and Sterling, Sanpete County, to Fairview, Sanpete County, at the junction with Utah Highway 31; and

(iv) continuing northward along Highway 89 through Fairview and Thistle Junction, to the junction with Highway 6; and

(B) including the following communities: Kanab, Mt. Carmel, Orderville, Glendale, Alton, Cannonville, Tropic, Henrieville, Escalante, Boulder, Teasdale, Fruita, Hanksville, Torrey, Bicknell, Loa, Hatch, Panguitch, Circleville, Antimony, Junction, Marysvale, Koosharem, Sevier, Joseph, Monroe, Elsinore, Richfield, Glenwood, Sigurd, Aurora, Salina, Mayfield, Sterling, Gunnison, Fayette, Manti, Ephraim, Spring City, Mt. Pleasant, Moroni, Fountain Green, and Fairview.

(2) MAP.—The Secretary shall prepare a map of the Heritage Area, which shall be on file and available for public inspection in the office of the Director of the National Park Service.

(3) NOTICE TO LOCAL GOVERNMENTS.—The local coordinating entity shall provide to the government of each city, town, and county that has jurisdiction over property proposed to be included in the Heritage Area written notice of the proposed inclusion.

(c) ADMINISTRATION.—The Heritage Area shall be administered in accordance with this subtitle.

#### SEC. 255. DESIGNATION OF ALLIANCE AS LOCAL COORDINATING ENTITY.

(a) IN GENERAL.—The Board of Directors of the Alliance shall be the local coordinating entity for the Heritage Area.

(b) FEDERAL FUNDING.—

(1) AUTHORIZATION TO RECEIVE FUNDS.—The local coordinating entity may receive amounts made available to carry out this subtitle.

(2) DISQUALIFICATION.—If a management plan is not submitted to the Secretary as required under section 256 within the time period specified in that section, the local coordinating entity may not receive Federal funding under this subtitle until a management plan is submitted to the Secretary.

(c) USE OF FEDERAL FUNDS.—The local coordinating entity may, for the purposes of developing and implementing the management plan, use Federal funds made available under this subtitle—

(1) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with or provide technical assistance to the State, political subdivisions of the State, nonprofit organizations, and other organizations;

(3) to hire and compensate staff;

(4) to obtain funds from any source under any program or law requiring the recipient of funds to make a contribution in order to receive the funds; and

(5) to contract for goods and services.

(d) PROHIBITION OF ACQUISITION OF REAL PROPERTY.—The local coordinating entity

shall not use Federal funds received under this subtitle to acquire real property or any interest in real property.

#### SEC. 256. MANAGEMENT OF THE HERITAGE AREA.

(A) HERITAGE AREA MANAGEMENT PLAN.—

(1) DEVELOPMENT AND SUBMISSION FOR REVIEW.—Not later than 3 years after the date on which funds are made available to carry out the subtitle, the local coordinating entity, with public participation, shall develop and submit for review to the Secretary a management plan for the Heritage Area.

(2) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations for the conservation, funding, management, and development of the Heritage Area;

(B) take into consideration Federal, State, county, and local plans;

(C) involve residents, public agencies, and private organizations in the Heritage Area;

(D) include a description of actions that units of government and private organizations are recommended to take to protect the resources of the Heritage Area;

(E) specify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(F) include—

(i) an inventory of resources in the Heritage Area that—

(I) includes a list of property in the Heritage Area that should be conserved, restored, managed, developed, or maintained because of the historical, cultural, or natural significance of the property as the property relates to the themes of the Heritage Area; and

(II) does not include any property that is privately owned unless the owner of the property consents in writing to the inclusion;

(ii) a recommendation of policies for resource management that consider the application of appropriate land and water management techniques, including policies for the development of intergovernmental cooperative agreements to manage the historical, cultural, and natural resources and recreational opportunities of the Heritage Area in a manner that is consistent with the support of appropriate and compatible economic viability;

(iii) a program for implementation of the management plan, including plans for restoration and construction;

(iv) a description of any commitments that have been made by persons interested in management of the Heritage Area;

(v) an analysis of means by which Federal, State, and local programs may best be coordinated to promote the purposes of this subtitle; and

(vi) an interpretive plan for the Heritage Area.

(3) APPROVAL OR DISAPPROVAL OF THE MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 180 days after submission of the management plan by the local coordinating entity, the Secretary shall approve or disapprove the management plan.

(B) DISAPPROVAL AND REVISIONS.—

(1) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary shall—

(I) advise the local coordinating entity, in writing, of the reasons for the disapproval; and

(II) make recommendations for revision of the management plan.

(ii) APPROVAL OR DISAPPROVAL.—The Secretary shall approve or disapprove proposed revisions to the management plan not later than 60 days after receipt of the revisions from the local coordinating entity.

(b) PRIORITIES.—The local coordinating entity shall give priority to the implementa-

tion of actions, goals, and policies set forth in the management plan, including—

(1) assisting units of government, regional planning organizations, and nonprofit organizations in—

(A) conserving the historical, cultural, and natural resources of the Heritage Area;

(B) establishing and maintaining interpretive exhibits in the Heritage Area;

(C) developing recreational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for the historical, cultural, and natural resources of the Heritage Area;

(E) restoring historic buildings that are—

(i) located within the boundaries of the Heritage Area; and

(ii) related to the theme of the Heritage Area; and

(F) ensuring that clear, consistent, and environmentally appropriate signs identifying access points and sites of interest are put in place throughout the Heritage Area; and

(2) consistent with the goals of the management plan, encouraging economic viability in the affected communities by appropriate means, including encouraging and soliciting the development of heritage products.

(c) CONSIDERATION OF INTERESTS OF LOCAL GROUPS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse units of government, businesses, private property owners, and nonprofit organizations in the Heritage Area.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least annually regarding the implementation of the management plan.

(e) ANNUAL REPORTS.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity;

(2) the expenses and income of the local coordinating entity; and

(3) the entities to which the local coordinating entity made any grants during the year for which the report is made.

(f) COOPERATION WITH AUDITS.—For any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, the local coordinating entity shall—

(1) make available for audit by Congress, the Secretary, and appropriate units of government all records and other information relating to the expenditure of the Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of the Federal funds by other organizations, that the receiving organizations make available for audit all records and other information relating to the expenditure of the Federal funds.

(g) DELEGATION.—

(1) IN GENERAL.—The local coordinating entity may delegate the responsibilities and actions under this subtitle for each area identified in section 254(b)(1).

(2) REVIEW.—All delegated responsibilities and actions are subject to review and approval by the local coordinating entity.

#### SEC. 257. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL ASSISTANCE AND GRANTS.—

(1) IN GENERAL.—The Secretary may provide technical assistance and, subject to the availability of appropriations, grants to—

(A) units of government, nonprofit organizations, and other persons, at the request of the local coordinating entity; and

(B) the local coordinating entity, for use in developing and implementing the management plan.

(2) **PROHIBITION OF CERTAIN REQUIREMENTS.**—The Secretary may not, as a condition of the award of technical assistance or grants under this subtitle, require any recipient of the technical assistance or a grant to enact or modify any land use restriction.

(3) **DETERMINATIONS REGARDING ASSISTANCE.**—The Secretary shall determine whether a unit of government, nonprofit organization, or other person shall be awarded technical assistance or grants and the amount of technical assistance—

(A) based on the extent to which the assistance—

(i) fulfills the objectives of the management plan; and

(ii) achieves the purposes of this subtitle; and

(B) after giving special consideration to projects that provide a greater leverage of Federal funds.

(b) **PROVISION OF INFORMATION.**—In cooperation with other Federal agencies, the Secretary shall provide the public with information concerning the location and character of the Heritage Area.

(c) **OTHER ASSISTANCE.**—The Secretary may enter into cooperative agreements with public and private organizations for the purposes of implementing this subtitle.

(d) **DUTIES OF OTHER FEDERAL AGENCIES.**—A Federal entity conducting any activity directly affecting the Heritage Area shall—

(1) consider the potential effect of the activity on the management plan; and

(2) consult with the local coordinating entity with respect to the activity to minimize the adverse effects of the activity on the Heritage Area.

**SEC. 258A. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 258B. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent

the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

**SEC. 259. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **FEDERAL SHARE.**—The Federal share of the cost of any activity carried out using funds made available under this subtitle shall not exceed 50 percent.

**SEC. 260. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

**Subtitle E—Freedom's Frontier National Heritage Area**

**SEC. 261. SHORT TITLE.**

This subtitle may be cited as the "Freedom's Frontier National Heritage Area Act".

**SEC. 262. PURPOSE.**

The purpose of this subtitle is to use preservation, conservation, education, interpretation, and recreation in eastern Kansas and Western Missouri in heritage development and sustainability of the American story recognized by the American people.

**SEC. 263. DEFINITIONS.**

In this subtitle:

(1) **HERITAGE AREA.**—The term "Heritage Area" means the Freedom's Frontier National Heritage Area in eastern Kansas and western Missouri.

(2) **LOCAL COORDINATING ENTITY.**—The term "local coordinating entity" means Territorial Kansas Heritage Alliance, recognized by the Secretary, in consultation with the Governors of the States, that agrees to perform the duties of a local coordinating entity under this subtitle, so long as that Alliance is composed of not less than 25 percent residents of Missouri.

(3) **MANAGEMENT PLAN.**—The term "management plan" means the management plan for the Heritage Area developed under section 264(e).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(5) **STATE.**—The term "State" means each of the States of Kansas and Missouri.

(6) **UNIT OF LOCAL GOVERNMENT.**—The term "unit of local government" means the government of a State, a political subdivision of a State, or an Indian tribe.

**SEC. 264. FREEDOM'S FRONTIER NATIONAL HERITAGE AREA.**

(a) **ESTABLISHMENT.**—There is established in the States the Freedom's Frontier National Heritage Area.

(b) **BOUNDARIES.**—The Heritage Area may include the following:

(1) An area located in eastern Kansas and western Missouri, consisting of—

(A) Allen, Anderson, Atchison, Bourbon, Chautauqua, Cherokee, Clay, Coffey, Crawford, Douglas, Franklin, Geary, Jackson, Johnson, Labette, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Riley, Shawnee, Wabunsee, Wilson, Woodson, Jefferson, Montgomery, Osage, and Wyandotte Counties in Kansas; and

(B) Buchanan, Platte, Clay, Ray, Lafayette, Jackson, Cass, Johnson, Bates, Vernon, Barton, and St. Clair Counties in Missouri.

(2) Contributing sites, buildings, and districts within the area that are recommended by the management plan.

(c) **MAP.**—The final boundary of the Heritage Area within the counties identified in subsection (b)(1) shall be specified in the management plan. A map of the Heritage Area shall be included in the management plan. The map shall be on file in the appropriate offices of the National Park Service, Department of the Interior.

(d) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The local coordinating entity for the Heritage Area shall be Territorial Kansas Heritage Alliance, a nonprofit organization established in the State of Kansas, recognized by the Secretary, in consultation with the Governors of the States, so long as that Alliance is composed of not less than 25 percent residents of Missouri and agrees to perform the duties of the local coordinating entity under this subtitle.

(2) **AUTHORITIES.**—For purposes of developing and implementing the management plan, the local coordinating entity may—

(A) make grants to, and enter into cooperative agreements with, the States, political subdivisions of the States, and private organizations;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(e) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary a management plan reviewed by participating units of local government within the boundaries of the proposed Heritage Area.

(2) **CONTENTS.**—The management plan shall—

(A) present a comprehensive program for the conservation, interpretation, funding, management, and development of the Heritage Area, in a manner consistent with the existing local, State, and Federal land use laws and compatible economic viability of the Heritage Area;

(B) establish criteria or standards to measure what is selected for conservation, interpretation, funding, management, and development;

(C) involve residents, public agencies, and private organizations working in the Heritage Area;

(D) specify and coordinate, as of the date of the management plan, existing and potential sources of technical and financial assistance under this and other Federal laws to protect, manage, and develop the Heritage Area; and

(E) include—

(i) actions to be undertaken by units of government and private organizations to protect, conserve, and interpret the resources of the Heritage Area;

(ii) an inventory of the resources contained in the Heritage Area, including a list of any property in the Heritage Area that is related to the themes of the Heritage Area and that meets the establishing criteria (such as, but not exclusive to, visitor readiness) to merit preservation, restoration, management, development, or maintenance because of its natural, cultural, historical, or recreational significance;

(iii) policies for resource management including the development of intergovernmental cooperative agreements, private sector agreements, or any combination thereof, to protect the historical, cultural, recreational, and natural resources of the Heritage Area in a manner consistent with supporting appropriate and compatible economic viability;

(iv) a program for implementation of the management plan by the designated local coordinating entity, in cooperation with its partners and units of local government;

(v) evidence that relevant State, county, and local plans applicable to the Heritage Area have been taken into consideration;

(vi) an analysis of ways in which local, State, and Federal programs may best be coordinated to promote the purposes of this subtitle; and

(vii) a business plan that—

(I) describes in detail the role, operation, financing, and functions of the local coordinating entity for each activity included in the recommendations contained in the management plan; and

(II) provides, to the satisfaction of the Secretary, adequate assurances that the local coordinating entity is likely to have the financial resources necessary to implement the management plan for the Heritage Area, including resources to meet matching requirement for grants awarded under this subtitle.

(3) CONSIDERATIONS.—In developing and implementing the management plan, the local coordinating entity shall consider the interests of diverse governmental, business, and nonprofit groups within the Heritage Area.

(4) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall be ineligible to receive additional funding under this subtitle until the date on which the Secretary receives the proposed management plan.

(5) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove the proposed management plan submitted under this subtitle not later than 90 days after receiving such proposed management plan.

(6) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan, the Secretary shall advise the local coordinating entity in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan. The Secretary shall approve or disapprove a proposed revision within 90 days after the date it is submitted.

(7) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve substantial amendments to the management plan. Funds appropriated under this subtitle may not be expended to implement any changes made by such amendment until the Secretary approves the amendment.

(8) IMPLEMENTATION.—

(A) PRIORITIES.—The local coordinating entity shall give priority to implementing actions described in the management plan, including—

(i) assisting units of government and nonprofit organizations in preserving resources within the Heritage Area; and

(ii) encouraging local governments to adopt land use policies consistent with the management of the Heritage Area and the goals of the management plan.

(B) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly on the implementation of the management plan. Not less than 25 percent of the public meetings shall be conducted in Missouri.

(f) PUBLIC NOTICE.—The local coordinating entity shall place a notice of each of its public meetings in a newspaper of general circulation in the Heritage Area and shall make the minutes of the meeting available to the public.

(g) ANNUAL REPORT.—For any year in which Federal funds have been made available under this subtitle, the local coordinating entity shall submit to the Secretary an annual report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

(h) AUDIT.—The local coordinating entity shall—

(1) make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds; and

(2) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available to the Secretary for audit all records concerning the expenditure of the Federal funds and any matching funds.

(i) USE OF FEDERAL FUNDS.—

(1) IN GENERAL.—No Federal funds made available under this subtitle may be used to acquire real property or an interest in real property.

(2) OTHER SOURCES.—Nothing in this subtitle precludes the local coordinating entity from using Federal funds made available under other Federal laws for any purpose for which the funds are authorized to be used.

#### SEC. 265. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, and natural resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) SPENDING FOR NON-FEDERAL PROPERTY.—The local coordinating entity may expend Federal funds made available under this subtitle on non-Federal property that—

(A) meets the criteria in the approved management plan; or

(B) is listed or eligible for listing on the National Register of Historic Places.

(4) OTHER ASSISTANCE.—The Secretary may enter into cooperative agreements with public and private organizations to carry out this subsection.

(b) OTHER FEDERAL AGENCIES.—Any Federal entity conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consider the potential effect of the activity on the purposes of the Heritage Area and the management plan;

(2) consult with the local coordinating entity regarding the activity; and

(3) to the maximum extent practicable, conduct or support the activity to avoid adverse effects on the Heritage Area.

(c) OTHER ASSISTANCE NOT AFFECTED.—This subtitle does not affect the authority of any Federal official to provide technical or financial assistance under any other law.

(d) NOTIFICATION OF OTHER FEDERAL ACTIVITIES.—The head of each Federal agency shall provide to the Secretary and the local coordinating entity, to the extent practicable, advance notice of all activities that may have an impact on the Heritage Area.

#### SEC. 266. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREAS.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) LAND USE REGULATION.—

(1) IN GENERAL.—The local coordinating entity shall provide assistance and encouragement to State and local governments, private organizations, and persons to protect and promote the resources and values of the Heritage Area.

(2) EFFECT.—Nothing in this subtitle—

(A) affects the authority of the State or local governments to regulate under law any use of land; or

(B) grants any power of zoning or land use to the local coordinating entity.

(f) PRIVATE PROPERTY.—

(1) IN GENERAL.—The local coordinating entity shall be an advocate for land management practices consistent with the purposes of the Heritage Area.

(2) EFFECT.—Nothing in this subtitle—

(A) abridges the rights of any person with regard to private property;

(B) affects the authority of the State or local government regarding private property; or

(C) imposes any additional burden on any property owner.

(g) REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.—

(1) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(2) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity

#### SEC. 267. SAVINGS PROVISIONS.

(a) RULES, REGULATIONS, STANDARDS, AND PERMIT PROCESSES.—Nothing in this subtitle shall be construed to impose any environmental, occupational, safety, or other rule, regulation, standard, or permit process in the Heritage Area that is different from those that would be applicable if the Heritage Area had not been established.

(b) WATER AND WATER RIGHTS.—Nothing in this subtitle shall be construed to authorize or imply the reservation or appropriation of water or water rights.

(c) NO DIMINISHMENT OF STATE AUTHORITY.—Nothing in this subtitle shall be construed to diminish the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area.

#### SEC. 268. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle \$10,000,000, to remain available until expended, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this subtitle shall be not more than 50 percent.

**SEC. 269. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

**Subtitle F—Upper Housatonic Valley National Heritage Area**

**SEC. 271. SHORT TITLE.**

This subtitle may be cited as the “Upper Housatonic Valley National Heritage Area Act”.

**SEC. 272. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) The upper Housatonic Valley, encompassing 29 towns in the hilly terrain of western Massachusetts and northwestern Connecticut, is a singular geographical and cultural region that has made significant national contributions through its literary, artistic, musical, and architectural achievements, its iron, paper, and electrical equipment industries, and its scenic beautification and environmental conservation efforts.

(2) The upper Housatonic Valley has 139 properties and historic districts listed on the National Register of Historic Places, including—

- (A) five National Historic Landmarks—
  - (i) Edith Wharton’s home, The Mount, Lenox, Massachusetts;
  - (ii) Herman Melville’s home, Arrowhead, Pittsfield, Massachusetts;
  - (iii) W.E.B. DuBois’ Boyhood Homesite, Great Barrington, Massachusetts;
  - (iv) Mission House, Stockbridge, Massachusetts; and
  - (v) Crane and Company Old Stone Mill Rag Room, Dalton, Massachusetts; and
- (B) four National Natural Landmarks—
  - (i) Bartholomew’s Cobble, Sheffield, Massachusetts, and Salisbury, Connecticut;
  - (ii) Beckley Bog, Norfolk, Connecticut;
  - (iii) Bingham Bog, Salisbury, Connecticut; and
  - (iv) Cathedral Pines, Cornwall, Connecticut.

(3) Writers, artists, musicians, and vacationers have visited the region for more than 150 years to enjoy its scenic wonders, making it one of the country’s leading cultural resorts.

(4) The upper Housatonic Valley has made significant national cultural contributions through such writers as Herman Melville, Nathaniel Hawthorne, Edith Wharton, and W.E.B. DuBois, artists Daniel Chester French and Norman Rockwell, and the performing arts centers of Tanglewood, Music Mountain, Norfolk (Connecticut) Chamber Music Festival, Jacob’s Pillow, and Shakespear & Company.

(5) The upper Housatonic Valley is noted for its pioneering achievements in the iron, paper, and electrical generation industries and has cultural resources to interpret those industries.

(6) The region became a national leader in scenic beautification and environmental conservation efforts following the era of industrialization and deforestation and maintains a fabric of significant conservation areas including the meandering Housatonic River.

(7) Important historical events related to the American Revolution, Shays’ Rebellion, and early civil rights took place in the upper Housatonic Valley.

(8) The region had an American Indian presence going back 10,000 years and Mohicans had a formative role in contact with Europeans during the seventeenth and eighteenth centuries.

(9) The Upper Housatonic Valley National Heritage Area has been proposed in order to heighten appreciation of the region, preserve its natural and historical resources, and improve the quality of life and economy of the area.

(b) PURPOSES.—The purposes of this subtitle are as follows:

(1) To establish the Upper Housatonic Valley National Heritage Area in the State of Connecticut and the Commonwealth of Massachusetts.

(2) To implement the national heritage area alternative as described in the document entitled “Upper Housatonic Valley National Heritage Area Feasibility Study, 2003”.

(3) To provide a management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the upper Housatonic Valley region to conserve the region’s heritage while continuing to pursue compatible economic opportunities.

(4) To assist communities, organizations, and citizens in the State of Connecticut and the Commonwealth of Massachusetts in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations.

**SEC. 273. DEFINITIONS.**

In this subtitle:

(1) HERITAGE AREA.—The term “Heritage Area” means the Upper Housatonic Valley National Heritage Area, established in section 274.

(2) MANAGEMENT ENTITY.—The term “Management Entity” means the management entity for the Heritage Area designated by section 274(d).

(3) MANAGEMENT PLAN.—The term “Management Plan” means the management plan for the Heritage Area specified in section 276.

(4) MAP.—The term “map” means the map entitled “Boundary Map Upper Housatonic Valley National Heritage Area”, numbered P17/80,000, and dated February 2003.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of Connecticut and the Commonwealth of Massachusetts.

**SEC. 274. UPPER HOUSATONIC VALLEY NATIONAL HERITAGE AREA.**

(a) ESTABLISHMENT.—There is established the Upper Housatonic Valley National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall be comprised of—

(1) part of the Housatonic River’s watershed, which extends 60 miles from Lanesboro, Massachusetts to Kent, Connecticut;

(2) the towns of Canaan, Colebrook, Cornwall, Kent, Norfolk, North Canaan, Salisbury, Sharon, and Warren in Connecticut; and

(3) the towns of Alford, Becket, Dalton, Egremont, Great Barrington, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mount Washington, New Marlboro, Pittsfield, Richmond, Sheffield, Stockbridge, Tyringham, Washington, and West Stockbridge in Massachusetts.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior.

(d) MANAGEMENT ENTITY.—The Upper Housatonic Valley National Heritage Area, Inc. shall be the management entity for the Heritage Area.

**SEC. 275. AUTHORITIES, PROHIBITIONS, AND DUTIES OF THE MANAGEMENT ENTITY.**

(a) DUTIES OF THE MANAGEMENT ENTITY.—To further the purposes of the Heritage Area, the management entity shall—

(1) prepare and submit a management plan for the Heritage Area to the Secretary in accordance with section 276;

(2) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect and enhance important resource values within the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for natural, historical, scenic, and cultural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with heritage area themes;

(F) ensuring that signs identifying points of public access and sites of interest are posted throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations and individuals to further the purposes of the Heritage Area;

(3) consider the interests of diverse units of government, businesses, organizations and individuals in the Heritage Area in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least semi-annually regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the management entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require in all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organizations make available for such audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic development that is consistent with the purposes of the Heritage Area.

(b) AUTHORITIES.—The management entity may, for the purposes of preparing and implementing the management plan for the Heritage Area, use Federal funds made available through this subtitle to—

(1) make grants to the State of Connecticut and the Commonwealth of Massachusetts, their political subdivisions, nonprofit organizations and other persons;

(2) enter into cooperative agreements with or provide technical assistance to the State of Connecticut and the Commonwealth of Massachusetts, their subdivisions, nonprofit organizations, and other interested parties;

(3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;

(4) obtain money or services from any source including any that are provided under any other Federal law or program;

(5) contract for goods or services; and

(6) undertake to be a catalyst for any other activity that furthers the purposes of the Heritage Area and is consistent with the approved management plan.

(c) PROHIBITIONS ON THE ACQUISITION OF REAL PROPERTY.—The management entity may not use Federal funds received under

this subtitle to acquire real property, but may use any other source of funding, including other Federal funding outside this authority, intended for the acquisition of real property.

**SEC. 276. MANAGEMENT PLAN.**

(a) IN GENERAL.—The management plan for the Heritage Area shall—

(1) include comprehensive policies, strategies and recommendations for conservation, funding, management and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Area in the first 5 years of implementation;

(5) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area related to the themes of the Heritage Area that should be preserved, restored, managed, developed, or maintained;

(6) describe a program of implementation for the management plan including plans for resource protection, restoration, construction, and specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of implementation; and

(7) include an interpretive plan for the Heritage Area.

(b) DEADLINE AND TERMINATION OF FUNDING.—

(1) DEADLINE.—The management entity shall submit the management plan to the Secretary for approval within 3 years after funds are made available for this subtitle.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with this subsection, the management entity shall not qualify for Federal funding under this subtitle until such time as the management plan is submitted to the Secretary.

**SEC. 277. DUTIES AND AUTHORITIES OF THE SECRETARY.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon the request of the management entity, provide technical assistance on a reimbursable or non-reimbursable basis and financial assistance to the Heritage Area to develop and implement the approved management plan. The Secretary is authorized to enter into cooperative agreements with the management entity and other public or private entities for this purpose. In assisting the Heritage Area, the Secretary shall give priority to actions that in general assist in—

(1) conserving the significant natural, historical, cultural, and scenic resources of the Heritage Area; and

(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(b) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) CRITERIA FOR APPROVAL.—In determining the approval of the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and

historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area; and

(D) the management plan is supported by the appropriate State and local officials whose cooperation is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision within 60 days after the date it is submitted.

(4) APPROVAL OF AMENDMENTS.—Substantial amendments to the management plan shall be reviewed by the Secretary and approved in the same manner as provided for the original management plan. The management entity shall not use Federal funds authorized by this subtitle to implement any amendments until the Secretary has approved the amendments.

**SEC. 278. DUTIES OF OTHER FEDERAL AGENCIES.**

Any Federal agency conducting or supporting activities directly affecting the Heritage Area shall—

(1) consult with the Secretary and the management entity with respect to such activities;

(2) cooperate with the Secretary and the management entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner which the management entity determines will not have an adverse effect on the Heritage Area.

**SEC. 279. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 280. PRIVATE PROPERTY PROTECTION.**

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this subtitle shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this subtitle may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

**SEC. 280A. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated for the purposes of this subtitle not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Area under this subtitle.

(b) MATCHING FUNDS.—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any assistance or grant provided or authorized under this subtitle.

**SEC. 280B. SUNSET.**

The authority of the Secretary to provide assistance under this subtitle shall terminate on the day occurring 15 years after the date of the enactment of this subtitle.

**Subtitle G—Champlain Valley National Heritage Partnership**

**SEC. 281. SHORT TITLE.**

This subtitle may be cited as the “Champlain Valley National Heritage Partnership Act of 2006”.

**SEC. 282. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that—

(1) the Champlain Valley and its extensive cultural and natural resources have played a significant role in the history of the United States and the individual States of Vermont and New York;

(2) archaeological evidence indicates that the Champlain Valley has been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Iroquois and Algonquin descent;

(3) the linked waterways of the Champlain valley, including the Richelieu river in Canada, played a unique and significant role in the establishment and development of the United States and Canada through several distinct eras, including—

(A) the era of European exploration, during which Samuel de Champlain and other explorers used the waterways as a means of access through the wilderness;

(B) the era of military campaigns, including highly significant military campaigns of the French and Indian War, the American Revolution, and the War of 1812; and

(C) the era of maritime commerce, during which canal boats, schooners, and steamships formed the backbone of commercial transportation for the region;

(4) those unique and significant eras are best described by the theme “The Making of Nations and Corridors of Commerce”;

(5) the artifacts and structures associated with those eras are unusually well-preserved;

(6) the Champlain Valley is recognized as having one of the richest collections of historical resources in North America;

(7) the history and cultural heritage of the Champlain Valley are shared with Canada and the Province of Quebec;

(8) there are benefits in celebrating and promoting this mutual heritage;

(9) tourism is among the most important industries in the Champlain Valley, and heritage tourism in particular plays a significant role in the economy of the Champlain Valley;

(10) it is important to enhance heritage tourism in the Champlain Valley while ensuring that increased visitation will not impair the historical and cultural resources of the region;

(11) according to the 1999 report of the National Park Service entitled "Champlain Valley Heritage Corridor Project", "the Champlain Valley contains resources and represents a theme 'The Making of Nations and Corridors of Commerce', that is of outstanding importance in United States history"; and

(12) it is in the interest of the United States to preserve and interpret the historical and cultural resources of the Champlain Valley for the education and benefit of present and future generations.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to establish the Champlain Valley National Heritage Partnership in the States of Vermont and New York to recognize the importance of the historical, cultural, and recreational resources of the Champlain Valley region to the United States;

(2) to assist the States of Vermont and New York, including units of local government and nongovernmental organizations in the States, in preserving, protecting, and interpreting those resources for the benefit of the people of the United States;

(3) to use those resources and the theme "the making of nations and corridors of commerce" to—

(A) revitalize the economy of communities in the Champlain Valley; and

(B) generate and sustain increased levels of tourism in the Champlain Valley;

(4) to encourage—

(A) partnerships among State and local governments and nongovernmental organizations in the United States; and

(B) collaboration with Canada and the province of Quebec to—

(i) interpret and promote the history of the waterways of the Champlain Valley region;

(ii) form stronger bonds between the United States and Canada; and

(iii) promote the international aspects of the Champlain Valley region; and

(5) to provide financial and technical assistance for the purposes described in paragraphs (1) through (4).

#### SEC. 283. DEFINITIONS.

In this subtitle:

(1) HERITAGE PARTNERSHIP.—The term "Heritage Partnership" means the Champlain Valley National Heritage Partnership established by section 104(a).

(2) MANAGEMENT ENTITY.—The term "management entity" means the Lake Champlain Basin Program.

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan developed under section 284(b)(1)(B)(f).

(4) REGION.—

(A) IN GENERAL.—The term "region" means any area or community in 1 of the States in which a physical, cultural, or historical resource that represents the theme is located.

(B) INCLUSIONS.—The term "region" includes

(i) THE LINKED NAVIGABLE WATERWAYS OF.—

(I) Lake Champlain;

(II) Lake George;

(III) the Champlain Canal; and

(IV) the portion of the Upper Hudson River extending south to Saratoga;

(i) portions of Grand Isle, Franklin, Chittenden, Addison, Rutland, and Bennington Counties in the State of Vermont; and

(iii) portions of Clinton, Essex, Warren, Saratoga and Washington Counties in the State of New York.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—the term "State" means

(A) the State of Vermont; and

(B) the State of New York.

(7) THEME.—The term "theme" means the theme "The Making of Nations and Corridors of Commerce", as the term is used in the 1999 report of the National Park Service entitled "Champlain Valley Heritage Corridor Project", that describes the periods of international conflict and maritime commerce during which the region played a unique and significant role in the development of the United States and Canada.

#### SEC. 284. HERITAGE PARTNERSHIP.

(a) ESTABLISHMENT.—There is established in the region the Champlain Valley National Heritage Partnership.

(b) MANAGEMENT ENTITY.—

(1) DUTIES.—

(A) IN GENERAL.—The management entity shall implement this subtitle.

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop a management plan for the Heritage Partnership.

(ii) EXISTING PLAN.—Pending the completion and approval of the management plan, the management entity may implement the provisions of this subtitle based on its federally authorized plan "Opportunities for Action, an Evolving Plan For Lake Champlain".

(iii) CONTENTS.—The management plan shall include—

(I) recommendations for funding, managing, and developing the Heritage Partnership;

(II) a description of activities to be carried out by public and private organizations to protect the resources of the Heritage Partnership;

(III) a list of specific, potential sources of funding for the protection, management, and development of the Heritage Partnership;

(IV) an assessment of the organizational capacity of the management entity to achieve the goals for implementation; and

(V) recommendations of ways in which to encourage collaboration with Canada and the Province of Quebec in implementing this subtitle.

(iv) CONSIDERATIONS.—In developing the management plan under clause (i), the management entity shall take into consideration existing Federal, State, and local plans relating to the region.

(v) SUBMISSION TO SECRETARY FOR APPROVAL.—

(I) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall submit the management plan to the Secretary for approval.

(II) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in subclause (I), the Secretary shall not provide any additional funding under this subtitle until a management plan for the Heritage Partnership is submitted to the Secretary.

(vi) APPROVAL.—Not later than 90 days after receiving the management plan submitted under clause (v)(I), the Secretary, in consultation with the States, shall approve or disapprove the management plan.

(vii) ACTION FOLLOWING DISAPPROVAL.—

(I) GENERAL.—If the Secretary disapproves a management plan under clause (vi), the Secretary shall—

(aa) advise the management entity in writing of the reasons for the disapproval;

(bb) make recommendations for revisions to the management plan; and

(cc) allow the management entity to submit to the Secretary revisions to the management plan.

(II) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subclause (I)(cc), the Secretary shall approve or disapprove the revision.

(viii) AMENDMENT.—

(I) IN GENERAL.—After approval by the Secretary of the management plan, the management entity shall periodically—

(aa) review the management plan; and

(bb) submit to the Secretary, for review and approval by the Secretary, the recommendations of the management entity for any amendments to the management plan that the management entity considers to be appropriate.

(II) EXPENDITURE OF FUNDS.—No funds made available under this subtitle shall be used to implement any amendment proposed by the management entity under subclause (I) until the Secretary approves the amendments.

(2) PARTNERSHIPS.—

(A) IN GENERAL.—In carrying out this subtitle, the management entity may enter into partnerships with—

(i) the States, including units of local governments in the States;

(ii) nongovernmental organizations;

(iii) Indian Tribes; and

(iv) other persons in the Heritage Partnership.

(B) GRANTS.—Subject to the availability of funds, the management entity may provide grants to partners under subparagraph (A) to assist in implementing this subtitle.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(c) ASSISTANCE FROM SECRETARY.—To carry out the purposes of this subtitle, the Secretary may provide technical and financial assistance to the management entity.

#### SEC. 285. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan until

(1) the management entity notifies the owner of the private property in writing; and

(2) the owner of the private property provides to the management entity written consent for the preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAWAL.—Private property included within the boundary of the Heritage Partnership shall immediately be withdrawn from the Heritage Partnership if the owner of the property submits a written request to the management entity.

#### SEC. 286. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this subtitle—

(1) requires a private property owner to allow public access (including access by the Federal Government or State or local governments) to private property; or

(2) modifies any provision of Federal, State, or local law with respect to public access to, or use of, private property.

(b) **LIABILITY.**—Designation of the Heritage Partnership under this subtitle does not create any liability, or have any effect on liability under any other law, of a private property owner with respect to any persons injured on the private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this subtitle modifies any authority of the Federal Government or State or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS.**—Nothing in this subtitle requires the owner of any private property located within the boundaries of the Heritage Partnership to participate in, or be associated with the Heritage Partnership.

(e) **EFFECT OF ESTABLISHMENT.**—

(1) **IN GENERAL.**—The boundaries designated for the Heritage Partnership represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended.

(2) **REGULATORY AUTHORITY.**—The establishment of the Heritage Partnership and the boundaries of the Heritage Partnership do not provide any regulatory authority that is not in existence on the date of enactment of this Act relating to land use within the Heritage Partnership or the viewshed of the Heritage Partnership by the Secretary, the National Park Service, or the management entity.

#### **SEC. 287. EFFECT.**

Nothing in this subtitle—

(1) grants powers of zoning or land use to the management entity; or

(2) obstructs or limits private business development activities or resource development activities.

#### **SEC. 288. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle not more than a total of \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) **NON-FEDERAL SHARE.**—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

#### **SEC. 109. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

#### **Subtitle H—Great Basin National Heritage Route**

##### **SEC. 291. SHORT TITLE.**

This subtitle may be cited as the “Great Basin National Heritage Route Act”.

##### **SEC. 291A. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the local coordinating entity for a Heritage Route established in the Great Basin.

(b) **PURPOSES.**—The purposes of this subtitle are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner

that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

##### **SEC. 291B. DEFINITIONS.**

In this subtitle:

(1) **GREAT BASIN.**—The term “Great Basin” means the North American Great Basin.

(2) **HERITAGE ROUTE.**—The term “Heritage Route” means the Great Basin National Heritage Route established by section 291C(a).

(3) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Great Basin Heritage Route Partnership established by section 291C(c).

(4) **MANAGEMENT PLAN.**—The term “management plan” means the plan developed by the local coordinating entity under section 291E(a).

(5) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior, acting through the Director of the National Park Service.

##### **SEC. 291C. GREAT BASIN NATIONAL HERITAGE ROUTE.**

(a) **ESTABLISHMENT.**—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the local coordinating entity.

(b) **BOUNDARIES.**—The local coordinating entity shall determine the specific boundaries of the Heritage Route.

(c) **LOCAL COORDINATING ENTITY.**—

(1) **IN GENERAL.**—The Great Basin Heritage Route Partnership shall serve as the local coordinating entity for the Heritage Route.

(2) **BOARD OF DIRECTORS.**—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

##### **SEC. 291D. MEMORANDUM OF UNDERSTANDING.**

(a) **IN GENERAL.**—In carrying out this subtitle, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the local coordinating entity.

(b) **INCLUSIONS.**—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the local coordinating entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) **ADDITIONAL REQUIREMENTS.**—In developing the terms of the memorandum of understanding, the Secretary and the local coordinating entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review any amendments of the memorandum of understanding proposed by the local coordinating entity or the Governor of the State of Nevada or Utah.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

#### SEC. 291E. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the local coordinating entity under section 291C(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 291C(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) CONSIDERATIONS.—In developing the management plan, the local coordinating entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the local coordinating entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 291D(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) FAILURE TO SUBMIT.—If the local coordinating entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall not locally qualify for Federal funding.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(e) IMPLEMENTATION.—On approval of the management plan as provided in subsection (d)(1), the local coordinating entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this subtitle shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

#### SEC. 291F. AUTHORITY AND DUTIES OF LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—The local coordinating entity may, for purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) DUTIES.—In addition to developing the management plan, the local coordinating entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent

in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity; and

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(d) PROHIBITION ON THE REGULATION OF LAND USE.—The local coordinating entity shall not regulate land use within the Heritage Route.

#### SEC. 291G. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the local coordinating entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall, on request of the local coordinating entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) APPLICATION OF FEDERAL LAW.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

#### SEC. 291H. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

(a) LAND USE REGULATION.—Nothing in this subtitle—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the local coordinating entity.

(b) APPLICABILITY OF FEDERAL LAW.—Nothing in this subtitle—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this subtitle.

#### SEC. 291I. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this subtitle \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any activity assisted under this subtitle shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind

contributions, donations, grants, and loans from individuals and State or local governments or agencies.

**SEC. 291J. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

**SEC. 291K. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Route until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAW.**—Any owner of private property included within the boundary of the Heritage Route shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 291L. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Route shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE ROUTE.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Route to participate in or be associated with the Heritage Route.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Route represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Route and its boundaries shall not be construed to provide any nonexistent regulatory authority on land use within the Heritage Route or its viewshed by the Secretary, the National Park Service, or the management entity.

**Subtitle I—Gullah/Geechee Heritage Corridor**

**SEC. 295. SHORT TITLE.**

This subtitle may be cited as the “Gullah/Geechee Cultural Heritage Act”.

**SEC. 295A. PURPOSES.**

The purposes of this subtitle are to—

(1) recognize the important contributions made to American culture and history by African Americans known as the Gullah/Geechee who settled in the coastal counties of South Carolina, Georgia, North Carolina, and Florida;

(2) assist State and local governments and public and private entities in South Carolina, Georgia, North Carolina, and Florida in interpreting the story of the Gullah/Geechee and preserving Gullah/Geechee folklore, arts, crafts, and music; and

(3) assist in identifying and preserving sites, historical data, artifacts, and objects associated with the Gullah/Geechee for the benefit and education of the public.

**SEC. 295B. DEFINITIONS.**

In this subtitle:

(1) **LOCAL COORDINATING ENTITY.**—The term “local coordinating entity” means the Gullah/Geechee Cultural Heritage Corridor Commission established by section 295D(a).

(2) **HERITAGE CORRIDOR.**—The term “Heritage Corridor” means the Gullah/Geechee Cultural Heritage Corridor established by section 295C(a).

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

**SEC. 295C. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR.**

(a) **ESTABLISHMENT.**—There is established the Gullah/Geechee Cultural Heritage Corridor.

(b) **BOUNDARIES.**—

(1) **IN GENERAL.**—The Heritage Corridor shall be comprised of those lands and waters generally depicted on a map entitled “Gullah/Geechee Cultural Heritage Corridor” numbered GGCHC 80,000 and dated September 2004. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service and in an appropriate State office in each of the States included in the Heritage Corridor. The Secretary shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act, a detailed description and map of the boundaries established under this subsection.

(2) **REVISIONS.**—The boundaries of the Heritage Corridor may be revised if the revision is—

(A) proposed in the management plan developed for the Heritage Corridor;

(B) approved by the Secretary in accordance with this subtitle; and

(C) placed on file in accordance with paragraph (1).

(c) **ADMINISTRATION.**—The Heritage Corridor shall be administered in accordance with the provisions of this subtitle.

**SEC. 295D. GULLAH/GEECHEE CULTURAL HERITAGE CORRIDOR COMMISSION.**

(a) **ESTABLISHMENT.**—There is hereby established a local coordinating entity to be known as the “Gullah/Geechee Cultural Heritage Corridor Commission” whose purpose shall be to assist Federal, State, and local authorities in the development and implementation of a management plan for those land and waters specified in section 295C(b).

(b) **MEMBERSHIP.**—The local coordinating entity shall be composed of 15 members appointed by the Secretary as follows:

(1) Four individuals nominated by the State Historic Preservation Officer of South Carolina and two individuals each nominated by the State Historic Preservation Officer of each of Georgia, North Carolina, and Florida and appointed by the Secretary.

(2) Two individuals from South Carolina and one individual from each of Georgia, North Carolina, and Florida who are recognized experts in historic preservation, anthropology, and folklore, appointed by the Secretary.

(c) **TERMS.**—Members of the local coordinating entity shall be appointed to terms not to exceed 3 years. The Secretary may stagger the terms of the initial appointments to the local coordinating entity in order to assure continuity of operation. Any member of the local coordinating entity may serve after the expiration of their term until a successor is appointed. A vacancy shall be filled in the same manner in which the original appointment was made.

(d) **TERMINATION.**—The local coordinating entity shall terminate 10 years after the date of enactment of this Act.

**SEC. 295E. OPERATION OF THE LOCAL COORDINATING ENTITY.**

(a) **DUTIES OF THE LOCAL COORDINATING ENTITY.**—To further the purposes of the Herit-

age Corridor, the local coordinating entity shall—

(1) prepare and submit a management plan to the Secretary in accordance with section 295F;

(2) assist units of local government and other persons in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Heritage Corridor;

(B) establishing and maintaining interpretive exhibits and programs within the Heritage Corridor;

(C) developing recreational and educational opportunities in the Heritage Corridor;

(D) increasing public awareness of and appreciation for the historical, cultural, natural, and scenic resources of the Heritage Corridor;

(E) protecting and restoring historic sites and buildings in the Heritage Corridor that are consistent with Heritage Corridor themes;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are posted throughout the Heritage Corridor; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Corridor;

(3) consider the interests of diverse units of government, business, organizations, and individuals in the Heritage Corridor in the preparation and implementation of the management plan;

(4) conduct meetings open to the public at least quarterly regarding the development and implementation of the management plan;

(5) submit an annual report to the Secretary for any fiscal year in which the local coordinating entity receives Federal funds under this subtitle, setting forth its accomplishments, expenses, and income, including grants made to any other entities during the year for which the report is made;

(6) make available for audit for any fiscal year in which it receives Federal funds under this subtitle, all information pertaining to the expenditure of such funds and any matching funds, and require all agreements authorizing expenditures of Federal funds by other organizations, that the receiving organization make available for audit all records and other information pertaining to the expenditure of such funds; and

(7) encourage by appropriate means economic viability that is consistent with the purposes of the Heritage Corridor.

(b) **AUTHORITIES.**—The local coordinating entity may, for the purposes of preparing and implementing the management plan, use funds made available under this subtitle to—

(1) make grants to, and enter into cooperative agreements with, the States of South Carolina, North Carolina, Florida, and Georgia, political subdivisions of those States, a nonprofit organization, or any person;

(2) hire and compensate staff;

(3) obtain funds from any source including any that are provided under any other Federal law or program; and

(4) contract for goods and services.

**SEC. 295F. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—The management plan for the Heritage Corridor shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Corridor;

(2) take into consideration existing State, county, and local plans in the development of the management plan and its implementation;

(3) include a description of actions that governments, private organizations, and individuals have agreed to take to protect the historical, cultural, and natural resources of the Heritage Corridor;

(4) specify the existing and potential sources of funding to protect, manage, and develop the Heritage Corridor in the first 5 years of implementation;

(5) include an inventory of the historical, cultural, natural, resources of the Heritage Corridor related to the themes of the Heritage Corridor that should be preserved, restored, managed, developed, or maintained;

(6) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and inter-agency cooperative agreements to protect the Heritage Corridor's historical, cultural, and natural resources;

(7) describe a program for implementation of the management plan including plans for resources protection, restoration, construction, and specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual for the first 5 years of implementation;

(8) include an analysis and recommendations for the ways in which Federal, State, or local programs may best be coordinated to further the purposes of this subtitle; and

(9) include an interpretive plan for the Heritage Corridor.

(b) **SUBMITTAL OF MANAGEMENT PLAN.**—The local coordinating entity shall submit the management plan to the Secretary for approval not later than 3 years after funds are made available for this subtitle.

(c) **FAILURE TO SUBMIT.**—If the local coordinating entity fails to submit the management plan to the Secretary in accordance with subsection (b), the Heritage Corridor shall not qualify for Federal funding until the management plan is submitted.

(d) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—The Secretary shall approve or disapprove the management plan not later than 90 days after receiving the management plan.

(2) **CRITERIA.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the local coordinating entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan;

(B) the resource preservation and interpretation strategies contained in the management plan would adequately protect the cultural and historic resources of the Heritage Corridor; and

(C) the Secretary has received adequate assurances from appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the plan.

(3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan, the Secretary shall advise the local coordinating entity in writing of the reasons therefore and shall make recommendations for revisions to the management plan. The Secretary shall approve or disapprove a proposed revision not later than 60 days after the date it is submitted.

(4) **APPROVAL OF AMENDMENTS.**—Substantial amendments to the management plan shall be reviewed and approved by the Secretary in the same manner as provided in the original management plan. The local coordinating entity shall not use Federal funds authorized by this subtitle to implement any

amendments until the Secretary has approved the amendments.

**SEC. 295G. TECHNICAL AND FINANCIAL ASSISTANCE.**

(a) **IN GENERAL.**—Upon a request of the local coordinating entity, the Secretary may provide technical and financial assistance for the development and implementation of the management plan.

(b) **PRIORITY FOR ASSISTANCE.**—In providing assistance under subsection (a), the Secretary shall give priority to actions that assist in—

(1) conserving the significant cultural, historical, and natural resources of the Heritage Corridor; and

(2) providing educational and interpretive opportunities consistent with the purposes of the Heritage Corridor.

(c) **SPENDING FOR NON-FEDERAL PROPERTY.**—

(1) **IN GENERAL.**—The local coordinating entity may expend Federal funds made available under this subtitle on nonfederally owned property that is—

(A) identified in the management plan; or

(B) listed or eligible for listing on the National Register for Historic Places.

(2) **AGREEMENTS.**—Any payment of Federal funds made pursuant to this subtitle shall be subject to an agreement that conversion, use, or disposal of a project so assisted for purposes contrary to the purposes of this subtitle, as determined by the Secretary, shall result in a right of the United States to compensation of all funds made available to that project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

**SEC. 295H. DUTIES OF OTHER FEDERAL AGENCIES.**

Any Federal agency conducting or supporting activities directly affecting the Heritage Corridor shall—

(1) consult with the Secretary and the local coordinating entity with respect to such activities;

(2) cooperate with the Secretary and the local coordinating entity in carrying out their duties under this subtitle and, to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

(3) to the maximum extent practicable, conduct or support such activities in a manner in which the local coordinating entity determines will not have an adverse effect on the Heritage Corridor.

**SEC. 295I. COASTAL HERITAGE CENTERS.**

In furtherance of the purposes of this subtitle and using the authorities made available under this subtitle, the local coordinating entity shall establish one or more Coastal Heritage Centers at appropriate locations within the Heritage Corridor in accordance with the preferred alternative identified in the Record of Decision for the Low Country Gullah Culture Special Resource Study and Environmental Impact Study, December 2003, and additional appropriate sites.

**SEC. 295J. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this subtitle shall be construed to require any private property owner to permit public access (including Federal, State, or local government access) to such private property. Nothing in this subtitle shall be construed to modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) **LIABILITY.**—Designation of the Heritage Corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private

property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this subtitle shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE CORRIDOR.**—Nothing in this subtitle shall be construed to require the owner of any private property located within the boundaries of the Heritage Corridor to participate in or be associated with the Heritage Corridor.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Corridor represent the area within which Federal funds appropriated for the purpose of this subtitle shall be expended. The establishment of the Heritage Corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Corridor or its viewshed by the Secretary or the local coordinating entity.

(f) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Corridor until the owner of that private property has been notified in writing by the local coordinating entity and has given written consent for such preservation, conservation, or promotion to the local coordinating entity.

(g) **LANDOWNER WITHDRAWAL.**—Any owner of private property included within the boundary of the Heritage Corridor shall have their property immediately removed from within the boundary by submitting a written request to the local coordinating entity.

**SEC. 295K. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated for the purposes of this subtitle not more than \$1,000,000 for any fiscal year. Not more than a total of \$10,000,000 may be appropriated for the Heritage Corridor under this subtitle.

(b) **COST SHARE.**—Federal funding provided under this subtitle may not exceed 50 percent of the total cost of any activity for which assistance is provided under this subtitle.

(c) **IN-KIND CONTRIBUTIONS.**—The Secretary may accept in-kind contributions as part of the non-Federal cost share of any activity for which assistance is provided under this subtitle.

**SEC. 295L. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

**Subtitle J—Crossroads of the American Revolution National Heritage Area**

**SEC. 297. SHORT TITLE.**

This subtitle may be cited as the “Crossroads of the American Revolution National Heritage Area Act of 2006”.

**SEC. 297A. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) the State of New Jersey was critically important during the American Revolution because of the strategic location of the State between the British armies headquartered in New York City, New York, and the Continental Congress in the city of Philadelphia, Pennsylvania;

(2) General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in the State of New Jersey, including 2 severe winters spent in encampments in the area that is now Morristown National Historical Park, a unit of the National Park System;

(3) it was during the 10 crucial days of the American Revolution between December 25, 1776, and January 3, 1777, that General Washington, after retreating across the State of New Jersey from the State of New York to the Commonwealth of Pennsylvania in the face of total defeat, recrossed the Delaware River on the night of December 25, 1776, and went on to win crucial battles at Trenton and Princeton in the State of New Jersey;

(4) Thomas Paine, who accompanied the troops during the retreat, described the events during those days as “the times that try men’s souls”;

(5) the sites of 296 military engagements are located in the State of New Jersey, including—

(A) several important battles of the American Revolution that were significant to—

(i) the outcome of the American Revolution; and

(ii) the history of the United States; and

(B) several national historic landmarks, including Washington’s Crossing, the Old Trenton Barracks, and Princeton, Monmouth, and Red Bank Battlefields;

(6) additional national historic landmarks in the State of New Jersey include the homes of—

(A) Richard Stockton, Joseph Hewes, John Witherspoon, and Francis Hopkinson, signers of the Declaration of Independence;

(B) Elias Boudinout, President of the Continental Congress; and

(C) William Livingston, patriot and Governor of the State of New Jersey from 1776 to 1790;

(7) portions of the landscapes important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways—

(A) retain the integrity of the period of the American Revolution; and

(B) offer outstanding opportunities for conservation, education, and recreation;

(8) the National Register of Historic Places lists 251 buildings and sites in the National Park Service study area for the Crossroads of the American Revolution that are associated with the period of the American Revolution;

(9) civilian populations residing in the State of New Jersey during the American Revolution suffered extreme hardships because of—

(A) the continuous conflict in the State;

(B) foraging armies; and

(C) marauding contingents of loyalist Tories and rebel sympathizers;

(10) because of the important role that the State of New Jersey played in the successful outcome of the American Revolution, there is a Federal interest in developing a regional framework to assist the State of New Jersey, local governments and organizations, and private citizens in—

(A) preserving and protecting cultural, historic, and natural resources of the period; and

(B) bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citizens of the United States; and

(11) the National Park Service has conducted a national heritage area feasibility study in the State of New Jersey that demonstrates that there is a sufficient assemblage of nationally distinctive cultural, historic, and natural resources necessary to establish the Crossroads of the American Revolution National Heritage Area.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to assist communities, organizations, and citizens in the State of New Jersey in preserving—

(A) the special historic identity of the State; and

(B) the importance of the State to the United States;

(2) to foster a close working relationship among all levels of government, the private sector, and local communities in the State;

(3) to provide for the management, preservation, protection, and interpretation of the cultural, historic, and natural resources of the State for the educational and inspirational benefit of future generations;

(4) to strengthen the value of Morristown National Historical Park as an asset to the State by—

(A) establishing a network of related historic resources, protected landscapes, educational opportunities, and events depicting the landscape of the State of New Jersey during the American Revolution; and

(B) establishing partnerships between Morristown National Historical Park and other public and privately owned resources in the Heritage Area that represent the strategic fulcrum of the American Revolution; and

(5) to authorize Federal financial and technical assistance for the purposes described in paragraphs (1) through (4).

#### SEC. 297B. DEFINITIONS.

In this subtitle:

(1) HERITAGE AREA.—The term “Heritage Area” means the Crossroads of the American Revolution National Heritage Area established by section 297C(a).

(2) LOCAL COORDINATING ENTITY.—The term “local coordinating entity” means the local coordinating entity for the Heritage Area designated by section 297C(d).

(3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area developed under section 297D.

(4) MAP.—The term “map” means the map entitled “Crossroads of the American Revolution National Heritage Area”, numbered CRRE/80,000, and dated April 2002.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) STATE.—The term “State” means the State of New Jersey.

#### SEC. 297C. CROSSROADS OF THE AMERICAN REVOLUTION NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Crossroads of the American Revolution National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the land and water within the boundaries of the Heritage Area, as depicted on the map.

(c) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) LOCAL COORDINATING ENTITY.—The Crossroads of the American Revolution Association, Inc., a nonprofit corporation in the State, shall be the local coordinating entity for the Heritage Area.

#### SEC. 297D. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this subtitle, the local coordinating entity shall develop and forward to the Secretary a management plan for the Heritage Area.

(b) REQUIREMENTS.—The management plan shall—

(1) include comprehensive policies, strategies, and recommendations for conservation, funding, management, and development of the Heritage Area;

(2) take into consideration existing State, county, and local plans;

(3) describe actions that units of local government, private organizations, and individuals have agreed to take to protect the cultural, historic, and natural resources of the Heritage Area;

(4) identify existing and potential sources of funding for the protection, management, and development of the Heritage Area during the first 5 years of implementation of the management plan; and

(5) include—

(A) an inventory of the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area relating to the themes of the Heritage Area that should be restored, managed, or developed;

(B) recommendations of policies and strategies for resource management that result in—

(i) application of appropriate land and water management techniques; and

(ii) development of intergovernmental and interagency cooperative agreements to protect the cultural, educational, historic, natural, recreational, and scenic resources of the Heritage Area;

(C) a program of implementation of the management plan that includes for the first 5 years of implementation—

(i) plans for resource protection, restoration, construction; and

(ii) specific commitments for implementation that have been made by the local coordinating entity or any government, organization, or individual;

(D) an analysis of and recommendations for ways in which Federal, State, and local programs, including programs of the National Park Service, may be best coordinated to promote the purposes of this subtitle; and

(E) an interpretive plan for the Heritage Area.

#### (c) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after the date of receipt of the management plan under subsection (a), the Secretary shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the Board of Directors of the local coordinating entity is representative of the diverse interests of the Heritage Area, including—

(i) governments;

(ii) natural and historic resource protection organizations;

(iii) educational institutions;

(iv) businesses; and

(v) recreational organizations;

(B) the local coordinating entity provided adequate opportunity for public and governmental involvement in the preparation of the management plan, including public hearings;

(C) the resource protection and interpretation strategies in the management plan would adequately protect the cultural, historic, and natural resources of the Heritage Area; and

(D) the Secretary has received adequate assurances from the appropriate State and local officials whose support is needed to ensure the effective implementation of the State and local aspects of the management plan.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the local coordinating entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 60 days after the receipt of any proposed revision of the management plan from the local coordinating entity, approve or disapprove the proposed revision.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the

management plan that the Secretary determines may make a substantial change to the management plan.

(2) **USE OF FUNDS.**—Funds made available under this subtitle shall not be expended by the local coordinating entity to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

(e) **IMPLEMENTATION.**—On completion of the 3-year period described in subsection (a), any funding made available under this subtitle shall be made available to the local coordinating entity only for implementation of the approved management plan.

**SEC. 297E. AUTHORITIES, DUTIES, AND PROHIBITIONS APPLICABLE TO THE LOCAL COORDINATING ENTITY.**

(a) **AUTHORITIES.**—For purposes of preparing and implementing the management plan, the local coordinating entity may use funds made available under this subtitle to—

(1) make grants to, provide technical assistance to, and enter into cooperative agreements with, the State (including a political subdivision), a nonprofit organization, or any other person;

(2) hire and compensate staff, including individuals with expertise in—

(A) cultural, historic, or natural resource protection; or

(B) heritage programming;

(3) obtain funds or services from any source (including a Federal law or program);

(4) contract for goods or services; and

(5) support any other activity—

(A) that furthers the purposes of the Heritage Area; and

(B) that is consistent with the management plan.

(b) **DUTIES.**—In addition to developing the management plan, the local coordinating entity shall—

(1) assist units of local government, regional planning organizations, and nonprofit organizations in implementing the approved management plan by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;

(B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;

(C) developing recreational and educational opportunities in the Heritage Area;

(D) increasing public awareness of and appreciation for cultural, historic, and natural resources of the Heritage Area;

(E) protecting and restoring historic sites and buildings that are—

(i) located in the Heritage Area; and

(ii) related to the themes of the Heritage Area;

(F) ensuring that clear, consistent, and appropriate signs identifying points of public access and sites of interest are installed throughout the Heritage Area; and

(G) promoting a wide range of partnerships among governments, organizations, and individuals to further the purposes of the Heritage Area;

(2) in preparing and implementing the management plan, consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area;

(3) conduct public meetings at least semi-annually regarding the development and implementation of the management plan;

(4) for any fiscal year for which Federal funds are received under this subtitle—

(A) submit to the Secretary a report that describes for the year—

(i) the accomplishments of the local coordinating entity;

(ii) the expenses and income of the local coordinating entity; and

(iii) each entity to which a grant was made;

(B) make available for audit all information relating to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing expenditures of Federal funds by any entity, that the receiving entity make available for audit all records and other information relating to the expenditure of the funds;

(5) encourage, by appropriate means, economic viability that is consistent with the purposes of the Heritage Area; and

(6) maintain headquarters for the local coordinating entity at Morristown National Historical Park and in Mercer County.

(c) **PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.**—

(1) **FEDERAL FUNDS.**—The local coordinating entity shall not use Federal funds made available under this subtitle to acquire real property or any interest in real property.

(2) **OTHER FUNDS.**—Notwithstanding paragraph (1), the local coordinating entity may acquire real property or an interest in real property using any other source of funding, including other Federal funding.

**SEC. 297F. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

(a) **TECHNICAL AND FINANCIAL ASSISTANCE.**—

(1) **IN GENERAL.**—On the request of the local coordinating entity, the Secretary may provide technical and financial assistance to the Heritage Area for the development and implementation of the management plan.

(2) **PRIORITY FOR ASSISTANCE.**—In providing assistance under paragraph (1), the Secretary shall give priority to actions that assist in—

(A) conserving the significant cultural, historic, natural, and scenic resources of the Heritage Area; and

(B) providing educational, interpretive, and recreational opportunities consistent with the purposes of the Heritage Area.

(3) **OPERATIONAL ASSISTANCE.**—Subject to the availability of appropriations, the Superintendent of Morristown National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the local coordinating entity, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.

(4) **PRESERVATION OF HISTORIC PROPERTIES.**—To carry out the purposes of this subtitle, the Secretary may provide assistance to a State or local government or nonprofit organization to provide for the appropriate treatment of—

(A) historic objects; or

(B) structures that are listed or eligible for listing on the National Register of Historic Places.

(5) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into cooperative agreements with the local coordinating entity and other public or private entities to carry out this subsection.

(b) **OTHER FEDERAL AGENCIES.**—Any Federal agency conducting or supporting an activity that directly affects the Heritage Area shall—

(1) consult with the Secretary and the local coordinating entity regarding the activity;

(2)(A) cooperate with the Secretary and the local coordinating entity in carrying out the of the Federal agency under this subtitle; and

(B) to the maximum extent practicable, coordinate the activity with the carrying out of those duties; and

(3) to the maximum extent practicable, conduct the activity to avoid adverse effects on the Heritage Area.

**SEC. 297G. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There is authorized to be appropriated to carry out this subtitle \$10,000,000, of which not more than \$1,000,000 may be authorized to be appropriated for any fiscal year.

(b) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity assisted under this subtitle shall be not more than 50 percent.

**SEC. 297H. TERMINATION OF AUTHORITY.**

The authority of the Secretary to provide assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

**SEC. 297I. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

(a) **NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.**—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent for such preservation, conservation, or promotion to the management entity.

(b) **LANDOWNER WITHDRAWAL.**—Any owner of private property included within the boundary of the Heritage Area shall have their property immediately removed from the boundary by submitting a written request to the management entity.

**SEC. 297J. PRIVATE PROPERTY PROTECTION.**

(a) **ACCESS TO PRIVATE PROPERTY.**—Nothing in this title shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) **LIABILITY.**—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) **RECOGNITION OF AUTHORITY TO CONTROL LAND USE.**—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

(d) **PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.**—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

(e) **EFFECT OF ESTABLISHMENT.**—The boundaries designated for the Heritage Area represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the Heritage Area and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the Heritage Area or its viewshed by the Secretary, the National Park Service, or the management entity.

**TITLE III—NATIONAL HERITAGE AREA STUDIES**

**Subtitle A—Western Reserve Heritage Area Study**

**SEC. 301. SHORT TITLE.**

This subtitle may be cited as the “Western Reserve Heritage Areas Study Act”.

**SEC. 302. NATIONAL PARK SERVICE STUDY REGARDING THE WESTERN RESERVE, OHIO.**

(a) **FINDINGS.**—The Congress finds the following:

(1) The area that encompasses the modern-day counties of Trumbull, Mahoning, Ash-tabula, Portage, Geagua, Lake, Cuyahoga,

Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio with the rich history in what was once the Western Reserve, has made a unique contribution to the cultural, political, and industrial development of the United States.

(2) The Western Reserve is distinctive as the land settled by the people of Connecticut after the Revolutionary War. The Western Reserve holds a unique mark as the original wilderness land of the West that many settlers migrated to in order to begin life outside of the original 13 colonies.

(3) The Western Reserve played a significant role in providing land to the people of Connecticut whose property and land was destroyed during the Revolution. These settlers were descendants of the brave immigrants who came to the Americas in the 17th century.

(4) The Western Reserve offered a new destination for those who moved west in search of land and prosperity. The agricultural and industrial base that began in the Western Reserve still lives strong in these prosperous and historical counties.

(5) The heritage of the Western Reserve remains transfixed in the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio. The people of these counties are proud of their heritage as shown through the unwavering attempts to preserve agricultural land and the industrial foundation that has been embedded in this region since the establishment of the Western Reserve. Throughout these counties, historical sites, and markers preserve the unique traditions and customs of its original heritage.

(6) The counties that encompass the Western Reserve continue to maintain a strong connection to its historic past as seen through its preservation of its local heritage, including historic homes, buildings, and centers of public gatherings.

(7) There is a need for assistance for the preservation and promotion of the significance of the Western Reserve as the natural, historic and cultural heritage of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa and Ashland in Ohio.

(8) The Department of the Interior is responsible for protecting the Nation's cultural and historical resources. There are significant examples of such resources within these counties and what was once the Western Reserve to merit the involvement of the Federal Government in the development of programs and projects, in cooperation with the State of Ohio and other local governmental entities, to adequately conserve, protect, and interpret this heritage for future generations, while providing opportunities for education and revitalization.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, acting through the National Park Service Rivers, Trails, and Conservation Assistance Program, Midwest Region, and in consultation with the State of Ohio, the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland, and other appropriate organizations, shall carry out a study regarding the suitability and feasibility of establishing the Western Reserve Heritage Area in these counties in Ohio.

(2) CONTENTS.—The study shall include analysis and documentation regarding whether the Study Area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, in-

terpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity;

(H) has a conceptual boundary map that is supported by the public; and

(I) has potential or actual impact on private property located within or abutting the Study Area.

(c) BOUNDARIES OF THE STUDY AREA.—The Study Area shall be comprised of the counties of Trumbull, Mahoning, Ashtabula, Portage, Geagua, Lake, Cuyahoga, Summit, Medina, Huron, Lorain, Erie, Ottawa, and Ashland in Ohio.

#### Subtitle B—St. Croix National Heritage Area Study

##### SEC. 311. SHORT TITLE.

This subtitle may be cited as the “St. Croix National Heritage Area Study Act”.

##### SEC. 312. STUDY.

(a) IN GENERAL.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the island of St. Croix as the St. Croix National Heritage Area. The study shall include analysis, documentation, and determination regarding whether the island of St. Croix—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the island of St. Croix that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

(c) PRIVATE PROPERTY.—In conducting the study required by this section, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

#### Subtitle C—Southern Campaign of the Revolution

##### SEC. 321. SHORT TITLE.

This subtitle may be cited as the “Southern Campaign of the Revolution Heritage Area Study Act”.

##### SEC. 322. SOUTHERN CAMPAIGN OF THE REVOLUTION HERITAGE AREA STUDY.

(a) STUDY.—The Secretary of the Interior, in consultation with appropriate State historic preservation officers, States historical societies, the South Carolina Department of Parks, Recreation, and Tourism, and other appropriate organizations, shall conduct a study regarding the suitability and feasibility of designating the study area described in subsection (b) as the Southern Campaign of the Revolution Heritage Area. The study shall include analysis, documentation, and determination regarding whether the study area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(2) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government), and have demonstrated support for the concept of a national heritage area;

(7) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(8) has a conceptual boundary map that is supported by the public.

(b) STUDY AREA.—

(1) IN GENERAL.—

(A) SOUTH CAROLINA.—The study area shall include the following counties in South Carolina: Anderson, Pickens, Greenville County, Spartanburg, Cherokee County, Greenwood, Laurens, Union, York, Chester, Darlington, Florence, Chesterfield, Marlboro, Fairfield, Richland, Lancaster, Kershaw, Sumter, Orangeburg, Georgetown, Dorchester, Colleton, Charleston, Beaufort, Calhoun, Clarendon, and Williamsburg.

(B) NORTH CAROLINA.—The study area may include sites and locations in North Carolina as appropriate.

(2) SPECIFIC SITES.—The heritage area may include the following sites of interest:

(A) NATIONAL PARK SERVICE SITE.—Kings Mountain National Military Park, Cowpens National Battlefield, Fort Moultrie National Monument, Charles Pickney National Historic Site, and Ninety Six National Historic Site as well as the National Park Affiliate of Historic Camden Revolutionary War Site.

(B) STATE-MAINTAINED SITES.—Colonial Dorchester State Historic Site, Eutaw Springs Battle Site, Hampton Plantation State Historic Site, Landsford Canal State Historic Site, Andrew Jackson State Park, and Musgrove Mill State Park.

(C) COMMUNITIES.—Charleston, Beaufort, Georgetown, Kingstree, Cheraw, Camden, Winnsboro, Orangeburg, and Cayce.

(D) OTHER KEY SITES OPEN TO THE PUBLIC.—Middleton Place, Goose Creek Church, Hopsewee Plantation, Walnut Grove Plantation, Fort Watson, and Historic Brattonsville.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available to carry out this subtitle, the Secretary of the Interior shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study.

#### SEC. 323. PRIVATE PROPERTY.

In conducting the study required by this subtitle, the Secretary of the Interior shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

#### TITLE IV—ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR ACT AMENDMENTS

##### SEC. 401. SHORT TITLE.

This title may be cited as the “Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2006”.

##### SEC. 402. TRANSITION AND PROVISIONS FOR NEW LOCAL COORDINATING ENTITY.

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 (Public Law 98-398; 16 U.S.C. 461 note) is amended as follows:

(1) In section 103—  
(A) in paragraph (8), by striking “and”;  
(B) in paragraph (9), by striking the period and inserting “; and”; and  
(C) by adding at the end the following:

“(10) the term ‘Association’ means the Canal Corridor Association (an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code).”.

(2) By adding at the end of section 112 the following new paragraph:

“(7) The Secretary shall enter into a memorandum of understanding with the Association to help ensure appropriate transition of the local coordinating entity to the Association and coordination with the Association regarding that role.”.

(3) By adding at the end the following new sections:

##### “SEC. 119. ASSOCIATION AS LOCAL COORDINATING ENTITY.

“Upon the termination of the Commission, the local coordinating entity for the corridor shall be the Association.

##### “SEC. 120. DUTIES AND AUTHORITIES OF ASSOCIATION.

“For purposes of preparing and implementing the management plan developed under section 121, the Association may use Federal funds made available under this title—

“(1) to make loans and grants to, and enter into cooperative agreements with, States and their political subdivisions, private organizations, or any person;

“(2) to hire, train, and compensate staff; and

“(3) to enter into contracts for goods and services.

##### “SEC. 121. DUTIES OF THE ASSOCIATION.

“The Association shall—

“(1) develop and submit to the Secretary for approval under section 123 a proposed management plan for the corridor not later than 2 years after Federal funds are made available for this purpose;

“(2) give priority to implementing actions set forth in the management plan, including taking steps to assist units of local government, regional planning organizations, and other organizations—

“(A) in preserving the corridor;

“(B) in establishing and maintaining interpretive exhibits in the corridor;

“(C) in developing recreational resources in the corridor;

“(D) in increasing public awareness of and appreciation for the natural, historical, and architectural resources and sites in the corridor; and

“(E) in facilitating the restoration of any historic building relating to the themes of the corridor;

“(3) encourage by appropriate means economic viability in the corridor consistent with the goals of the management plan;

“(4) consider the interests of diverse governmental, business, and other groups within the corridor;

“(5) conduct public meetings at least quarterly regarding the implementation of the management plan;

“(6) submit substantial changes (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary; and

“(7) for any year in which Federal funds have been received under this title—

“(A) submit an annual report to the Secretary setting forth the Association’s accomplishments, expenses and income, and the identity of each entity to which any loans and grants were made during the year for which the report is made;

“(B) make available for audit all records pertaining to the expenditure of such funds and any matching funds; and

“(C) require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organizations make available for audit all records pertaining to the expenditure of such funds.

##### “SEC. 122. USE OF FEDERAL FUNDS.

“(a) IN GENERAL.—The Association shall not use Federal funds received under this title to acquire real property or an interest in real property.

“(b) OTHER SOURCES.—Nothing in this title precludes the Association from using Federal funds from other sources for authorized purposes.

##### “SEC. 123. MANAGEMENT PLAN.

“(a) PREPARATION OF MANAGEMENT PLAN.—Not later than 2 years after the date that Federal funds are made available for this purpose, the Association shall submit to the

Secretary for approval a proposed management plan that shall—

“(1) take into consideration State and local plans and involve residents, local governments and public agencies, and private organizations in the corridor;

“(2) present comprehensive recommendations for the corridor’s conservation, funding, management, and development;

“(3) include actions proposed to be undertaken by units of government and non-governmental and private organizations to protect the resources of the corridor;

“(4) specify the existing and potential sources of funding to protect, manage, and develop the corridor; and

“(5) include—

“(A) identification of the geographic boundaries of the corridor;

“(B) a brief description and map of the corridor’s overall concept or vision that show key sites, visitor facilities and attractions, and physical linkages;

“(C) identification of overall goals and the strategies and tasks intended to reach them, and a realistic schedule for completing the tasks;

“(D) a listing of the key resources and themes of the corridor;

“(E) identification of parties proposed to be responsible for carrying out the tasks;

“(F) a financial plan and other information on costs and sources of funds;

“(G) a description of the public participation process used in developing the plan and a proposal for public participation in the implementation of the management plan;

“(H) a mechanism and schedule for updating the plan based on actual progress;

“(I) a bibliography of documents used to develop the management plan; and

“(J) a discussion of any other relevant issues relating to the management plan.

“(b) DISQUALIFICATION FROM FUNDING.—If a proposed management plan is not submitted to the Secretary within 2 years after the date that Federal funds are made available for this purpose, the Association shall be ineligible to receive additional funds under this title until the Secretary receives a proposed management plan from the Association.

“(c) APPROVAL OF MANAGEMENT PLAN.—The Secretary shall approve or disapprove a proposed management plan submitted under this title not later than 180 days after receiving such proposed management plan. If action is not taken by the Secretary within the time period specified in the preceding sentence, the management plan shall be deemed approved. The Secretary shall consult with the local entities representing the diverse interests of the corridor including governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners prior to approving the management plan. The Association shall conduct semi-annual public meetings, workshops, and hearings to provide adequate opportunity for the public and local and governmental entities to review and to aid in the preparation and implementation of the management plan.

“(d) EFFECT OF APPROVAL.—Upon the approval of the management plan as provided in subsection (c), the management plan shall supersede the conceptual plan contained in the National Park Service report.

“(e) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a proposed management plan within the time period specified in subsection (c), the Secretary shall advise the Association in writing of the reasons for the disapproval and shall make recommendations for revisions to the proposed management plan.

“(f) APPROVAL OF AMENDMENTS.—The Secretary shall review and approve all substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan. Funds made available under this title may not be expended to implement any changes made by a substantial amendment until the Secretary approves that substantial amendment.

**“SEC. 124. TECHNICAL AND FINANCIAL ASSISTANCE; OTHER FEDERAL AGENCIES.**

“(a) TECHNICAL AND FINANCIAL ASSISTANCE.—Upon the request of the Association, the Secretary may provide technical assistance, on a reimbursable or nonreimbursable basis, and financial assistance to the Association to develop and implement the management plan. The Secretary is authorized to enter into cooperative agreements with the Association and other public or private entities for this purpose. In assisting the Association, the Secretary shall give priority to actions that in general assist in—

“(1) conserving the significant natural, historic, cultural, and scenic resources of the corridor; and

“(2) providing educational, interpretive, and recreational opportunities consistent with the purposes of the corridor.

“(b) DUTIES OF OTHER FEDERAL AGENCIES.—Any Federal agency conducting or supporting activities directly affecting the corridor shall—

“(1) consult with the Secretary and the Association with respect to such activities;

“(2) cooperate with the Secretary and the Association in carrying out their duties under this title;

“(3) to the maximum extent practicable, coordinate such activities with the carrying out of such duties; and

“(4) to the maximum extent practicable, conduct or support such activities in a manner which the Association determines is not likely to have an adverse effect on the corridor.

**“SEC. 125. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—To carry out this title there is authorized to be appropriated \$10,000,000, except that not more than \$1,000,000 may be appropriated to carry out this title for any fiscal year.

“(b) 50 PERCENT MATCH.—The Federal share of the cost of activities carried out using any assistance or grant under this title shall not exceed 50 percent of that cost.

**“SEC. 126. SUNSET.**

“The authority of the Secretary to provide assistance under this title terminates on the date that is 15 years after the date of enactment of this section.”

**SEC. 403. PRIVATE PROPERTY PROTECTION.**

The Illinois and Michigan Canal National Heritage Corridor Act of 1984 is further amended by adding after section 126 (as added by section 402) the following new sections:

**“SEC. 127. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.**

“(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the corridor until the owner of that private property has been notified in writing by the Association and has given written consent for such preservation, conservation, or promotion to the Association.

“(b) LANDOWNER WITHDRAWAL.—Any owner of private property included within the boundary of the corridor, and not notified under subsection (a), shall have their property immediately removed from the boundary of the corridor by submitting a written request to the Association.

**“SEC. 128. PRIVATE PROPERTY PROTECTION.**

“(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

“(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

“(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

“(b) LIABILITY.—Designation of the corridor shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

“(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify the authority of Federal, State, or local governments to regulate land use.

“(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN CORRIDOR.—Nothing in this title shall be construed to require the owner of any private property located within the boundaries of the corridor to participate in or be associated with the corridor.

“(e) EFFECT OF ESTABLISHMENT.—The boundaries designated for the corridor represent the area within which Federal funds appropriated for the purpose of this title may be expended. The establishment of the corridor and its boundaries shall not be construed to provide any nonexisting regulatory authority on land use within the corridor or its viewshed by the Secretary, the National Park Service, or the Association.”

**SEC. 404. TECHNICAL AMENDMENTS.**

Section 116 of Illinois and Michigan Canal National Heritage Corridor Act of 1984 is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) by striking “(a)” and all that follows through “For each” and inserting “(a) For each”;

(B) by striking “Commission” and inserting “Association”;

(C) by striking “Commission’s” and inserting “Association’s”;

(D) by redesignating paragraph (2) as subsection (b); and

(E) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

**TITLE V—MOKELUMNE RIVER FEASIBILITY STUDY**

**SEC. 501. AUTHORIZATION OF MOKELUMNE RIVER REGIONAL WATER STORAGE AND CONJUNCTIVE USE PROJECT STUDY.**

Pursuant to the Reclamation Act of 1902 (32 Stat. 388) and Acts amendatory thereof and supplemental thereto, not later than 2 years after the date of the enactment of this Act, the Secretary of the Interior (hereafter in this title referred to as the “Secretary”), through the Bureau of Reclamation, and in consultation and cooperation with the Mokelumne River Water and Power Authority, shall complete and submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate copies of a study to determine the feasibility of constructing a project to provide additional water supply and improve water management reliability through the development of new water storage and conjunctive use programs.

**SEC. 502. USE OF REPORTS AND OTHER INFORMATION.**

In developing the study under section 501, the Secretary shall use, as appropriate, reports and any other relevant information supplied by the Mokelumne River Water and Power Authority, the East Bay Municipal Utility District, and other Mokelumne River Forum stakeholders.

**SEC. 503. COST SHARES.**

(a) FEDERAL SHARE.—The Federal share of the costs of the study conducted under this

title shall not exceed 50 percent of the total cost of the study.

(b) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, such in-kind contributions of goods or services from the Mokelumne River Water and Power Authority as the Secretary determines will contribute to the conduct and completion of the study conducted under this title. Goods and services accepted under this section shall be counted as part of the non-Federal cost share for that study.

**SEC. 504. WATER RIGHTS.**

Nothing in this title shall be construed to invalidate, preempt, or create any exception to State water law, State water rights, or Federal or State permitted activities or agreements.

**SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to the Secretary \$3,300,000 for the Federal cost share of the study conducted under this title.

**TITLE VI—DELAWARE NATIONAL COASTAL SPECIAL RESOURCES STUDY**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Delaware National Coastal Special Resources Study Act”.

**SEC. 602. STUDY.**

(a) IN GENERAL.—The Secretary of the Interior (referred to in this title as the “Secretary”) shall conduct a special resources study of the national significance, suitability, and feasibility of including sites in the coastal region of the State of Delaware in the National Park System.

(b) INCLUSION OF SITES IN THE NATIONAL PARK SYSTEM.—The study under subsection (a) shall include an analysis and any recommendations of the Secretary concerning the suitability and feasibility of designating 1 or more of the sites along the Delaware coast, including Fort Christina, as a unit of the National Park System that relates to the themes described in section 603.

(c) STUDY GUIDELINES.—In conducting the study authorized under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(d) CONSULTATION.—In preparing and conducting the study under subsection (a), the Secretary shall consult with—

(1) the State of Delaware;

(2) the coastal region communities;

(3) owners of private property that would likely be impacted by a National Park Service designation; and

(4) the general public.

**SEC. 603. THEMES.**

The study authorized under section 602 shall evaluate sites along the coastal region of the State of Delaware that relate to—

(1) the history of indigenous peoples, which would explore the history of Native American tribes of Delaware, such as the Nanticoke and Lenni Lenape;

(2) the colonization and establishment of the frontier, which would chronicle the first European settlers in the Delaware Valley who built fortifications for the protection of settlers, such as Fort Christina;

(3) the founding of a nation, which would document the contributions of Delaware to the development of our constitutional republic;

(4) industrial development, which would investigate the exploitation of water power in Delaware with the mill development on the Brandywine River;

(5) transportation, which would explore how water served as the main transportation link, connecting Colonial Delaware with England, Europe, and other colonies;

(6) coastal defense, which would document the collection of fortifications spaced along

the river and bay from Fort Delaware on Pea Patch Island to Fort Miles near Lewes;

(7) the last stop to freedom, which would detail the role Delaware has played in the history of the Underground Railroad network; and

(8) the coastal environment, which would examine natural resources of Delaware that provide resource-based recreational opportunities such as crabbing, fishing, swimming, and boating.

#### SEC. 604. REPORT.

Not later than 2 years after funds are made available to carry out this title under section 605, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report containing the findings, conclusions, and recommendations of the study conducted under section 602.

### TITLE VII—JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR REAUTHORIZATION

#### SEC. 701. SHORT TITLE.

This title may be cited as the “John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006”.

#### SEC. 702. JOHN H. CHAFEE BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

(a) COMMISSION MEMBERSHIP.—Section 3(b) of Public Law 99-647 (16 U.S.C. 461 note) is amended—

(1) by striking “nineteen members” and inserting “25 members”;

(2) in paragraph (2)—

(A) by striking “six” and inserting “6”; and

(B) by striking “Department of Environmental Management Directors from Rhode Island and Massachusetts” and inserting “the Director of the Rhode Island Department of Environmental Management and the Secretary of the Massachusetts Executive Office of Environmental Affairs”;

(3) in paragraph (3)—

(A) by striking “four” each place it appears and inserting “5”; and

(B) by striking “and” after the semicolon;

(4) in paragraph (4)—

(A) by striking “two” each place it appears and inserting “3”; and

(B) by striking the period and inserting “; and”;

(5) by inserting after paragraph (4) the following:

“(5) 1 representative of a nongovernmental organization from Massachusetts and 1 from Rhode Island, to be appointed by the Secretary, which have expertise in historic preservation, conservation, outdoor recreation, cultural conservation, traditional arts, community development, or tourism.”

(b) QUORUM.—Section 3(f)(1) of Public Law 99-647 (16 U.S.C. 461 note) is amended by striking “Ten” and inserting “13”.

(c) UPDATE OF PLAN.—Section 6 of Public Law 99-647 (16 U.S.C. 461 note) is amended by adding at the end the following:

“(e) UPDATE OF PLAN.—(1) Not later than 2 years after the date of enactment of this subsection, the Commission shall update the plan under subsection (a).

“(2) In updating the plan under paragraph (1), the Commission shall take into account the findings and recommendations included in the Blackstone Sustainability Study conducted by the National Park Service Conservation Study Institute.”

“(3) The update shall include—

“(A) performance goals; and

“(B) an analysis of—

“(i) options for preserving, enhancing, and interpreting the resources of the Corridor;

“(ii) the partnerships that sustain those resources; and

“(iii) the funding program for the Corridor.

“(4)(A) Except as provided in subparagraph (B), the Secretary shall approve or disapprove any changes to the plan proposed in the update in accordance with subsection (b).

“(B) Minor revisions to the plan shall not be subject to the approval of the Secretary.”

(d) EXTENSION OF COMMISSION.—Public Law 99-647 (16 U.S.C. 461 note) is amended by striking section 7 and inserting the following:

#### “SEC. 7. TERMINATION OF COMMISSION.

“The Commission shall terminate on the date that is 5 years after the date of enactment of the John H. Chafee Blackstone River Valley National Heritage Corridor Reauthorization Act of 2006.

(e) SPECIAL RESOURCE STUDY.—Section 8 of Public Law 99-647 (16 U.S.C. 461 note) is amended by adding at the end the following:

“(d) SPECIAL RESOURCE STUDY.—

“(1) IN GENERAL.—The Secretary shall conduct a special resource study of sites and associated landscape features within the boundaries of the Corridor that contribute to the understanding of the Corridor as the birthplace of the industrial revolution in the United States.

“(2) EVALUATION.—Not later than 3 years after the date on which funds are made available to carry out this subsection, the Secretary shall complete the study under paragraph (1) to evaluate the possibility of—

“(A) designating 1 or more site or landscape feature as a unit of the National Park System; and

“(B) coordinating and complementing actions by the Commission, local governments, and State and Federal agencies, in the preservation and interpretation of significant resources within the Corridor.

“(3) COORDINATION.—The Secretary shall coordinate the Study with the Commission.

“(4) REPORT.—Not later than 30 days after the date on which the study under paragraph (1) is completed, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

“(A) the findings of the study; and

“(B) the conclusions and recommendations of the Secretary.”

(f) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of Public Law 99-647 (16 U.S.C. 461 note) is amended—

(1) in subsection (a), by striking “\$650,000” and inserting “\$1,000,000”; and

(2) by striking subsection (b) and inserting the following:

“(b) DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8(c) not more than \$10,000,000 for the period of fiscal years 2006 through 2016, to remain available until expended.

“(c) SPECIAL RESOURCE STUDY.—There are authorized to be appropriated such sums as are necessary to carry out section 8(d).”

### TITLE VIII—CALIFORNIA RECLAMATION GROUNDWATER REMEDIATION INITIATIVE

#### SEC. 801. SHORT TITLE.

This title may be cited as the “California Reclamation Groundwater Remediation Initiative”.

#### SEC. 802. DEFINITIONS.

For the purposes of this title:

(1) GROUNDWATER REMEDIATION.—The term “groundwater remediation” means actions that are necessary to prevent, minimize, or mitigate damage to groundwater.

(2) LOCAL WATER AUTHORITY.—The term “local water authority” means the Santa Clara Valley Water District or a public water district, public water utility, public water planning agency, municipality, or Indian tribe located within the Santa Clara Valley;

and a public water district, public water utility, public water planning agency, municipality, or Indian tribe located within the natural watershed of the Santa Ana river in the State of California.

(3) REMEDIATION FUND.—The term “Remediation Fund” means the California Basins Groundwater Remediation Fund established pursuant to section 803(a).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

#### SEC. 803. CALIFORNIA BASINS REMEDIATION.

(a) CALIFORNIA BASINS REMEDIATION.—

(1) ESTABLISHMENT OF REMEDIATION FUND.—There shall be established within the Treasury of the United States an interest bearing account to be known as the California Basins Groundwater Remediation Fund.

(2) ADMINISTRATION OF REMEDIATION FUND.—The Remediation Fund shall be administered by the Secretary of the Interior, acting through the Bureau of Reclamation. The Secretary shall administer the Remediation Fund in cooperation with the local water authority.

(3) PURPOSES OF REMEDIATION FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), the amounts in the Remediation Fund, including interest accrued, shall be used by the Secretary to provide grants to the local water authority to reimburse the local water authority for the Federal share of the costs associated with designing and constructing groundwater remediation projects to be administered by the local water authority.

(B) COST-SHARING LIMITATION.—

(i) IN GENERAL.—The Secretary may not obligate any funds appropriated to the Remediation Fund in a fiscal year until the Secretary has deposited into the Remediation Fund an amount provided by non-Federal interests sufficient to ensure that at least 35 percent of any funds obligated by the Secretary for a project are from funds provided to the Secretary for that project by the non-Federal interests.

(ii) NON-FEDERAL RESPONSIBILITY.—Each local water authority shall be responsible for providing the non-Federal amount required by clause (i) for projects under that local water authority. The State of California, local government agencies, and private entities may provide all or any portion of the non-Federal amount.

(iii) CREDITS TOWARD NON-FEDERAL SHARE.—For purposes of clause (ii), the Secretary shall credit the appropriate local water authority with the value of all prior expenditures by non-Federal interests made after January 1, 2000, that are compatible with the purposes of this section, including—

(I) all expenditures made by non-Federal interests to design and construct groundwater remediation projects, including expenditures associated with environmental analyses and public involvement activities that were required to implement the groundwater remediation projects in compliance with applicable Federal and State laws; and

(II) all expenditures made by non-Federal interests to acquire lands, easements, rights-of-way, relocations, disposal areas, and water rights that were required to implement a groundwater remediation project.

(b) COMPLIANCE WITH APPLICABLE LAW.—In carrying out the activities described in this section, the Secretary shall comply with any applicable Federal and State laws.

(c) RELATIONSHIP TO OTHER ACTIVITIES.—Nothing in this section shall be construed to affect other Federal or State authorities that are being used or may be used to facilitate remediation and protection of any groundwater subbasin eligible for funding pursuant to this title. In carrying out the activities described in this section, the Secretary shall integrate such activities with

ongoing Federal and State projects and activities. None of the funds made available for such activities pursuant to this section shall be counted against any Federal authorization ceiling established for any previously authorized Federal projects or activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Remediation Fund \$25,000,000. Subject to the limitations in section 804, such funds shall remain available until expended.

#### SEC. 804. SUNSET OF AUTHORITY.

This title—  
(1) shall take effect on the date of the enactment of this Act; and

(2) is repealed effective as of the date that is 10 years after the date of the enactment of this Act.

### TITLE IX—NATIONAL COAL HERITAGE AREA

#### SEC. 901. NATIONAL COAL HERITAGE AREA AMENDMENTS.

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended as follows:

(1) In section 103(b)—  
(A) by striking “comprised of the counties” and inserting “shall be comprised of the following:

“(1) The counties; and”.

(B) by inserting after paragraph (1) (as so designated by paragraph (1) of this subsection) the following new paragraphs:

“(2) Lincoln County, West Virginia.

“(3) Paint Creek and Cabin Creek within Kanawha County, West Virginia.”.

(2) In section 104, by striking “Governor” and all that follows through “organizations” and inserting “National Coal Heritage Area Authority, a public corporation and government instrumentality established by the State of West Virginia, pursuant to which the Secretary shall assist the National Coal Heritage Area Authority”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

#### GENERAL LEAVE

Mr. WALDEN of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Senate 203 includes several titles in this carefully constructed bill. Title I provides for the temporary reduction of soda ash royalties; title II establishes 10 National Heritage Areas; title III authorizes three suitability and feasibility studies for new heritage areas; titles IV makes improvement to and reauthorizes the Illinois and Michigan Canal National Heritage Corridor; title V authorizes an important water storage study; title VI authorizes a special resources study in the State of Delaware to determine the suitability of including certain sites in the National Park System; title VII reauthorizes the John H. Chafee Blackstone River Val-

ley National Heritage Corridor; title VIII authorizes the California Reclamation Groundwater Remediation Initiative; and title IX makes corrections to the National Coal Heritage Area Act.

I urge my colleagues to support Senate 203.

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

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Madam Speaker, the majority has already explained the purpose of S. 203, which passed the Senate in July of last year. Many of the measures included in S. 203 are ones that previously passed the House and affect a broad range of signal historical, cultural, scenic, and recreational resources.

Madam Speaker, we support S. 203 and urge its adoption by the House today.

I reserve the balance of my time.

Mr. WALDEN of Oregon. Madam Speaker, at this time I am honored and privileged to yield to my colleague, Mr. RYUN, who has been very active on parts of this bill that pertain to his interest in his district and State, and I yield him such time as he may consume.

Mr. RYUN of Kansas. Madam Speaker, it is my privilege today to rise in support of S. 203, the National Heritage Areas Act. I specifically rise in support of the language in the bill establishing the Freedom's Frontier Heritage Area in eastern Kansas and western Missouri. It is my honor to be the lead author on this language and am grateful to the rest of the Kansas delegation and to Mr. SKELTON for all their involvement in this bipartisan bill.

Today's consideration marks a major milestone after years of hard work at the grass-roots level. Countless individuals in my district and surrounding areas have worked tirelessly to bring this to this point, and I am grateful to each of them.

Freedom's Frontier Heritage Area will be pivotal in telling the stories of one of the most crucial periods in this Nation's history. During the lead-up to the Civil War, Kansas and Missouri played crucial and sometimes tragic roles in our struggle for unity and freedom. These are stories worth telling and worth preserving for our children and our grandchildren. Designation of this area is an extremely important act and will benefit many generations to come.

While the approval of the Kansas-Nebraska Act in 1854 repealed the Missouri Compromise of 1820 and gave new territories the right to vote themselves into the Union as either free States or slave States, this was only the beginning of the struggle. The real cost of this fight would be paid by those who occupied those regions bordering the

traditional line separating free States from slave States.

Today, we stand as a united country and are much closer to the ideals set forth in our Constitution 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. The liberty of all Americans is due in large part to the courageous occupants of yesterday's Freedom Frontier.

I am pleased to support this bill today, and I ask my colleagues to join me in ensuring that these stories will be told for generations to come. Support the Freedom's Frontier Heritage Act and National Heritage Areas Act.

MR. WALDEN of Oregon. Thank you for your comments and work on this important legislation. I think it is incredibly important to help people understand these issues and our past.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. HOLT), who has worked very hard to establish the Crossroads of the American Revolution, the National Heritage Area in New Jersey.

Mr. HOLT. Madam Speaker, I thank the gentlewoman, and I rise in support of S. 203, the National Heritage Act, which includes designation of the Crossroads of the American Revolution in New Jersey as a National Heritage Area.

What a great and important story we have to tell our children, that we have to tell the world: the story of our War of Independence. And the land, the houses, the bridges and so much of New Jersey today tell that story.

As many of my colleagues know, New Jersey is often referred to as the crossroads of the American Revolution. For a number of reasons, thousands of troops crisscrossed the State and fought on our soil. The State's strategic location between the British stronghold of New York and the rebel capital in Philadelphia meant that New Jersey, New Jersey citizens, were at the crossroads. In fact, New Jersey had more military engagements during the Revolutionary War than any other State.

Although historians may know this, some of us are working hard to make sure that the role of New Jersey during the Revolution is understood more broadly. Some of the most important events of the war, especially the pivotal battles of Trenton and Princeton, took place in New Jersey.

New Jersey has hundreds of remnants of the war today surviving, including over 250 National Register Revolutionary War sites that are included in this heritage area designation covering 15 counties. Many traces of our Nation's Revolutionary War heritage still exist: mines, mills, encampment sites, battlegrounds, and barracks. Some of the sites include the Hunt House, in

Hopewell, New Jersey, the first headquarters of General Washington as he chased the British from New York to Pennsylvania; or the old barracks in Trenton, where the troops were housed; Rockingham House, where General Washington wrote his farewell message to the troops; or a road through the woods, now long abandoned, on which the soldiers marched to the battle of Monmouth; the Sandy Hook Light-house, which was the guardian of New York Harbor and used by both British and American armies.

The list goes on and on, and that is why this designation of a heritage area is so important for New Jersey. Most notable in our history books, of course, is the famous crossing of the Delaware by General Washington and his men. What happened at the crossing of Delaware is a story that must be told again and again so all generations will know this military feat and the new life it gave to the American Revolution.

By the winter of 1776, the War for Independence was going badly. General Washington and his Continental Army had experienced defeat after defeat and retreated to Pennsylvania for the winter. It was brutally cold and morale was low. Many were losing faith in the leadership of General Washington. By late afternoon on Christmas Day 1776, over 2,400 troops began to cross the icy water of the Delaware. The weather made the operation difficult. The troops were forced to fight their way through blinding winter weather.

The sleet and snow proved too much for two of the divisions to the south, and General Washington's troops made the attack alone. Against all odds, Washington and his soldiers completed the crossing, marched silently to Trenton, with cannon, and on Christmas night arrived taking the Hessian garrison completely by surprise. This engagement, followed by the pivotal Battle of Princeton, has been called "the beginning of the winning."

Military engagements were fought throughout New Jersey, and they gave the first glimpse to the world that the American people might succeed in this fight for independence. In New Jersey, also, there was the crossroads of ideas. There were people loyal to the Crown and those who were loyal to Adams and Washington and the other revolutionaries. The difference was contested within families, in towns, and on farmsteads. New Jersey really was at the crux of the Revolution, the crossroads of the American Revolution.

I became involved in this effort to establish the Crossroads when I first came to Congress in 1999. And with the guidance and leadership from historians and planners, champions of open space preservation, such as Dr. Ted Stiles, I developed the concept of this heritage designation. I sought the assistance of my colleague from New Jersey (Mr. FRELINGHUYSEN), and we were able to see the passage of legislation that would direct the Park Service to conduct a feasibility study of the region.

We passed this feasibility study with flying colors, obtaining an enthusiastic report from the Park Service that New Jersey had a rich history and many surviving remnants of the War of Independence that make the region a fine candidate for a heritage area. Since the study, many State legislators, local governments, and other organizations have endorsed the idea of establishing the Crossroads of the American Revolution Heritage Area.

After the initial findings from the National Park Service in August 2002, Representative FRELINGHUYSEN and I introduced the Crossroads of the American Revolution National Heritage Act. Finally, today, we have it before us on the floor of this body.

Establishing this heritage area is an important way to preserve the historic remnants that will allow the telling of New Jersey's role in the building of this great Nation. It combines historic preservation, environmental protection, education, recreation, open space acquisition, travel, and tourism. The creation of the heritage area means a great deal for all of these organizations, private and public, in New Jersey that are working in all of these areas to acquire open space, to provide for recreation and education and environmental protection.

Community leaders and local governments who care deeply about preserving open space and protecting historic sites will work with the local management agency to achieve these goals. The National Heritage Area will be, I think, important for the education not just of the children of New Jersey but for the people of this country. Everyone should know what New Jersey brought to the American Revolution, and preserving these sites and tying them together under this theme will certainly help in this endeavor.

Our current Governor of New Jersey, Jon Corzine, before he left Capitol Hill, succeeded in carrying this through the other body across the Capitol, and I want to thank all of those involved over the past years that have been instrumental in designating the Crossroads of the American Revolution Heritage Area. I see no better way to honor New Jersey and the people who were instrumental during the American Revolution than by establishing this heritage area.

Ms. BORDALLO. Madam Speaker, I wish to thank the gentleman from New Jersey, and I commend him and all of our colleagues who have worked diligently to advance this legislation.

Mr. FRELINGHUYSEN. Madam Speaker, I rise to thank the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, for bringing through the House of Representatives S. 203, the National Heritage Areas Act of 2005, legislation that establishes the Crossroads of the American Revolution National Heritage Area and designates a number of other National Heritage Areas.

This legislation will establish a National Heritage Area that enables New Jersey's critical role in the American Revolution to be fully un-

derstood and appreciated. It would combine the opportunity to protect and preserve historic sites, retain the aesthetic character of the landscape, and provide recreational opportunities.

New Jersey was quite literally the crossroads of America's Revolutionary War. New Jersey represented a turning point in the Revolution, too, as America's struggle for Independence was nearly lost. More Revolutionary War battles were engaged in New Jersey than in any other state, nearly 300, and it is high time our state receives the recognition it deserves.

The establishment of the Crossroads National Heritage Area has long been in the works. In the 107th Congress, I introduced the Crossroads of the American Revolution National Heritage Act along with Representative HOLT.

In the Fiscal Year 2000 Interior Appropriations Act, I secured funding for the Secretary of Interior to conduct a "Special Resources Study" of the Crossroads region in New Jersey. On July 8, 2002 the study was released. The study specifies that the Crossroads of the American Revolution region and the people of New Jersey will create a unique sense of place; one of protected Revolutionary War landscapes and cultural sites, recreational opportunities and compatible economic development. The study area included 15 counties spanning the state from Morris, Bergen and Passaic in the north to Camden and Gloucester in the south. It is within this region that most of the Revolutionary War actions occurred and it contains a preponderance of New Jersey's existing American Revolutionary resources.

This legislation highlights New Jersey's unequaled heritage and shows how our spectacular landscape contributed to the winning of the Revolutionary War. In conclusion, I believe the establishment of the Crossroads of the American Revolution National Heritage Area will provide the direction and resources needed to maintain what the area has to offer for generations to come. I urge my colleagues to support this legislation.

Mr. SKELTON. Madam Speaker, it has been said that politics is the art of compromise.

Today, the House is debating a bill that would designate a number of National Heritage Areas throughout the United States, including the Freedom's Frontier National Heritage Area in western Missouri and eastern Kansas. That portion of the bill, which was drafted by my good friend from Kansas, Congressman JIM RYUN, is the product of much negotiation and compromise, and I am pleased to lend my support to it.

As a student of history, I believe it is part of our government's responsibility to promote history education and to provide opportunities for the American people to learn about our nation's rich past. Doing so is critical to forming a more perfect union and to ensuring we do not repeat the mistakes of yesteryear.

The people of Missouri and Kansas have contributed a great deal to our nation. In many ways, the border region has mirrored the finest and darkest days in American history. From the bloody border conflicts that set the stage for the Civil War to our mutual struggle to expand the definition of freedom, Missourians and Kansans have played a role in this

history. In fact, two great leaders from this region, Harry S Truman and Dwight D. Eisenhower, descendants of pioneers, found common purpose on the larger stage of world history and led the wartorn nations of the 20th century toward the fulfillment of democracy's promise.

The creation of the Freedom's Frontier National Heritage Area will allow local and state historical groups and governments to more easily tell our interesting regional story. It will encourage collaborative planning on historical projects and provide important federal resource opportunities for historical preservation.

I am pleased to have worked with Mr. RYUN on this bill and am especially grateful he agreed to a number of my suggested changes to his original legislation. The final work product will mean good things for the people of our great states and for the history of our country.

The people of Missouri and Kansas have faced many challenges through the years, and our relationship has not always been as pleasant as it is today. But, through friendship and compromise, we will now more easily be able to explain our regional history in a way that is acceptable to both Missourians and Kansans.

Mr. MOORE of Kansas. Madam Speaker, I rise to express my strong support for S. 203, the National Heritage Areas Act of 2005, legislation establishing the Freedom's Frontier National Heritage Area.

The history of the Kansas-Missouri border region holds a special significance, not only for the people of those two states, but for the entire nation as well. Over 150 years ago, events took place in this region that served as a precursor to the horrors of the Civil War and which shaped the future of our country.

The Freedom's Frontier National Heritage Area will serve as a vivid reminder of those historic events, as well as a much-needed place of remembrance and edification, enshrining the memories of those who gave their lives so that all Americans might live in freedom. It will also encourage us to develop a greater understanding of those tumultuous times in our Nation's history and strengthen efforts to preserve the region's historic sites and educate citizens in the stories and cultural resources of the region's legacy.

I would also like to take this opportunity to commend those individuals who played such an important role in the progression of the Freedom's Frontier National Historic Area. The development of proposals has allowed for the creation of strong partnerships between representatives from both Kansas and Missouri and produced a unification of purpose that will leave a durable legacy to the next generation of stewards.

Events which took place in the Kansas-Missouri border region have undoubtedly been significant to the evolving story of American freedom. It is my hope that the Freedom's Frontier National Heritage Area will be a place where citizens from around the nation can increase their appreciation for our country's enduring struggle for freedom and liberty.

Ms. BORDALLO. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

MR. WALDEN of Oregon. Madam Speaker, I have no other speakers on this side of the aisle. I encourage our Members to support this important legislation and yield back the balance of my time.

The SPEAKER pro tempore (Mrs. DRAKE). The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 203, 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. HENSARLING. Madam 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.

#### VALLE VIDAL PROTECTION ACT OF 2005

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3817) to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws, and for other purposes.

The Clerk read as follows:

H.R. 3817

*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 "Valle Vidal Protection Act of 2005".

#### SEC. 2. WITHDRAWAL OF VALLE VIDAL UNIT, CARSON NATIONAL FOREST, NEW MEXICO, FROM MINING LAWS.

(a) WITHDRAWAL.—Subject to subsection (b), the Valle Vidal Unit of the Carson National Forest in New Mexico, which consists of 101,794 acres and is identified as Management Area 21 in the land and resource management plan for the Carson National Forest, is hereby withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing and geothermal leasing laws and mineral materials laws.

(b) TREATMENT OF EXISTING RIGHTS.—The withdrawal required by subsection (a) is subject to valid existing rights. If these existing rights are relinquished or otherwise acquired by the United States at any time after the date of the enactment of this Act, the lands that were subject to the rights shall be immediately withdrawn as provided in subsection (a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

□ 1515

GENERAL LEAVE

Mr. WALDEN of Oregon. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative to revise and extend their remarks and include extraneous material on the bill under consideration.

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

There was no objection.

Mr. WALDEN of Oregon. Madam Speaker, I yield my such time as I may consume.

H.R. 3817, introduced by New Mexico Representative TOM UDALL, would withdraw roughly 101,000 acres, known as the Valle Vidal Unit, from mineral exploration or development. This includes patent under mining claims and mineral leases for geothermal or mining materials. Any valid existing rights would continue to be recognized; but if those rights were relinquished or bought out, that area would also be withdrawn from the mining laws.

This area is known for its recreation, namely, horseback riding and hiking, livestock grazing and wildlife habitat. Currently, the Forest Service is revising its management plan for the Carson National Forest and is likely, through public comment and collaboration, to withdraw mineral development in this area independent of the legislation. The area in question is entirely within Mr. UDALL's district.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Madam Speaker, as the majority explained, H.R. 3817 withdraws the 101,794-acre Valle Vidal parcel in the Carson National Forest in New Mexico from location, entry, and patent under mining laws.

The Valle Vidal compromises some of the finest scenic wildlife and outdoor recreational resources in New Mexico. It is the home to the largest herd of elk in New Mexico and draws hunters from throughout the United States.

The Valle Vidal also contains important fish habitat for species such as the Rio Grande cutthroat trout. The Valle Vidal, furthermore, contains the headwaters of several watersheds and is an important source of fresh water in New Mexico.

H.R. 3817 is supported by a wide coalition of groups in New Mexico, including local elected officials, chambers of commerce, hunters, conservation groups, and businesses.

Madam Speaker, I would like to congratulate our colleague, Representative TOM UDALL, who is the sponsor of H.R. 3817 and has worked tirelessly to craft and advance this legislation.

Madam Speaker, we support H.R. 3817.

Mr. UDALL of New Mexico. Madam Speaker, the Valle Vidal, located in the heart of the Sangre de Cristo Mountains in my district in northern New Mexico, is a lush 100,000-acre mountain basin in the Carson National Forest. In 1982, the Pennzoil Company donated the unspoiled Valle Vidal to the people of the United States. It was the largest and most valuable gift of private land ever to the Forest Service.

This “valley of life”, as Valle Vidal translates in English, is home to abundant populations of Rocky Mountain wildlife, including the largest herd of elk in our State and some of the finest trout streams in the Nation. Sportsmen, outdoor recreationists, cattle ranchers, wildlife enthusiasts, and horseback riders all enjoy the Valle Vidal’s well-managed and accessible blend of wildland resources. The Valle Vidal is also a unique place for the Boy Scouts of America who have for decades come from all over the country to the adjacent Philmont Scout Ranch, the national high adventure base of the Boy Scouts of America. That is why the Philmont Staff Association, a non-profit organization of more than 2,200 current and former members of the staff the ranch, has publicly stated that the Valle Vidal should be maintained as a wilderness experience, free from the impact of coal bed methane development.

During my time in Congress, I have closely followed numerous events concerning both the Valle Vidal and our Nation’s energy situation. I have traveled to the Valle Vidal to witness its beauty and take part in various activities. I have introduced energy policy initiatives and reviewed regulatory action undertaken by the executive branch. I have also received thousands of calls, emails, faxes and letters against drilling and, I think I can safely say, none in support of it. As a result, I have come to the inescapable conclusion that the Valle Vidal should be protected from energy development. It is clear to me that the value of the Valle Vidal lies only in its broad public accessibility and natural beauty and not in its finite supply of energy.

New Mexicans and thousands of Americans are overwhelmingly against drilling in the refuge. These concerned citizens recognize that the Valle Vidal’s minimal contribution to our energy needs is not worth despoiling such an important ecological resource. The consequences are just too great. Moreover, many of my constituents, as confirmed by recent economic studies, recognize that the protection of special public lands like the Valle Vidal is good for local economies and that exploitation of these places for a few hours of energy will, in fact, hurt long-term economic growth and sustainability. Fundamentally, drilling in the Valle Vidal to create more energy is a false choice.

The very fact that this special place is being targeted for oil and gas leasing radically demonstrates the current and growing crisis with America’s energy situation. We must urgently find ways to balance the needs of supplying safe, reliable energy and of ensuring a livable and sustainable environment for the people of the United States.

To that end, I urge all of my colleagues in the House to support passage of The Valle Vidal Protection Act of 2005 to permanently protect the Valle Vidal from mineral extraction. The Valle Vidal’s ecological health and public accessibility should be protected so it can be enjoyed to the utmost by current and future generations. This ecosystem and its myriad of recreational opportunities are too valuable to the people of New Mexico and the Nation, and the energy gains too minuscule, to justify any damage to this special area.

I would like to express my sincere appreciation to Chairman POMBO and to Ranking Member RAHALL and especially to my colleague on the Forest Subcommittee, Chairman GREG

WALDEN for their work on the Valle Vidal Protection Act of 2005. I would also like to thank fellow New Mexicans Jim O’Donnell of the Coalition for the Valle Vidal, and Mayor Danny Cruz of Springer, rancher Alan Lackey, and Bill Schudlich of Trout Unlimited who all traveled to D.C. to testify on behalf of the Valle Vidal, and Oscar Simpson, Ed Olona, and Steve Capra who have worked diligently to build broad, meaningful grassroots support for this legislation. I would finally like to thank some of the staff who make everything we do here possible, including Johanna Polsenberg and Thomas Garcia on my staff, and Rick Healy and Jim Zoia on the staff of the Resources Committee.

Ms. BORDALLO. Madam Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 3817.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### BLUNT RESERVOIR AND PIERRE CANAL LAND CONVEYANCE ACT OF 2006

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4301) to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4301

*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 “Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006”.

#### SEC. 2. BLUNT RESERVOIR AND PIERRE CANAL.

(a) DEFINITIONS.—In this section:

(1) BLUNT RESERVOIR FEATURE.—The term “Blunt Reservoir feature” means the Blunt Reservoir feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(2) COMMISSION.—The term “Commission” means the Commission of Schools and Public Lands of the State.

(3) NONPREFERENTIAL LEASE PARCEL.—The term “nonpreferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a nonpreferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(4) PIERRE CANAL FEATURE.—The term “Pierre Canal feature” means the Pierre Canal feature of the Oahe Unit, James Division, authorized by the Act of August 3, 1968 (82 Stat. 624), as part of the Pick-Sloan Missouri River Basin program.

(5) PREFERENTIAL LEASEHOLDER.—The term “preferential leaseholder” means a person or descendant of a person that held a lease on a preferential lease parcel as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(6) PREFERENTIAL LEASE PARCEL.—The term “preferential lease parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) was considered to be a preferential lease parcel by the Secretary as of January 1, 2001, and is reflected as such on the roster of leases of the Bureau of Reclamation for 2001.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(8) STATE.—The term “State” means the State of South Dakota, including a successor in interest of the State.

(9) UNLEASED PARCEL.—The term “unleased parcel” means a parcel of land that—

(A) was purchased by the Secretary for use in connection with the Blunt Reservoir feature or the Pierre Canal feature; and

(B) is not under lease as of the date of enactment of this Act.

(b) DEAUTHORIZATION.—The Blunt Reservoir feature is deauthorized.

(c) ACCEPTANCE OF LAND AND OBLIGATIONS.—

(1) IN GENERAL.—As a term of each conveyance under subsections (d)(5) and (e), respectively, the State may agree to accept—

(A) in “as is” condition, the portions of the Blunt Reservoir Feature and the Pierre Canal Feature that pass into State ownership;

(B) any liability accruing after the date of conveyance as a result of the ownership, operation, or maintenance of the features referred to in subparagraph (A), including liability associated with certain outstanding obligations associated with expired easements, or any other right granted in, on, over, or across either feature; and

(C) the responsibility that the Commission will act as the agent for the Secretary in administering the purchase option extended to preferential leaseholders under subsection (d).

(2) RESPONSIBILITIES OF THE STATE.—An outstanding obligation described in paragraph (1)(B) shall inure to the benefit of, and be binding upon, the State.

(3) OIL, GAS, MINERAL AND OTHER OUTSTANDING RIGHTS.—A conveyance to the State under subsection (d)(5) or (e) or a sale to a preferential leaseholder under subsection (d) shall be made subject to—

(A) oil, gas, and other mineral rights reserved of record, as of the date of enactment of this Act, by or in favor of a third party; and

(B) any permit, license, lease, right-of-use, or right-of-way of record in, on, over, or across a feature referred to in paragraph (1)(A) that is outstanding as to a third party as of the date of enactment of this Act.

(4) ADDITIONAL CONDITIONS OF CONVEYANCE TO STATE.—A conveyance to the State under subsection (d)(5) or (e) shall be subject to the reservations by the United States and the conditions specified in section 1 of the Act of

May 19, 1948 (chapter 310; 62 Stat. 240), as amended (16 U.S.C. 667b), for the transfer of property to State agencies for wildlife conservation purposes.

(d) PURCHASE OPTION.—

(A) IN GENERAL.—A preferential leaseholder shall have an option to purchase from the Secretary or the Commission, acting as an agent for the Secretary, the preferential lease parcel that is the subject of the lease.

(2) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a preferential leaseholder may elect to purchase a parcel on one of the following terms:

(i) Cash purchase for the amount that is equal to—

(I) the value of the parcel determined under paragraph (4); minus

(II) ten percent of that value.

(ii) Installment purchase, with 10 percent of the value of the parcel determined under paragraph (4) to be paid on the date of purchase and the remainder to be paid over not more than 30 years at 3 percent annual interest.

(B) VALUE UNDER \$10,000.—If the value of the parcel is under \$10,000, the purchase shall be made on a cash basis in accordance with subparagraph (A)(i).

(3) OPTION EXERCISE PERIOD.—

(A) IN GENERAL.—A preferential leaseholder shall have until the date that is 5 years after enactment of this Act to exercise the option under paragraph (1).

(B) CONTINUATION OF LEASES.—Until the date specified in subparagraph (A), a preferential leaseholder shall be entitled to continue to lease from the Secretary the parcel leased by the preferential leaseholder under the same terms and conditions as under the lease, as in effect as of the date of enactment of this Act.

(4) VALUATION.—

(A) IN GENERAL.—The value of a preferential lease parcel shall be its fair market value for agricultural purposes determined by an independent appraisal less 25 percent, exclusive of the value of private improvements made by the leaseholders while the land was federally owned before the date of the enactment of this Act, in conformance with the Uniform Appraisal Standards for Federal Land Acquisition.

(B) FAIR MARKET VALUE.—Any dispute over the fair market value of a property under subparagraph (A) shall be resolved in accordance with section 2201.4 of title 43, Code of Federal Regulations.

(5) CONVEYANCE TO THE STATE.—

(A) IN GENERAL.—If a preferential leaseholder fails to purchase a parcel within the period specified in paragraph (3)(A), the Secretary shall convey the parcel to the State of South Dakota Department of Game, Fish, and Parks.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(6) USE OF PROCEEDS.—Proceeds of sales of land under this Act shall be deposited as miscellaneous funds in the Treasury and such funds shall be made available, subject to appropriations, to the State for the establishment of a trust fund to pay the county taxes on the lands received by the State Department of Game, Fish, and Parks under the bill.

(e) CONVEYANCE OF NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(1) CONVEYANCE BY SECRETARY TO STATE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the South Dakota

Department of Game, Fish, and Parks the nonpreferential lease parcels and unleased parcels of the Blunt Reservoir and Pierre Canal.

(B) WILDLIFE HABITAT MITIGATION.—Land conveyed under subparagraph (A) shall be used by the South Dakota Department of Game, Fish, and Parks for the purpose of mitigating the wildlife habitat that was lost as a result of the development of the Pick-Sloan project.

(2) LAND EXCHANGES FOR NONPREFERENTIAL LEASE PARCELS AND UNLEASED PARCELS.—

(A) IN GENERAL.—With the concurrence of the South Dakota Department of Game, Fish, and Parks, the South Dakota Commission of Schools and Public Lands may allow a person to exchange land that the person owns elsewhere in the State for a nonpreferential lease parcel or unleased parcel at Blunt Reservoir or Pierre Canal, as the case may be.

(B) PRIORITY.—The right to exchange nonpreferential lease parcels or unleased parcels shall be granted in the following order or priority:

(i) Exchanges with current lessees for nonpreferential lease parcels.

(ii) Exchanges with adjoining and adjacent landowners for unleased parcels and nonpreferential lease parcels not exchanged by current lessees.

(C) EASEMENT FOR WATER CONVEYANCE STRUCTURE.—As a condition of the exchange of land of the Pierre Canal Feature under this paragraph, the United States reserves a perpetual easement to the land to allow for the right to design, construct, operate, maintain, repair, and replace a pipeline or other water conveyance structure over, under, across, or through the Pierre Canal feature.

(f) RELEASE FROM LIABILITY.—

(1) IN GENERAL.—Effective on the date of conveyance of any parcel under this Act, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the parcel, except for damages for acts of negligence committed by the United States or by an employee, agent, or contractor of the United States, before the date of conveyance.

(2) NO ADDITIONAL LIABILITY.—Nothing in this section adds to any liability that the United States may have under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act").

(g) REQUIREMENTS CONCERNING CONVEYANCE OF LEASE PARCELS.—

(1) INTERIM REQUIREMENTS.—During the period beginning on the date of enactment of this Act and ending on the date of conveyance of the parcel, the Secretary shall continue to lease each preferential lease parcel or nonpreferential lease parcel to be conveyed under this section under the terms and conditions applicable to the parcel on the date of enactment of this Act.

(2) PROVISION OF PARCEL DESCRIPTIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary, in consultation with the Commission, shall provide the State a full legal description of all preferential lease parcels and nonpreferential lease parcels that may be conveyed under this section.

(h) CURATION OF ARCHEOLOGICAL COLLECTIONS.—The Secretary, in consultation with the State, shall transfer, without cost to the State, all archeological and cultural resource items collected from the Blunt Reservoir Feature and Pierre Canal Feature to the South Dakota State Historical Society.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act \$750,000 to reimburse the Secretary for expenses incurred in implementing this Act, and such sums as are nec-

essary to reimburse the Commission and the State Department of Game, Fish, and Parks for expenses incurred implementing this Act, not to exceed 10 percent of the cost of each transaction conducted under this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN of Oregon. Madam 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 bill under consideration.

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

There was no objection.

Mr. WALDEN of Oregon. I yield myself such time as I may consume.

H.R. 4301, sponsored by Congresswoman STEPHANIE HERSETH, brings much needed closure and justice for a number of landowners who have been negatively impacted by a South Dakota irrigation project that never materialized. To complete the irrigation project, the Federal Government acquired over 19,000 acres from local landowners. Many of these lands were obtained by condemnation. Despite all this hardship, the project was never completed, but the Federal Government has retained ownership to the lands for the last 30 years.

This bill simply gives many of the landowners options to buy the land back and gives some of the land to the State of South Dakota to benefit fish and wildlife. The legislation also formally deauthorizes that irrigation project.

This bill is a culmination of many years of hard work among various interests. It not only provides fairness to local landowners and the county government, but it also improves the environment. I commend the South Dakota delegation for their hard work and urge my colleagues to support this most important, balanced and fair legislation.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Madam Speaker, we on this side of the aisle strongly support passage of H.R. 4301. I congratulate our colleague and member of the Resources Committee, Ms. HERSETH, for her hard work on this legislation.

Ms. HERSETH is in South Dakota this afternoon working with farmers who are dealing with a severe drought.

Officials representing the Bureau of Reclamation used a heavy hand in the late 1960s and the early 1970s as they acquired land for Blunt Reservoir and other features of the proposed Oahe irrigation project in South Dakota.

Farmers in the path of project canals and reservoirs were bullied into selling their lands at rock-bottom prices, only to find out a few years later that the water project would probably never even be built.

H.R. 4301 will allow farmers to buy back their old lands at a significant savings from the currently appraised value. This is a fair and appropriate solution to a problem that has taken far too long to resolve.

I again offer congratulations and express our appreciation to Ms. HERSETH, and I urge my colleagues to support H.R. 4301.

Ms. HERSETH. Madam Speaker, I rise today in support of H.R. 4301, the Blunt Reservoir and Pierre Canal Land Conveyance Act of 2006.

Between 1972 and 1977, the federal government acquired roughly 19,000 acres in two South Dakota Counties for an irrigation project as part of the Pick-Sloan Missouri Basin Program. Though this project was abandoned in 1977, the federal government has maintained ownership of the land and continues to lease it to many of the original landowners.

H.R. 4301 would finally deauthorize the irrigation project, giving the original landowners the option to buy back their land, and convey the remaining parcels to the State of South Dakota for wildlife mitigation purposes. This bill is a compromise piece of legislation that reflects the wishes of both the original landowners and the State of South Dakota.

I'd like to thank Resources Committee Chairman RICHARD POMBO, Ranking Member NICK RAHALL, Resources Water and Power Subcommittee Chairman RADANOVICH, and Subcommittee Ranking Member NAPOLITANO for their assistance throughout this process. I'd also like to thank South Dakota Senators TIM JOHNSON and JOHN THUNE. Our work together has allowed this legislation to proceed the House Floor in a bipartisan manner.

After almost 30 years of waiting, it is important that Congress finally act to return these acres to private hands and local tax-rolls. Today's vote provides an opportunity to do so. I urge my colleagues to support this long overdue legislation.

Ms. BORDALLO. Madam Speaker, I yield back the balance of my time.

Mr. WALDEN of Oregon. Madam Speaker, I urge my colleagues to support this important legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 4301, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### CENTRAL IDAHO ECONOMIC DEVELOPMENT AND RECREATION ACT

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3603) to promote

the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3603

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

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Central Idaho Economic Development and Recreation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

#### TITLE I—CENTRAL IDAHO ECONOMIC DEVELOPMENT AND RECREATION PROMOTION

Sec. 101. Land conveyance, designated Sawtooth National Recreation Area land to Custer County, Idaho.

Sec. 102. Land conveyance, designated Sawtooth National Forest and BLM land to Blaine County, Idaho.

Sec. 103. Land conveyance, designated National Forest System land to City of Stanley, Idaho.

Sec. 104. Land conveyance, designated BLM land to City of Clayton, Idaho.

Sec. 105. Land conveyance, designated BLM land to City of Mackay, Idaho.

Sec. 106. Land conveyance, designated BLM land to City of Challis, Idaho.

Sec. 107. Land conveyance authority, support for motorized and bicycle recreation, public land in central Idaho.

Sec. 108. Treatment of existing roads and trails.

Sec. 109. Stanley-Redfish Lake bike and snowmobile trail and related parking lot.

Sec. 110. Support for other trail construction and maintenance activities.

Sec. 111. Support for outfitter and guide activities.

Sec. 112. Grants to support sustainable economic development and recreation.

Sec. 113. Continuation of public access to Bowery National Forest Guard Station.

Sec. 114. Expansion and improvement of Herd Lake Campground.

Sec. 115. Land exchange to eliminate State of Idaho inholdings in Sawtooth National Recreation Area and new wilderness areas.

#### TITLE II—CENTRAL IDAHO WILDERNESS AREAS

Sec. 201. Additions to National Wilderness Preservation System.

Sec. 202. General administration of wilderness areas.

Sec. 203. Acquisition of mineral interests and lands from willing sellers.

Sec. 204. Adjacent management.

Sec. 205. Wildfire management.

Sec. 206. Water rights.

Sec. 207. Wildlife management.

Sec. 208. Native American cultural and religious uses.

Sec. 209. Military overflights.

Sec. 210. Wilderness review.

#### TITLE III—BOULDER-WHITE CLOUDS MANAGEMENT AREA

Sec. 301. Establishment of management area.

Sec. 302. Land acquisition and acquisition of unpatented mining claims in management area.

Sec. 303. Motorized and bicycle travel.

Sec. 304. Support and use of Idaho Off Road Motor Vehicle Program.

Sec. 305. Airports and landing strips.

Sec. 306. Management of Railroad Ridge area, Sawtooth National Forest.

#### TITLE I—CENTRAL IDAHO ECONOMIC DEVELOPMENT AND RECREATION PROMOTION

##### SEC. 101. LAND CONVEYANCE, DESIGNATED SAWTOOTH NATIONAL RECREATION AREA LAND TO CUSTER COUNTY, IDAHO.

(a) CONVEYANCE REQUIRED.—Subject to the deed restrictions required by subsection (b), the Secretary of Agriculture, acting through the Chief of the Forest Service, shall convey, without consideration, to Custer County, Idaho (in this section referred to as the "County"), all right, title, and interest of the United States in and to certain Federal land in the Sawtooth National Recreation Area consisting of a total of approximately 86 acres, including a road encompassing approximately 15 acres, adjoining the northern boundary of the City of Stanley, Idaho, and identified as Parcel B on the map entitled "Custer County Conveyance—STANLEY" and dated July 24, 2006.

(b) USE OF CONVEYED LAND.—In making the conveyance under subsection (a) to the County, the Secretary shall include the following deed restrictions relating to the use of the conveyed land to ensure that such use is consistent with the planning process of the County and management of the Sawtooth National Recreation Area:

(1) LIMITATION ON NUMBER OF HOME SITES.—Not more than 10 home sites may be developed on the conveyed land, and houses and outbuildings constructed on the home sites may not be visible from Highways 75 and 21.

(2) LIMITATIONS REGARDING HOUSE CONSTRUCTION.—Not more than one single-family house may be constructed on each home site, and each house shall be subject to the following requirements:

(A) USE.—Residential.

(B) SIZE.—Not more than 3,500 square feet gross floor space, including attached garage, but excluding basements, decks, and porches. No more than 26 feet in height from natural ground level, excluding any chimney.

(C) DESIGN.—Western ranch-style, having rectangular or square sections with no more than three ridgelines, excluding dormers.

(D) WINDOWS.—Rectangular or square, divided light, and no more than 24 square feet in size. Windows shall not exceed 30 percent of the area of any wall.

(E) STRUCTURAL SIDING.—Log, log-sided, rough-sawn lumber, board and batten, or suitable wood substitutes, which shall be harmoniously colored or have a natural wood finish.

(F) ROOF.—Wood, composite, or non-reflective metal in muted earth tones of brown.

(3) LIMITATIONS REGARDING OUTBUILDINGS.—Not more than two outbuildings may be constructed on each home site, and such outbuildings shall be subject to the following requirements:

(A) USE.—A outbuilding may not include kitchen or sleeping facilities or otherwise be equipped for residential purposes.

(B) **SIZE.**—No more than 850 square feet gross floor space in the aggregate. Single story, no more than 26 feet from natural ground level.

(C) **DESIGN.**—Western ranch-style comprised of rectangular or square sections with no more than one ridgeline.

(D) **WINDOWS.**—Rectangular or square, divided light of no more than 24 square feet.

(E) **STRUCTURAL SIDING.**—Log, log-sided, rough-sawn lumber, board and batten, or suitable wood substitutes, which shall be harmoniously colored or have a natural wood finish.

(F) **ROOF.**—Wood, composite, or non-reflective metal in muted earth tones of brown.

(4) **LIMITATIONS REGARDING SATELLITE DISH.**—Each home site may contain not more than one satellite dish, not to exceed 24 inches in diameter, which shall be located as unobtrusively as best available technology allows.

(5) **LIMITATIONS REGARDING EXTERIOR LIGHTING.**—Each home site may contain not than two exterior lighting sources, which shall be shielded downwards and may not exceed 150 watts each. Neither light source may be flashing.

(6) **LIMITATIONS REGARDING LANDSCAPING.**—The landscaping for each home site shall be compatible with the open setting of the home site and incorporate materials, groundcover, shrubs, and trees that are indigenous to the area. Areas exposed due to excavation shall be rehabilitated to pre-excavation conditions within two years following completion of construction.

(7) **LIMITATIONS REGARDING ROADS AND DRIVEWAYS.**—Any road or driveway for a home site may not exceed 14 feet in width.

(8) **LIMITATIONS REGARDING FENCING.**—Fences on a home site shall be in the log worm, log block, or jack style and shall incorporate wildlife-friendly elements.

(9) **LIMITATIONS REGARDING UTILITIES.**—All new utilities serving a home site shall be located underground.

(c) **PROHIBITIONS.**—

(1) **SUBDIVISION.**—Except as expressly authorized in subsection (b) regarding the land conveyed under subsection (a), the conveyed land may not be divided, subdivided or de facto subdivided through sales, long-term leases, or other means.

(2) **PROHIBITED USES.**—The land conveyed under subsection (a) may not be used for any of the following purposes:

(A) Commercial, manufacturing, industrial, mining, or drilling operations, except that small in-home businesses, such as professional services, may be allowed.

(B) Exploration, development, or extraction of minerals.

(C) Dumping or accumulation of trash, debris, junk cars, unserviceable equipment, or other unsightly materials.

(D) Placement of residential trailers, mobile homes, manufactured homes, modular buildings, or other such semi-permanent structures.

(E) Placement of towers, antennae, or satellite dishes that are not concealed from public view, except to the extent that the right is expressly granted in subsection (b)(4).

(F) Placement of signs, billboards, or other advertising devices, other than one property identification sign and one for sale or rental sign, not to exceed two square feet in area, and such signs shall be harmonious in design and color with the surroundings.

(G) Disposal or unlawful storage of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(d) **SURVEY AND LEGAL DESCRIPTION.**—The exact acreage and legal description of the

land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary. The legal description shall be prepared as soon as practicable after the date of the enactment of this Act.

(e) **APPROVAL AND ACCESS REQUIREMENTS.**—Any improvement to be made to a home site developed on the land conveyed under subsection (a) shall be subject to the approval in writing, and in advance of being made, by the appropriate County officials. Representatives of the County may enter the home sites at reasonable times to monitor compliance with the deed restrictions imposed by subsection (b).

(f) **ENFORCEMENT.**—As a condition on the conveyance under subsection (a), the County shall agree to enforce the deed restrictions imposed by subsections (b) and (c).

(g) **REVERSIONARY INTEREST.**—If the Secretary determines at any time that a home site developed on the land conveyed under subsection (a) is not in compliance with the deed restrictions imposed by subsection (b) or (c), all right, title, and interest in and to the home site, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing, and the Secretary shall give the landowner a reasonable opportunity to restore the home site to compliance with the deed restrictions.

(h) **ROAD ACCESS.**—In making the conveyance under subsection (a) to the County, the Secretary shall include a deed restriction requiring that the road referred to in such subsection shall remain open to the public to provide access to adjacent Federal land and private property.

(i) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 102. LAND CONVEYANCE, DESIGNATED SAWTOOTH NATIONAL FOREST AND BLM LAND TO BLAINE COUNTY, IDAHO.**

(a) **CONVEYANCE REQUIRED.**—The Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey, without consideration, to Blaine County, Idaho (in this section referred to as the “County”), all right, title, and interest of the United States in and to the parcels of Federal land in the Sawtooth National Forest and Bureau of Land Management land identified for conveyance under this section on the map entitled “Blaine County Conveyance” and dated July 24, 2006.

(b) **SURVEY.**—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(c) **ADDITIONAL TERM AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 103. LAND CONVEYANCE, DESIGNATED NATIONAL FOREST SYSTEM LAND TO CITY OF STANLEY, IDAHO.**

(a) **CONVEYANCE REQUIRED.**—Subject to the deed restrictions required by subsection (b), the Secretary of Agriculture, acting through the Chief of the Forest Service, shall convey to the City of Stanley, Idaho (in this section referred to as the “City”), all right, title,

and interest of the United States in and to National Forest System land consisting of two parcels containing a total of approximately 8 acres adjoining the western boundary of the City and a total of approximately 68 acres, including roads and improvements, adjoining the northeastern boundary of the City, respectively, and identified as Parcels A and C on the map entitled “STANLEY CONVEYANCE” and dated July 24, 2006.

(b) **USE OF PARCEL A LAND.**—In making the conveyance under subsection (a) to the City of the land identified as Parcel A on the map referred to in such subsection, the Secretary shall include the following deed restrictions relating to the use of the conveyed land to ensure that such use is consistent with the planning process of the City and Custer County, Idaho, and management of adjacent National Forest System land:

(1) **LIMITATION ON NUMBER OF HOME SITES.**—Not more than 4 home sites may be developed on Parcel A.

(2) **LIMITATIONS REGARDING HOUSE CONSTRUCTION.**—Not more than one single-family house may be constructed on each home site, and each house shall be subject to the following requirements:

(A) **USE.**—Residential.

(B) **SIZE.**—Not more than 3,000 square feet gross floor space, including attached garage, but excluding basements, decks, and porches. Single story, no more than 22 feet in height from natural ground level, excluding any chimney.

(C) **DESIGN.**—Western ranch-style, having rectangular or square sections with no more than two ridgelines, excluding dormers.

(D) **WINDOWS.**—Rectangular or square, divided light, and no more than 24 square feet in size. Windows with exterior walls visible from Highway 21 shall not exceed 30 percent of the area of the wall.

(E) **STRUCTURAL SIDING.**—Log, log-sided, rough-sawn lumber, board and batten, or suitable wood substitutes, which shall be harmoniously colored or have a natural wood finish.

(F) **ROOF.**—Wood, composite, or non-reflective metal in muted earth tones of brown.

(3) **LIMITATIONS REGARDING OUTBUILDINGS.**—Not more than one outbuilding may be constructed on each home site, and the outbuilding shall be subject to the following requirements:

(A) **USE.**—A outbuilding may not include kitchen or sleeping facilities or otherwise be equipped for residential purposes.

(B) **SIZE.**—No more than 600 square feet gross floor space in the aggregate. Single story, no more than 22 feet from natural ground level.

(C) **DESIGN.**—Western ranch-style comprised of rectangular or square sections with no more than one ridgeline.

(D) **WINDOWS.**—Rectangular or square, divided light of no more than 24 square feet.

(E) **STRUCTURAL SIDING.**—Log, log-sided, rough-sawn lumber, board and batten, or suitable wood substitutes, which shall be harmoniously colored or have a natural wood finish.

(F) **ROOF.**—Wood, composite, or non-reflective metal in muted earth tones of brown.

(4) **LIMITATIONS REGARDING SATELLITE DISH.**—Each home site may contain not more than one satellite dish, not to exceed 24 inches in diameter, which shall be located as unobtrusively as best available technology allows.

(5) **LIMITATIONS REGARDING EXTERIOR LIGHTING.**—Each home site may contain not than two exterior lighting sources, which shall be shielded downwards and may not exceed 150 watts each. Neither light source may be flashing.

(6) **LIMITATIONS REGARDING LANDSCAPING.**—The landscaping for each home site shall be

compatible with the open setting of the home site and incorporate materials, groundcover, shrubs, and trees that are indigenous to the area. Areas exposed due to excavation shall be rehabilitated to pre-excavation conditions within two years following completion of construction.

(7) LIMITATIONS REGARDING ROADS AND DRIVEWAYS.—Any road or driveway for a home site may not exceed 14 feet in width.

(8) LIMITATIONS REGARDING FENCING.—Fences on a home site shall be in the log worm, log block, or jack style and shall incorporate wildlife-friendly elements.

(9) LIMITATIONS REGARDING UTILITIES.—All new utilities serving a home site shall be located underground.

(c) USE OF PARCEL C LAND.—In making the conveyance under subsection (a) to the City of the land identified as Parcel C on the map referred to in such subsection, the Secretary shall include the following deed restrictions relating to the use of the conveyed land to ensure that such use is consistent with the planning process of the City and Custer County, Idaho, and management of National Forest System land:

(1) AUTHORIZED USES.—Parcel C may be used—

(A) to provide housing for persons employed full-time, whether on a year-round basis or seasonally, within the Sawtooth National Recreation Area; and

(B) for other public purposes, including use as the site for a park, cemetery, community center, or educational facility

(2) LIMITATIONS REGARDING CONSTRUCTION.—Any structure constructed on Parcel C shall be subject to the following requirements:

(A) SIZE.—The size of the structure shall be compatible with the building site and type of use.

(B) DESIGN.—Western ranch-style, having rectangular or square sections with no more than three ridgelines, excluding dormers.

(C) HEIGHT.—The height of any structure shall not exceed 30 feet from natural ground level.

(D) WINDOWS.—Rectangular or square, divided light, and no more than 24 square feet in size. Windows with exterior walls facing Highways 21 or 75 shall not exceed 30 percent of the area of the wall.

(E) STRUCTURAL SIDING.—Log, log-sided, rough-sawn lumber, board and batten, or suitable wood substitutes, which shall be harmoniously colored or have a natural wood finish.

(F) ROOF.—Wood, composite, or non-reflective metal in muted earth tones of brown.

(3) LIMITATIONS REGARDING SATELLITE DISH.—Each structure may contain not more than one satellite dish, not to exceed 24 inches in diameter, which shall be located as unobtrusively as best available technology allows.

(4) LIMITATIONS REGARDING EXTERIOR LIGHTING.—Exterior lighting sources shall be shielded downwards and may not be flashing.

(5) LIMITATIONS REGARDING LANDSCAPING.—The landscaping for each structure shall be compatible with an open setting and incorporate materials, groundcover, shrubs, and trees that are indigenous to the area. Areas exposed due to excavation shall be rehabilitated to pre-excavation conditions within two years following completion of construction.

(6) LIMITATIONS REGARDING ROADS AND DRIVEWAYS.—Any road or driveway for a structure may not exceed 24 feet in width.

(7) LIMITATIONS REGARDING FENCING.—Any fence in Parcel C shall be in the log worm, log block, or jack style and shall incorporate wildlife-friendly elements.

(8) LIMITATIONS REGARDING UTILITIES.—All new utilities serving Parcel C shall be located underground.

(9) SIGNAGE.—Only signs identifying a commercial enterprise being conducted on Parcel C may be placed on the parcel. Signs may not exceed 20 square feet in area, and shall be subdued in appearance and harmonizing in design and color with the surroundings. No sign may be flashing.

(10) LIMITATIONS REGARDING STREAM SETBACKS.—To protect the integrity of fish habitat and Valley Creek from the impact of development, a minimum setback of 100 feet from each bank of Valley Creek shall be required for the construction of all houses and other structures on Parcel C.

(d) PROHIBITIONS.—

(1) SUBDIVISION.—Except as expressly authorized in subsection (b) or (c) regarding the land conveyed under subsection (a), the conveyed land may not be divided, subdivided or de facto subdivided through sales, long-term leases, or other means.

(2) PROHIBITED USES.—The land conveyed under subsection (a) may not be used for any of the following purposes:

(A) Commercial, manufacturing, industrial, mining, or drilling operations, except that small in-home businesses, such as professional services, may be allowed, and, subject to subsection (c)(1)(B), certain commercial operations may be allowed on the land identified as Parcel C on the map referred to in subsection (a).

(B) Exploration, development, or extraction of minerals.

(C) Dumping or accumulation of trash, debris, junk cars, unserviceable equipment, or other unsightly materials.

(D) Placement of residential trailers, mobile homes, manufactured homes, modular buildings, or other such semi-permanent structures.

(E) Placement of towers, antennae, or satellite dishes that are not concealed from public view, except to the extent that the right is expressly granted in subsection (b)(4) or (c)(3).

(F) Placement of signs, billboards, or other advertising devices, except—

(i) as provided in subsection (c)(9) with regard to the land identified as Parcel C; and

(ii) one property identification sign and one for sale or rental sign, not to exceed two square feet in area, which shall be harmonious in design and color with the surroundings.

(G) Disposal or unlawful storage of hazardous substances, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(e) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the conveyance under subsection (a), the City shall pay to the Secretary an amount equal to the amount originally expended by the United States to acquire the parcel of land identified as Parcel A on the map referred to in such subsection. The City shall provide the consideration not later than one year after the date on which the City disposes of the parcel after obtaining title of the parcel under subsection (a).

(2) DISPOSITION AND USE OF PROCEEDS.—The amount received as consideration under this subsection shall be—

(A) deposited and merged with funds appropriated for the operation of the Sawtooth National Recreation Area in order to supplement such appropriations; and

(B) available to the Secretary, without further appropriation and until expended, for conservation activities in the recreation area.

(f) SURVEY AND LEGAL DESCRIPTION.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey

shall be borne by the Secretary. The legal description shall be prepared as soon as practicable after the date of the enactment of this Act.

(g) APPROVAL AND ACCESS REQUIREMENTS.—

(1) GENERAL REQUIREMENTS.—Any improvement to be made to land conveyed under subsection (a) shall be subject to the approval in writing, and in advance of being made, by the appropriate City officials. Representatives of the City may enter the land at reasonable times to monitor compliance with the deed restrictions imposed by subsection (b), (c), or (d).

(2) PREPARATION AND APPROVAL OF DEVELOPMENT PLAN FOR PARCEL C.—The land identified as Parcel C on the map referred to in subsection (a) and conveyed to the City under such subsection shall not be developed until such time as a development plan consistent with subsections (c) and (d) is reviewed and approved by a special commission consisting of at least one elected official representing Custer County, one elected official representing the City, and three individuals who are not employed by or officials of the County or City and reside within the boundaries of the Sawtooth National Recreation Area. The non-governmental representatives shall be selected jointly by the elected officials on the commission.

(h) ENFORCEMENT.—As a condition on the conveyance under subsection (a), the City shall agree to enforce the deed restrictions imposed by subsections (b), (c), and (d).

(i) REVERSIONARY INTEREST.—If the Secretary determines at any time that any portion of the land conveyed under subsection (a) is not being used in compliance with the deed restrictions applicable to that portion of the land under subsection (b), (c), or (d), all right, title, and interest in and to that portion of the land, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing, and the Secretary shall give the landowner a reasonable opportunity to restore the property to compliance with the deed restrictions.

(j) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(k) ROAD ACCESS.—In making the conveyance under subsection (a) to the City, the Secretary shall include a deed restriction requiring that the roads referred to in such subsection shall remain open to the public to provide access to adjacent Federal land and private property.

(l) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 104. LAND CONVEYANCE, DESIGNATED BLM LAND TO CITY OF CLAYTON, IDAHO.

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey, without consideration, to the City of Clayton, Idaho (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of Bureau of Land Management land, including roads thereon, identified for conveyance under this section on the map entitled "City of Clayton Conveyance" and dated July 24, 2006.

(b) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost

of the survey shall be borne by the Secretary.

(c) ROAD ACCESS.—In making the conveyance under subsection (a) to the City, the Secretary shall include a deed restriction requiring that the roads referred to in such subsection shall remain open to the public to provide access to adjacent Federal land and private property.

(d) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 105. LAND CONVEYANCE, DESIGNATED BLM LAND TO CITY OF MACKAY, IDAHO.**

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey, without consideration, to the City of Mackay, Idaho (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of Bureau of Land Management land, including roads thereon, identified for conveyance under this section on the map entitled “City of Mackay Conveyance” and dated July 24, 2006.

(b) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(c) ROAD ACCESS.—In making the conveyance under subsection (a) to the City, the Secretary shall include a deed restriction requiring that the roads referred to in such subsection shall remain open to the public to provide access to adjacent Federal land and private property.

(d) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 106. LAND CONVEYANCE, DESIGNATED BLM LAND TO CITY OF CHALLIS, IDAHO.**

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall convey, without consideration, to the City of Challis, Idaho (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of Bureau of Land Management land, including roads thereon, identified for conveyance under this section on the map entitled “City of Challis Conveyance” and dated July 24, 2006.

(b) SURVEY.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(c) ROAD ACCESS.—In making the conveyance under subsection (a) to the City, the Secretary shall include a deed restriction requiring that the roads referred to in such subsection shall remain open to the public to provide access to adjacent Federal land and private property.

(d) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 107. LAND CONVEYANCE AUTHORITY, SUPPORT FOR MOTORIZED AND BICYCLE RECREATION, PUBLIC LAND IN CENTRAL IDAHO.**

(a) MOTORIZED RECREATION PARK.—Subject to subsection (b), the Secretary of the Interior shall convey, without consideration, to

the State of Idaho (in this section referred to as the “State”) all right, title, and interest of the United States in and to a parcel or parcels of Bureau of Land Management land, including roads thereon, consisting of approximately 960 acres near Boise, Idaho, and identified for conveyance under this section on the map entitled “STATE OF IDAHO—Boise Motorized Park Conveyance” and dated October 1, 2006, for the purpose of permitting the State to establish a motorized recreation park on the land. As a condition of the conveyance of the land, the State shall agree to include a beginner track as part of the recreation park to be used to teach safe, responsible riding techniques and to establish areas for drivers with different levels of skills.

(b) RESERVATION OF PORTION FOR BICYCLE USE.—As a condition of the conveyance of the land under subsection (a), the State shall reserve 20 acres of the conveyed land for the use of mountain bikes and open the reserved portion to such use as soon as practicable after the date of the conveyance. Funds appropriated pursuant to the authorization of appropriations in section 109(d)(1)(A) shall be available to facilitate the establishment of the bicycle portion of the recreation park.

(c) SURVEY.—The exact acreage and legal description of the land to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ROAD ACCESS.—In making a conveyance under subsection (a) to the State, the Secretary shall include a deed restriction requiring that the roads referred to in such subsection shall remain open to the public to provide access to adjacent Federal land and private property.

(e) ADDITIONAL TERM AND CONDITIONS.—The Secretary concerned may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 108. TREATMENT OF EXISTING ROADS AND TRAILS.**

In making the conveyances required by this title, the Secretary of Agriculture and the Secretary of the Interior shall include deed restrictions to ensure that any roads and trails located on the conveyed land remain open to public use notwithstanding any subsequent conveyance of the land by the recipient of the land.

**SEC. 109. STANLEY-REDFISH LAKE BIKE AND SNOWMOBILE TRAIL AND RELATED PARKING LOT.**

(a) DEVELOPMENT OF TRAIL.—The Secretary of Agriculture shall design, construct, and maintain a hardened surface trail between the City of Stanley, Idaho, and Redfish Lake that is designated for use—

(1) by pedestrians and non-motorized vehicles generally; and

(2) as a snowmobile route when there is adequate snow cover.

(b) ACQUISITION FROM WILLING SELLERS.—Any land or interests in land to be acquired by the Secretary for construction of the paved trail required by subsection (a) shall be acquired only by donation or by purchase from willing sellers.

(c) ASSISTANCE FOR CONSTRUCTION OF PARKING LOT.—The Secretary may make a grant to the City of Stanley, Idaho, to assist the City in constructing a parking lot on City property at the north end of the trail required by subsection (a) for use for snowmobile and general parking and for other purposes related to the trail.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary—

(A) \$400,000 for the design, construction, and maintenance of the trail required by

subsection (a) and for land acquisition associated with the construction of the trail; and

(B) \$100,000 for the grant under subsection (c).

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations contained in paragraph (1) shall remain available until expended.

**SEC. 110. SUPPORT FOR OTHER TRAIL CONSTRUCTION AND MAINTENANCE ACTIVITIES.**

There is authorized to be appropriated to the Secretary of Agriculture or the Secretary of the Interior \$50,000 for the construction and maintenance of bicycle trails in the State of Idaho. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

**SEC. 111. SUPPORT FOR OUTFITTER AND GUIDE ACTIVITIES.**

(a) EXISTING OPERATING PERMITS.—

(1) EXTENSION.—Before the end of the one-year period beginning on the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall grant, for each guide or outfitter operating permit described in paragraph (2), a 10-year extension beyond the expiration date of the current permit. The Secretary concerned may require the modification of the extended permit as necessary to comply with the requirements of this Act.

(2) COVERED PERMITS.—Paragraph (1) applies to each guide and outfitter operating permit in effect as of the date of the enactment of this Act that authorized activities on lands included in a wilderness area designated by title II or the Boulder-White Cloud Management Area established by title III.

(3) EXCEPTION.—The Secretary of Agriculture or the Secretary of the Interior may refuse to grant the extension of a permit under paragraph (1) only if the Secretary concerned determines that the permittee has not operated in a satisfactory manner in compliance with the terms and conditions of the permit.

(b) FUTURE OUTFITTER AND GUIDE ACTIVITIES.—Future extensions of outfitter and guide activities and permits for outfitters on lands included in a wilderness area designated by title II or the Boulder-White Cloud Management Area established by title III shall be administered in accordance with applicable Federal laws and resource management plans. No person shall conduct outfitter and guide activities on such Federal land except as authorized by the Secretary concerned.

**SEC. 112. GRANTS TO SUPPORT SUSTAINABLE ECONOMIC DEVELOPMENT AND RECREATION.**

(a) GRANT TO CUSTER COUNTY, IDAHO.—The Secretary of Agriculture may make a grant to Custer County, Idaho, for the purpose of assisting the County in supporting sustainable economic development in the County.

(b) GRANT TO STATE OF IDAHO.—The Secretary of Agriculture may make a grant to the State of Idaho Parks and Recreation Department for the purpose of assisting the State in acquiring and developing Bayhorse Campground for use as a State park.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture—

(1) \$5,100,000 to make the grant under subsection (a); and

(2) \$500,000 to make the grant under subsection (b).

**SEC. 113. CONTINUATION OF PUBLIC ACCESS TO BOWERY NATIONAL FOREST GUARD STATION.**

(a) CONSTRUCTION OF ROAD AND BRIDGE.—To ensure continued public access to the Bowery Guard Station, the Secretary of Agriculture shall construct a new road on National Forest System lands, to the east of

the existing private property line on the east side of the Leisinger property, and a new bridge over West Pass Creek as part of such road.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

**SEC. 114. EXPANSION AND IMPROVEMENT OF HERD LAKE CAMPGROUND.**

(a) EXPANSION AND IMPROVEMENT OF CAMPGROUND.—The Secretary of the Interior shall expand and improve the Herd Lake Campground facilities located below the outlet of Herd Lake.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$500,000 to carry out this section. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

**SEC. 115. LAND EXCHANGE TO ELIMINATE STATE OF IDAHO INHOLDINGS IN SAWTOOTH NATIONAL RECREATION AREA AND NEW WILDERNESS AREAS.**

(a) EXCHANGES AUTHORIZED.—The Secretary of Agriculture and the Secretary of the Interior may execute one or more land exchanges with the State of Idaho for the purpose of eliminating State inholdings within the boundaries of the Sawtooth National Recreation Area and the wilderness areas designated by title II. The Federal land available for use to carry out an exchange under this section and the State inholdings to be acquired are depicted on the map entitled “SNRA State of Idaho Land Transfer” and dated October 1, 2006.

(b) EXCHANGE PROCESS.—The land exchanges authorized by this section shall be carried out in the manner provided in section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

**TITLE II—CENTRAL IDAHO WILDERNESS AREAS**

**SEC. 201. ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM.**

(a) ADDITIONS.—Congress has determined that the following lands in central Idaho shall be designated as wilderness and managed as components of the National Wilderness Preservation System:

(1) HEMINGWAY-BOULDERS WILDERNESS.—Certain Federal land in the Sawtooth and Challis National Forests, comprising approximately 105,000 acres, as generally depicted on the map entitled “Hemingway-Boulders” and dated July 24, 2006, which shall be known as the “Hemingway-Boulders Wilderness”.

(2) WHITE CLOUDS WILDERNESS.—Certain Federal land in the Sawtooth and Challis National Forests, comprising approximately 73,100 acres, as generally depicted on the map entitled “White Clouds” and dated July 24, 2006, which shall be known as the “White Clouds Wilderness”.

(3) JERRY PEAK WILDERNESS.—Certain Federal land in the Challis National Forest and Challis District of the Bureau of Land Management, comprising approximately 131,700 acres, as generally depicted on the map entitled “Jerry Peak Wilderness” and dated July 24, 2006, which shall be known as the “Jerry Peak Wilderness”. In the case of the Bureau of Land Management land designated as wilderness by this paragraph, the land is included in the National Landscape Conservation System.

(b) MAPS AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture, in the case of the wilderness areas designated by paragraphs

(1) and (2) of subsection (a) and the National Forest System land designated as wilderness by paragraph (3) of such subsection, and the Secretary of the Interior, in the case of the Bureau of Land Management land designated as wilderness by paragraph (3) of such subsection, in this title referred to as the “Secretary concerned”, shall file a map and legal description of the wilderness areas designated by such subsection with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(2) EFFECT.—Each map and legal description shall have the same force and effect as if included in this title, except that the Secretary concerned may correct clerical and typographical errors in the map or legal description.

(3) AVAILABILITY.—Each map and legal description shall be on file and available for public inspection in the appropriate offices of the Bureau of Land Management or the Forest Service.

(c) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas designated in subsection (a) are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, location, entry, and patent under the mining laws, and operation of the mineral leasing, mineral materials, and geothermal leasing laws.

**SEC. 202. GENERAL ADMINISTRATION OF WILDERNESS AREAS.**

(a) APPLICATION OF WILDERNESS ACT.—Subject to valid existing rights, the wilderness areas designated by section 201 shall be managed by the Secretary concerned in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this title. With respect to the wilderness areas, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of the enactment of this Act, and any reference in the Wilderness Act to the Secretary of Agriculture shall be deemed to be a reference to the Secretary concerned.

(b) CONSISTENT INTERPRETATION TO THE PUBLIC.—Although the wilderness areas designated by section 201 consist of National Forest System land under the jurisdiction of the Secretary of Agriculture and public land under the jurisdiction of the Secretary of the Interior, the Secretary of Agriculture and the Secretary of the Interior shall collaborate to assure that the wilderness areas are interpreted to the public as an overall complex tied together by common location in the Boulder-White Cloud Mountains and common identity with the natural and cultural history of the State of Idaho and its Native American and pioneer heritage.

(c) COMPREHENSIVE WILDERNESS MANAGEMENT PLAN.—Not later than three years after the date of the enactment of this Act, the Secretary of Agriculture and Secretary of the Interior shall collaborate to develop a comprehensive wilderness management plan for the wilderness areas designated by section 201. The completed management plan shall be submitted to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(d) FIRE, INSECTS, AND DISEASES.—Within the wilderness area designated by section 201, the Secretary concerned may take such measures as the Secretary concerned determines to be necessary for the control of fire, insects, and diseases, subject to such conditions as the Secretary concerned considers desirable, as provided in section 4(d)(1) of the Wilderness Act (16 U.S.C. 1131(d)(1)).

(e) WILDERNESS TRAILS AND TRAILHEADS.—

(1) CONSTRUCTION OF NEW TRAILHEAD.—The Secretary concerned shall construct a new trailhead for nonmotorized users and improve access to the Big Boulder Trailhead to

separate motorized users from nonmotorized users.

(2) INCLUSION OF ACCESSIBLE TRAIL.—The Secretary concerned shall upgrade the first mile of the Murdock Creek Trail in the Hemingway-Boulders wilderness area designated by section 201 to a primitive, non-paved, and wheelchair accessible standard.

(f) TREATMENT OF EXISTING CLAIMS AND PRIVATE LANDS.—Nothing in this title is intended to affect the rights or interests in real property, patented mining claims, or valid claims or prevent reasonable access to private property or for the development and use of valid mineral rights. The Secretary concerned may enter into negotiations with the holder of a patented claim or valid claim located in a wilderness area designated by section 201 for the voluntary relinquishment of the claim.

(g) GRAZING.—Grazing of livestock in a wilderness area designated by section 201, where established before the date of the enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), section 108 of Public Law 96-560, and section 101(f) of Public Law 101-628, and in accordance with the guidelines set forth in Appendix A of House Report 96-617 of the 96th Congress and House Report 101-405 of the 101st Congress.

(h) COMMERCIAL OUTFITTERS AND SADDLE AND PACK STOCK.—Nothing in this title shall preclude horseback riding or the entry of recreational saddle or pack stock into the wilderness areas designated by section 201, including when such entry is made by commercial outfitters.

**SEC. 203. ACQUISITION OF MINERAL INTERESTS AND LANDS FROM WILLING SELLERS.**

(a) ACQUISITION.—Within the boundaries of the wilderness areas designated by section 201, the Secretary concerned may acquire, through purchase from willing sellers or donation from willing owners, all right, title, and interest in all mineral interests, claims, and parcels of land that have been patented under the Act of May 10, 1872 (30 U.S.C. 22 et seq.; commonly known as the Mining Act of 1872).

(b) CONSIDERATION.—In exercising the authority provided by subsection (a) to acquire lands and interests, the Secretary concerned shall offer the owners of record of each patent, who voluntarily wish to sell, \$20,000 as compensation for the acquisition of these interests. The Secretary concerned shall make such offers as soon as practicable after the date of the enactment of this Act and such offers shall remain open for acceptance during the five-year period beginning on such date.

(c) INCORPORATION IN WILDERNESS AREA.—Any land or interest in land located inside the boundaries of a wilderness area designated by section 201 that is acquired by the United States after the date of the enactment of this Act shall be added to and administered as part of that wilderness area.

**SEC. 204. ADJACENT MANAGEMENT.**

(a) NO PROTECTIVE PERIMETERS OR BUFFER ZONES.—Congress does not intend for the designation of the wilderness areas by section 201 to lead to the creation of protective perimeters or buffer zones around any such wilderness area.

(b) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses outside of a wilderness area designated by section 201 can be seen or heard from inside of the wilderness area shall not preclude the conduct of those activities or uses outside the boundaries of the wilderness area.

**SEC. 205. WILDFIRE MANAGEMENT.**

Consistent with section 4 of the Wilderness Act (16 U.S.C. 1133), nothing in this title precludes a Federal, State, or local agency from

conducting wildfire management operations, including operations using aircraft or mechanized equipment, to manage wildfires in the wilderness areas designated by section 201.

#### SEC. 206. WATER RIGHTS.

(a) FINDINGS.—Congress finds the following:

(1) The lands designated as wilderness areas by section 201 are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands.

(2) The lands designated as wilderness areas by section 201 are not suitable for use for development of new water resource facilities or for the expansion of existing facilities.

(3) Therefore, it is possible to provide for proper management and protection of the wilderness value of the lands designated as wilderness areas by section 201 in ways different from the ways utilized in other laws designating wilderness areas.

(b) PURPOSE.—The purpose of this section is to protect the wilderness values of the lands designated as wilderness areas by section 201 by means other than a federally reserved water right.

(c) STATUTORY CONSTRUCTION.—Nothing in this title—

(1) shall constitute, or be construed to constitute, either an express or implied reservation by the United States of any water or water rights with respect to the wilderness areas designated by section 201;

(2) shall affect any water rights in the State of Idaho existing on the date of the enactment of this Act, including any water rights held by the United States;

(3) shall be construed as establishing a precedent with regard to any future wilderness designations;

(4) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Idaho and other States; and

(5) shall be construed as limiting, altering, modifying, or amending provisions of Public Law 92-400, which established the Sawtooth National Recreation Area (16 U.S.C. 460aa et seq.).

(d) IDAHO WATER LAW.—The Secretary concerned shall follow the procedural and substantive requirements of the law of the State of Idaho when seeking to establish any water rights, not in existence on the date of the enactment of this Act, with respect to the wilderness areas designated by section 201.

(e) NEW PROJECTS.—

(1) PROHIBITION.—Except as otherwise provided in this Act, on and after the date of the enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility inside any of the wilderness areas designated by section 201.

(2) DEFINITION.—In this subsection, the term “water resource facility” means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

#### SEC. 207. WILDLIFE MANAGEMENT.

(a) STATE JURISDICTION.—In accordance with section 4(d)(7) of the Wilderness Act (16

U.S.C. 1133(d)(7)), nothing in this title affects or diminishes the jurisdiction of the State of Idaho with respect to fish and wildlife management, including the regulation of hunting, fishing, and trapping, in the wilderness areas designated by section 201.

(b) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by section 201 where consistent with relevant wilderness management plans, in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405 of the 101st Congress, including the occasional and temporary use of motorized vehicles, if such use, as determined by the Secretary concerned would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those purposes using the minimum tool necessary to reasonably accomplish the task.

(c) USE OF AIRCRAFT.—Consistent with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)) and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405 of the 101st Congress, the State of Idaho may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and manage elk, deer, bighorn sheep, mountain goats, wolves, grizzly bears, and other wildlife and fish.

(d) HUNTING, FISHING, AND TRAPPING.—Nothing in this title shall affect hunting, fishing, and trapping, under applicable State and Federal laws and regulations, in the wilderness areas designated by section 201. The Secretary concerned may designate, by regulation in consultation with the appropriate State agency (except in emergencies), areas in which, and establish periods during which, for reasons of public safety, administration, or compliance with applicable laws, no hunting, fishing, or trapping will be permitted in the wilderness areas.

#### SEC. 208. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

Nothing in this title shall be construed to diminish the rights of any Indian tribe. Nothing in this title shall be construed to diminish tribal rights regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food-gathering activities.

#### SEC. 209. MILITARY OVERFLIGHTS.

Nothing in this title restricts or precludes—

(1) low-level overflights of military aircraft over the wilderness areas designated by section 201, including military overflights that can be seen or heard within the wilderness areas;

(2) flight testing and evaluation; or

(3) the designation or creation of new units of special use airspace, or the establishment of military flight training routes, over the wilderness areas.

#### SEC. 210. WILDERNESS REVIEW.

(a) NATIONAL FORESTS.—Section 5 of Public Law 92-400 (16 U.S.C. 460aa-4), which required a review of the undeveloped and unimproved portion or portions of the Sawtooth National Recreation Area established by that Act as to suitability or nonsuitability for preservation as part of the National Wilderness Preservation System, is repealed.

(b) PUBLIC LANDS.—

(1) FINDING.—Congress finds that, for the purpose of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), the public land administered by the Bureau of Land Management in the fol-

lowing areas have been adequately studied for wilderness designation:

(A) The Jerry Peak Wilderness Study Area.

(B) The Jerry Peak West Wilderness Study Area.

(C) The Corral-Horse Basin Wilderness Study Area.

(D) The Boulder Creek Wilderness Study Area.

(2) RELEASE.—Any public land described in paragraph (1) that is not designated as wilderness by this title—

(A) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(B) shall be managed in accordance with land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

### TITLE III—BOULDER-WHITE CLOUDS MANAGEMENT AREA

#### SEC. 301. ESTABLISHMENT OF MANAGEMENT AREA.

(a) FINDINGS AND PURPOSES.—In the case of those Federal lands not designated as wilderness in title II, Congress has examined the management alternatives for such lands and finds that the designation of such lands as a special management area will provide outstanding opportunities for many forms of recreation, including mountain biking, snowmobiling, and the use of off-road motorized vehicles. The purpose of this title is to statutorily provide for the continued management of such lands for motorized and other recreational opportunities, livestock grazing, and conservation and resource protection in accordance with the existing management areas, plans, and applicable authorities of the Challis National Forest, the Sawtooth National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management. In addition, it is the purpose of this title to provide that motorized use of such lands shall be allowed in accordance with the travel map entitled “Boulder-White Clouds Management Area Travel Plan” and dated July 24, 2006.

(b) ESTABLISHMENT.—

(1) ESTABLISHMENT.—Those Federal lands in the Challis National Forest, the Sawtooth National Forest, the Sawtooth National Recreation Area, and the Challis District of the Bureau of Land Management that are not designated as wilderness in title II, as generally depicted on the map entitled “Boulder-White Clouds Management Area” and dated July 24, 2006, are hereby designated as the Boulder-White Clouds Management Area and shall be managed as provided by this title.

(2) RELATION TO SAWTOOTH NATIONAL RECREATION AREA.—The designation of land already in the Sawtooth National Recreation Area for inclusion in both the management area and the Sawtooth National Recreation Area is declared to be supplemental to, not in derogation of, the Sawtooth National Recreation Area.

(3) MANAGEMENT AREA DEFINED.—In this title, the term “management area” means the Boulder-White Clouds Management Area designated by this subsection.

(c) ADMINISTRATION.—

(1) SECRETARY CONCERNED DEFINED.—In this title, the term “Secretary concerned” means—

(A) the Secretary of Agriculture, in the case of National Forest System lands included in the management area; and

(B) the Secretary of the Interior, in the case of public lands included in the management area.

(2) ADMINISTRATION.—Except as otherwise provided in this title, the Secretary concerned shall administer the management area in accordance with this title and the laws and regulations generally applicable to

the National Forest System lands and the public lands included in administrative areas in existence as of the date of the enactment of this Act and in accordance with the management plans of the Sawtooth National Recreation Area, the Challis National Forest, the Sawtooth National Forest, and the Challis District of the Bureau of Land Management in existence as of that date.

(3) **RELATION TO SAWTOOTH NATIONAL RECREATION AREA.**—If lands in the management area are also included in the Sawtooth National Recreation Area, the Secretary of Agriculture shall also administer that land in accordance with Public Law 92-400 (16 U.S.C. 460aa et seq.).

(4) **CONTINUED REFERENCE TO EXISTING ADMINISTRATIVE UNITS.**—Notwithstanding the establishment of the management area, the administrative units in effect as of the date of the enactment of this Act and known as the Sawtooth National Recreation Area, the Challis National Forest, the Sawtooth National Forest, and the Challis District of the Bureau of Land Management, including areas within the administrative units established as the management area, shall continue to be known as the Sawtooth National Recreation Area, the Challis National Forest, the Sawtooth National Forest, and the Challis District of the Bureau of Land Management, respectively, and shall be so designated on any signs and maps prepared by the Secretary concerned.

(d) **DEVELOPMENT.**—No new roads may be constructed within the management area, except as necessary for access to campgrounds and other recreation areas as determined by the Secretary concerned. Roads may be maintained and relocated as necessary. The Secretary concerned shall permit the mining and removal of gravel, sand, and rock along existing roads in the management area as necessary for road maintenance in accordance with the applicable management plan.

(e) **TIMBER HARVESTING.**—Timber harvesting may be allowed on lands in the management area only in accordance with the management plan applicable to the lands and for necessary control of fire, insects, and diseases and for public safety.

(f) **TRAILS.**—

(1) **CONSTRUCTION, MAINTENANCE, AND IMPROVEMENTS.**—There is authorized to be appropriated to the Secretary of Agriculture and the Secretary of the Interior \$650,000 for trail construction and maintenance and for other improvements related to outfitting, guiding, hiking, and horseback use within the management area. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

(2) **SET-ASIDE FOR TRAIL CONSTRUCTION.**—Of the amounts appropriated pursuant to the authorization of appropriations in paragraph (1), \$150,000 shall be available for the construction of—

(A) a trail between the Phyllis Lake Road (USFS Road #053) and Phyllis Lake, which shall be primitive and non-paved, but wheelchair accessible, and open only to non-motorized travel; and

(B) the primitive and non-paved, but wheelchair accessible, trail along Murdock Creek in the Hemingway-Boulders wilderness area required by section 202(e)(2).

**SEC. 302. LAND ACQUISITION AND ACQUISITION OF UNPATENTED MINING CLAIMS IN MANAGEMENT AREA.**

(a) **LAND ACQUISITION.**—The Secretary concerned may acquire, by donation or purchase from willing sellers, lands and interests in lands—

(1) located inside the boundaries of the management area; or

(2) located adjacent to the management area to provide easements for additional public access to the management area.

(b) **ACQUISITION OF UNPATENTED MINING CLAIMS.**—

(1) **ACCEPTANCE OF CONTRIBUTIONS.**—The Secretary concerned shall accept any charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) of an interest—

(A) in an unpatented mining claim located inside the boundaries of the management area; or

(B) in any partnership, association, company, or corporation substantially all the value of which is attributable to unpatented mining claims located inside the boundaries of the management area.

(2) **ACCESS FOR VALUATION PURPOSES.**—The Secretary concerned shall permit any donor of an interest described in paragraph (1), or any agent of the donor, to access the unpatented mining claim and conduct sampling and exploration work necessary to determine the fair market value of the claim if—

(A) the donor notifies the local Federal land manager in writing of the donor's intent to access the unpatented mining claim for such purposes; and

(B) the Secretary determines that the proposed access, sampling, and exploration work will not cause substantial impairment of the surface resources.

(3) **VALUATION METHOD IF ACCESS DENIED.**—If the Secretary concerned determines that a request for access under paragraph (2) to conduct sampling and exploration work necessary to determine the fair market value of an unpatented mining claim will cause substantial impairment of the surface resources or otherwise fails to permit access within 30 days after receipt of the written request for access under such paragraph, the fair market value of the claim for purposes of determining the amount of the contribution under paragraph (1) shall be based on an appraisal that relies upon noninvasive methods to determine the value.

(c) **LIMITATION ON USE OF CONDEMNATION.**—No lands or interests in lands may be acquired by condemnation for inclusion in the management area or to provide access to the management area, except as provided for by Public Law 92-400 (16 U.S.C. 460aa et seq.) and regulations, in effect as of the date of the enactment of this Act, for the use of private land in the Sawtooth National Recreation Area (sections 36 292.14-292.16 of title 36, Code of Federal Regulations).

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated not more than \$5,000,000 to carry out this section. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

**SEC. 303. MOTORIZED AND BICYCLE TRAVEL.**

(a) **MOTORIZED AND BICYCLE TRAVEL AUTHORIZED.**—

(1) **BLM LAND.**—In the case of public land included in the management area, notwithstanding the status of any other road or trail, motorized and bicycle travel shall continue to be allowed on the Spar Canyon, Herd Lake, and Road Creek routes.

(2) **FOREST SERVICE LAND.**—In the case of National Forest System land included in the management area, motorized and bicycle travel shall continue to be allowed in accordance with Forest Service travel plans and maps in existence as of July 24, 2006, which managed recreation use for the specific areas, roads, and trails on that land, as referenced on the travel map entitled "Boulder-White Clouds Management Area Travel Plan" and dated July 24, 2006.

(b) **ESTABLISHMENT OR USE OF OTHER TRAILS AND ROUTES.**—Notwithstanding sub-

section (a), other trails and routes may be used for motorized and bicycle travel whenever the Secretary concerned considers such use to be necessary for administrative purposes or to respond to an emergency.

(c) **ROUTE AND TRAIL CLOSURES.**—The following roads or trails shall be closed to motorized and mechanized trail use, except when there is adequate snowcover to permit snowmobile use:

(1) Forest Service Trail 109 between the Phyllis Lake turnoff to 4th of July Lake and the south side of Washington Lake.

(2) Forest Service Trail 671 up Warm Springs Creek from Trail 104 to the wilderness boundary.

(d) **GROUND FOR TRAIL SEGMENT CLOSURES.**—Resource damage that can be mitigated and issues of user conflict shall not be used as grounds for the closure of a trail or route in the management area, although the Secretary concerned may close any trail or route, or prohibit the use of trail or route for motorized and mechanized travel, if the Secretary determines that such closure or prohibition is the only reasonable means available for resource protection or public safety.

(e) **MITIGATION OF TRAIL CLOSURES.**—If the Secretary determines under subsection (d) that closing an available trail or route in the management area is necessary for resource protection or public safety, the Secretary shall take any of the following mitigation actions, intended to provide commensurate motorized recreation opportunities in the same general area of the management area:

(1) Repair resource damage and secure conditions so that closed trails may be reopened to motorized use.

(2) Replace, relocate, or reroute the trail or the trail segment to provide a similar link between travel points.

(3) A combination of the actions specified in paragraphs (1) and (2) and other actions to achieve the overall mitigation objective.

(f) **RELATION TO OTHER LAWS.**—In considering mitigation actions under subsection (e), the Secretary concerned shall ensure that such action is consistent with the overall objectives of the management area. If the lands are also included in the Sawtooth National Recreation Area, the Secretary concerned shall also administer the action in accordance with Public Law 92-400 (16 U.S.C. 460aa et seq.), the map referred to in subsection (a)(2), and executive orders and other relevant laws and regulations existing on or before the date of the enactment of this Act.

(g) **BLM TRAVEL PLAN.**—Not later than three years after the date of the enactment of this Act, the Secretary of the Interior shall develop and implement a travel plan for public land included in the management area, but not otherwise covered by this section. The travel plan shall be developed in accordance with the laws and regulations generally applicable to the public land included in the management area and in accordance with the existing management plan for the Challis District of the Bureau of Land Management. Motorized and bicycle travel authorized in the travel plan shall be managed in accordance with the plan and laws and regulations generally applicable to the public land, and not as otherwise provided for in this section. The Secretary of the Interior shall include a map as part of the travel plan.

**SEC. 304. SUPPORT AND USE OF IDAHO OFF ROAD MOTOR VEHICLE PROGRAM.**

(a) **GRANT TO PROGRAM.**—There is authorized to be appropriated to the Secretary of Agriculture not more than \$1,000,000, which shall be used by the Secretary to make a grant to the State of Idaho in the full amount so appropriated for deposit with the Off Road Motor Vehicle Program of the

Idaho Department of State Parks and Recreation, which is used to support the acquisition, purchase, improvement, repair, maintenance, furnishing, and equipping of off-road motor vehicle facilities and sites, to groom snowmobile trails, and for enforcement activities and the rehabilitation of land damaged by off-road vehicle users. As a condition of the grant, the State must maintain the grant funds as a separate account of the Off Road Motor Vehicle Program and may not use the funds except as provided by this section.

(b) **USE OF GRANT FUNDS.**—When the Secretary concerned determines that additional funds are required to carry out the activities described in subsection (a) in the management area, the Secretary may apply for funds from the Off Road Motor Vehicle Program. Funds received under this subsection shall be used only in the management area or in connection with the Boise motorized recreation park authorized by section 107.

(c) **CONSULTATION AND RECOMMENDATIONS.**—Before funds are provided under subsection (b), the Off Road Motor Vehicle Program shall consider any recommendations regarding the use of the funds made by the advisory committee established as part of the program as well as public comments.

(d) **RELATION TO OTHER LAWS.**—Any action undertaken using funds obtained under subsection (b) shall conform to the applicable travel plan of the Challis National Forest, the Sawtooth National Forest, the Sawtooth National Recreation Area, or the Challis District of the Bureau of Land Management.

**SEC. 305. AIRPORTS AND LANDING STRIPS.**

No airstrips exist in the wilderness areas designated by title II. Nothing in this Act shall be construed to restrict or preclude the use of public or private airports or landing strips located within the management area or adjacent to a wilderness area designated by title II.

**SEC. 306. MANAGEMENT OF RAILROAD RIDGE AREA, SAWTOOTH NATIONAL FOREST.**

(a) **FINDINGS.**—Congress finds the following:

(1) The Railroad Ridge area of the Sawtooth National Forest is host to several extremely rare and sensitive plant species.

(2) The area supports some of the most unique and well-developed alpine plant communities in Idaho, and is more botanically diverse than most alpine communities in North America.

(3) The area is currently closed to cross-country motorized travel.

(b) **ENHANCED AWARENESS AND CONSERVATION.**—There is authorized to be appropriated to the Secretary of Agriculture \$50,000 for the development of educational materials and signage to raise the awareness of users of the Railroad Ridge area of the uniqueness of the area and to promote the conservation of the area.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

**GENERAL LEAVE**

Mr. WALDEN of Oregon. Madam Speaker, I ask unanimous consent that all Members may have five legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

There was no objection.

Mr. WALDEN of Oregon. Madam Speaker, I yield my sufficient such time as I may consume.

I am really pleased that we are bringing forward Congressman MIKE SIMPSON's bill, H.R. 3603, the Central Idaho Economic Development and Recreation Act, otherwise known as CIEDRA. Congressman SIMPSON should be commended for the hard work that he has put into developing this legislation over the last 6 years. He has worked tirelessly to get this legislation to this position.

This bill is the first comprehensive wilderness bill to come out of the State of Idaho in more than 25 years, a quarter of a century. It enjoys broad support from elected officials, as well as the Idaho conservation community and present and past statewide officials.

H.R. 3603 considers all users in the Boulder-White Clouds. It creates three new wilderness areas, totaling approximately 312,000 acres. It authorizes the first-ever wheelchair accessible trails in the wilderness. It locks in existing motorized use for all terrain vehicles and snowmobiles, and it also provides much needed economic assistance to a county that is, get this, over 95 percent Federal land. Ninety-five percent.

H.R. 3603 is a locally produced compromise that meets the needs of today's users and secures the future for generations of Idahoans and Americans who want to continue using and enjoying our beautiful Boulder-White Clouds area. By passing this bill, we can put to rest many longstanding conflicts and move forward toward a more secure future for those who use and enjoy this area.

Once again, Mr. SIMPSON's efforts at bringing together very diverse groups should be applauded. I urge passage of this important piece of compromise legislation.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Madam Speaker, the majority has already explained the purpose of H.R. 3603, which was introduced by the gentleman from Idaho, Representative MIKE SIMPSON.

Contrary to the impression that may have been given, H.R. 3603 is controversial legislation that is being rushed to the floor today without even the benefit of a committee report or a Congressional Budget Office cost estimate. The ranking Democrat on the resources committee, Representative NICK RAHALL, opposes this bill and others share his concern with the legislation.

Madam Speaker, H.R. 3603 is a controversial and complex measure that should be carefully considered. And as such, we do not support passage of H.R. 3603 by the House today.

Madam Speaker, I reserve the balance of my time.

Mr. WALDEN of Oregon. Madam Speaker, I yield such time as he may consume to the gentleman from Idaho, who has worked so diligently for so long to build this bill from the ground up, from the State of Idaho up, my colleague and friend, Mr. SIMPSON.

Mr. SIMPSON. Madam Speaker, in regard to the opening statement, I notice that this bill really is not being rushed to the floor. It has been in development for 6 years. I wouldn't call that rushing anything to the floor. In fact, it has been in the form of a bill for over 3 years, so people have had a chance to look at it and know what we have been talking about here.

Idahoans know that the Boulder-White Clouds are some of the most beautiful mountains in Idaho. They also know they have been the subject of some of the most contentious wilderness debates in our time.

H.R. 3603, the Central Idaho Economic Development and Recreation Act, marks a new area in wilderness creation, one in which the needs of the people who live and recreate in the area are as important as the lines drawn on a map. The old approach to wilderness of sacrificing the needs of individuals and specific user groups to the benefit of others will not work anymore. Those who are affected by wilderness must be a part of the solution.

During the past 6 years, my staff and I had countless meetings with the groups and individuals that will be impacted by my proposed wilderness designation. These meetings included Custer County's commissioners, elected city officials, ranchers, snowmobilers, off-road vehicle users, outfitters, conservationists and others, as well as public meetings in Stanley, Challis, and Ketchum. What I heard made me believe that we could find a positive outcome in the management of the Boulder-White Clouds that benefits all users.

H.R. 3603 represents my best effort at crafting a compromise piece of legislation in a manner where no one is unfairly impacted. We are providing economic stability for Custer County. We are securing roads and trails for today's motorized recreation users and future generations of motorized users. We are working on providing economic viability to ranching families, and we are creating three substantive wilderness areas that have an area half the size of the State of Rhode Island. We are even creating the first handicapped-accessible wheelchair trail into wilderness.

By passing this bill, we can put to rest many longstanding conflicts and move ahead to a stronger, more secure economy in the rugged, beautiful, and productive heart of Idaho. This bill meets the needs of today's users and secures the future for generations of Idahoans who want to continue using and enjoying the beautiful Boulder-White Clouds.

Henry Clay once stated that “politics is not about ideological purity or moral self-righteousness. It is about governing, and if a politician cannot compromise, he cannot govern effectively.”

Today, we have an opportunity to show that we can, in fact, govern effectively.

I want to thank the following individuals who have helped me over the last 6 years in creating this bill. First, I want to thank the chairman of the full committee and Ranking Member RAHALL; subcommittee Chairman WALDEN and Ranking Member TOM UDALL for their work on this. Custer County Commissioners Wayne Butts, Cliff Hansen and Linn Hintze, Blaine County Commissioners Sarah Michaels and Tom Bowman, Stanley Mayor Hannah Stouts, Former Governor Cecil Andrus, Former Senator Jim McClure, Bob Hayes, Bethine Church and the Sawtooth Society, Rick Johnson, Linn Kincannon with the Idaho Conservation League, Bart Koehler, Tim Mahoney, Marcia Argust, Erik Schultze.

And to the staff of the Resources Committee, particularly Erica Tergeson and Doug Crandall, and to Greg Kostka at the legislative counsel who drafted countless versions of this legislation.

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And, finally, I want to thank those who put the most work into this, my staff: Lindsay Slater, my chief of staff; Laurel Hall; Josh Heird; and Nikki Watts for their incredible efforts on this piece of legislation.

Ms. BORDALLO. Madam Speaker, I yield 7 minutes to the gentlewoman from New York, Congresswoman Carolyn Maloney.

Mrs. MALONEY. Madam Speaker, I thank the gentlewoman for yielding and for her leadership in so many areas.

Madam Speaker, I rise in opposition to this legislation. As a strong supporter of our Nation's wilderness, I am opposed to it, the Central Idaho Economic Development and Recreation Act.

I am joined in my opposition by the Sierra Club, and I will place their statement in the RECORD. I am also joined in my opposition by 44 different organizations, most of which are located in the great State of Idaho, and I will place their statements in opposition also in the RECORD. I am also joined by Wilderness Watch. They are opposed because they say that the legislation contains “wilderness-weakening provisions.” And I will place their statement in the RECORD.

SIERRA CLUB,  
July 21, 2006.

Re Please oppose H.R. 3603/CIEDRA.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE: The 750,000 members of the Sierra Club are citizens from across the country who share a common in-

terest: protecting and restoring wild and special places. Sierra Club members believe that good and responsible stewardship requires that we protect wildlife habitat, halt the loss of wild lands, and secure our natural heritage for future generations. As a member of the House of Representatives, you will make a decision on the Central Idaho Economic Development and Recreation Act (CIEDRA) (H.R. 3603).

While we acknowledge several changes have been made to the bill since its original introduction, and we are supportive of wilderness protection for Idaho, we continue to have very serious concerns regarding several aspects of the legislation. Sierra Club, therefore, continues to oppose H.R. 3603 in its current form and asks that you vote NO on this legislation.

#### PRIVATIZING PUBLIC LANDS

The American public has overwhelmingly opposed recent proposals to privatize public land. CIEDRA will give away over 5,000 acres of National Forest and BLM-managed lands, including lands from the congressionally protected Sawtooth National Recreation Area (Sawtooth NRA). These lands include elk wintering grounds and salmon waters in the Salmon River watershed near Stanley, Idaho. If CIEDRA is adopted, these lands will be open to large-scale home development and motorized recreational parks. It is wrong to give away public lands.

Taxpayers have invested nearly \$65 million over 30 years to protect the Sawtooth NRA. CIEDRA would reverse this policy, even giving away land inside the Sawtooth NRA that was purchased in 1989 for \$341,000 with federal tax dollars in 1989. CIEDRA sets a precedent of dismantling protections on public lands to benefit a few local interests, despite the strong opposition of many residents.

#### WILDERNESS LOST

The failure to include 130,000 acres of wilderness quality lands long advocated for protection by the conservation community for wilderness reduces the habitat and wilderness values that should be protected.

#### WATERS OF THE SAWTOOTH NRA

The streams and rivers of the Sawtooth NRA must be protected for fish (especially spawning salmon) and wildlife. Normally, federal lands such as the Sawtooth NRA include federal protection of instream flows. However, in 2000 the Idaho Supreme Court stripped the Sawtooth NRA of its protections for water and the State of Idaho is free to continue issuing new water rights further degrading instream flow protections. CIEDRA should reassert flow protections. Instead, the bill expressly denies a federal water right under current Idaho law for the Wilderness areas, and is silent as to the new Boulder White Clouds Management Area. The Salmon River and its tributaries could be degraded as a result, further harming salmon recovery.

#### OFF ROAD VEHICLE USE

CIEDRA would give priority use to motorized recreation for a newly designated 540,000-acre Boulder White Clouds Management Area, and would in effect subvert the conservation purposes of the Sawtooth NRA. To encourage off-road motorized use, what should be a cohesive Wilderness is cleaved into multiple parts. CIEDRA would codify significant ORV trail incursions into prime habitat.

In particular is our concern that CIEDRA adopts a “no net loss” requirement that would prevent Sawtooth NRA land managers from closing motorized trails. No matter how great the damage or risk to public safety, motorized recreation is protected by statute.

On October 27, 2005, current and retired land managers from the U.S. Forest Service

and Department of Interior testified before the House Subcommittee on Forests and Forest Health opposing provisions and costs of CIEDRA, including the ORV provisions.

We acknowledge Rep. Simpson's work in moving forward the discussion of Wilderness in central Idaho. We welcome the opportunity to work with Rep. Simpson and other Members to find accommodations in the bill that would address these issues and help advance and not undo the protections when Congress established the Sawtooth National Recreation Area.

Thank you for your consideration of Sierra Club's position and our reasons for opposing H.R. 3603 in its current form.

Respectfully yours,

CARL POPE,  
Executive Director.

July 2006.

HONORABLE MEMBERS, HOUSE RESOURCES COMMITTEE, Why You Must Oppose H.R. 3603 (CIEDRA) Central Idaho Economic Development and Recreation Act.

(1) Across party lines, the American public recently expressed a strong and clear will to keep public lands PUBLIC by rejecting legislation that would have privatized public land. HR 3603 would thwart the national will by giving away, for free, roughly 5,100 acres of nationally owned public land, including acreage in the congressionally-protected Sawtooth National Recreation Area (Sawtooth NRA), an American treasure located in Central Idaho. In Title I, CIEDRA earmarks numerous parcels of nationally owned public land to be given away. These include elk wintering grounds and salmon waters near Stanley, Idaho as well as land outside the Sawtooth NRA. The exact acreage is still unknown, as it is yet to be included in the bill language or documented in one place.

(2) CIEDRA would mandate motorized use and erode existing protections in the Sawtooth NRA. The eastern half of the Sawtooth NRA would be overlain with a new Boulder White Clouds Management Area, designating permanent off-road vehicle (ORV) corridors through critical wildlife habitat and establishing motorized recreation as the priority use for approximately 550,000 acres—almost twice the acreage the bill would designate as Wilderness. Title III would restrict Sawtooth NRA managers' ability to protect this new Management Area from ORV damage and lock in the status quo of damaging ORV use. CIEDRA would eliminate environmental protections, requiring no net loss in motorized routes despite resource damage and public safety concerns. Over 200,000 acres of the Sawtooth NRA, 70,000 acres of additional National Forest lands, and 230,000 acres of BLM-managed land adjacent to the Sawtooth NRA would be dedicated to dirt bikes and snowmobiles.

(3) CIEDRA would undo the protections afforded in PL 92-400, passed in 1972 to protect the natural, rural, and scenic values of the Sawtooth NRA. Taxpayers have already spent \$65 million to create and protect the Sawtooth NRA, an icon among America's western landscapes. Despite the strong opposition of many area residents—CIEDRA would set a precedent of dismantling protections on public land to benefit a few interests.

(4) CIEDRA fails to provide a water right needed by wildlife and fish, especially endangered salmon. In 2000 the Idaho Supreme Court stripped the Sawtooth NRA of its protections for water. CIEDRA should reassert instream flow protections. Instead, the bill expressly denies a federal water right for wilderness areas and is silent as to the new Boulder White Clouds Management Area. Hunters and fishermen are among those opposing CIEDRA because they know that

without water, wilderness cannot support wildlife, and streams cannot support fish.

(5) CIEDRA would weaken the Wilderness Act, bestowing the name "Wilderness" while undermining traditional wilderness protections. Title II would "release" more than 130,000 acres of Wilderness Study Areas and recommended Wilderness, suspending protection and opening these lands to damaging uses. The Wilderness proposed by CIEDRA is so weak and inconsistent with the Wilderness Act that the Forest Service expressed strong reservations about this title in its October 27, 2005 testimony regarding H.R. 3603.

For these and other reasons, the interests of your constituents are not well served by H.R. 3603.

We, the undersigned, urge you not to support CIEDRA.

COMMITTEE TO SAVE THE SNRA

Sierra Club, N. Rockies Chapter, Boise, ID, Kathy Richmond.

Idaho Wildlife Federation, Boise, ID, Cherie Barton.

Idaho Birdhunters, Boise, ID, Russell Heughins.

Idaho Environmental Council, Idaho Falls, ID, Jerry Jayne.

Ada County Fish & Game League, Boise, ID, Bob Minter.

Idaho Sporting Congress, Boise, ID, Ron Mitchell.

Coalition of Retired Forest Service Managers, Hailey, ID, Scott Phillips.

Golden Eagle Audubon, Boise, ID.

Payette Forest Watch, Moscow, ID, Erik Ryberg.

Friends of the West, Clayton, ID, Dave Richmond.

Friends of the Clearwater, Moscow, ID, Gary Macfarlane.

Kootenai Environmental Alliance, Coeur d'Alene, ID, Barry Rosenberg.

Idaho Green Party, Boise, ID, Gwen Sanchirico.

NREPA Network, Hailey, ID, Kaz Thea.

Selkirk Conservation Alliance, Priest River, ID, Mark Sprengel.

Western Lands Project, Seattle, WA, Janine Blaeloch.

Alliance for the Wild Rockies, Missoula, MT, Michael Garrity.

Wilderness Watch, Missoula, MT, George Nickas.

Friends of the Bitterroot, Hamilton, MT, Larry Campbell.

Big Wild Advocates, Emigrant, MT, Howie Wolke.

Wildlands CPR, Missoula, MT, Bethanie Walder.

National Forest Protection Alliance, Missoula, MT, Susan Curry.

The Ecology Center, Missoula, MT, Jeff Juel.

Save America's Forests, Washington, D.C., Carl Ross.

Bluewater Network, A Division of Friends of the Earth, San Francisco, CA, Carl Schneebeck.

Public Lands Foundation, Arlington, VA, George Lea.

Wild Wilderness, Bend, OR, Scott Silver.

Californians for Western Wilderness, San Francisco, CA, Michael J. Painter.

North Cascades Conservation Council, Seattle, WA, Marc Bardsley.

Utah Environmental Congress, Salt Lake City, UT, Kevin Mueller.

Olympic Forest Coalition, Olympia, WA, Bonnie Phillips.

Cold Mountain, Cold Rivers, Missoula, MT, Lance Olsen.

Conservation Congress, Lewistown, MT, Denise Boggs.

Native Forest Council, Eugene, OR, Tim Hermach.

Citizens to Save Our Canyons, Salt Lake City, UT, Gale Dick.

River Runners for Wilderness, Moab, UT, Tom Martin.

Wild Law, Montgomery, AL, Ray Vaughan. Citizens for the Chuckwalla Valley, Desert Center, CA, Donna Charpied.

Heartwood, Brookport, IL, Mark Donhan. Citizens Against Recreation Privatization, Southlake, TX, Greg Billingsley.

Friends of the Wild Swan, Swan Lake, MT, Arlene Montgomery.

Great Old Broads for Wilderness, Durango, CO, Ronni Egan.

Swan View Coalition, Kallispell, MT, Keith Hammer.

Friends of Bell Smith Springs, Stonefort, Illinois, Sam Stearns.

Umpqua Watersheds, Roseburg, OR, Penny Lind.

MEMO REGARDING THE WILDERNESS PROVISIONS IN H.R. 3603

CENTRAL IDAHO ECONOMIC DEVELOPMENT AND RECREATION ACT (CIEDRA), JULY 21, 2001

Rep. Mike Simpson's (R-ID) Central Idaho Economic Development and Recreation Act (CIEDRA) contains a number of wilderness-weakening provisions that are contrary to the intent and provisions in the Wilderness Act. Some of these have been included in one or more other wilderness bills but that does not make them any less harmful for wilderness.

Exceptions contrary to the Wilderness Act water down the meaning and authenticity of wilderness. The new trend these last several years of designating wilderness as part of complex omnibus public lands bills has become increasingly controversial. The Lincoln County bill in Nevada is one recent example that bitterly divided the conservation community and undermined the language and intent of the Wilderness Act.

Below are citations in CIEDRA that are wilderness-weakening provisions.

PROVISION

CIEDRA elevates the interests of certain user groups into statutory rights.

CIEDRA 202(h): Commercial Outfitters and Saddle and Pack Stock.—Nothing in this title shall preclude horseback riding or the entry of recreational saddle or pack stock into the wilderness areas designated by section 201, including when such entry is made by commercial outfitters.

Discussion: Howard Zahniser, author of the Wilderness Act, said the following in testimony before the House: "The purpose of the Wilderness Act is to preserve the wilderness character of the areas to be included in the wilderness system, not to establish any particular use."—May 7th, 1962, 87th Congress

Commercial outfitters in the Sierra have been trying for several years to pass a national Right to Ride bill. They've included recreational equestrians in their legislative attempts to get their support for the bill. That bill has not passed, but Right to Ride language has been inserted into a few wilderness bills, including CIEDRA and the California Wild Heritage Act, but such language has never passed yet. CIEDRA would be the first to enshrine such language into law.

The overarching statutory mandate of the Wilderness Act is to preserve the wilderness character of an area, and allow nothing to diminish its wilderness character over time. By law, preserving wilderness character has priority over any particular use of an area. For that reason any allowable public use such as hiking or horse use can be limited or prohibited in wilderness if the use is harming some aspect of an area's wilderness character. There are a number of wildernesses around the country that are completely closed to public use for all or part of each year for that very reason.

CIEDRA does the opposite—it says that even though the area has become wilderness,

protection of its wilderness character cannot be used as the premise for limiting horse use. It essentially grants greater statutory privilege to horse use than to preservation of wilderness character, which is completely contrary to the intent of the Wilderness Act.

PROVISION

CIEDRA weakens Wilderness Act restrictions on access to mining claims.

CIEDRA §202(f): Treatment of Existing Claims and Private Lands.—Nothing in this title is intended to affect the rights or interests in real property, patented mining claims, or valid claims or prevent reasonable access to private property or for the development and use of valid mineral rights.

Wilderness Act §5(b): In any case where valid mining claims or other valid occupancies are wholly within a designated national forest wilderness area, the Secretary of Agriculture shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been or are being customarily enjoyed with respect to other such areas similarly situated.

Discussion: Instead of simply referencing the Wilderness Act, CIEDRA drops the "reasonable regulations" clause, the "consistent with preservation of the area as wilderness" requirement, and the very important "customarily enjoyed in areas similarly situated" requirement. The latter requirement is highly significant because courts have relied on it in denying road-building and motorized access to private property or valid occupancies within designated wilderness (Absaroka-Beartooth Wilderness is one example). Comparing to other areas similarly situated requires comparing to modes of access that are allowed to other properties that are surrounded by designated wilderness.

CIEDRA abandons these provisions of the Wilderness Act, leaving the door wide open to any kind of access the agency can be convinced to approve.

PROVISION

CIEDRA grants fire management authority to State and local entities, including use of motor vehicles, bulldozers, and chainsaws in Wilderness.

CIEDRA §205: Wildfire Management.—Consistent with section 4 of the Wilderness Act nothing in this title precludes a Federal, State, or local agency from conducting wildfire management operations, including operations using aircraft or mechanized equipment, to manage wildfires in the wilderness areas designated by section 201.

Wilderness Act §4(d)(1): Within wilderness areas . . . such measure may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable.

Discussion: Under the Wilderness Act the Secretary clearly retains sole responsibility for fire management decisions in wilderness, including decisions regarding motorized uses for fire control. Under CIEDRA, State and local agencies are placed on an equal footing with the Forest Service for making fire management decisions. This devolution of fire management authority first appeared in the Clark County, Nevada bill in 2002 and was repeated in the Lincoln County, Nevada bill in 2004.

PROVISION

CIEDRA fragments the largest remaining contiguous roadless area in the continental U.S. into four parcels separated by ATV and motorcycle trails.

CIEDRA §201(1, 2, 3) and §301(a): CIEDRA designates three separate wildernesses: Hemingway-Boulders Wilderness, White Clouds Wilderness, and Jerry Peak Wilderness. The Hemingway-Boulders and White Clouds Wildernesses are separated by a motorcycle

trail, the Germania Trail. The Hemingway-Boulders Wilderness is further carved into two parcels separated by another motorcycle trail that branches off the Germania Trail and leads to the road to the Bowery Guard Station. The White Clouds Wilderness is similarly carved into two separate pieces separated by a loop trail used by motorcycles and ATV's, the Frog Lake Trail. These motorized routes are shown on maps on Simpson's web page and will be on the Travel Map referenced in §301(a).

Discussion: These trails were originally constructed for packstock but began receiving some motorcycle use over the years. The Forest Service did not prohibit the motorized use but currently has the authority to close these trails to motorized use at any time. Congress could also choose to close these motorized trails and designate one larger and completely contiguous wilderness for the Boulder-White Cloud Mountains, instead of the fragmented version that CIEDRA presents.

#### PROVISION

CIEDRA permits stream poisoning, predator control, and stocking with non-native species in wilderness.

CIEDRA §207(b): Management Activities.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations and the habitats to support such populations may be carried out within wilderness areas designated by section 201 where consistent with relevant wilderness management plans, in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405 of the 101st Congress, including the occasional and temporary use of motorized vehicles, if such use, as determined by the Secretary concerned would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values and accomplish those purposes using the minimum tool necessary to reasonably accomplish the task.

Wilderness Act §2(c): Definition of Wilderness.—A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammeled by man. . . .

Discussion: By statutory definition, wilderness is to remain a place set apart where its natural processes including wildlife populations remain untrammeled by intentional human manipulations and interference. While the State retains its role in regulating hunting and fishing in wilderness, the clear intent of the Wilderness Act is not to allow the heavy-handed game management activities that State Fish & Game managers often employ on non-wilderness lands.

The House Report incorporated by CIEDRA contains what are known as the "wildlife guidelines." Those guidelines were not written by wilderness managers, they were drafted by state wildlife managers and were first incorporated into statute in the Arizona Desert Wilderness Act of 1990. Those guidelines contain the following:

Stream Poisoning: Chemical treatment may be necessary to prepare waters for the reestablishment of indigenous species, to protect or recover Federally listed threatened or endangered species, or to correct undesirable conditions resulting from the influence of man. . . . Use only registered pesticide . . . Schedule chemical treatments during periods of low human use, insofar as possible. . . .

Predator Control: Wildlife damage control in wilderness may be necessary to . . . prevent serious losses of domestic livestock . . . Acceptable control measures include lethal

and nonlethal methods. . . . Use pesticides only where other measures are impractical . . . Place warning signs at the entrance to the area where pesticides are being used to warn the public of any dangers to themselves or their pets.

Stocking with non-native species: The order of preference for stocking fish species is (a) Federally listed threatened or endangered indigenous species, (b) indigenous species. Species of fish traditionally stocked before wilderness designation may be considered indigenous if the species is likely to survive. Barren lakes and streams may be considered for stocking . . .

#### PROVISION

CIEDRA would allow motor vehicles and aircraft in wilderness for routine game management.

CIEDRA §207(c): Use of Aircraft.—Consistent with section 4(d)(1) of the Wilderness Act and in accordance with appropriate policies such as those set forth in Appendix B of House Report 101-405 of the 101st Congress, the State of Idaho may continue to use aircraft, including helicopters, to survey, capture, transplant, monitor, and manage elk, deer, bighorn sheep, mountain goats, wolves, grizzly bears, and other wildlife and fish.

Appendix B Wildlife Guidelines: Aerial stocking of fish shall be permitted for those waters in wilderness where this was an established practice before wilderness designation . . . motorized methods and temporary holding and handling facilities may be permitted if they are the minimum necessary . . . Chemical poisoning of lakes is done with motorboats . . .

#### PROVISION

CIEDRA releases 130,000 acres of Wilderness Study Areas and Forest Service recommended wilderness, suspending current protections and opening these lands to potentially damaging multiple-use.

CIEDRA §210(b)(1): Releases the Jerry Peak Wilderness Study Area, the Jerry Peak West Wilderness Study Area, the Corral-Horse Basin Wilderness Study Area, and the Boulder Creek Wilderness Study Area. Any public land described in paragraph (1) that is not designated as wilderness by this title is no longer subject to section 603(c) of the Federal Land Policy and Management Act (FLPMA) of 1976. These WSA's total 80,000 acres.

FLPMA requires that WSA's be managed in a manner that does not impair their suitability for designation as wilderness, and directs the Secretary to take action to prevent unnecessary or undue degradation of those lands.

A PowerPoint presentation on Simpson's website indicates that CIEDRA does not designate 50,000 acres that have been recommended by the Forest Service for wilderness designation.

Mrs. MALONEY, Madam Speaker, among other harmful provisions, the underlying bill, H.R. 3603, will give away many public lands for private development to local governments completely for free. A bill this controversial should not be considered under suspension of the rules.

The bill, H.R. 3603, includes unusual language that allows the giving away of publicly owned land, owned by the taxpayers, to localities, to counties, and local governments for them then to possibly develop it for private development.

It will also give away, I am told, by the Sierra Club, 5,000 acres. My good friend on the other side of the aisle,

MIKE SIMPSON, said that it is only 3,600 acres. I asked the Democratic staff what is the correct number? They say they do not know because they just got the maps of this controversial bill today at 12:30. And I think that illustrates, if we do not even know how many acres of publicly owned land we are giving away, this needs a further investigation.

In any event, it will give away thousands of acres of national forest and Bureau of Land Management managed lands, including lands within the congressionally protected Sawtooth National Recreation Area, to be opened to large-scale home development and motorized recreational parks. American taxpayers have invested nearly \$65 million over 30 years to protect the Sawtooth National Recreation Area, and it is among the most beautiful sites truly in our country. And now this bill will be giving away roughly 3,600 or 5,000 acres. We are not clear how many.

Make no mistake. We are setting a dangerous precedent by turning over land that is truly owned by this country by all Americans for private development, most of it completely for free.

Some are willing to accept this dangerous precedent and other comprises harmful to the land and wildlife because this bill designates some wilderness. However, Madam Speaker, the esteemed ranking member, NICK RAHALL, of the Resources Committee, and I quote his statement in the committee, "I believe that wilderness designations should not be the result of a quid pro quo," this is from NICK RAHALL, who is opposing this bill.

MIKE THOMPSON has a bill before us today that would designate 275,000 acres of wilderness, and I am totally supportive. But apparently, these two bills have been tied together in an unprecedented way. But even if you believe they should both move forward, let us look at what getting in return for our public lands.

We are getting a number, according to the Wilderness Watch and the Sierra Club, of wilderness-weakening provisions that are contrary and, indeed, undermine the intent and provisions of the Wilderness Act that has been the gold standard for wilderness protection in America for over 40 years.

For example, H.R. 3603 fragments the largest remaining contiguous, roadless area in the continental U.S. into four parcels separated and surrounded by all-terrain vehicles and motorcycle trails.

Secondly, according to Sierra Club and Wilderness Watch, it weakens stream protection by saying that the Forest Service, in order to get water rights, they must get these rights from the State. But the State does not provide wilderness water rights. Therefore, the Democratic staff says that this is a complete and total charade.

Also, it weakens restrictions on access to mining claims and releases more than 130,000 acres of Wilderness

Study Areas and recommended Wilderness, suspending protection and opening these lands to damaging uses.

We must not set a precedent of giving away lands for private development, and we must not get in place of it watered-down, substandard "wilderness." It is simply not worth the cost.

A bill this controversial simply should not be considered under suspension, and I urge, along with the Sierra Club, 44 organizations, Wilderness Watch, a "no" vote on H.R. 3603. And I feel it should not be tied in any way to Mr. THOMPSON's very fine bill that provides for wilderness protection.

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

Mr. WALDEN of Oregon. Madam Speaker, I yield such time as he may consume to the author of the bill for a concluding statement and any comments he may have.

Mr. SIMPSON. Madam Speaker, I have to respond to a couple of the statements that were made because I know that they have been made over the past by the Sierra Club and others.

First of all, the Wilderness Society and the Campaign for American Wilderness would not be supporting this bill if we actually had wilderness-weakening provisions in this. And while there are compromises in that, and the comment of the ranking member, Mr. RAHALL, that we should not have a quid pro quo, that is kind of the nature of a compromise, that there are some things in it that you like and some things that you do not like. There are provisions of this bill which I personally am not in favor of, but they were necessary in order to get the compromise that is necessary in order to pass this legislation and protect these lands.

First of all, the land transfers that are being talked about, they total about 3,600 acres. This is in a county that is 95 public land, over 95 percent. Out of a total of 3.2 million acres in this county, we are talking about transferring about 3,600 acres. These are not the beautiful mountains that you see in the pictures. These are mostly desert lands, sagebrush lands. They will help the county do things like find room for their landfill, other things like that which will help in the economic development of this county.

Most people that have looked at the actual lands that are being transferred are not opposed to them except for a small portion of them that are actually in Stanley, and in Stanley the city of Stanley has to repay the Federal Government for these lands that were actually purchased by the Federal Government.

I would also say that if there was a great deal of concern about these land transfers and what it is going to do to the Sawtooth National Recreation Area, the Sawtooth Society would not be supporting this. Frank Church's wife, Bethine Church, would not be

supporting this, as well as the other members of the Sawtooth Society. Neither would the Boulder-White Clouds Council be supporting in this. So it is a compromise. There are provisions in it that you can find that you do not like.

One of the interesting things is that the Sierra Club says there is no Federal reserved water rights on this.

MOMENT OF SILENCE IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER pro tempore. Will the gentleman suspend.

Pursuant to the Chair's announcement of earlier today, the House will now observe a moment of silence in memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Please rise for a moment of silence.

The gentleman from Idaho is recognized.

Mr. SIMPSON. One last comment, Madam Speaker. The argument I found so strange by the Sierra Club is that they say that this does not have Federal water right protection in it. And you are right. It does not have Federal water right protection in it. It does not need Federal water right protection in it because the wilderness area is all headwaters. Whatever falls on the ground from the sky, whatever comes out of the springs there, are protected by the wilderness designation. It does not need Federal water right designation because there is no water right to protect. So I have never understood their argument.

But the reality is that we protect water in this bill better than any wilderness bill that has ever passed because the Wilderness Act itself allows for the President on his declaration to go into a wilderness area and build a dam or other things for irrigation purposes if he declares that that is necessary. That is one of the actual compromises that were made when the Wilderness Act was enacted. We take away the President's right to do that. He could not go in and designate certain areas to be used for irrigation and build dams and take water or anything else. The water that falls on the land will be preserved for the Boulder-White Clouds Wilderness.

Madam Speaker, I appreciate the gentlewoman's concern, and I appreciate the fact that this is a compromise and that there are people on both sides of this issue, in fact, on all sides, there are multiple sides, who do not like this, who do not think it goes far enough in their direction. But the nature of a compromise is that you try to bring people toward the middle. You try to bring people toward a center that they can say we get more out of this bill than we lose.

If we were to draft the perfect bill that you liked, that the Sierra Club liked, we could never get it passed because the people on the other side would then be violently opposed to it. So what we are trying to do is reach that balance where we can actually protect the Boulder-White Clouds, and

if you have ever been there, it is something that deserves protecting.

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

Again, I want to commend the hard work and diligent effort of our colleague MIKE SIMPSON from Idaho and his staff and the people he has worked with for a long time to bring this bill to this point and for our consideration. And I would heartily urge our Members to support it and remind them that it came out of the Resources Committee on a unanimous vote.

Mr. RAHALL. Madam Speaker, I have spent more than half my life as a member of the Resources Committee. In that time I have supported numerous wilderness designations. In fact, I cannot recall ever opposing a wilderness bill. Yet, today, I find myself in a different situation. While I am normally excited, in fact, enthused, whenever a Republican introduces a wilderness bill, H.R. 3603 falls far short of what I see as an acceptable standard for such an exceptional area.

Wilderness designations should not be the result of a quid pro quo. They should rise or fall on their own merits. We all understand that compromise is part of the legislative process, yet at the same time, I would submit that wilderness is not for sale. Simply put, I believe we should not seek the lowest common denominator when it comes to wilderness and saddle a wilderness designation with exceptions, exclusions, and exemptions. Wilderness is an endangered species. But instead of treating it as such, H.R. 3603 declares open season on it.

With all due respect to the author of this legislation, and its supporters, in my view the focus of this bill is placed on development, with public land giveaways, monetary favors and special legislative provisions for a select few.

There is nothing to be ashamed about with wilderness. Wilderness is not defined by the absence of certain activities, but rather by the presence of certain unique and invaluable characteristics. The answer to the oft-asked question, "why do you want this area to be wilderness" is that these areas are already wilderness. Congress cannot "create" wilderness. That is done by the hand of God. But what we can do is look beyond the fleeting uses these wild lands could be put to and preserve them as they are and as they have been for generations.

President Lyndon Johnson, at the signing of the Wilderness Act in 1964 perhaps summed it up best when he said: "If future generations are to remember us with gratitude rather than contempt, we must leave them something more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it."

H.R. 3603 falls far short of the standard that has been set for wilderness designation over the past forty years. It treats wilderness as a bargaining chip, something to be used to gain other ends. I simply cannot support eroding protections in the Sawtooth National Recreation Area, the transfer of public lands to developers, or the payoffs to mining speculators to name but a few issues.

H.R. 3603 does not enhance the cause of wilderness, it cheapens it. The rush to bring

this bill to the floor, without even a Committee Report, only shows that proponents fear a little sunshine on this legislation. They don't want you to look too closely at the backroom deals that were made, the favors that were granted, or the real resource protection for these public resources that is being forgone.

Madam Speaker, H.R. 3603, is bad wilderness policy, it's bad resource management policy and it is bad fiscal policy. I urge defeat of the legislation.

Mr. WALDEN of Oregon. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 3603, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### NORTHERN CALIFORNIA COASTAL WILD HERITAGE WILDERNESS ACT

Mr. WALDEN of Oregon. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 233) to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes, as amended.

The Clerk read as follows:

H.R. 233

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

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Northern California Coastal Wild Heritage Wilderness Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Definition of Secretary.
- Sec. 3. Designation of wilderness areas.
- Sec. 4. Administration of wilderness areas.
- Sec. 5. Release of wilderness study areas.
- Sec. 6. Elkhorn Ridge Potential Wilderness Area.
- Sec. 7. Wild and scenic river designation.
- Sec. 8. King Range National Conservation Area boundary adjustment.
- Sec. 9. Cow Mountain Recreation Area, Lake and Mendocino Counties, California.
- Sec. 10. Continuation of traditional commercial surf fishing, Redwood National and State Parks.

#### SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means—

- (1) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

- (2) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

#### SEC. 3. DESIGNATION OF WILDERNESS AREAS.

In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State of California are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) SNOW MOUNTAIN WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Mendocino National Forest, comprising approximately 23,706 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall be considered to be a part of the “Snow Mountain Wilderness”, as designated by section 101(a)(31) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

- (i) the map entitled “Skeleton Glade Unit, Snow Mountain Proposed Wilderness Addition, Mendocino National Forest” and dated April 21, 2005; and

- (ii) the map entitled “Bear Creek/Deafy Glade Unit, Snow Mountain Wilderness Addition, Mendocino National Forest” and dated July 21, 2006.

(2) SANHEDRIN WILDERNESS.—Certain land in the Mendocino National Forest, comprising approximately 10,571 acres, as generally depicted on the map entitled “Sanhedrin Proposed Wilderness, Mendocino National Forest” and dated April 21, 2005, which shall be known as the “Sanhedrin Wilderness”.

(3) YUKI WILDERNESS.—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Lake and Mendocino Counties, California, together comprising approximately 53,887 acres, as generally depicted on the map entitled “Yuki Proposed Wilderness” and dated May 23, 2005, which shall be known as the “Yuki Wilderness”.

(4) YOLLA BOLLY-MIDDLE EEL WILDERNESS ADDITION.—Certain land in the Mendocino National Forest and certain land administered by the Bureau of Land Management in Mendocino County, California, together comprising approximately 27,036 acres, as generally depicted on the map entitled “Middle Fork Eel, Smokehouse and Big Butte Units, Yolla Bolly-Middle Eel Proposed Wilderness Addition” and dated June 7, 2005, is incorporated in and shall be considered to be a part of the Yolla Bolly-Middle Eel Wilderness, as designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(5) SISKIYOU WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Six Rivers National Forest, comprising approximately 30,122 acres, as generally depicted on the maps described in subparagraph (B), is incorporated in and shall be considered to be a part of the Siskiyou Wilderness, as designated by section 101(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

- (i) the map entitled “Bear Basin Butte Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest” and dated June 28, 2005; and

- (ii) the map entitled “Blue Creek Unit, Siskiyou Proposed Wilderness Addition, Six Rivers National Forest” and dated July 21, 2006;

(6) MOUNT LASSIC WILDERNESS.—Certain land in the Six Rivers National Forest, comprising approximately 7,279 acres, as generally depicted on the map entitled “Mt. Lassic Proposed Wilderness” and dated June 7, 2005, which shall be known as the “Mount Lassic Wilderness”.

(7) TRINITY ALPS WILDERNESS ADDITION.—

(A) IN GENERAL.—Certain land in the Six Rivers National Forest, comprising approximately 22,863 acres, as generally depicted on

the maps described in subparagraph (B) and which is incorporated in and shall be considered to be a part of the Trinity Alps Wilderness as designated by section 101(a)(34) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425).

(B) DESCRIPTION OF MAPS.—The maps referred to in subparagraph (A) are—

- (i) the map entitled “East Fork Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest” and dated September 17, 2004;

- (ii) the map entitled “Horse Linto Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest” and dated September 17, 2004; and

- (iii) the map entitled “Red Cap Unit, Trinity Alps Proposed Wilderness Addition, Six Rivers National Forest” and dated June 7, 2005.

(8) CACHE CREEK WILDERNESS.—Certain land administered by the Bureau of Land Management in Lake County, California, comprising approximately 27,245 acres, as generally depicted on the map entitled “Cache Creek Wilderness Area” and dated July 22, 2006, which shall be known as the “Cache Creek Wilderness”.

(9) CEDAR ROUGHS WILDERNESS.—Certain land administered by the Bureau of Land Management in Napa County, California, comprising approximately 6,350 acres, as generally depicted on the map entitled “Cedar Roughs Wilderness Area” and dated September 27, 2004, which shall be known as the “Cedar Roughs Wilderness”.

(10) SOUTH FORK EEL RIVER WILDERNESS.—Certain land administered by the Bureau of Land Management in Mendocino County, California, comprising approximately 12,915 acres, as generally depicted on the map entitled “South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness” and dated June 16, 2005, which shall be known as the “South Fork Eel River Wilderness”.

(11) KING RANGE WILDERNESS.—

(A) IN GENERAL.—Certain land administered by the Bureau of Land Management in Humboldt and Mendocino Counties, California, comprising approximately 42,585 acres, as generally depicted on the map entitled “King Range Wilderness”, and dated November 12, 2004, which shall be known as the “King Range Wilderness”.

(B) APPLICABLE LAW.—With respect to the wilderness designated by subparagraph (A), in the case of a conflict between this Act and Public Law 91-476 (16 U.S.C. 460y et seq.), the more restrictive provision shall control.

(12) ROCKS AND ISLANDS.—

(A) IN GENERAL.—All Federally-owned rocks, islets, and islands (whether named or unnamed and surveyed or unsurveyed) that are located—

- (i) not more than 3 geographic miles off the coast of the King Range National Conservation Area; and

- (ii) above mean high tide.

(B) APPLICABLE LAW.—In the case of a conflict between this Act and Proclamation No. 7264 (65 Fed. Reg. 2821), the more restrictive provision shall control.

#### SEC. 4. ADMINISTRATION OF WILDERNESS AREAS.

(a) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by section 3 shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

- (1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

- (2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the wilderness.

## (b) MAP AND DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated by section 3 with—

(A) the Committee on Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) FORCE OF LAW.—A map and legal description filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be filed and made available for public inspection in the appropriate office of the Secretary.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by this Act that is acquired by the Federal Government shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid rights in existence on the date of enactment of this Act, the Federal land designated as wilderness by this Act is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(e) FIRE, INSECT, AND DISEASE MANAGEMENT ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take such measures in the wilderness areas designated by this Act as are necessary for the control and prevention of fire, insects, and diseases, in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) House Report No. 98-40 of the 98th Congress.

(2) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall review existing policies applicable to the wilderness areas designated by this Act to ensure that authorized approval procedures for any fire management measures allow a timely and efficient response to fire emergencies in the wilderness areas.

## (f) ACCESS TO PRIVATE PROPERTY.—

(1) IN GENERAL.—The Secretary shall provide any owner of private property within the boundary of a wilderness area designated by this Act adequate access to such property to ensure the reasonable use and enjoyment of the property by the owner.

## (2) KING RANGE WILDERNESS.—

(A) IN GENERAL.—Subject to subparagraph (B), within the wilderness designated by section 3(11), the access route depicted on the map for private landowners shall also be available for persons invited by the private landowners.

(B) LIMITATION.—Nothing in subparagraph (A) requires the Secretary to provide any access to the landowners or persons invited by the landowners beyond the access that would be available if the wilderness had not been designated.

(g) SNOW SENSORS AND STREAM GAUGES.—If the Secretary determines that hydrologic, meteorologic, or climatological instrumentation is appropriate to further the scientific, educational, and conservation purposes of the wilderness areas designated by this Act, nothing in this Act prevents the in-

stallation and maintenance of the instrumentation within the wilderness areas.

(h) MILITARY ACTIVITIES.—Nothing in this Act precludes low-level overflights of military aircraft, the designation of new units of special airspace, or the use or establishment of military flight training routes over wilderness areas designated by this Act.

(i) LIVESTOCK.—Grazing of livestock and the maintenance of existing facilities related to grazing in wilderness areas designated by this Act, where established before the date of enactment of this Act, shall be permitted to continue in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

## (j) FISH AND WILDLIFE MANAGEMENT.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may carry out management activities to maintain or restore fish and wildlife populations and fish and wildlife habitats in wilderness areas designated by this Act if such activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(2) STATE JURISDICTION.—Nothing in this Act affects the jurisdiction of the State of California with respect to fish and wildlife on the public land located in the State.

## (k) USE BY MEMBERS OF INDIAN TRIBES.—

(1) ACCESS.—In recognition of the past use of wilderness areas designated by this Act by members of Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure that Indian tribes have access to the wilderness areas for traditional cultural and religious purposes.

## (2) TEMPORARY CLOSURES.—

(A) IN GENERAL.—In carrying out this section, the Secretary, on request of an Indian tribe, may temporarily close to the general public 1 or more specific portions of a wilderness area to protect the privacy of the members of the Indian tribe in the conduct of the traditional cultural and religious activities in the wilderness area.

(B) REQUIREMENT.—Any closure under subparagraph (A) shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.

(3) APPLICABLE LAW.—Access to the wilderness areas under this subsection shall be in accordance with—

(A) Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996 et seq.); and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.).

## (l) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—Nothing in section 3 creates protective perimeters or buffer zones around any wilderness area designated by section 3.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by section 3 shall not preclude the conduct of those activities or uses outside the boundary of the wilderness area.

## (m) CHERRY-STEMMED ROADS.—

(1) DEFINITION.—In this subsection, the term “cherry-stemmed road” means a road that is excluded from the wilderness areas designated by section 3 by a non-wilderness corridor having designated wilderness on both sides, as generally depicted on the maps described in such section

(2) CLOSURES AND RESTRICTIONS.—The Secretary shall not—

(A) close any cherry-stemmed road that is open to the public as of the date of the enactment of this Act;

(B) prohibit motorized access on a cherry-stemmed road that is open to the public for motorized access as of the date of the enactment of this Act; or

(C) prohibit mechanized access on a cherry-stemmed road that is open to the public for mechanized access as of the date of the enactment of this Act.

(3) EXCEPTIONS.—Nothing in this subsection shall be construed as precluding the Secretary from closing or restricting access to a cherry-stemmed road for purposes of significant resource protection or public safety.

**SEC. 5. RELEASE OF WILDERNESS STUDY AREAS.**

(a) FINDING.—Congress finds that, for the purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by section 3 or any previous Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the King Range Wilderness Study Area;

(2) the Chemise Mountain Instant Study Area;

(3) the Red Mountain Wilderness Study Area;

(4) the Cedar Roughts Wilderness Study Area; and

(5) those portions of the Rocky Creek/Cache Creek Wilderness Study Area in Lake County, California which are not in R. 5 W., T. 12 N., sec. 22, Mount Diablo Meridian.

(c) RELEASE.—Any portion of a wilderness study area described in subsection (b) that is not designated as wilderness by section 3 or any other Act enacted before the date of enactment of this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)).

**SEC. 6. ELKHORN RIDGE POTENTIAL WILDERNESS AREA.**

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain public land in the State administered by the Bureau of Land Management, comprising approximately 11,271 acres, as generally depicted on the map entitled “South Fork Eel River Wilderness Area and Elkhorn Ridge Potential Wilderness” and dated June 16, 2005, is designated as a potential wilderness area.

(b) MANAGEMENT.—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage the potential wilderness area as wilderness until the potential wilderness area is designated as wilderness under subsection (d).

## (c) ECOLOGICAL RESTORATION.—

(1) IN GENERAL.—For purposes of ecological restoration (including the elimination of non-native species, removal of illegal, unused, or decommissioned roads, repair of skid tracks, and any other activities necessary to restore the natural ecosystems in the potential wilderness area), the Secretary may use motorized equipment and mechanized transport in the potential wilderness area until the potential wilderness area is designated as wilderness under subsection (d).

(2) LIMITATION.—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) EVENTUAL WILDERNESS DESIGNATION.—The potential wilderness area shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; or

(2) the date that is 5 years after the date of enactment of this Act.

(e) ADMINISTRATION AS WILDERNESS.—On its designation as wilderness under subsection (d), the potential wilderness area shall be—

(1) known as the “Elkhorn Ridge Wilderness”; and

(2) administered in accordance with section 4 and the Wilderness Act (16 U.S.C. 1131 et seq.).

#### SEC. 7. WILD AND SCENIC RIVER DESIGNATION.

(a) DESIGNATION OF BLACK BUTTE RIVER, CALIFORNIA.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“( ) BLACK BUTTE RIVER, CALIFORNIA.—The following segments of the Black Butte River in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 16 miles of Black Butte River, from the Mendocino County Line to its confluence with Jumpoff Creek, as a wild river.

“(B) The 3.5 miles of Black Butte River from its confluence with Jumpoff Creek to its confluence with Middle Eel River, as a scenic river.

“(C) The 1.5 miles of Cold Creek from the Mendocino County Line to its confluence with Black Butte River, as a wild river.”.

(b) PLAN; REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress—

(A) a fire management plan for the Black Butte River segments designated by the amendment made by subsection (a); and

(B) a report on the cultural and historic resources within those segments.

(2) TRANSMITTAL TO COUNTY.—The Secretary of Agriculture shall transmit to the Board of Supervisors of Mendocino County, California, a copy of the plan and report submitted under paragraph (1).

#### SEC. 8. KING RANGE NATIONAL CONSERVATION AREA BOUNDARY ADJUSTMENT.

Section 9 of Public Law 91–476 (16 U.S.C. 460y–8) is amended by adding at the end the following:

“(d) In addition to the land described in subsections (a) and (c), the land identified as the King Range National Conservation Area Additions on the map entitled ‘King Range Wilderness’ and dated November 12, 2004, is included in the Area.”.

#### SEC. 9. COW MOUNTAIN RECREATION AREA, LAKE AND MENDOCINO COUNTIES, CALIFORNIA.

(a) ESTABLISHMENT.—In order to enhance the recreational and scenic values of the Cow Mountain area in Lake and Mendocino Counties, California, while conserving the wildlife and other natural resource values of the area, there is hereby established the Cow Mountain Recreation Area (in this section referred to as the “recreation area”) consisting of approximately 51,513 acres of land in such counties, as generally depicted on the map entitled “Cow Mountain Recreation Area” and dated July, 22, 2006, including the following:

(1) The “South Cow Mountain OHV Management Area”, as generally depicted on the map.

(2) The “North Cow Mountain Recreation Area”, as generally depicted on the map.

(b) LEGAL DESCRIPTIONS; CORRECTION OF ERRORS.—

(1) PREPARATION AND SUBMISSION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall prepare a map and legal descriptions

of the boundaries of the recreation area. The Secretary shall submit the map and legal descriptions to the Committee on Resources of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate.

(2) LEGAL EFFECT.—The map and legal descriptions of the recreation area shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and legal descriptions. The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary of the Interior shall administer the recreation area in accordance with this section and the laws and regulations generally applicable to the public lands, including the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) EXISTING RIGHTS.—The establishment of the recreation area shall be subject to all valid existing rights.

(d) RECREATIONAL ACTIVITIES.—

(1) IN GENERAL.—The Secretary of the Interior shall continue to authorize, maintain, and enhance the recreational use of the land included in the recreation area, including motorized recreation, hiking, camping, mountain biking, sightseeing, and horseback riding, as long as such recreational use is consistent with this section and other applicable law.

(2) OFF-ROAD AND MOTORIZED RECREATION.—Motorized recreation shall be a prescribed use within the South Cow Mountain OHV Management Area, occurring only on roads and trails designated by the Secretary for such use, except as needed for administrative purposes or to respond to an emergency. Nothing in this paragraph shall be construed as precluding the Secretary from closing any trail or route from use for purposes of resource protection or public safety.

(3) MOUNTAIN BIKING.—Mountain biking shall be a prescribed use within the recreation area, occurring only on roads and trails designated by the Secretary for such use. Nothing in this paragraph shall be construed as precluding the Secretary from closing any trail or route from use for purposes of resource protection or public safety.

(e) ACCESS TO PRIVATE PROPERTY.—The Secretary of the Interior shall provide any owner of private property within the boundaries of the recreation area adequate access to the property to ensure the reasonable use and enjoyment of the property by the owner.

(f) LAND ACQUISITION.—

(1) ACQUISITION FROM WILLING PERSONS ONLY.—The Secretary of the Interior may acquire lands or interests in lands in the recreation area only by—

(A) donation;

(B) exchange with a willing party, as expressed in a written agreement between the Secretary and the party; or

(C) purchase from a willing seller, as expressed in a written agreement between the Secretary and the seller.

(2) ADMINISTRATION OF ACQUIRED LANDS.—Lands or interests in lands within or adjacent to the boundaries of the recreation area that are acquired by the Bureau of Land Management, and title or possession of which is vested in the United States after the date of the enactment of this Act, shall be managed by the Secretary as part of the recreation area.

(g) ADJACENT MANAGEMENT.—Nothing in this section creates protective perimeters or buffer zones around the recreation area.

#### SEC. 10. CONTINUATION OF TRADITIONAL COMMERCIAL SURF FISHING, REDWOOD NATIONAL AND STATE PARKS.

(a) AVAILABILITY OF LIMITED NUMBER OF PERMITS.—For the sole purpose of continuing traditional commercial surf fishing, the Secretary of the Interior shall permit the right of entry for authorized vehicle access onto the wave slope area at that area known as Gold Bluffs Beach, Prairie Creek Redwoods State Park, and that portion of the beach north and south of Redwood Creek in Redwood National and State Parks. The number of permits issued under the authority of this section shall be limited to the number of valid permits that were held on the date of enactment of this Act. The permits so issued shall be perpetual and subject to the same conditions as the permits held on the date of the enactment of this Act.

(b) WAVE SLOPE AREA DEFINED.—In this section, the term “wave slope area” refers to the area that has been wet by the wave action of the previous high tide, but does not include any vegetated areas.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from Guam (Ms. BORDALLO) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

□ 1545

GENERAL LEAVE

Mr. WALDEN of Oregon. Madam 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 bill under consideration.

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

There was no objection.

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

H.R. 233, the Northern California Coastal Wild Heritage Wilderness Act, was introduced by our colleague Congressman MIKE THOMPSON at the beginning of the 109th Congress.

Last July, the Resources Committee held a legislative hearing on this bill. Though Mr. THOMPSON worked hard to gain support for the bill, it was clear that some issues needed to be resolved before the bill could move forward. Since then, Chairman POMBO and Congressman THOMPSON have worked cooperatively to develop a compromise on H.R. 233.

The changes in the bill include a reduction of approximately 11,000 acres of proposed wilderness in Del Norte County because of community concerns; removing the Perkins Creek Trail portion of Cache Creek area to ensure that mountain biking, which is prohibited in wilderness under the 1964 act, could continue; and eliminating nearly 6,500 acres of proposed wilderness in the Mad River Buttes area to make certain motorized and mechanized recreation may continue in this important recreational area.

To ensure that not only wilderness but also recreation was protected, the bill codifies mountain bike and motorized recreation as a prescribed use in

the 51,000-acre Cow Mountain Recreation Area. Because of concerns about access to wilderness areas, the bill will also mandate that all cherry-stemmed roads will remain open and mountain bike and motorized recreation access will continue on these roads. These measures will ensure that the public will have a variety of recreational options on the public lands.

Finally, the bill addresses a long-standing problem with surf fishing permits on the beaches of Redwood National and State Park. When the Redwood National Park was created in 1968, you may recall it was with the intent that surf fishing in the area would continue. Yet since then, many fishing permits have been canceled and will soon be completely phased out. This bill will put a stop to the phase-out by continuing 27 fishing permits for smelt. Surf fishing in this area is an important tradition within the community and the continuation of these permits will help to enhance a stagnant local economy.

On behalf of full Resources Committee Chairman Richard Pombo, I want to thank Congressman THOMPSON for his willingness to work with the committee to make this wilderness bill a bipartisan and broadly supported piece of legislation, and I urge my colleagues to support this balanced and bipartisan measure.

Madam Speaker, I reserve the balance of my time.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Madam Speaker, the majority has already explained the purpose of H.R. 233, which was introduced by my colleague from California, Representative MIKE THOMPSON. The gentleman is to be commended for his efforts to preserve the wild lands of his Northern California district. He has worked diligently with Federal, State, and local interests to preserve and enhance the wilderness experience.

Madam Speaker, overall, we support H.R. 233, and we recommend its adoption by the House today.

Madam Speaker, I yield such time as he may consume to the gentleman from Northern California (Mr. THOMPSON), the sponsor of this legislation.

Mr. THOMPSON of California. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, this bill will protect some of the most beautiful wilderness area in my entire congressional district. It is the product of over 5 years of hard, grass-roots work. It represents town hall meetings, I can't tell you how many town hall meetings, field tours with all the different stakeholder groups, open debate, both in the House and the committee, and the Senate, both in the committee and on the floor, in city hall chambers and board of supervisors chambers throughout my dis-

trict, stakeholder meetings with people representing timber, hunting and fishing, conservation, government, off-road vehicles, mountain bikes, businesses, farming. It is 5 years of exhaustive and inclusive work.

The result is the added protection to 275,000 acres of the most beautiful and the most important landscapes in all of California's First Congressional District. It includes the famous King Ranch, which the Bush administration in testifying in committee on this identified that particular portion as being the crown jewel of our entire national wilderness system. It is an absolutely spectacular area.

This bill is also important in regard to the federally listed salmon and trout throughout my district. It will enhance the watersheds of the habitat areas of these fish, and it will ensure a source of clean and reliable water to ensure the continued improvement to these fisheries.

Fire protection was an issue on this bill, and we went out of our way to make sure that we protected the land managers' ability to fight fire and to use pre-suppression measures to ensure that we minimized the likelihood of wildland fires.

Also road access was an issue, and my friend Mr. WALDEN from Oregon talked about the cherry-stemmed roads. We went out of our way to make sure not a single legal road existing today will be closed by this bill. Mountain bikes and the off-road vehicle community raised some concerns, and we dealt with those. In regard to the mountain bikers, we created an area adjacent to the King Ranch area that the local newspaper, the Eureka Times Standard, called a world-class mountain bike trail system that will give them more bicycling opportunities than they had before.

As mentioned, we put in place protections for the Cow Mountain area, where off-road vehicle users and mountain bikers ride today. We protected their rights to do so in perpetuity on this 79,000-acre portion of property that is so important to them.

This is a collaborative effort where all the stakeholders have come in, and we worked in an unprecedented manner to make sure that this bill is the right bill for this property.

It wouldn't have happened had it not been for the hard work of a lot of dedicated folks. I want to thank particularly both the chairman and the ranking member on the Resources Committee, who worked very, very hard, and their staffs that worked extremely hard in making sure that this was a good measure.

There were outside interest groups that worked. Ryan Henson from the California Wilderness Coalition stands out amongst those who worked so hard and knows this area so well.

As was mentioned, this touches land in just about every county in my district. Each county board had a spokesperson or a point person. It was Martha

McClure in Del Norte County; Jim Wattenberger in Mendocino County; John Wooley in Humboldt County; Ed Roby in Lake County; and Dianne Dillon in Napa County, and they are to be commended. Senator BOXER's staff, Jeffrey Rosato, and Senator FEINSTEIN's staff, Jon Watts, also worked extremely hard. Leading this effort was Mark Kadash from Senator FEINSTEIN's staff, who helped us so much.

I want to thank Senator BOXER and Senator FEINSTEIN, who were the co-authors of this measure. Their bill passed the Senate earlier this year 100-0. They understand the importance of this area, and they worked tirelessly to make sure that it was protected.

Although we all worked for 5 years to make sure that this happened, there was one person that really worked probably 6 or 7 years' worth of time during that 5-year block, and that was Jonathan Birdsong on my staff. This was just outstanding work by him. He did a great job, and I want to publicly thank him on the floor.

Madam Speaker, this is a great bill. It is carefully crafted to take all interests into consideration, and I humbly ask for your "aye" vote in support of this measure.

Ms. BORDALLO. Madam Speaker, I yield myself such time as I may consume.

Again, I want to say that we support H.R. 233, and I want to at this time take the opportunity to thank my colleague from Oregon, Mr. WALDEN. It has been a pleasure to manage these bills today with him.

Madam Speaker, we have no further speakers, and I yield back my time.

Mr. WALDEN of Oregon. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I thank the gentleman for that very kind comment. It has been a pleasure to work these through the floor with you as well.

I want to commend my colleagues from California, especially Mr. THOMPSON, who I know has passionately been trying to move this legislation forward, and his work with Chairman POMBO has brought about a bill that we all can support.

Madam Speaker, with that, I think we have concluded our business on this bill and others from the Resources Committee. I yield back the balance of my time and call on my colleagues to support this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 233, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

**PROVIDING GRANTS TO EXPAND INFRASTRUCTURE NECESSARY TO INCREASE AVAILABILITY OF ALTERNATIVE FUELS**

Mr. ROGERS of Michigan. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5534) to establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels, as amended.

The Clerk read as follows:

H.R. 5534

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

**SECTION 1. FUEL ECONOMY FUND AND ALTERNATIVE FUEL GRANT PROGRAM.**

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—There is established in the Treasury a Fuel Economy Fund (hereinafter in this Act referred to as the “Fund”) consisting of amounts transferred to the Fund under paragraph (2) and amounts credited to the Fund under paragraph (3).

(2) TRANSFER OF AMOUNTS.—For fiscal year 2007, and each fiscal year thereafter, the Secretary of the Treasury shall, subject to the availability of funds provided in advance in appropriations Acts, transfer to the Fund an amount determined by the Secretary to be equal to the total amount deposited in the general fund of the Treasury in the preceding fiscal year from fines, penalties, and other moneys obtained through enforcement actions conducted pursuant to section 32912 of title 49, United States Code, including moneys obtained under consent decrees.

(3) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the Fund as is not, in the Secretary’s judgment, required to meet current withdrawals. Such obligations shall be acquired and sold and interest on, and the proceeds from the sale or redemption of, such obligations shall be credited to the Fund in accordance with the requirements of section 9602 of the Internal Revenue Code of 1986.

(4) USE OF AMOUNTS IN THE FUND.—Amounts in the Fund shall be made available, subject to the availability of funds provided in advance in appropriations Acts, to the Secretary of Energy to carry out the grant program described in subsection (b).

(b) ALTERNATIVE FUELS EXPANSION GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Energy shall, through the Clean Cities Program of the Department of Energy, carry out a grant program to expand the availability to consumers of alternative fuels. A grant awarded under this section shall not exceed \$30,000.

(2) ELIGIBILITY.—Any entity that is eligible for assistance through the Clean Cities Program may be eligible for a grant under this section, except that no large, vertically integrated oil company may be eligible for a grant under this section. No entity may be awarded grants totaling more than \$60,000 in any fiscal year.

(3) USE OF GRANT FUNDS.—Grants provided under this section shall be used for the construction or expansion of infrastructure necessary to increase the availability to consumers of alternative fuels (as defined in section 32901(a)(1) of title 49, United States Code). Not more than 3 percent of grant funds may be used for administrative costs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Michigan (Mr. ROGERS) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. ROGERS of Michigan. Madam Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

Mr. ROGERS of Michigan. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, many thanks to the staff of the Energy and Commerce Committee, and Mr. BOUCHER as well, who helped and assisted along the way, and Mr. FOSSELLA from New York for helping put this legislation together. I can’t tell you how timely it is.

Every day, Americans must fill up their cars with gasoline that comes from some of the most unstable regions of the world. American dollars flow to dictators, despots, and committed enemies of the United States, Hugo Chavez of Venezuela, Ahmadinejad of Iran and Obasanjo of Nigeria. However, we do have other options, and that is the exciting news.

Today, nearly 5 million Americans drive flex-fuel vehicles. These cars are capable of running on gasoline or renewable fuels, like E-85, which is 85 percent ethanol; and that number is growing.

Currently, Ford, General Motors and Daimler Chrysler are in the process of announcing that they would be soon producing 2 million flex-fuel vehicles annually. The fastest way to reduce our dependence on foreign oil is to make ethanol, the fuel that is grown right here in the United States, available to Americans all across the country.

Unfortunately, renewable-fuels infrastructure has not kept pace with the number of renewable-fueled cars on the road. Today, only 600 or so gasolines have E-85 pumps installed, consisting of less than 1 percent of all gas stations. In fact, only 34 States even have E-85 pumps available to the motoring public.

We have come up with a good solution for that, a kick-start, if you will, to the ethanol revolution that is about to take hold of America. Remember our choices are this, Madam Speaker: we can send that money to an Iranian ayatollah, or we can send our fuel money to an American farmer. Today, we start that process of allowing consumers to make a good choice and send it to an American farmer.

Each year, there are automobile companies who pay fines because they are not in compliance with CAFE standards in the United States, and those fines come to the general treasury.

What we have done is to take those CAFE fines, fines that they pay for not meeting fuel economy standards of the United States, and roll it over and allow small loans to independent gas station owners all across the country to install ethanol pumps.

We think that this can double the number of ethanol pumps next year and start to fuel the fire for private investment in ethanol all across the United States and meet a demand from 5 million current users and 2 million future units from Ford, Chrysler, and General Motors cars all across this great country.

The one thing that we have figured out in this whole process, there is a great researcher at Michigan State University, Dr. Bruce Dale, who believes that within 5 to 6 years with his continuing cellulosic research and other things, there can be an ethanol product at the pump for \$1.25 a gallon. \$1.25 a gallon.

That is an economy built entirely on the energy of the United States. We are going to build the refineries here that refine the ethanol product. We are going to transport that fuel to the pumps all across America and we are going to produce those cars right here in the United States.

□ 1600

It is good for the environment. And it is good for reducing our demand on foreign oil.

Madam Speaker, I think this is long overdue. The science of this is so exciting. We are right on the edge of turning the corner, not only from corn-based, but from switch grass and other things. It is all right here. This is just part of that three-legged stool. It is the research and development.

It is the ability, as we passed not so long ago, the energy bill that gave incentives for more ethanol refineries all across the country of some 93, four being built in Michigan, being built all over the United States is starting to catch on.

The last leg of that stool to make this successful is distribution. And this is that kick-start that we so desperately need. Again, Madam Speaker, we think this is an important bill at an important time in our history. We can see the conflicts around the world, how it draws us in to some of the worst governments the world has to offer.

This is our chance in America to stand up for our American farmers, for our ingenuity, for our ability to produce clean burning fuel for the cars that we use in this wheeled economy of ours. We can move forward through innovation. This bill is that kick start that is so desperately needed to do it.

Madam Speaker, these grants will be for no more than \$30,000 to \$60,000 per business for the purpose of expanding the availability of alternative fuel infrastructure. There is no new program here. That is really important. We did not create a new program to do this. This is part of the Clean Cities Program. We just redirected their purpose a little bit.

Madam Speaker, there are no taxpayer dollars involved. All of the money involved is by the fines paid. In addition, Madam Speaker, in an e-mail received by the Congressional Budget Office dated July 19, 2006, it states that "this would not affect direct spending; in other words, it has no cost."

Madam Speaker, I urge the quick passage of this bill as we move to the next phase of how we operate our motor vehicles all across this great country, and how we reduce our dependence on foreign oil.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, even small efforts to improve the availability of E-85 fuel across the Nation is a step in the right direction for reducing our dependency on foreign oil. There are nearly 5 million vehicles on the road today capable of operating on E-85, a blend of 15 percent gasoline and 85 percent ethanol.

Yet there are currently only 600 gas stations with E-85 pumps available. That means less than 1 percent of gas stations offer consumers the opportunity to use this alternative fuel in their vehicles.

In 2004, CAFE penalties totaled nearly \$20 million. The legislation before us would divert these funds into a grant program for independent gas stations. These grants will be used to install pumps and other infrastructure necessary to dispense E-85.

Madam Speaker, while there is more work to be done on this matter, this legislation is a small step in the right direction. I urge its passage.

Madam Speaker, I yield back the balance of my time.

Mr. ROGERS of Michigan. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. ROGERS) that the House suspend the rules and pass the bill, H.R. 5534, 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. HENSARLING. 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.

#### RECOGNIZING EMPLOYEES AT NASA'S MICHLOUD ASSEMBLY FACILITY

Mr. BOEHLERT. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 892) recognizing the dedication of the employees at the National Aeronautics and Space Ad-

ministration's Michoud Assembly Facility, the "Michoud Hurricane Ride-Out Team", who risked their lives during Hurricane Katrina's assault on southeast Louisiana, and kept the generators and pumps running to protect the facilities and flight hardware, and whose dedication kept the Michoud Assembly Facility an island of dry land, which made it possible to resume External Tank production less than 5 weeks after the storm passed, as amended.

The Clerk read as follows:

H. RES. 892

Whereas the Michoud Assembly Facility plays a vital role in the United States manned space flight program, including production of the Shuttle External Tank, a vital component of the Shuttle program;

Whereas the 38 members of the "Michoud Hurricane Ride-Out Team" who stayed behind during Hurricane Katrina risked their lives in dedication to the space program and faced down one of the greatest natural disasters in this Nation's history, at great personal risk; and

Whereas, if not for the dedication of this team, the Michoud facility would have suffered a great loss of National Aeronautics and Space Administration assets and technology, which would have severely limited the National Aeronautics and Space Administration's mission: Now, therefore, be it

*Resolved*, That the House of Representatives commends the dedication of the 38 members of the "Michoud Hurricane Ride-Out Team" who stayed behind at the National Aeronautics and Space Administration's Michoud Assembly Facility and protected vital program assets, which enabled the facility to resume production of the Shuttle External Tank within 5 weeks of Hurricane Katrina's landfall, including Ronald L. Adams, Jr. of New Orleans, LA, Joseph Charles Barrett of Metairie, LA, Donald K. Bollich of Metairie, LA, Frederick H. Castle of Bay Saint Louis, MS, Daniel Alvine Doell of Terrytown, LA, John Lee Fisher of Slidell, LA, James E. Ford II of Madisonville, LA, Stephen Lynn Francis of New Orleans, LA, Monroe Lewis Frazier Jr. of Harvey, LA, Ernest Graham of Picayune, MS, William Carl Hale III of Slidell, LA, Willie Frederick Henderson III of New Orleans, LA, Simmie Paul Herrin of Slidell, LA, Royal Kenneth Holland of New Orleans, LA, Guy Mitchell Jackson of Chalmette, LA, Ivory Jordan, Jr. of Lacombe, LA, Joe E. Kennedy of Pearl River, LA, Donald P. Leon Jr. of New Orleans, LA, Michael Wilson Moore of Metairie, LA, Daryl Ordes of Pearlington, MS, Michael A. Parquet of Slidell, LA, John Melvin Pucheu of Waveland, MS, George Elson Rogers, Sr. of Kenner, LA, Steven L. Roshto Jr. of Slidell, LA, Alan J. Rovira of New Orleans, LA, Joan B. Savoy of Saint Bernard, LA, Vickie Ann Schmersahl of Slidell, LA, Patrick Shawn Shea of Mandeville, LA, Henry Peter Sissac Jr. of New Orleans, LA, Aline H. Sullwold of Picayune, MS, Steve Thompson of Huntsville, AL, Richard Leowen Treat of Picayune, MS, Stephen Avery Turner of Slidell, LA, Byran Dale Walker of Picayune, MS, Edward Perry Watts Jr. of Metairie, LA, Roland C. Williams of New Orleans, LA, Terry Michael Winchester of Slidell, LA, and Malcolm Wayne Wood of Picayune, MS.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. BOEHLERT. Madam 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. Res. 892, as amended, the resolution now under consideration.

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

There was no objection.

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

Madam Speaker, I rise today in support of H. Res. 892, as amended, which recognizes the dedicated employees of NASA's Michoud Assembly Facility, the Michoud Hurricane Ride-Out Team. Knowing full well the potential for disaster and the impending danger they faced as Hurricane Katrina bore down on the gulf coast, 38 dedicated and heroic individuals put themselves in harm's way to save the Michoud Assembly Facility which is of vital importance to our Nation's civil space program.

Located just 15 miles from New Orleans' French Quarter, this facility is where NASA constructs the space shuttle's external tanks. Before the shuttle, this facility was where NASA manufactured the gargantuan tanks on the Saturn rocket that took us to the moon, and in the future, NASA plans to use the facility to construct the rockets that will return us to the moon.

These brave 38 individuals risked life and limb to protect this valuable facility that ensures our Nation's preeminence in space. Facing 178 mile-per-hour winds that ripped large chunks of surrounding buildings clean off, the intrepid ride-out team kept to its motto, "not on our watch."

By keeping generators and water pumps running throughout the storm, they managed to prevent the facility from flooding and preserved important flight hardware that has kept the space program on track. Because of the ride-out team's efforts, the facility was up and running only 5 weeks after the storm had passed. All of us watched the drama unfolding on television.

After just 3 months, nearly all of the 2,000 employees had returned to the facility despite the fact that 600 of them had lost their own homes.

By saving the facility and returning it to operation as quickly as they did, they were able to get to work right away on the external tank modifications necessary for the second return to flight mission that took place successfully, I might proudly boast, this month.

Many of these individuals have rightly earned NASA's exceptional bravery medal from NASA Administrator Michael Griffin, but they are also worthy of the House's commendation as well.

So it is with a great deal of pride in these dedicated Federal employees, who had so much on the line, not just in their careers, but in their personal

lives, that I rise in support of this much overdue resolution, because as Administrator Michael Griffin stated earlier this year, "not all of NASA's heroes fly in space."

Madam Speaker, these heroes have their feet rooted solidly on the ground and work so hard to do so much for so many. I proudly salute them.

Madam Speaker, I reserve the balance of my time.

Mr. GORDON. Madam Speaker, I yield myself such time as I might consume.

First, Madam Speaker, let me point out this resolution before us today is because of the hard work of Representative MELANCON from Louisiana. I thank our chairman for his help in bringing this before us today.

Madam Speaker, I want to speak in strong support of House Resolution 892, a resolution honoring the dedication of the employees of NASA's Michoud Assembly Facility who stayed at their post during Hurricane Katrina, and protected critical space program assets.

Madam Speaker, as you know, during late August of last year, Hurricane Katrina severely assaulted Southeast Louisiana and the Mississippi coast, resulting in massive damage and the evacuation of large numbers of citizens.

Yet, in the midst of the storm, there were countless examples of heroism. One example is the way in which 38 members of the Michoud Hurricane Ride-out Team stayed and protected the NASA Michoud Assembly Facility instead of fleeing the area.

These people deserve our thanks and praise for their dedication to preserving the Michoud Assembly Facility during the hurricane's passage through the region. By risking their own lives, they assured that Michoud was preserved as a vital facility in spite of the devastation wrought by Katrina.

During the hurricane, members of the ride-out team were able to keep the generators running, keep the pumps going, and protect the facilities and flight hardware that were entrusted to them. In addition, they were able to successfully ensure that the water from Hurricane Katrina did not overrun Michoud.

Madam Speaker, due to the team's skill, knowledge, and most importantly, their dedication, Michoud's external tank production for the space shuttle program was able to resume less than 5 weeks after the storm.

Madam Speaker, I think it is only fitting and proper that we honor these brave individuals for their heroic deeds, and I, once again, thank Representative MELANCON for bringing this before us. I strongly urge passage of House Resolution 892.

Mr. JEFFERSON. Madam Speaker, I rise today to commend the members of the "Michoud Hurricane Ride-Out Team" for their extraordinary efforts to protect NASA's Michoud Assembly Facility in the face of Hurricane Katrina. The employees of NASA, Lock-

heed Martin, and members of the New Orleans Fire Department who made up this team exhibited uncommon bravery and dedication. Cut off from the surrounding area due to roadway flooding, they remained on-site despite the lack of electricity and severely limited communications. These individuals willingly stayed on the facility in the face of the approaching storm and operated the pumps and generators that kept the facility dry.

As a result of the team's commitment, damage to the facility and the external tanks and hardware they produce was minimal. Within 5 weeks, the Michoud Assembly Facility was resuming production operations. I would like to thank the members of the team once again for their courage. The nation is grateful for the contributions they have made to the space program.

Mr. CALVERT. Madam Speaker, I rise in support of H. Res. 892, which recognizes the dedication of the employees at the National Aeronautics and Space Administration, NASA, Michoud Assembly Facility. The end of next month is the anniversary of Hurricane Katrina's landfall on our Gulf coast. Today we celebrate the bravery exhibited by the "Michoud Hurricane Ride-out Team," which saved not only the facility, but also our Nation's manned space program.

Last week, both Houses of Congress passed H. Con. Res. 448, which commended the men and women of NASA, the crew of the Space Shuttle Discovery, and NASA Administrator Mike Griffin for the successful conclusion of the second return to flight test mission—STS-121. This would not have been possible without the 38 brave members of the Michoud Ride-out Team. Many of the members of this team lost their homes and did not know the fate of their families until days after the Hurricane. They risked their lives manning generators and pumps at the Michoud Facility to protect the Shuttle's external tank program and, hence, the future of the manned space program.

Despite the facility's proximity to the center of the hurricane's destructive path, only one external tank was damaged when a concrete panel fell and bounced off the side of the tank. Despite the extensive damage to the 832-acre facility and the entire surrounding area, the Ride-out team exhibited the bravery and the pride for the importance of the space program not only to our Nation, but also to the area in Louisiana.

In September, as Chairman of the House Space and Aeronautics Subcommittee, I am planning to travel to both the Michoud Assembly Facility in Louisiana and the Stennis Space Center in Mississippi. I am looking forward to meeting some of these brave individuals, both at Michoud and at Stennis. Since I became the Chairman of this Subcommittee in 2005, I have visited 7 of NASA's 10 facilities around the country. I am looking forward to visiting and to learning even more of the importance of these NASA centers to our Nation's space program. Today, I want to extend thanks and gratitude from the American people for the outstanding work of these brave individuals at both the Michoud Assembly Facility and at the Stennis Space Center.

Mr. GORDON. Madam Speaker, I yield back the balance of my time.

Mr. BOEHLERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from New York (Mr. BOEHLERT) that the House suspend the rules and agree to the resolution, H. Res. 892, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1615

#### HONORING THE NATIONAL ASSOCIATION OF STATE VETERANS HOMES

Mr. BRADLEY of New Hampshire. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (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.

The Clerk read as follows:

H. CON. RES. 347

Whereas the National Association of State Veterans Homes was established in 1954 by a group of administrators of State veterans homes to represent the interests of those homes in a unified voice before Congress and the Executive Branch;

Whereas the National Association of State Veterans Homes functions on an all-volunteer basis and focuses on endeavors that improve the conditions of care furnished to veterans by State veterans homes, elevate and monitor the qualifications for managers of such homes, and provide continuing education standards for staff who provide care to veterans in State veterans homes;

Whereas the National Association of State Veterans Homes has been and continues to be in the forefront of developing and supporting new methods and models for providing long-term care services to elderly veterans, such as hospice care, respite care, Alzheimer's care, and adult day health care;

Whereas State veterans homes, which provide long-term care to thousands of veterans, were established initially in the States of Connecticut, Kansas, Ohio, and Maine in 1868 to house, feed, and care for thousands of homeless, wounded, and permanently scarred Union soldiers and thus have been in existence since before the establishment of the Department of Veterans Affairs, the earlier Veterans' Administration, and its predecessor agencies;

Whereas in 1888 Congress authorized the Federal payment of a daily allowance of 20¢ for the care of each former soldier or sailor in a State home-hospital, an allowance that continues today in the form of a per diem grant program administered by the Department of Veterans Affairs that is authorized to provide up to 50 percent of the average daily cost of care, but currently provides only approximately 30 percent;

Whereas the Department of Veterans Affairs further participates in the care of veterans in State homes with a matching grant program to support construction and major renovation projects to sustain those homes and build towards sufficient levels of available, high-quality health care;

Whereas the State veterans homes offer long-term services to eligible veterans in need of such services on certification of the

Department of Veterans Affairs at 119 facilities in 47 states and the Commonwealth of Puerto Rico;

Whereas the States determine the allocation of nursing home beds in individual facilities, and establish the eligibility of veterans and their dependents to occupy those beds, following Federal guidelines;

Whereas within the limits of their capacities, the State veterans homes provide care for over 27,500 veterans each day, accounting for more than 50 percent of the total national long-term care bed capacity for veterans, thereby sharing the enormous responsibility of caring for veterans with the Department of Veterans Affairs in an admirable partnership;

Whereas State veterans homes provide quality care for elderly and disabled veterans at an average daily cost that is significantly less than nursing homes operated by the Department of Veterans Affairs;

Whereas the number of elderly veterans, particularly those over age 85, continues to rise and the need for long-term care services for those veterans will continue to rise in the coming years; and

Whereas the Nation's State veterans homes continue to achieve their purpose of improving and sustaining the health of elderly, sick, and severely disabled veterans by assuring access to affordable nursing care in settings that provide personal dignity to truly deserving veterans, often at the end of lives spent in service to the Nation: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) honors 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 significant contributions to the health care of veterans and to the health care system of the Nation;

(2) commends the thousands of individuals who work in, or on behalf of, State veterans homes for their contributions in caring for elderly and disabled veterans;

(3) recognizes the importance of the partnership between the States and the Department of Veterans Affairs in providing long-term care to veterans; and

(4) affirms the support of Congress for continuation of the State homes program to address the known and anticipated needs of the Nation's veterans for institutional long-term care services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. BRADLEY) and the gentleman from Colorado (Mr. SALAZAR) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

#### GENERAL LEAVE

Mr. BRADLEY of New Hampshire. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 347.

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

There was no objection.

Mr. BRADLEY of New Hampshire. Madam Speaker, I yield myself such time as I may consume.

I want to begin by thanking my colleague and friend from Colorado for his work in support of this legislation and also thank my colleague and friend Mr. SIMMONS from Connecticut who is trav-

eling and could not be here to participate in this debate.

Madam Speaker, I rise in support of H. Con. Res. 347, which honors the National Association of State Veterans Homes and the 119 State veteran homes providing long-term care to veterans that are represented by the association for their contributions. The National Association of State Veterans Homes functions on an all-volunteer basis to improve the conditions of care furnished by State veterans homes and is at the forefront of developing new methods for providing long-term care services to our elderly veterans.

The Department of Veterans Affairs now provides State veterans homes with a per diem grant program which provides approximately 30 percent of the average cost of daily care, in addition to a grant program to support construction and major renovation projects. State veterans homes provide more than 50 percent of the total national long-term care bed capacity for veterans at an average daily cost that is significantly less than nursing homes operated by the Department of Veterans Affairs. As the number of elderly veterans rises, State veterans homes continue to improve and sustain their health by assuring access to affordable and quality nursing care.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. SALAZAR. Madam Speaker, I want to thank Representative SIMMONS for introducing House Concurrent Resolution 347. This resolution honors the National Association of Veterans Homes and the 119 State veterans homes across this great country.

State veterans homes are essential to the continuum of care for our aged and disabled veterans. In the upcoming years, State veterans homes will play an even greater role in providing elderly and disabled veterans with dignified and compassionate care because our veteran population is aging. Nationwide, the number of veterans most in need of long-term care, those 85 years and older, will jump to 1.3 million by the year 2012.

State homes represent more than a century-old State-Federal partnership that has greatly benefited our parents and their families. Colorado is home to six of these facilities. I have been fortunate enough to visit five of them, and I have seen the fantastic care that they provide firsthand. I am particularly proud of the Colorado State veterans center at Homelake and Monte Vista, Colorado. It has been caring for Colorado veterans and their families for over 110 years.

Madam Speaker, this resolution reinforces Congress's strong bipartisan support for the State homes, and it sends a signal to this and future administra-

tions that we will continue the per diem support of the State homes. Madam Speaker, this is a good resolution, and I urge my colleagues to give it their support.

Madam Speaker, I reserve the balance of my time.

Mr. BRADLEY of New Hampshire. Madam Speaker, I would like to thank Chairman BUYER and Ranking Member EVANS of the Veterans' Affairs Committee for bringing this legislation to the floor. And, as I indicated previously, I would also like to thank my friend and colleague, Mr. SIMMONS, the sponsor of the bill, for introducing this legislation.

Madam Speaker, I urge my colleagues to unanimously support H. Con. Res. 347.

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

Mr. SIMMONS. Madam Speaker, I rise today to honor the National Association of State Veterans Homes (NASVH) and the 119 state-veterans' homes they represent for their contributions to caring for our Nation's military veterans.

The State Veterans' Home program is a partnership between the Federal Government and the States that provides the bulk of VA-supported long term care services to veterans and their families. I have seen firsthand the importance of this partnership and the quality of services that State homes provide because I am privileged to have one of these homes in my State of Connecticut, at Rocky Hill.

Connecticut's first veterans' home was founded on July 4, 1864, and was known as Fitch's Home for Soldiers and Their Orphans. Benjamin Fitch, a philanthropist from Darien, established the home for Civil War veterans and for children whose fathers were killed in that war. The complex of buildings included a hospital, chapel, library, residence hall, and administrative facilities. At the time, it represented one of the Nation's earliest commitments to our veterans. From 1864 to 1940 the Fitch Home served the needs of hundreds of orphans and thousands of men who served their country in various wars. The Fitch home became the Connecticut State Veterans hospital in 1940 and relocated to its current location in Rocky Hill.

Today, 476 veterans ages 23 to 95, representing all major U.S. conflicts dating back to World War II, are residents at Rocky Hill. Recently, Rocky Hill received a nearly \$22 million grant from the Department of Veterans Affairs to construct a new State veterans care facility and to make infrastructure improvements at the campus. I am proud of Rocky Hill's long history of providing quality long-term care services for our veterans and I am pleased with the government's commitment to supporting their efforts.

Rocky Hill is just one example of the 119 State-operated veterans' homes located across the country. These homes provide nursing home care in 114 locations, domiciliary care in 52 locations, and hospital-type care in five of their homes. Combined, the State veterans' homes presently provide over 27,500 resident beds for veterans, of which more than 21,000 are nursing home beds.

This resolution not only recognizes the value of State veterans' homes, but also the

critical role of those people who represent and staff the homes. In 1954, administrators and senior staff of State veterans' homes around the country joined together to form an all-volunteer, non-profit organization to promote the common interests of the homes and the elderly, disabled veterans that they serve. The organization, the National Association of State Veterans Homes, has been and continues to be in the forefront of developing and supporting new methods and models for providing long term care services to elderly veterans, such as hospice care, respite care, Alzheimer's care, and adult day health care. I commend the organization for their strong commitment to ensuring that State homes receive the tools they need to provide the best care possible for America's heroes.

I would also like to commend and thank all of the individuals who work in the State homes system for providing such a vital service to those men and women who have worn the uniform of our Nation. I believe the work that these individuals do helps us fulfill the promise laid out long ago by President Lincoln, "to care for him who shall have borne the battle, and for his widow and his orphan." They have dedicated themselves to provide the best care possible for our elderly and disabled veterans, and we in Congress must equally dedicate ourselves to ensure that they continue to receive sufficient support and resources from the Department of Veterans Affairs to maintain that quality of care.

H. Con. Res. 347 honors the invaluable work of those who staff State veterans' homes, the important role of the National Association of State Veterans Homes, and affirms the support of Congress in the continuation of the State Veterans' Home program.

I urge my colleagues to join me in recognizing the importance of State veterans' homes for their role in caring for our Nation's aging and disabled military heroes.

Mr. LARSON of Connecticut. Madam Speaker, I rise today in strong support of H. Con. Res. 347, a resolution honoring the National Association of State Veterans Homes and the 119 State veteran's homes nationwide who serve the health care services to our Nation's veterans.

The long and distinguished history of the Connecticut State Veterans Hospital can be traced back nearly 140 years of 1864 when Benjamin Finch opened the first veterans' home in the Nation, Fitch's Home for Soldiers and Their Orphans in Darien, to care for veterans of the Civil War. Now located in the First Congressional District in Rocky Hill, the modern day State Veterans Hospital has served Connecticut veterans since 1940. Over the years, the State veteran's hospital has grown to include nearly 40 buildings on the 90-acre Rocky Hill campus, including a domicile providing rehabilitative care and other health care services. In addition to serving the general health care needs of the State's 280,000 veterans, the hospital provides other critical services meant to help veterans in all aspects of their lives, including substance abuse treatment, education and vocational assistance, and job skill development and training.

While the staff of the State Veterans Home provides unmatched professional care for their veterans, the hospital's core facilities and campus infrastructure are almost 70 years old and is struggling to meet the needs of the vet-

erans they serve. That is why I worked so hard in helping the State obtain a \$22 million grant from the Department of Veterans Affairs' State Home Program to fund the first new construction on the Rocky Hill campus in nearly 65 years. This funding will be used to build a new state of the art facility with five new residential wards, a 25-bed Alzheimer's unit, a hospice facility, and an occupational and physical therapy department. In addition to improving service for current residents and veterans, this new facility is especially important as more soldiers in need of medical and mental health treatment return home each day from operations in Afghanistan and Iraq.

Our veterans have given so much to our Nation and they deserve the highest quality of care in return for their service. Even after 140 years, the Connecticut State Veterans Home remains an essential component of our long-term veterans' care and helps fulfill the promise of quality care for those who have proudly served our country. I look forward to continuing to work closely with our State Commissioner of Veterans Affairs, Dr. Linda Schwartz, and her staff to ensure that they have the resources they need to serve the veterans of our State and our Nation.

Mr. SALAZAR. Madam Speaker, I would like to thank my colleague from New Hampshire (Mr. BRADLEY). 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 New Hampshire (Mr. BRADLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 347.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### HIRE A VETERAN WEEK

Mr. BRADLEY of New Hampshire. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 125) expressing support for the designation and goals of "Hire a Veteran Week" and encouraging the President to issue a proclamation supporting those goals.

The Clerk read as follows:

##### H. CON. RES. 125

Whereas the people of the United States have a sincere appreciation and respect for the military personnel who serve in the Armed Forces of the United States;

Whereas veterans possess special qualities and skills that make them ideal candidates for employment, but many veterans encounter difficulties in securing employment;

Whereas it would be inconsistent, inconsiderate, and contrary to the economic competitiveness of the United States to neglect the post-military needs of the military personnel who have served in the Armed Forces of the United States;

Whereas many of the brave men and women who have served the United States so gallantly and selflessly in the war on terrorism and the war in Iraq since September 11, 2001, are beginning to return home to be reunited with their loved ones and will be reentering the workforce or searching for their first jobs outside of military service; and

Whereas the Department of Veterans Affairs, the Department of Labor, the Office of Personnel Management, and many State and local governments administer veterans programs and have veterans employment representatives both to ensure that veterans receive the services to which they are entitled and to promote employer interest in hiring veterans: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That Congress—*

(1) recognizes the importance of the men and women who have served or who currently serve in the Armed Forces of the United States;

(2) supports the designation of an appropriate week as "Hire a Veteran Week"; and

(3) encourages the President to issue a proclamation calling upon employers, labor organizations, veterans service organizations, and Federal, State, and local governmental agencies (including such agencies in the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States) to lend their support to increase employment of the men and women who have served in the Armed Forces of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Hampshire (Mr. BRADLEY) and the gentleman from Colorado (Mr. SALAZAR) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. BRADLEY of New Hampshire. Madam Speaker, I yield myself such time as I may consume.

(Mr. BRADLEY of New Hampshire asked and was given permission to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Madam Speaker, this resolution calls upon the President to establish a national Hire a Veteran Week.

No group in America deserves special employment opportunity more than our Nation's veterans. These men and women have volunteered to put themselves in harm's way to preserve the Nation's way of life and economic system. They serve on every continent, in hundreds of occupations, in remote locations, and in the toughest of combat conditions. They answer the Nation's call to duty, asking in return only our support and our thanks.

Veterans are one of the most diverse communities in America, with significant representation from all major ethnic and socioeconomic groups. Today's veterans bring a solid work ethic, understand the chain of command, are accustomed to working within a system, are highly motivated, and are comfortable with technology. Hiring a veteran to fill a good-paying job is an important way to say thank you for your service and brings a quality employee to the workforce.

Madam Speaker, this bill was jointly referred to the Committee on Armed Services which waived consideration of the bill. I would like to thank Chairman BUYER, chairman of the full committee, Acting Ranking Member FILLNER, Ranking Member EVANS, Chairman HUNTER, and Ranking Member SKELTON for their help in moving this resolution to the floor. I would also

like to commend my colleague from Colorado (Mr. SALAZAR) for his work on this bill, and thank Mr. HOLT of New Jersey for introducing this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. SALAZAR. Madam Speaker, I yield myself as much time as I may consume.

I rise in support of House Concurrent Resolution 125, a resolution supporting the goals of Hire a Veteran Week, and I thank Mr. HOLT of New Jersey for sponsoring this great legislation.

Every day, the men and women of our Armed Forces sacrifice to protect and preserve our way of life whether by putting themselves in harm's way or by enduring time away from their loved ones at home.

Each year, 200,000 servicemembers separate from military service and hope to enjoy the privileges and opportunities they sacrificed to preserve, but many veterans face difficulties in entering the civilian workforce when they come home. This resolution expresses our support for our country's newest veterans, and it urges the President to call on all levels of government and the private sector to back up our support with action.

I urge my colleagues to support this resolution and to support its spirit, to do everything we can to help our veterans transition into civilian life and to ensure that they are given all the benefits they sacrificed to secure.

Madam Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I thank the gentleman, and I would also like to thank the chairman and ranking members of the Veterans' Affairs Committee, Mr. BUYER and Mr. FILNER, for bringing this bipartisan bill to the floor. I would also particularly like to thank Mr. BROWN of South Carolina, my partner in this bill, for all of his help in moving the bill through Congress.

Madam Speaker, our Nation was built by citizen soldiers, whom all too often we fail to repay for their service. We should be giving them employment opportunities, the opportunities they deserve. By virtue of their discipline, their work ethic, their clear thinking, veterans make outstanding employees; and we should be doing all we can to help them find jobs, and yet we know veterans return from the field and have trouble breaking into the workforce.

This bill is an affirmation of the commitment of Congress to encourage all employers, government at all levels, nonprofits, trade associations, and the private sector, to think of veterans when making hiring decisions. The bill itself calls upon the President to proclaim an annual Hire a Veteran Week and to use the occasion to remind all employers of the value of hiring veterans.

Let there be no doubt, the need for a renewed national focus on veterans employment is real. If you look at the Bu-

reau of Labor statistics, for example, and take the age cohort of 18 to 24 years old, you will find among veterans recently returned from the front, unemployment is at 18.7 percent compared with 9.9 in the general population in that age cohort. The data about women actually are worse. And these aren't simply numbers. These are men and women who put on our country's uniform to protect each and every one of us. We can and we must do what we can to help them find good-paying jobs, to use their skills to contribute to our society.

This is especially true now with our country at war in multiple theaters of operation, as we are minting new veterans every day. For them to make a successful transition from military to civilian life, their employment, their job training, their readjustment needs must be a top priority for our country. I would ask my colleagues, how could we tolerate a high unemployment rate among veterans, higher than among the general population that has not served in uniform?

As the original GI bill showed us, when we invest in our veterans, our society reaps the rewards many times over. The same philosophy should guide us as we seek to help veterans obtain and sustain meaningful good-paying jobs in their civilian lives.

□ 1630

This bill is a step in that direction.

Again, I thank the ranking member and the chairman of the committee and Mr. BROWN for their help.

Madam Speaker, I want to begin by thanking the chairman and ranking member of the House Veterans Affairs Committee, Mr. BUYER and Mr. FILNER, for bringing this bipartisan bill to the floor. I also want to thank my colleague and partner on this bill, Mr. BROWN of South Carolina, for all of his help in moving this bill through the Congress.

Our Nation was built by citizen-soldiers, but too often, we fail to repay their service properly by giving them the employment, education, and other opportunities they deserve. By virtue of their discipline, work ethic, and clear thinking, veterans make outstanding employees, and we should be doing all we can to help them find good jobs that benefit them and their families.

This bill is an affirmation of Congress's commitment to encourage all employers—government at all levels, nonprofits, trade associations, and the private sector—to think of veterans first when making hiring decisions.

The bill itself calls upon the President to proclaim an annual "Hire a Veteran" week and to use that occasion to remind all employers of the value of hiring veterans. I hope the President acts on this legislation swiftly, because the need for a renewed national focus on veterans' employment is real and urgent.

According to the most recent U.S. Labor Department data, in August 2005, 20- to 24-year-old veterans had an unemployment rate of 18.7 percent compared with their non-veteran counterparts. For all of 2005, the annual rate was 15.6 percent for 20- to 24-year-old veterans compared with 8.7 percent for nonveterans in that age group.

These aren't simply numbers; these are men and women who put on our country's uniform to protect each and every one of us. We can and must do more to help them find good-paying jobs that allow them to build a career and a life in the Nation they served and protected.

This is especially true now, with our country at war in multiple theaters of operation and with tens of thousands of new veterans being created every year. For them to make a successful transition from military to civilian life, veterans' employment, job training, and readjustment need to be a top national priority.

As the original GI bill showed us, when we invest in our veterans, our society reaps the rewards many times over. The same philosophy should guide us as we seek to help veterans obtain and sustain meaningful, good-paying jobs in their civilian lives. This bill is a first step in that direction, but we need to do more. We need to ensure that within both the DoD and VA budgets, we devote the necessary resources to transition assistance, job retraining—where necessary—and related activities that help veterans in their search for civilian careers.

Again, I thank my friends, the gentleman from Indiana, Mr. BUYER, and California, Mr. FILNER, for their help and support in securing passage of this bill today.

Mr. SALAZAR. Madam Speaker, I would like to, once again, commend Mr. HOLT for his tireless effort on veterans issues. I have no further requests for time, and I yield back the balance of my time.

Mr. BROWN of South Carolina. Madam Speaker, I am proud to be the Republican sponsor of H. Con. Res. 125 along with my good friend from New Jersey, Congressman RUSH HOLT.

H. Con. Res. 125 is a very important piece of legislation that calls for the designation of "Hire-A-Veteran Week" and issuance of a presidential proclamation calling upon employers, labor organizations, and federal, state, and local governmental agencies to hire our veterans—old and new.

According to the most current data, 10.8 percent of all male veterans and 13.3 percent of female veterans between the ages of 20 and 24 are unemployed. The situation is even more troubling for minority veterans. For black male veterans and female veterans between 20–24 years of age, the unemployment rate is 17 percent and 23.9 percent respectively and for Hispanic male and female veterans in that age bracket, the rate is 8.7 percent and 21.6 percent respectively.

It is shameful that so many of our veterans who have risked their own lives to defend our freedom can't find jobs and must endure homelessness and lives of poverty after they return home. On any given day as many as 250,000 veterans are living on the streets or in homeless shelters and perhaps twice as many experience homelessness at some point during the course of a year.

The designation of "Hire-A-Veteran Week" would provide an effective and more focused way to do more to help all of our veterans find good, secure jobs and ensure better living standards for themselves and their families.

I urge all of my colleagues to support H. Con. Res. 125.

Ms. BORDALLO. Madam Speaker, I rise today in strong support of H. Con. Res. 125,

which expresses support for the designation and goals of "Hire a Veteran Week" and encourages the President to issue a proclamation supporting those goals. Certain technical abilities, discipline, teamwork, and commitment to getting a job done right the first time are among the unique skills, experiences, and qualities that our veterans possess as a result of their military service.

Civilian employers recognize these attributes as valuable to their companies. It is essential that the benefits of hiring a veteran be promoted in order to ensure that veterans are fully considered for civilian jobs upon separating from the U.S. Armed Forces.

Unfortunately, many veterans experience difficulty finding employment following their service in the U.S. Armed Forces. H. Con. Res. 125 and "Hire a Veteran Week" represent a commitment to improving the civilian professional and economic opportunities for the dedicated men and women who have worn our country's uniform.

I urge support for H. Con. Res. 125.

#### GENERAL LEAVE

Mr. BRADLEY of New Hampshire. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 125.

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

There was no objection.

Mr. BRADLEY of New Hampshire. Madam Speaker, I urge my colleagues to unanimously support H. Con. Res. 125.

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 New Hampshire (Mr. BRADLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 125.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

#### VETERANS SMALL BUSINESS AND MEMORIAL AFFAIRS ACT OF 2006

Mr. BRADLEY of New Hampshire. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3082) to amend title 38, United States Code, to require that 9 percent of procurement contracts entered into by the Department of Veterans Affairs be awarded to small business concerns owned by veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3082

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Veterans Small Business and Memorial Affairs Act of 2006".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—SMALL BUSINESS

Sec. 101. Department of Veterans Affairs goals for participation by small businesses owned and controlled by veterans in procurement contracts.

Sec. 102. Department of Veterans Affairs contracting priority for veteran-owned small businesses.

Sec. 103. Effective date.

#### TITLE II—MEMORIAL AFFAIRS

Sec. 201. Eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands.

Sec. 202. Repeal of expiration and expanded application of Department of Veterans Affairs benefit for Government markers or headstones for marked graves of veterans buried in private cemeteries.

Sec. 203. Provision of Government memorial headstones or markers and memorial inscriptions for deceased dependent children of veterans whose remains are unavailable for burial.

#### TITLE III—VETERANS' EMPLOYMENT AND TRAINING

Sec. 301. Professional qualifications for disabled veterans' outreach program specialists and local veterans' employment representatives.

Sec. 302. Rules for part-time employment for disabled veterans' outreach program specialists and local veterans' employment representatives.

Sec. 303. State licensing and certification programs for veterans.

Sec. 304. Training of new disabled veterans' outreach program specialists and local veterans' employment representatives by NVTI required.

Sec. 305. Matters for inclusion in annual report on VETS program.

Sec. 306. Demonstration project on contracting for placement of certain disabled veterans.

Sec. 307. Performance incentive awards for employment service offices.

Sec. 308. Department of Labor implementation of priority of service for veterans requirement.

Sec. 309. Demonstration project on credentialing and licensure of veterans.

#### TITLE IV—EDUCATION

Sec. 401. Exception for institutions offering Government-sponsored nonaccredited courses to requirement of re-funding unused tuition.

Sec. 402. Extension of work-study allowance.

Sec. 403. Report on improvement in administration of educational assistance benefits.

Sec. 404. Restoration of lost entitlement for individuals who had to discontinue a course of education because of being ordered to full-time National Guard duty.

Sec. 405. Technical amendments.

#### TITLE I—SMALL BUSINESS

**SEC. 101. DEPARTMENT OF VETERANS AFFAIRS GOALS FOR PARTICIPATION BY SMALL BUSINESSES OWNED AND CONTROLLED BY VETERANS IN PROCUREMENT CONTRACTS.**

(a) **IN GENERAL.**—Subchapter II of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

**"§8127. Small business concerns owned and controlled by veterans; Department contracting goals and preferences**

**"(a) CONTRACTING GOALS.**—(1) In order to increase contracting opportunities for small busi-

ness concerns owned and controlled by veterans and small business concerns owned and controlled by veterans with service-connected disabilities, the Secretary shall—

"(A) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans who are not veterans with service-connected disabilities in accordance with paragraph (2); and

"(B) establish a goal for each fiscal year for participation in Department contracts (including subcontracts) by small business concerns owned and controlled by veterans with service-connected disabilities in accordance with paragraph (3).

"(2) The goal for a fiscal year for participation under paragraph (1)(A) shall be determined by the Secretary.

"(3) The goal for a fiscal year for participation under paragraph (1)(B) shall be not less than the Government-wide goal for that fiscal year for participation by small business concerns owned and controlled by veterans with service-connected disabilities under section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)).

"(4) The annual performance review of the senior official of each Administration of the Department and each Assistant Secretary of the Department with procurement authority shall include an assessment of whether or not that official or Assistant Secretary met the contracting goals established pursuant to this subsection during the year for which the performance review is conducted with respect to contracts awarded during that year for which that official or Assistant Secretary had responsibility. If the official or Assistant Secretary is found not to have met such contracting goals, the official or Assistant Secretary shall not receive an award known as a performance award or an award known as a presidential rank award for that year.

"(5) In the case of a subcontract of a Department contract that is counted for purposes of meeting a goal established pursuant to this section, the Secretary shall conduct a review of the contract and subcontract to verify that the subcontract was actually awarded to a business concern that may be counted for purposes of meeting that goal.

"(6) The Secretary shall maintain a list based on the reviews conducted under paragraph (5) that contains the name of the contractor associated with each contract reviewed under that paragraph and whether each subcontract awarded by the contractor that is counted for purposes of meeting a goal established pursuant to this section was actually awarded to and performed by a business concern that may be counted for purposes of meeting that goal. The Secretary shall make such list publicly available.

**"(b) USE OF NONCOMPETITIVE PROCEDURES FOR CERTAIN SMALL CONTRACTS.**—For purposes of meeting the goals under subsection (a), and in accordance with this section, in entering into a contract with a small business concern owned and controlled by veterans for an amount less than the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)), a contracting officer of the Department may use procedures other than competitive procedures.

**"(c) SOLE SOURCE CONTRACTS FOR CONTRACTS ABOVE SIMPLIFIED ACQUISITION THRESHOLD.**—For purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department may award a contract to a small business concern owned and controlled by veterans using procedures other than competitive procedures if—

"(1) such concern is determined to be a responsible source with respect to performance of such contract opportunity;

“(2) the anticipated award price of the contract (including options) will exceed the simplified acquisition threshold (as defined in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)) but will not exceed \$5,000,000; and

“(3) in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price that offers best value to the United States.

“(d) USE OF RESTRICTED COMPETITION.—Except as provided in subsections (b) and (c), for purposes of meeting the goals under subsection (a), and in accordance with this section, a contracting officer of the Department shall award contracts on the basis of competition restricted to small business concerns owned and controlled by veterans if the contracting officer has a reasonable expectation that two or more small business concerns owned and controlled by veterans will submit offers and that the award can be made at a fair and reasonable price that offers best value to the United States.

“(e) ELIGIBILITY OF SMALL BUSINESS CONCERNS.—A small business concern may be awarded a contract under this section only if the small business concern and the veteran owner of the small business concern are listed in the database of veteran-owned businesses maintained by the Secretary under subsection (f).

“(f) DATABASE OF VETERAN-OWNED BUSINESSES.—(1) Subject to paragraphs (2) through (6), the Secretary shall maintain a database of small business concerns owned and controlled by veterans and the veteran owners of such business concerns.

“(2) To be eligible for inclusion in the database, such a veteran shall submit to the Secretary such information as the Secretary may require with respect to the small business concern or the veteran.

“(3) Information maintained in the database shall be submitted on a voluntary basis by such veterans.

“(4) In maintaining the database, the Secretary shall carry out at least the following two verification functions:

“(A) Verification that each small business concern listed in the database is owned and controlled by veterans.

“(B) In the case of a veteran who indicates a service-connected disability, verification of the service-disabled status of such veteran.

“(5) The Secretary shall make the database available to all Federal departments and agencies and notify each such department and agency of the availability of the database.

“(6) If the Secretary determines that the public dissemination of certain types of information maintained in the database is inappropriate, the Secretary shall take such steps as are necessary to maintain such types of information in a secure and confidential manner.

“(g) ENFORCEMENT PENALTIES FOR MISREPRESENTATION.—Any small business concern that is determined by the Secretary to have misrepresented the status of that concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans for purposes of this subsection shall be debarred from contracting with the Department for a period of five years.

“(h) TREATMENT OF BUSINESSES AFTER DEATH OF VETERAN-OWNER.—(1) If the death of a veteran causes a small business concern to be less than 51 percent owned by one or more veterans, the surviving spouse of such veteran who acquires ownership rights in such small business concern shall, for the period described in paragraph (2), be treated as if the surviving spouse were that veteran for the purpose of maintaining the status of the small business concern as a small business concern owned and controlled by veterans.

“(2) The period referred to in paragraph (1) is the period beginning on the date on which the veteran dies and ending on the earliest of the following dates:

“(A) The date on which the surviving spouse remarries.

“(B) The date on which the surviving spouse relinquishes an ownership interest in the small business concern.

“(C) The date that is ten years after the date of the veteran's death.

“(3) The death of a veteran-owner of a small business concern or a surviving spouse of such a veteran-owner who acquires ownership rights in such concern shall not be cause for termination of a contract awarded under this section that is in effect at the time of death of such owner or surviving spouse.

“(i) CHANGE IN OWNERSHIP OR CONTROL.—(1) Except as provided in subsection (h), if a small business concern that is awarded a contract under this section undergoes a change in management or control during the period for which the contract is in effect such that it is no longer a small business concern owned and controlled by veterans, the Secretary shall end the contract on the date on which the performance of the term of the contract is complete.

“(2) Such a contract that contains an option or options to extend the contract may be extended for a total of not more than 1 year pursuant to any such option.

“(j) PRIORITY FOR CONTRACTING PREFERENCES.—Preferences for awarding contracts to small business concerns shall be applied in the following order of priority:

“(1) Contracts awarded pursuant to subsection (b), (c), or (d) to small business concerns owned and controlled by veterans with service-connected disabilities.

“(2) Contracts awarded pursuant to subsection (b), (c), or (d) to small business concerns owned and controlled by veterans that are not covered by subparagraph (A).

“(3) Contracts awarded pursuant to—

“(A) section 8(a) of the Small Business Act (15 U.S.C. 637(a)); or

“(B) section 31 of such Act (15 U.S.C. 657a).

“(4) Contracts awarded pursuant to any other small business contracting preference.

“(k) QUARTERLY REPORTS.—Not later than 60 days after the last day of a fiscal quarter, the Secretary shall submit to Congress a report on small business contracting during that fiscal quarter, which shall include the following:

“(1) The percentage of the total amount of all contracts awarded by the Department during that fiscal quarter that were awarded to small business concerns owned and controlled by veterans.

“(2) The percentage of the total amount of all such contracts awarded to small business concerns owned and controlled by veterans with service-connected disabilities.

“(3) The percentage of the total amount of all contracts awarded by each Administration of the Department during that fiscal quarter that were awarded to small business concerns owned and controlled by veterans.

“(4) The percentage of the total amount of all contracts awarded by each such Administration during that fiscal quarter that were awarded to small business concerns owned and controlled by veterans.

“(l) DEFINITIONS.—In this section:

“(1) The term ‘small business concern’ has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632).

“(2) The term ‘small business concern owned and controlled by veterans’ means a small business concern—

“(A)(i) not less than 51 percent of which is owned by one or more veterans or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

“(ii) the management and daily business operations of which are controlled by one or more veterans; or

“(B) not less than 51 percent of which is owned by one or more veterans with service-connected disabilities that are permanent and total

who are unable to manage the daily business operations of such concern or, in the case of a publicly owned business, not less than 51 percent of the stock of which is owned by one or more such veterans.”

(b) TRANSITION RULE.—A small business concern that is listed in any small business database maintained by the Secretary of Veterans Affairs on the date of the enactment of this Act shall be presumed to be eligible for inclusion in the database under subsection (f) of section 8127 of title 38, United States Code, as added by subsection (a), during the period beginning on the date of the enactment of this Act and ending one year after the date of the enactment of this Act. Such a small business concern may be removed from the database during that period if it is found not to be a small business concern owned and controlled by veterans (as defined in subsection (l) of such section).

(c) COMPTROLLER GENERAL REPORT AND STUDY.—(1) During the first three fiscal years for which this section is in effect, the Comptroller General shall conduct a study on the efforts made by the Secretary of Veterans Affairs to meet the contracting goals established pursuant to section 8127 of title 38, United States Code, as added by subsection (a).

(2) On January 31 of each year during which the Comptroller General conducts the study under paragraph (1), the Comptroller General shall submit to Congress an interim report on such study, placing special emphasis on any structural or organizational issues within the Department of Veterans Affairs that might act as an impediment to reaching such contracting goals.

(3) Not later than 90 days after the end of the three-year period during which the Comptroller General conducts the study under paragraph (1), the Comptroller General shall submit to Congress a report on the findings of such study.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8126 the following new item:

“8127. Small business concerns owned and controlled by veterans; Department contracting goals and preferences.”

#### SEC. 102. DEPARTMENT OF VETERANS AFFAIRS CONTRACTING PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES.

(a) PRIORITY FOR VETERAN-OWNED SMALL BUSINESSES.—Subchapter II of chapter 81 of title 38, United States Code, as amended by section 101(a), is further amended by adding at the end the following new section:

“§8128. Contracting priority for small business concerns owned and controlled by veterans

“(a) IN GENERAL.—In procuring goods and services pursuant to a contracting preference under this title or any other provision of law, the Secretary shall give priority to a small business concern owned and controlled by veterans, if such business concern also meets the requirements of that contracting preference.

“(b) DEFINITION.—The term ‘small business concern owned and controlled by veterans’ means a small business concern that is on the list maintained by the Secretary under section 8127(f) of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as amended by section 101, is further amended by inserting after the item relating to section 8127 the following new item:

“8128. Contracting priority for small business concerns owned and controlled by veterans.”

#### SEC. 103. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date that is 180 days after the date of the enactment of this Act.

**TITLE II—MEMORIAL AFFAIRS****SEC. 201. ELIGIBILITY OF INDIAN TRIBAL ORGANIZATIONS FOR GRANTS FOR THE ESTABLISHMENT OF VETERANS CEMETERIES ON TRUST LANDS.**

Section 2408 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) The Secretary may make grants under this subsection to any tribal organization to assist the tribal organization in establishing, expanding, or improving veterans’ cemeteries on trust land owned by, or held in trust for, the tribal organization.

“(2) Grants under this subsection shall be made in the same manner, and under the same conditions, as grants to States are made under the preceding provisions of this section.

“(3) In this subsection:

“(A) The term ‘tribal organization’ has the meaning given that term in section 3765(4) of this title.

“(B) The term ‘trust land’ has the meaning given that term in section 3765(1) of this title.”.

**SEC. 202. REPEAL OF EXPIRATION AND EXPANDED APPLICATION OF DEPARTMENT OF VETERANS AFFAIRS BENEFIT FOR GOVERNMENT MARKERS OR HEADSTONES FOR MARKED GRAVES OF VETERANS BURIED IN PRIVATE CEMETERIES.**

(a) REPEAL OF EXPIRATION OF GOVERNMENT MARKER BENEFIT AND OBSOLETE PROVISION.—Section 2306(d) of title 38, United States Code, is amended by striking paragraphs (3) and (4).

(b) APPLICATION OF GOVERNMENT MARKER BENEFIT TO VETERANS DYING ON OR AFTER NOVEMBER 1, 1990.—Subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107-103; 38 U.S.C. 2306 note) is amended by striking “September 11, 2001” and inserting “November 1, 1990”.

(c) PROVISION OF GOVERNMENT HEADSTONES.—

(1) PROVISION OF HEADSTONES.—Subsection (d) of section 2306 of title 38, United States Code, is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting “headstone or” after “Government”; and

(ii) in the second sentence, by inserting “headstone or” before “marker” each place it appears; and

(B) in paragraph (2), by inserting “headstone or” before “marker”.

(2) CONFORMING AMENDMENT.—Subsection (g)(3) of such section is amended by inserting “headstone or” before “marker”.

(d) PLACEMENT OF GOVERNMENT HEADSTONES OR MARKERS.—Subsection (d)(1) of such section, as amended by subsection (c), is further amended by adding at the end the following new sentence: “If placing the Government headstone or marker on the grave for which it is requested is impossible or impracticable, a headstone or marker may be furnished if the individual making the request for the headstone or marker certifies to the Secretary that the headstone or marker will be placed within the grounds of the cemetery in which the grave for which the headstone or marker is requested and as close as possible or practicable to that grave.”.

(e) DELIVERY OF GOVERNMENT HEADSTONES OR MARKERS.—Subsection (d)(2) of such section, as amended by subsection (c), is further amended by inserting before the period at the end the following: “or to a receiving agent of that cemetery”.

(f) SELECTION OF GOVERNMENT HEADSTONES AND MARKERS.—Subsection (d) of such section, as amended by subsections (a), (c), (d), and (e), is further amended by adding at the end the following new paragraph (3):

“(3) The headstone or marker furnished under this subsection shall be the headstone or marker selected by the individual making the request for the headstone or marker from among all the headstones and markers made available by the Government and certified as acceptable for placement.”.

(g) RETROACTIVE EFFECTIVE DATE.—The amendments made by this section shall apply as if enacted in section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107-103; 38 U.S.C. 2306 note).

**SEC. 203. PROVISION OF GOVERNMENT MEMORIAL HEADSTONES OR MARKERS AND MEMORIAL INSCRIPTIONS FOR DECEASED DEPENDENT CHILDREN OF VETERANS WHOSE REMAINS ARE UNAVAILABLE FOR BURIAL.**

(a) PROVISION OF MEMORIAL HEADSTONES OR MARKERS.—Subsection (b) of section 2306 of title 38, United States Code, is amended—

(1) by adding at the end of paragraph (2) the following new subparagraph:

“(C) An eligible dependent child of a veteran.”; and

(2) by adding at the end of paragraph (4) the following new subparagraph:

“(C) For purposes of this section, the term ‘eligible dependent child’ means a child—

“(i) who is under 21 years of age, or under 23 years of age if pursuing a course of instruction at an approved educational institution; or

“(ii) who is unmarried and became permanently physically or mentally disabled and incapable of self-support before reaching 21 years of age, or before reaching 23 years of age if pursuing a course of instruction at an approved educational institution.”.

(b) ADDITION OF MEMORIAL INSCRIPTION TO HEADSTONE OR MARKER OF VETERAN.—Subsection (f) of such section is amended by inserting “or eligible dependent child” after “surviving spouse” both places it appears.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to individuals dying after the date of the enactment of this Act.

**TITLE III—VETERANS’ EMPLOYMENT AND TRAINING****SEC. 301. PROFESSIONAL QUALIFICATIONS FOR DISABLED VETERANS’ OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS’ EMPLOYMENT REPRESENTATIVES.**

(a) ESTABLISHMENT OF GUIDELINES BY SECRETARY.—Section 4107 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) The Secretary shall maintain guidelines for use by States in establishing the professional qualifications required under subclause (IV) of section 4102A(c)(2)(A)(i) of this title for determining the eligibility for employment, and eligibility for the continued employment, of State employees who are designated as disabled veterans’ outreach program specialists and local veterans’ employment representatives under this chapter.”.

(b) SUBMISSION OF ANNUAL PROFESSIONAL QUALIFICATIONS AS A CONDITION OF STATE RECEIPT OF FUNDS UNDER VETS PROGRAM.—Clause (i) of section 4102A(c)(2)(A) of such title is amended—

(1) in subclause (II), by striking “and” at the end;

(2) in subclause (III), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new subclauses:

“(IV) the professional qualifications used by the State for determining the eligibility for employment, and eligibility for continued employment, of State employees who are designated as disabled veterans’ outreach program specialists and local veterans’ employment representatives under this chapter; and

“(V) the training required or provided by the State for State employees who are designated as disabled veterans’ outreach program specialists and local veterans’ employment representatives under this chapter.”.

(c) DEADLINE FOR ESTABLISHMENT OF QUALIFICATIONS.—The Secretary of Labor shall establish the guidelines for professional qualifications required by sections 4107(d) of title 38,

United States Code, as added by subsection (a), not later than the date that is 180 days after the date of the enactment of this Act.

(d) TECHNICAL AMENDMENTS.—

(1) AMENDMENTS.—Section 4102A of such title, as amended by subsection (b), is further amended—

(A) in subsection (c)—

(i) by striking clause (ii) of paragraph (2)(B) and redesignating clause (iii) as clause (ii); and

(ii) in paragraph (6)—

(I) by inserting “(29 U.S.C. 2801 et seq.)” after “the Workforce Investment Act of 1998”; and

(II) by inserting “(29 U.S.C. 49 et seq.)” after “the Wagner-Peyser Act”; and

(B) in subsection (f)—

(i) in paragraph (1), by striking “establish and”; and

(ii) by striking the heading and inserting the following: “PERFORMANCE STANDARDS AND OUTCOMES MEASURES.—”.

(2) EFFECTIVE DATE.—The amendment made by clause (i) of paragraph (1)(A) shall take effect on October 1, 2006.

**SEC. 302. RULES FOR PART-TIME EMPLOYMENT FOR DISABLED VETERANS’ OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS’ EMPLOYMENT REPRESENTATIVES.**

(a) DISABLED VETERANS’ OUTREACH PROGRAM SPECIALISTS.—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c) PART-TIME EMPLOYEES.—A part-time disabled veterans’ outreach program specialist shall perform the functions of a disabled veterans’ outreach program specialist under this section on a half-time basis.”.

(b) LOCAL VETERANS’ EMPLOYMENT REPRESENTATIVES.—Section 4104 of such title is amended by adding at the end the following new subsection:

“(e) PART-TIME EMPLOYEES.—A part-time local veterans’ employment representative shall perform the functions of a local veterans’ employment representative under this section on a half-time basis.”.

(c) EFFECTIVE DATE.—Sections 4103A(c) and 4104(e) of title 38, United States Code, as added by subsections (a) and (b), shall apply with respect to pay periods beginning after the date that is 180 days after the date of the enactment of this Act.

**SEC. 303. STATE LICENSING AND CERTIFICATION PROGRAMS FOR VETERANS.**

(a) REQUIREMENT AS A CONDITION OF VETS FUNDING.—Section 4102A(c) of title 38, United States Code, as amended by section 301, is further amended by adding at the end the following new paragraph:

“(B) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall require the State to provide a licensing and certification program under which a veteran may receive credit toward a license or certification based on training or experience the veteran acquired while serving in the Armed Forces.”.

(b) EFFECTIVE DATE.—Section 4102A(c)(8) of title 38, United States Code, as added by subsection (a), shall apply to a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of such title beginning with the second program year beginning after the date of the enactment of this Act.

**SEC. 304. TRAINING OF NEW DISABLED VETERANS’ OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS’ EMPLOYMENT REPRESENTATIVES BY NVTI REQUIRED.**

(a) TRAINING REQUIRED.—Section 4102A(c) of title 38, United States Code, is further amended by adding after paragraph (8), as added by section 303, the following new paragraph:

“(9)(A) As a condition of a grant or contract under which funds are made available to a State

in order to carry out section 4103A or 4104 of this title, the Secretary shall require the State to require each employee hired by the State who is designated as disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter to satisfactorily complete training provided by the National Veterans' Employment and Training Services Institute during the three-year period that begins on the date on which the employee is so designated.

“(B) For any employee described in subparagraph (A) who does not complete such training during such period, the Secretary may reduce by an appropriate amount the amount made available to the State employing that employee.”.

(b) SUBMISSION OF EMPLOYEE TRAINING INFORMATION REQUIRED.—Section 4102A(c)(2)(A) of such title is amended—

(1) by redesignating clause (iii) as clause (iv); and

(2) by inserting after clause (ii) the following new clause (iii):

“(iii) For each employee of the State who is designated as disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter—

“(I) the date on which the employee is so designated; and

“(II) whether the employee has satisfactorily completed training provided by the National Veterans' Employment and Training Services Institute.”.

(c) APPLICABILITY.—

(1) APPLICABILITY TO NEW EMPLOYEES.—Paragraph (9) of section 4102A(c) of such title, as added by subsection (a), and clause (iii) of section 4102A(c)(2)(A) of such title, as added by subsection (b), shall apply with respect to a State employee designated as a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of such title who is so designated after the date of the enactment of this Act.

(2) APPLICABILITY TO CERTAIN EMPLOYEES HIRED BEFORE DATE OF ENACTMENT.—The Secretary of Labor shall apply such paragraph to a State employee designated as a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of such title who was so designated during the five-year period before the date of the enactment of this Act by substituting “during the period beginning on the date on which the employee is so designated and ending on the date that is five years after the date of the enactment of the Veterans Small Business and Memorial Affairs Act of 2006” for “during the three-year period that begins on the date on which the employee is so designated”.

**SEC. 305. MATTERS FOR INCLUSION IN ANNUAL REPORT ON VETS PROGRAM.**

Section 4107(c) of title 38, United States Code, is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (10) through (13), respectively; and

(2) by inserting after paragraph (2) the following new paragraphs:

“(3) the number of veterans, disabled veterans, and special disabled veterans who requested training from the public employment service system;

“(4) the total number of eligible veterans participating in each program for the provision of employment and training services designed to meet the needs of eligible veterans and eligible persons and the number of such veterans as a percentage of the total number of participants in each such program;

“(5) for each State, the percentage of persons seeking employment in the State who are veterans;

“(6) for each State, the number of veterans referred to a small business development center in that State and the number of veterans referred to the National Veterans Business Development Corporation established under section 33 of the Small Business Act (15 U.S.C. 657c);

“(7) the total number of such veterans and disabled veterans who remain employed for at least 90 days in such jobs;

“(8) the number of such veterans and disabled veterans who remain employed for at least 180 days in such jobs;

“(9) the average starting wage or salary paid to such veterans and disabled veterans and, if applicable, the average wage or salary paid to such veterans and disabled veterans as of the 180th day of employment.”.

**SEC. 306. DEMONSTRATION PROJECT ON CONTRACTING FOR PLACEMENT OF CERTAIN DISABLED VETERANS.**

(a) DEMONSTRATION PROJECT.—Section 4102A of title 38, United States Code, as amended by sections 301, 303, and 304, is further amended by adding at the end the following new subsection:

“(h) DEMONSTRATION PROJECT ON CONTRACTING FOR PLACEMENT OF VETERANS IN HIGH-UNEMPLOYMENT AREAS.—(1) From unobligated funds made available for a fiscal year to carry out sections 4103A and 4104 of this title, the Secretary of Labor, acting through the Assistant Secretary of Labor for Veterans' Employment and Training, may enter into a contract with a nongovernmental entity to carry out job placement services for veterans during that fiscal year in a locality where the unemployment rate for veterans exceeds the national average unemployment rate.

“(2) In entering into a contract under paragraph (1), the Secretary of Labor may use procedures other than competitive procedures.

“(3) In entering into a contract under paragraph (1), the Secretary of Labor shall give priority to a small business concern owned and controlled by veterans that is listed in any small business database maintained by the Secretary of Veterans Affairs.

“(4) The total amount obligated under contracts entered into under paragraph (1) for any fiscal year may not exceed \$3,000,000.

“(5) The authority to enter into a contract under this subsection shall terminate on the date that is five years after the date of the enactment of the Veterans Small Business and Memorial Affairs Act of 2006.”.

(b) GAO REPORT.—Not later than four years after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the demonstration project under subsection (h) of section 4102A of title 38, United States Code, as added by subsection (a).

**SEC. 307. PERFORMANCE INCENTIVE AWARDS FOR EMPLOYMENT SERVICE OFFICES.**

(a) PROVISION OF INCENTIVES TO EMPLOYMENT SERVICE OFFICES.—Section 4112 of title 38, United States Code, is amended—

(1) in subsection (a)(1)(B), by inserting “and employment service offices” after “recognize eligible employees”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2)—

(i) by striking “is” and inserting “in the case of such an award made to an eligible employee, shall be”; and

(ii) by striking the period at the end and inserting the following: “; and”; and

(C) by adding at the end the following new paragraph:

“(3) in the case of such an award made to an employment service office, may be used by that employment service office for any purpose.”.

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of such section is amended to read as follows: “ADMINISTRATION AND USE OF AWARDS.”.

**SEC. 308. DEPARTMENT OF LABOR IMPLEMENTATION OF PRIORITY OF SERVICE FOR VETERANS REQUIREMENT.**

Not later than one year after the date of the enactment of this Act, the Secretary of Labor

shall prescribe regulations to implement section 4215 of title 38, United States Code.

**SEC. 309. DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS.**

(a) ESTABLISHMENT OF DEMONSTRATION PROJECT.—Chapter 41 of title 38, United States Code, is amended by adding at the end the following new section:

**“§4114. Demonstration project on credentialing and licensure of veterans**

“(a) ESTABLISHMENT AND PURPOSE OF DEMONSTRATION PROJECT.—The Assistant Secretary for Veterans' Employment and Training shall carry out a demonstration project on credentialing in accordance with this section for the purpose of facilitating the seamless transition of members of the Armed Forces from service on active duty to civilian employment.

“(b) CREDENTIALING AND LICENSURE OF VETERANS.—(1) The Assistant Secretary shall select not less than ten military occupational specialties for purposes of the demonstration project. Each such specialty selected by the Assistant Secretary shall require a skill or set of skills that is required for civilian employment in an industry with high growth or high worker demand.

“(2) The Assistant Secretary shall consult with appropriate Federal, State, and industry officials to identify requirements for credentials, certifications, and licenses that require a skill or set of skills required by a military occupational specialty identified under paragraph (1).

“(3) The Assistant Secretary shall analyze the requirements identified under paragraph (2) to determine which requirements may be satisfied by the skills, training, or experience acquired by members of the Armed Forces with the military occupational specialties selected under paragraph (1).

“(c) ELIMINATION OF BARRIERS TO CREDENTIALING AND LICENSURE.—The Assistant Secretary shall cooperate with appropriate Federal, State, and industry officials to reduce or eliminate any barriers to providing a credential, certification, or license to a veteran who acquired any skill, training, or experience while serving as a member of the Armed Forces with a military occupational specialty selected under subsection (b)(1) that satisfies the Federal and State requirements for the credential, certification, or license.

“(d) TASK FORCE.—The Assistant Secretary may establish a task force of individuals with appropriate expertise to provide assistance to the Assistant Secretary in carrying out this section.

“(e) CONSULTATION.—In carrying out this section, the Assistant Secretary shall consult with the Secretary of Defense, the Secretary of Veterans Affairs, appropriate Federal and State officials, private-sector employers, labor organizations, and industry trade associations.

“(f) CONTRACT AUTHORITY.—For purposes of carrying out any part of the demonstration project under this section, the Assistant Secretary may enter into a contract with a public or private entity with appropriate expertise.

“(g) PERIOD OF PROJECT.—The Assistant Secretary shall carry out the demonstration project under this section during the period beginning on the date that is 60 days after the date of the enactment of this section and ending on September 30, 2009.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Assistant Secretary to carry out this section \$1,000,000 for each of fiscal years 2007 through 2009.”.

(b) MEMBERSHIP OF ADVISORY COMMITTEE ON VETERANS EMPLOYMENT, TRAINING, AND EMPLOYER OUTREACH.—Section 4110(c)(1)(A) of such title is amended—

(1) by striking “Six” and inserting “Seven”; and

(2) by adding at the end the following new clause:

“(vii) *The National Governors Association.*”.

(c) *CLERICAL AMENDMENT.*—The table of sections at the beginning of chapter 41 of such title is amended by adding at the end the following new item:

“4114. *Demonstration project on credentialing and licensure of veterans.*”.

#### TITLE IV—EDUCATION

##### SEC. 401. EXCEPTION FOR INSTITUTIONS OFFERING GOVERNMENT-SPONSORED NONACCREDITED COURSES TO REQUIREMENT OF REFUNDING UNUSED TUITION.

Section 3676(c)(13) of title 38, United States Code, is amended by striking “prior to completion” and all that follows and inserting the following: “before completion and—

“(A) in the case of an institution other than (i) a Federal, State, or local Government institution or (ii) an institution described in subparagraph (B), such policy provides that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length; and

“(B) in the case of an institution that is a nonaccredited public educational institution, the institution has and maintains a refund policy regarding the unused portion of tuition, fees, and other charges that is substantially the same as the refund policy followed by accredited public educational institutions located within the same State as such institution.”.

##### SEC. 402. EXTENSION OF WORK-STUDY ALLOWANCE.

Section 3485(a)(4) of title 38, United States Code, is amended by striking “December 27, 2006” each place it appears and inserting “June 30, 2007”.

##### SEC. 403. REPORT ON IMPROVEMENT IN ADMINISTRATION OF EDUCATIONAL ASSISTANCE BENEFITS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the administration of education benefits under chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, and chapters 1606 and 1607 of title 10, United States Code, that proposes methods to streamline the processes and procedures of administering such benefits.

##### SEC. 404. RESTORATION OF LOST ENTITLEMENT FOR INDIVIDUALS WHO HAD TO DISCONTINUE A COURSE OF EDUCATION BECAUSE OF BEING ORDERED TO FULL-TIME NATIONAL GUARD DUTY.

(a) *RESTORATION OF ENTITLEMENT.*—Section 3511(a)(2)(B)(i) of title 38, United States Code, is amended by inserting after “title 10” the following: “or of being involuntarily ordered to full-time National Guard duty under section 502(f) of title 32”.

(b) *EFFECTIVE DATE.*—The amendment made by subsection (a) shall apply with respect to a payment of educational assistance allowance made after September 11, 2001.

##### SEC. 405. TECHNICAL AMENDMENTS.

Section 3485 of title 38, United States Code, is amended—

(1) in subsection (a)(4)(E), by inserting “or 1607” after “chapter 1606”;

(2) in subsection (b), by striking “chapter 106” and inserting “chapter 1606 or 1607”; and

(3) in subsection (e)(1)—

(A) by striking “services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section” and inserting “a qualifying work-study activity described in subsection (a)(4)”; and

(B) by striking “chapter 106” and inserting “chapter 1606 or 1607”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

New Hampshire (Mr. BRADLEY) and the gentleman from Colorado (Mr. SALAZAR) each will control 20 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. BRADLEY of New Hampshire. Madam Speaker, I yield myself such time as I may consume.

(Mr. BRADLEY of New Hampshire asked and was given permission to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Madam Speaker, I start out again by thanking my friend from Colorado for his work on this bill.

Madam Speaker, I rise today in support of H.R. 3082, as amended, the Veterans Small Business and Memorial Affairs Act of 2006.

Title I of this bill improves the status of veteran and disabled veteran small businesses when competing for contracts at the Department of Veterans Affairs. It would be a reasonable expectation, Madam Speaker, that of all the Federal Government’s agencies, the Department of Veterans Affairs would be a leader in achieving the President’s goal for annual procurement from at least 3 percent disabled veteran-owned businesses. Sadly, not. Our most recent data from fiscal year 2005 indicates that VA did barely over half of what the President asked and public law required.

Deficient as it is, VA’s record beats many other agencies, including the Department of Defense. According to the Small Business Administration, only three of 81 Federal agencies met the President’s 3 percent goal.

H.R. 3082, as amended, would require the VA Secretary to establish annual contracting goals for small businesses owned and controlled by veterans and service-disabled veterans. The goal for service-disabled veterans shall not be less than 3 percent.

The Department of Veterans Affairs would also be required under title I to maintain and validate a database of small businesses owned by veterans and disabled veterans.

The bill would clarify veterans small business competition rules for contracts worth less than \$5 million.

Veteran and service-disabled, veteran-owned small businesses would be given priority in VA contracting, as well as priority among other set-aside groups eligible for preferential treatment under the Small Business Act.

Title I of the bill would allow a business’ status as a veteran or disabled veteran-owned small business to continue for a period of 10 years following the death of the veteran owner if the surviving spouse owns the business.

Under title II of the bill, tribal governments would be allowed to participate in VA’s State Cemetery Grants Program. This program, which dates back to 1978, complements the Department’s national cemetery system. Tribal governments, however, are not eligible to participate. This bill would correct that deficiency and help recognize the unexcelled service of Native

Americans in our Nation’s Armed Forces by facilitating the establishment of veterans’ cemeteries on trust land.

Title II contains a provision that would permanently authorize the VA Secretary to provide the family of a veteran interred in a private cemetery with a government marker in addition to any headstone the family may have provided.

Congress had given the Secretary a 5-year authority effective for deaths that occurred as of September 11, 2001. This bill would also expand the benefit to include veterans who died between November 1, 1990, and September 10, 2001. This provision would also permit the Secretary to offer a headstone in lieu of a marker, if the family so requests.

The simple elegance of the veteran’s marker, used since just after our Civil War in American cemeteries from Arlington to Normandy, holds a sacred place in the hearts of many veterans and families.

On behalf of Chairman BUYER, I want to thank a tireless supporter of our veterans—Representative NANCY JOHNSON of Connecticut—for her perseverance and leadership in working to ensure families the availability of this unique symbol of service to our country.

Title III of this bill contains provisions affecting the Department of Labor’s Veterans Employment and Training Service.

Title III would require the Veterans Employment Training Service, otherwise known as VETS, to establish non-mandatory guidelines for disabled veterans outreach program specialists and local veterans employment representatives qualifications.

The bill would clarify that part-time employment of DVOPS and LVERs is half-time employment and require that DVOPS and LVERs hired after date of enactment to successfully complete training by the National Veterans Training Institute within 3 years of appointment. States would be required to develop a licensing and certification program for veterans within 2 years of enactment under title III of the bill.

A 5-year demonstration project would be authorized to allow Department of Labor VETS to enter into contracts with nongovernmental entities to carry out employment services in high unemployment areas using unobligated funds and require GAO to report on the demonstration project.

Finally, title III would establish a 3-year demonstration project to identify not less than 10 military occupational specialties that would lead to State licensing and authorize \$1 million for the fiscal years 2007 through 2009.

The final title of the bill would make modification to the veterans’ education programs.

Title IV would clarify pro rata refund policy for nonaccredited educational institutions; extend authorization for work-study positions located at veterans cemeteries, State veterans

homes, and State approving agencies through June 30, 2007. It would further require the VA to report on methods to improve and streamline the administrative processes and procedures of education programs in chapters 30 through 36, and restore lost entitlement for certain chapter 35 education beneficiaries forced to discontinue a course of education due to being called to full-time National Guard duty.

Madam Speaker, I reserve the balance of my time.

Mr. SALAZAR. Madam Speaker, I yield myself as much time as I may consume.

I rise today in strong support of H.R. 3082, as amended, the Veterans Small Business Administration and Memorial Affairs Act of 2006. This bill incorporates a host of important measures aimed at improving employment and small business opportunities for servicemembers and veterans, as well as provisions to enhance the VA's capability to honorably memorialize our fallen soldiers and heroes and comfort their families.

I would like to thank Chairman BUYER and Ranking Member LANE EVANS for their leadership in the full committee, as well as all of my colleagues on the full committee for their assistance in moving this bill to the floor today.

I especially want to express my appreciation to the chairman and ranking member of the Economic Opportunity Subcommittee, Congressman JOHN BOOZMAN of Arkansas and Congresswoman STEPHANIE HERSETH of South Dakota, for all their hard work and bipartisan leadership on the subcommittee this session.

I look forward to the committee beginning discussions with the Senate to ensure passage of a bipartisan, bicameral veterans' benefits package for this year. I know that the veterans of my State of Colorado and all the veterans of this great country will appreciate the important benefits and memorial improvements that we have included in this legislative measure.

Madam Speaker, H.R. 3082, as amended, incorporates important provisions from a number of Members interested in improving the quality of life of our veterans. Specifically, this legislation would provide greater incentives for the Department of Veterans Affairs to continue to improve its performance with respect to contracting with veteran-owned small businesses.

It would enhance employment counseling, job training and credentialing services for servicemembers transitioning out of the military and seeking to enter the civilian workforce. The legislation also seeks to improve the veterans' education claims processing system.

Additionally, in the area of memorial affairs, the bill would authorize the VA to provide State cemetery grants to tribal governments seeking to establish, expand or improve State veterans' cemeteries. And finally, it would make

permanent the VA's authority to provide headstones and markers for veterans interred in private cemeteries.

Madam Speaker, the VA National Cemetery Administration consistently ranks as one of the best agencies in government. We, in Congress, must continue to do all we can to assist NCA to remain at the top.

Madam Speaker, I support H.R. 3082, as amended, and appreciate the work of the committee and the staff in developing these measures in a bipartisan and professional manner. The servicemembers, veterans and military families of this Nation have earned and deserve our best efforts here in Congress. Indeed, they deserve even more.

I urge all the Members to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. BRADLEY of New Hampshire. Madam Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), and recognize her for her hard work on this issue.

Mrs. JOHNSON of Connecticut. Madam Speaker, I thank my colleague from New Hampshire (Mr. BRADLEY) for the opportunity to speak in support of this bill and particularly to thank him and to thank the chairman, Mr. BUYER, and the subcommittee chairman, Mr. MILLER, for the work they have done to address the needs of our veterans and to accommodate the measures of myself and other colleagues' ideas we have brought to your attention in this bill.

I am particularly grateful that you have included my bill in this reauthorization and will extend a provision for government furnished grave markers, because this bill arises from the experience of my constituents and the distress of families I represent at the demise of an old benefit for at least a certain number of years.

The grave marker benefit enables all veterans to receive a headstone or grave marker commemorating their service to our country, at no cost to their families. There was a time when this benefit was available to all veterans, and then it was not available for a variety of reason, although it was uneven. It was available to some veterans and not others because of the regulatory complexity of the governing of a simple benefit.

In 2001, it was enacted and 7,500 families nationwide took advantage of this provision, and that number continues to grow each year.

One of the families that was enabled to benefit after 2001 was the family of Agostino Guzzo, a World War II veteran from my home State of Connecticut, who inspired the legislation in 2001 and who has inspired this legislation that we pass here today as part of this larger bill. It was his son that brought to my attention the quirk in the law and law procedures that was allowing some veterans, while denying other veterans an enduring recognition of their service to our country.

Like you, I remain committed to providing America's veterans with bene-

fits that fully recognize the sacrifices these men and women made in defense of our Nation. Our gratitude should be expressed not only in the education and employment benefits we provide them in life, but also through permanent remembrance of their service that we provide upon their passing.

I thank the committee for including the grave marker provision in this bill, and I thank Secretary Nicholson and the VA for offering it their enthusiastic endorsement.

I urge all my colleagues to join me in passing this important benefit for America's veterans as part of this larger upgrading of other veterans benefits.

I thank you for allowing me this opportunity, and I thank the committee for its vigilance by Members on both sides of the aisle in regard to the interests of our veterans and the ever-changing needs of them as they age and as the shape of their lives change.

So I thank you, I thank the staff Members, and I appreciate this opportunity to support this bill.

□ 1645

Mr. SALAZAR. Madam Speaker, I would like to yield 3 minutes to a valued member of the Veterans Affairs Committee, the distinguished gentleman from New Mexico (TOM UDALL).

Mr. UDALL of New Mexico. Madam Speaker, I thank my good friend and neighbor, the gentleman from Colorado, and I rise today in support of today's veterans legislation, specifically H.R. 3082, which includes the Native American Veterans Cemetery Act, legislation I introduced early last year.

I would like to thank House Veterans Affairs Committee Chairman BUYER and Ranking Member EVANS for their leadership on H.R. 3082. I would also like to personally thank committee staff member Mary Ellen McCarthy for her tireless work on this and other important veterans issues, and thank my legislative assistant, Pablo Duran, for his hard work on this bill.

One of the missions of the Department of Veterans Affairs is to provide the men and women of the U.S. Armed Services with a final resting place, a mission accomplished through the 122 national cemeteries maintained by the VA. In addition, a State grant program through the VA allows for construction of State cemeteries, thereby giving most veterans a chance to be laid to rest close to home.

However, many Native American veterans who live on tribal lands do not have such an opportunity. This legislation would change that. Tribal governments would be put on the same footing as States, consistent with tribal sovereignty, by allowing them to apply for grants to establish, expand, and improve tribal veterans cemeteries.

In addition to many cosponsors from both sides of the aisle, the legislation enjoys the support of the Navajo Nation, the State legislatures of Arizona and New Mexico, the National American Indian Veterans organization, and

the VA itself. In fact, VA Secretary Nicholson stated that this legislation “would create another means of accommodating the burial needs of Native American veterans who wish to be buried in tribal lands.” I couldn’t agree more.

Madam Speaker, I strongly support allowing Native American veterans the chance to be buried on tribal lands, close to their ancestors and with the full dignity and honor they earned through their service. I am hopeful that my legislation, through H.R. 3082, will be fully supported by this body.

Mr. BRADLEY of New Hampshire. Madam Speaker, I close by commending the work of the chairman of the committee, Chairman BUYER, Ranking Member EVANS, Acting Ranking Member FILNER, and my colleagues Mr. SALAZAR and Mr. UDALL for their hard work on this legislation.

I would also like to take this opportunity to thank the staff of the Veterans Affairs Committee on a bipartisan basis, not only for their hard work on this bill, but the two prior bills we have discussed this afternoon.

GENERAL LEAVE

Mr. BRADLEY of New Hampshire. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3082, as amended.

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

There was no objection.

Mr. BRADLEY of New Hampshire. Madam Speaker, I ask my colleagues to unanimously support H.R. 3082, as amended.

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

Mr. SALAZAR. Madam Speaker, I would also like to thank my colleague from New Hampshire (Mr. BRADLEY) for his tireless efforts in addressing the veterans issues of this great country.

Mr. BOOZMAN. Mr. Speaker, I am proud to rise today in support legislation that I introduced, H.R. 3082, the Veteran Small Business and Memorial Affairs Act of 2006. This is an important piece of legislation that will improve veterans’ benefits programs.

I would like to take this opportunity to highlight a few of the provisions that would enhance small business and employment opportunities for veterans.

This bill would require the Department of Veterans Affairs to give priority to small businesses owned by veterans and service-disabled veterans when awarding contracts, even when contracting officers choose to use another set aside authority such as 8(a) or HUBZones.

Madam Speaker, there have been previous attempts to promote veteran-owned small businesses to the Federal agencies. Public Laws 106-50 and 108-183 set goals and set aside opportuni-

ties for federal agencies. Additionally, Executive Order 13360 encouraged Federal agencies to meet the goals for veteran-owned businesses.

Unfortunately, agencies have not been successful in meeting the goals. It is truly regrettable that according to Small Business Administration data that only three of eighty-one Federal departments and agencies have met the three percent goal currently in law for service-disabled veteran-owned business. VA was not one of those three, I feel VA must set an example for the rest of the government.

I want to make it plain that the intent of this bill is to put veteran-owned businesses, especially service-disabled veteran-owned businesses at the front of the line for set aside opportunities at the Department of Veterans Affairs. This is a small way for the nation to show its appreciation for not only the service these men and women have rendered to the nation, but also for their entrepreneurial spirit that drives our economy.

Many servicemembers, upon leaving the Armed Forces, seek employment within a field similar to their occupational specialties. However, there are several barriers that veterans may face when trying to be certified in these fields in their home states.

When we marked up this legislation in the Economic Opportunity Subcommittee of the Committee on Veterans’ Affairs, of which I chair, I inserted in my Chairman’s Amendment, a provision that would require states to develop a licensing and certification program as a condition of receiving a grant from the Department of Labor’s Veterans’ Employment and Training Service (VETS). The states will have 2 years after the date enactment to do this.

It is also important for the people assisting veterans with employment to have the proper qualifications and training to meet the needs of veterans. Therefore, my Chairman’s Amendment also included a provision that would require VETS to establish guidelines for non-mandatory professional qualifications for Disabled Veterans Outreach Program Specialists (DVOPS) and Local Veterans Employment Representatives (LVERs). This bill would also require that all DVOPS and LVERs successfully complete training by the National Veterans’ Training Institute.

Madam Speaker, veterans as a group is one of this nation’s largest assets. Their small businesses are very successful and they have proven to be excellent employees. The employment and entrepreneurial tools within H.R. 3082 would give our veterans the “leg-up” that they deserve.

Madam Speaker, I urge my colleagues to support H.R. 3082, as amended.

Mr. DAVIS of Illinois. Madam Speaker, I rise today in support of H.R. 3082, the Veterans Small Business and Memorial Affairs Act of 2006. I would also like to commend my good

friend from my home state of Arkansas, Mr. BOOZMAN, for his leadership on this important and timely topic.

The Small Business Association believes that approximately 4 million small businesses in the United States are owned by veterans. Many of the 4 million veteran owned businesses are owned by veterans that were permanently disabled while serving this country. This legislation makes a step toward paying our debt to America’s veterans by ensuring that veterans are not overlooked by the Small Business Administration. H.R. 3082 requires the Secretary of Veterans Affairs to establish annual contracting goals for the Department of Veterans Affairs (VA) to enter into with small businesses owned and controlled by veterans and service-disabled veterans. The goal for service-disabled, veteran-owned small businesses would not be less than three percent.

Additionally, H.R. 3082 makes strides toward ensuring that our veterans receive important employment training services to meet the needs of our increasingly technologically driven economy. I am a strong believer in the utility of employment training and will continue to work in the Committee on Education and the Workforce to expand employment training so that we remain competitive in the 21st century. I hope that the efficacy of vocational training will once again be demonstrated by this program and that this body will invest sufficiently in employment training programs. Improved job skills make a real difference for both workers and our economy.

Ms HERSETH. Madam Speaker, I would like to take this opportunity to express my support for the Veterans’ Small Business and Memorial Affairs Act, H.R. 3082. I also would like to thank Rep. JOHN BOOZMAN, the Chairman of the Economic Opportunity Subcommittee, for his leadership on the small business provisions included in this bill.

As the Ranking Member of the Economic Opportunity Subcommittee, I am proud to have helped develop and strongly support the education, training, and employment measures contained in H.R. 3082.

These provisions are intended to improve veterans’ small-business opportunities, job-training, and employment services, as well as the licensing and certification process for servicemembers transitioning into the civilian workforce.

Our nation’s servicemembers, veterans and military families have earned the benefits and opportunities provided within this legislation. Again, I am pleased to support the measures contained in the Veterans’ Small Business and Memorial Affairs Act and encourage my colleagues to support the bill.

Mr. MILLER of Florida. Madam Speaker, the provisions in title two originated in the Subcommittee on Disability Assistance and Memorial Affairs.

Section 201 would allow tribal governments to participate in the State Cemetery Grants Program to establish, expand, and improve veterans’ cemeteries on trust lands.

The Department of Veterans Affairs’ State Cemetery Grants Program was established in 1978 to complement VA’s National Cemetery system. VA will pay for the construction costs, and states are responsible for providing the land and ongoing operating and maintenance expenses.

There are currently 60 state cemeteries and two under construction, and states are planning to open 18 new state veterans' cemeteries between 2007 and 2010.

Owing to the success of the State Cemetery Grants Program, Congress made it permanent in Public Law 108-183. However, tribal governments are not considered eligible for these cemetery grants. This section will provide Native American veterans the opportunity to be buried in a veterans' cemetery on trust land.

Madam Speaker, I'd like to thank Representative Tom Udall, a member of the Subcommittee, for bringing this issue to our attention so we could include it in the bill under consideration today.

Section 202 would make permanent the Secretary's authority to furnish a government marker for veterans interred in a marked grave at a private cemetery, as well as offering a headstone in lieu of a marker, if requested by the family. The headstone or marker would be placed on the grave, or as close to it as practicable.

The current five-year authority, which was effective for deaths that occurred as of September 11, 2001, expires on December 31st of this year. Prior to this authority, if a veteran was buried at a private cemetery and the family purchased a private headstone, the veteran was ineligible for a government marker.

We would also expand the benefit to include veterans who died between November 1, 1990 and September 10, 2001.

I want to recognize Representative Nancy Johnson, who has been championing this cause for over five years. I appreciate her working with the Subcommittee to ensure that veterans and their families continue to have access to symbolic expressions of remembrance.

Finally, section 203 would authorize the Secretary to permit the placement of a memorial headstone or marker in a national cemetery when a child's remains are unavailable for burial.

If feasible, VA would be authorized to add a memorial inscription to a veteran's headstone rather than providing a separate marker for the minor child.

Currently, VA may provide a memorial headstone or marker for a veteran, spouse, or surviving spouse when remains are unavailable.

However, if a spouse and child die at the same time and in the same manner, and the remains for neither are available, a veteran cannot receive a memorial headstone honoring the child. This section would correct an inequity in current law. Since 2002, VA has received three such requests.

I want to thank Ms. BERKLEY, the other members of the Subcommittee, and staff on both sides of the aisle for their work on the provisions incorporated in title two of the amendment. I also thank Chairman BUYER, Ranking Member EVANS, and Acting Ranking Member FILNER for their continued leadership.

I urge my colleagues to support H.R. 3082, as amended.

Mr. SALAZAR. Madam 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 New Hampshire (Mr. BRADLEY) that the House suspend the rules and pass the bill, H.R. 3082, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to make improvements to small business, memorial affairs, education, and employment programs for veterans, and for other purposes."

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 50 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. CAPITO) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 1496, by the yeas and nays;

S. 203, by the yeas and nays;

H.R. 5534, by the yeas and nays.

The first and third electronic votes will be conducted as 15-minute votes. The second vote in this series will be a 5-minute vote.

ELECTRONIC DUCK STAMP ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1496.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 1496, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 358, nays 4, not voting 70, as follows:

[Roll No. 394]

YEAS—358

Abercrombie	Emerson	Lynch
Ackerman	English (PA)	Maloney
Aderholt	Eshoo	Manzullo
Akin	Etheridge	Marchant
Alexander	Farr	Markey
Allen	Fattah	Marshall
Baca	Ferguson	Matsui
Baird	Fitzpatrick (PA)	McCarthy
Baker	Foley	McCollum (MN)
Baldwin	Forbes	McCotter
Barrett (SC)	Fortenberry	McCreery
Barrow	Fossella	McDermott
Bartlett (MD)	Fox	McGovern
Barton (TX)	Frank (MA)	McHenry
Bass	Frelinghuysen	McHugh
Bean	Garrett (NJ)	McIntyre
Berkley	Gerlach	McKeon
Berry	Gilchrest	McMorris
Biggert	Gillmor	McNulty
Bilirakis	Gingrey	Meehan
Bishop (GA)	Gohmert	Meek (FL)
Bishop (NY)	Gonzalez	Meeks (NY)
Blackburn	Goode	Melancon
Blumenauer	Goodlatte	Mica
Blunt	Gordon	Michaud
Boehlert	Granger	Miller (FL)
Boehner	Graves	Miller (MI)
Bonilla	Green, Al	Miller (NC)
Bonner	Green, Gene	Miller, Gary
Bono	Grijalva	Miller, George
Boozman	Gutknecht	Mollohan
Boren	Hall	Moore (KS)
Boswell	Hart	Moore (WI)
Boucher	Hastings (FL)	Moran (KS)
Boustany	Hastings (WA)	Murphy
Bradley (NH)	Hayes	Murtha
Brady (PA)	Hayworth	Musgrave
Brown (SC)	Hensarling	Myrick
Brown-Waite,	Herger	Nadler
Ginny	Higgins	Napolitano
Burgess	Hinchey	Neal (MA)
Burton (IN)	Hobson	Neugebauer
Butterfield	Holden	Ney
Buyer	Holt	Northup
Calvert	Hoolley	Norwood
Camp (MI)	Hoyer	Nunes
Campbell (CA)	Hulshof	Obestar
Cantor	Hunter	Obey
Capito	Hyde	Olver
Capps	Inglis (SC)	Osborne
Capuano	Inslee	Otter
Cardin	Israel	Owens
Cardoza	Jackson (IL)	Pallone
Carnahan	Jenkins	Pascarell
Castle	Jindal	Pastor
Chabot	Johnson (CT)	Payne
Chandler	Johnson (IL)	Pearce
Chocoma	Johnson, E. B.	Pelosi
Cleaver	Jones (NC)	Pence
Clyburn	Jones (OH)	Peterson (MN)
Coble	Kanjorski	Peterson (PA)
Cole (OK)	Kaptur	Petri
Conaway	Keller	Pickering
Conyers	Kelly	Pitts
Cooper	Kennedy (MN)	Platts
Costa	Kennedy (RI)	Poe
Cramer	Kildee	Pombo
Crenshaw	Kind	Pomeroy
Crowley	King (IA)	Porter
Cubin	Kirk	Price (GA)
Cuellar	Kline	Price (NC)
Cummings	Knollenberg	Pryce (OH)
Davis (AL)	Kolbe	Putnam
Davis (IL)	Kucinich	Radanovich
Davis (KY)	Kuhl (NY)	Rahall
Davis (TN)	LaHood	Ramstad
Davis, Tom	Langevin	Rangel
Deal (GA)	Lantos	Regula
DeFazio	Larsen (WA)	Rehberg
DeGette	Larson (CT)	Reichert
Delahunt	Latham	Reyes
DeLauro	LaTourette	Reynolds
Dent	Leach	Rogers (AL)
Diaz-Balart, L.	Lee	Rogers (MI)
Diaz-Balart, M.	Levin	Rohrabacher
Dicks	Lewis (CA)	Ros-Lehtinen
Dingell	Lewis (GA)	Ross
Doggett	Lewis (KY)	Rothman
Doolittle	Linder	Roybal-Allard
Doyle	Lipinski	Royce
Drake	LoBiondo	Ruppersberger
Dreier	Lofgren, Zoe	Ryan (OH)
Duncan	Lowey	Ryan (WI)
Edwards	Lucas	Ryun (KS)
Ehlers	Lungren, Daniel	Salazar
Emanuel	E.	

Sánchez, Linda T.  
 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  
 Stupak  
 Sweeney  
 Tanner  
 Tauscher  
 Taylor (MS)  
 Taylor (NC)  
 Terry  
 Thomas  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Turner  
 Udall (NM)

Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walden (OR)  
 Walsh  
 Wamp  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weldon (FL)  
 Weldon (PA)  
 Weller  
 Wicker  
 Wilson (NM)  
 Wilson (SC)  
 Wolf  
 Woolsey  
 Wu  
 Wynn  
 Young (AK)  
 Young (FL)

## NAYS—4

Flake  
 Franks (AZ)

Mack  
 Tancredo

## NOT VOTING—70

Andrews  
 Bachus  
 Beauprez  
 Becerra  
 Berman  
 Bilbray  
 Bishop (UT)  
 Boyd  
 Brady (TX)  
 Brown (OH)  
 Brown, Corrine  
 Cannon  
 Carson  
 Carter  
 Case  
 Clay  
 Costello  
 Culberson  
 Davis (CA)  
 Davis (FL)  
 Davis, Jo Ann  
 Engel  
 Evans  
 Everrett

Feeney  
 Filner  
 Ford  
 Gallegly  
 Gibbons  
 Green (WI)  
 Gutierrez  
 Harman  
 Harris  
 Hefley  
 Herseth  
 Hinojosa  
 Hoekstra  
 Honda  
 Hostettler  
 Issa  
 Istook  
 Jackson-Lee  
 (TX)  
 Jefferson  
 Johnson, Sam  
 Kilpatrick (MI)  
 King (NY)  
 Kingston

Matheson  
 McCaul (TX)  
 McKinney  
 Millender-  
 McDonald  
 Moran (VA)  
 Nussle  
 Ortiz  
 Oxley  
 Paul  
 Renzi  
 Rogers (KY)  
 Rush  
 Sabo  
 Sanchez, Loretta  
 Strickland  
 Sullivan  
 Tierney  
 Towns  
 Udall (CO)  
 Weiner  
 Westmoreland  
 Wexler  
 Whitfield

□ 1857

Mrs. MYRICK, Mr. SCOTT of Virginia, Mrs. NAPOLITANO and Mr. McNULTY changed their vote from “nay” to “yea.”

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 394, S. 1496, I was held up with airplane problems. Had I been present, I would have voted “yea.”

#### MOMENT OF SILENCE OBSERVED IN MEMORY OF OFFICER JACOB J. CHESTNUT AND DETECTIVE JOHN M. GIBSON

The SPEAKER pro tempore. Pursuant to the Chair’s announcement of earlier today, the House will now observe a moment of silence in the memory of Officer Jacob J. Chestnut and Detective John M. Gibson.

Please rise for a moment of silence.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

#### NATIONAL HERITAGE AREAS ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 203, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the Senate bill, S. 203, 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 323, nays 39, not voting 70, as follows:

[Roll No. 395]

YEAS—323

Abercrombie  
 Ackerman  
 Alexander  
 Allen  
 Baca  
 Baird  
 Baker  
 Baldwin  
 Barrett (SC)  
 Barrow  
 Barton (TX)  
 Bass  
 Bean  
 Berkley  
 Berry  
 Biggert  
 Billirakis  
 Bishop (GA)  
 Bishop (NY)  
 Blumenauer  
 Blunt  
 Boehlert  
 Boehner  
 Bonilla  
 Bonner  
 Bono  
 Boozman  
 Boren  
 Boswell  
 Boucher  
 Boustany  
 Bradley (NH)  
 Brady (PA)  
 Brown (SC)  
 Brown-Waite,  
 Ginny  
 Burgess  
 Burton (IN)  
 Butterfield  
 Buyer  
 Calvert  
 Camp (MI)  
 Campbell (CA)  
 Capito  
 Capps  
 Capuano  
 Cardin  
 Cardoza  
 Carnahan  
 Castle  
 Chabot  
 Chandler  
 Cleaver  
 Clyburn  
 Cole (OK)  
 Conyers  
 Cooper  
 Costa  
 Cramer  
 Crenshaw  
 Crowley

Cubin  
 Cuellar  
 Cummings  
 Davis (AL)  
 Davis (IL)  
 Davis (KY)  
 Davis (TN)  
 Davis, Tom  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 Dent  
 Diaz-Balart, L.  
 Diaz-Balart, M.  
 Dicks  
 Dingell  
 Doggett  
 Doolittle  
 Doyle  
 Drake  
 Dreier  
 Edwards  
 Ehlers  
 Emanuel  
 Emerson  
 English (PA)  
 Eshoo  
 Etheridge  
 Farr  
 Fattah  
 Ferguson  
 Fitzpatrick (PA)  
 Foley  
 Forbes  
 Fortenberry  
 Fossella  
 Frank (MA)  
 Frelinghuysen  
 Garrett (NJ)  
 Gerlach  
 Gilchrest  
 Gillmor  
 Gonzalez  
 Gordon  
 Granger  
 Graves  
 Green, Al  
 Green, Gene  
 Grijalva  
 Gutknecht  
 Hall  
 Hart  
 Hastings (FL)  
 Hastings (WA)  
 Hayworth  
 Higgins  
 Hinchey  
 Hobson  
 Holden  
 Holt

McHugh  
 McIntyre  
 McKeon  
 McMorris  
 McNulty  
 Meehan  
 Meeks (NY)  
 Melancon  
 Mica  
 Michaud  
 Miller (MI)  
 Miller (NC)  
 Miller, Gary  
 Miller, George  
 Mollohan  
 Moore (KS)  
 Moore (WI)  
 Moran (KS)  
 Murphy  
 Murtha  
 Musgrave  
 Nadler  
 Napolitano  
 Neal (MA)  
 Ney  
 Northup  
 Nunes  
 Oberstar  
 Obey  
 Olver  
 Osborne  
 Otter  
 Owens  
 Pallone  
 Pascrell  
 Pastor  
 Payne  
 Pearce  
 Pelosi  
 Peterson (MN)  
 Peterson (PA)  
 Petri  
 Pickering  
 Pitts  
 Platts  
 Poe  
 Pombo  
 Pomeroy

Porter  
 Price (NC)  
 Pryce (OH)  
 Putnam  
 Radanovich  
 Rahall  
 Ramstad  
 Rangel  
 Regula  
 Rehberg  
 Reichert  
 Reyes  
 Reynolds  
 Rogers (AL)  
 Rogers (MI)  
 Ros-Lehtinen  
 Ross  
 Rothman  
 Roybal-Allard  
 Ruppertsberger  
 Rush  
 Ryan (OH)  
 Ryun (KS)  
 Salazar  
 Sánchez, Linda T.  
 Sanders  
 Saxton  
 Schakowsky  
 Schiff  
 Schmidt  
 Schwartz (PA)  
 Schwarz (MI)  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano  
 Sessions  
 Shaw  
 Shays  
 Sherman  
 Sherwood  
 Shimkus  
 Shuster  
 Simmons  
 Simpson  
 Skelton  
 Slaughter

Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Sodrel  
 Solis  
 Souder  
 Spratt  
 Stark  
 Stupak  
 Sweeney  
 Tanner  
 Tauscher  
 Taylor (MS)  
 Taylor (NC)  
 Terry  
 Thomas  
 Thompson (CA)  
 Thompson (MS)  
 Tiahrt  
 Tiberi  
 Turner  
 Udall (NM)  
 Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Walden (OR)  
 Walsh  
 Wamp  
 Wasserman  
 Schultz  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weldon (PA)  
 Weller  
 Wicker  
 Wilson (NM)  
 Wilson (SC)  
 Wolf  
 Woolsey  
 Wu  
 Wynn  
 Young (AK)  
 Young (FL)

## NAYS—39

Aderholt  
 Akin  
 Bartlett (MD)  
 Blackburn  
 Chocola  
 Coble  
 Conaway  
 Deal (GA)  
 Duncan  
 Feeney  
 Flake  
 Foxx  
 Franks (AZ)  
 Gingrey

Gohmert  
 Goode  
 Goodlatte  
 Hayes  
 Hensarling  
 Herger  
 Jenkins  
 Jones (NC)  
 King (IA)  
 Lungren, Daniel E.  
 Marchant  
 Miller (FL)  
 Myrick

Neugebauer  
 Norwood  
 Pence  
 Price (GA)  
 Rohrabacher  
 Royce  
 Ryan (WI)  
 Shadegg  
 Stearns  
 Tancredo  
 Thornberry  
 Weldon (FL)

## NOT VOTING—70

Andrews  
 Bachus  
 Beauprez  
 Becerra  
 Berman  
 Bilbray  
 Bishop (UT)  
 Boyd  
 Brady (TX)  
 Brown (OH)  
 Brown, Corrine  
 Cannon  
 Cantor  
 Carson  
 Carter  
 Case  
 Clay  
 Costello  
 Culberson  
 Davis (CA)  
 Davis (FL)  
 Davis, Jo Ann  
 Engel  
 Evans

Everett  
 Filner  
 Ford  
 Gallegly  
 Gibbons  
 Green (WI)  
 Gutierrez  
 Harman  
 Harris  
 Hefley  
 Herseth  
 Hinojosa  
 Hoekstra  
 Honda  
 Hostettler  
 Issa  
 Istook  
 Jackson-Lee  
 (TX)  
 Jefferson  
 Johnson, Sam  
 Kilpatrick (MI)  
 King (NY)  
 Kingston

Matheson  
 McCaul (TX)  
 McKinney  
 Meek (FL)  
 Millender-  
 McDonald  
 Moran (VA)  
 Nussle  
 Ortiz  
 Oxley  
 Paul  
 Renzi  
 Rogers (KY)  
 Sabo  
 Sanchez, Loretta  
 Strickland  
 Sullivan  
 Tierney  
 Towns  
 Udall (CO)  
 Weiner  
 Westmoreland  
 Wexler  
 Whitfield

□ 1909

Mrs. BLACKBURN changed her vote from “yea” to “nay.”

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 395, S. 203, I was held up with airplane problems. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. MCKINNEY. Madam Speaker, I was unavoidably delayed getting to the floor due to Delta Flight #634 being delayed due to bad weather in the area and missed rollcall vote Nos. 394 and 395 on July 24, 2006. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mrs. DAVIS of California. Madam Speaker, I missed the following two votes, Nos. 394 and 395, due to a delayed flight from San Diego. I would have voted "yea" on S. 1496 and S. 203.

IN HONOR OF THE LATE  
CONGRESSMAN TOM MANTON

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

Mr. RANGEL. Madam Speaker and my colleagues, last Saturday, we lost Tom Manton. Many of you worked with him and knew him as well as we did in the city of New York.

He was the son of Irish immigrants. His family came to this country. He worked as a salesman. He was a policeman for the New York City Police Department. He worked before that as a city councilman.

Most of you knew him when he came to Congress and served so well, and he was followed to the Congress by Joe Crowley. He left the Congress to become the Democratic county leader for the County of Queens and made a name for himself as he sought out black and white, Irish, Asian, Hispanic candidates for one of the most diverse political subdivisions that we have in the city of New York. He is what we call, in New York City, a "politician's politician," who was respected by Republicans as well as Democrats.

We will miss him in the city of New York, but he left a better city than the one that he inherited.

And I would like to yield to my friend and senior Republican in our New York delegation, Mr. BOEHLERT.

Mr. BOEHLERT. Madam Speaker, I thank the dean of our delegation for yielding.

I just want to say that all of us who were privileged to know and work with Tom Manton during his seven terms in this House of Representatives share a deep sense of personal loss. He was an absolutely outstanding individual. And I think Mayor Bloomberg of New York probably best described him in a very simple way. He said he was a "classy guy."

He was a guy who demonstrated in so many different ways his unflinching loyalty and his deep commitment to and faith in all of those things that he really believed in, his heritage, his religion, his party, his profession, his country, but, most of all, his family.

I think we are the lesser for Tom Manton's passing, but we are the greater because he touched our lives.

PROVIDING GRANTS TO EXPAND  
INFRASTRUCTURE NECESSARY  
TO INCREASE AVAILABILITY OF  
ALTERNATIVE FUELS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 5534, 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 Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 5534, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 355, nays 9, not voting 68, as follows:

[Roll No. 396]

YEAS—355

Abercrombie	Chandler	Garrett (NJ)
Ackerman	Chocola	Gerlach
Aderholt	Cleaver	Gilchrest
Akin	Clyburn	Gillmor
Alexander	Coble	Gingrey
Allen	Cole (OK)	Gohmert
Baca	Conaway	Gonzalez
Baird	Conyers	Goode
Baker	Cooper	Goodlatte
Baldwin	Costa	Gordon
Barrett (SC)	Cramer	Granger
Barrow	Crenshaw	Graves
Bartlett (MD)	Crowley	Green, Al
Barton (TX)	Cubin	Green, Gene
Bass	Cuellar	Grijalva
Bean	Cummings	Gutknecht
Berkley	Davis (AL)	Hall
Berry	Davis (CA)	Hart
Biggert	Davis (IL)	Hastings (FL)
Bilirakis	Davis (KY)	Hastings (WA)
Bishop (GA)	Davis (TN)	Hayes
Bishop (NY)	Davis, Tom	Hayworth
Blackburn	Deal (GA)	Hensarling
Blumenauer	DeFazio	Herger
Blunt	DeLaunt	Higgins
Boehlert	DeLauro	Hinchey
Boehner	Dent	Hobson
Bonilla	Diaz-Balart, L.	Holden
Bonner	Diaz-Balart, M.	Holt
Bono	Dicks	Hooley
Boozman	Dingell	Hoyer
Boren	Doggett	Hulshof
Boswell	Doolittle	Hunter
Boucher	Doyle	Hyde
Boustany	Drake	Inglis (SC)
Bradley (NH)	Dreier	Inslie
Brady (PA)	Edwards	Israel
Brown (SC)	Ehlers	Jackson (IL)
Brown-Waite,	Emanuel	Jenkins
Ginny	Emerson	Jindal
Burgess	Engel	Johnson (CT)
Burton (IN)	English (PA)	Johnson (IL)
Butterfield	Eshoo	Johnson, E. B.
Buyer	Etheridge	Jones (NC)
Calvert	Farr	Jones (OH)
Camp (MI)	Fattah	Kanjorski
Campbell (CA)	Ferguson	Kaptur
Cantor	Filner	Keller
Capito	Fitzpatrick (PA)	Kelly
Capps	Foley	Kennedy (MN)
Capuano	Forbes	Kennedy (RI)
Cardin	Fortenberry	Kildee
Cardoza	Fossella	Kind
Carmahan	Frank (MA)	King (IA)
Castle	Franks (AZ)	Kirk
Chabot	Frelinghuysen	Kline

Knollenberg	Neugebauer	Scott (VA)
Kolbe	Ney	Serrano
Kucinich	Northup	Sessions
Kuhl (NY)	Norwood	Shadegg
LaHood	Nunes	Shaw
Langevin	Oberstar	Shays
Lantos	Obey	Sherman
Larsen (WA)	Oliver	Sherwood
Larson (CT)	Osborne	Shimkus
Latham	Otter	Shuster
LaTourette	Owens	Simmons
Leach	Pallone	Simpson
Lee	Pascrell	Skelton
Levin	Pastor	Slaughter
Lewis (CA)	Payne	Smith (NJ)
Lewis (GA)	Pearce	Smith (TX)
Lewis (KY)	Pelosi	Smith (WA)
Linder	Pence	Snyder
Lipinski	Peterson (MN)	Sodrel
LoBiondo	Peterson (PA)	Solis
Lofgren, Zoe	Petri	Souder
Lowey	Pickering	Spratt
Lucas	Pitts	Stark
Lungren, Daniel	Platts	Stearns
E.	Poe	Stupak
Lynch	Pombo	Sweeney
Mack	Pomeroy	Tancredo
Maloney	Porter	Tanner
Manzullo	Price (GA)	Tauscher
Marchant	Price (NC)	Taylor (MS)
Markey	Pyce (OH)	Taylor (NC)
Marshall	Putnam	Terry
Matsui	Radanovich	Thompson (CA)
McCarthy	Rahall	Thompson (MS)
McCollum (MN)	Ramstad	Thornberry
McCotter	Rangel	Tiahrt
McCrery	Regula	Tiberi
McDermott	Rehberg	Turner
McGovern	Reichert	Udall (NM)
McHugh	Reyes	Upton
McIntyre	Reynolds	Van Hollen
McKeon	Rogers (AL)	Velazquez
McKinney	Rogers (MI)	Visclosky
McNulty	Rohrabacher	Walden (OR)
Meehan	Ros-Lehtinen	Walsh
Meeks (NY)	Ross	Wamp
Melancon	Rothman	Wasserman
Mica	Roybal-Allard	Schultz
Michaud	Ruppersberger	Waters
Miller (MI)	Rush	Watson
Miller (NC)	Ryan (OH)	Watt
Miller, Gary	Ryan (WI)	Waxman
Miller, George	Ryun (KS)	Weldon (PA)
Mollohan	Salazar	Weller
Moore (KS)	Sanchez, Linda	Wicker
Moore (WI)	T.	Wilson (NM)
Moran (KS)	Sanders	Wilson (SC)
Murphy	Saxton	Wolf
Murtha	Schakowsky	Woolsey
Musgrave	Schiff	Wu
Myrick	Schmidt	Wynn
Nadler	Schwartz (PA)	Young (AK)
Napolitano	Schwarz (MI)	Young (FL)
Neal (MA)	Scott (GA)	

NAYS—9

Duncan	Foxx	Royce
Feeney	McHenry	Sensenbrenner
Flake	Miller (FL)	Weldon (FL)

NOT VOTING—68

Andrews	Gallely	Meek (FL)
Bachus	Gibbons	Millender-
Beauprez	Green (WI)	McDonald
Becerra	Gutierrez	Moran (VA)
Berman	Harman	Nussle
Bilbray	Harris	Ortiz
Bishop (UT)	Hefley	Oxley
Boyd	Hereth	Paul
Brady (TX)	Hinojosa	Renzi
Brown (OH)	Hoekstra	Rogers (KY)
Brown, Corrine	Honda	Sabo
Cannon	Hostettler	Sanchez, Loretta
Carson	Issa	Strickland
Carter	Istook	Sullivan
Case	Jackson-Lee	Thomas
Clay	(TX)	Tierney
Costello	Jefferson	Towns
Culberson	Johnson, Sam	Udall (CO)
Davis (FL)	Kilpatrick (MI)	Weiner
Davis, Jo Ann	King (NY)	Westmoreland
DeGette	Kingston	Wexler
Evans	Matheson	Whitfield
Everett	McCaul (TX)	
Ford	McMorris	

□ 1929

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.

The title of the bill was amended so as to read: "A bill to provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels."

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, I was unable to record my rollcall votes Nos. 394–396. Had I been present I would have voted "yea."

#### PERSONAL EXPLANATION

Mr. BILBRAY. Mr. Speaker, on rollcall Nos. 394, 395 and 396, I was detained due to aircraft malfunction. Had I been present, I would have voted "yea" on all three rollcalls.

#### PERSONAL EXPLANATION

Mr. GREEN of Wisconsin. Mr. Speaker, I was absent from Washington on Monday, July 24, 2006. As a result, I was not recorded for rollcall votes Nos. 394, 395 and 396. Had I been present, I would have voted "yea" on rollcall Nos. 394, 395 and 396.

#### PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes Nos. 394, 395, and 396.

#### PERSONAL EXPLANATION

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, today I was unavoidably detained because my flight was canceled. I missed rollcall vote Nos. 394 through 396. Had I been present, I would have voted:

"Yes" on rollcall No. 394, S. 1496—"Electronic Duck Stamp Act of 2005," "yes" on rollcall No. 395, S. 203—"National Heritage Areas Act of 2005," and "yes" on rollcall No. 396, H.R. 5535—"To establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels."

#### 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);

(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 after September 11, 2001;

(3) to agree to the provisions contained in section 403 of the Senate amendment (relating to special funding rules for plans maintained by commercial airlines that are amended to cease future benefit accruals);

(4) to agree to the provisions contained in section 402 of the Senate amendment (relating to authority to enter alternative funding agreements to prevent plan terminations); and

(5) to recede to the provisions contained in the Senate amendment regarding restrictions on funding of nonqualified deferred compensation plans, except that—

(A) to the maximum extent possible within the scope of the conference, the managers on the part of the House shall insist that the restrictions under the bill as reported from conference regarding executive compensation, including under nonqualified plans, be the same as restrictions under the bill regarding benefits for workers and retirees under qualified pension plans,

(B) the managers on the part of the House shall insist that the definition of "covered employee" for purposes of such provisions contained in the Senate amendment include the chief executive officer of the plan sponsor, any other employee of the plan sponsor who is a "covered employee" within the meaning of such term specified in the provisions contained in the Senate amendment (applied by disregarding the chief executive officer), and any other individual who is, with respect to the plan sponsor, an officer or employee within the meaning of section 16(b) of the Securities Exchange Act of 1934, and

(C) in lieu of the effective date specified in such provisions contained in the Senate amendment, the managers on the part of the House shall insist on the effective date specified in the provisions of the bill as passed the House relating to treatment of nonqualified deferred compensation plans when the employer's defined benefit plan is in at-risk status.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1956, BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2006

Mr. GINGREY, from the Committee on Rules, submitted a privileged report (Rept. No. 109–595) on the resolution (H. Res. 939) providing for consideration of the bill (H.R. 1956) to regulate certain State taxation of interstate commerce; and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 4157, HEALTH INFORMATION TECHNOLOGY PROMOTION ACT OF 2005

Mr. GINGREY. Mr. Speaker, the Committee on Rules may meet later this week to grant a rule which could limit the amendment process for floor consideration of H.R. 4157, the Health Information Technology Promotion Act of 2005.

The bill was ordered reported by the Committee on Energy and Commerce on June 15, 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 11 a.m. on Wednesday, July 26, 2006.

Members should draft their amendments to the text of the amendment in the nature of a substitute posted on the Web site of the Committee on Rules.

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 for the Parliamentarian to be certain their amendments comply with the Rules of the House.

#### COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore (Mr. KUHLMANN of New York) laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE,  
Washington, DC, July 20, 2006.

Hon. J. DENNIS HASTERT,  
Speaker of the House, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Enclosed please find the resolutions approved by the Committee on Transportation and Infrastructure on July 19, 2006, in accordance with 40 U.S.C. §3307.

Sincerely,

DON YOUNG,  
Chairman.

Enclosures.

ALTERATION—IRS ENTERPRISE COMPUTING  
CENTER, MARTINSBURG, WV

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, appropriations are authorized for the design of the alteration of the Internal Revenue Service Enterprise Computing Center located in Martinsburg, West Virginia, at a design and review cost of \$2,893,000, for which a prospectus is attached to, and included in, this resolution.

Approval of this resolution also constitutes authority to perform prospectus level interim repairs as deemed necessary, to maintain the continued operation of the building until the project is completed.

ALTERATION—INTERNAL REVENUE SERVICE, WILLIAM J. GREEN FEDERAL BUILDING, PHILADELPHIA, PA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized for the alteration of Internal Revenue Service space in the William J. Green Federal Building located at 601 Arch Street, Philadelphia, Pennsylvania, at a design and review cost of \$378,000, a management and inspection cost of \$283,000, and an estimated construction cost of \$4,065,000 for an estimated total project cost of \$4,726,000, a prospectus for which is attached to, and included in, this resolution.

Approval of this prospectus constitutes authority for the General Services Administration to use funds made available by the Internal Revenue Service for space alterations in this facility.

LEASE/ALTERATION IN LEASED SPACE—DEPARTMENT OF DEFENSE, UNITED STATES JOINT FORCES COMMAND, SUFFOLK, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to enter into a superseding lease up to 154,428 rentable square feet of space and 288 surface parking spaces for the Department of Defense, United States Joint Forces Command located in leased space at 112 Lakeview Parkway, Suffolk, Virginia, at a proposed total annual cost of \$3,689,285 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority for the General Services Administration to use funds made available by the Department of Defense and a portion of the annual rent payment authorized above for space alterations in this facility at a design and review cost of \$1,375,000, a management and inspection cost of \$1,250,000, and an estimated construction cost of \$13,333,000 for an estimated total project cost of \$15,958,000, a prospectus for which is attached to, and included in, this resolution.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDED PROSPECTUS—LEASE—FEDERAL BUREAU OF INVESTIGATION, FREDERICK COUNTY, VA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to 947,000 rentable square feet and 1,232 parking spaces for the Federal Bureau of Investigation, in Frederick County, Virginia, at a proposed total annual cost of \$33,145,000 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution dated October 26, 2005, authorizing a lease up to 947,000 rentable square feet and 1,232 parking spaces for the Federal Bureau of Investigation, in Frederick County, Virginia, at a proposed total annual cost of \$33,145,000 for a lease term of 15 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDED PROSPECTUS—LEASE—DEPARTMENT OF JUSTICE, MIAMI/MIRAMAR, FL

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 723,780 rentable square feet of space and 1,155 outside parking spaces for the Department of Justice, currently located in multiple leased locations throughout South Florida, at a proposed total annual cost of \$25,332,300 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution. This resolution amends the Committee resolution dated February 16, 2006, authorizing a lease up to approximately 723,780 rentable square feet of space and 1,155 outside parking spaces for the Department of Justice, at a proposed total annual cost of \$25,332,300 for a lease term of 15 years.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF LABOR, SAN FRANCISCO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to extend an existing lease of 151,716 rentable square feet and 25 parking spaces for the Department of Labor, located at 71 Stevenson Street, San Francisco, California, at a proposed total annual cost of \$5,765,208 for a lease term of 2 years, a prospectus for which is attached to and included in this resolution.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—DEPARTMENT OF JUSTICE, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 521,000 rentable square feet for the Department of Justice, currently located at 1301 New York Ave., NW, 1331 F St., NW, and 1400 New York Ave., NW, Washington, D.C., at a proposed total annual cost of \$24,487,000 for a lease term of 15 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—PRESIDENTIAL TRANSITION TEAM/PRESIDENTIAL INAUGURAL COMMITTEE, WASHINGTON, DC

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 320,000 rentable square feet of space and 510 parking spaces for the Presidential Transition Team and Presidential Inaugural Committee, at a proposed total annual cost of \$15,040,000 for a lease term of 15 months, a prospectus for which is attached to and included in this resolution.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—NATIONAL INSTITUTES OF HEALTH, SUBURBAN MARYLAND

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 574,614 rentable square feet of space and 5 parking spaces for the National Institutes of Health, currently located in leased space at 6116, 6120, and 6130 Executive Boulevard, Rockville, Maryland, at a proposed total annual cost of \$18,387,648 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION, TUCSON, AZ

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 84,353 rentable square feet and 120 inside and 18 surface parking spaces for the Federal Bureau of Investigation, currently located at One South Church Street, 2551 North Dragoon and 3285 South Hemisphere Loop, Tucson, Arizona, at a proposed total annual cost of \$3,036,708 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION, SACRAMENTO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 148,184 rentable square feet and 215 inside and 15 outside parking spaces for the Federal Bureau of Investigation, currently located in multiple lease facilities in Sacramento, California, at a proposed total annual cost of \$5,927,360 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION, DENVER, CO

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 175,155 rentable square feet and 175 inside and 45 outside parking spaces for the Federal Bureau of Investigation, currently located in three

government-owned facilities in Denver and Lakewood, Colorado, at a proposed total annual cost of \$6,130,425 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION,  
MINNEAPOLIS, MN

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 162,530 rentable square feet and 200 inside and 20 outside parking spaces for the Federal Bureau of Investigation, currently located in leased space in Minneapolis and Roseville, Minnesota, at a proposed total annual cost of \$6,176,140 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—FEDERAL BUREAU OF INVESTIGATION,  
CINCINNATI, OH

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. §3307, appropriations are authorized to lease up to approximately 108,874 rentable square feet of space and 145 structured and 20 surface parking spaces for the Federal Bureau of Investigation, currently located in multiple locations in Cincinnati, at a proposed total annual cost of \$3,810,590 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

AMENDED PROSPECTUS—CONSTRUCTION—  
UNITED STATES COURTHOUSE ANNEX, SAN  
DIEGO, CA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, additional appropriations are authorized for additional site, additional design, management and inspection, and construction of a 466,886 gross square foot facility and 105 inside parking spaces located in San Diego, California, at an additional site and design cost of \$3,258,000 (site and design cost of \$42,369,000 were previously authorized), management and inspection cost of \$7,740,000, and an estimated construction cost of \$248,816,000, a combined estimated total project cost of \$302,183,000, a prospectus for which is attached to, and included in, this resolution.

Within one year of the date of approval of this Resolution, the Judicial Conference of the United States shall amend the U.S. Courts Design Guide to require that each U.S. Courthouse construction project provide

one courtroom for every two senior judges. Beginning on the date of approval of this Resolution, the Judicial Conference of the United States shall specifically approve each departure from the U.S. Courts Design Guide for each U.S. Courthouse construction project which result in additional estimated costs of the project (including additional rent payment obligations) and that the Judicial Conference provide a specific list of each departure and the justification and estimated cost (as supplied by the General Services Administration (GSA)) of such departure for each U.S. Courthouse construction project to the GSA. Each U.S. Courthouse construction prospectus submitted by the GSA shall include a specific list of each departure and the justification and estimated cost (including additional rent payment obligations) of such departure and GSA's recommendation on whether the Committee on Transportation of the U.S. House of Representatives and the Committee on Environment and Public Works of the U.S. Senate should approve such departure.

This resolution amends a Committee resolution dated July 21, 2004, which authorized site and design of a 614,394 gross square foot facility with 105 inside parking spaces.

There was no objection.

AMENDMENT PROCESS FOR CON-  
SIDERATION OF H.R. 5766, GOV-  
ERNMENT EFFICIENCY ACT OF  
2006

Mr. GINGREY. Mr. Speaker, the Committee on Rules may meet later this week to grant a rule which could limit the amendment process for floor consideration of H.R. 5766, the Government Efficiency Act of 2006.

The bill was ordered reported by the Committee on Government Reform on July 20, 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 11 a.m. on Wednesday, July 26, 2006.

Members should draft their amendments to the bill as ordered reported by the Committee on Government Reform, which is expected to be filed today. The text of the bill as ordered reported will be made available on the Web sites of both the Committee on Rules and the Committee on Government Reform.

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 for the Parliamentarian to be certain their amendments comply with the Rules of the House.

STRAIGHT TALK ON THE  
ECONOMY

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

Mr. KELLER. Mr. Speaker, I rise today to give the American people some straight talk about our economy. In 1992, Bill Clinton ran for president with the slogan "It's is the economy, stupid."

Today, his wife, HILLARY, reminded us of that slogan in her speech to the Democratic Leadership Council. Well, our economy is very strong and growing. We have created 5.4 million new jobs in the last 3 years. Our unemployment rate is better than the average of the 1960s, 1970s, 1980s and 1990s. We have had 18 straight quarters of economic growth.

Homeownership is now at 69 percent, the largest in history. And our revenues are coming in so high we will be able to meet our goal of cutting the deficit in half by 2008, a year ahead of schedule. This time, let's take the Clintons at their word. If it is the economy, stupid, then let's be smart and reelect those Congressmen who gave us this strong economy by lowering the taxes in the first place.

ARABIA MOUNTAIN NATIONAL  
HERITAGE AREA

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

Ms. MCKINNEY. Mr. Speaker, I would like to take this opportunity to thank the Members of the House and the Senate for passing legislation that included language authorizing the Arabia Mountain National Heritage Area in my district.

Mr. Speaker, this is a boon to the environmental community that seeks to preserve pristine areas everywhere. But for such an area to be in the middle of a bustling African American community is especially rare.

We need green space in south DeKalb, and this will go a very long way toward realizing a community dream. Initially, our thought was to have the funding go to the country or the State, and that was reflected in one version of the bill.

However, the House Resources Committee adopted a private-public partnership approach. Good stewardship of taxpayer dollars is extremely important, and I want to work closely with the private entity to make sure that the community and its concerns always come first.

Mr. Speaker, I look forward to walking the nature trails in both DeKalb and Rockdale Counties that will be made possible by the Congressional action today.

I would also like to thank the Georgia Department of Natural Resources that also lent its support to this very important bill.

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 HISTORY OF NICODEMUS, KANSAS

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. Mr. Speaker, it is appropriate from time to time that we reflect upon our country's past, study events of history, and remember what we have learned from those who came before us.

The western Kansas town of Nicodemus, though small in size, has a rich history that can teach us much about who we are as Kansans, and who we are as Americans.

Discrimination and slavery are an unfortunate part of our country's history. Black Americans suffered greatly, and many fought and died to obtain their freedom. The struggle between pro-slavery forces and abolitionists was fought across the country. And significant battles took place in my home State of Kansas during the 1850s.

The outcome of Bleeding Kansas was a free State in the heart of an expanding nation that offered hope and opportunity to former slaves. While the end of the Civil War brought with it expectations that African Americans would finally enjoy the rights described in our founding documents, many rights obtained were largely stripped away by the end of the Reconstruction period.

Many recognized the sacrifice that Kansas had made to become a free State. Ex slaves left the south and ventured out to the vast prairies of Kansas in search of freedom and opportunity.

The destination for many of these individuals was Nicodemus. Founded in 1877 by six African American men, Nicodemus was formed as a community specifically for African Americans. At a time when prejudice and oppression were still common, Nicodemus offered African Americans a place to own their own land, to make a living farming, and to prosper in a jurisdiction allowing self government.

The young community of Nicodemus grew and prospered during the 1880s as a result of the ingenuity of black entrepreneurs and the dedication and commitment of black farmers. Though many African Americans in the south were denied an education, Nicodemus established schools and educated the town's children. Since the bustling activity and growth of the 1880s, Nicodemus has had its ups and downs, yet it today remains a community of African Americans and a testament to the human desire for freedom.

Nicodemus is the only remaining western town established by emancipated slaves during the reconstruction period, and it is critical that its history not be lost.

On November 12, 1996, Congress recognized the historical significance of

Nicodemus and established the Nicodemus National Historic Site to preserve, protect and interpret this unique community. Thanks to Congressional action, the National Park Service and especially the residents of Nicodemus, this community and its story are being preserved for future generations.

Each year during the last weekend in July, Nicodemus is transformed again into a busy community, full of activity, for the emancipation celebration. At this event, former residents and their families return to Nicodemus to share stories and to enjoy one another's company.

This year, the community will not only celebrate the first emancipation of slaves in the western hemisphere, but also Nicodemus's 10th anniversary as a National Historic Site. Nicodemus is a special community that reminds us both of the struggles and the accomplishments of African Americans.

I am proud of this community. Nicodemus deserves to be honored for its contributions to American history. I commend and encourage the preservation efforts of the National Park Service and the residents of this amazing town.

□ 1945

#### GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order today.

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

There was no objection.

#### HONORING TIM FRIEDMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, the subject of my Special Order is Tim Friedman, who as many of you know is the assistant manager of the House Democratic Cloakroom.

I don't know where to begin. I don't know what I am going to do without Tim being here. I think this is his last week and he is retiring after so many years in the Cloakroom. But just to give you an idea of some of the things that I don't know who is going to do these things for me anymore: usually I bring my cell phone on the floor. And he has to remind me that I am not allowed to have a cell phone on the floor, so I have to put it in the back and leave it there. And I tell him he doesn't have to answer it, but he usually answers it.

A lot of times late at night when we are doing Special Orders, those of you who know that basically the food area in the back is closed, so I have to ask

him to open up the refrigerator and I leave a dollar in the refrigerator and he gets me a Coke.

My beeper breaks down on a regular basis, and I have to leave it for Tim to fix. Half the time it is not even broken, but he doesn't want to tell me that I don't realize it is not broken so he just says, Oh, yeah, I fixed it, even though it probably wasn't broken from the beginning.

Let me see what else. I have made a list here. When we doze off in the Cloakroom, that is big. Many of us, as you know, are here late at night or even during the day. If we are tired, we lie down on the couch, and he has to come around and gently nudge us to make sure that we don't miss a vote. I don't know, the list goes on and on. I don't even know where to begin.

Oh, my yellow pads. I always carry yellow pads and I use my blue marker to cross things out. And a lot of times I leave them on the seat, and then I will go back to my office and Tim will call me up and say, Oh, Frank, you left your yellow pad. Come on down here and get it. He is going to save it for me. So the list goes on.

The other thing is we have this triumvirate, or three people, who are the managers here that, as far as I know, they have been here for as long as I can remember, and that is Tim, Bob, and Barry. And I cannot imagine what it is going to be like when we are missing one of them. So it is not only Tim, but it is the fact that this triumvirate is going to be gone or is going to be broken up, and I can't imagine who is going to replace Tim because I always think of them as the three people that I can always rely on. But the list goes on.

Have you ever noticed that Tim brings that green book, he brought it down here today, that green book which we have to sign in, I guess, for Special Orders. It goes back I don't know how many years. I mean, that thing probably belongs in the Smithsonian Institution. It goes back 30, 40 years. Who keeps it, who gets that green book once you leave? I guess it will have to be either Barry or Bob. Then the list goes on.

Let me say, Tim has an incredible sense of humor. Not only the Clerks and the people that work behind us, but he as well as the other managers have to stay late at night when we do Special Orders. And I think you know that the Democrats are determined to fill every last hour of Special Orders, and so he or Bob or Barry has to stay here very late, usually until midnight because that is when they are cut off. And I always come in and kid him and say, Are you working tonight? And I tell him, Well, maybe I won't do the Special Order. And he says, Oh, no, you can do it, you can do it. He doesn't really mean it. He hopes I go home, but he tolerates us anyway. And he has a tremendous sense of humor and makes us laugh, which is so important, particularly with all the problems that

you have around this place. Having somebody with a great sense of humor is really important, needless to say.

My staff think that Tim is more important than them. I mean, that is what they will constantly tell me, because I call here all the time, not only every day, not only every hour, but sometimes every five minutes to see what is going on, and he never says, Why are you calling? He is never grumpy. He is always like, Mr. PALLONE, you called. And he gives me an update on what is going on, and he never makes me feel like I shouldn't call again, even though I probably shouldn't.

So I could go on forever, Tim, but I just want to thank you for all you have done not only on behalf of myself and not only on behalf of the Democratic Members, but on behalf of all Members. I know others told me that they want to enter statements in the RECORD, so that is why I asked unanimous consent that the RECORD be kept open. You certainly deserve your retirement. I can't believe you are retiring. You don't look old enough to retire, but I know you are going to enjoy your retirement.

Let me say a little bit of his history, if I could. He is a native of Lackawanna, New York, a suburb of Buffalo. He arrived in Washington in 1976 and started his career in the House in July 1976 under the patronage of Congressman Dan Rostenkowski. He worked as a doorkeeper under the Honorable James T. Molloy from 1976 to 1982. In 1982, he transferred to the Office of the House Sergeant at Arms and worked as an assistant to Jack Russ, and Tim was appointed as assistant manager of the House Democratic Cloakroom in 1985, before I got here, by then Speaker Tip O'Neill, Speaker of the House.

Tim married, he actually got married a few years ago to Colleen Early in 2003, probably one of the reasons he wants to retire, so he could spend more time with his wife. And they are avid golfers. They are building a home in Wallace, North Carolina. I know he can't wait to enjoy his retirement, but we will sorely miss you and I personally will, for sure.

Ms. PELOSI. Mr. Speaker, on July 19th of this year, Tim Friedman achieved a milestone that Members ever reach: 30 years of service in the United States House of Representatives.

Since he first arrived in Washington in 1976, Tim has been a denizen of the House. In his first position, as Doorkeeper, he worked to keep the House floor and its Members secure. He also served the House Sergeant at Arms, until his formidable talents were recognized by Tip O'Neill in 1985, and he was appointed Assistant Manager of the House Democratic Cloakroom in 1985.

Tim Friedman has become part of the history of this institution: he was the last ever Democratic pair clerk—a position that was discontinued in 1995. He has served under five Speakers—and spent 19 years in the majority and nearly 12 years in the loyal opposition.

Tim has seen many Members come and go, and been both a colleague and friend to

all. His skills in the cloakroom are only matched by his skills on the golf course: I know that members of my caucus will be particularly relieved that because of his retirement, Tim will not be competing in any more House golf tournaments.

But he will have time to hone his game; Tim is retiring to Wallace, North Carolina, where he will live on a 36-hole golf course.

As we salute Tim, we must also recognize his wife Colleen. Colleen is also part of the House of Representatives family—she is the daughter of Congressman Joe Early. As we all know, it is hard to balance a job here with a life at home, and today as we salute Tim for his dedication, we are appreciative of the sacrifice Colleen has made.

Upon his retirement, George Washington said, "I am once more seated under my own vine and fig tree . . . and hope to spend the remainder of my days in peaceful retirement, making political pursuits yield to the more rational amusement of cultivating the earth."

Mr. Speaker, it is a privilege to wish Tim Friedman and Colleen a similarly peaceful retirement.

Mr. ROTHMAN. Mr. Speaker, I rise today to congratulate Tim Friedman, Assistant Manager of the House Democratic Cloakroom, on his retirement after 30 years of illustrious service to the United States House of Representatives.

Tim's career has been a long and distinguished one marked by outstanding accomplishments and the well-deserved esteem of Members of Congress on both sides of the aisle. I am pleased to join with my colleagues in wishing Tim and his wife Colleen many happy years of fulfillment and rewards in their new pursuits.

I would like to extend my sincere thanks to Tim for all of his kindness, assistance and support during my tenure in Congress, along with my warmest personal regards. He will certainly be missed.

Mr. PASCRELL. Mr. Speaker, I rise today to bring attention to the life and work of an outstanding individual whom I feel fortunate to have known for the last 9 years, Mr. Tim Friedman. He is being recognized on Tuesday, July 25, 2006, on the occasion of his retirement after 30 years of service to the U.S. House of Representatives.

Tim is originally from Lackawanna, NY, and began his career in the U.S. House of Representatives in 1976. He started as a Doorkeeper and in 1985 he was appointed Assistant Manager of the House Democratic Cloakroom by then Speaker of the House, Tip O'Neill.

My fellow Democratic colleagues and I agree that he has served us extraordinarily well for the past 21 years in the Democratic Cloakroom. Tim always made sure that I knew what legislative business was on the schedule for the day, and was a great person to converse with in between votes. But more importantly, Tim and I share a special bond as fans of the greatest baseball team in history, the New York Yankees. I will truly miss our bantering back and forth with Red Sox fans Mr. CAPUANO and Tim's co-worker Barry Fisher. I know Tim will be missed by all of my Democratic colleagues, even Mr. CAPUANO, whom he regularly bested in important baseball debates.

Mr. Speaker, it is an honor and privilege to extend my best wishes to a dedicated public

servant. May he enjoy a very well-deserved retirement. Tim, you will be missed.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise to recognize a person who has been a fixture of this institution for more than 30 years and who has been a mainstay of our Democratic Cloakroom, and indeed, our Democratic Party. I have always said that Members of Congress are only as good as the staff that helps us because they are the ones who make this Chamber run.

Tim Friedman is one of those few people who works behind the scenes to make sure we do our job properly, that floor operations run smoothly and our personal staffs are kept abreast of current legislative activity and the legislative schedule. We thank Tim for making our jobs easier and for being a trusted resource for Members and our offices.

Tim is from Lackawanna, NY, just outside of Buffalo. He is part of that group known as the "Buffalo Gang," the leader of whom is our own former Doorkeeper of the House, Jim Molloy. In 1976, Tim came to Washington and started to work for then-Representative Dan Rostenkowski. Tim's first days on the job were not promising. His first 2 assignments were to drive the Illinois Congressman to different events in Washington, and he got lost both times. After awhile, he learned how to get around the city, and ever since, he has been steering Members on the right course. Members have taken Tim's advice on when to schedule their return home following legislative business, when to take dinner breaks during late night sessions, and basically how to plan their lives around the activity on the floor.

It is with mixed feelings that I pay tribute to Tim. I am saddened by the fact we are losing his institutional knowledge, wizened guidance, and a beloved friend. At the same time, I am happy for him as he and his wife Colleen tee-off on a second career in their new home of Wallace, NC. All of us on both sides of the aisle wish Tim and Colleen well in their new adventure, and we hope that their move will exceed their best expectations. One thing for sure is the golfing weather is much better in North Carolina than here in Washington or certainly in Buffalo. This is an important feature because both Tim and Colleen are excellent and avid golfers, and their new home is surrounded by 2 golf courses.

We are proud to know Tim, and we hope that he and Colleen will come back and visit their friends from time to time, particularly during the golf tournament season, to let us know how their lives are progressing. We appreciate all the services you have rendered to this institution and to the Members with whom you have worked. As you look to new horizons, I would like to send you and Colleen off with these wishes:

May you always find good lies in the fairways;  
May your shots sail clear over still waters;  
and  
May nothing but eagles and birdies follow you for the all the rounds of your life.

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to a distinguished public servant, Mr. Tim Friedman, on the occasion of his retirement from the U.S. House of Representatives and the House Democratic Cloakroom.

Mr. Friedman has shown exceptional commitment to public service throughout his career in the Democratic Cloakroom of the

House of Representatives. A native of Lackawanna, NY, Mr. Friedman arrived in Washington in 1976 to start his career with the House of Representatives under the patronage of the Honorable Dan Rostenkowski. He began his career as a Doorkeeper and transferred to the office of the House Sergeant at Arms in 1982, working as an assistant to the Honorable Jack Russ. In 1985, Mr. Friedman was appointed as Assistant Manager of the House Democratic Cloakroom by Speaker of the House Thomas P. O'Neill.

The last 30 years, Mr. Friedman has served the House as a tireless and diligent worker. Under his guidance and hard work, the Cloakroom has become a place fitting for the U.S. House of Representatives. He has become an institution to those Members who have served this legislative body and he will be deeply missed.

We wish Mr. Friedman well, and we all deeply appreciate his dedicated and decent service. I will certainly miss him. I wish Tim and his wife Colleen many good years, filled with family, friends, good health, and plenty of golf. On behalf of my staff, myself and my lovely wife Deborah: Thank you, Tim.

Mr. NADLER. Mr. Speaker, I rise today to join my colleagues in honoring a truly distinguished public servant. A man without whom our jobs would be infinitely more difficult. Tim Friedman, for decades a fixture of the House Democratic Cloakroom, will take his well earned retirement.

Most people outside this building know nothing of the Cloakrooms. The staff there provide information to Members on the program for the day, the timing of votes, and myriad other details that go into the operation of this institution. As we all try to juggle the demands of committee meetings, visits from constituents, meetings with people concerning legislation, and floor debates and votes, the Cloakroom is a vital resource in making sure that everything runs smoothly.

In addition to being helpful, the staff of the Cloakroom have always provided a friendly and congenial environment even when the workload seems unmanageable, the pressure mounts, and tempers get short.

Tim has mastered the arcane science of the House. His voluminous knowledge, his institutional memory, his up-to-the-minute understanding of what is going on have more than once saved this Member, and many of my colleagues, from losing track of the proceedings.

Tim has always managed the job with good cheer and good humor, even when, perhaps, the circumstances might have called for a much different response.

My colleagues and I will greatly miss Tim Friedman, although we wish him well as he leaves this House. Tim, you will always have a home here, and, should you ever get tired of relaxing and enjoying life, you are always welcome back.

Congratulations and best of luck to you.

Mr. MEEK of Florida. Mr. Speaker, it is a not-so-closely-held secret that Congressional staff plays a crucial and indispensable role in making it possible for Members of Congress to carry out their constitutional duties. That is certainly the case for Tim Friedman, who will mark 30 years of service—15 terms, if he were a Member—to the U.S. House of Representatives on July 19, 2006.

Tim is a true "Man of the House." He began his career in 1976, under Speaker Carl Albert.

From his first job in the office of the Doorkeeper, he transferred to the House Sergeant at Arms office where he worked until 1985, when Speaker Thomas P. "Tip" O'Neill appointed him as Assistant Manager of the House Democratic Cloakroom in 1985.

The Democratic Cloakroom is the crossroads of the Caucus, and Tim Friedman stands right in the middle of the intersection. He has been a constant source of information, wisdom and assistance, dispensed with characteristic good humor there for the past 20 years. He is so professional in his job that, like a great golfer, he makes something very hard look easy.

Tim's distinguished service in the House Democratic Cloakroom has touched the lives of countless Members—and staff members—of this body. He plans to retire this September, and we all wish him and his wife, Colleen, our very best. But we'll keep him for as long as we can, because his absence will certainly leave a large void in the House Democratic Cloakroom and in this wonderful institution that he has served for so long.

Mr. ORTIZ. Mr. Speaker, Tim Friedman has been a presence in the Democratic Cloakroom and the House Floor for 3 decades, from which he now retires as the Assistant Manager of the Democratic Cloakroom.

Tim is funny, charming, helpful . . . and is considered practically a family member of the Democratic Members who rely on his understanding of their varying needs and his expertise on the operations of the House of Representatives.

He practically grew up in the House. He began his political career with our colleague Dan Rostenkowski, who was an excellent tutor in the world of real politics and practical applications of power. As a young man, Tim was known as a little bit of a ladies man . . . and as an adult, he is a loving husband to Colleen.

Tim's nickname is "Hawk," for his amazing ability to spot people anywhere in his line of vision. For someone whose everyday responsibilities include spotting Members of Congress in the crowded chamber, that is a useful skill.

Tim has the broad shoulders of Buffalo and the nuanced understanding of government from his long time service on Capitol Hill. He has been a mentor for thousands of young high school-aged Capitol Pages who pass through our program and work for the Congress as messengers and runners.

Working in the Democratic Cloakroom and on the Floor of the U.S. House of Representatives is no easy task. The pace is either painfully slow, or very fast with information and decisions moving and changing rapidly.

So it takes a very special person to navigate those waters, a job Tim has done with excellence over the decades he has served the Democratic Leadership and the entire House of Representatives.

Tim, we wish you and Colleen good luck—and great golf. The entire House of Representatives owes you a tremendous debt of gratitude and wishes you well on the journey to Wallace, N.C., that you now take beyond our marble floors and columns. Vaya con Dios, mi amigo.

Mr. MCNUITY. Mr. Speaker, Tim Friedman has been a friend of mine since the first day I walked onto the House Floor 18 years ago. His interest in, and service to, this and other Members of the House has always been

above and beyond the call of duty. As he heads to a well-earned retirement a bit to our south, I want my dear friend Tim to know that I will think of him often, and with tremendous gratitude for his extraordinary service.

Thanks, Tim!

Mr. STUPAK. Mr. Speaker, I rise today to honor someone who has dedicated 30 years of service to this great institution. Those of us on the Democratic side of the aisle know how much we have come to rely on Tim Friedman who has spent the last 3 decades working in the House Democratic Cloakroom.

One can imagine that after 30 years working on and around the floor of the U.S. House of Representatives, Tim has just about seen it all. Throughout it all, Tim has always been on hand to assist Members of Congress with all requests, large and small. By working with us and making it easier for Members of the House to fulfill their official duties, Mr. Friedman has served the U.S. House of Representatives, the United States Congress and his country admirably.

As he prepares to leave us, I wish him well and hope that his back improves for a better back swing so that he can enjoy many good days on the golf course. While all of us will miss seeing Tim day in and day out, we are truly happy for him and wish him all the best as he enjoys his well-deserved retirement.

Mr. HOLDEN. Mr. Speaker, I rise today to honor Mr. Tim Friedman for his many years of heartfelt service and wish him best wishes on his retirement from the U.S. House of Representatives and the House Democratic Cloakroom.

Originally from Lackawanna, NY, outside of Buffalo, Mr. Friedman began his career in the House of Representatives on July 19, 1976 under the patronage of the Honorable Dan Rostenkowski of Illinois. He worked as a Doorkeeper from 1976 to 1982 under the Honorable James T. Molloy before transferring to the office of the House Sergeant at Arms in 1982. There he worked as an assistant to the Honorable Jack Russ.

In 1985, Tim Friedman was appointed as Assistant Manager of the House Democratic Cloakroom by the Honorable Thomas P. O'Neill, Speaker of the House. Tim married Colleen Early in 2003. He is retiring to Wallace, NC, where he plans to continue his love of golf.

Mr. Speaker, it is a privilege to be able to recognize a man who has dedicated his life to serving the people of the United States. I ask you and my other distinguished colleagues to join me in congratulating Mr. Tim Friedman on his many years of devoted public service and thank him for the many contributions he has made toward the well being of the United States House of Representatives.

Mr. HINOJOSA. Mr. Speaker, I join colleagues in paying a well-deserved tribute to Tim Friedman who is retiring after 30 years of distinguished service to this Congress. As Assistant Manager of the House Democratic Cloakroom, Tim has had the heavy responsibility of ensuring not only that Members get to the floor on time to vote but that they know what they are voting for. His knowledge of the intricacies of the voting process and House procedures has been invaluable and he is leaving big shoes to fill.

Tim has also been responsible for supervising and mentoring the thousands of pages who spend a large part of their time working

in the Cloakroom. As a father, I know how hard it is to get a couple of teenagers to be responsible and do good work. I commend Tim's patience in handling the hundreds of teens who rotate through the Cloakroom each summer and school year.

A native of Lackawanna, New York, Tim came to Washington in 1976 and worked first as a Doorkeeper, guarding the privacy of Members and keeping the floor of this House secure. His talents were recognized and in 1982 he transferred to the House Sergeant at Arms where he continued his efforts to keep this House running in an efficient and productive manner. In 1995, Speaker of the House Thomas P. O'Neill appointed him to his current position of Assistant Manager of the House Democratic Cloakroom.

Tim, you will be sorely missed but I know that you and your wife Colleen are looking forward to a life of leisure in North Carolina. I know you will enjoy having the time to play all the golf you want. I played golf on your golf team at Andrews and had a barrel of fun. I will always remember your friendship! Good luck and thank you for all you have done for this institution.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate Tim Friedman on his retirement after 30 years of service to the House of Representatives.

Tim began his career on Capitol Hill on July 19, 1976, as a doorkeeper under the Hon. James T. Molloy. In 1982, he began to work for the office of the House Sergeant at Arms as an assistant to the Hon. Jack Russ. Recognizing Tim's talents, knowledge, and understanding of the intricacies of the House, he was appointed as Assistant Manager of the House Democratic Cloakroom in 1985. Tim's friendly manner and his wealth of experience has been an outstanding asset to the members of the Democratic Caucus.

I sincerely thank Tim for the assistance he has given me and for his dedicated service to the House of Representatives. I wish him and his wife Colleen all the best for their future. He will be truly missed by all.

Mr. COSTELLO. Mr. Speaker, I rise today to recognize and honor Tim Friedman upon his retirement from the House Democratic Cloakroom. For the past 30 years Tim Friedman has served with utmost distinction.

After moving from Lackawanna, NY, Tim arrived in Washington, DC, in 1976 to begin his career in the House of Representatives. He first served for the Hon. Dan Rostenkowski before becoming a Doorkeeper under the Hon. James T. Molloy from 1976 to 1982. In 1982, Tim moved to the office of the House Sergeant at Arms before being appointed as Assistant Manager of the House Democratic Cloakroom in 1985 by the Hon. Thomas P. O'Neill, Speaker of the House.

Since I came to Congress in 1988, I have gotten to know Tim Friedman quite well. He is an upstanding man with strong character and high principles. I am pleased to have worked with him.

In times of retirement, I am reminded of the words of Ralph Waldo Emerson who said, "The reward for a thing well done is to have done it." Not only should Tim feel rewarded, but all of us who have benefited from his long and successful 30 year career, an accomplishment for which he deserves to be proud.

Mr. Speaker, I know my colleagues join me in offering congratulations and gratitude for

Tim's long and successful career in the House of Representatives. I wish him well and hope he continues to achieve happiness, health and success in his future endeavors.

Mr. ANDREWS. Mr. Speaker, I rise today to honor Tim Friedman on his retirement from the House of Representatives and the House Democratic Cloakroom.

Mr. Friedman, a native of Lackawanna, NY, arrived in Washington, DC, in 1976 and started his career in the House of Representatives on July 19, 1976 under the patronage of Hon. Dan Rostenkowski. He worked as a Doorkeeper under Hon. James T. Molloy from 1976 to 1982 then transferred to the office of the House Sergeant at Arms and worked as an assistant to the Hon. Jack Russ. In 1985, Mr. Friedman became the Assistant Manager of the House Democratic cloakroom. His contributions are immeasurable.

Mr. Speaker, I offer my sincere congratulations to Tim Friedman. I wish Mr. Friedman and his wife, Colleen, a relaxing retirement filled with many rounds of golf. Thank you for your service to the House of Representatives, and to our Nation.

Mr. SERRANO. Mr. Speaker it is with great pleasure that I rise today to bid farewell to Mr. Tim Friedman, a dear, trusted friend, who will retire after 30 years of service to his country.

A native of Lackawanna, NY, Tim arrived in Washington in 1976, and started his career in the House of Representatives on July 19, 1976, under the patronage of the Hon. Dan Rostenkowski. From 1976 to 1982 he worked as a Doorkeeper under the Hon. James T. Molloy and in 1982, he transferred to the office of the House Sergeant at Arms and worked as an assistant to the Hon. Jack Russ. In 1985 Tim was appointed as Assistant Manager of the House Democratic Cloakroom by the Hon. Thomas P. O'Neill—Speaker of the House.

Mr. Speaker, the Democratic Cloak Room is a place of great importance to all House Democrats. It is a place where we not only receive helpful information on things such as bill language and the floor schedule, but where we can take solace from the sometimes contentious debate on the House floor.

Needless to say, it takes a special individual to contend with the wide range of interesting personalities that make up the Democratic Caucus. Tim has handled the job without breaking a sweat. Although, I am quite sure he often tires of Member after Member asking the same question—"when will we be done," he never makes it known. He is always ready to provide Members with important information while maintaining his affable disposition.

Perhaps what impresses me the most about Tim is his unwavering loyalty. An avid Yankee fan, Tim openly professes allegiance to his team despite the taunts of his fellow cloak room colleagues. Barry, a passionate Red Sox fan and Bob, an Orioles/Nationals fan, frequently hurl insults at Tim for his devotion to the Bronx Bombers. However, like a true fan, he ignores their scoffs and simply reminds them of Yankee dominance. As a Yankee fan and the team's Congressional Representative, I appreciate Tim's steadfastness in the face of brutal opposition. His dogged support of my hometown team has strengthened our bond over the years.

Mr. Speaker, on a more serious note, Tim is a dedicated, hardworking and reliable individual who will be truly missed by all who had

the pleasure of working with him. I wish him well on his retirement and ask that my colleagues join me in bidding him farewell.

Ms. WOOLSEY. Mr. Speaker, I rise today to commemorate Tim Friedman for his 30 years of dedicated service to the House of Representatives.

Tim began his career on July 19, 1976, working as a Doorkeeper to the House Chamber under the Hon. James T. Molloy. After 6 years of helping to oversee admission to the House floor and galleries, Tim went on to work as an assistant to the Hon. Jack Russ in the House Sergeant at Arms office and eventually as Assistant Manager of the House Democratic Cloakroom. Since my freshman term in Congress, his has always been a friendly face and a trusted source of information about what is happening on the House floor. Tim has been an active and integral part of the last 16 sessions of Congress, and he deserves the highest respect and recognition.

Outside of work, Tim spends most of his time with his lovely wife Colleen and out on the golf course. I can speak for the rest of my colleagues when I say that we all look forward to hearing about his first hole-in-one.

Today, I ask my colleagues to join me in congratulating Tim Friedman on his retirement after a remarkable career. We truly appreciate your hard work and dedication to our country, and I am sad to lose such an outstanding public servant and close friend.

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.)

#### NATIONAL HERITAGE AREAS ACT OF 2005

Mr. WELLER. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. WELLER. Mr. Speaker, I wanted to come to the floor tonight to express my strong support for S. 203, the National Heritage Areas Act of 2005. This legislation was debated earlier in this day, and amongst its many provisions the bill contains my legislation, H.R. 1820, the Illinois and Michigan Canal National Heritage Corridor Act Amendments of 2005.

S. 203 reauthorizes the Illinois and Michigan Canal Heritage Corridor to receive appropriations and transfers management entity status from the Federal I&M Commission to the not-for-profit Canal Corridor Association. I would like to commend Chairman POMBO and the House Committee on Resources for their hard work on this important piece of legislation which has previously passed the House twice before.

The I&M Canal, the Illinois and Michigan Canal, changed the Nation in 1848 when it opened its first shipping

route between New York and New Orleans, designating Chicago as the Nation's greatest inland port at that time. While the canal eventually fell into disuse due to new transportation methods and routes, in 1982, business and industry leaders founded the Canal Corridor Association to help revitalize the I&M Canal region, and in doing so created a national model for regional partnership, conservation, and renewal.

I am proud to say that the I&M Canal National Heritage Corridor was America's first charter national heritage area, being created by an act of Congress in 1984, thanks to the efforts of former Congressman Tom Corcoran and former Senator Chuck Percy. For 20 years now, the Federal I&M Commission has worked to carry out the mission of the I&M Canal National Heritage Corridor. Its efforts have been particularly successful during the past 5 years that Phyllis Ellin has provided strong leadership as the executive director of the commission.

Since 1984, the I&M Canal National Heritage Corridor has increasingly become an engine of economic growth in communities up and down the length of the corridor, primarily through an increase in tourism, but also in the use of the corridor for recreational purposes.

I decided to move forward with this legislation after consulting with local officials and those most interested and involved in preserving the heritage of the I&M Canal. This private sector approach contained within my legislation offers more advantages to handle the increased workload brought on by the recent success of the canal and interest in heritage tourism.

As a result, S. 203 designates the Canal Corridor Association as the new management entity of the I&M Canal Heritage Corridor. The CCA seeks to enhance economic vitality by raising awareness of and expanding the parks, trails, landscapes and historic sites that make the I&M Canal region a special place. They have also successfully implemented educational programs and improved the cultural, environmental, historic, and tourism resources that the Canal Corridor offers.

Under the leadership of the Canal Corridor Association, the I&M Canal Reauthorization will continue to successfully educate citizens of the nationally historical importance of the I&M Canal and to play a pivotal role in the continued economic development of our home region. Through the Canal Corridor Association's governance, we will now be able to better enlist private support for the Canal Corridor and promote tourism in our home region.

Once again, I would like to thank Chairman POMBO and the entire Resources Committee for making sure this important legislation passes before we break for the August district work period. I particularly want to thank Speaker HASTERT for his assistance and leadership in this issue as well as Chairman CRAIG THOMAS in the Senate for moving forward with this critical legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### U.S. OCCUPATION OF IRAQ

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WOOLSEY. Mr. Speaker, today is the 162nd time that I have come to the floor during Special Orders to discuss the U.S. role in Iraq. Unfortunately, very little has changed on the ground in Iraq over the course of these last 3 years and 162 speeches. Unfortunately, also, official visits to the region by our administration and those who represent the United States of America must still be in secret because the area is so very, very violent.

Our troops increasingly face snipers, roadside attacks, ambushes, and improvised explosive devices, IEDs. Bombings continue to kill and wound nearly 100 Iraq civilians daily, and the country has slid into a civil war. One thing that has changed is this, the United States is now playing the role of occupier.

President Bush claimed that the U.S. would go into the Iraq conflict as a liberator. These days, the more accurate statement is that the United States is an occupier. Our brave men and women of the Armed Forces have not been trained or equipped for this very mission. They are doing the very best they can under the circumstances, but their civilian superiors have let them down. Right now, the best way to support our troops is to set forth a plan to bring them home.

In light of all of this, tomorrow several of my colleagues and I will introduce a bill that will revoke the President's Iraqi war powers. This legislation, the Iraq War Power Repeal Act of 2006, will return the war powers for Iraq back to Congress, back where our Founding Fathers intended.

According to the President, all major war combat was completed just 6 months after Congress authorized the use of force. In fact, he said this while standing aboard an aircraft carrier before a banner reading "Mission Accomplished." Therefore, the United States has no longer been at war since that statement of his 6 months into the war, but rather carrying out an occupation with absolutely no end in sight. The American and the Iraqi people want the United States troops out of Iraq; they want them home where they belong.

Over the objections of many House and Senate Members 3½ years ago, the House voted to support the war in Iraq. We did not vote to support an occupa-

tion in Iraq. That is why our goal tomorrow, Mr. Speaker, is to have the congressional leadership allow an up-or-down vote on the occupation. I urge all of my colleagues to cosponsor the Iraq War Powers Repeal Act of 2006 to end this madness once and for all, to stand up for our troops, to bring them home.

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 PROTECTION AND EVACUATION OF AMERICAN CITIZENS FROM THE MIDDLE EAST CONFLICT

Mr. KIRK. Mr. Speaker, I ask unanimous consent to speak out of turn.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. KIRK. Mr. Speaker, the Nation has been focused on the war declared by Hezbollah against Israel this past week. And while most of the media focused on stories of the conflict in Israel or Lebanon, they have not covered an aspect of the story critical to our fellow citizens, the protection and evacuation of American citizens from this conflict.

On the day that Hezbollah started this war, we estimated that there were over 20,000 Americans in Lebanon.

□ 2000

I want to first commend our ambassador in Lebanon and the U.S. embassy team in Beirut for rapidly assembling the plans and data on the Americans to be saved. The U.S. Government regularly plans and sometimes executes what is called a noncombatant evacuation operation, or NEO in Pentagon parlance, to rescue Americans abroad. The scale of the Lebanese NEO was very, very large. This operation, assembled on very short notice, responded remarkably to a rapidly changing, massive movement of our fellow citizens.

Some of the unsung heroes of the Lebanon NEO are the men and women of the United States Navy and Marine Corps. I want to give special thanks to the crews of the USS *Nashville*, the USS *Trenton*, and the USS *Whidbey Island*. Along with the merchant vessel *Orient*, the crews of these U.S. navy vessels rescued thousands of Americans from Lebanon over the last several days. The crews of these ships were backed by U.S. Marines flying helicopters to save the people in most urgent need.

I also want to thank the men and women of the U.S. Transportation Command who arranged military airlifts for Americans living in Cyprus, and now Turkey, to complete their trips home to the U.S.A.

We must also note the outstanding contribution of the State of Maryland and its governor, Governor Ehrlich, who welcomed them at Baltimore Washington International Airport.

Mr. Speaker, Dr. John Michael of my district called me from Lebanon to ask for his support. I arranged for his registration and quick contact with the U.S. embassy there. Thanks to the work of the United States Navy, the Marine Corps, the State Department and the Transportation Command, Dr. Michael, his wife Christine and their children, Daniel, Ramson, Edessan and Kamber, all from my district, were caught in Lebanon, but now were rescued by the U.S. military and State Department. But for this operation, they might still be in harm's way, but thanks to the work of these professionals, the men and women of the State Department, Navy and Marine Corps, they are home in the United States.

Mr. Speaker, we have saved over 5,000 Americans to date, and I am told today that the number of Americans seeking to leave Lebanon is now declining. We will soon be the first Nation to use this large logistical effort to begin a massive humanitarian aid lift to support the people of Lebanon itself.

Mr. Speaker, take a moment tonight to thank the young Americans who serve on the *Nashville*, *Whidbey Island* and *Trenton*. Due to their training and professionalism, they were there exactly when thousands of their fellow American citizens needed them to escape from Lebanon.

The SPEAKER pro tempore (Mr. KUHLE of New York). 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.)

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.)

#### ESCALATING CONFLICTS IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise this evening to discuss the escalating conflicts in the Middle East, and bearing in mind that the answer to real stability throughout that region is a resolution to the half century old Israeli-Palestinian conflict and a two-State solution with negotiations ongoing. That has not happened during the lifetime of this administration. In fact, they have ignored that completely.

The second solution is to decouple U.S. foreign policy from our reliance on the oil regimes in the Middle East which supply the largest share of this country's dependence on imported petroleum.

Those are the two answers. We are getting distracted by a lot of other activities in the region, but without a resolution to the Israeli-Palestinian conflict and a two-State solution, and this country being able to stand on its own two feet again, and not have to beg any repressive society for oil, we will not find a solution for security for the American people at home nor abroad.

The situation is worsening. War is an abandonment of reason, and it is critical for Members of Congress to stand for a path to peace, especially at a time that we witness and the world witnesses more killing, more death, more carnage escalating around us, escalating around those directly involved in the Middle East.

It is especially essential to be a voice for peace when others believe that escalating the military option without serious and equal emphasis on political and diplomatic efforts will yield calm and resolution.

Ghandi instructed us an eye for an eye will leave the world blind, and physics reminds us that to every action there is an equal and opposite reaction. I think in this latest conflagration between Lebanon and Israel there will be more than an equal and opposite reaction.

Indeed, I predict, and it is happening already, escalating violence will reap more radical extremism throughout the region as moderate voices are muffled by the bombs and the escalation of the rhetoric and the escalation of the violence.

Please notice, as a result of U.S. policy already in country after country, radical extremes are gaining political edge in the halls of government. The Muslim brotherhood of late has made major inroads in Egypt's parliament, rising from a level of couple dozen seats out of around 450 seats to nearly 100, and Egypt has signed a peace treaty with Israel.

In Pakistan, orthodoxy is being elected at the provincial level over and over again.

In Iraq, the Shi'ia majority is aligning with Iran, and indeed, the prime minister who is to address the Congress, this Congress this Wednesday, has come out full bore along with the parliament for the Hezbollah, condemning the actions of Israel, our ally.

In Lebanon, Hezbollah has gained a toehold in parliament and enormous and growing sympathy on the street. Lebanon's wartorn areas from the last invasion by Israel beginning in the 1980s and its need for rebuilding were neglected by the world community, including this country, and Hezbollah took root for over two decades now.

I am one of the few Members of this Congress that tried to go beyond the

usual lip service paid to Lebanon to help it rebuild its wartorn areas and rebuild its civil society so that it could function at the point where Syria would withdraw, and the government of the United States, the State Department, the U.S. Agency for International Development, every single instrument of this government stopped us every step of the way. We could take such tiny little steps.

Is it any wonder that Hezbollah gained footing in the southern area of Lebanon? No one else took an interest, and violence displaced the opportunity over the 2½ decades for the development of civil society. No one in our country really cared, and major political opposition in Congress existed to helping Lebanon at all. How do you build a peaceful path? How do you secure Israel with enemies on every side?

Iran's moderate voices have been silenced by extremism and decades of lack of engagement by any sitting President of this country. Even backchannels were let atrophied.

And so the world is poised for more hatred and more mass killings. I will not associate myself with lopsided policies that ripen hatred toward this country, annihilate prospects for peace and threaten both Israel's and Palestine's ultimate existence.

Mr. Speaker, I place in the RECORD at this point Bob Herbert's article, "Find a Better Way," from The New York Times today. It is superb.

(From the New York Times, July 24, 2006)

FIND A BETTER WAY

(By Bob Herbert)

It's too late now, but Israel could have used a friend in the early stages of its war with Hezbollah—a friend who could have tugged at its sleeve and said: "O.K. We understand. But enough."

That friend should have been the United States.

It is not difficult to understand both Israel's obligation to lash back at the unprovoked attacks of Hezbollah, and the longstanding rage and frustration that have led the Israelis to attempt to obliterate, once and for all, this unrelenting terrorist threat. Israelis are always targets for terror—whether they are minding their own business in their homes, or shopping at the mall, or taking a bus to work, or celebrating the wedding of loved ones.

(A quick example from a seemingly endless list: An Israeli security guard prevented a Palestinian suicide bomber from entering a mall in the seaside town of Netanya last December. The bomber detonated his explosives anyway, killing himself, the guard and four others.)

But the unnecessary slaughter of innocents, whether by Hezbollah, Hamas, Al Qaeda, American forces in Iraq or the Israeli defense forces, is always wrong, and should never be tolerated. So civilized people cannot in good conscience stand by and silently watch as hundreds of innocents are killed and thousands more threatened by the spasm of destruction unleashed by Israel in Lebanon.

Going after Hezbollah is one thing. The murderous rocket attacks into Israel must be stopped. But the wanton killing of innocent civilians, including babies and children, who had no connection at all to Hezbollah is something else.

The United States should have whispered into Israel's ear, the message being: "The carnage has to cease. We'll find a better way."

Instead, the Bush crowd nodded in acquiescence as Israel plowed headlong into a situation that can't possibly end any other way than badly. Lebanon, which had been one of the few bright spots in the Middle East, is now a mess. Even if Hezbollah is brought to its knees, the circumstances will ensure that there will be legions of newly radicalized young men anxious to take up arms and step into the vacuum.

(When Israel invaded Lebanon in 1982, its strongest resistance enemy was the Palestinian guerrilla group Fatah. When it withdrew 18 years later, it left behind a stronger, more extreme guerrilla movement in Hezbollah, a force that didn't exist at the time of the invasion.)

Joseph Cirincione, an expert on national security matters (and a supporter of Israel) at the Center for American Progress in Washington, said last week: "There is no question that Hezbollah provoked this current crisis, and that it was right for Israel to respond, even if that meant crossing the Lebanon border to strike back at those who had attacked it. But this operation has gone too far. It's striking back at those who had nothing to do with Hezbollah."

As a true friend of Israel, the task of the United States is to work as strenuously as possible to find real solutions to Israel's security. The first step in that process, as far as the current crisis is concerned, would logically have been to try and broker a cease-fire.

But the compulsive muscle-flexers in the Bush crowd were contemptuous of that idea. Always hot for war, and astonishingly indifferent to its consequences, they egged Israel on.

That was not the behavior of a friend.

Neither Israel nor the United States can kill enough Muslims to win the struggle against terror. What Israel needs are stable, moderate governments in the region. (This is one of the reasons why it made no sense to cripple the Lebanese government.) What the United States needs is as much serious diplomatic engagement on all fronts as possible; and an end to the Bush administration's insane addiction to war—ever more war—as the answer to the world's ills.

The U.S. especially needs to be deeply involved in the effort to establish peace between Israel and its neighbors.

There is no grand solution to the centuries-old problems of the Middle East. As with the cold war between the United States and the Soviet Union, you try to keep things as cool as possible, step by step, sometimes agonizing step. It may not be pretty, and it will surely be frustrating. But if the conflict, however aggravating, can be kept cold, as opposed to hot, you're ahead of the game.

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.)

#### GENERAL LEAVE

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order today.

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

There was no objection.

#### HONORING FORMER MEMBER OF CONGRESS THOMAS J. MANTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, I rise today in sadness to pay tribute to my predecessor here in Congress, Tom Manton. In politics, as in life, you can only achieve greatness by building on the path that those before you have taken.

Tom was a mentor to me, a friend, a confidante. Tom Manton truly loved serving here in this institution, with his friends on both sides of the aisle. I will truly miss his friendship, and our city and our State of New York will miss his leadership.

My condolences go out to his wife, Diane, and to all his children and his grandchildren on the passing of their husband, their father and their grandfather.

Tom Manton was born in New York City in 1932. He was the son of a working class Irish immigrant. His father actually worked here on Capitol Hill as a plasterer, laying plaster in the Longworth Building. He often talked about that historical note. He would often say only in America can a son of someone who built the halls of Congress one day serve in the halls of Congress.

Tom Manton went on to law school at the St. John's University where he got his law degree, but before that, he was a police officer, a computer salesman, and after law school was elected to the New York City Council in 1969, representing what are still parts of today the 7th congressional district that I have the honor of serving in.

In 1986, after the death of Donald Manes, Tom Manton stepped up and filled the role as chair of the County of Queens Democratic Party. When our party in Queens was at its lowest ebb, Tom Manton took the reins of control and brought back the image of Democrats in Queens County and in New York City and New York State. He instilled discipline from time to time, which is part of the role of a county leader, but he worked to make the party the preeminent political party, not only of New York City and New York State, but many would argue our Nation today.

Presidential candidates, from Mike Dukakis and Dick Gephardt and Fritz Mondale and Bob Kerry, Bill Clinton, and JOHN KERRY, all sought his support and the support of Queens Democrats to help propel them to higher office and, in the instance of Bill Clinton, successfully helping to make him President of the United States.

But Tom has helped elected officials at every level achieve their goals, the first of firsts in many respects: the

first Indian political leader, under his tutelage; the first Bangladeshi American political leader, under his tutelage; the first Latino from Queens to the New York State assembly; the first openly gay political leader; the first woman as Borough president; and the first African American woman as Borough president; and the list goes on and on.

Tom always had the bug for Congress and ran in 1972 against an incumbent, James Delaney. He lost that election, but he also ran again in 1978 against Geraldine Ferraro. Once again, he lost, but he did not let that keep him down. When Geraldine Ferraro was tapped by Walter Mondale to run as his running mate in 1984, Tom took the opportunity to run for and finally win a seat in Congress.

In Congress, he was an inside political player who earned a seat on the Committee on Energy and Commerce. He fought tenaciously through this committee for the interests of New York, bringing countless jobs and Federal resources to his district.

One of his major accomplishments was the establishment of the Ad-Hoc Committee of Irish Affairs which he used as a forum to represent one of the largest communities of Irish immigrants in the United States.

As co-chair of this committee, he worked closely with President Clinton to urge him to grant a visa to Gerry Adams, and this began the peace process that led to the Good Friday Agreement in Northern Ireland.

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As a friend and a mentor, I have to say, in addition to being a caring husband, grandfather, and father, Tom was a dear friend to many. In 1984, my uncle, Walter Crowley, ran against Tom Manton in that open primary seat that I spoke of earlier. I worked very hard for my Uncle Walter in that campaign, and I remember vividly the heartbreaking loss my Uncle endured and that I felt myself. Tom Manton was an unspoken name in our household. It was a bad word. You couldn't say that name.

But not long after that, Tom Manton tapped me on the shoulder at the County Cork Association dance on Greenpoint Avenue, and he said to me, how would you like to be the next assemblyman from the 30th assembly district? Why don't you think about getting in that primary. And I did. I won a subway primary, with his support and under his tutelage. In 1998, I was proud to succeed him here in Congress as the Congressman from the Seventh Congressional District.

I know how proud Tom was to serve in this Congress, and I know how proud I am of the work that he did here, and I am proud to succeed him here in Congress to this day. There is not a day that I am not grateful for the opportunities that Tom Manton created for me and for my life.

To Tom's wife, Diane; to his four children, Cathy Manton Laurent of

Schenectady, Tom Manton of London, John Manton of Woodside, Queens, and Jeanne of Astoria; and to his four grandchildren, Nicole, Marc, Danielle, and Liam Henry, and incidentally, Liam Henry, Tom would always remind me, is the same name of my son and how it was a great coincidence that he and I would share that as well. It was something that in this last year particularly he would always point out to me, and it brought a chuckle to him and to me as well. I want you all to know that Tom, your granddad, your father, and your husband, is in our thoughts and in our prayers.

But more importantly, Diane, you and your children and your grandchildren are in all the prayers of the Members of Congress on both sides of the aisle.

I have to say for the record, I loved Tom Manton, and he is not the kind of guy you would say that to. I didn't have to say it to him. He knew it. There was an unspoken language between the two of us. He knew how I felt about him, and I certainly knew how he felt about me. He showed it in so many ways.

I will miss my good friend, my mentor, Tom Manton, as I know his law partners will, as his community will. His legacy will live on in so many people but especially in this Member of Congress.

Mr. Speaker, I submit for the RECORD the Associated Press article regarding Tom Manton's death.

(From *NEWSDAY*, July 23, 2006)

THOMAS MANTON, FORMER CONGRESSMAN  
FROM NEW YORK, DIES

(By Devlin Barrett)

WASHINGTON—Thomas Manton, a former congressman who for years wielded his influence to shape New York City's political landscape, has died. He was 73.

The seven-term congressman died Saturday, said Rep. Joseph Crowley, who took Manton's Queens congressional seat when he retired.

Crowley declined to discuss the cause of death but Michael Reich, the Queens Democratic Party's executive secretary and Manton's spokesman, told the (New York) Daily News that Manton died of an undisclosed and lengthy illness.

Elected 20 years ago to his post as Queens Democratic Party chair, Manton was known as a behind-the-scenes politician who fostered the careers of City Council Speaker Christine Quinn and other local political figures.

When he announced his retirement from Congress in 1998, he successfully hand-picked Crowley, then a state assemblyman, as his successor, and he played a role in the selection of the two most recent City Council speakers.

"He was a great man and a great friend and he'll be terribly missed," Crowley said Sunday. "He's left the Queens Democratic party in a very strong position."

New York City Mayor Michael Bloomberg said he had reached out to Manton when he first began considering entering politics.

"He was a classy guy. It's a sad day," said the Republican mayor, a former Democrat. "We really did lose someone who made a difference."

Manton served 15 years on the New York City Council before taking over Geraldine

Ferraro's congressional seat when she ran for vice president in 1984. As a congressman, he had little problem getting re-elected, winning with 87 percent of the vote in 1994.

He said his years as a city councilman made him sensitive to the needs of constituent service and set the tone for his congressional career, which was focused on local concerns and New York City politics.

As the head of the county party, he helped choose the city's leaders and, Crowley said, helped open up the party leadership to minority groups.

"He was a steady rudder of the ship who brought the Queens party back from its lowest ebb. He diversified the leadership of the county, welcoming minority leaders," said Crowley.

Born in 1932 to Irish immigrant parents in Manhattan, Manton carved a colorful career path, serving as a New York City police officer, an IBM salesman and a flight navigator for the U.S. Marine Corps. He worked as a lawyer for decades, reportedly retiring just months before his death.

Mr. WEINER. Mr. Speaker, this past Saturday the House of Representatives lost one of its own and New York City lost a great civil servant when Congressman Thomas J. Manton died at the age of 73.

Mr. Manton embodied the American dream and his story is one of integrity, hard work and dedication to community service.

The most important lesson we learn from our former colleague is that you don't have to be born into a political or influential family, nor do you have to have lots of money to succeed in politics. Mr. Manton's formula for success was honesty and coalition building.

His parents, Thomas Manton and Margaret Manton emigrated from Ireland in search of a better life. On November 3, 1932, they had their first and only son, Thomas J. Manton in a Manhattan hospital.

Mr. Manton's father supported the family working as a plasterer and the family moved from Manhattan to the borough of Queens where Mr. Manton lived until he passed away.

Mr. Manton demonstrated his commitment to public service very early on when he served our country as a Sergeant in the United States Marine Corps.

Upon returning, he worked his way through law school, serving the city as a police officer with the New York Police Department.

In the same spirit of service he was elected to the New York City Council and served there for 14 years.

In 1984, the voters from the 7th Congressional District chose Mr. Manton, to represent their interests in Washington. He served with distinction on the Commerce Committee and as Co-Chairman of the Ad-Hoc Committee on Irish Affairs.

As the son of immigrants, Mr. Manton never forgot what makes this country great. As Chairman of the Queens Democratic Party, he embraced the growing diversity in Queens and recruited candidates of all ethnicities, including from the Asian and Hispanic communities.

Mr. Manton maintained his position as District Leader for the Anoroc Democratic Club in his home district until the day that he died, which further demonstrates his commitment to being accessible to the public and the value he placed on being in touch with the community.

Over 2 million people are lucky enough to call the borough of Queens home. Queens is an exceptional borough largely because of Thomas J. Manton, and we can all only hope

to do what he did—leave the world a better place than we found it.

I, with the entire City of New York, mourn the loss of the honorable and distinguished Congressman Thomas J. Manton and send my heartfelt condolences to his beloved wife Diane, their four children, and four grandchildren.

#### TRIBUTE TO LATE CONGRESSMAN THOMAS J. MANTON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, it is with a heavy heart that I mourn the passing of our distinguished former colleague, the Honorable Thomas J. Manton. Tom was a great public servant, a great New Yorker, and a great American. Indeed, Tom Manton was the personification of the American Dream.

The son of immigrants from the Irish countryside, Tom Manton was born and raised a New Yorker. His father was a plasterer, and Tom loved to tell the story of how proud his father was of his election to Congress; and how when he came to celebrate that election, they were in the Longworth Building, and his father told him that he had helped build that building in which Tom served.

After serving with honor and distinction in the United States Marine Corps, Tom put himself through college and law school while serving proudly in the New York City Police Department. He was recognized by his community in western Queens for his outstanding leadership abilities when his neighbors chose him to represent them on the New York City Council from 1970 to 1984.

I was proud to call myself a colleague and friend of Tom Manton. We served together on the New York City Council, and I served with him on the Housing Committee, which he chaired. I will never forget one day he came in late to a meeting. He was never late. But that night he had stayed up all night counting votes that sent him to Congress.

It was in that legislative body that I learned to appreciate his quiet, firm, steady powers of persuasion and conciliation, the true hallmarks of leadership in a democratic society. I was privileged as well to call Tom Manton a colleague in the halls of the United States Congress. No Member of this House was ever more dedicated to serving the needs of his constituents.

Tom played a crucial role in helping forge the peace that prevails in Ireland today through his patient and persistent efforts to bring peace to that once troubled land. He served as co-chair of the bipartisan Irish Caucus, on which I served. And he was selected to be the Grand Marshal of the New York City Saint Patrick's Day Parade. He was very proud of that and kept in his office a big picture of that event.

But he also embraced Tip O'Neill's maxim that all politics is local, and he

lived it, to the everlasting gratitude of the people that he represented in Queens and the Bronx. When the Long Island Railroad threatened to build a waste transfer station in western Queens, Tom led the successful fight to block it. When police officers suffered permanent job-related injuries, Tom made sure that they and their families received fitting lifetime compensation.

But perhaps Tom Manton's most enduring legacy may be forging the most united and effective political party organization in any county in New York City. He accomplished this remarkable achievement in what is probably the most ethnically diverse county in the Nation, and he did it with his singular and extraordinary powers of leadership. He was able to convene diverse groups and views and unite them behind common goals and purposes.

He showed an unparalleled ability to identify and encourage new leadership and talent from the emerging communities of our City and to develop and nurture future public servants who were worthy of the responsibilities with which they were entrusted. That is truly Tom Manton's greatest legacy, a history of leadership through inclusion, guided by the principles of tolerance and equality.

When I first came to Congress, Tom took me under his wing. He was an important mentor to me, an important friend, and my heart goes out to his wife, Diane, his children and his grandchildren. You are in our hearts and in our prayers. Tom will be deeply missed.

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#### TRIBUTE TO LATE CONGRESSMAN THOMAS J. MANTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, I am going to try to speak from the heart, and that is what I want to do, because Tom Manton was my friend.

You know, you get to an age where when you hear eulogies and you think that it is someone who lived in the distant past and not one of your colleagues or not one of your contemporaries. And even though Tom was several years older than me, he was certainly one of my contemporaries, because when I came to Congress in 1988, there was no one who was warmer and friendlier and opened his door more to me than Tom Manton.

I didn't really know Tom before I came to Congress. I had heard about him. He served on the New York City Council while I was serving in the New York State assembly, and he had a reputation of being this tough guy, maybe a bit gruff, and I didn't really know what to expect. But when I got to know Tom, and I got to know him very, very well, I learned that under this gruffness was this soft underbelly; that he was a very thoughtful and soft-spoken man; a very good person, who really cared about people, really cared about

his country; a great life smart, intelligent man who came out of an ordinary working class family in New York City, the way so many of us did, and who worked hard.

I am sure he was the first person in his family to go to college. He went to law school and became a good lawyer. He was a very smart intelligent man and he really lived the American dream. That is what so many of us have done, children of immigrants and grandchildren of immigrants. Well, that is really what Tom Manton did.

Tom and I became very, very good friends. We were very close. We would go out to dinner and talk a lot. I still have a picture hanging in my office of Tom and myself taken, I think I was just elected but not yet sworn in. I had won the election and Tom signed it and said, "The New York delegation is richer with your election." And that was just the kind of nice thing that he would do, would write it with his own handwriting.

It was Tom who encouraged me to go on the Energy and Commerce Committee, which is a great committee but difficult to get on to, and Tom encouraged me. He was a member of the committee and encouraged me to try for the committee, which I did with his help and support, and eventually was made a part of that committee.

Tom cared about people. He cared about working people and was very close to labor. He always had very, very close friends because he worked very, very hard for the average person. My colleagues have already talked about what a difference he made in people's lives from the Irish peace process to just caring about every day people, ordinary people back home.

After he left Congress, he kept in touch and came down several times doing some lobbying, doing some work. And whenever you needed him to help you, with a campaign contribution or just a good friendly smile or some good friendly advice, Tom was always there. That is why he was such an effective Democratic county leader of Queens County and why his influence really extended beyond his borough, because when people wanted to aspire to leadership positions in the New York City council, be it speaker or whatever, if you got Tom Manton's blessing, you really had a leg up on everybody else in order to achieve that position. And Tom really was very effective in doing that.

When you are a political leader, you make tough decisions. You make friends and you make enemies. But everyone knew that Tom Manton was always fair and above board. He told you where you stood, and he was very, very honest with it. A very, very soft-spoken person who really cared about his country, about his state, about his city and, indeed, his friends as well.

I would say to Diane and the rest of the family that our lives are all richer because we knew Tom Manton. His memory will live because the benefits

he provided to his city and his State and his country will continue to go on and on.

I last saw Tom a few years ago during the presidential campaign when there was a rally in his borough for JOHN KERRY. And although I have spoken with Tom since then, that was actually the last time I had physically seen him. And I remember thinking that he didn't look quite as good as I had remembered, and from that point on, with his long illness, which of course culminated in his death.

Let me just speak for me, but I think all of us aspire to be the kind of person that Tom Manton was, an honest person coming from working class roots, a working class family, who understood that by helping people, you helped the country and you make a difference in people's lives. Tom, I know, is looking down at us, and I want him and his family to know that he has made a difference in all of our lives, those of us who were fortunate to call him our friend and fortunate enough to call him our colleague. But even those people that never met Tom, that only knew his name, are better because Tom Manton served in the United States Congress and made a difference in their lives as well, a difference in everybody's lives in the United States of America.

I am going to miss my good friend. We are all going to miss him. But we are all going to remember him. He is going to live on in our hearts and our minds and with the good work he did to make our country a better place. God bless you, Tom. We will all miss you, but we will never forget you.

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#### TRIBUTE TO LATE CONGRESSMAN THOMAS J. MANTON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MEEKS) is recognized for 5 minutes.

Mr. MEEKS of New York. This is indeed a sad time, but a happy time. Sad, and my prayers go out to Tom, Thomas J. Manton and his family over his passing; but happy because his life passed our way. And so, as in all things, we thank God. We thank God for the life of Thomas J. Manton.

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When I think of Tom and all of what he has done in his career, there is a commercial that ran some time ago and it said he "did it the old-fashioned way." Well, Tom became an attorney, a member of the New York City Police Department, a member of the city council, a Member of the United States House of Representatives, and a county leader of Queens County the old-fashioned way. He earned it. He truly is an inspiration for men and women who may have grown up on the hard side of the mountain, that if, in fact, you focus and you work hard, that truly you can make a contribution to your community and to the great society that we call America.

When I think of Tom, I think of words like "gentleman." I think of words like "dignity," and I think of words like "respect."

In 1984, we needed the right person at the right time to bring Queens County politics back, and history is something that is ongoing. And you never know when you are creating history or you are part of history. You just do what you have to do. But in 1984, Queens County politics was at its all-time low. So what it needed at that time, at its time of need, was a man of dignity, a man who earned respect, and a man who was honest because we did not have that reputation at that particular time. So Queens was lucky that there was a man that was willing to step up to the plate and become the county leader. And I think that is significant.

And I know he was a Member of this House, and I know that he was a city councilman and police officer, but I want to talk about Tom, that for 20 years, he was Chair of the Queens County organization, and people know that in this day and age that it is a feat that is not often obtained, because what you have got to do is you have got to keep and bring people together. And Queens County, as you have heard already, is the most diverse county in all of these United States of America. So people scratch their heads and try to figure out how did Tom Manton sustain his leadership in the most diverse county in this Nation?

Well, first of all, and you are going to hear me utilizing these words frequently, he earned the respect of people. Some people think county bosses and backrooms and they have got whips and all that kind of stuff and they try to whip you in line. Tom was always soft-spoken and always tried to give you, in a rational way, his viewpoint and how it was best for the whole to do whatever he believed. But even in that, he included people. He did not just say "I am Tom Manton, and this is what I am doing." He brought people around and included them in the process so that when a decision was made, it was made by the entirety. And he had the vision to know and to understand that the county was so diverse that you had to make sure that everybody had a seat at the table.

So, yes, he brought in the first South Asian. He brought in the first Latino. He helped create the first woman borough president and the first African American borough president in Queens County. He had the vision to make sure that you had sometimes somebody who might be a newcomer but had the ability to bring people together to make sure that they were part of it.

And what I also think was unique about Tom, even when he had to say no to you, it was never a personal situation. And I think that you could look and see where many individuals whom he may not have been with initially or had to turn down for one position, but later down the road, he found a way to make sure that that relationship was

reconciled and that person went on to do some other things. He was extremely loyal, which is another fantastic quality that you often do not see.

So I conclude my statements by just saying again, as I started, I have to thank the Creator of all for Tom Manton, because He sent us the right man at the right time to do the right thing for a borough that was desperately in need. He sent the right man at the right time to do the right thing to sit here in the United States House of Representatives. He sent the right man at the right time to have such a beautiful and dignified family as the Manton family. And our hearts and our prayers go out to the entire Manton family.

May his soul rest in peace.

The SPEAKER pro tempore (Mr. KUHLMAN of New York). Under a previous order of the House, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

(Mrs. LOWEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### HONORING THE LATE CONGRESSMAN TOM MANTON

Mr. RANGEL. Mr. Speaker, I ask unanimous consent to speak for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. RANGEL. Mr. Speaker, Tom Manton was not only a great guy, but for those of us who have been involved in politics, as I said earlier, he truly was a politician's politician. You did not have to ask a question and hear a lot of arguments that you did not understand. Tom would give you a straight answer and save you a lot of time.

But if there was a book written about great Americans or, even more importantly, great New Yorkers and great Americans, Tom Manton really would fit in that profile.

His parents came to the United States from Ireland, and Tom followed the course of not only being a United States Marine but being a dedicated police officer. After that he continued to serve for 14 years in the New York City Council and then succeeded Geraldine Ferraro in the House of Representatives.

All of these things are careers in and of themselves. But to be prepared to be the Democratic county leader of the diverse county that Queens represents really takes an exceptional person, and Tom was just that. So many people have spoken about the opportunities that he has given not only to African Americans, Jews, and gentiles, but the multiracial composition of that great county which we all in the City of New York love, to be able to reach out and to find qualified candidates and to sup-

port them so that in Albany and in the city council, that great county would have representatives that are elected really takes the wand of a magician who recognizes that he, too, came from a community, from a family that were strangers at one time to the United States and especially to New York.

I had a very special relationship with Tom when he was in the city council. I enjoyed working with him in the Congress. And even when he became a county leader, he still would reach over the rivers, over the bridges, to find out how he could put together tickets for the city council and bring about some degree of harmony so that, instead of having fights within the Democratic Party, he would find out how could we put together a package which all the boroughs could agree?

I enjoyed working with him. I would want to thank his beautiful wife, Diane, and the members of his family, for sharing this great New Yorker and this great American with us.

Our prayers and support will be with you.

The SPEAKER pro tempore (Ms. FOX). Under a previous order of the House, the gentlewoman from New York (Ms. SLAUGHTER) is recognized for 5 minutes.

(Ms. SLAUGHTER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### TOM MANTON'S LEGACY OF INCLUSIVENESS

Mr. SERRANO. Madam Speaker, I ask unanimous consent to speak out of order for 5 minutes.

The SPEAKER pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. SERRANO. Madam Speaker, so much tonight has been said about Tom Manton and so much more can be said.

What I would like to do for a couple of minutes is focus on my personal relationship with him and what role he played and the conversations we had about what he saw in the future of the county of Queens and the future of New York politics.

As we know, in our American political system, different generations bring forth different communities wanting to share in the American political dream. And as we know, politics is at the very foundation of our full American system.

From the day I came here in March of 1990, and I came in a special election, Tom Manton was one of two people that stayed very close to me, the other being Mr. RANGEL. In fact, Mr. RANGEL and Tom Manton teamed up a couple of years later to make sure that New York City received a seat on the Appropriations Committee, and it is no secret that Tom Manton and CHARLIE RANGEL accomplished that for me.

But as part of the conversations that we had throughout the years that he

was here and after that, Tommy Manton always made it clear that he understood fully what it meant to be a New Yorker and the history of New York City. He would sit down and talk to me and say, You know, my dad used to tell me about how the Irish wanted to participate in politics. And he said, I know folks will tell you about the struggles from members of the Jewish community to participate in politics and members of the Italian American community to participate in politics. And he said, It is no different. In Queens and New York City and in this country, there are Asians and Hispanics, and much earlier, African Americans who want to participate in politics, not with a desire to uproot the leadership or to destroy anything but to be part of it. And he understood from the first day I met him, he knew the first time I spoke to him, that this was healthy for our party, and it was even healthier for our society.

It has been said here that he gave sort of a rough impression at times. Very direct. Not too many words. But he was always finding a way of bringing about change. When you look at his history, the fact that he was a New York City policeman, the fact that he goes to law school, the fact that he runs for public office and wins, it is a career that tells you that there is dedication and there is concern. And I remember when he sat down with me one day and he said, Queens is seen by many folks as sort of a politically forgotten borough. We have got a lot of numbers, but all the action that is New York City is happening elsewhere. And he said, Watch Queens in the next few years as it begins to include people.

And I think that is important to use the word "include" and "inclusion" because Tommy Manton was not about meaningless tokenism. He was about honestly bringing people in.

And so now because of Tommy Manton, the Asian community, the Hispanic community, the African American community, and a county that not long ago people would bet would never see that kind of inclusiveness and that kind of change, now you see the change and you see the inclusion of people where Asian Americans had been elected in Queens County before they were elected anywhere else. Where an African American woman was elected as the borough president, chief executive of the county. That is Tommy Manton's legacy.

And depending on what your take on life is, and part of mine is that the only thing that still hurts our country is the inability for all folks to get along, that everything else we can deal with, all other issues we can deal with, but the lack of unity at times haunts us, then what better legacy to have been a leader who understood that people had to be included, and people had to be part of the process.

□ 2045

If nothing else is said about what Tom Manton accomplished, let it be

said that he understood that everybody had to be at the table and everybody had to share.

After he left here, he kept in touch with me, and after he left here we spoke often. But I will always remember him as a straight-shooter, a class act, a nice human being of few words and a coalition builder.

Mr. RANGEL and I have discussed this many times. I have only one prerequisite when supporting a political candidate: Are they a coalition builder? If they are not, including members of my own community, then I am not supporting them. That is what Tommy Manton was. That is why we will miss him, and that is why our thoughts and our prayers are with his family and with the whole Queens community.

#### TRIBUTE TO THOMAS J. MANTON

Ms. PELOSI. Madam Speaker, I ask unanimous consent to speak for 5 minutes.

The SPEAKER pro tempore (Ms. FOX). Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. PELOSI. Madam Speaker, the members of the New York delegation have risen today with great sadness and with great pride in the life and service and leadership of our former colleague, Tom Manton.

When Mr. RANGEL announced to the body earlier this evening the sad news of Mr. Manton's passing, which, of course, has been heralded in the press because he was a big figure in New York, it brought back many memories for those of us who served with him. A big, strong Democrat, he served with great pride in this body as a way to serve the people of his district, which he loved and took great pride in. He worked in a very bipartisan way to get the job done for them. I had been a former Chair of the California Democratic Party over 20 years ago, so we shared that commitment to removing obstacles of participation in the political process through the Democratic Party organization which he led with great pride for so much of his political life.

His policy contributions for his district are legendary, and that is why he was unbeatable until he just decided he wasn't going to run again, and we all know of the legacy that he sent us in the great service of Mr. CROWLEY in the Congress.

Every person in America who cares about the environment in our country owes Mr. Manton a debt of gratitude. During seven terms in Congress, Mr. Manton was an important figure on the reauthorization of the Superfund program, which promotes the cleanup of uncontrolled and abandoned hazardous waste sites. It is very, very important pioneer work that he did there.

It might be of interest to some to know that when he came to Congress, he came to replace Geraldine Ferraro,

who was designated to be the Vice Presidential candidate. So there is a proud tradition from this district for many years; and that tradition, of course, continues with Mr. CROWLEY.

Tommy Manton was a proud Democrat and a proud Irishman, in his personal life as well as his public service. He did a great deal as the cochairman of the Congressional Ad Hoc Committee on Irish Affairs. He helped persuade President Clinton to meet with Gerry Adams, the president of the Sinn Fein, the political arm of the Irish Republican Army. That was really a step forward in bridge building, trying to find solutions and getting the job done.

He served as a flight navigator in the Marine Corps. He was, again, a very patriotic American, who served our country in so many arenas, in local government, in the Congress of the United States, as a Marine, as a community leader, and in the Democratic Party.

On behalf of all of the Democrats, I know everyone in the Congress extends their deepest sympathy to his family, of whom I know he was very, very proud; to Diane, his wife, his widow now, and to their children, Cathy, Thomas, Jr., John and Jeanne. I hope it is a comfort to you that so many people mourn your loss and are praying for you at this sad time, and that it is a comfort to you that these New Yorkers take such pride in the life, leadership and service of Tom Manton, who himself was a proud New Yorker, a proud Irishman, a proud American.

#### TRIBUTE TO THOMAS J. MANTON AND ARGUMENT FOR RAISING THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

##### TRIBUTE TO THOMAS J. MANTON

Mr. OWENS. Madam Speaker, I would like to add my sentiments to the words that have been spoken already. I associate myself with the remarks that have been made about Tom Manton.

Tom Manton was a political leader in an adjacent county, the Borough of Queens. In the Borough of Brooklyn we had what we call a first-rate political machine, and in view of the fact we have been discussing power-sharing and the Voting Rights Act, I remember dramatically seeing the difference between Brooklyn and Queens.

As a leader in Queens, Tom Manton believed in power-sharing. Minorities did not have to fight to get what they deserved in Queens. Harmony was not established only after a big battle was waged and the spoils were settled. In Brooklyn we had to battle for everything. We had to fight all the way.

Tom Manton was a political boss. He was head of a machine. But he gave new meaning to the word machine and being a boss. A conciliator, a mediator, a guy who made things happen as he took this diverse, rapidly growing borough, rapidly growing in terms of diverse population, he wove it altogether

without bitter fights and without leaving a lot of blood in the aisles.

So I take my hat off to Tom Manton and the kind of example he made. I can add very little to what my colleagues have already said.

#### ARGUMENT FOR RAISING THE MINIMUM WAGE

Madam Speaker, I wanted to speak tonight about a subject we have been talking about for quite a while here, and that is raising the minimum wage.

I also know that almost nothing new can be said about the need for an increase in the minimum wage. My colleagues have been on the floor for the last 2 weeks hammering away at the subject. The facts surrounding this gross injustice have been recited again and again.

I am a cosponsor of a simple legislative vehicle which will raise the minimum wage from \$5.15 to \$7.15 an hour. Our ranking member of the Education and the Workforce Committee, GEORGE MILLER, has already used every known legislative and publicity maneuver known to man to confront the majority Republicans with a need to place this issue on the floor for a vote. The 30-something Group has done a fantastic job with charts and graphs, making it crystal clear how ridiculous it is that we have not raised the minimum wage since 1997. I can't add much to that.

Madam Speaker, I want to address this subject from a different perspective. I want to talk about the fact that the people earning minimum wage at the very bottom are the people that we need in this society. We need everybody to be in a position where they can rise in this society, and a decent income for a family is the beginning of the process of moving toward the middle class.

"Middle-class" covers a whole lot of things, but I am going to oversimplify the matter and say it is generally felt what makes the world go around economically and politically is a middle class. Every nation needs a middle class.

There has been a lot of talk about the fact that in China in the next 10 years, 25 percent of its population will be middle class. What is 25 percent of China's population of 1.2 billion? It is 300 million people that will be in the Chinese middle class. About the same number of people will move into the middle class in India in 10 years, 300 million.

Now, what is the population of the United States? Our total population is 300 million. If we are going to compete with China and India, the middle class is a competitive class. That is the educated class. That is the people that have technical proficiency to compete with us in the high-tech area. They are doing it and will do more of it. In addition to China and India, you have Russia and a number of other places in Europe that will have middle-class folks to be in that competitive arena.

We need every American to be competitive. We have only got 300 million. Our goal should be to make every

American a part of the middle class, because middle class, as I said before, means the productive class, the people who can make a contribution toward our society, who can take care of themselves and help take care of various functions in our society.

At every level we need excellence, better educated people. I am talking about from the guy who pours the concrete to the engineer who designs the tunnels and bridges. We need competence, we need people who are constantly raising the level and moving toward excellence.

Blunders in our society internally may destroy us faster than any outside enemy, blunders by people who are not competent, blunders because we run out of talent, because we run out of people who know what they are doing, or we run out of a competitive situation where there are enough people in a given area to be able to chastise, examine, criticize and keep other people in line. We had such a major blunder in the building of the levees in New Orleans.

Madam Speaker, I will submit an article for the RECORD from the New York Times by Paul Krugman entitled "Black and Blue," which is in regards to the minimum wage.

[From the New York Times, July 24, 2006]

#### BLACK AND BLUE

(By Paul Krugman)

According to the White House transcript, here's how it went last week, when President Bush addressed the N.A.A.C.P. for the first time:

THE PRESIDENT: "I understand that many African-Americans distrust my political party."

AUDIENCE: "Yes! (Applause.)"

But Mr. Bush didn't talk about why African-Americans don't trust his party, and black districts are always blue on election maps. So let me fill in the blanks.

First, G.O.P. policies consistently help those who are already doing extremely well, not those lagging behind—a group that includes the vast majority of African-Americans. And both the relative and absolute economic status of blacks, after improving substantially during the Clinton years, have worsened since 2000.

The G.O.P. obsession with helping the haves and have-mores, and lack of concern for everyone else, was evident even in Mr. Bush's speech to the N.A.A.C.P. Mr. Bush never mentioned wages, which have been falling behind inflation for most workers. And he certainly didn't mention the minimum wage, which disproportionately affects African-American workers, and which he has allowed to fall to its lowest real level since 1955.

Mr. Bush also never used the word "poverty," a condition that afflicts almost one in four blacks.

But he found time to call for repeal of the estate tax, even though African-Americans are more than a thousand times as likely to live below the poverty line as they are to be rich enough to leave a taxable estate.

Economic issues alone, then, partially explain African-American disdain for the G.O.P.

But even more important is the way Republicans win elections.

The problem with policies that favor the economic elite is that by themselves they're not a winning electoral strategy, because

there aren't enough elite voters. So how did the Republicans rise to their current position of political dominance? It's hard to deny that barely concealed appeals to racism, which drove a wedge between blacks and relatively poor whites who share the same economic interests, played a crucial role.

Don't forget that in 1980, the sainted Ronald Reagan began his presidential campaign with a speech on states' rights in Philadelphia, Miss., where three civil rights workers were murdered in 1964.

These days the racist appeals have been toned down; Trent Lott was demoted, though not drummed out of the party, when he declared that if Strom Thurmond's segregationist presidential campaign had succeeded "we wouldn't have had all these problems." Meanwhile, the G.O.P. has found other ways to, obscure its economic elitism. The Bush administration has proved utterly incompetent in fighting terrorists, but it has skillfully exploited the terrorist threat for domestic political gain. And there are also the "values" issues: abortion, stem cells, gay marriage.

But the nasty racial roots of the G.O.P.'s triumph live on in public policy and election strategy.

A revelatory article in yesterday's Boston Globe described how the Bush administration has politicized the Justice Department's civil rights division, "filling the permanent ranks with lawyers who have strong conservative credentials but little experience in civil rights."

Not surprisingly, there has been a shift in priorities: "The division is bringing fewer voting rights and employment cases involving systematic discrimination against African-Americans, and more alleging reverse discrimination against whites and religious discrimination against Christians."

Above all, there's the continuing effort of the G.O.P. to suppress black voting.

The Supreme Court probably wouldn't have been able to put Mr. Bush in the White House in 2000 if the administration of his brother, the governor of Florida, hadn't misidentified large numbers of African-Americans as felons ineligible to vote. In 2004, Ohio's Republican secretary of state tried to impose a ludicrous rule on the paper weight of voter registration applications; last year, Georgia Republicans tried to impose an onerous "voter ID" rule. In each case, the obvious intent was to disenfranchise blacks.

And if the Republicans hold on to the House this fall, it will probably only be because of a redistricting plan in Texas that a panel of Justice Department lawyers unanimously concluded violated the Voting Rights Act—only to be overruled by their politically appointed superiors.

So yes, African-Americans distrust Mr. Bush's party—with good reason.

#### DEBATING REPUBLICAN TAX POLICY IN A CIVIL MANNER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 60 minutes as the designee of the majority leader.

Mrs. CAPITO. Madam Speaker, I want to thank my good friend and colleague, the gentleman from Missouri (Mr. CLEAVER) for joining me here this evening in an important discussion that I think should interest all Members. I am going to talk a little bit about how we got started on this.

I am a member of the Rules Committee, and on the Rules Committee we have a Subcommittee on Civility. The chairman asked me to chair the Subcommittee on Civility, and I have some frustrations because now it is just the two of us on the Subcommittee for Civility. But we share a common goal here, and I think that tonight we are going to do sort of a demonstration project.

We are here this evening to highlight a major problem facing the House of Representatives, and that is the continuing lack of civility during floor debate. The blame does not lie with one party or the other; rather, it is incumbent upon all of our Members to maintain an appropriate level of civility and decorum during debate.

The manner in which we address our colleagues on the floor is not only recorded in the CONGRESSIONAL RECORD, but is also broadcast through C-SPAN to millions of Americans across the Nation each day, and probably around the world. The advent of C-SPAN was a great public service, allowing the public to view the floor proceedings in Congress from their homes, both the good and the bad.

It is healthy for Members to come to the floor and debate the issues facing our Nation, but it must be done in a manner that is respectful of our fellow Members, the people we are elected to serve, and the distinguished body we are proud to serve. I can tell you when I speak to my constituents across the Second District of West Virginia on a variety of topics of concern to all West Virginians, I am always guaranteed one line of applause, and that is when I apologize for the lack of civility in the House of Representatives.

So, tonight, Mr. CLEAVER and I will have a good, spirited debate on the tax policies put in place. I firmly believe that the tax policies have spurred the economic growth that we are experiencing and will continue to lead towards a robust economy.

Mr. CLEAVER and I do not agree on this tax policy, but we can agree that it is an important debate to have and one that can be conducted in a civil manner. So we are going to highlight our differences of opinion on tax policy and then have a general discussion on improved civility in the House of Representatives.

Madam Speaker, I now yield to my friend from Kansas City for his opening remarks and any other remarks.

Mr. CLEAVER. Madam Speaker, I thank the gentlewoman.

Madam Speaker, I would like to associate myself with the comments of my colleague and friend, SHELLEY MOORE CAPITO from West Virginia. When I was elected, I sought to find those who were interested in and concerned about the uncivil manner in which the Members of the House communicated with one another and, of course, there were not a lot of people walking around with signs saying I would like to work on civility.

But I did read in some booklet that SHELLEY MOORE CAPITO was one of those individuals interested in this issue of civility. So finding someone who shared my feelings that the people's House could and should do a lot better, we began to discuss what we felt would be an appropriate way to deal with this subject.

□ 2100

The truth of the matter is, that Mrs. CAPITO and I disagree on the issue of the tax cut, and we will debate that issue passionately in just a few minutes. But perhaps it would be important for me to say before we actually get into that subject that we have different backgrounds. We have different political affiliations. Our districts are vastly different. But we do passionately agree that there is a need to promote civility in the halls of Congress.

There are many, many days that I leave this House disgusted, not so much about a vote, as I am over what was said prior to the vote. I have heard all kinds of things fall from the lips of otherwise good and decent men, who were elected to represent a constituency here in this body. I have unfortunately heard, even at times religion used to hurl an attack at another member.

I agree with Mrs. CAPITO, it is not one party, the insults have fallen from the lips of people on both sides of the aisle, unfortunately. But I would like to just end my opening comments, Madam Speaker, by saying that some suggest that we are in a culture war.

If you accept the notion that we are somehow at war, then I think it is easy to accept the fact that whenever there is war, there is always collateral damage, and collateral deaths. And in the sense that we are having a cultural war, I would suggest that the collateral deaths or the damage is being done to the United States of America.

I am not sure that there are a lot of mothers and fathers watching this session tonight who, on a regular basis, summon their children to the television set to say to them, look, we want you to watch Congress in action and they will teach you how to get along with people when you disagree. I do not think that happens very often in this country and it is sad.

I yield to the gentlewoman

Mrs. CAPITO. Well, for some additional comments on that, before we move to our policy debate, I think you make excellent points. I want to congratulate you for your initiative on this matter. But I also know this is not a new initiative for you. When you were a Mayor of Kansas City, it was something that you were very dedicated to, a lot of coalition building, a lot of talking across the aisle or talking with maybe unnatural partners that you would not naturally see could be your allies.

And I think that, you know, we know and I know that when we go to our committees and when we go home or

when we are in different arenas with our fellow Members, Republican or Democrat, we can get a lot done when we are not on screen, or when we are not a talking head on a 60-second campaign or television ad.

I think that the American public has sort of lost faith that maybe we can accomplish things. We know that things get done. I think that what we are running the risk of, and you mentioned collateral damage, what we run the risk of is losing the ear of the American public.

Not only are they not bringing their children to the television to listen to what we are talking about, they are turning us off, because they cannot find the truth in what we are saying. Because we overexaggerate or we try to disparage people's character or lose respect in our arguments.

I think if we lose the attention of the American public, we run the risk of an apathetic country that no longer cares or has faith in their leadership to be able to cut through and cut to the chase and lead. So I think we are not alone in the Congress. There is a Center Aisle Caucus that was put together with Republicans and Democrats together to try to solve this problem.

But I am really pleased that tonight we are going to launch into this debate and see what we can demonstrate and what we can learn. If you will, we are going to go, kind of go free-wheeling. So should I go ahead and start?

Mr. CLEAVER. Please, Seniority. I think it would be good if we had, you know, we do not get in much free-wheeling debate on the House floor. So if you feel you want to move in on something, go ahead, and I will let you interrupt, and you can let me interrupt and we will go like that.

Let's talk about tax policy. In the United States Congress, since I have been here, we have passed two very meaningful tax bills. We have passed the Jobs and Growth Tax Relief Act in 2005, and we also passed the Economic Growth and Tax Relief Act.

We have to look at where we were, in my opinion. Where we were was we were post 9/11, we had a corporate scandal, we were in the beginnings or in the middle of a recession in our economy, and we were having difficulty pulling ourselves out for a lot of different reasons.

With the leadership of the President, we followed through in Congress to pass those two tax relief Acts. I think I would like to go to the numbers and talk about some of the things that I think are significant in terms of the numbers and how it has influenced Americans.

I always like to personalize everything to my State, so I have some State numbers as well. For instance, this year, who will gain tax relief? 111 million taxpayers will see their taxes decline by an average of \$1,877. Significant numbers.

Five million total individuals and families will see income tax liabilities

completely eliminated, because we moved the tax, the lowest tax bracket, down to 10 percent.

Forty-four million families with children will receive an average tax cut of \$2,493. That is because we have moved down significantly the child tax credit. Fourteen million elderly individuals will receive an average of \$2,000, and 25 million small business owners will save an average of \$3,641.

So those are the numbers in terms of what could possibly be saving, average savings through the tax relief. But I think we need to look at where we are right now. We have an economy that is moving in excess of 3.5 percent in gross national product.

We have created, over the last several years, 1.85 million jobs over the last 12 months alone, and 5.4 million since August of 1993. What I think this translates to is more small business owners having more money to create jobs, to buy more equipment, which creates more jobs.

I think we also have individuals who have more discretion over their own dollars. They can say what they want to buy, when they want to buy it because they have fewer Federal taxes to pay. I think that empowers them to consume more goods, which then translates to more business to more jobs.

So I see it as an engine that is moving in the right direction. I believe that the tax relief package and the tax cuts that we passed are a large part of that.

Mr. CLEAVER. If the gentlewoman will yield. First of all, I agree with your numbers. The job gain during this administration from 2003 to the present does bring the total jobs to 5.4 million. My disagreement with the numbers is that the numbers do not include 2.7 million jobs lost prior to the growth period.

And so if you subtract the 2.7 million jobs that were lost, you actually will have a 2.7 million jobs increase instead of 5.4 million. And I have my own chart. And I do not quarrel with your numbers. But I have taken the numbers in a different direction.

In 2005 dollars, income in 2005 dollars, this chart reflects the tax savings for Americans. And if an individual earned between \$10,000 and \$20,000 annually, their tax savings will be \$2.

\$20,000 to \$30,000, \$9. \$16 if you are between \$30,000 and \$40,000. If you earned \$75,000 to \$100,000 your tax savings is \$403. And it goes on up, \$500,000 to a million your tax would be \$4,499.

And the point I want to make here is that the people who earn the most get a huge tax cut, and people who do not earn much at all end up at the bottom in terms of the tax cuts. And so all of America cannot celebrate the tax cuts because all Americans are not getting a tax cut that will have any kind of impact in their day-to-day lives.

Mrs. CAPITO. I think the question I would ask you on your chart would be if those folks in the \$10,000 to \$20,000, and I do not know the answer to this,

but I surmise that they really do not pay, by the time they get their deductions, by the time they get their child tax credit, by the time they get their marriage penalty erased, by the time the bracket is moved down, the actual amount that they pay in that income tax brackets is probably very small.

While I admit to you a \$2 average tax lowering is diminimus. I mean it is nonexistent for anybody. But my question would be, what is their actual tax burden at that level? And would you be advocating giving a tax break to somebody who does not actually pay the tax? We already have the earned income tax credit, where we try to take some of those things into consideration.

Mr. CLEAVER. I would not support giving any additional tax cuts to people who are already paying virtually no taxes. The earned income tax credit, I think, adequately, appropriately and significantly deals with the people who are at the very lowest end of the income level in this country. And they are paying virtually no taxes.

However, I do think that the tax cuts are inevitably going to be disproportionate because of the disproportionate income. But the problem that I am having with that, in addition to the fact that they are not as equitable as I think we could design them, we are the only Nation in the history of the planet that I can find out that actually moved for a tax cut during a time of war.

Generally during a time of war, we ask the people of the Nation, particularly our Nation, to make sacrifices. And so we are making significant spending a part of our day-to-day living in this country with a conflict going in Afghanistan, a conflict going in Iraq, and who knows what will happen with all of the troubles now in the Palestinian territories as well as in Lebanon.

So I think that we missed a rare but a very, very key opportunity to challenge the people of our country to make sacrifices during this particular time. And one of the sacrifices I think we should have pushed on the American public is that we cannot have tax cuts at a time of war.

Because we are borrowing all of the money. Most Americans probably do not realize this, we are borrowing all of the money we are spending to fight the war in Iraq and Afghanistan.

When people in the country read that we are considering supplemental budgets, they probably do not realize that when we say we are just approving a supplemental budget, it means that we are going out to sell our paper, we are going to out the market the full faith and credit of the United States. We are borrowing money from the U.K., from China, from Japan, and particularly, the Pacific rim countries that are exploding with growth.

Mrs. CAPITO. Well, I think that the way to pay for a war, the war on terror, it is tremendously expensive. We have had many votes on this.

I think we both agree that in order to stand behind our troops and arm our troops and give them the best technology, we want to make sure that we have the dollars in the Federal kitty to be able to do that. I believe that the tax and growth policies that we have put in place, that we need to have the firm and strong engine of the American economy running on all cylinders.

Because if we do not have businesses producing, if we do not have people employed, then we are not going to have the tax collections that we need to sustain what is a tremendously expensive time in our country's history.

□ 2115

But I would like to say, with the tax relief packages that we passed, the two major ones that we passed, we have had a surge in tax revenues. Just this year alone, tax revenues are running 11.1 percent over last year and a 14.6 percent increase over 2005.

So what does that tell me? That tells me that with more discretionary income for the individual, and we also have a higher per capita salary, rates are going up, with more discretionary interest for small businesses. I live in a State where the main economic engine is small business, so hiring that one more person is very significant in a small State like ours, a rural State. Because of the tax relief and the job growth policies that we have put into place, our engine, our economic engine is roaring in terms of employment, in terms of discretionary, in terms of consumer spending. And I think that is reflected in the numbers of our tax collections being higher and higher.

My State of West Virginia, State tax collections are up over \$100 million. I happen to live in an energy-rich State, so because of the energy situation, I do have to put my plug in for coal, because of our coal, we are enjoying a good economic stand.

Mr. CLEAVER. I expected that.

Mrs. CAPITO. So I think that the effect of these policies has been for us to be able to have higher tax collections to be able to afford and to be able to cut the growth of the deficit. We were projected that the deficit was supposed to grow by, originally projected to grow \$423 billion. That is not good. That is not good. But the good news is it is only expected to grow \$296 billion, which is \$127 billion less than it was originally projected because of the higher tax.

Mr. CLEAVER. If the gentlewoman would yield, and I want to talk about the increase in tax revenues, but I want to make sure before we leave this subject, this particular area, that one-tenth of 1 percent of Americans, this one-tenth of 1 percent who earn \$1 million per year or more will receive 43 percent of the tax cut, while everyday Americans, men and women who earn \$50,000 or less, will get 2 percent of the tax break. They will receive a \$10 yearly tax cut, or enough to buy barely \$3 worth of gasoline. And so the people in

the lower end, as I said earlier, are hurt.

But with regard to the tax revenues that are surprising Democrats and Republicans alike, I would like to just quote Bruce Bartlett, who was an economist with President Reagan and also with the first President Bush. And he said, "I do not see how President Bush's tax cuts can be given any credit for the booming economy. All we have seen is the upturn we get after every recession. In other words," he says, "without any tax cut at all, we would be pretty much in the same place economically." And then Bernanke, the new Fed chief, said, "I think it is unusual for a tax cut to completely offset revenue loss." And I agree certainly with former Reserve Chairman Alan Greenspan who said that tax cuts should be made in the context of a PAYGO resolution, which I support very strongly, and I know there are Republicans who support the PAYGO resolution as well.

And for people who are watching us, what Alan Greenspan is saying is that, yes, tax cuts can be healthy, but the government must become a disciplined body and that they must pay as they go, that we cannot afford to just become ravenous in our spending to the point where we push our country into a very, very dangerous place economically. We are \$8.4 trillion in debt, and we have raised the debt ceiling repeatedly to the point now where it is over \$9 trillion. And the problem with that constant raising of the debt ceiling is that we are borrowing our children and our grandchildren into significant trouble down the road.

And \$1 trillion is very interesting. Most people have difficulty with 1 trillion, and I do, too. However, \$1 trillion would equal essentially if a person spent \$1 million a day from the time they were born until they were 75 years old, \$1 trillion. We are \$8.4 trillion in debt. And with that kind of debt, we can ill afford to subtract dollars out of the Federal budget that would generally be coming from tax dollars while we are taking money out, not only with the debt, but with the interest payments, which I will speak to a bit later.

Mrs. CAPITO. Well, I think you have hit on an excellent topic in that the deficit is troubling to all of us. I certainly don't want to pass on to my children and grandchildren a heavy and burdensome deficit. And we found ourselves in a position with the recession, with corporate scandals, with the war on terror, with an attack on our Nation where we had to respond, we have had to beef up our defense, beef up our intelligence, beef up our armaments and at a very, very expensive cost. Not even to mention our homeland security costs, something that unfortunately I wasn't here but I am not sure I would have been any wiser.

That is one thing I don't like about our debate in Congress, we all have great hindsight. We can predict what

we would have done, but it is hard to say at the time that we would have been right. But I think we let our homeland security reach a point where we just weren't paying attention, and so we have put billions of dollars, and rightfully so, into not only protecting our localities to helping with our first responders. We found that was a real weakness on 9/11. We are now talking about border security and border protection, which is something that is tremendously important to all of us.

So there is no question that the strains and binds on our budget have been very, very difficult. And what we haven't done, along with the tax and growth policies, is we haven't reined in our spending as well as we should on certain areas where we can be much wiser with the Federal dollar.

But we cannot find ourselves in the situation where we are in now, where we have found this year with the larger tax collections of 11 percent higher that has been able to already demonstrate just this first 6 months that we are now able to say that our deficit growth is going to be \$126 billion less than it was projected to be simply because we have more tax, a tax revenue that has been spurred by the economic growth that has been spurred, in my opinion, by the tax cuts and reconciliation packages that we passed.

And I would just like to read one thing to remind myself and everybody else, and this is a little off the subject, but if you will allow me, all the individual taxes that we all pay, we pay State sales tax, a lot of us do in West Virginia, we do, 5 percent on food, 6 percent on everything else; State income tax, local property tax, Federal income tax, capital gains tax, dividends tax, State corporate tax, Social Security payroll tax, FICA tax, gasoline tax, gambling tax, cigarette tax, cell phone tax, telephone tax, Federal State tax, State tax, municipal fees.

I mean, we are taxed not to death, but we are getting there. And I think the best thing that we can control here in Congress is our Federal income tax and the income tax that we assess on our small businesses. That is why I think Americans are always very mindful of their Federal taxes on April 15, but I think that come these past April 15s, with the tax relief, families with children, married couples, families in the lower-income brackets who have been moved either off the rolls or down to the 10 percent bracket have all seen, along with those who make more money on your chart, more than the \$1 million, have been able to see more money in their pockets so they can have more discretion and more responsibility over their own personal money, and they don't send that money here to Washington where we spend it or, as you said, overspend it.

Mr. CLEAVER. I agree with you that we are taxed heavily in this country, all the way from these Chambers, this Chamber all the way to city halls around the country. But I do believe in

tax cuts, and I think that we would be wise or certainly we would have been wise to have some tax credits to the corporations who engage in a certain amount of research and development. I think if the tax credits can be linked to research and development, then we know that those dollars are going to recirculate, they are going to come back into the budget.

I also think that we ought to give tax credits, that the one we had has expired, for parents who are sending their children to college, they ought to get tax credits. We are going to be locked into a very, very tough competitive battle with India, with China, with Japan, and even with Taiwan; and so we have got to educate as many children as possible, and we have got to make it easy for parents to pay for that college.

But the reason we won't be able to do that, and this is another thing that should cause us to reconsider the tax cuts, is the interest payments on the debt. Now, the interest payments are obligatory, and it is right now the third largest expenditure in the United States Federal budget; and that is very, very dangerous. We can cut Veterans Affairs, we can cut homeland security, we can cut education; but we can't cut net interest because the interest on the debt is obligatory. And it doesn't matter what else happens economically in this country. We have got to pay at least the interest on the debt because the Chinese, the European market will not have an understanding that we are not paying this interest.

And I also think that is extremely dangerous, because we are borrowing money from countries that in all likelihood we are going to have some difficulty with. We are even borrowing money, \$50 billion so far, from OPEC.

And how does this fit in with the tax cut? Well, the problem is that we are continuing to borrow money, taking money out of the budget with the tax cut, and the interest is rising. And the interest payments do in fact have a very, very direct impact on taxes. And we would obviously be able to lower taxes if we were able to lower the interest rate.

We have become a debtor nation, and that is not healthy. We owe everybody around the world, and in fact we will end up borrowing \$36 million during this 1-hour debate, \$36 million during this one hour of debate. And when we are borrowing that kind of money and then giving tax cuts that will not come into the Federal coffers, it seems to me we are working against ourselves.

Mrs. CAPITO. I guess my question to you would be, in looking at your chart, as just a point of clarification for me, the hand chart, the red is the interest payment. Is that correct?

Mr. CLEAVER. Yes.

Mrs. CAPITO. Your solution that you are advocating would be to raise the taxes from where they are right now to pay and meet this obligation. Is that basically correct?

Mr. CLEAVER. No. I think we eliminate the tax cuts, which would allow us to begin to retire our debt. And if we just eliminate the tax cuts, and I will have to fumble through my papers to find out the exact amount of money that we would bring back into the Treasury, but it would be so significant that it could essentially put us in good stead with regard not only to our debt but the interest we are paying, or not only the interest but the debt we have.

□ 2130

Mrs. CAPITO. Okay. To draw a contrast here in our two positions, you would be for eliminating the tax cuts.

Mr. CLEAVER. Yes.

Mrs. CAPITO. I would be for keeping the tax cuts in place, letting them grow for their maturation. I think a lot of them do not kick in for full force until 2010, because the trend that I am seeing is this 11.1 percent more collections, more people working, industrial production increasing 4.3 percent, real hourly compensation rising at 3.2 percent, real consumer spending increasing at 5.1 percent over the first quarter, productivity in the Nation up 3.7.

See, I would say to you that because of the tax relief, because of the job growth package and because of that, we are going to be able to grow ourselves and our economy to meet the needs to be able to take a sizeable chunk out of that red part of your chart.

Mr. CLEAVER. That would be true, but we cannot do everything that we need to do and give the tax cuts. I mean, I think we have to keep in mind the growing cost of the war against terror, and we do not even budget for it. Most of the Americans will probably find it amazing that we do not even budget for the war, and the supplemental budget, of course, is supposed to be for unexpected costs. We did not even budget for the rebuilding of the gulf coast region. All of that finds its way into the supplemental budget, and I am saying that we are borrowing money that we might not have to borrow if we had it in the Treasury, and we would have it in the Treasury if we had not given it in tax cuts.

Now, I want to say that the economic stimulus, the administration's tax cuts in 2003 had particularly low bang for the buck. The moderate economic growth has not been disbursed, as I said two or three times a night, to most American families. After accounting for inflation, the typical American family's income has decreased every year of the Bush presidency for a total reduction of \$1,700. Now, that is when you factor in the inflation. It has dropped to \$1,700.

The GDP growth in the first quarter this year was, as you said, a strong 5.6 annual rate, but most forecasts, including the economists in the White House, see the growth moderating to around 3 percent over the next few quarters. So, whether you take the economists who lean on the Democratic side or on the

Republican side, the truth of the matter is they all agree that things will moderate shortly to around 3 percent in the next few quarters.

So I do not argue with the facts, and we all ought to be happy there is some life injected into the economy right now. I just do not think that we ought to come to the conclusion that it is long lasting, number one; and number two, I think that it would be wrong to assume that all is well in this government so we can give the people a tax cut back because it lulls them into believing that we have no problems.

I want to say that we do have some major problems, some major economic problems, not the least of which is the growing debt that is eating away at us. I thought this was interesting. If we pay \$1 per second, it would take us 284,000 years to pay off our debt. 284,000 years to pay off our debt if we paid \$1 per second, and that is scary.

The other numbers, if we laid dollar bills side by side all around the globe, we would be able to go around the globe 34,196 times with dollar bills reflecting the debt we have, and we cannot afford to give tax cuts, fight the wars, handle the many issues that come before us at the same time. We just cannot do it.

Mrs. CAPITO. Well, again, I think we are probably going to agree to disagree on this, our policies, and we have disagreed through our votes, I think, on the floor of the House.

I think what I have appreciated about your argument is you have talked about the problems that we have, and I think that is what we need to do in this body. We need to agree on what our problems are, and we have not even touched on some of our bigger ones like Social Security and Medicare for the future, and this is all going to pool into this argument.

So, my suggestion would be that, of course, I believe, and I think I have emphasized that point quite enough tonight, that the policies that we have put in place have us on the right track. What the future will bear, the future will bear, and we will be able to see, but had we not had these policies in place, I do not think we would see this engine moving as quickly as we have.

So I am going to rest my argument here on those facts, on the economic facts, on the facts that in my State of West Virginia, we have some of the historically lowest unemployment we have ever had; and that we have 50,000 West Virginians who have children who are now paying fewer taxes; and that we have 94,000 taxpayers in West Virginia who are benefiting from a lower tax rate; and that we have 510,000 taxpayers who now are in the 10 percent bracket; and we have 194,000 married couples who are paying less, and these are not the wealthy 1 percent.

These are the hardworking people of West Virginia who live in a beautiful State, the same State they want to raise their children in and want to have a future there.

So I will rest my case with that and listen to your final argument.

Mr. CLEAVER. My final argument is, and I think this is a very, very good example or illustration of the disparity between the recipients of the best ends of the tax cut.

Lee Raymond, who was the retiring CEO of ExxonMobil, owns 7.7 million shares of their stock. Now, at the current dividend rate, he would generate, if he sold his stock today, \$10 million. On top of that, he will have a \$2.5 million tax cut. I think when we see that kind of disparity it has to pull at us that something is dreadfully wrong.

Now, I am not upset with Mr. Raymond. I do not even know him. He may be a nice person. He may want to tithe to the church I pastored, but what I am concerned about is the fact that his total retirement package came close to \$400 million, including his 7.7 million shares of stock. That is far more than one human being needs to earn, and I think that people who are earning \$34,000, \$45,000 a year are going to look at a \$2.5 million tax cut for this gentleman and wonder about themselves.

My final point that I have continued to make, as my uncle says sometimes I make the argument poorly, but it is that we cannot do everything. We cannot do everything. We cannot fight a war, \$87 billion a year; we cannot fund all of the programs that people lobby you and me every day to fund; and we have used up every single nickel of the Social Security surplus. That is devastating, and we have got to come to grips with pay as we go, like all other Americans. If they want a refrigerator, they try to wait and pay for it.

But what we have done is has been to demonstrate that to the people of the United States that the amount of credit they have, credit debt does not matter. In 2004, we saw the average credit card debt for Americans rise by 63 percent. Now, Asians save on an average of about 20 percent. The savings rate, Mr. Speaker, for the United States, this is embarrassing, is minus zero. We go on the other side. We are not saving any money at all.

So the country looks at us, the Congress of the United States, we are spending wildly, and they have joined in. Because the American public is not saving, the government cannot borrow domestically. We are borrowing some domestically, but when we get ready for the heavy lifting, we are travelling around borrowing money from Caribbean Nations.

I think that reeling in the tax cuts will allow us to address some of those other problems and reduce the amount of borrowing.

Mrs. CAPITO. Well, that is a very respectful debate, and if you are ready, I think we will just kind of close. I think we have covered a lot of our bases, and I want to thank the gentleman from Missouri (Mr. CLEAVER) for, I think, a very instructive debate, and I think we have learned a lot from each other. I certainly have, and I would now like to

move just a little bit about the civility issue in Congress.

I found a couple of quotes, one of which was from Winston Churchill who said, "Many forms of government have been tried, and will be tried in the world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time."

None other than our first President, President George Washington, when he began, he wrote, "Rules of Civility and Decent Behavior," and it is fun to thumb through this because some of them are telling us not to spit on the floor and make sure we go out clothed and all those things that I think we do do that all right. But the very first one that he has is, Every action done in company ought to be with some sign of respect to those that are present. He also said, "Think before you speak, pronounce not imperfectly, nor bring out your words too hastily, but orderly, distinctly." Those are wise, wise words, I think, from our very first President. I am sure that if he is in Mt. Vernon listening to us right now, or not us, but some of the debate that we have on the floor of the House, then he is not too proud at the level of disrespect that we sometimes show our colleagues.

So I want to thank you for joining with me in this effort. I want to say to all the other Members on both sides that we want this to be an ongoing practice, where we will pick a good topic that we can debate civilly and other such exercises, and we are going to grow this committee, the two of us, so we can return this body to the great esteem, the great integrity, the great respect and the great historical honor that I believe it is due. So I thank Mr. CLEAVER.

Mr. CLEAVER. I thank the gentlewoman. I actually have read George Washington's book on civility. RUSSELL CARNAHAN, my colleague from Missouri who is from St. Louis, gave me that book shortly after we arrived because I was talking all the time with many of the freshman Members about the issue, and so he very kindly gave me that book.

I think neither of us are likely to change our opinions on the tax cuts, and I think that people who watch, particularly Members of Congress, hopefully realize that talk does not have to be toxic, and in many instances, that is what has happened on this floor. The more convinced we are that our position is sound and moral and ethical and right, the less hostility we need to speak of it.

To give you an example, Ghandi and Martin Luther King, Junior, both believed so deeply in what they were doing and the moral world coming to their side that they were so civil that they were willing to be beaten and to even go to jail. They did not respond in kind to the things that were done, and

so on this floor, if we believe deeply in what we are saying, that is even more reason to be civil.

When I was elected to this body, and my father and my sisters and my wife and our 4 children and nieces and nephews all came to Washington, I was very excited over the fact that I was elected to this body. Only 18,000 people in the history of this republic have been able to sit in this Chamber and debate, and we are the only office in the United States that must be elected. You can ascend to the presidency without being elected; you can ascend to the vice presidency; you can ascend to the Senate, to governors, to lieutenant governor, to the to the U.S. Senate and so forth. We have to be elected here.

□ 2145

If a vacancy occurs, nobody can appoint anyone. We have to be elected. That means that this is a special body. There is nothing like it.

And so I assumed when I came here I would join the likes of James G. Blaine and Cordell Hull, who came to this floor and demonstrated a wizardry of words. Once upon a time, the level of debate and oration in Congress was the envy of the world. We had the example of the silver-tongued spellbinders like Daniel Webster and John Quincy Adams and Henry Clay. And the amazing thing that many Members of this body may not know is that Henry Clay was in the United States Senate, but became so enamored with the debate in the House, that he did something that people would never even think about doing today. He left the United States Senate to become a Member of the House of Representatives, to stand in that well to debate the great topics facing the Nation.

That is one of the things I thought about when I came to this body. Henry Clay was known as the great compromiser, not as the great bomb thrower, but the great compromiser. He is remembered in history because he knew how to work with people on all sides, a compromiser. And somehow we have to come to the conclusion if we want to be remembered, maybe, just maybe we can be remembered better for our ability to work with one another.

We had a situation when I first came here with 25 jobs being lost in Kansas City, and some people told me that I needed to go to war. We were going to lose it anyway, so I needed to go to war with a Republican, FRANK WOLF. It didn't sound right to me. So I did something that was completely stupid. I called FRANK WOLF on the phone, went to his office, we met, we talked about the issue, and he said, Cleaver, you're right.

Twenty-five jobs were saved because I refused to go to war with someone just because he was a member of the other party. And I am convinced that much more could be accomplished here if we worked together.

I have heard this story more than once. Barry Goldwater and Lyndon

Johnson are about to launch their Presidential races. Barry Goldwater calls the White House and made a request that would be laughed at today. He asked that he be allowed to ride around the country with LBJ on Air Force 1 and they would stop at various cities and debate the issues. That is the kind of leadership that we need now in this Congress.

I believe a part of the reason that the tone in this Chamber has plummeted so low is because the volume is too loud, literally. Too frequently Members fail to extend the courtesy of attentive and respectful listening to other Members when they speak on the floor. Too frequently volume is so loud in this Chamber with disrespectful and discourteous conversations that Members end up shouting to be heard, and that only contributes to the incivility here in the House.

Let me conclude by saying that as we were thinking about this debate, I looked at everything I could look at, and one of the things that surfaced was that civility derives from the Latin word *civitas*, which means city, especially in the sense of civic community. *Civitas* is the same word from which civilization comes, the age-old assumption behind civility is that life in the city has to be civilizing. People could not live in a city without civility. And I believe that we cannot and should not dare to walk into the people's House without a strong and irreversible commitment to civility.

I would like to thank the gentlewoman from West Virginia for this opportunity. I hope that next month we will have other Members of this body joining us for a discussion on something that we feel very passionate about, and will probably not convince the other side, but I think the public will benefit by the debate.

Mrs. CAPITO. I agree with the gentleman, and I have to say additionally that I am a mother of three, and I think sometimes that the lessons that we teach our children, when we come here, we have forgotten. We teach our children not to interrupt; we teach our children to show respect to their classmates and their parents; we teach our children to not say bad words; and we teach our children to listen or be quiet when other people are talking. I have even been in this Chamber when I have heard hissing at another Member when they are speaking.

So I pledge to you my cooperation, and I enjoy your eloquent words.

#### VETERANS AFFAIRS AND HOMELAND SECURITY

The SPEAKER pro tempore (Mr. POE). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Pennsylvania (Ms. SCHWARTZ) is recognized for 60 minutes as the designee of the minority leader.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I am pleased to have the opportunity this evening to speak on two

different areas. I hope we get to both in this hour. This is a Special Order that has been organized for some of the Democratic freshmen, the new Members of Congress, and I rise first to say that I am very pleased to participate in this and to have helped organize it.

This is the third of our Special Orders, and we have done this because we do believe as new Members we come from a very diverse group. Many of us served at the local and State level. We come from very different backgrounds. Some of us are lawyers, some in academics, and some are ranchers. We are really very active members in our community, but we bring with us this experience at the local and State level, yet a fresh perspective on some of the major debates of the day.

We certainly bring with us a commitment to making sure that our homeland is as safe and secure as each and every American expects it to be, and that is certainly our first and foremost commitment. I and my colleagues really wanted to speak this evening both about the security of our homeland and also about our commitment to those men and women who have served this Nation in the armed services. Particularly as a Nation at war, we have tremendous respect for those who are actively serving, but want to remember as well that as they come home and that others who came before them also have a right to expect we will meet our commitments and our promises to them.

So what we are going to do first, we are going to try to split this hour, if we can, between the two different topics. So I will ask my colleague, John Salazar, a freshman, a veteran from the great State of Colorado, to speak. He has really been an outspoken leader amongst the freshmen on the issue of veterans.

So I will just close by saying that I am the daughter of a veteran. My father served in the Korean War. And I can tell you that my very first memory as a child was my father returning home when I was 5 years old. He came to school, I was in kindergarten, and he came to the public school to pick me up, and my brother, who was a year ahead of me in school, to greet us after not having seen him for 2 years. This man in uniform arrived at school, and I can tell you honestly that I did not recognize him.

So I also speak as a family member of a veteran. And I hope that we do have the opportunity this evening to talk about the sacrifice not only of our men and women in service but of their families as well. Because certainly the families are also committing themselves and sacrificing as well. And we do know, and I know we will talk about this, that the process of healing and of reinvigorating both the family and the veteran when they are back home is something that we all want to be committed to.

So I would like to now turn over the conversation, and I hope we can have a

bit of dialogue, because I am joined my two of my colleagues, JOHN SALAZAR, as I said, who is going to talk about a number of issues; and then RUSS CARNAHAN from Missouri is also going to join us. We may be joined by others as we go through the evening, but the three of us, I hope, will be able to have this conversation about our commitment and our belief in our promise to veterans of this country.

Mr. SALAZAR.

Mr. SALAZAR. I thank the gentlewoman and thank you for your commitment to our veterans in this great country.

Mr. Speaker, this country owes no greater debt of gratitude than it does to its veterans and military service personnel. Throughout the history of this great Nation, men and women have heard the call to service and have done so to defend freedom and democracy. I would like to take this time to personally express my gratitude to our veterans and our military men and women serving right now in places near and far around the globe.

When these brave men and women sign up for service in the military, our government makes certain promises to them, promises that are all too often forgotten or neglected later on. They are promised lifelong health care within the VA system, they are promised educational benefits, and they are promised that their spouses will be taken care of if they are killed in action or die from a service-connected cause. Mr. Speaker, I do not think that we are holding up our end of the bargain.

Let me just address a few of the failures that we have seen this year. Let me talk shortly about the budget shortfall.

This Congress, over the past year and a half, has been witness to monumental failures at the VA. First, we watched the VA come up short in its 2005 budget. We were told that the administration had not anticipated the number of claims from returning soldiers. A \$1.5 billion budget shortfall is simply unacceptable.

I was happy when we passed emergency supplemental funding for our veterans which was not impaired. We cannot forget that part of the continuing cost of the war on terrorism is providing for our veterans. With that in mind, I offered an amendment to the Iraq war supplemental we passed earlier this year. In this bill, setting out billions of dollars for the ongoing cost of the war on terrorism, I asked for a mere \$630 million to ensure that the VA did not fall short on its budget again this year. This amendment was ruled out of order during debate on the bill.

What is out of order, Mr. Speaker, is the short-sighted nature of the decision made by the majority and the administration. That \$630 million seems like a small price to pay for mental health services, prosthetic research, and administrative support for those men and

women who are serving in Iraq and Afghanistan, especially when the VA is still seeing more returning servicemembers than they anticipated.

Let me talk briefly about the second failure, that of theft. On May 3, a laptop containing the personal information of 26.5 million veterans and 2.2 million active duty service personnel was stolen from the home of a VA employee. This sheds light on a severe problem within the VA. It took 19 days from the date of the theft for VA to notify Congress and the public.

I introduced H.R. 5588. This would allow for fraud alerts, credit freezes, credit monitoring, new notification requirements for VA, and it would require the VA to establish a new IT security protocol. The House Veterans' Affairs Committee marked up, just this last week, H.R. 5835, the Veterans Identity and Credit Security Act of 2006. It helps protect veterans by offering an assortment of credit protection tools, credit freezes, fraud alerts, monitoring, and it centralizes the VA IT security with a new Under Secretary position and new notification requirements.

Mr. Speaker, I would yield to the gentlewoman from Pennsylvania to talk a little bit about the budget shortfalls within the VA system.

Ms. SCHWARTZ of Pennsylvania. Well, I thank you, Mr. SALAZAR, for laying out some of the issues before us. As you know, I serve on the Budget Committee, and so we have had this debate about the Veterans Administration, veterans health care in particular.

And it is so easy for people to stand up for veterans. We all do this. On Veterans Day we go and visit with our veterans. I know for you it is probably true, for me as well, I will be stopped sometimes on the street by a veteran who will tell me about his service and who will feel strongly and deeply committed.

One little aside, if I may. I actually brought three veterans together who had not ever received their medals. One actually was receiving the medal for a deceased brother who had never gotten it. It was a really wonderful moment. They brought their families. One brought three generations with them.

What was interesting is they all started talking to each other, and I asked if they knew each other, and they said, no. Two of them had actually served in World War II and one had served in Vietnam. So they didn't even know each other, yet there was a comradery and an understanding and a commitment and a caring they had for each other that was so clearly expressed. It was a wonderful moment to acknowledge their service to this country.

□ 2200

But those are the good moments, I think, when you interact with veterans. But there are the other ones where they say, What is going on with the veterans health care I get? I am

standing in line for my prescription medicine. I have to pay more. Are there shortages? Why does the Veterans Administration not have the resources that it should when we have the President standing up both with active servicemen and with veterans and they voice respect. We have got to turn that respect and commitment into the hard dollars that say we are going to meet these problems for the Veterans Administration.

We have a Veterans Administration hospital in Philadelphia that does a fine, fine job. But I can tell you, and I give some credit to Congress on this, that we did already increase the level of funding for the Veterans Administration from what the President had proposed. So already we said that is not adequate. We will not accept that budget. And we spoke up for veterans. But nonetheless, there are not cuts this year, but there are cuts in later years for the Veterans Administration. So that is certainly not meeting the commitment that even if we do not cut it this year, we are cutting it in future years. That means that the Veterans Administration, veterans hospitals, will not be able to know that they are going to be able to be there for veterans when we have now veterans coming back, of course, who are now serving in Iraq and Afghanistan.

So we are going to see some real shortfalls, and you may speak to this as well, but we are seeing a proposal by the President again this year to add fees for veterans when they come for health care, that they should have to pay. We have had to fight this enrollment fee once a year. They have to pay that. They have to pay additional fees when they see a see a physician. And we know that many of our veterans have come back with serious injuries, with certainly mental health problems, which I know you will want to talk about a little bit later as well. But in serving on the Budget Committee, we have been able to make some of these changes. We have to give some of the hard dollars, but I think really the issue here is that they are such big numbers but if we are talking about a number here of \$8.6 billion below the funding that we saw previously, those are real dollars in the care and attention that our veterans deserve. And they will see the effects unless we fight back and demand that we are going to meet this commitment to veterans.

Mr. SALAZAR. Mr. Speaker, I thank the gentlewoman.

If the gentlewoman will continue to yield, today I would also like to address the issue of backlogs, and I would like to mention another troubling fact that we are facing with the VA backlogs. We have patients that are seeking medical attention and they are on waiting lists, and these waiting lists can take as long as 180 days to get through. Can't we do better than 180 days?

Mr. Speaker, I will tell you a story about a friend of mine, classmate of

mine in high school, who served in the military at the same time as I did. He called me when I was a State representative Colorado and mentioned that he couldn't get in to see a VA doctor and that he was having massive chest pains. And it was shortly after that that we were finally able to get him into the VA hospital in Albuquerque, New Mexico. And we were lucky because what the doctors told him was that if he had not gotten the immediate medical attention, he would have died within 5 days. They performed heart bypass surgery, five bypasses, the next day.

So it scares me that nearly 25 percent of the cases that are waiting have been pending over 180 days. I think this means that almost 100,000 veterans in this country have been waiting to find out how they can access the system. And I do not think that that even begins to account for the hundreds of thousands of vets waiting just to get in to see a doctor. Mr. Speaker, I think this is wrong, wrong, wrong.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, not to interrupt, but if I may reclaim my time, I want to talk about the number of veterans. My staff did a little bit of work here to just say that there are six States that have over 1 million veterans in their State alone. And in Pennsylvania, we have the fourth highest number of veterans in our State. We have over 1 million veterans in Pennsylvania alone. And I can look up Colorado. I am sure the gentleman will be interested. There are 427,000 veterans in Colorado.

I should check Missouri too because we have Mr. CARNAHAN with us. And we were talking about over 500,000 veterans.

So these are actual people living in our States asking for asking for health care, as you say, on waiting lists, going to the pharmacy, being asked to pay for more prescription drugs, being asked to pay an enrollment fee to get their health care, and not assured that they are going to get the kind of health care that you are saying is really life-saving.

Mr. SALAZAR. I thank the gentlewoman, and that is correct. In my district alone, I have 75,000 veterans that we service.

When the VA actually made the original budget, they had figured that they would treat one out of every five veterans coming back from Iraq and Afghanistan for mental disabilities. It now turns out that they are treating one out of every three.

So with that I would like the gentlewoman from Pennsylvania to talk a little bit about the mental health and the posttraumatic stress disorder that veterans have when they come back from such terrible wars.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, this is one area where I think we, in the broader sense, certainly the military itself, the different branches, have recognized better than they have ever before that there is actually very

serious stress-related illnesses and recognize that and try to make some services available. I think that in the years past, we basically said you come back from war and just go home and get a job and go back to your family and you will be fine. And, in fact, our young men and women, and they are young and women, we are talking about 19, 20-year-olds, 21-year-olds, some who have had some life experiences before but they are being put in a very difficult position, being asked to make very tough choices. They perform admirably. They perform wonderfully. We are proud of each and every one of them.

But many of them use such strength to do that while they are in harm's way and then come back and say now, how do I think about what I have done for the last 18 months, the last couple of years, how do I integrate that with the life I have now? So they are coming back in larger numbers. Some of the statistics of mental health experts indicate that between 17 and 26 percent of our troops returning from combat operations in Iraq and Afghanistan may experience symptoms of post traumatic stress syndrome, and what that means is that they deserve and need counseling; that counseling should be made available through the Veterans Administration. And when we see cutbacks, it is just unacceptable to think that we might actually leave a veteran with that kind of serious disorder really on their own.

And that is really what we are experiencing. And I know that we, as Democrats, have brought up amendments to try to address that to make sure that there are counseling services available, more active services available, mental health services. These are, as we know, illnesses that we really need to make sure, particularly in a post-deployment situation, that they receive screening and diagnosis and that no one goes without the care that they actively deserve.

Mr. SALAZAR. Mr. Speaker, I would also like to talk a little bit about our GI Bill of Rights for the 21st century.

The promise that was made to our servicemen and women with respect to education, I think, should be kept. As it stands now, Reserve and National Guard soldiers are not eligible for the same educational benefits as active-duty personnel. This disparity of access is simply unacceptable. Currently, close to 50 percent of our troops in Iraq and Afghanistan are National Guardsmen and Reservists.

House Democrats are introducing the new GI Bill of Rights for the 20th Century to honor the bravery of our troops and the tremendous sacrifices that their families have made. The National Guard and Reserves have made extraordinary contributions, making up about 50 percent of the troops in Iraq.

The new GI Bill of Rights honors that contribution with provisions that protect their income, to help more than 40 percent of those call up who have suffered pay cuts to serve our country. We

have had stories of families that are struggling because they are not making the same amount of money since the spouse left and he is off fighting a war and taking a pay cut. Stories of soldiers losing their homes and families out on the street. I think this is totally unacceptable.

It also expands military health care to provide full access to TRICARE, the military health care program, to all members of the Guard and Reserve and their families for a low fee.

Finally, the package improves recruitment and retention incentives and bonuses for the reserves so that they are more equitable relative to those of the active-duty components.

□ 2210

Not only is this just and fair, I think it is necessary, given the recruiting and retention problems facing the Reserve and National Guard these days.

While I am proud to say that House Democrats have taken the lead on this issue, we will not be able to realize this reform without the support of our colleagues on the other side of the aisle. I look forward to working with all Members of this House, as well as our Nation's military and service organizations.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I would like to yield to the gentleman from Missouri (Mr. CARNAHAN) to talk a little bit about the VA employees.

Mr. CARNAHAN. It is good to join you tonight, my fellow Members from the freshman class of 2004.

This obviously is something that when I go back home to Missouri, whether I am at a Veterans' Day function or a 4th of July function and I talk to our veterans that have served so well and so ably, this touches their hearts. They are so proud of their service and what they have done to make our country what it is today.

But there is a certain element of surprise when they talk about the disappointment that the government is not doing everything it should to take care of our current veterans, but also to take care of this new generation of veterans that we are producing in Iraq and Afghanistan today.

We have a VA hospital back home in St. Louis. Like many of our colleagues, we hear continued concerns about the access and the service. I have seen a statistic that more than 60,000 veterans today are waiting more than 6 months for an appointment at a VA hospital.

Part of what we have proposed as Democrats in this House is to increase funding by \$1 billion to the VA to help address those issues, the resource issues and the priority issues, and also to require the VA to pay veterans \$500 a month when their disability claims have been left pending for over 6 months. They should not have to suffer because the government does not have the resources or has not made it a priority to take care of them.

Our employees at the VA work in this environment of decreasing budg-

ets, crippling administration policies and overall neglect. The administration has, frankly, misplaced priorities, and we see that on the ground when we talk to folks back home every day. I am sure you have seen that, the gentleman from Colorado and the gentlelady from Pennsylvania, when you talk to your veterans and veterans organizations back home.

I believe it is our job as Members of this body, and it is not just the Democrats' job, it is the job of everybody in this House that represents people back home. This should be, if anything, a unifying issue and a unifying cause in this Congress, taking care of those who have served our country and made it what it is today.

Ms. SCHWARTZ of Pennsylvania. I think the gentleman makes a really both good point too, that in fact one of our responsibilities, and I just heard the debate earlier on how to be civil in our disagreements, and there is strong disagreement between the two members who were speaking, but they were certainly civil.

But this is one where I think again the rhetoric about our support for veterans is fairly universal, and I think that is a good thing. But we have to build on that to find a way to meet this commitment and to be realistic about what this commitment means. The commitment means that we not only make a commitment for this year, but we do a budget for 5 years and we make a commitment for 5 years, and we say to the veterans hospitals that you are going to have the resources. We say to veterans that you won't have to wait 6 months and you won't have to pay a 40 percent increase in your fees that you are paying.

It gets complicated. We have all probably had calls in our offices about different levels of disability and what you get paid or what you don't and how you get your care through the Veterans Administration. It is complicated, and maybe that is appropriate.

But certainly from our point of view, I think you are right, this has to be a commitment that we make as Democrats and Republicans, because certainly when our men and women go to war, they are not going as Republicans or Democrats, they are going as Americans, and our commitment has to be to veterans, all of whom are Americans, all of whom deserve not just our respect, but the hard core services that we have told them they will get and they should be able to get.

I very much agree with you that we have to find those dollars and we have to find them in a responsible way. All of us up here are for a balanced budget, but this is not about spending money we don't have. It is about our priorities and making sure we put those dollars in priorities as we articulated them.

Mr. CARNAHAN. There is a new set of challenges out there, not just taking care of our current veterans, but this new generation of veterans that are coming back with unique challenges.

You mentioned posttraumatic stress issues that we have seen really cropping up from many who have served. But the other thing we witnessed firsthand in a delegation that traveled to Iraq last year, the doctors there in the military hospitals told us many more soldiers are being saved from battle injuries, dramatically more are being saved. Although we are having fewer lost lives, we are having more lost limbs, and although technology has improved in terms of prosthetic devices, there will be a whole new generation of these veterans coming out of service that will need those kind of specialized services, and we cannot let them down.

Mr. SALAZAR. Mr. Speaker, I would like to just tell you a little story of someone who was my hero, and that was my father. He was a World War II staff sergeant who served during the bombing of Pearl Harbor.

When he was 82 years old, he was diagnosed with Alzheimer's disease. As the disease progressed, he slowly started to forget things. But about the age of 84, one morning we were sitting around my mother's kitchen table there and we heard my father fumbling back in his bedroom, and he came out shortly after that and in his hand he had his World War II staff sergeant uniform. He told us, "I want to be buried in this uniform."

We are taught not to argue with Alzheimer's patients, so we said, "Sure dad, no problem." But as the disease progressed even more and more, he started forgetting more things. But every now and then he would bring up the fact, "Please, I want to be buried in my uniform."

Anyway, at the age of 86 he suffered a massive heart attack. My mother called me and I rushed over to the house, and I remember that when I picked him up from the floor to put him on the gurney to take him to the hospital, with the very last ounce of strength that he had in his body he reached up around my neck and he told me that he loved me, and the very last word that my father ever said to me was "uniform."

We buried my father in his uniform. But to many veterans, the only thing that they have to hold on to is this great country, because they served with such pride and passion. So it is our duty as Members of Congress now to keep our promise to those veterans.

Mr. Speaker, in conclusion, I commend my colleagues for their work and dedication to preserving the benefits of our Nation's veterans. We must never forget the sacrifice that they have made in the defense of freedom.

On a personal note, I would like to express my most heartfelt gratitude to Congressman LANE EVANS, our distinguished ranking member on the Veterans Committee. Lane is a Marine who fought hard for veterans, and he has been a true inspiration and mentor to me in my first term here in Congress. I know that I will miss him, as many of us will, and I wish him the best of luck in retirement.

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, I thank the gentleman, and you are more than welcome to stay with us if you are willing to as we switch gears.

Let me first of all let me thank you for sharing your personal story. I think that it is important for us to think about what compels us to do what we do. Sometimes sharing a personal story, we don't always remember to do it. So I thank you for your willingness to do that. I hope that all of us are fortunate enough to have parents that inspire us. You were fortunate certainly in that.

We did want to take the discussion about that and talk about another area that we are deeply concerned about, and certainly has been very much a topic of concern for all of us here in Congress and I think for all Americans, and again certainly as I go around my district, I am well aware of the fact that we are in changed world.

Since 9/11/2001 and the terrorist attacks on our Nation, we recognize, if we didn't before, but certainly for most Americans we recognize that we are under a threat from terrorism in this world and that we have a responsibility, and here we speak again about responsibility, but we have a responsibility not just to talk about the fear maybe or the reality of that fear, but to actually talk about what can we do about it. How can we do more to make sure that our homeland is safe and what do we mean by that.

It is taking the very real challenges and the tragedy of 9/11, and I will say also the tragedy of Hurricane Katrina, and whether in fact we were as prepared as we needed to be. Did we respond as comprehensively as we should have. I think most of us believe we did not, that there was more that should have been done.

□ 2220

But we need to take these tragedies and we need to say, to examine very, very clearly, and make a clear cut assessment about whether, in fact, we are doing all that we can to make sure that we are more secure.

That means being sensible. I think that is what I would really like to talk about this evening, is not just spending the dollars, because we have spent quite a bit of Federal taxpayer dollars on homeland security initiatives.

We have to make sure that as a Federal Government we can work with the local, and State officials to make sure that we are secure where we are vulnerable. That means making the right kind of assessments, sharing what works across jurisdictional lines, and demanding that kind of assessment and a plan for readiness. I come from an area, I represent southeastern Pennsylvania, part of the City of Philadelphia, part of the suburbs, so my region is home to a major seaport, a major airport, a major rail station. We are multi county and tri-state. We are talking about literally not just a mil-

lion and a half people who live in Philadelphia, but the millions of people who come in and out of the city to work every day, roads and highways.

We are talking about volunteer fire companies in some of the suburban part of my district, and a major urban city fire company. We are talking about police that work in a rail station, we are talking about police who work in the city, we are talking about suburban police officers, we have State police.

These are numerous jurisdictions, all of who have had to try and figure out what is the best way for them to be prepared in the case of some kind of tragedy, such as a terrorist attack or a natural disaster. And I want to be, I guess I want to say positively, is that we have taken this seriously and we have done much more than we might have.

But where the failure is is the lack of leadership from the Federal Government to help make sure that we have the right kind of assessments done in each of our vulnerable areas. I mentioned our ports, I mentioned our rail stations, I mention our airports, and that we are providing the guidance and instructions and the assistant at the local levels, and the dollars and resource that they need to make sure that they are prepared, so we are not duplicating where we do not have to, we are being smart where we have to.

I will give one example, then I would just ask my colleagues to take an area that they might be interested in. I would like to have a little bit more of a conversation. But one of the areas that I have been particularly concerned about is one called interoperability. It is one of those terms I am not sure I even knew about a few years ago.

But the fact is, that it is one that we use much more. This is how we get, how we communicate, how our emergency personnel will be able to communicate in a disaster.

And the fact is that in the analysis after 9/11, one of the things that we knew is that we did not have a way for all of our emergency personnel to talk to each other, to communicate. We do not, in fact, know how many firefighters or police officers might have been saved if we could have actually communicated in the Towers, the World Trade Center.

We know that even here in Washington, we heard stories afterward, that the Capitol Police could not talk to the city police, because they do not have a way to communicate. So I have been working locally with the regional subway system, because the fact is, that our city police cannot talk to the rail police underground.

Now, that is very upsetting to hear about. If we had to call SEPTA police, that is our Southeastern Pennsylvania Transit Authority police, as capable as they may be, if they need to call in for back-up, this is not a scenario that we cannot imagine, because unfortunately we have seen it happen in London, we

have seen it happen in Madrid, we have seen most recently a rail tragedy in Bombay, India.

So we know this can happen. But we do not have an ability right now for them to be able to talk to each other. And I think that is unacceptable. I think that the Federal Government should have said, here are the best ways to do it. We have looked at it. We have examined it. This is the way it has been done elsewhere. Those are options that you have. This is a spectrum we will dedicate to emergency responders and be able to have them talk to each other, and here are the dollars to make it happen.

In fact, their application was denied. You know, I do not understand that. I do not understand how the Federal Government can say it is not a priority, that our fifth largest city's transit system does not meet this requirement. It is not acceptable.

And we can give example after example of these situations. We had big issues with the port security and whether we actually inspect all of cargo. We do not. Are we doing the assessment on foreign ports? We can use the example of ports. We can use the example of even in the airports where we spend serious dollars, not all of our cargo is inspected.

And yet, we still go round and round whether enough is being done, where are the regulations, where are the help we need from the Federal level. We have issues around identity cards. The Port of Wilmington, not far from me, did a demonstration project. And we still just, after Congress was pushing the administration, finally got them to decide what that national security card would look like for people, for workers going into our ports.

So I am, I mean, I can probably take up the next 20 minutes all by myself. But I will not do that. But as a new Member, we can bring our commitment to securing this country. But we also bring maybe a little bit of impatience and outrage because we are new at this. I come in and I say, wait a minute, it is 5 years since 9/11. We just got a report from the 9/11 Commission. There were far too much Cs, Ds and Fs on that report of what has not yet been done.

So we can be critical. This is less about being critical than figuring out a way to make it happen and to get it done. Because my constituents, your constituents are counting on us to demand that accountability from our administration, to demand that effectiveness from these dollars, and to make sure that we can say back to them, this is the plan we have for assessing our risk, this is the plan that we have for meeting the demands to meet that and reduce that risk, and here is what we are going to do to make sure that we have the resources, the trained personnel and the equipment and the know how to make sure that we are as safe as we possibly can be in this country.

It is just not acceptable to do any less than that. So with that bit of introduction, if I may, if my colleagues want to join me. There may be some local issues that you have as well. But I think each and every one of us can point to ways in which our own communities need to be more secure, how we can learn from each other and how we have to recognize the shared risk that we have for some of the greatest vulnerabilities that we have in this country.

Mr. CARNAHAN. Mr. Speaker, I would really just echo some of the comments that you made about interoperability. When I have met with our police and firefighters, our emergency personnel, our front line responders back home, I mean they tell me that loud and clear. I mean, they are not only being given greater responsibility and greater burdens and greater costs to do all of those things we are asking them to do, but they are getting insufficient help to do it.

If there is anybody that I have ever seen as committed to their jobs, with passion and belief in what they are doing, it is those public servants. They are some of the best. But so they tell us that loud and clear.

The 9/11 Commission identified interoperability of communications as critical, critical to effectively respond to a natural disaster or a terrorist attack. And yet in response to what we hear locally, what the 9/11 Commission has done, the administration did not request any funds or grants to enhance interoperability.

Again, I think a very big disconnect from what the vital need is on the ground in our communities. And certainly, if you look at, I want to mention port security, as the Port of St. Louis is the second largest inland port in our country. I have followed that closely.

But there has been underfunding in the port security program. It has been eliminated. And it has just been put in with a pool of other security measures, along with rail, mass transit and other infrastructure. So it is competing with other separate programs instead of having its own stand-alone designated funding.

□ 2230

And cargo security did not receive any increase, and the entity that is charged with performing security checks did so in only 13 percent of the 10,000 companies that it is charged with checking. And, again, with regard to our ports, the President's budget has delayed by 25 years the overall development of the Coast Guard cutters and aircraft that we are using to patrol our ports and coastlines. So, again, I think there is a very big disconnect between the clear needs we see on the ground, the discussion we hear in Washington among Members from both sides of the need to take care of our homeland security, and the budget priorities that we have seen the administration present.

Ms. SCHWARTZ of Pennsylvania. If the gentleman would yield, I think you have raised a really good point here. I am on the Budget Committee, and when I saw that in fact we saw port security cut and this was just after the scandal about whether in fact we would allow our ports to be managed by a foreign company, which I think raised some benefit of that discussion in that it raised real awareness I think for many Americans where we think about our airports of course because of 9/11, and there is work still to be done there. But we found that, and in fact we do know better how we can do port security, but I also have some of the numbers that show that in fact only 6 percent of containers entering U.S. ports are screened.

Now, you have some debate about whether to do 100 percent or not, and there are many of us who think we have to do some kind of screening of every bit of cargo. But 6 percent, what is that about?

Well, when I visited the port in Philadelphia, one of the things that people said to me, and it is interesting that the more we have assurance that the port of origin does the kind of screening that they need to do, that we have a relationship with that port and that nation, the better off we are, that we can be secure before cargo leaves the port of origin before it even comes here. First of all, it will speed things up because I hear from my business people that the longer cargo sits in the port, every day they lose money. They pay for that cargo the minute it leaves the foreign port, that costs them money.

So we have to be more efficient about this, but we have to get it right as well. And, again, here is where some technology can help, here is where, as I understand it, that we have only 20 people in the Coast Guard who are assessing security at 135 foreign ports. Well, that can't be adequate. That can't do what we know we need, which is to make sure that the screening as the cargo gets loaded in foreign ports before it even gets here is making us more secure.

So, again, we have learned certain things in the last 5 years. That is the good thing. But we have to put that knowledge to work to make sure that we can move commerce through our ports and also be secure. We have to be anticipating the real risks. We can't just be looking backwards.

Mr. SALAZAR. In the transportation committee, we have asked for an \$18 million supplemental to construct an above-ground tunnel for the Transportation Technology Center in Pueblo, Colorado. These are the folks that actually do the first responder training in many instances. You have seen the bombings of the subways in Europe, and you look at how vulnerable we are here in this country. And being able to construct that tunnel, we can train our first responders in such a way that we don't have to interrupt our subway services.

But I would like to talk a little bit also about something that is very near and dear to my heart when it comes to national security. I think that one of the most critical issues in national security is to make sure that this country never becomes dependent on another country to produce our food, as we have become dependent on other countries to produce our oil. So it really bothers me when, for example, in the ag committee we who are there to represent agriculture begin cutting programs that actually keep farmers and ranchers on the land, and farmers and ranchers who produce the greatest food supply in the world. And so I think that is critical. We must make sure that farmers and ranchers stay on the land and we have an adequate food supply.

You saw what happened when, during the first Gulf War when Saddam Hussein's troops had to give up because they didn't have enough food to eat. Let that never happen to our troops.

Ms. SCHWARTZ of Pennsylvania. I appreciate the comments, and it is a perspective that wasn't on my list of things mentioned. So I appreciate that. I think that is an important aspect, that we are self-sufficient, that we are able to take care of ourselves, certainly in an emergency that we are prepared.

And I think that you also raise a really good point about the training that we need for our first responders. Mr. CARNAHAN I think mentioned that we all go and visit our fire companies and police. And I will say here again, the good news is that they recognize the need for more training and equipment. They have said to us, and they sometimes proudly say this is the additional training. I have a group in part of my district that has joined together to talk to each other, to do emergency management training, because they realize particularly in the suburban part of my district, probably have it more so in some of the rural parts of our country where you really aren't going to be able to manage it all alone, so you need to be able to work with other fire companies, with the counties even to be able to call them in, to be able to know what to do in that.

And we just had some very serious flooding in this country and certainly in my area just outside of my district, but I went to visit anyway. And one of the things they said to me was they were very proud of the fact that, because of the planning they had done, they were better prepared than they had ever been before. And that was a really important thing. They said they had never before set aside a command center, that they knew exactly who was supposed to staff that command center. They knew who to call, who would bring the food. They had the volunteer services that could be helpful. But they also knew who and what kind of equipment in adjoining areas that could really help them get right on top of things right away. And they know

that that eased the urgency of the situation for many of the people who lived in that area.

And yet, again, we need to make sure that the Federal Government, this is what the Department of Homeland Security was set up to do, was to make sure that we don't have everyone just reinventing the wheel. That just shouldn't be the way it is. It is not the most efficient use of money. We should be making sure that there are county-wide plans, that there are statewide plans, that there is a sense that maybe not everyone needs to have every piece of equipment. How do you actually join together? Do you do that across regional lines? Who do you call and how do you make that work?

But we have seen in fact a cut in some of these security grants. And how can that be, when in fact we can all say that we are not finished with this task of making sure that we are as secure as we need to be in this country.

So I open it up to some of the comments you may have in some of your own experiences in your own districts.

Mr. CARNAHAN. I would like to follow up on the issue of the screening of containers. You know, as we said, there is just a small fraction of this gigantic volume of containers coming into our ports. And they are not only coming into our ports, but then they are being loaded on trucks or barges and then they are scattering throughout our country. So it is critical we get on top of that.

We had an opportunity in this House to vote on an amendment that would have required 100 percent of the containers coming in this country to be scanned before they came into our country and were distributed. And shockingly, to me, we were not able to pass that. You know, the Democrats in the minority here, we are in favor of that; it was defeated by the majority here.

But the granddaddy of being out of touch with our port security was when the President proposed turning certain of our port operations over to a foreign entity. Again, just a whopper of being out of touch, particularly given where we are in this country today. And I think we saw the public rise up, we saw this Congress eventually rise up to say, you know, no. You know, that is not good for us right now. We can't do that and we shouldn't.

Ms. SCHWARTZ of Pennsylvania. And just on the port, I was very much a part of the argument in that regard, too. And I think again it brought some greater attention to the fact of port security and both what has been done positively and what more we need to do. But to think that after 5 years we have still only appropriated 16 percent of what the Coast Guard has told us they need to enhance port security over the next 10 years. I mean, this is something they are telling us, their expertise, this is what we need to do. And the President actually proposed eliminating \$173 million in port security grants.

I argued that and presented an amendment to the Budget Committee to restore some of those grants. One of the things that happens, I was going to call it a trick, I suppose that may not be the nicest thing to call it, is if you put all these grant programs together and cut it, you can say I didn't really cut that particular program; I just put these three or four grant programs together and reduced the overall amount and someone else can decide later what we are going to cut. That is still a cut.

□ 2240

We have to understand that there are very serious issues before us. Again, I think we are talking about being fiscally responsible here—we have a priority and what we actually want the dollars to do, the right things that we really need to do.

I do want to mention the earlier remarks because there was something I also learned from the visits in my district, and that is, that this is an identity card. We have talked a lot about that in different circumstances, but one in which we all agree on, Republicans and Democrats, is that we will have a worker ID card. We actually understand we were not sure what should go into that, the information that should go into it, who should produce it, how it can work. We have literally then tens of hundreds of thousands of workers coming in and out of our ports every day across this country, and yet, the idea that we are going to scan all this cargo but then anyone can just come in and out of the ports, driving a truck, is something I think certainly not something any of us find acceptable.

So, in fact, it has taken 4 years and Congress has had to push this administration really, really hard. There has been pressure from Congress to get the administration finally just really recently to approve and decide what that card would look like.

Now, I think that should have been years ago. I am grateful it just was done, but I think it speaks to our responsibility as Members of Congress to keep asking the tough questions, demanding that accountability, demanding that high performance and demanding that high level of government provide the leadership to our local communities, to our ports, to our airports, to our rail, and not just to walk away and take too long.

One of the things we do not want to have happen is for us to say let us keep waiting, let us keep waiting, and then have some tragedy happen we were not prepared for, fully knowing that we could have been prepared if we had taken quicker action.

Mr. SALAZAR. Can I ask a question here. This identity card that you are talking about, is this a biometric type of ID system, and will every American have to carry that?

Ms. SCHWARTZ of Pennsylvania. No. These are just for workers. These are for people who are employed by the

ports or employed by a company that is actually coming in and out of the ports. These are for the workers.

The problem is they do not go through the screening as much then. These ID cards get very sophisticated. They have a lot of information on them, but the idea here is that anyone who is working in a port, and as I understand, there are workers who actually go from port to port or go from different destinations, so some of this is also, again, to keep the commerce flowing. The idea here is not to make things more difficult, to be able to actually move things more efficiently, more quickly, but to do so with a sense of security because we have the technology to do that.

So this is basically a little more information, but it is like showing any kind of driver's license, or it is a special ID that says, yes, you have been screened, you have gone through the background checks to allow you to work in a sensitive area. This is something that is important to our ports and our airports as well, and that the workers who work there every day actually have an ID card that can be scanned quickly and that they can actually be able to flow back and forth very easily but that we can be secure it is someone who we know will not engage in any kind of criminal behavior, let alone terrorist behavior.

Mr. CARNAHAN. I wanted to say also, I think it is so critical that we listen to our first responders. I think the administration and some in this Congress have really, I think, turned a deaf ear to many of these concerns. If they listened to those first responders, I think we would see very different actions coming out of the White House and coming out of this Congress.

Also, listen to the bipartisan experts. Some of the best experts in our country came together in a bipartisan way to make these recommendations on the 9/11 Commission that have yet to be fully implemented. It is really unconscionable to me.

So Democrats have committed, from our leadership all the way down, when the new Congress comes in January, to make that one of our top priorities in January, in our new Congress, to fully implement those recommendations in the 9/11 Commission report. I think it is just critical to our country and to really get these sound recommendations through this Congress, supporting those front-line responders that have told us what they need and what works in their communities.

Ms. SCHWARTZ of Pennsylvania. Maybe that is a good way to sort of wind up the conversation we are having, but first let me say, I think we are all saying thanks just out of tremendous respect for the great work that has been done by our police and our firefighters and our emergency personnel, and they are on the front lines, and they are getting additional training. They are working very hard to make this happen.

As I said, I have been impressed locally at some of the work that has been done in their planning, but the 9/11 Commission just simply, I think, as Democrats, we have said our first priorities would be to address some of the shortcomings, and that includes interoperability for all of our first responders, fire and police personnel.

Second, it would be to coordinate local, State and Federal emergency response planning, that we would make sure that the administration provide local and State governments with the tools and the guidance to better secure our communities and make sure communities are secure and that we ensure that the administration makes strategic and risk-based decisions about how our homeland security dollars are spent so that we are smart, we use common sense and that we use these dollars in the most effective, wisest way possible.

In that way, we can stand up here and I hope we can months from now, a year from now, be able to say, you know, we got these things done because it was not just a broad rhetorical commitment, it was putting our dollars, putting our expertise to work for the American people to make sure that our homeland is as secure as we all deserve.

With that, I want to thank the gentlemen who joined me this evening for your willingness to do the freshman Special Order, and I look forward to being able to do it again, possibly in September, but thank you and thank you for your commitment to both the veterans of this country and also to the homeland security needs of this Nation.

#### RECENT EVENTS IN ISRAEL

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for half the time remaining until midnight.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to address you, and in doing so, Mr. Speaker, the floor of the United States House of Representatives.

I come to the floor tonight to address the subject matter that has had the world sitting on the edge of its seat and somewhat transfixed for the last about 13 days, those days that the military actions began in Israel. I take us back and lay some of the groundwork on that and perhaps lay some of the framework of the history that has brought us to this point and as fellows travelers in the world.

Israel was established as a Nation in 1948. The many thousands and thousands of refugees from the Second World War, those that survived the Holocaust, the Shoah, from the Nazi attack and the Nazi hatred, the Nazi anti-Semitism, the Nazi bigotry and the deep, seems to be abiding, anti-Semitism that I do not understand that some in the Western European

culture, in fact, that anti-Semitism that seems to be growing from those roots yet today, not just the Muslims that have migrated into Western Europe, but also the native Western Europeans do not stand up and defend Israel in the fashion that I believe they should because we have a lot in common with Israel.

They are a free country. They are a democratic country, and aside from Iraq, they are still the only place in that hemisphere, let me say the only place in the Middle East, where an Arab can go to get a fair trial is in Israel.

Israel is a Nation established in 1948, approval by the United Nations, but a Nation that was carved out in a fight for freedom. It was a glorious fight, and it was one that was brought from the theme never again, never, never again will they allow an annihilation, a genocide to take their people.

That is why we stand with them today, Mr. Speaker. We stand with the Israelis because they stand for freedom, and because they elect their leaders and they come together in the Knesset, and they have a prime minister and they choose their national destiny.

But they have enemies that surround them, enemies all around them, and that was proven in 1967, the 6 Days War, and this has helped frame, for me, the history of Israel and their defiant, brave, courageous leadership that has kept them sovereign and kept them free.

□ 2250

But that happened to be the year I graduated from high school, and that was the year, as things happened, that was burned into my memory.

And not that long after that, in 1973, the second war, second great war that Israel had after their independence, where once again they prevailed over their enemies and they established their boundaries and justly earned territory. It was the effort of their enemies around them, the Arab nations that surrounded them, to drive the Israelis into the sea, to annihilate Israel, and to wipe Israel from the face of the Earth.

In fact, they still deny the reality of the existence of a sovereign and free country called Israel. It doesn't show up on the maps in many of the Arab nations. They will not acknowledge that since 1948, that would be 58 years, they still don't acknowledge that Israel is a sovereign nation.

In fact, if you look at the United Nations, resolution after resolution, Mr. Speaker, comes to the United Nations, and that Third World-class enemy debate society lines up invariably with resolutions against Israel. They aren't rooted in justice, Mr. Speaker. They are rooted in bigotry and hatred and anti-Semitism.

There is something the Arabs cannot explain to me when I ask them the question, Why do your people hate

Israel so much? It is rooted deeper in history than I have been able to unravel, but I know it exists today.

I had a high school student in my office not that long ago from Oman, and I asked him if he believed Israel had a right to exist; and his answer was, no, I don't believe they do. I said, what would you do with the Israelis? And he said, rather flippantly, send them to Oregon. I said, well, if that doesn't work, to send them to Oregon, what would your next alternative be? He said, I don't care what happens. They have no reason to be there; they have no right to exist as a nation.

It is one little piece of real estate on the entire Earth. Isn't there one place in all that continent, in all of the Middle East, in all of Africa where they can live in peace and safety without their enemies seeking to annihilate them? Such has not been the case, Mr. Speaker. Yet the Israelis have bent over backwards and have tried time after time after time, with peace accord after peace accord, to try to find a way to come to peace with their neighbors.

I think sometimes they try so hard that they do some things that don't appear to be something that is predictable and predictably positive. For example, the efforts of land for peace, as we watched this unfold and we saw Israel give up a piece of real estate here and a small piece of real estate there, but also looked to see where they needed to defend themselves.

And one of those places would be the Golan Heights. The Golan Heights sits up above the Jordan River Valley, up near Lebanon. I have been up there in the Golan Heights. They were occupied by Syria. The Syrians put gun emplacements up there. The Jordan River Valley is flat and fertile and beautiful, and the Syrians would sit up on those heights and they would take target practice against the Israeli farmers that were out in the field.

It is something to sit in those gun emplacements now and look down over that valley and see what the Syrians were looking at as they were picking off Israeli farmers who were trying to feed the people in their country. It is something to meet a widow whose husband was killed there as he went out into the field to try to get the farmers off the field and get them to safety as the Syrians, just for no reason, seemed to open up fire occasionally and begin to shoot at Israelis that were farming in the fields.

It is something to see what it is like for a nation that is surrounded by enemies, and sometimes strategically have a disadvantage because of elevation, because of certain tactical situations that they have, and to see a nation try so hard to come to peace with their neighbors.

It is something to watch the Israelis pull out of the Gaza Strip and cede that piece of ground to the Palestinians. What is also something to watch is when there is a free election in Palestine, the area I guess that is referred

to as Palestine, it is mostly the West Bank in Gaza, it is something to watch that and see Hamas come to power and take over and rule in the Palestinian Authority in the West Bank and in Gaza. You wonder what kind of people would elect terrorists to rule them.

Well, the kind of people that have been teaching their young people for generations now to hate Israelis, hate Israelis, hate Israelis, for reasons I don't understand, and they don't need to understand, apparently.

But they elect terrorists to run their government, and then, when they have land for peace and Gaza is handed over to the Palestinian Authority, under the control of Hamas, we have Prime Minister Olmert come to this very Chamber, Mr. Speaker, not that long ago, and in his speech talk to us about his idea to bring 50 to 100 Jewish settlements out of the West Bank and move them up close to the fence, appropriately, and sometimes for protection it needs to be a wall; or bring some of them inside the fence and into Jerusalem so that the Jewish settlers from these 50 to 100 settlements can be protected from being annihilated by their neighbors because of their neighbors' hatred, bigotry, and anti-Semitism.

It is something to watch that, and see how hard a nation has tried to make peace with the people among them who are not like them. It is something to be there and see that 20 percent of the Israeli population is Arab; something to know that the Arabs in Israel go to the polls and they vote, just like the Jews do. They can serve in the Knesset, and they do, roughly in proportion to their population as a whole. They can serve in the supreme court. And in fact, Ariel Sharon, when he was active prime minister, appointed an Arab to the Israeli supreme court, full rights of property ownership, rights of citizenship, and rights to vote.

And some will argue that, well, there is bigotry there. But still we are not watching Jews killing Palestinians because they are Palestinians. We are watching Israelis defending themselves from terrorists attacks.

So they said, we will give you Gaza; give us peace. Land for you, peace for each of us, an idea that I can't find has a precedent of ever having worked in history, but, nonetheless, Mr. Speaker, that was the effort. So the Gaza Strip went over to Hamas and the Palestinians. And the effort in the West Bank hadn't quite taken shape down the vision of Prime Minister Olmert yet as to moving the Jewish settlements out of the West Bank. Taking the Jews out of Judea, Mr. Speaker, a place where Jews have lived since antiquity, in an effort for peace. Thousands of years of history traded off in an effort for land for peace.

We know what the answer is. And for 18 years the Israeli Army had to occupy Lebanon in order to make sure that there weren't going to be attacks coming from there down on to Israel

from the north. Yet, after all those years, in the year 2000 they finally deployed out of Lebanon, and in that interim, this 6-year period of time, even though we had United Nations Resolution 1559 that said that Hezbollah had to disarm and they had to step back out of their involvement in Lebanon, a very clear resolution by the United Nations and one that was never enforced, it is typical if you let the United Nations enforce something it is never enforced, so for 6 years Hezbollah, the terrorist organization, brought in armament into southern Lebanon.

They dug bunkers and poured concrete and brought in rockets, and they brought in missiles, and they got more heavily armed and they got better trained. There are 5,000 Hezbollah troops, at least, in Lebanon, in uniform, paid every month, funded out of Iran, with military supplies out of Iran, smuggled through Syria, either over the air or through seaports, through Syria and down into Lebanon. Fully armed, fully protected, fully trained, fully funded. Every month paychecks coming from Iran into the hands of Hezbollah troops, uniformed and ready to take on the Israelis in southern Lebanon. For what purpose?

And their agreement, Mr. Speaker, was that they would avoid a conflict with Israel because so much of Lebanon had been destroyed in the previous conflicts. And as the reconstruction of Lebanon began, they couldn't afford to have another war. They couldn't afford to have their buildings, their airports, their bridges, and their highways demolished in the bombardment that would come if there was another war. So the peace between the Lebanese and Hezbollah was kind of a peace tied together on this implicit promise, this tension that Hezbollah would not bring a war on Lebanon.

And here we sat with a static position in the north, with Hezbollah with 12,000 or more rockets and perhaps 100 or more long-range missiles in their possession, with Iranians in their midst, trained and ready to go, sitting there in this static position looking across at Israel while Hamas organized in Gaza in the south and began to be prepared. We knew it was going to happen, that they were going to attack Israel. And so they began to send sporadic rockets out of Gaza, homemade rockets, some of them, over into Israel. Many of them landed in benign places; some of them did not.

□ 2300

But as this went on, this static situation was here, Iran is fueling and funding the Hezbollah in the north and we believe also, to a lesser degree, Hamas in the south. Then as the world turned their pressure on Iran, as Iran moved forward towards developing nuclear capability, the capability to produce nuclear weaponry, nuclear bombs, and the means to deliver it, and that means missiles that they can put their warheads on, and if that missile can reach

from Iran to Tel Aviv, that will be the first target. But they would not be satisfied just to have missiles that would reach to Tel Aviv, but they needed to have missiles that would reach to Europe and then perhaps one day across to the United States. If they can do that, if they have a nuclear capability, Mr. Speaker, then they can threaten the rest of the world. And the radical regime led by Ahmadinejad see themselves as martyr fighters for a nation. They think that the 12th Imam will arrive if they just kill enough people who are non-Muslims, nonbelievers, infidels. That means everyone else, to keep it short. But as the world pressure turned up on Iran to stop their efforts to develop nuclear capability, and that happened through the House of Representatives as well, Mr. Speaker, in the discussions that I had with representatives of the Western European nations regarding this and many of the rest of us in this Congress had those conversations as well, it became clear to me that I didn't see the will to enforce anything in the part of the Western European nations. But there are a couple of nations that do have the will, a couple of nations that will not tolerate, Mr. Speaker, a nuclear armed delivery capable Iran, and that would be Israel and the United States. Israel because they are the first bulls eye with the crosshairs on them all the time. The United States because we have a responsibility to the rest of the world, being the world's only super power, and we promote freedom and we protect freedom where it exists because we know that we never go to war against another free people. Free people find ways of resolving their differences among other free people.

The stage was set, and as the pressure from the world and the United Nations and the need to finally demand that Iran give up their effort to build a nuclear weaponry and missiles to deliver it, as that developed, the pressure got high enough where it became clear that the rest of the world was going to find some ways to put some sanctions on Iran. And the path of this likely would have been to shut off some of their funding, limit or prohibit the travel of their leaders, find a way to set up sanctions first and perhaps a blockade next, the world's stopping doing business with Iran. And we know that there are countries that have conflicting interests there, countries that would not stand with us, and Russia and China likely could have been a couple, although it is surely in their interest to avoid nuclear capability in that part of the world. Russia is a lot closer to Iran than the United States is. So we have some cooperation there but not the level that we would like to see.

But Iran could see the pressure coming. And just as things were coming to a head in the United Nations, just as the United Nations was prepared to act, coincidentally, some will say, but most of the world will see clearly through the ruse when the attacks

from Hamas came out of Gaza and the attacks from Hezbollah came out of Lebanon, on to Israel from the south and from the north almost simultaneously. Rocket attacks from both places. Military incursions up, one through a tunnel up into Israel where they took on Israel IDF troops and captured soldiers, almost simultaneously. And when that happened, when the Israelis did what they had to do, the idea of counterattack, they had to go into Gaza, go in and engage, identify some of the enemy, and then pull back out and disengage. They have been doing that for some days now, Mr. Speaker. And they will have to demonstrate to Hamas down in Gaza that they will be back there with the full presence in Gaza unless the violence stops and unless the prisoners are returned. And they cannot be negotiating land for peace this time. In fact, it ought to be the other way around. It can be we will take this land back, it was ours, you didn't follow through on your part of this bargain.

As I watch what is unfolding here, Mr. Speaker, the coordinated attacks on the part of Hamas in Gaza and Hezbollah in Lebanon, both were designed to take the pressure off of Iran. Both were designed to change the subject in the world, to take the pressure off so that Iran would not have to be dealing with the pressure of the United Nations, the pressure that was coming from United States, from Germany, from France, from Great Britain.

That is the effort that we need to continue. We need to keep turning the pressure up on Iran. They cannot be allowed to believe that we do not have the will to follow forward with this and shut off their nuclear capability at some point. In fact, Mr. Speaker, that message needs to be sent more clearly now than ever before. Coordinated attacks, both funded, I believe, by Iran.

In fact, the leader of Hamas, Mr. Kaled Meshal, I am going to check this name to make sure I get this right. Kaled Meshal, the overall leader of Hamas, who generally is in Damascus, did go to Tehran, by the information I have. The information I have, and it is not supported fully yet, but it indicates that he was handed \$50 million in cash shortly before Hamas attacked Israel out of the Gaza Strip in the south. Now, if that happened with Hamas, an organization that is not naturally aligned with Iran because Hamas is Sunni and Iran Shia, but if that happened, it is part of this theory that we always know: "The enemy of my enemy is my friend." So as they have a common enemy, being Israel, they can get together, and with the proper transfer of cash, Hamas could take this minor risk and do these excursions and then attack Israel from the south.

Hezbollah had a lot higher risk, and I do not know what might have happened with regard to funding there, but I know this, that Iran has been funding them all along. So they surely had a

lot stronger tie and Teheran is a spiritual center for Hezbollah, where they send troops in there to be trained. They bring their philosophy down to Lebanon. They have been a surrogate of Iran for a long time. But the price for Hezbollah was a lot higher because their implicit agreement, the kind of unspoken agreement, with Lebanon was: Do not bring war on us. We do not want to see the things we built destroyed. We do not want to lose our peace here. We have a fledgling democracy, even though 20 percent of that fledgling democracy are elected Hezbollah leaders within that organization. So Hezbollah took the risk and attacked Israel and started firing rockets, sometimes by the hundreds. And as this has unfolded, it has become clear that this is a gambit that has been coordinated, orchestrated, and operated by Iran. And Syria is complicit in this. And that is why they have been in the crosshairs of Israel as well.

So the pressure is on right there in the center of the bulls eye, where much of the world's conflict has been. And land has never been traded for peace in a successful fashion. Now, we need to look at a way that we can resolve this issue once and for all. And I am not sure we can get there, Mr. Speaker. But I would submit this, that Israel is the center of the bulls eye. The pressure that comes on Israel is coming from the Arab nations, some to a greater and some to a lesser degree. But a lot of them have signed up in this. Many of them launched the attacks in 1967 and in 1973. They are still on the suspect list. They still have people in those countries at least, even if it is not an official policy of their nation, to send money, send support, send military troops, send terrorists in to put pressure on Israel. Israel is the center of this bulls eye. And the direct pressure has come now from Hamas out of Gaza and Hezbollah out of Lebanon to do a dual attack on Israel and put them in a two-front war in the north and the south, funded by Iran, cooperated with and coordinated and logistically passing a lot of materials through Syria.

Now, we also know that the Sunnis in Saudi Arabia, some of them are supportive of this, although their regime there appears to be more inclined to want to support peace and maintain a level of stability. But that surrounding of Israel is something that one needs to look at like a bulls eye. Israel's being the dead center red part of the bulls eye, and as the surrounding countries around that bulls eye move out, I would submit this, Mr. Speaker: The problem of the violence and the attacks on Israel cannot be resolved by simply declaring that there be a ceasefire in Gaza, that there be a ceasefire in Lebanon. It cannot be solved by negotiating with Hamas or Hezbollah.

□ 2310

That is because their mission statements don't coincide with anything

that we believe in. They don't coincide with freedom. They don't allow Israel to exist. They won't acknowledge Israel's right to exist.

They will continue to preach hatred, they will continue to act on hatred, they will continue to seek genocide against the Israeli people. They will continue to drive them into the sea, Mr. Speaker. That is their effort.

People that are that fanatical without a rational goal in mind, you can put them in power and elect them to government, like they have been by the Palestinian people, the Hamas in the West Bank and Gaza, and the 20 percent of the fledgling Lebanese democracy that has elected Hezbollah. If they were handed over the reins of power, Mr. Speaker, I would submit that it would be a boring life for someone who has been a military terrorist and all the glory and intensity that comes with that and say, okay, now it is your job to be the minister of education, or the minister of the interior, or the minister of transportation, or maybe the secretary of state.

They are not cut out for that. That is not part of their mission. They don't envision themselves as one day being a legitimate leader with a legitimate government on the world stage sitting at the United Nations, or negotiating at the roundtable in Brussels, or visiting the White House in the United States, or speaking on the floor of this Congress here at the United States Congress, Mr. Speaker. They don't envision that at all. They envision themselves being modern day warlords, taking terror to people who are not like them and seeking their path to salvation, which their path would be that if they can kill enough people that are not like them, then they go to their eternal reward.

Mr. Speaker, I said about enough about the eternal reward of a religion that is so steeped in that kind of hatred, but I would submit this: This Nation, this United States of America, must stand with Israel. We must make it clear that they dare not blink, and we will not blink. We will stand with them with everything necessary to preserve and protect them from being annihilated by the hatred that surrounds them, and for a number of good reasons. They are the vanguard for freedom in the Middle East, Mr. Speaker. They stand for freedom. They treat everyone in their country on an equal standing with the right to vote, own property, serve in the Knesset, serve on the supreme court. Full standing for everyone. They are a vision for what the future of the Middle East can be, yet a lot of the rest of the world doesn't stand with them the way they need to.

Another reason we need to stand with Israel is they stand up for themselves. We have supported them with foreign ops money and they have invested it in military equipment, supplies and training, and they are one of the best trained, most ready militaries in the

world. But they know they don't have room for error, Mr. Speaker.

A small error on the part of the Israelis and in 24 to 48 hours they could be driven into the sea. It tends to concentrate the mind at that moment in history, and they have always risen to the occasion, but they know they can't be complacent.

And we can't be complacent, Mr. Speaker. We need to be following through on the Bush doctrine. We need to be promoting freedom throughout the Middle East, and taking a look at Afghanistan as a nation now with 25 million free people, people that have gone to the polls and voted on that place in the planet for the first time in the history of the world there in Afghanistan. Yes, they have their troubles over there, but they are pulling together and they are fighting off the kind of resistance that seems to want to form and then disappear again.

But Afghanistan is on track, and I don't think anybody argues that we did the right thing going into Afghanistan, unless things go badly. Then I hear the argument, well, we should have done something differently. But it is never a Democrat that gets criticized for any decisions, I would point out, Mr. Speaker.

Then in Iraq, 25 million people, a more difficult proposition. But we have been in Iraq now since March of 2003. It is a little over 3 years. In that period of time, there have been three nationwide, free elections. They have established a written constitution and ratified the constitution. They have established a government. They now have a prime minister.

They had difficulty after the election to get to that point where they could agree on a cabinet and form a government, but they did that. When they formed the government, it has been now about 2 months since they have had a minister of defense and a minister of the interior. And now we have a prime minister that has a leadership capability, and he is stepping forward and he is enforcing security and safety with a military arm that he has control of in Iraq. That part is moving forward.

But it has been a long, difficult row to hoe; a long, hard slog, to quote Secretary Rumsfeld. But a lot the reason for that, Mr. Speaker, has been the involvement on the part of Syria and to a far greater degree the involvement on the part of Iran injecting themselves into the operations in Iraq.

Iran does not have an interest in the safety and security of Iraq. They have an interest in the instability in Iraq. So they have been sending people and money and munitions into Iraq in an effort to try to destabilize the whole nation, if they can.

As the civilian violence has gone up the last 2 to 3 months in Iraq, it has gotten more and more dangerous in that country, and we often see casualty numbers that go 50 a day or even higher on the part of civilians bombed.

I will submit to you, Mr. Speaker, that had we been able to shut Iran out of this conflict, had we been able to shut Syria out of this conflict, if it would have stayed just Iraq and the coalition forces that were there, this conflict would have been over perhaps a year-and-a-half ago. Maybe even longer ago.

The casualties that American forces, coalition forces and Iraqi civilians have suffered, many of them have been casualties fomented by a hostile neighbor, Iran.

I will remind you, Mr. Speaker, of the President's statement. The President's statement is if you are a terrorist, if you harbor terrorists, if you fund terrorists, if you support terrorists, you are a terrorist. That means you are our enemy and we are coming after you.

But Iran has been harboring terrorists, has been funding terrorists, has been supporting terrorists. Although that is going on, and I am talking in those references about terrorists in Iraq, Mr. Speaker, but they have also been training, harboring, funding terrorists, Hezbollah, in south Lebanon and supplying them with rockets and supplying them with a lesser number of missiles, and in fact supplying them with troops of their own that have been in Lebanon helping to fire a Cruise-type missile that hit an Israeli ship early on in this operation about perhaps 11 days or so ago.

That is a terrorist country. That is part of the axis of evil. That is a nation that threatens the world with a current or future capability to produce nuclear weapons and to have a means to deliver those nuclear weapons.

Iran had advisers on location in North Korea when North Korea decided to celebrate our 4th of July by setting off a series of missiles that went over the Sea of Japan. They were fizzled missiles mostly, Mr. Speaker, but missiles nonetheless.

With Iranian observers there in North Korea, presumably this was part of the purchasing agents for Iran that were there while they put on a little show of force in North Korea, perhaps for the idea they would be selling those missiles to the Iranians. And if North Korea has a nuclear capability, and most of us believe they do, how do we know they have not already sold a nuclear weapon to Iran? How do we know that those transactions have not taken place?

In fact, Kadafi in Libya made the statement the other day, and I think it was just yesterday, that he was a lot further along on his nuclear capability than anyone knew that he was.

This can't happen, Mr. Speaker. If a nuclear weapon had been sold to the Iranians, has been sold at this point, and if they have a missile that will deliver it, then this regime that is in Iran today is far more dangerous than we are treating it.

I would submit to this body, Mr. Speaker, that we need to look at this

thing from a broader perspective. Generally when violence breaks out in a war, we always want to scramble and do shuttle diplomacy and get our Secretary of State there and say, hold it, shut it down, shut off the firing, kind of like we are breaking up a bar fight.

Well, this isn't like that under these circumstances, Mr. Speaker, because if the firing stops now, there are still many Hezbollah and many rockets in southern Lebanon with many places to hide them. And this is a people that will hide rockets inside a house that has women and children in it, pull one outside the house, set it up, fire it into Israel and run back inside again, or leave the premises, so when the counter-assault comes, there are civilian casualties that occur.

If you hide rockets and missiles and troops in residential areas and you house them in people's houses, then you have to expect there isn't a way to avoid civilian collateral damage. It is bound to happen.

But this is a hateful people with a mission in mind to annihilate Israel. If that happens, if that should happen, shame on us for not acting soon enough. And I will submit, Mr. Speaker, that if someone has to take out this nuclear capability of Iran, it would be better for us to do it than it would be for Israel.

In fact, Mr. Speaker, the odds of avoiding it are pretty slim. With this rabid regime that is there in Iran, it almost comes down to this question, the question being are we willing to live with a nuclear Iran or are we willing to take the steps necessary to eliminate their nuclear capability? I am for diplomacy. I am for turning up the diplomacy. I am for turning up the sanctions. I am for shutting down commerce with Iran. I am for blockading them, if we can go that far. Every step from A to Z, I will follow all of them.

□ 2320

Mr. Speaker, I say quickly, because if we do not, then what we will see is the day that it becomes too late. And the day that it could become too late could be the day that the mushroom cloud rises over Tel Aviv, or the day that they aim their missile at us and say, well, you did not know it, but now we have the capability to reach the east coast of the United States.

That is almost an inevitability if we do not stop them at some point. They have a religious fanaticism that drives them. They do not act like a rational State. They cannot be deterred by mutually-assured destruction, because their own destruction, they believe sends them to their own salvation.

But they are there to create violence, to attack people who are not like them, not just to attack western civilization, but all other civilization, Mr. Speaker.

We need to look at this at how we are going to find peace in that part of the world. I submit it has got to come from without first, and merge down to the

bulls-eye that is Israel. If we try to do it any other way, we are simply putting a band-aid on a bleeding wound.

So Hezbollah has got to be annihilated out of Lebanon, and Hamas has got to be controlled in Gaza. But meanwhile, Iran has got to be taken out of this picture so they are not funding training and fomenting war in places like Iraq and in Israel.

But they are doing so in both places right now and they are getting away with it, Mr. Speaker. We have to put a stop to that. We have to understand our enemy before we can do that.

This Nation needs to have the will to do what we need to do. During this process of sanctions and perhaps a blockade and shutting off the economic capability of Iran to continue to conduct war, and to develop nuclear, while this is going on, I ask our President to prepare this country for the job that may be ahead of us, and it may well be something that can save millions of lives.

But it would be disastrous to wake up in the morning some morning and find out that we waited too long, that a mushroom cloud went up over Tel Aviv, and perhaps there was a missile on its way to western Europe, or a missile on its way to the east coast of the United States, and perhaps millions of people could die in this process.

This does not include smuggling those kind of weapons of mass destruction across the borders into the United States, which are still far too porous. There comes a time to act, Mr. Speaker. I am not submitting that time is right now.

But I am submitting that we need to establish a time frame and be ready. We need to look at the countries out there in the world, and determine what are their motives, what can we count on them doing, what have they told us they are going to do, and they have told us they are here to annihilate us. They repeat that over and over again.

There are people in Iran that remember the times that they lived in a modern world. They hunger for that modern world again. They are repressed by the regime that they have. They had leaders that came forward as candidates that wanted to run for office in the recent elections that they had.

But the mullahs shut them down, peeled them out, put some of them in jail and prohibited the candidates of the people of Iran from running for office so that they could choose their own leaders.

The people in Iran deserve freedom. We need to hear from the people of Iran. We need to hear what they have to say about how hungry they are for freedom. But they had a constitution that was established in 1906. It was established August 5, 1906 in Iran. And the Constitution speaks, for the most part, the same way our constitution speaks, for freedom.

Freedom for the Iranian people. The 100-year anniversary comes up on August 5, 2006. The century celebration

for the constitution of Iran. Let that be an inspiration to the people in Iran.

### 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. FITZPATRICK of Pennsylvania). Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. DELAHUNT) is recognized for the balance of the time until midnight.

Mr. DELAHUNT. Mr. Speaker, I am not going to consume all of the time. I thought that I was going to be joined by my colleagues from the 30 Something Group, but it would appear tonight that only the "something" is here and the 30s have taken the night off.

But I had listened to my dear friend from Iowa earlier, and I thought that I would stay for a few minutes to make some observations. He spoke eloquently and sincerely about anti-Semitism.

I know he decries anti-Semitism, as I believe every Member in this body does. But he specifically alluded to western Europe and anti-Semitism. I think it is important for us to note the remarks just recently of the Speaker of the House of the new Iraqi Parliament.

Those remarks, I dare say, can only be interpreted as anti-Semitic, and they are in my judgment disturbing, and, yes, even dangerous. So while we speak of the new Iraqi Government and what we are told they are about, I think it is extremely important to listen, to educate ourselves, and inform the American people.

I, myself, and several of my colleagues will be introducing a resolution condemning, condemning the remarks of the Speaker of the House of the new Iraqi Parliament.

Mr. Speaker, let me read what he had to say. "Some people say," these are his words, "we saw you beheading, kidnapping and killing. In the end we even started killing women who are our honor. These acts are not the work of Iraqis, I am sure that he who does this is a Jew, and a son of a Jew. I can tell you about these Jewish Israelis and Zionists who are using Iraqi money and oil to frustrate the Islamic movement in Iraq, and come with their agent and cheap project. No one deserves to rule Iraq other than Islamists."

The same Speaker by the way, had this to say. Listen carefully to these words, Mr. Speaker, "The U.S. occupation is butcher's work, under the slogan of democracy and human rights and justice". This is the Speaker of the Iraqi Parliament, our ally, whose prime minister has been invited to speak to this House this week. I dare say he ought to immediately, upon landing in Washington, D.C. condemn these words.

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I find them disturbing and I am sure, Mr. Speaker, all of our colleagues will find them disturbing.

I am also disturbed by the words of the Iraqi foreign minister who had this to say, Mr. Speaker: Iran doesn't claim that they want to obtain a nuclear weapon or a nuclear bomb, so there is no need that we ask them for any guarantee now. Every country has the right to have its nuclear technology, every country like the Islamic Republic or any other country. I also find that disturbing. We ought not even to pose the question to Iran, according to the Iraqi foreign minister.

And let me finally note the words of the prime minister of Iraq who will address this House this week. And, again, he said these words in reference to the Israeli response after Hezbollah kidnapped two Israeli soldiers and killed others, as well as for 2 days continued to fly their rockets into civilian Israeli communities on the border between Lebanon and Israel: I condemn these aggressions and call on the Arab League foreign ministers meeting in Cairo to take quick action to stop these aggressions. We call on the world to take quick stands to stop the Israeli aggression.

Mr. Speaker, is this new Iraqi Government an ally of the United States? We should reflect on that. Particularly since we have spilled the blood of thousands of Americans on Iraqi soil, where we have given, not loaned, Mr. Speaker, as some of us recommended, but rather given to date \$30 billion in the reconstruction of Iraq. And just this week we are told by the Comptroller General of the United States, David Walker, the head of the Government Accountability Office, that some 50 billion additional dollars are going to be needed simply to restore the oil facilities and the electric grid in Iraq, and that the American taxpayer would have to pay for all of it.

We ought to be thinking carefully about this, Mr. Speaker. These are facts, where the military deployment of Americans has cost in excess of \$300 billion and is escalating every day with no end in sight.

My friend from Iowa talks about Iran. We ought to be aware, Mr. Speaker, there appears to be a special relationship now evolving between Iran and Iraq. There has been agreement after agreement concluded between Iran and Iraq, and the Iranian foreign minister has visited in Baghdad and consulted with the new Iraqi Government. Iran has agreed to construct a new airport in Iraq; they have extended loan credits in the amount of \$1 billion to Iraq. And, Mr. Speaker, I think this is especially important for the American people to know, they have concluded a bilateral military cooperation agreement. Yes, Iran and Iraq have concluded a military agreement. And this week we will be hearing from the Iraqi prime minister.

I could go on and on, Mr. Speaker, but I thought it was important after listening to my friend and colleague that I introduce new information for us to reflect on and to analyze and be honest with the American people.

It is not going well in Iraq, Mr. Speaker. We heard from General Abizaid just this week where he said there has been serious sectarian violence, and our ability to control it is very much in doubt.

So when we discuss the issues that implicate the Middle East and beyond the Middle East, it is important that we put forth all of the facts.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Mr. BERMAN (at the request of Ms. PELOSI) for today on account of a death in the family.

Ms. HARMAN (at the request of Ms. PELOSI) for today on account of official business.

Mr. HONDA (at the request of Ms. PELOSI) for today on account of family business.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of family medical emergency.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today.

Ms. MCKINNEY (at the request of Ms. PELOSI) for today and the balance of the week.

Ms. MILLENDER-McDONALD (at the request of Ms. PELOSI) for today.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of inclement weather.

Mr. BACHUS (at the request of Mr. BOEHNER) for today on account of a family emergency.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of official business.

Mrs. JO ANN DAVIS of Virginia (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. FORTENBERRY (at the request of Mr. BOEHNER) for July 20 until 1:00 p.m. on account of medical reasons.

Mr. GIBBONS (at the request of Mr. BOEHNER) for today.

Mr. ISTOOK (at the request of Mr. BOEHNER) for today and the balance of the week on account of matters that required attention in Oklahoma.

Mr. WESTMORELAND (at the request of Mr. BOEHNER) for today on account of personal reasons.

#### 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. PALLONE, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mrs. LOWEY, for 5 minutes, today.

Mr. RANGEL, for 5 minutes, today.

Ms. SLAUGHTER, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. WELLER) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 28.

Mr. OSBORNE, for 5 minutes, today and July 25.

Mr. CARTER, for 5 minutes, July 25.

Mr. WELLER, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, July 25.

Mr. KIRK, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. SERRANO, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2690. An act to designate the facility of the United States Postal Service located at 8801 Sudley Road in Manassas, Virginia, as the "Harry J. Parrish Post Office", to the Committee on Government Reform.

S. 3187. An act to designate the Post Office located at 5755 Post Road, East Greenwich, Rhode Island, as the "Richard L. Cevoli Post Office", to the Committee on Government Reform.

#### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on July 20, 2006, she presented to the President of the United States, for his approval, the following bill.

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

#### ADJOURNMENT

Mr. DELAHUNT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 38 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 25, 2006, at 9 a.m., for morning hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8747. A letter from the Publications Control Officer, Department of the Army, De-

partment of Defense, transmitting the Department's final rule — Law Enforcement Reporting (RIN: 0702-AA52-U) received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8748. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Relocation of Subpart 225.6 to 225.76 [DFARS Case 2006-D003] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8749. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Extension of Contract Goal for Small Disadvantaged Businesses and Certain Institutions of Higher Learning [DFARS Case 2006-D010] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8750. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Information Technology [DFARS Case 2003-D068] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8751. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Exchange or Sale of Government-Owned Information Technology [DFARS Case 2003-D094] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8752. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Required Sources of Supply [DFARS Case 2003-D072] received July 12, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8753. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVI, clause 1, of the House Rules; (H. Doc. No. 109-128); to the Committee on Standards of Official Conduct and ordered to be printed.

8754. A letter from the Assistant Secretary, Transportation Security Administration, Department of Homeland Security, transmitting the Administration's certification that the level of screening services and protection provided at Greater Rochester International Airport will be equal to or greater than the level that would be provided at the airport by TSA Transportation Security Officers, pursuant to 49 U.S.C. 44920(d); to the Committee on Homeland Security.

8755. A letter from the Board Members, Railroad Retirement Board, transmitting the 2006 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

8756. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the 23rd Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

8757. A letter from the Admiral, United States Coast Guard Commandant, Department of Homeland Security, transmitting a copy of a draft bill, "To authorize appropriations for fiscal year 2007 for the United States Coast Guard, and for other purposes"; jointly to the Committees on Transportation and Infrastructure, Ways and Means, Armed Services, Government Reform, Homeland Security, the Judiciary, and Energy and Commerce.

#### 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:

*Pursuant to the order of the House on July 20, 2006 the following report was filed on July 21, 2006*

Mr. HYDE: Committee on International Relations. H.R. 5682. A bill to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India; with an amendment (Rept. 109-590 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2965. A bill to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, and for other purposes; with an amendment (Rept. 109-591). Referred to the Committee of the Whole House on the State of the Union.

*[Filed on July 24, 2006]*

Mr. BUYER: Committee on Veterans' Affairs. H.R. 3082. A bill to amend title 38, United States Code, to require that 9 percent of procurement contracts entered into by the Department of Veterans Affairs be awarded to small business concerns owned by veterans, and for other purposes; with amendments (rept. 109-592). Referred to the Committee of the Whole House on the state of the Union.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 5388. A bill to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives, and for other purposes (Rept. 109-593, Pt. 1). Ordered to be printed.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 5766. A bill to provide for the establishment of Federal Review Commissions to review and make recommendations on improving the operations, effectiveness, and efficiency of Federal programs and agencies, and to require a schedule for such reviews of all Federal agencies and programs; with an amendment (Rept. 109-594, Pt. 1). Ordered to be printed.

Mr. GINGREY: Committee on Rules. House Resolution 939. Resolution providing for consideration of the bill (H.R. 1956) to regulate certain State taxation of interstate commerce; and for other purposes (Rept. 109-595). Referred to the House Calendar.

#### DISCHARGE OF COMMITTEE

*[The following action occurred on July 21, 2006]*

Pursuant to clause 2 of rule XII the Committee on Rules discharged from further consideration. H.R. 5682 referred to the Committee of the Whole House on the State of the Union.

*[The following action occurred on July 24, 2006]*

Pursuant to clause 2 of rule XII the Committees on Rules and the Budget discharged from further consideration. H.R. 5766 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. CAMPBELL of California:

H.R. 5862. A bill to amend the Internal Revenue Code of 1986 to allow individuals eligible for veterans health benefits to contribute to health savings accounts; to the Committee on Ways and Means.

By Mr. BARTON of Texas (for himself and Mr. DINGELL):

H.R. 5863. A bill to authorize temporary emergency extensions to certain exemptions to the requirements with respect to polychlorinated biphenyls under the Toxic Substances Control Act; to the Committee on Energy and Commerce.

By Mr. BALDWIN (for herself, Mr. PRICE of Georgia, Mr. TIERNEY, and Mr. BEAUPREZ):

H.R. 5864. A bill to provide for innovation in health care through State initiatives that expand coverage and access; to the Committee on Energy and Commerce, and in addition to the Committee on Rules, 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. THOMAS:

H.R. 5865. A bill to amend section 1113 of the Social Security Act to temporarily increase funding for the program of temporary assistance for United States citizens returned from foreign countries, and for other purposes; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. NORWOOD, Mr. WELDON of Florida, and Mr. BOUSTANY):

H.R. 5866. A bill to amend titles XI and XVIII of the Social Security Act to reform physician payment under the Medicare Program, to modernize the quality improvement organization (QIO) program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, 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 Mrs. JO ANN DAVIS of Virginia:

H.R. 5867. A bill to amend title 10, United States Code, to clarify the authority of the Secretary of a military department, or the Secretary of Homeland Security in the case of the Coast Guard, to sell untreated water located on military installations; to the Committee on Armed Services.

By Mr. GRIJALVA:

H.R. 5868. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to provide funds for training in tribal leadership, management, and policy, and for other purposes; to the

Committee on Education and the Workforce, and in addition to the Committee on Resources, 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. MCDERMOTT (for himself, Mr. LEVIN, and Mr. CARDIN):

H.R. 5869. A bill to temporarily increase assistance for United States citizens evacuated from foreign crises; to the Committee on Ways and Means.

By Mr. ORTIZ (for himself, Mr. HINOJOSA, and Mr. DOGGETT):

H.R. 5870. A bill to provide for the health care needs of veterans in far South Texas; to the Committee on Veterans' Affairs.

By Mr. SAXTON:

H.R. 5871. A bill to establish the Math and Science Teaching Corps; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. PALLONE, Mr. PAYNE, Mr. ROTHMAN, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. HOLT, Mr. OWENS, Mr. BISHOP of New York, and Mr. LOBIONDO):

H.R. 5872. A bill to restore, protect, and preserve the natural, chemical, physical and biological integrity, and the economic potentialities, of the New York/New Jersey Bight through designation and establishment of the New Jersey/New York Clean Ocean Zone and the regulation of various activities therein, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, 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. SMITH of New Jersey (for himself and Mr. PAYNE):

H.R. 5873. A bill to amend the State Department Basic Authorities Act of 1956 to remove the reimbursement requirement for evacuation as a result of war, civil unrest, or natural disaster; to the Committee on International Relations.

By Mr. CROWLEY:

H. Res. 940. A resolution recognizing the 185th anniversary of the independence of Peru on July 28, 2006; to the Committee on International Relations.

By Mr. SHAW (for himself and Mr. FOLEY):

H. Res. 941. A resolution honoring the service of Gerard Latortue, Haiti's Interim Prime Minister; to the Committee on International Relations.

#### MEMORIALS

Under clause 3 of rule XII,

421. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to a Joint Resolution memorializing the Congress of the United States and the President of the United States to shift funding priorities and support the equitable disbursement of Homeland Security funds as outlined in United States Senate Bill 10, sponsored by Senator Susan Collins, in order to ensure that all states effectively contribute to our national security goals and emergency preparedness; jointly to the Committees on Homeland Security, Energy and Commerce, Transportation and Infrastructure, and the Judiciary.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Mr. HAYES.  
 H.R. 239: Mr. BARTLETT of Maryland and Mr. WELDON of Florida.  
 H.R. 303: Mr. DINGELL.  
 H.R. 474: Mr. FRANK of Massachusetts.  
 H.R. 500: Mr. LUCAS.  
 H.R. 503: Mr. HUNTER and Mr. WELLER.  
 H.R. 615: Mr. HIGGINS and Mr. SESSIONS.  
 H.R. 886: Mr. BURTON of Indiana, Mr. MOORE of Kansas, Mr. WELLER, and Mr. McCOTTER.  
 H.R. 1078: Mr. BARTON of Texas.  
 H.R. 1337: Mr. JINDAL.  
 H.R. 1384: Mr. BAKER and Mr. SALAZAR.  
 H.R. 1451: Mr. THOMPSON of California and Mr. HOLT.  
 H.R. 1494: Mr. OTTER.  
 H.R. 1558: Mr. REICHERT.  
 H.R. 1588: Mr. SMITH of Washington.  
 H.R. 1632: Ms. SCHWARTZ of Pennsylvania.  
 H.R. 1658: Mr. CANNON.  
 H.R. 1671: Mr. ALLEN.  
 H.R. 1688: Mr. GUTIERREZ.  
 H.R. 1709: Mrs. NAPOLITANO.  
 H.R. 1898: Mr. BONNER, Mr. LEWIS of California, Mr. BOUSTANY, and Mr. SMITH of New Jersey.  
 H.R. 1951: Mrs. BONO.  
 H.R. 2034: Mr. GORDON.  
 H.R. 2568: Ms. JACKSON-LEE of Texas.  
 H.R. 2793: Ms. MOORE of Wisconsin.  
 H.R. 3082: Mrs. JO ANN DAVIS of Virginia and Mr. LOBIONDO.  
 H.R. 3194: Mr. WYNN.  
 H.R. 3361: Mr. FOLEY.  
 H.R. 3412: Mr. TIBERI.  
 H.R. 3762: Mr. BAIRD and Mr. INSLEE.  
 H.R. 3903: Mr. STEARNS.  
 H.R. 3904: Mr. STEARNS.  
 H.R. 4264: Mr. SCHWARZ of Michigan and Mr. STRICKLAND.  
 H.R. 4366: Mr. LAHOOD and Mr. MEEKS of New York.  
 H.R. 4547: Mr. JINDAL.  
 H.R. 4562: Mr. SHIMKUS, Mr. SNYDER, Mr. GILLMOR, Mr. POMBO, Mr. REYES, Mr. SCOTT of Virginia, Mr. SMITH of Texas, Mr. FORTENBERRY, Mr. DOOLITTLE, Ms. MOORE of Wisconsin, Mr. SERRANO, Mr. WEXLER, Mr. HALL, Mr. ENGLISH of Pennsylvania, Mr. ROYCE, and Mr. NUNES.  
 H.R. 4583: Mr. MARSHALL.  
 H.R. 4597: Mr. SIMPSON.  
 H.R. 4672: Ms. FOXF.  
 H.R. 4704: Mr. WYNN, Mr. FATTAH, and Mr. SCHWARZ of Michigan.  
 H.R. 4710: Mr. CARNAHAN.  
 H.R. 4824: Mr. JINDAL.  
 H.R. 4873: Mr. MOORE of Kansas, Mr. JEFFERSON, and Mr. CANTOR.  
 H.R. 4914: Mr. BARROW.  
 H.R. 4922: Mr. BAKER and Mrs. MYRICK.  
 H.R. 4927: Mr. CULBERSON, Mr. REICHERT, Mr. McDERMOTT, Mr. DOYLE, Mr. MELANCON, and Mr. MORAN of Kansas.  
 H.R. 4992: Mr. FRANK of Massachusetts and Mr. McCAUL of Texas.  
 H.R. 5005: Mr. BAKER.  
 H.R. 5013: Mr. DENT, Mr. RENZI, and Mr. CAMPBELL of California.  
 H.R. 5052: Mrs. NAPOLITANO and Mr. ENGEL.  
 H.R. 5053: Mr. HOLDEN and Mr. ENGLISH of Pennsylvania.  
 H.R. 5113: Mr. CARNAHAN.  
 H.R. 5128: Mr. SHIMKUS.  
 H.R. 5137: Mr. WYNN.  
 H.R. 5159: Mr. DINGELL.  
 H.R. 5200: Mr. DOYLE and Mr. CLAY.  
 H.R. 5201: Mr. SNYDER.  
 H.R. 5204: Mr. INSLEE.  
 H.R. 5225: Mr. WYNN, Mr. RANGEL, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Mr. MELANCON, and Mr. CUPELLAR.  
 H.R. 5249: Mr. PAUL, Mr. OTTER, Mr. ETHERIDGE, and Mr. HINOJOSA.  
 H.R. 5319: Mr. PUTNAM and Mr. GERLACH.  
 H.R. 5324: Mr. MORAN of Kansas.  
 H.R. 5388: Mr. ANDREWS.

H.R. 5452: Mr. BARTLETT of Maryland.  
 H.R. 5462: Ms. PELOSI, Mr. SERRANO, Mr. KUCINICH, Mr. RANGEL, Mr. ROTHMAN, Mr. WYNN, Mr. FORD, Ms. WATERS, Mr. LEACH, Mr. McDERMOTT, Ms. LINDA T. SANCHEZ of California, Mr. LARSON of Connecticut, Mr. STARK, and Mr. BERMAN.  
 H.R. 5464: Mr. BARTLETT of Maryland.  
 H.R. 5465: Mr. OWENS.  
 H.R. 5479: Mr. CULBERSON.  
 H.R. 5493: Mr. PAYNE.  
 H.R. 5520: Mr. BARTLETT of Maryland.  
 H.R. 5539: Mr. KLINE, Ms. HART, and Mr. KILDEE.  
 H.R. 5557: Ms. SCHAKOWSKY.  
 H.R. 5558: Mr. CULBERSON, Mr. HOEKSTRA, Mr. DENT, Mr. BARRETT of South Carolina, Mr. SULLIVAN, and Ms. FOXF.  
 H.R. 5674: Mr. TOWNS.  
 H.R. 5700: Mr. SHIMKUS.  
 H.R. 5704: Mr. BILIRAKIS.  
 H.R. 5707: Mr. POE.  
 H.R. 5731: Mr. FATTAH and Mr. DELAHUNT.  
 H.R. 5752: Mr. CRENSHAW and Ms. BORDALLO.  
 H.R. 5755: Mr. ISTOOK, Mrs. DAVIS of California, Mr. ROTHMAN, and Mr. JEFFERSON.  
 H.R. 5766: Mr. KUHL of New York, Mr. SAM JOHNSON of Texas, Mr. PUTNAM, Mr. PITTS, Mr. FLAKE, and Mr. SMITH of Texas.  
 H.R. 5770: Mr. HINCHY, Ms. CORRINE BROWN of Florida, and Mr. OWENS.  
 H.R. 5772: Mr. JINDAL and Mr. CONAWAY.  
 H.R. 5782: Mr. BAKER, Mr. BOUSTANY, Mr. REICHERT, Mr. KUHL of New York, Mr. HAYES, Mr. BACHUS, Mr. DUNCAN, Mrs. SCHMIDT, Mr. KENNEDY of Minnesota, Mr. LATOURETTE, Mr. EHLERS, Mr. LOBIONDO, Mr. PORTER, Mr. POE, Mr. FORTUÑO, Mr. MACK, Mr. HOEKSTRA, and Mr. MARIO DIAZ-BALART of Florida.  
 H.R. 5784: Mr. BROWN of Ohio and Mr. DAVIS of Florida.  
 H.R. 5788: Mr. MATHESON, Mr. PETERSON of Minnesota, Mr. CARDOZA, Mr. COSTA, Mr. MCINTYRE, and Mr. CASE.  
 H.R. 5791: Mr. HOLDEN, Mr. GERLACH, Mr. BARROW, and Mr. WELDON of Pennsylvania.  
 H.R. 5805: Ms. BERKLEY and Mr. ROTHMAN.  
 H.R. 5807: Ms. JACKSON-LEE of Texas.  
 H.R. 5808: Mr. GERLACH, Mr. KUHL of New York, Mr. FORTUÑO, Mr. LATOURETTE, Mr. EHLERS, Mr. LOBIONDO, Mr. PORTER, Mr. HAYES, Mr. BACHUS, Mr. KENNEDY of Minnesota, Mr. MACK, Mr. NEY, Mr. SHUSTER, Mr. BOUSTANY, Mr. MARIO DIAZ-BALART of Florida, and Mr. BAKER.  
 H.R. 5830: Mr. PAUL, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. REYES, Ms. JACKSON-LEE of Texas, and Mr. HINOJOSA.  
 H.R. 5835: Mr. HAYES, Ms. WATSON, Mrs. BONO, Mr. COSTA, Mr. CARTER, Mr. CASE, Mr. BROWN of Ohio, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Illinois, Mr. GERLACH, Mr. DAVIS of Florida, Mr. WOLF, and Mr. WELDON of Pennsylvania.  
 H.R. 5838: Mr. FILNER.  
 H.R. 5856: Mr. KIND.  
 H. Con. Res. 125: Ms. BERKLEY, Mr. ABERCROMBIE, Mr. REYES, Mr. HENSARLING, Mr. MILLER of Florida, Mr. PEARCE, Mr. KUHL of New York, Mrs. MYRICK, and Mr. BUTTERFIELD.  
 H. Con. Res. 306: Ms. WATSON.  
 H. Con. Res. 346: Mr. ROHRBACHER.  
 H. Con. Res. 347: Mrs. JO ANN DAVIS of Virginia.  
 H. Con. Res. 391: Ms. EDDIE BERNICE JOHN-SON of Texas.  
 H. Con. Res. 406: Mr. PASTOR.  
 H. Con. Res. 434: Mr. ISRAEL and Mr. HONDA.  
 H. Con. Res. 446: Mr. MATHESON, Mr. PETERSON of Minnesota, Mr. CARDOZA, Mr. COSTA, Mr. MCINTYRE, and Mr. CASE.  
 H. Res. 79: Mr. RUSH, Mr. DOYLE, Mr. AL GREEN of Texas, Mr. COSTA, Mr. BECERRA, Mr. CARDOZA, Mr. PASTOR, Ms. SOLIS, and Ms. VELÁZQUEZ.

H. Res. 222: Mrs. SCHMIDT.  
 H. Res. 759: Ms. BERKLEY and Mr. WELDON of Pennsylvania.  
 H. Res. 776: Mr. CALVERT and Mr. RENZI.  
 H. Res. 790: Ms. WATERS, Mr. JACKSON of Illinois, and Mr. DAVIS of Illinois.  
 H. Res. 800: Mrs. JOHNSON of Connecticut.  
 H. Res. 822: Mr. MEEKS of New York.  
 H. Res. 912: Mr. MILLER of North Carolina and Mr. KNOLLBERG.  
 H. Res. 938: Mr. HOLT, Mr. BRADY of Pennsylvania, Mr. McCAUL of Texas, Mr. DINGELL, Ms. CORRINE BROWN of Florida, Mrs. MCCARTHY, Mr. SMITH of Washington, Mr. ETHERIDGE, Mr. BACA, and Ms. MCCOLLUM of Minnesota.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

127. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 130 requesting the President of the United States, the Congress of the United States and the United States Nuclear Regulatory Commission to immediately close down Indian Point Nuclear Reactors; to the Committee on Energy and Commerce.

128. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 126 calling upon the President of the United States, the Congress of the United States, the Department of Homeland Security, the Governor of the State of New York, the New York State Senate and the New York State Assembly to restore the "Community Oriented Policing Services" ("COPS") Program that enabled Rockland County and the entire country to advance public safety through added street police presence; to the Committee on the Judiciary.

129. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 125 calling upon the President of the United States, the Congress of the United States, the Department of Homeland Security, the Governor of the State of New York, the New York State Senate and the New York State Assembly to include Rockland County in the Homeland Security funding definition for urban areas security initiative (UASI) grants for high threat urban areas in 2006; to the Committee on Homeland Security.

130. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 124 calling upon the President of the United States, the Congress of the United States, the Department of Homeland Security, the Governor of the State of New York, the New York State Senate and the New York State Assembly to work to allow Homeland Security funding to be used to recruit and retain personnel; to the Committee on Homeland Security.

131. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 123 calling upon the President of the United States, the Congress of the United States, the Security, the Governor of the State of New York, the New York State Senate and New York State Assembly to work to change the Homeland Security funding into one based on threat; to the Committee on Homeland Security.

132. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 347 requesting the President of the United States and the Congress of the United States adopt "The Fuel Choices Of American Security Act of 2005"; jointly to the Committees on Energy and Commerce, Science, Ways and Means, Transportation and Infrastructure, and Government Reform.



United States  
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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 109<sup>th</sup> CONGRESS, SECOND SESSION

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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable SUSAN M. COLLINS, a Senator from the State of Maine.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Creator, our source of strength, we humbly acknowledge Your power and gratefully accept Your mercy and grace.

We need Your mercy for we fall short of Your glory. We need Your grace, for we can do nothing to deserve Your favor or gain Your love.

Today, permit our Senators to feel Your presence. Give them confidence to draw near to You and to find grace to help them meet national and global challenges.

Help them to find joy in the companionship of Your sovereign leading. Use them to promote the values of justice and peace.

We pray in Your glorious Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SUSAN M. COLLINS 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate.

The assistant legislative clerk read the following letter:

U. S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, July 24, 2006.

To the Senate:

Under the provisions of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby

appoint the Honorable SUSAN M. COLLINS, a Senator from the State of Maine, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Ms. COLLINS thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each until the hour of 3 p.m.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### SCHEDULE

Mr. FRIST. Madam President, this afternoon we have a 1-hour period of morning business before we proceed to executive session. At approximately 3 o'clock today we will be turning to consideration of Jerome Holmes to be a United States Circuit Court judge for the Tenth Circuit. We have an order in place that allows for 2 hours of debate today and 2 hours of debate tomorrow morning. Therefore the vote on confirmation of Jerome Holmes will occur tomorrow morning before the policy meetings.

I also remind everyone that we have a consent agreement for the consider-

ation of S. 403, the Child Custody Protection bill. We will be returning to that bill tomorrow afternoon to dispose of the amendments and final passage of the Child Custody Protection measure tomorrow.

I want to put all of my colleagues on notice that we do need to finish that bill on Tuesday, and if we have to work well into the evening, we will do so in order to finish that important bill.

Another issue to consider this week is the Energy Security Act of 2006. That bipartisan bill is on the calendar and we want to proceed to its consideration as quickly as possible. If there are objections to considering that bill, it will be necessary to file cloture and we will be prepared to file that motion. That vote would come as early as Wednesday, Wednesday morning. I do also remind my colleagues that we have a joint meeting on Wednesday morning. At 11 o'clock on Wednesday there will be a joint meeting with the House to hear the address by Prime Minister Maliki of Iraq.

Given this address, a cloture vote would occur possibly around 10 o'clock on Wednesday, in which case we could proceed directly to the House immediately following that vote, sometime after 10:30. If that is the case, and I expect it will be, Senators should stay in the Chamber following that vote and then we will proceed together to the Hall of the House of Representatives for that joint meeting.

I was discussing with the Democratic leader, we should also put our colleagues on notice that next week will be the last week of legislative business prior to the August adjournment. As we plan the schedule for the remainder of this week and next, there is a lot to accomplish. Senators should fully expect a vote on Monday, July 31. We were able to reach several agreements last week, which allowed us to say no rollcall votes for today's session, but I expect very important votes will occur each day next week, including Monday's session, so everyone should plan

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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their schedules to accommodate this final week.

#### ORDER OF PROCEDURE

Finally, I remind everyone that today marks the eighth anniversary of the fatal shootings of Officer Chestnut and Detective Gibson as they protected the U.S. Capitol. At this time, I ask unanimous consent that at 3:40 this afternoon the Senate observe a moment of silence in recognition of these two fallen officers.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. Madam President, I will turn to the Democratic leader and then I have a very brief comment on the events today.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

#### INTELLIGENCE AUTHORIZATION

Mr. REID. Madam President, I didn't mention this in our private conversation, but we are going to do the Defense bill hopefully before we leave, and the one thing we haven't talked about is the Intelligence authorization bill. That has been reported out of the committee. I think we could have a very short time agreement—I mean very short. Is there a way the leader would try to work that into the schedule before we go? Because this would be the second year without an intelligence authorization bill.

Mr. FRIST. Let's consider that. I think over the next day or so we need to get together and go through all we do need to accomplish before we leave for that month for the August recess. Let's talk specifically about that bill as well.

Mr. REID. Yes.

#### REMEMBERING CAPITOL POLICE OFFICERS GIBSON AND CHESTNUT

Mr. FRIST. Madam President, 8 years—that is how long it has been since two Capitol police officers gave their lives in the line of duty. On July 24, 1998, a lone gunman entered this building, the Nation's Capitol. He was wearing a green fedora with extra bullets in his pocket when he opened fire. He shot two officers and a tourist before falling himself.

It is a day I will never forget. It is a day when I was swiftly driven back to my days in emergency medicine, emergency surgery, in the reality that even your best efforts cannot always save a life—because, despite our best efforts, we couldn't save Special Agent John Gibson or Officer Jacob J. Chestnut. It is a humbling experience, realizing the debt of gratitude we owe these two fallen heroes for their sacrifice and recognizing it can never be fully repaid. But

we can honor their sacrifice by remembering, by offering solemn tribute to their courage, and by protecting the memory of these heroes.

We must ensure that Special Agent Gibson and Officer Chestnut did not die in vain, and that the America they died protecting is the America we preserve today and in the future. I hope, I pray we are never faced with such tragedy again.

Thus, at 3:40 this afternoon, I hope this body will join me in a moment of silence, a moment to reflect on the courageous sacrifice of Special Agent Gibson and Officer Chestnut for, although 8 years have passed, their memory and their sacrifice is alive in these halls today.

I yield the floor.

#### THE WAR IN IRAQ

Mr. REID. Madam President, 1 month ago on June 22, the Senate held a debate about the raging and intractable war in Iraq. That debate, Democrats—led by Senators LEVIN and JACK REED—gave voice to the concerns of the American people and advocated that the Bush administration change course in Iraq.

We argued that the administration follow the law of the land. The law of the land is that the year 2006 will be a year of significant transition. That is the law. We argued that this year should be a year of transition, that we should follow the law with Iraqis taking charge of their own security and their own government so that American forces could be redeployed by the end of this year.

Our plan would have given the Iraqi people their best chance for success, while also giving America the best chance to confront the growing threats of North Korea, Iraq, and terrorism around the world.

Our plan would have engaged regional powers to help bring stability to Iraq and would have reminded the countries of the world of their commitment to invest in Iraq's long-term economic prosperity which seems to have been lost.

Our plan would have refocused America's military, diplomatic, and economic might on terrorist threats that face us in Iraq and globally, including Osama bin Laden, who remains free after 5 years.

Our plan would have tracked closely with the plan of our commanders on the ground in Iraq today, led namely by General Casey, who on their own have developed a similar strategy for success.

Despite that fact, the majority of the Republicans chose not to join the Democrats in serious debate about Iraq. I think they put their political needs ahead of America's security.

As they have in nearly every Iraq war debate, Republicans have blindly rubberstamped the President's mismanagement of this war and fell in line with his failed policy.

One month later, after the debate on Levin-Reid, the consequence of "staying the course" in Iraq is evident in every place.

In the last month in Iraq, more than 3,000 Iraqis have been killed—an average of 100 a day. And more than 100 were killed just yesterday.

Pick up any newspaper. Here is today's. "Bombings Kill at Least 66 in Iraq."

If you read the article, it is a lot more than 66. The intense violence made last week one of the deadliest in Iraq.

Read the article: 348 people killed, 6 of them police officers. Read the article: 34 dead. Read the article: 60 killed. Read the article: 24 civilians killed.

It doesn't talk about the hundreds and hundreds who have been wounded and injured, many of them for life.

This is a civil war. As I said last week, I tepidly talked about civil war. But I decided that there was no reason to be tepid about it—that there is a civil war going on in Iraq.

Take the New York Times from yesterday. There are lots of other places you could go to find the same thing. "It's Official: There Is Now a Civil War in Iraq."

This wasn't written by somebody who is just passing by deciding to write an op-ed piece and they stick the headline on. He is Nicholas Sambanis, a professor of political science at Yale, author of "Making War and Building Peace." He says, among other things:

The question of whether a country has fallen into civil war is often deliberately muddled for political reasons.

We have had some muddling here.

He goes on to say:

But if the term "civil war" seeks to convey the condition of a divided society engaged in destructive armed conflict, then Iraq sadly fits the bill.

The consequences of staying the course in Iraq is a full-blown civil war.

In the last month, nearly 3,000 additional Iraqis have been killed, 50 American soldiers have been killed, 250 have been wounded, \$13 billion of taxpayer money has been spent since that debate. The price of gasoline is now, as reported in this morning's news, the highest ever, averaging more than \$3 a gallon.

Staying the course, North Korea, on July 4, tested new long-range missiles.

In the last month, Hezbollah has terrorized Israel.

In the last month, al-Qaida found a new sanctuary, it appears, in large swaths of Somalia.

These are the costs of "staying the course" in Iraq and of a Senate which rubberstamps what the President does.

My question today is, how long will America be forced to pay these costs? The longer it takes for this Republican Congress to hold President Bush accountable for his mistakes, the less safe America becomes.

Democrats have asked for another Iraq debate before the August recess. I hope we have that opportunity because

the Republican leader said today that we are going to take up the Defense appropriations bill. I hope we would have an opportunity to do it there.

We want to give rubberstamping Republicans another chance to demand that President Bush change course in Iraq—not because of any political point scoring but because national security clearly demands it.

We live in a dangerous world, but nearly everywhere you look, from the Middle East to Asia, America's enemies have been emboldened by this administration's mismanagement of this conflict in Iraq. They are taking advantage of our damaged reputation in the world and the fact that Iraq has tied our hands to redouble their efforts and threaten us and our allies.

The Middle East has faced problems, as we know, for decades. Every American President since World War II has struggled to bring freedom, stability, and prosperity to this region. The President washed his hands of what was going on with the Palestinians and the Israelis until the Intifada became so complex, with so much conflict, that he had to step in. But that took years into his first term of office.

The war in Iraq has destabilized the Middle East and taken our attention and our resources away from other threats. That is without question. So far, the result of the Iraq war has been instability and no security. One of the biggest winners so far has been Iran. They continue to thumb their nose at our country. The war in Iraq has given it exactly what it wants: greater influence in Iraq and throughout the Middle East. The longer we go without a strategy for success in Iraq the stronger Iran gets and the more confident it is in supporting terrorist organizations like Hezbollah, which is now terrorizing Lebanon and Israel.

I believe Israel has every right to defend itself from these terrorist acts. While it defends itself, the United States should be standing by its side.

Unfortunately, because Iraq has tied our hands and exhausted our resources and our reputation, the Bush administration has had to sit on the sidelines. The President was ineffective in finding any solution during the G8 Summit, and he went nearly 2 weeks without dispatching his Secretary of State to the region. Finally, yesterday, Secretary of State Rice left for the Middle East. Hopefully her surprise visit to Lebanon is not a continuation of the Bush photo-op foreign policy. "Mission Accomplished," "Bring 'em On." I hope it is not a photo-op again but a serious effort to follow the call for American leadership.

The Bush administration's—as reported on the face of a major weekly magazine last week—cowboy diplomacy cannot be replaced by couch potato diplomacy where we sit and do nothing.

Democrats have called for a special envoy to emphasize the need for full-time leadership. We need to do the hard

work to put Iran back in the box and bring stability back to the Middle East. That job can be started but can't be finished by the Secretary of State during a brief visit there this week. What we need is a full-time special envoy—someone who can work around the clock with Egypt, Jordan, Saudi Arabia, the Europeans, and, yes, Russia and Israel.

Together, we can bring some good out of this terrible situation by finding ways to support the Lebanese Government, continue our support for Israel, and disarm Hezbollah and ultimately contain the Iranian power. The challenge will be for this administration and its Republican rubberstamp allies in Congress to step up and do the job. We need a new direction.

This week, the Iraqi Prime Minister will meet with President Bush and address a Joint Session of Congress here in Washington. When he is here, we need President Bush to communicate that our commitment in Iraq is not unlimited. He needs to announce a change of course in his failing policy.

If we hope to live in a world that is safe and secure, we must end the open-ended commitment in Iraq that is costing this Nation \$3 billion each week and requires the deployment as we speak of at least 125,000 of America's finest troops.

We must transition the mission in Iraq so that we can marshal our resources to the other threats America faces such as Bin Laden, who, as I said, remains free after 5 years, Iran, North Korea, and many other troubled spots in the world.

We must insure that the Senate is more than a rubberstamp for the executive branch. There are only 2 weeks before the August recess—really just 6 voting days left. There are a number of important subjects that deserve our attention but none more important than the intractable war in Iraq.

The Senate can no longer turn a blind eye to what is happening in Iraq. It is costing too many American lives, too many Iraqi lives, too many dollars, and too much of our national security.

Mr. DURBIN. Madam President, will the Democratic leader yield for a question?

Mr. REID. I would be happy to yield to my friend.

Mr. DURBIN. Last year, we had bipartisan agreement on the Senate floor, and the agreement was that this year, the year 2006, would be a year of significant transition in Iraq. We spelled out what we had in mind, that the Iraqis would take on more responsibility for their own fate and their own future, that the United States troops would be able to start withdrawing and coming home in this year of 2006. I ask the Democratic leader, as he joins with me each morning reading about how Iraq is descending into a civil war, the number of innocent civilians who are being killed in Iraq, and the number of American troops who continue to lose their lives in Iraq,

when we voted for significant transition in Iraq, is this what we had in mind?

Mr. REID. I say to my friend, this was on a bipartisan vote. On a bill co-sponsored by the two people who take care of our armed services, Senators LEVIN and WARNER, 79 Senators voted for that, and the law of the country as we speak is that the year 2006 is to be a year of significant transition in Iraq, and the President, I believe, should follow that law and he is not doing that. I agree with my friend.

Mr. DURBIN. I ask the Senator from Nevada if he would yield for this question. Then this year when the Defense authorization bill came forward, is it not true that the Democratic side offered another amendment in an attempt to strike a bipartisan position on foreign policy in Iraq, an amendment which was sponsored by Senator LEVIN of Michigan, Senator REED of Rhode Island, who is a graduate of West Point, served in the United States Army, and that this amendment which we offered to our friends on the Republican side to join us this year said we would start a transition this year before the end of the calendar year by re-deploying American troops outside of Iraq? This amendment we offered had 39 of 45 Democratic Senators supporting it and no Republican support.

I would ask the Senator from Nevada, at the end of that Defense authorization bill, just a few weeks ago, was any position taken by the Republican side of the aisle that suggested any change in policy in Iraq?

Mr. REID. I say to my friend, that is what is so concerning to me, that they are following—they, the Republican Senators, are following President Bush, stay the course, stay the course in Iraq. It breaks my heart, frankly. Every day I get up. This is just one page of the paper. I went through the deaths—hundreds of them. I didn't read here, but in the past week 1,000 people in Iraq have moved out; they are afraid. They move out of their neighborhoods. We have probably now estimated 200,000 people in Iraq since the first of the year have had to move their homes. They have no place to go. They want to try to stay alive. The turmoil, the civil strife in that country, is unbelievable, and to think that this country's policy is to stay the course is not sensible.

Mr. DURBIN. Again, if the Senator from Nevada will yield, as you watch the disintegration of the foreign policy under this administration, we find ourselves relying on the Chinese to try to negotiate some peaceful resolution in North Korea, we are relying on the Russians to try to find some way to approach the Iranians on their nuclear power, but we have no one to turn to when it comes to Iraq. This was our own creation, with British help and some other countries, but primarily American soldiers and American resources. I would ask the Senator from Nevada, is his point on the floor today

that the bipartisan Senate should not go home for the August recess without taking up this issue? We have spent weeks, the Republican leadership has spent weeks in the Senate on meaningless constitutional amendments and issues that bear little relevance to the daily lives of Americans, but the Senator from Nevada has to feel, as do I, we have an obligation to these soldiers and their families before we leave in August to have a meaningful debate on this floor about how to make certain that we end up in Iraq with our mission truly accomplished. I ask the Senator from Nevada, is that the purpose of his coming to the floor?

Mr. REID. First, my coming here is just as the Senator indicated. How can we, the Senate of our country, leave here with the raging civil war going on and our troops are right in the middle of it? How can we leave here without changing the course in Iraq? That is why I am here. It is a cry for help. We need our Republican colleagues to speak out. This blind allegiance to the President is not good for our country.

Mr. DURBIN. I thank the Senator from Nevada for yielding for the questions.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I ask permission to speak as if in morning business.

The ACTING PRESIDENT pro tempore. The Senate is in morning business.

Mr. BINGAMAN. I thank the Chair.

#### ENDING THE CRISIS IN ISRAEL AND LEBANON

Mr. BINGAMAN. I have come to the Senate floor today to discuss what I believe are some necessities, steps to bring an end to the current crisis in Israel and Lebanon and to set us back on a course toward stability in the Middle East.

I condemn the killing and the kidnapping of Israeli soldiers by Hamas and Hezbollah. I believe that was a deliberate act of provocation. It was intended to further rupture efforts at creating stability in the region, and it was carried out by groups who seek no less than the destruction of the nation of Israel. And I, I am sure along with my colleagues, support Israel's right to defend itself. However, I also believe the Israeli response has been excessive and the current crisis of escalating violence on both sides must be brought to an end so we can resume efforts at creating a lasting peace.

My first point is I believe United States interests and Israeli interests will be furthered if we support the efforts of the Secretary General of the United Nations to bring about a cease-fire at the earliest possible date. Secretary General Kofi Annan has called for an immediate end to fighting between Israel and Hezbollah. He has pointed out the obvious, which is that as long as fighting continues, the num-

ber of civilian deaths both in Israel and Lebanon will increase. I also believe this may be the best way to ensure the safe return of kidnapped soldiers. Of course, the further destruction of civilian infrastructure in Lebanon is putting the future economic and political viability of that nation at serious risk. I think it is obvious to all that what is occurring in Israel and Lebanon is a disaster for many innocent civilians.

Our own administration has chosen not to support Secretary General Annan's call for an end to hostilities. As I understand Ambassador Bolton's position, it is that allowing a continuation of hostilities will provide Israel the opportunity to eliminate Hezbollah's ability to attack Israel and that this degrading of Hezbollah's military capability will provide a better possibility for long-term peace. I support the goal of long-term peace, but I disagree with his view that continued combat is the best way to achieve it.

Whatever additional military advantage might be achieved by delaying a cease-fire comes at a very high cost. First, there is the cost in the loss of additional civilian lives.

Second, there is the additional support for Hezbollah in the Arab world which the continued attacks on Lebanon will almost certainly generate.

Third, there is the increase in anti-Israeli and anti-American sentiment throughout the Middle East and more broadly which will result if the military conflict continues.

While I understand the goal of these continued attacks is to bring an end to terror in the Middle East, and I strongly support that goal, I believe the result will be the opposite.

The administration's unwillingness to join other nations in calling for a cessation of hostilities reinforces the belief in Arab countries that our Middle East policy is based on a double standard. The perception is we have one level of concern when innocent Israeli civilians are being killed and injured and much less concern when the injured or killed civilians live in Arab countries. Support by the U.S. for an immediate cease-fire would save lives on both sides and would help to counter that perception.

There was an article in the Washington Post last week by Michael Abramowitz entitled "In Mideast Strife, Bush Sees a Step to Peace." In the article, he states:

In the administration's view, the new conflict is not just a crisis to be managed. It is also an opportunity to seriously degrade a big threat in the region, just as Bush believes he is doing in Iraq.

If this administration thinks it can succeed here in Lebanon with the same strategy that has brought us success in Iraq, then our foreign policy in Washington is even more out of touch with reality than I had thought.

My second point is as part of our effort to bring about this cease-fire, we need to talk directly with Syrians and others with whom we have disagreed.

Robert Malley, who was President Clinton's special assistant for Arab-Israeli affairs, has written an article in the July 24 issue of Time magazine making that case persuasively. His article is entitled "Time to Start Talking." The thrust of his argument is this administration's policy of not talking to those with whom we disagree has not served us well. The same argument is made by John McLaughlin, the former Deputy Director of the CIA, in yesterday's Washington Post.

In my view, both of these former officials are giving good advice and I urge the President and the Secretary of State to heed that advice.

My final point is this current crisis should be a wake-up call to this administration that the United States needs to reengage diplomatically in the region.

For the past several decades, United States administrations have seen our role in the Middle East as supporting the security of Israel but also as helping to resolve conflicts between Israel and its neighbors and supporting moderate governments in the region. There are many chapters in that history. Among the most remembered are Secretary of State Kissinger's efforts at shuttle diplomacy, President Carter's efforts at Camp David, President Clinton's efforts both in bringing Rabin and Arafat to the White House for a handshake, and his later efforts trying to broker a peace agreement at Camp David.

This current administration has chosen a different course. It has chosen to disengage from that conflict resolution role. As evidence of this, Secretary Powell did not appoint a special Middle East envoy as his predecessor had. Secretary Rice also has not appointed a special envoy. Her statement was:

Not every effort has to be an American effort. It is extremely important that the parties themselves are taking responsibility.

My strong view is this policy of disengagement has not served the interests of the United States, the interests of Israel, or the interests of other countries in the region. We are by far the biggest provider of aid to the countries in the Middle East and if any outside nation is to play an effective and a constructive role, it needs to be the United States.

I am glad the Secretary of State is in Beirut today, but progress on the diplomatic front cannot be postponed awaiting fly-ins by the Secretary of State. Secretary Rice should appoint a special envoy to work full time at resolving disputes and tensions in the region.

Again, John McLaughlin states the point well:

The chances of detecting and heading off imminent disaster are enhanced when there is intense, unrelenting and daily attention by a senior and respected U.S. figure who wakes up every morning worrying about nothing else—the role Dennis Ross played so effectively in the 1990s.

Continuing with his quotation.

Without constant tending to the concerns of all the regional parties, rapid flagging of

issues for decision in Washington and continuity of focus by one individual with access we will lurch from crisis to crisis.

It is ironic that the President and Secretary of State acknowledge the need for an Under Secretary of State for Public Diplomacy. This was the job Karen Hughes was given, to burnish the U.S. image abroad, particularly in the Muslim world. Yet at the same time they refuse to appoint a special envoy to the Middle East which, in my view, would do far more with regard to perceptions in that part of the world.

I urge the administration to reassert the historic role of the United States as a force for resolution of conflict in the Middle East. I believe that must begin by engaging in direct talks with the parties in the region. And I urge the President and our Secretary of State to help bring about an immediate cessation of hostilities.

I ask unanimous consent that the two articles I have referred to, one by Robert Malley and the other by John McLaughlin, be printed in the RECORD.

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

[From Time, July 24, 2006]

TIME TO START TALKING

(By Robert Malley)

The most alarming aspect of the unfolding crisis in the Middle East isn't how many actors are jumping in. It's who is opting to stay out. Hamas, Hizballah and Israel are directly involved; Iran and Syria by proxy; Lebanon against its will. The U.N. is dispatching its mediators; the European Union is contemplating doing the same. But the U.S., despite colossal strategic stakes, threats to its own security, potential repercussions in Iraq, not to mention staggering loss of life, remains on the sidelines. The world's sole superpower is also its only show.

This is by design. From early on, the diplomacy of the Bush Administration has been guided by a straightforward logic: engagement is a reward, misbehavior ought not be rewarded; ergo, misbehaving parties are not to be engaged. The thinking is that isolation, ostracism and, if need be, sanctions are more likely to get troublesome actors to change their ways. And so the list of diplomatic outcasts only grows. Today the U.S. does not talk to Iran, Syria, Hamas, the elected Palestinian government or Hizballah. And as the violence in the region clearly shows, that has hardly been cause for moderation. President Bush once famously observed that the U.S. had sanctioned itself out of all leverage on Iran. In truth, it has worked itself out of much influence on the region.

And that's only half the problem. Since 2000, with the collapse of any Arab-Israeli peace process, the start of the war on terrorism and the U.S. invasion of Iraq, regional actors have lacked a clear compass, rules of the road or a referee. Syria is being told to clean up its act in Lebanon and Iraq; Iran to drop its nuclear program and to stop meddling in its neighbor's affairs; Hamas to undergo an ideological revolution; Hizballah to disarm. All are perfectly justifiable demands, but none are being accompanied by a clear and appealing incentive for the parties' taking such actions—other, that is, than avoiding retribution if they do not.

As a result of this diplomatic vacuum, the only factor constraining the behavior of the

various parties has been their mutual fear. Israel has been worried that Hizballah might launch Katyusha rockets on Haifa, Syria that Israel might wipe out its army or regime, Hamas and Hizballah that their entire leadership could become fair game. But such apprehension always was at most a feeble restraint, because in an unregulated environment, the only thing more costly than disregarding one's fears is displaying them. In the past weeks, that last and flimsy inhibition finally gave way. The conflict no longer is about achieving a specific objective—it's about imposing new rules of conduct, re-establishing one's deterrence, redesigning the region's strategic map. Stopping such fighting is a tall order, precisely because the protagonists' main goal is to demonstrate they are not afraid to prolong it.

It certainly won't be halted without robust, credible and influential third-party involvement. None of the actors will want to appear overly eager for a cease-fire, but more than a few might—at the appropriate time—leap at an outsider's proposed deal. That happened before, in the 1980s and 1990s, when Lebanon was the arena for similar proxy wars and when the U.S., then the energetic mediator, was the instrument of diplomatic negotiations. Without U.S. support, it's doubtful that the U.N.'s mediators will be able to muster similar muscle.

So is there any way out of the crisis? If the U.S. hopes to find one, it will have to help put a comprehensive package on the table, and some of its broad outlines can be divined. On the Israeli-Palestinian side, it would include a reciprocal and verifiable cease-fire, a prisoner swap and Israel's allowing the Hamas government to govern. The Lebanese equation is more complex. Here too a prisoner exchange and cease-fire agreement will be necessary, but a broader deal, involving steps toward Hizballah's disarmament and Israel's withdrawal from the contested Shabaa farms, will probably be required. On the latter issues at least, it is hard to imagine much happening without addressing Syrian concerns; for more sustainable stability, Iran will have to be included as well.

But then, such an approach would entail negotiating with all the wrong people about all the wrong things. That, of course, is precisely what the U.S. is adamant it will not do. One does not talk to outlaw actors, let alone bargain with them. The result has been a policy with all the appeal of a moral principle and all the effectiveness of a tired harangue.

[From Washingtonpost.com, July 23, 2006]

WE HAVE TO TALK TO BAD GUYS

(By John McLaughlin)

Although the fighting in the Middle East is still raging, it is not too soon to start drawing lessons from these tragic events. Even if this situation begins to cool, there are so many other flashpoints in the Middle East and so many other potential hot spots in the world that any respite from crisis is bound to be short.

Lesson No. 1 is that change occurs incrementally and almost imperceptibly in the Middle East, but when it reaches critical mass, the potential for surprise and disaster is enormous. The current situation did not emerge overnight. The death of Yasser Arafat presented a huge opportunity for the international community to bolster Mahmoud Abbas and reform the Palestinian Authority. But that effort largely stalled despite strenuous efforts by the special envoy representing the Quartet—the United States, the European Union, the United Nations and Russia. This helped set the stage for the Hamas victory in the Palestinian elections.

Hamas's control of the West Bank and Gaza and its estrangement from the international community gave Hezbollah, in Lebanon, unprecedented opportunities and reach into those areas. The continuing weakness of the Lebanese government allowed Hezbollah a free hand in its home base.

Lesson No. 2 is that the chances of detecting and heading off imminent disaster are enhanced when there is intense, unrelenting and daily attention by a senior and respected U.S. figure who wakes up every morning worrying about nothing else—the role that Ambassador Dennis Ross played so effectively in the 1990s. It is true that plenty of able people in the U.S. government still focus on the Middle East. But without constant tending to the concerns of all the regional parties, rapid flagging of issues for decision in Washington and continuity of focus by one individual with access, we will lurch from crisis to crisis.

Lesson No. 3, related to all of this, is that process matters, especially in the Middle East, where the issues are so contentious and the parties so divided. Without ongoing, regular and near-continuous negotiation, there are few reference points that all the parties can accept when conflict breaks out. It may not even matter whether perceptible progress is occurring continuously. The important thing is that the table is always set, everyone has a chair and someone is in charge. That has not been the case for some time in the Middle East.

Lesson No. 4 is that even superpowers have to talk to bad guys. The absence of a diplomatic relationship with Iran and the deterioration of the one with Syria—two countries that bear enormous responsibility for the current crisis—leave the United States with fewer options and levers than might otherwise have been the case. Distasteful as it might have been to have or to maintain open and normal relations with such states, the absence of such relations ensures that we will have more blind spots than we can afford and that we will have to deal through surrogates on issues of vital importance to the United States. We will have to get over the notion that talking to bad guys somehow rewards them or is a sign of weakness. As a superpower, we ought to be able to communicate in a way that signals our strength and self-confidence.

Lesson No. 5 is that there are no unilateral solutions to today's international problems, not even for superpowers. They have been rendered impossible by a host of factors unique to this era—globalization, the Internet, the technological revolution and the increasing role of non-state actors with influence that spills across existing borders. The disproportionate influence of Hezbollah at the moment illustrates the point. This doesn't mean turning everything over to international forums. But it is tempting to think that successful passage through the current thicket might have been eased by steps such as a series of regional conferences, linked to our allies and to the United Nations, at which all parties could have been forced—grudgingly and slowly—to put their cards on the table regarding issues such as Iraq, regionally based terrorism and the Israeli-Palestinian conflict. Would this have gotten us anywhere?

In a region as complex as the Middle East, nothing guarantees progress. But what is clear is that these problems are intertwined, that all the states in the region have vital interests at stake, and that approaching these issues serially will only prolong the familiar cycle of one step forward and two steps back.

Mr. BINGAMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARNER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF JEROME A. HOLMES TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the hour of 3 p.m. having arrived, the Senate will proceed to executive session to consider Calendar No. 764, which the clerk will report.

The assistant legislative clerk read the nomination of Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours for debate equally divided between the Senator from Pennsylvania, Mr. SPECTER, and the Senator from Vermont, Mr. LEAHY, or their designees.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, the Judiciary Committee, which I chair, is pleased to report the nomination of Mr. Jerome A. Holmes to be a judge on the U.S. Court of Appeals for the Tenth Circuit. Mr. Holmes comes to this position with an excellent academic and professional background. He was nominated to be a judge on the court on May 4 of this year, received a hearing on June 15 of this year, and was reported out of the Judiciary Committee on July 13 on a voice vote.

The unique situation with Mr. Holmes is that he would be the first African American to serve on the Court of Appeals for the Tenth Circuit. I am about to yield to the distinguished Senator from Oklahoma, Mr. COBURN, who obviously has great familiarity with that circuit, being from the State of Oklahoma. Before moving to Pennsylvania to go to the University of Pennsylvania some years ago, I began my own academic career at the University of Oklahoma, having been a lifelong resident up to that point of the State of Kansas. The Tenth Circuit is near and dear to my heart. I can testify firsthand about the desirability and, in fact, the need for diversity on the Court of Appeals for the Tenth Circuit. There ought to be diversity to the extent practical and possible on all of our courts. It gives the constituency, the litigants, and the people who practice before the court, the sense that there are judges from every walk of life. The broader the background a court possesses, the more understanding it has

of the problems we all face in a very diverse society, which is the melting pot of the world, the better.

That does not mean in any way, shape, or form that qualifications ought to be subordinated, that we should pursue diversity for diversity's sake, regardless of other considerations. But when someone has the qualifications that Mr. Holmes presents to the Senate and in addition would bring diversity to the court to which he has been nominated, that is something to be considered. Certainly the desirability of having diversity on the Supreme Court of the United States is evident and highly visible. Thurgood Marshall was the first Justice on the Supreme Court to be African American. Now we have Justice Clarence Thomas, again, the only African-American judge. It took a long time for women to find a place on the Supreme Court, with the nomination and confirmation of Justice Sandra Day O'Connor in 1981. That was the first year of my service in the Senate, after being elected in 1980. It was a great day when Justice Sandra Day O'Connor took her place on the Supreme Court of the United States. We now have, in addition, Justice Ruth Bader Ginsburg. It is important to have that diversity.

While there is not a Hispanic on the Supreme Court, we have Alberto Gonzales who is the Attorney General of the United States. There is no doubt these individuals are role models. They demonstrate that an Hispanic can come to the highest levels of the Government, as can an African American, as can a woman. It took a long time for women's suffrage, for women to have the right to vote, and to move into the upper echelons of all facets of American life. There is, realistically viewed, still a glass ceiling which imposes some limitation.

Now on to Mr. Holmes and his very excellent qualifications. He graduated from Wake Forest University cum laude in 1983 and the Georgetown University Law Center in 1988. At Georgetown, he served as editor in chief of the Georgetown Immigration Law Journal. In the year 2000, he earned a master's in public administration from Harvard's Kennedy School of Government. Between college and law school, he worked as a social services assistant in the D.C. Department of Corrections. Following law school he clerked for Judge Wayne Alley of the U.S. District Court for the Western District of Oklahoma and then Tenth Circuit Judge William J. Holloway. Following the clerkship, he spent 3 years in private practice as an associate with the well-regarded law firm of Steptoe & Johnson.

In 1994, Mr. Holmes began a distinguished career as a Federal prosecutor serving as an assistant U.S. attorney in the Western District of Oklahoma. Among other duties, he prosecuted public corruption, Federal criminal civil rights violations, and was the of-

fice's antiterrorism coordinator. He also worked on the prosecuting team that built a case against the perpetrators of the Oklahoma City bombing. Since 2005, he has been a director of the private Oklahoma law firm Crowe & Dunlevy, where he has focused on white collar criminal defense and complex litigation. He also chairs the firm's diversity committee.

Mr. Holmes has given back to the people of Oklahoma by taking leadership roles in a wide variety of civic organizations, including service as a director of the Oklahoma Medical Research Foundation, trustee of the Oklahoma City National Memorial Foundation, director of the Oklahoma Academy for State Goals, chairman of the City Rescue Mission, and vice president of the Oklahoma Bar Association. The American Bar Association has unanimously found Mr. Holmes to be qualified to serve on the Tenth Circuit.

Before yielding the floor and turning over the management of the nomination to my distinguished colleague on the Judiciary Committee, I wish to make a few comments about a release of the American Bar Association today on so-called signing statements. I have discussed with Senator COBURN that I will take a few more minutes at this time. May the record show he is nodding in the affirmative. I shall not take too long.

(The remarks of Mr. SPECTER are located in today's RECORD under "Morning Business".)

Mr. SPECTER. Mr. President, at this point, I yield to my distinguished colleague, Senator COBURN, who did an excellent job as Mr. Holmes's principal advocate before the Judiciary Committee, as my designee to handle the proceedings in the Senate this afternoon and tomorrow on the confirmation of Mr. Holmes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, it is a privilege to be on the committee with the Senator from Pennsylvania, and it is a privilege to represent Jerome Holmes during his debate and consideration for the Tenth Circuit Court position.

A lot of discussions have occurred in this body in the last couple of years on judges. One of the things which was prominent in my election to the Senate was the issue of judges. It really comes back down to what the American people would like to see in those people who sit on the highest courts of our land and what are the qualities and characteristics we would like them to have and do they go through a process where those are fairly vetted and taken out of the political arena to see what those qualities are.

Thinking about Jerome Holmes, Senator SPECTER very well outlined his history. So there is no question that he has impeccable credentials and that he is considered well qualified by the American Bar Association. But what he does have is two things. One is a

constitutionally correct and appropriate opinion as to the position of judges in our society. Their job is to take the Constitution, take our statutes and our treaties, and, in the light of Supreme Court precedent, rule only on those things—not to create new law, not to invent a cause they want to make. They are to be very limited in their role. Jerome Holmes understands that.

The second characteristic he has is that of integrity. We hear that word bantered around a lot, and we hear modifiers placed on it. You cannot modify integrity. You either have it or you don't. Your life either represents it or it does not. What people see you do and how you do it is either of integrity or not.

This is an African-American male who was raised in this city, who struggled to accomplish the highest levels of his profession. He excelled every step of the way. Not only did he apply his efforts in terms of his profession, but he spent a great deal of his time applying his skills, knowledge, and intellect to help other people outside of the field of law.

He is a man committed to our country, who has full recognition of what his responsibilities will be as an appellate court judge in the Tenth Circuit in this country. He also fully well knows that his role is to follow the precedent set by the highest Court in this land and to do that in a way which gives everyone before him a truly blind cause of justice for their benefit. We cannot ask more than that of our judges—that in fact they have not only integrity and intellect, but the last thing we can ask is, Do they have heart? Do they have compassion? Have they experienced the real problems of life personally, so that they can see into the lives of others and how they deal with those things in the predicaments and situations which we face and whether they follow a response that is one of integrity. I have no question in my mind that Jerome Holmes has the qualities and characteristics which will make him an excellent appellate judge.

We are going to hear some opposition to him. The opposition is basically because he believes in a colorblind society. He has written commentaries based on what he believes personally. He has been critical—and rightly so, as many in this body have been, and others—of decisions the Supreme Court has made. But to be critical doesn't mean one will not follow what is called *stare decisis*, the precedent set down by the Supreme Court.

It takes great courage for an African-American male to look at affirmative action in a light that says that in the long run, it hurts race relations rather than helps them. Those are my words, not his. But, in fact, what he has done is said this goes against what he believes to be fair and honorable, as we approach the problems within our society. What he really believes is that everybody should be judged on the con-

tent of their character, not on the color of their skin.

So we will hear a lot over the next 4 hours—2 hours today and 2 hours tomorrow—from those people who would question his position. It is OK to question it, but it is not OK to oppose him on the basis of what his personal beliefs are. If we do that, there is not a judge who can qualify. Not one judge could qualify for any court in this land if we take all their personal opinions and put them out in the open and say: This goes against something I believe.

So I am honored that I have the privilege to stand on the Senate floor and defend the criticisms that will come before him. I also know he has heart, he has intellect, and he has integrity. That is what we want. It doesn't matter whether he is Black or White or whether he is Republican or Democrat, we want those qualities in our judges. That is how we assure our freedom—we take the political arena away and out of the courts, and we let the Constitution and our statutes and our treaties reign supreme. That is the best equality for all that we can give to the next generation.

With that, 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. COBURN. 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. COBURN. Mr. President, I ask unanimous consent that any quorum call time we have on the Holmes nomination be equally divided.

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

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

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

#### MOMENT OF SILENCE TO HONOR OFFICER CHESTNUT AND DETECTIVE GIBSON

The PRESIDING OFFICER. Under the previous order, the Senate will observe a moment of silence in recognition of the anniversary of the fatal shootings of Officer Chestnut and Detective Gibson.

(Moment of silence.)

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. FRIST. Mr. President, it was 8 years ago today that these two brave men gave their lives in defense of the United States Capitol. A plaque in this building commemorates their bravery. Their names have been etched indelibly

upon the National Law Enforcement Officers Memorial a mile from here, and the headquarters of the United States Capitol Police now bears their names, all of which are fitting and proper memorials but none of which can do these men the full justice they deserve.

We must also remember them in our words, in our actions, and in, as we just did, a moment of prayer. All Members of Congress today, all congressional staff, and, indeed, all Americans owe a great debt of gratitude to Officer Jacob Joseph Chestnut and Detective John Michael Gibson.

These two brave men stood up for us all. They defended our democracy itself, and although none of us will be called upon to display the same sort of moral heroism, we can all learn from their example and all reflect upon their bravery.

Today we mourn for them, we pray for them, we thank them and their families, and we remember them.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there may be other Members of the Senate who have served as police officers during their careers, sitting Members of the Senate. But I served as a Capitol police officer when I was going to school back here. I worked the swing shift. I have a great affection and feel very affiliated with the Capitol police.

Officer Gibson was killed along with Officer Chestnut on the House side. Not long before this terrible act occurred, the Democratic Senate had a retreat in Virginia. My wife got sick during the night. We had to call the Capitol police who were standing by. I can remember Officer Gibson running. He had to run from where the headquarters was, in a different part of the hotel, to our room—it was spread out a long way—carrying all this emergency equipment. When he came, he was perspiring so hard. He was so gentle and nice with my wife. Every time I hear this recounted, how he and Officer Chestnut were killed, I remember this man so clearly. I can see his face very plainly.

I have expressed to his family my personal appreciation, as I tried to do for Officer Chestnut, whom I did not know except in passing—but I felt some affinity toward Officer Gibson. These two men were at one of the entrances to this Capitol. The crazed man came in and killed both of them. While we have this terrible event in the history of the Capitol 8 years ago today—1998—if there could be a positive side, and that is hard to find, the one place you would have to go is the Visitors Center. That is because as a result of this tragic event the decision was finally made, after years and years of treading water, to go ahead and take care of a new visitors center for this Capitol complex. That will be completed in less than 1 year.

It is going to be a wonderful addition to the Capitol for people who are visiting the Capitol. Millions of people

come to visit the Capitol every year. Right now they come through these doors, just like the ones Officers Chestnut and Gibson were guarding. There have been improvements made, but it is hard to do that because of the doorways as you come into the Capitol itself. With the new Visitors Center, there will be an entry over by the Supreme Court. People coming in will be able to be screened for weapons and other dangerous materials.

There will be two beautiful auditoriums where they can watch a 12-minute film to acquaint them with what is in the Capitol. There will be restrooms which are still lacking with the present situation. There will be places for them to eat, get snacks, and buy food. It will be a wonderful experience for them to come to the Capitol. It is a good experience now, but the new situation will make the experience much better.

After 8 years, we still remember these two fine men. We do so not only because of their personal sacrifice, but the fact that every day in this Capitol—as I look around, there are plainclothes officers. A lot of people do not know who they are, but they are here. And they would give their lives protecting the Presiding Officer, the distinguished majority leader, and the assistant leader, those in the back rooms, or any other Senator. That is their job. They know it. While we sometimes take them for granted—and I hope we don't—these are some of the finest trained police officers in the world.

When we stand for Chestnut and Gibson in a moment of silence, our thoughts are also with these valiant men and women who protect this beautiful facility and the people who are in it—Senators, staff, and visitors.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

Mr. COBURN. Mr. President, I yield 15 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator has 5 minutes remaining under his control.

I recognize the Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business.

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

Mr. SESSIONS. Mr. President, I am baffled that there would be any opposition to Jerome Holmes to be appointed a U.S. circuit court judge to the Tenth Circuit. I congratulate my colleague

from Oklahoma for his leadership in promoting such a fabulous nominee. I believe that he would be just the kind of person we need on the bench. It's really, really baffling to hear any objection to him.

I want to talk about his background and record, and we'll begin to have a better understanding of the demand for ideological purity on the part of Democratic and liberal Members of the Senate when it comes to judges. It is unbelievable that there would be objection a man who articulates a view consistent with the Supreme Court majority in the Adarand case, an African American himself, who believes in Martin Luther King, Jr.'s dream that people would be judged by the content of their character and not the color of their skin.

He is a fabulous nominee. I would just like to mention a few things about him. He was voted out of committee a few weeks ago, July 13, on a voice vote. If confirmed, he will be the first African American to serve on the Tenth Circuit. He has stellar academic credentials and legal credentials. He graduated from Wake Forest University—one of America's great universities—cum laude with honors in 1983. Then he attended Georgetown University Law Center, one of the Nation's great law schools. At Georgetown, he was editor-in-chief of the Georgetown Immigration Law Journal. That's a great honor, to be part of a law journal at any law school, much less a great law school such as Georgetown. It's very competitive and difficult to get in Georgetown.

Recently, in 2000, he earned a master's of public administration from Harvard University's Kennedy School of Government. Between college and law school, he worked briefly as a social services assistant with the D.C. Department of Corrections, dealing with criminals and the problems they have.

Following law school, he clerked for the Honorable Wayne Alley on the U.S. District Court for the Western District of Oklahoma and the Honorable William J. Holloway on the U.S. Court of Appeals for the Tenth Circuit. In other words, he clerked for a trial court judge in the Tenth Circuit. By the way, it is a competitive process to be selected to be a clerk for a trial court judge. It takes a good law student to be selected for that. Everyone who applies is not selected. It is a very great honor. People compete for those few positions.

He worked at the trial bench, where he participated at the right hand of a U.S. Federal judge trying cases and participating in the trial of cases. Following that, he went to the Tenth Circuit, the very court he is now nominated to. If it is difficult to be a law clerk for a Federal district trial judge, it is far more difficult to be selected as a law clerk for a court of appeals judge. They have a stack of applications. They look at all competitors from around the country, and they select

the best. He was an honors graduate from Wake Forest and a top graduate at Georgetown and editor of the Law Review, and he clerked for a Federal judge. He clerked and help Judge Holloway write opinions on the Tenth Circuit—the very thing he will be doing if he is confirmed to this position, which I trust he will be.

Following these clerkships, he spent 3 years in private practice as an associate with the well-regarded law firm of Steptoe & Johnson, one of the best law firms in America. They do not hire just anybody.

In 1994, Mr. Holmes began a distinguished career as a Federal prosecutor, serving as an assistant U.S. attorney in the Western District of Oklahoma, the circuit area where he will be a circuit judge when confirmed.

I have served as an assistant U.S. attorney and as a U.S. attorney supervising assistant U.S. attorneys for almost 15 years. That is a great, great position because the assistant U.S. attorneys prosecute cases full time in Federal court before Federal judges. They learn everything there is to know about criminal law, which will be an important part of his duties as a Federal circuit judge. It is very good experience. Assistant U.S. attorneys get experience practicing before Federal judges, being involved in writing appeals to Federal judges, and understanding how the Federal system works. He did that for quite a number of years.

During that time, he prosecuted public corruption cases. Now that's a challenge. I have been there and done that. That is not easy. Politicians do not take lightly to being indicted. They do not appreciate it, and it is tough litigation. He prosecuted Federal criminal civil rights violations. Somehow, I guess they are saying this African American who has achieved so much is insensitive to civil rights because he does not agree with everything the left thinks about affirmative action or quotas. He was the U.S. attorney's office's antiterrorism coordinator, and he worked on the prosecution team that built the case against the perpetrators of the Oklahoma City bombing. That is a good background that shows a breadth of experience.

Since 2005, he has been the director of the prominent Oklahoma law firm of Crowe & Dunlevy, where he focused on white-collar criminal defense and complex litigation—another good background for the Federal bench.

Not only has he been a prosecutor, but he has defended criminal cases, giving him a perspective on both sides. I am a big fan of prosecutors, but I understand my colleagues on the other side of that debate, who defend cases, as I have on occasion, appreciate the fact that prosecutors have some defense work. He has had both.

Also, he chaired the firm's diversity committee, the committee committed to making sure that his law firm, Crowe & Dunlevy, did the things necessary to be a diverse law firm. He has

given back to the people of Oklahoma through taking leadership roles in a wide variety of important organizations. These include service as the director of the Oklahoma Medical Research Foundation. That is an important committee outside the normal realm of what a lot of people do with their lives, volunteering and giving time to a group like that. He also has served as trustee of the Oklahoma City National Memorial Foundation, director of the Oklahoma Academy for State Goals, chairman of the City Rescue Mission, helping people in trouble, down and out, people who need a hand to lift them up. I guess on occasion they minister to those people who are hurting, they minister to their souls. I think it is something to be proud of. He also served as vice president of the Oklahoma Bar Association.

He enjoys strong bipartisan support in Oklahoma. Gov. Brad Henry, a Democrat in Oklahoma, recently wrote that the nominee "is a highly qualified candidate, a superb lawyer, with a reputation for fairness, ethics, and integrity."

He summed up his letter by writing:

In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes.

That is the Democratic Governor of Oklahoma.

Daniel Webber, a Democrat whom President Clinton made the U.S. attorney in Oklahoma, wrote:

I have known Jerome Holmes for over ten years. . . . I believe his intellect, experience, and character make him an excellent choice for a position on the appellate court.

The American Bar Association has unanimously found him qualified for the position.

Why would we have an objection to someone who spent this many years of his life practicing in Federal court as an assistant U.S. attorney, who spent 3 years as a law clerk to Federal judges, practicing in one of the country's biggest law firms, and being not a partner—they use a different phrase there, something like a partner—with the Dunlevy law firm in Oklahoma, a firm with a great reputation in the State? What is it that causes the Senate to have a debate on this fine nominee?

Again, I congratulate Senator COBURN for offering this kind of nominee. He has been willing to express his personal views on matters that some on the left do not like. I guess that is it. Let's just be frank about it. I suggest that what he said is consistent with the opinions of the U.S. Supreme Court. But even if he had a slightly different view than the Supreme Court, what is wrong with having him express that view? Why would anyone object to that?

This is what he said about the University of Michigan affirmative action case that many felt—and at least four Supreme Court Justices felt—was essentially a quota system. What is affirmative action? Everyone has a different view. What I think we in Amer-

ica tend to agree is that affirmative action, affirmative outreach, affirmative efforts to bring minorities into institutions and give them a chance to succeed is all right, but setting up quotas by which people, by the color of their skin, are given preference over someone else, therefore enhancing their ability and their rights over the rights of someone else simply because of the color of their skin, violates the equal protection and due process clauses of the U.S. Constitution. So that is all that tension in there.

I guess we come down to it in what I say, this is not a perfect analysis, but we say affirmative outreach is good; quotas are bad. I guess when you have a case such as University of Michigan, you ask, was this a quota or was it affirmative outreach? They had a big case on it. He had expressed some concern about that case. Remember, it was 5 to 4. It was not as if the Supreme Court had taken a case that they all felt one way about. So he wrote an op-ed, an article in the Daily Oklahoman. The title is "A Step Closer to King's Dream." He started off this way:

Perhaps the dream of Dr. Martin Luther King, Jr. will be realized: Children seeking educational opportunities no longer will be judged by the color of their skin.

Is that something that is radical? I don't think so. We have Members of this Senate who believe that anybody who deviates the slightest millimeter, or centimeter beyond the ideological views of the left is somehow unqualified to be a Federal judge. From what I have seen, they tend to be more critical if that person happens to be an African American that criticizes leftist orthodoxy.

So he wrote an article. It was, I thought, a very thoughtful article. There was nothing extreme about this. He said:

There are other ways to get minority students on college campuses besides handing out benefits based solely on skin color—an accident of birth.

I think that is a thoughtful statement—a matter of real importance. He then goes on to talk about what you can do to help minority students succeed and have a better chance to enter universities, noting:

. . . a poverty-reduction approach that primarily focuses on implementing race-neutral macroeconomic and labor-market policies, even though its central goal is bettering the life chances of the truly disadvantaged black and brown urban poor.

He goes on to say:

Diversity proponents need to come up with race-neutral policies that have the desired effect of boosting the number of minority students. Politicians and educators in Florida, Texas and California have attempted to do just that by mandating that the top percentage of students (for example, the top 10 percent) at every public school in the state be guaranteed a place in a state university.

So what he is saying is that is a race-neutral way to have a more diverse student body. But what is dangerous and violates the Constitution is to say that every law school or every univer-

sity must accept so many people, each based on race, regardless of their qualifications for the position.

He goes on to say that this high school proposal that Florida, Texas, and California have done is "race neutral, yet their acknowledged goal is to increase the number of minority students on college campuses. Top students from predominantly minority schools will invariably be represented there."

So, Mr. President, I would just say that I don't see anything extreme about those views. I don't believe my colleague from Oklahoma does. I see the Presiding Officer, a former justice on the Texas Supreme Court. I don't think he would believe those are extreme views. In fact, they are consistent with the U.S. Supreme Court opinion in Adarand. I think they are consistent with the Supreme Court opinion in the University of Michigan cases, very consistent with those cases, and respectful and understanding, as an African American himself, that we have to be careful that we are not moving to a situation in which people receive benefits as a result of the color of their skin only, unless there is a showing of a prior history of discrimination, which can be shown in a number of cases. Unless you have that, you should not create a legal system in America that advances someone simply because of the color of their skin and, therefore, puts at a disadvantage someone because of the color of their skin.

So he has made some thoughtful comments about it. I believe they are wise. I think he is correct. I am amazed that someone in this Senate would object to his confirmation based on these comments. But we apparently have that. I am sure we will have a good vote for Mr. Holmes tomorrow. I hope we will, and he will be confirmed. But it is rather odd to me that we have this objection, and he doesn't go straight through without any of this kind of debate.

I thank the Chair and the Senators from Oklahoma, Mr. COBURN and Mr. INHOFE, for their commitment to this sterling nominee, a minority, with an outstanding record—went to Georgetown, clerked for the Tenth Circuit, clerked for a Federal district judge, an assistant U.S. attorney, worked for one of America's great law firms. He has every right to be rated qualified by the American Bar Association, as he was unanimously. He should be confirmed for this position.

I yield the floor.

Mr. CORNYN. Mr. President, I am proud to join Senators INHOFE and COBURN—my friends and neighbors from the State of Oklahoma—in support of this fine nominee to the Federal bench.

Jerome Holmes is a leader in Oklahoma's legal community—and a leader in the broader community in which he lives. Mr. Holmes has demonstrated the qualifications, character, and temperament that will make him an outstanding judge.

As a testament to his ability and promise, the Judiciary Committee unanimously voted to move Mr. Holmes's nomination to this floor for confirmation. Jerome Holmes enjoys bipartisan support not only here in Washington, but, perhaps more telling, he enjoys bipartisan support back home in Oklahoma—where people know best this accomplished man and his good work.

In fact, Oklahoma's Democrat Governor, Brad Henry, said of Mr. Holmes: "Jerome is a highly qualified candidate, a superb lawyer with a reputation for fairness, ethics, and integrity . . . In short, I do not think you could have a candidate more highly qualified and regarded than Jerome Holmes." Again, Mr. President, that high praise comes from Oklahoma's Democrat Governor. Other prominent Democrats in Oklahoma praise Jerome Holmes as "a person of unwavering integrity," a "principled leader," and someone with a "willingness to listen and respect differing views." In short, the people who know this man best—Oklahomans of competing political stripes and policy views—think Jerome Holmes will make a great judge.

Those who know Jerome Holmes best know that he served with distinction as a Federal prosecutor for over a decade. They know that as an Assistant U.S. Attorney he vigorously—but fairly—prosecuted public corruption and civil rights violations—and that he served as his office's antiterrorism coordinator. In fact, Jerome Holmes worked on the prosecution team that built a case against the perpetrators of the Oklahoma City bombing.

I recall vividly that dark day in 1995, the day the Alfred P. Murrah Federal Building was bombed, the day that the people of Oklahoma City were terrorized. The Tenth Circuit's Chief Judge Deanell Reece Tacha pointed out that "[i]n some ways," her circuit and the people of Oklahoma "knew ahead of the rest of the nation of the horrors of terrorism."

Those who know Jerome Holmes best know that, he—like so many others in his office—took on this difficult assignment with fairness and care and dedication to see justice done.

President Bush nominated this fine man to the appellate bench for his strong qualifications but also for his demonstrated understanding of the proper, limited role of the Federal judiciary under the U.S. Constitution.

Jerome Holmes himself said it best:

I recognize very clearly the distinction between the role of a writer on social policy issues in their personal capacity and the role of a judge in adjudicating the rights and liberties of individual litigants.

And Mr. Holmes pointed out that as a judge "it is inappropriate for me to import my personal views on policy issues into the decision making process."

I would submit that this statement by Mr. Holmes is exactly correct. Judges should not be seen as politicians in robes. Unfortunately, too

many people still view the Federal courts as a vehicle for enacting policy choices that are too extreme to prevail at the ballot box. And, as a corollary, these same people view activist judges as a means to their policy ends.

I am confident that Jerome Holmes understands the proper, limited role that this Nation's Founders assigned to the Federal judiciary. I say that because I am confident that this President understands the judicial role and continues to nominate like-minded men and women to the bench.

The court to which Mr. Holmes is nominated—the Tenth Circuit Court of Appeals—covers a large part of the middle and western United States. The territorial jurisdiction of the Tenth Circuit includes six States: Oklahoma, Kansas, New Mexico, Colorado, Wyoming, and Utah. And the circuit also has jurisdiction over those parts of Yellowstone National Park extending into Montana and Idaho.

Last week, the Senate confirmed another outstanding nominee to the Tenth Circuit, Neil Gorsuch. And when the Senate votes to confirm Jerome Holmes, as I am confident it will, he will join Judge Gorsuch and four other fine Bush nominees on the Tenth Circuit.

So, in closing, I commend President Bush for submitting another fine nominee to the Senate for confirmation, and congratulate my friends from Oklahoma, their constituents, and the entire Tenth Circuit. I believe Jerome Holmes will make a fine appellate judge and will serve this Nation with honor and distinction.

I yield the floor.

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

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate resume legislative session.

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

#### MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

#### PRESIDENTIAL SIGNING STATEMENTS

Mr. SPECTER. Mr. President, the American Bar Association issued a re-

lease today summarizing a report by a blue ribbon task force which concluded that President Bush's signing statements are in violation of and undermine the important doctrine of separation of powers. As it has been widely recorded, President Bush has undertaken a practice of issuing a signing statement at the time he signs congressional action into law. The task force said its recommendations "are intended to underscore the importance of the doctrine of separation of powers and, therefore, represent a call to the President and to all his successors to fully respect the rule of law and our constitutional system of separation of powers and checks and balances."

Noting that the Constitution is silent about Presidential signing statements, the task force found that while several Presidents have used them, the frequency of signing statements that challenge laws has escalated substantially, and their purpose has changed dramatically, during the administration of President Bush. According to a press release issued today by the ABA, the task force report notes:

From the inception of the Republic until 2000, Presidents produced fewer than 600 signing statements taking issue with the bills they signed. According to the most recent update, in his one-and-a-half terms so far, President George Walker Bush . . . has produced more than 800.

The report found that President Bush's signing statements are "ritualistic, mechanical, and generally carry no citation of authority or detailed explanation." Even when "[a] frustrated Congress finally enacted a law requiring the Attorney General to submit to Congress a report of any instance in which that official or any officer of the Department of Justice established or pursued a policy of refraining from enforcing any provision of any federal statute, . . . this, too, was subjected to a ritual signing statement, insisting on the President's authority to withhold information whenever he deemed necessary."

This request raises serious concerns on the proceedings for separation of powers. The ABA states that its report goes on to say:

If left unchecked, the president's practice does grave harm to the separation of powers doctrine and the system of checks and balances that have sustained our democracy for more than two centuries.

The Senate Judiciary Committee held a hearing on this subject and found that this practice does threaten the separation of powers doctrine. The hearing showed that the Constitution is clear, that when both Houses of Congress pass legislation and submit that legislation to the President, the Constitution calls either for the President to sign the legislation, to engage in what could be called a pocket veto, or to veto the legislation and send it back to Congress. If there is a constitutional issue and the President concludes that portions of the statute are unconstitutional, he has an oath to uphold the

Constitution. And the way to fulfill that oath is to return the legislation to the Congress with a veto message noting the unconstitutionality of the provision and giving Congress the option of altering the legislation to satisfy the President's request, passing it over the President's veto, or declining to act further.

Additionally, the task force has urged the Congress to enact legislation to require the President to submit a report to the Congress of any such signing statement and has urged the Congress to enact legislation. During the course of the hearing before the Judiciary Committee, in my capacity as chairman, I made the request to Bruce Fein, who had been a lawyer in the Department of Justice during the Reagan administration, to take the lead and prepare legislation on the subject. Mr. Fein and my staff have been working on legislation. It is my expectation that, before the weekend, we will submit legislation to the Senate which will give the Congress standing to seek relief in the Federal courts in situations where the President has issued such signing statements and which will authorize the Congress to undertake judicial review of those signing statements, with the view to having the President's acts declared unconstitutional. That is our view as to the appropriate status of these signing statements.

It is worth noting that the task force members include a very distinguished array of former public servants, including former CIA Director William Sessions; former Republican House Member Mickey Edwards; Court of Appeals Judge Patricia M. Wald, and others.

At this point, I ask unanimous consent that the full text of the news release from the American Bar Association be printed in the RECORD.

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

[From American Bar Association, News Release, July 24, 2006]

**BLUE-RIBBON TASK FORCE FINDS PRESIDENT BUSH'S SIGNING STATEMENTS UNDERMINE SEPARATION OF POWERS**

WASHINGTON, DC.—Presidential signing statements that assert President Bush's authority to disregard or decline to enforce laws adopted by Congress undermine the rule of law and our constitutional system of separation of powers, according to a report released today by a blue-ribbon American Bar Association task force.

To address these concerns, the task force urges Congress to adopt legislation enabling its members to seek court review of signing statements that assert the President's right to ignore or not enforce laws passed by Congress, and urges the President to veto bills he feels are not constitutional.

The Task Force on Presidential Signing Statements and the Separation of Powers Doctrine was created by ABA President Michael S. Greco with the approval of the ABA Board of Governors in June, to examine the changing role of presidential signing statements after the Boston Globe on April 30 revealed an exclusive reliance on presidential signing statements, in lieu of vetoes, by the Bush Administration.

In appointing the special task force Greco said, "The use of presidential signing statements raises serious issues relating to the constitutional doctrine of separation of powers. I have appointed the Task Force to take a balanced, scholarly look at the use and implications of signing statements, and to propose appropriate ABA policy consistent with our Association's commitment to safeguarding the rule of law and the separation of powers in our system of government."

The task force report and recommendations will be presented to the ABA's policy-making House of Delegates for adoption at its upcoming Annual Meeting Aug. 7-8. Until the ABA House has taken formal action, the report and recommendations represent only the views of the task force.

The bipartisan task force, composed of constitutional scholars, former presidential advisers, and legal and judicial experts, noted that President George W. Bush is not the first president to use signing statements, but said, "It was the number and nature of the current President's signing statements which . . . compelled our recommendations."

The task force said its report and recommendations "are intended to underscore the importance of the doctrine of separation of powers. They therefore represent a call to this President and to all his successors to fully respect the rule of law and our constitutional system of separation of powers and checks and balances."

The task force determined that signing statements that signal the president's intent to disregard laws adopted by Congress undermine the separation of powers by depriving Congress of the opportunity to override a veto, and by shutting off policy debate between the two branches of government. According to the task force, they operate as a "line item veto," which the U.S. Supreme Court has ruled unconstitutional.

Noting that the Constitution is silent about presidential signing statements, the task force found that, while several recent presidents have used them, the frequency of signing statements that challenge laws has escalated substantially, and their purpose has changed dramatically, during the Bush Administration.

The task force report states, "From the inception of the Republic until 2000, Presidents produced fewer than 600 signing statements taking issue with the bills they signed. According to the most recent update, in his one-and-a-half terms so far, President George Walker Bush . . . has produced more than 800."

The report found that President Bush's signing statements are "ritualistic, mechanical and generally carry no citation of authority or detailed explanation." Even when "[a] frustrated Congress finally enacted a law requiring the Attorney General to submit to Congress a report of any instance in which that official or any officer of the Department of Justice established or pursued a policy of refraining from enforcing any provision of any federal statute . . . this too was subjected to a ritual signing statement insisting on the President's authority to withhold information whenever he deemed it necessary."

"This report raises serious concerns crucial to the survival of our democracy," said Greco. "If left unchecked, the president's practice does grave harm to the separation of powers doctrine, and the system of checks and balances, that have sustained our democracy for more than two centuries. Immediate action is required to address this threat to the Constitution and to the rule of law in our country."

Greco said that the task force's report "constructively offers procedures that consider the prerogatives both of the president

and of the Congress, while protecting the public's right to know what legislation is adopted by Congress and if and how the president intends to enforce it. This transparency is essential if the American people are to have confidence that the rule of law is being respected by both citizens and government leaders."

The bipartisan and independent task force is chaired by Miami lawyer Neal Sonnett, a former Assistant U.S. Attorney and Chief of the Criminal Division for the Southern District of Florida. He is past chair of the ABA Criminal Justice Section, chair of the ABA Task Force on Domestic Surveillance and the ABA Task Force on Treatment of Enemy Combatants; and president-elect of the American Judicature Society.

"Abuse of presidential signing statements poses a threat to the rule of law," said Sonnett. "Whenever actions threaten to weaken our system of checks and balances and the separation of powers, the American Bar Association has a profound responsibility to speak out forcefully to protect thoseynchpins of democracy."

The other task force members, whose brief background information follows, are William S. Sessions, Patricia M. Wald, Mickey Edwards, Bruce Fein, Harold Hongju Kho, Charles Ogletree, Stephen A. Saltzburg, Kathleen M. Sullivan, Mark Agrast, Tom Susman, and adviser Alan Rothstein.

The task force recommendations urge Congress to adopt legislation to permit the president, Congress or other entities to seek court review any time the president claims he has the authority, or states his intention, to disregard or decline to enforce all or part of a law he has signed, or when he interprets the law in a manner inconsistent with the intent of Congress. Currently, Congress lacks legal authority to seek judicial review in those circumstances.

The task force also urges the president to use his veto power, as all prior presidents have done, instead of a signing statement when he believes all or part of a bill is unconstitutional, in keeping with the Constitution's requirement that the president either approve or disapprove in their entirety laws presented to him by Congress.

If the president believes a bill pending before Congress would be unconstitutional if enacted, he should communicate his concerns to Congress before the bill is passed, according to the task force.

Additionally, the task force urges Congress to enact legislation requiring the president promptly to submit to Congress an official copy of every signing statement he issues. Any time the president claims authority or states his intention to disregard or decline to enforce all or part of a law he has signed, the legislation should require him to submit a report to Congress, available in a public database, setting forth in full the reasons and legal basis for his position, said the task force.

Presidential signing statements are not new, according to the task force, which notes that "Presidents have issued statements elaborating on their views of the laws they sign since the time of President James Monroe." But under President Ronald Reagan, "For the first time, signing statements were viewed as a strategic weapon in a campaign to influence the way legislation was interpreted by the courts and Executive agencies as well as their more traditional use to preserve Presidential prerogatives." The report also notes that President Clinton, like his predecessors, used signing statements, but to a significantly lesser degree, and different purpose.

Among President Bush's signing statements, the task force noted refusals to carry out laws involving "Congressional requirements to report back to Congress on the use

of Patriot Act authority to secretly search homes and seize private papers, [and] the McCain amendment forbidding any U.S. officials to use torture or cruel and inhumane treatment on prisoners.”

Where legislation has mandated reports to Congress on special matters, such as the Intelligence Authorization Act of 2002, the signing statement treated the requirement as only advisory, said the task force. The task force said President Bush’s signing statements are “particularly adamant about preventing any of his subordinates from reporting directly to Congress.”

With more than 410,000 members, the American Bar Association is the largest voluntary professional membership organization in the world. As the national voice of the legal profession, the ABA works to improve the administration of justice, promotes programs that assist lawyers and judges in their work, accredits law schools, provides continuing legal education, and works to build public understanding around the world of the importance of the rule of law in a democratic society.

#### CAPITOL SHOOTINGS ANNIVERSARY

Mr. FRIST. Mr. President, 8 years ago today, two brave men gave their lives in defense of the U.S. Capitol. A plaque in this building commemorates their bravery, their names have been etched indelibly upon the National Law Enforcement Officers Memorial a mile from here, and the headquarters of the U.S. Capitol Police now bears their names.

These memorials are fitting and proper. But they do not do these men full justice. We must also remember them in our words and our actions. All Members of Congress, all congressional staff, and, indeed, all Americans owe a great debt of gratitude to Officer Jacob Joseph Chestnut and Detective John Michael Gibson.

For a few moments, I would like to reflect upon the enormous bravery of these two men.

Officer Chestnut and Detective Gibson were both hardworking family men. Gibson had three children; Chestnut, five. Gibson found great happiness in the exploits of the Boston Red Sox and Boston Bruins. He knew their rosters by heart. Chestnut loved working in his garden. I knew both men by sight. I passed Officer Chestnut most every day on my way in to work.

On Friday, July 24, 1998, both men were nearing the end of a busy work day. But events unfolded with a quick and horrible speed. At about 3:40 p.m. police and prosecutors allege that Russell Eugene Weston entered the Capitol through the East Entrance. He attempted to evade a metal detector and Chestnut stepped into his path to stop him—to protect all of us. Weston shot him at point-blank range.

Weston then allegedly proceeded down the corridor, rushing towards the Office of the Majority Leader of the House of Representatives. Gibson, those who were in the office say, warned everyone to get down. He yelled “Drop your weapon” and exchanged gunfire with Weston. The crazed gunman hit Gibson in the leg and the chest. Gibson hit Weston in the leg and

chest as well. A female tourist got caught in the crossfire and suffered serious but fortunately non-life threatening wounds. Both men hit the floor, bleeding profusely. Gibson’s actions saved lives. As one staffer put it at the time, “Thank God there was a good guy with a gun.”

Sitting in my Dirksen office, I had begun preparations to leave for the weekend when I was notified an emergency was unfolding at the Capitol. My instincts and my surgical training took over.

I ran to the East “Law Library Entrance” at the Capitol. I saw blood all over—a horrible scene. Three bodies lay on the ground. I turned my attention to treating them. In the chaos, I didn’t recognize any of the three.

I assisted the medical first responders in controlling the hemorrhaging and securing an airway, and then helping two of the victims into the ambulances. I rode in the ambulance to help control the hemorrhage of one of the injured. It turned out that patient was the alleged perpetrator.

All of us should, every day, give thanks for the bravery and sacrifices of Officer Jacob Joseph Chestnut and Detective John Michael Gibson. Many have contributed funds set up to assist their families and rarely a day goes by that I don’t remember both of them in my thoughts and prayers.

The shootings that took place on July 24, 1998, were an attack on this Capitol, a central symbol of our democracy and, thus, an attack on the openness of Congress, and, in turn, upon the very principle of two-way communication between the people and their elected representatives.

Two brave men stood up for us all. They defended our democracy itself. We will not all be called to the same sort of moral heroism but can all learn from their example and all reflect upon their bravery.

Today, we mourn for them, we pray for the families, we thank them, and we remember them.

#### CLIMATE CHANGE AND ITS POTENTIAL IMPACT ON WILDFIRES

Mr. REID. Mr. President, wildfires have already burned almost 300,000 acres in Nevada this year, and over 1.7 million acres were destroyed by fire last year. One particularly devastating fire last year burned over 500,000 acres in southern Nevada.

Well-established science indicates small, normally occurring wildfires are part of the healthy life-cycle of forests. Large, catastrophic fires, though, can sometimes cause extreme and irreversible damage to the delicate ecosystems in the West.

People in Nevada have always been concerned about wildfires and their ability to destroy homes, businesses, and our State’s natural beauty. Recently, though, Nevadans and people throughout the West have begun to notice and ask questions about the dramatic changes in wildfire intensity and frequency.

The Congressional Research Service has concluded that many factors con-

tribute to the threat of wildfires. These factors include unnaturally high fuel loads, the urban-wildland interface, the increase of invasive plant species, unnatural wildfire suppression, and grazing and logging practices.

A recent scholarly article titled “Warming and Earlier Spring Increases Western U.S. Forest Wildfire Activity” published online on July 6, 2006, in the *Journal of Science* focuses on the previously unexplored correlation between climate change and wildfires. The article found that the frequency and intensity of wildfires in the West are growing as the climate gets hotter.

Two of the most telling parts of the article found that “robust statistical associations between wildfire and hydro-climate in western forests indicate that increased wildfire activity over recent decades reflects sub-regional responses to changes in climate.” In addition, the authors assert that “large increases in wildfire driven by increased temperatures and earlier spring snowmelts in forests where land use history had little impact on fire risks indicates that ecological restoration and fuels management alone will not be sufficient to reverse current wildfire trends.”

Mr. President, I do not believe that the issue of climate change should be a partisan issue. I hope the mountain of scientific evidence that is piling up on climate change will compel my colleagues on both sides and the administration to treat climate change as a moral issue and quickly enact mandatory reductions in global greenhouse emissions.

#### ADDITIONAL STATEMENTS

##### DULUTH EAST HIGH SCHOOL, DULUTH, MINNESOTA

● Mr. DAYTON. Mr. President, today I wish to honor Duluth East High School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Duluth East High School is truly a model of educational success, which is reflected in the achievements of its students. Duluth East High School boasts a 98-percent graduation rate. Ninety-one percent of its graduates go on to some type of postsecondary education, with over 66 percent enrolling in a 4-year college. The class of 2005 had two students who qualified as National Merit semifinalists; nine received Letters of Commendation from the National Merit Scholarship Corporation; 23 earned a perfect 4.0 grade point average; and, all told, members of the class were offered in excess of \$2 million in scholarship monies.

Duluth East provides many challenging courses for high-achieving students, offering advanced placement courses in English, calculus, and European history. All advanced placement

students are required to take the advanced placement test at the end of the term. Students scoring three or better on the test automatically earn college credit. Last year, 70 percent of all Duluth East students who took the advanced placement tests scored three or above.

In addition to the advanced placement classes, Duluth East offers College in the School classes and honors classes in English, biology, chemistry, physics, and anatomy/physiology.

Two Duluth East teachers received significant recognition last year. Peg Zahorick, a special education teacher, was designated Teacher of the Year by Arc of Minnesota. She was honored for her work on behalf of persons with developmental disabilities and their families. Cindy Grindy, a chemistry teacher at Duluth East, was named the 2005 Star of American Teaching for Minnesota. That award is given by the U.S. Department of Education.

Much of the credit for Duluth East High School's success belongs to its principal, Laurie Knapp, and to the dedicated teachers. The students and staff at Duluth East High School understand that, in order to be successful, a school must go beyond achieving academic success. It must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and students at Duluth East High School should be very proud of their accomplishments.

I congratulate Duluth East High School in Duluth for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

#### MAYOR MARK ZEIGLER OF STURGIS, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the work of a distinguished public official in my home State of South Dakota. On September 4, Mark Zeigler will step aside as mayor of Sturgis to become the president of Northwestern Health Science University in Bloomington, MN.

Mark and his wife Gae, an elementary school teacher, arrived in Sturgis on the last day of the 1980 Sturgis motorcycle rally. Mark quickly established his chiropractic practice. Later he began his political career by completing the term of Maurice LaRue on the Sturgis City Council.

For the next 14 years, Mark served on the Sturgis City Council. He left the council in 1997 and was elected mayor in 2001. During the past 5 years as mayor, and his nearly 20 years of community service to the residents of Sturgis, Mark has worked to make the community a better place to work, live, and raise a family.

During Mayor Zeigler's tenure, the city developed a state-of-the-art library and city hall complex that will serve the community and area residents for many years into the future.

He also worked towards the construction of a new fire hall that will provide expanded services to the Sturgis community and area.

Mayor Zeigler has been especially successful in promoting economic development. Not so many years ago, it appeared the city lacked the means to expand its industrial base. But Mayor Zeigler succeeded in working with city officials to design and expand the city's industrial park complex. Through his leadership, Sturgis has developed a niche among gun and ammunition manufacturers. In addition, he has made Sturgis a more attractive place to live and work by expanding and beautifying the city's greenway and bike path areas.

During his years of community service and as mayor of Sturgis, the annual Sturgis Motorcycle Classic has grown and expanded in popularity. Sturgis is a community of roughly 6,000 citizens that hosts this annual event that brings up to a million visitors each year. Hosting an event of this magnitude takes considerable effort and skill, which Mayor Zeigler and his team of local partners have shown in abundance. In addition, they have hosted other established and expanding events such as Cavalry Days, the national Sheep Dog trials and competition, and the Meade County Gas and Threshing Bee.

I have had the privilege of working with Mayor Zeigler during his terms as mayor. His dedication and commitment to his community and its citizens are to be applauded, and I congratulate and commend him on his years of service, his leadership, vision, and work ethic. Mark and Gae will be greatly missed by the residents of Sturgis, and I want to wish them all the best as they open a new chapter in their lives. The mayor's accomplishments in Sturgis will long be remembered fondly by the city's residents and by those of us who had the pleasure of working with him.●

#### HARRIET BEECHER STOWE ELEMENTARY SCHOOL, DULUTH, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Harriet Beecher Stowe Elementary School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Harriet Beecher Stowe Elementary School is truly a model of educational success. For past 12 years, the school has embraced an environmental education emphasis, with a 100-percent commitment to recycling, breakfast and lunch waste reduction, an integrated environmental education curriculum, a composting shed, an alternative-energy tower, and annual environmentally themed service-learning projects at all grade levels. Stowe Elementary was one of six Minnesota schools to receive last year's Spotlight

Award from the Minnesota Academic Excellence Foundation.

Improving pupils' achievement is also a primary focus at Stowe Elementary. The teachers and administrators establish annual goals relative to student achievement in reading, math, and writing, in addition to a goal related to the school's overall learning environment. The goals are comprehensive, including individual goals for every staff member. It has a summer "Jump Start" EXCEL Program for pupils determined to be at risk for maintaining their grade-level performance. Last year, Stowe Elementary received four stars in both reading and math from the Minnesota Department of Education.

Much of the credit for Harriet Beecher Stowe Elementary School's success belongs to its principal, Terry Cottingham, and to the dedicated teachers. The pupils and staff at Harriet Beecher Stowe Elementary School understand that, in order to be successful, a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Harriet Beecher Stowe Elementary School should be very proud of their accomplishments.

I congratulate Harriet Beecher Stowe Elementary School in Duluth for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

#### STATEMENT ON THE 125TH ANNIVERSARY OF THE FOUNDING OF WILMOT, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I pay tribute to the 125th anniversary of the founding of the progressive city of Wilmot, SD. It is my pleasure to recognize the citizens of Wilmot on reaching this milestone.

Wilmot is the oldest town in Roberts County and was named after Mr. Wilmot, a director of the Milwaukee Railroad. Wilmot was first settled in 1880 and filed for a town charter with the territorial government on June 3, 1881. In the early years of Wilmot, the community was located in Grant County but was shortly thereafter included in the newly created Roberts County, where it served as county seat for a number of years. The Milwaukee Railroad, which helped bring Wilmot into existence, still runs through the town today.

The community has endured its share of hardship. For example, on June 17, 1944, much of the agricultural area surrounding Wilmot was destroyed by a tornado. Like many rural areas, the community came together to help one another, cleaning off farmland and rebuilding buildings. This incident shows the strength of the bonds that hold this rural community together.

According to the 2000 census, Wilmot has 543 people. Small towns like

Wilmot comprise the backbone of our State. These communities are built on hard work and solid values and serve as a reminder of South Dakota's rich agricultural heritage. Wilmot is served by the Wilmot Enterprise weekly newspaper.

Even 125 years after its founding, Wilmot remains an active and vibrant community. As a way of celebrating this achievement, a "Wilmot History Book" is being compiled. This book will feature stories of all kinds about the people and events in Wilmot's past and will serve to bring this close-knit community even closer. I am proud to honor the people of Wilmot on this memorable occasion and to extend my congratulations to them.●

LOWELL ELEMENTARY SCHOOL,  
DULUTH, MINNESOTA

● Mr. DAYTON. Mr. President, today I honor Lowell Elementary School, in Duluth, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Lowell Elementary School, a music magnet school, is truly a model of educational success. In addition to a well-rounded learning experience, the school offers an exceptional music curriculum, including a choir at each grade level—kindergarten through fifth grade—piano instruction for second, third, and fourth-grade pupils, string instrument lessons for third through fifth grades, and band instruction for grades four and five.

Lowell Elementary School's success is reflected in its popularity within the Duluth community. There are 127 students on a waiting list for enrollment in Lowell, including children for future kindergarten enrollment. An English language learner program is housed in the building, serving 33 to 38 students per year from 10 different countries. A 21st Century Program, which involves a partnership between Lowell and the YMCA, provides on-site daily mentoring and tutoring services after school until 6:00 p.m., for pupils in grades K through 5.

Parents further attest to Lowell's success. Joan Lancour states:

My child has attended Lowell for the past three years. During this time, my child, Chris, has received extra help from all staff that he never received at other schools. The staff have helped him to gain confidence through the music program . . . Over these past three years I have seen him take strides to become an independent student through the excellent training of Lowell staff and administrators.

Another mother, Sue Wright, adds:

We feel very fortunate to have the enrichment of music in our children's education. The benefits of the extra music opportunities have shown in their academic success. Lowell is a positive school with very dedicated students, staff and parents. It has been a wonderful place for my family to begin a lifelong education.

Much of the credit for Lowell Elementary School's success belongs to its

principal, Monte Wittman, and to the dedicated teachers. The pupils and staff at Lowell Elementary School understand that in order to be successful a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Lowell Elementary School should be very proud of their accomplishments.

I congratulate Lowell Elementary School in Duluth for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota.●

IN RECOGNITION OF THE 125TH ANNIVERSARY OF THE TUSCOLA COUNTY FAIR

● Mr. LEVIN. Mr. President, I take this opportunity to recognize the Tuscola, Michigan County Fair as it celebrates its 125th anniversary. The Tuscola County Fair, in existence since 1881, showcases the local agricultural community in addition to other attractions, is an important contributor to the local economy, and entertains thousands of fairgoers of all ages each year.

The fair, which first took place the year President Garfield was assassinated, generates more than \$2 million of activity in the county. The impetus to locate a fair in Caro, MI, was the desire of agricultural groups in the area to display their harvest, livestock, home canning and baked goods, flowers and needlework, and of local merchants and other industries to demonstrate new products and machinery for the farm and home.

Over the years, the Tuscola County Fair has experienced several milestones. The fair first showed a profit in 1891, and in 1892, a half-mile clay track was constructed. Interestingly, while the track was intended for sulky races, in 1924, female jockeys raced Kentucky thoroughbreds every day of the fair. In 1896, a new Agricultural Hall was constructed to showcase the agricultural industry. In addition, the Fair Office, the oldest building still standing, was constructed in 1917, and in 1920, the present "Heritage Hall" was constructed. During World War II, the fairgrounds were used to house German prisoners, who worked to help the local sugar industry that was so vital to our war effort. More recently, in 1981, the Historical Society of Michigan designated the fairgrounds a historical site.

Many people have contributed to the success of the Tuscola County Fair, including Emery J. Vandemark, the longest serving board member, the treasurer for 28 years, and the current 13-year President; the late Jay Kitchen, past president; Walter Jackson, president of the fair board and active 4-H member; James Fitzgerald, past president; Jerry Vandemark, longtime fundraiser; and longtime members Waldo

Garner, Robert Nowland, Walter Putnam, and Frank Altizer, among many others.

The fair organizers and the many dedicated volunteers over the years have played an integral role in ensuring the success of the fair, and I know my colleagues join me in recognizing and congratulating all those who have contributed to the fair for their efforts.●

WASHINGTON ELEMENTARY SCHOOL, CLOQUET, MINNESOTA

● Mr. DAYTON. Mr. President, today I wish to honor Washington Elementary School, in Cloquet, MN, which recently earned an Award for Excellence in Education for its exceptional and innovative achievements in educating children.

Washington Elementary School is truly a model of educational success. The school's teachers and administrators are to be applauded for their leadership in helping children understand the harmful consequences of bullying other students. Its Bullying Prevention Program is one of the best in the State.

The effort to address bullying at Washington Elementary began last year, after students were surveyed about their thoughts and attitudes toward a variety of school safety matters. Their responses to four key questions were significant: 22 percent of all pupils reported having been bullied at least two to three times per month; 62 percent said that when they see bullying they want to help, if only they knew what to do; children in grades 3 through 5 are the most often bullied; and the three places where bullying most frequently occurs are on the playground, in the lunchroom, and on the bus.

All licensed and nonlicensed staff at Washington Elementary received training using the Olweus Bullying Prevention Program. Staff learned what bullying is and how they can put an end to it. They learned how to teach students to recognize a bully and what steps to take when they encounter one. They learned that most bullying is not physical, but rather uses verbal taunts, and excludes and degrades the victim. Children who are bullied have lower self-esteem, more absences, and more anxiety, along with depression and thoughts of suicide.

The Bullying Prevention Program at Washington Elementary School has become a communitywide effort. Mailings were sent home to parents. Local business leaders, the mayor, the police chief, the media, and other local dignitaries participated in a "Kick-off Celebration" held earlier this school year. The program's slogan is, "Take a Bite Out of Bullying"; the University of Minnesota—Duluth Bulldog serves as the program's mascot.

The school community is rightly proud of the results. Children are coming to school feeling safer. Attendance

is up. And the school climate has improved. The Bullying Prevention Program has been featured in local newspaper stories. High school students have come to Washington Elementary to perform skits on the bullying theme, and this May the CLIMB Theater group completed a 3-day residency on bullying.

In addition, the school can take pride in its Minnesota Comprehensive Assessment test scores. Last year, the school received four-star ratings in both reading and math from the Minnesota Department of Education.

Much of the credit for Washington Elementary School's success belongs to its principal, Randy Thudin, and to the dedicated teachers. The pupils and staff at Washington Elementary School understand that in order to be successful a school must go beyond achieving academic success; it must also provide a nurturing environment where students can develop the knowledge, skills, and attitudes for success throughout life. All of the faculty, staff, and pupils at Washington Elementary School should be very proud of their accomplishments.

I congratulate Washington Elementary School in Cloquet for winning the Award for Excellence in Education and for its exceptional contributions to education in Minnesota. ●

#### TRIBUTE TO JACK MICHAELS

● Mrs. MURRAY. Mr. President, today I wish to honor Jack Michaels, a decorated veteran and a lifelong advocate for veterans and disabled persons and their families all over the country. It has been my sincere pleasure to work with him to forward these efforts and I wish him all the best in his retirement from his post as Executive Director of the Northwest Paralyzed Veterans Association. His remarkable record of service reminds us all that one person's efforts can improve the lives of many.

The effects of Jack's advocacy can be felt in many ways. Jack served courageously as a Captain in the United States Army from 1966 to 1971 and was awarded the Distinguished Flying Cross, a Purple Heart, and other honors. After being shot down in combat and incurring a severe spinal cord injury, Jack realized his service to the United States was far from over; rather, it was just beginning.

We see Jack's influence in our national civil rights legislation. During Jack's tenure as the National President of Paralyzed Veterans of America, he worked tirelessly to facilitate the passage of landmark civil rights legislation, the Americans with Disabilities Act.

We see Jack's influence in the Puget Sound area. He provides expertise in accessibility and has served on public projects including Safeco Field, Seahawks Stadium, Benayora and McCaw Halls, and Seattle's new City Hall and Regional Justice Center, just to name a few. His leadership enabled

the Northwest Paralyzed Veterans Association to provide expertise to enable Amtrak's Cascades to become the first fully accessible train in America. His continued efforts to make SeaTac International Airport more accessible for the disabled will result in a new over-sized disabled passenger vehicle parking lot to be dedicated by Memorial Day this spring.

We see Jack's influence in Seattle's public transportation system. While working with the Washington Coalition for Citizens with Disabilities, of which he was a co-founder, and the Northwest Chapter Paralyzed Veterans of America, which he founded, Jack advocated for a totally accessible public transit system, which became a reality at King's County METRO 20 years later.

We see Jack's influence in the lives of hundreds of disabled veterans, for whom he has delivered, often personally, adaptive equipment in a donation program he created that provides free wheelchairs and hospital beds to those in need.

Throughout his service and advocacy, Jack never forgot his brothers and sisters in arms, both past and present. Through his words and his works, Jack constantly reminded American policymakers and citizens alike of the bravery, honor, and sacrifice military service entails. He reminded us of our national obligation to take care of our veteran population and to create a system with the capacity to provide for future veterans. He reminds us that the absolute least we can do to thank the courageous men and women who put their lives in jeopardy every day to protect our rights is provide for them and their families when their service is complete. With the aging Vietnam and Korean war veteran population and ever growing number of Iraq veterans returning home, it is on all of us to continue Jack's work for veterans and never to forget the example he set.

You might notice the frequent use of a single word throughout this recounting of Jack's military and civilian experience: served. Jack dedicated his life to service, first when he volunteered for the Army, then in countless other volunteer and advocacy endeavors. He gave his time and expertise in exchange for the satisfaction of effecting change and improving the lives of others, many of whom he may never meet. Rather than react with anger or despair to his harrowing combat injury, Jack treated it as a call to action. Jack's work has given opportunity to thousands of veterans and disabled Americans and left a legacy of service that will continue to touch lives for decades to come. ●

#### WEBSTER, SOUTH DAKOTA, CELEBRATES 125TH ANNIVERSARY

● Mr. THUNE. Mr. President, today I wish to recognize Webster, SD. The town of Webster will celebrate the 125th anniversary of its founding this year.

Located in Day County, Webster was founded in 1881 and named after one of its first settlers, J.B. Webster. Webster has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions for the next 125 years.

I offer my congratulations to Webster on their anniversary and wish them continued prosperity in the years to come. ●

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7601. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to a free trade agreement between the United States and the Republic of Peru; to the Committee on Finance.

EC-7602. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Old-Age, Survivors, and Disability Insurance Supplemental Security Income; Collection of Overdue Program and Administrative Debts Using Federal Salary Offset" (RIN0960-AE89) received on July 17, 2006; to the Committee on Finance.

EC-7603. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Effect of Elections in Certain Multi-Step Transactions" ((RIN1545-BB68)(TD 9271)) received on July 13, 2006; to the Committee on Finance.

EC-7604. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Field Directive on Asset Class and Depreciation for Casino Construction Costs" received on July 13, 2006; to the Committee on Finance.

EC-7605. A communication from the Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information by Certain Officers and Employees for Investigative Purposes" ((RIN1545-BB16)(TD 9274)) received on July 13, 2006; to the Committee on Finance.

EC-7606. A communication from the Interim Staff Director, United States Sentencing Commission, transmitting, pursuant to law, the Commission's 2005 Annual Report and Sourcebook of Federal Sentencing Statistics; to the Committee on the Judiciary.

EC-7607. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Saddle Rock-Malibu Viticultural Areas" ((RIN1513-AB15)(T.D. TTB-52)) received on July 18, 2006; to the Committee on the Judiciary.

EC-7608. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Alta Mesa, Borden Ranch, Clements Hills, Cosumnes River, Jahant, Mokelumne River, and Sloughhouse Viticultural Areas"

((RIN1513-AA82 thru 1513-AA88)(T.D. TTB-50)) received on July 18, 2006; to the Committee on the Judiciary.

EC-7609. A communication from the Deputy Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Eola-Amity Hills Viticultural Area" ((RIN1513-AA41)(T.D. TTB-51)) received on July 18, 2006; to the Committee on the Judiciary.

EC-7610. A communication from the Attorney Advisor, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Coast Guard Organization; Activities Europe" (RIN1625-AA03) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7611. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 4 regulations): [CGD05-06-025], [CGD05-06-037], [CGD05-06-033], [CGD05-06-036]" (RIN1625-AA08) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7612. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 2 regulations): [CGD05-05-041], [CGD07-04-136]" (RIN1625-AA09) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7613. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 3 regulations): [CGD07-06-108], [CGD07-06-107], [CGD05-06-065]" (RIN1625-AA08) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7614. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 6 regulations): [CGD05-06-071], [CGD05-06-070], [CGD01-06-076], [CGD01-06-077], [CGD01-06-078], [CGD05-06-039]" (RIN1625-AA09) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7615. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety and Security Zones; Tall Ships Celebration 2006, Great Lakes, Cleveland, Ohio, Bay City, Michigan, Green Bay, Wisconsin, Sturgeon Bay, Wisconsin, Chicago, Illinois" (RIN1625-AA00) received on July 13, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7616. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole in the Bearing Sea and Aleutian Islands Management Area" (I.D.# 061506A) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7617. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmit-

ting, pursuant to law, the report of a rule entitled "Proposed Rule: Haddock Separator Trawl Requirement" (I.D.# 061306A) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7618. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Bluefish Quota Transfer from Florida to North Carolina" (I.D.# 061206B) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7619. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2006 Deep-Water Grouper Commercial Fishery" (I.D.# 060806E) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7620. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Gulf of Mexico Recreational Grouper Fishery Management Measures" (I.D.# 032006C) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7621. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Emergency Rule" ((RIN0648-AU47)(I.D.# 051806E)) received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7622. A communication from the Attorney, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of Administrator, received on July 17, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7623. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Secretary, received on July 21, 2006; to the Committee on Commerce, Science, and Transportation.

EC-7624. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Montana; Revisions to the Administrative Rules of Montana; Direct Final Rule" (FRL No. 8187-6) received on July 13, 2006; to the Committee on Environment and Public Works.

EC-7625. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Thuringiensis Cry2Ab2 Protein and the Genetic Material Necessary for Its Production in Corn in or on All Corn Commodities; Temporary Exemption From the Requirement of a Tolerance" (FRL No. 8076-6) received on July 13, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7626. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "PM2.5 De Minimis Emission Levels for General Conformity Applicability" (FRL No. 8197-4) received on July 13, 2006; to the Committee on Environment and Public Works.

EC-7627. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Update to Materials Incorporated by Reference" (FRL No. 8197-2) received on July 18, 2006; to the Committee on Environment and Public Works.

EC-7628. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York Ozone State Implementation Plan Revision" (FRL No. 8191-3) received on July 18, 2006; to the Committee on Environment and Public Works.

EC-7629. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Minor Amendments to the Regulations Implementing the Allowance System for Controlling HCFC Production, Import and Export" (FRL No. 8199-9) received on July 18, 2006; to the Committee on Environment and Public Works.

EC-7630. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)" (FRL No. 8202-4) received on July 18, 2006; to the Committee on Environment and Public Works.

EC-7631. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Butene, Homopolymer; Tolerance Exemption" (FRL No. 8075-8) received on July 18, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7632. A communication from the Secretary of Energy, transmitting, a report of proposed legislation to extend the authorization for the Federal contribution to the Uranium Enrichment Decontamination and Decommissioning Fund; to the Committee on Energy and Natural Resources.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 757. A bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer (Rept. No. 109-290).

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. 3501. A bill to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program (Rept. No. 109-291).

#### 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. SCHUMER:

S. 3714. A bill to establish the Math and Science Teaching Corps; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE:

S. 3715. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide for the treatment of eligible combined defined benefit plans and qualified cash or deferred arrangements; to the Committee on Finance.

By Mrs. CLINTON:

S. 3716. A bill 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.

By Mr. HARKIN:

S. 3717. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN (for himself, Mr. STEVENS, Mr. DEWINE, and Mr. DODD):

S. 3718. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself, Mr. ENSIGN, Mr. SALAZAR, Mr. ALLARD, and Mr. CRAIG):

S. 3719. A bill to amend the Internal Revenue Code of 1986 to allow public school districts to receive no interest loans for the purchase of renewable energy systems, and for other purposes; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. Res. 539. A resolution congratulating the Department of Agronomy in the College of Agriculture at Kansas State University for 100 years of excellent service to Kansas agriculture; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DEMINT:

S. Res. 540. A resolution encouraging all 50 States to recognize and accommodate the release of public school pupils from school at-

tendance to attend off-campus religious classes at their churches, synagogues, houses of worship, and faith-based organizations; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 195

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 195, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 666

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) 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. 757

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 757, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1052

At the request of Mr. STEVENS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1052, a bill to improve transportation security, and for other purposes.

S. 2250

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. SALAZAR) 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 Minnesota (Mr. DAYTON) 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. 2590

At the request of Mr. COBURN, the names of the Senator from Tennessee (Mr. FRIST) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2590, a bill to require full disclosure of all entities and organizations receiving Federal funds.

S. 2677

At the request of Mr. SMITH, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2677, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 2772

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 2772, a bill to provide for innovation in health care through State initiatives that expand coverage and access and improve quality and efficiency in the health care system.

S. 3495

At the request of Mr. STEVENS, his name 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. 3519

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 3519, a bill to reform the State inspection of meat and poultry in the United States, and for other purposes.

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. VOINOVICH) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 3519, supra.

S. 3520

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 3520, a bill to amend the International Claims Settlement Act of 1949 to allow for certain claims of nationals of the United States against Turkey, and for other purposes.

S. 3545

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3545, a bill to amend title 38, United States Code, to improve services for homeless veterans, and for other purposes.

S. CON. RES. 84

At the request of Mr. KYL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution

expressing the sense of Congress regarding a free trade agreement between the United States and Taiwan.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

S. RES. 485

At the request of Mrs. CLINTON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 485, a resolution to express the sense of the Senate concerning the value of family planning for American women.

S. RES. 531

At the request of Mr. LIEBERMAN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. MCCAIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 531, a resolution to urge the President to appoint a Presidential Special Envoy for Sudan.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CLINTON:

S. 3716. A bill 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.

Mrs. CLINTON. Mr. President, I am proud to introduce legislation which would designate the facility of the U.S. Postal Service located at 100 Pitcher Street in Utica, NY, as the Captain George A. Wood Post Office Building.

CAPT George A. Wood bravely served our Nation in Iraq before his tragic death on November 20, 2003.

Captain Wood was born and raised in Utica, NY, in the heart of the Mohawk Valley. As a student at Notre Dame Junior-Senior High School, Wood excelled both in the classroom and on the athletic field, where he participated in football and track and field.

Upon graduation from high school, Wood attended Cornell University. He played on the university's football team, but focused most of his attention on his academics, particularly his history coursework. After earning his bachelor's degree in 1993, Wood continued in his academic pursuits, earning master's degrees at SUNY-Albany and SUNY-Cortland.

Wood's interest in history continued after he entered the U.S. Army. As a captain in the 4th Infantry Division, Wood's responsibilities included leading a tank unit in Iraq. He told his wife that his experience leading troops would someday help him prepare for a doctorate in military history.

Captain Wood hoped to teach history and coach football at the U.S. Military Academy at West Point, NY. Unfortun-

nately, his untimely death will prevent this dream from becoming a reality. However, we can honor this great American for the sacrifice he made defending the freedoms we all enjoy.

Captain Wood's father and grandfather both worked at the Pitcher Street Post Office in Utica, NY, and it would be a fitting honor to designate this facility in tribute to CAPT George A. Wood.

I ask that the Senate come together and honor this brave American hero for his service to our Nation.

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. 3716

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

#### SECTION 1. CAPTAIN GEORGE A. WOOD POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 100 Pitcher Street in Utica, New York, shall be known and designated as the "Captain George A. Wood Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain George A. Wood Post Office Building".

By Mr. HARKIN:

S. 3717. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. 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. 3717

*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 "Promoting Wellness for Individuals with Disabilities Act of 2006".

#### SEC. 2. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) is amended by adding at the end of the following:

#### "SEC. 510. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

"(a) STANDARDS.—Not later than 9 months after the date of enactment of the Promoting Wellness for Individuals with Disabilities Act of 2006, the Architectural and Transportation Barriers Compliance Board shall issue (including publishing) standards setting forth the minimum technical criteria for medical diagnostic equipment used in (or in conjunction with) physician's offices, clinics,

emergency rooms, hospitals, and other medical settings. The standards shall ensure that such equipment is accessible to, and usable by, individuals with disabilities, and shall allow independent entry to, use of, and exit from the equipment by such individuals to the maximum extent possible.

"(b) MEDICAL DIAGNOSTIC EQUIPMENT COVERED.—The standards issued under subsection (a) for medical diagnostic equipment shall apply to equipment that includes examination tables, examination chairs (including chairs used for eye examinations or procedures), and dental examinations or procedures), weight scales, mammography equipment, x-ray machines, and other radiological equipment commonly used for diagnostic purposes by health professionals.

"(c) REVIEW AND AMENDMENT.—The Architectural and Transportation Barriers Compliance Board shall periodically review and, as appropriate, amend the standards."

#### SEC. 3. WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following new section:

#### "SEC. 399P. ESTABLISHMENT OF WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.

"(a) IN GENERAL.—

"(1) INDIVIDUAL WITH A DISABILITY DEFINED.—For purposes of this section, the term 'individual with a disability' has the meaning given the term in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)), for purposes of title V of such Act (29 U.S.C. 791 et seq.).

"(2) WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.—The Secretary, in collaboration with the National Advisory Committee on Wellness for Individuals With Disabilities, may make grants on a competitive basis to public and nonprofit private entities for the purpose of carrying out programs for promoting good health, disease prevention, and wellness for individuals with disabilities, and preventing secondary conditions in such individuals.

"(b) REQUIREMENT OF APPLICATION.—To be eligible to receive a grant under subsection (a), a public or nonprofit private entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(c) AUTHORIZED ACTIVITIES.—With respect to promoting good health and wellness for individuals with disabilities described in subsection (a), activities for which the Secretary may make a grant under such subsection include—

"(1) programs or activities for smoking cessation, weight control, nutrition, or fitness that focus on the unique challenges faced by individuals with disabilities regarding these issues;

"(2) preventive health screening programs for individuals with disabilities to reduce the incidence of secondary conditions; and

"(3) athletic, exercise, or sports programs that provide individuals with disabilities (including children with disabilities) an opportunity to increase their physical activity in a dedicated or adaptive recreational environment.

"(d) PRIORITIES.—

"(1) ADVISORY COMMITTEE.—The Secretary shall establish a National Advisory Committee on Wellness for Individuals With Disabilities that shall set priorities to carry out this section, review grant proposals, and make recommendations for funding, and annually evaluate the progress of the program under this section in implementing the priorities.

“(2) REPRESENTATION.—The Advisory Committee established under paragraph (1) shall include representation by the Department of Health and Human Services Office on Disability, the United States Surgeon General or his designee, the Centers for Disease Control and Prevention, private nonprofit organizations that represent the civil rights and interests of individuals with disabilities, and individuals with disabilities or their family members.

“(e) DISSEMINATION OF INFORMATION.—The Secretary shall, in addition to the usual methods of the Secretary, disseminate information about the availability of grants under the Wellness Grant Program for Individuals with Disabilities in a manner designed to reach public entities and nonprofit private organizations that are dedicated to providing outreach, advocacy, or independent living services to individuals with disabilities.

“(f) REPORTS TO CONGRESS.—The Secretary shall, not later than 180 days after the date of the enactment of the Promoting Wellness for Individuals with Disabilities Act of 2006, and annually thereafter, submit to Congress a report summarizing activities, findings, outcomes, and recommendations resulting from the grant projects funded under this section during the preceding fiscal year.

“(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary.”

**SEC. 4. IMPROVING EDUCATION AND TRAINING TO PROVIDE MEDICAL SERVICES TO INDIVIDUALS WITH DISABILITIES.**

(a) COORDINATED PROGRAM TO IMPROVE PEDIATRIC ORAL HEALTH.—Section 320A(b) of the Public Health Service Act (42 U.S.C. 247d-8(b)) is amended by—

(1) striking “, or to increase” and inserting “, to increase”; and

(2) striking the period and inserting the following “, or to provide training to improve competency and clinical skills in providing oral health services to, and communicating with, patients with disabilities, including those with intellectual disabilities.”

(b) CHILDREN’S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended by adding at the end the following:

“(h) REQUIREMENT TO PROVIDE TRAINING.—To be eligible to receive a payment under this section, a children’s hospital shall provide training to improve competency and clinical skills in providing health care to, and communicating with, patients with disabilities, including those with intellectual disabilities, as part of any approved graduate medical residency training program provided by the hospital.”

(c) CENTERS OF EXCELLENCE.—Section 736(b) of the Public Health Service Act (42 U.S.C. 293(b)) is amended—

(1) in paragraph (6)(B), by striking “; and” and inserting a semicolon;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

“(7) to carry out a program to improve competency and clinical skills of students in providing health services to, and communicating with, patients with disabilities, including those with intellectual disabilities; and”

(d) FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, GENERAL DENTISTRY, PEDIATRIC DENTISTRY, AND PHYSICIAN ASSISTANTS.—Section 747(a)(6) of the Public Health Service Act (42 U.S.C. 293k(a)(6)) is amended by striking “pediatric dentistry.” and inserting the following: “pediatric dentistry; and

“(7) to plan, develop, and operate a program for the training of physicians or dentists, or medical or dental residents, to improve competency and clinical skills of physicians and dentists in providing services to, and communicating with, patients with disabilities, including those with intellectual disabilities.”

(e) ADVISORY COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 762(a)(1) of the Public Health Service Act (42 U.S.C. 2940(a)(1)) is amended—

(1) in subparagraph (E), by striking “; and” and inserting a semicolon;

(2) by adding at the end the following:

“(G) appropriate efforts to be carried out by hospitals, schools of medicine, schools of osteopathic medicine, schools of dentistry, and accrediting bodies with respect to changes in undergraduate and graduate medical training to improve competency and clinical skills of physicians in providing health care services to, and communicating with, patients with disabilities, including those with intellectual disabilities; and”

(f) MEDICARE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended by adding at the end the following:

“(8) REQUIREMENT TO PROVIDE TRAINING.—To be eligible to receive a payment under this subsection, a hospital shall provide training to improve competency and clinical skills in providing health care to, and communicating with, patients with disabilities, including those with intellectual disabilities, as part of any approved medical residency training program provided by the hospital.”

(g) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (f) shall take effect 180 days after the date of enactment of this Act.

By Mr. REID (for himself, Mr. ENSIGN, Mr. SALAZAR, Mr. ALLARD, and Mr. CRAIG):

S. 3719. A bill to amend the Internal Revenue Code of 1986 to allow public school districts to receive no interest loans for the purchase of renewable energy systems, and for other purposes; to the Committee on Finance.

Mr. REID. 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. 3719

*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 “Renewable Schools Energy Act of 2006”.

**SEC. 2. QUALIFIED RENEWABLE SCHOOL ENERGY BONDS.**

(a) IN GENERAL.—Subchapter U of chapter 1 of the Internal Revenue Code of 1986 (relating to incentives for education zones) is amended by redesignating section 1397F as section 1397G and by adding at the end of part IV of such subchapter the following new section:

**“SEC. 1397F. QUALIFIED RENEWABLE SCHOOL ENERGY BONDS.**

“(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified renewable school energy bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

“(b) AMOUNT OF CREDIT.—

“(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified renewable school energy bond is 25 percent of the annual credit determined with respect to such bond.

“(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified renewable school energy bond is the product of—

“(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

“(B) the outstanding face amount of the bond.

“(3) DETERMINATION.—For purposes of paragraph (2), with respect to any qualified renewable school energy bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary’s designee estimates will permit the issuance of qualified renewable school energy bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer.

“(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term ‘credit allowance date’ means—

“(A) March 15,

“(B) June 15,

“(C) September 15, and

“(D) December 15.

Such term also includes the last day on which the bond is outstanding.

“(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

“(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(2) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits, subpart H thereof, section 1400N(1), and this section).

“(d) QUALIFIED RENEWABLE SCHOOL ENERGY BOND.—For purposes of this section—

“(1) IN GENERAL.—The term ‘renewable school energy bond’ means any bond issued as part of an issue if—

“(A) 95 percent or more of the proceeds of such issue are to be used for a qualified purpose with respect to a qualified school operated by an eligible local education agency,

“(B) the bond is issued by a State or local government of an eligible State within the jurisdiction of which such school is located,

“(C) the issuer—

“(i) designates such bond for purposes of this section, and

“(ii) certifies that it has the written approval of the eligible local education agency for such bond issuance, and

“(D) the term of each bond which is part of such issue is 20 years.

“(2) QUALIFIED SCHOOL.—The term ‘qualified school’ means any public school or public school system administrative building which is owned by or operated by an eligible local education agency.

“(3) ELIGIBLE LOCAL EDUCATION AGENCY.—The term ‘eligible local education agency’ means any local educational agency as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

“(4) ELIGIBLE STATE.—The term ‘eligible State’ means, with respect to any calendar year—

“(A) one of the five States with the greatest percentage population growth for the most recent preceding year for which data is available as determined by the Bureau of the Census, and

“(B) the State with a total percentage population growth greater than 9 percent but less than 13.9 percent and a total population under the age of 19 of less than 300,000 as determined under the 2000 Census.

“(5) QUALIFIED PURPOSE.—The term ‘qualified purpose’ means, with respect to any qualified school, the purchase and installation of renewable energy products.

“(e) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

“(1) NATIONAL LIMITATION.—There is a national renewable school energy bond limitation for each calendar year. Such limitation is \$50,000,000 for 2007, \$100,000,000 for 2008, \$150,000,000 for 2009, and, except as provided in paragraph (4), zero thereafter.

“(2) ALLOCATION OF LIMITATION.—The national renewable school energy bond limitation for a calendar year shall be allocated by the Secretary—

“(A) among the eligible States described in subsection (d)(4)(A), 30 percent to the State with the greatest percentage population growth, 20 percent to each of second and third ranked States, and 10 percent to each of the fourth and fifth ranked States, and

“(B) to the State described in subsection (d)(4)(B), 10 percent.

The limitation amount allocated to an eligible State under the preceding sentence shall be allocated by the State education agency to qualified schools within such State.

“(3) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any qualified school shall not exceed the limitation amount allocated to such school under paragraph (2) for such calendar year.

“(4) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

“(A) the limitation amount for any eligible State, exceeds

“(B) the amount of bonds issued during such year which are designated under subsection (d)(1) with respect to qualified schools within such State,

the limitation amount for such State for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation amount may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation amount shall be treated as used on a first-in first-out basis.

“(f) OTHER DEFINITIONS.—For purposes of this section—

“(1) BOND.—The term ‘bond’ includes any obligation.

“(2) STATE.—The term ‘State’ includes the District of Columbia and any possession of the United States.

“(g) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)).

“(h) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

“(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified renewable school energy bond

and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person which, on the credit allowance date, holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

“(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified renewable school energy bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

“(i) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this section shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

“(j) SPECIAL RULES.—For purposes of this section, rules similar to the rules under paragraphs (3) and (4) of section 54(1) shall apply.”.

(b) CONFORMING AMENDMENTS.—The table of sections for part V of such subchapter is amended by redesignating section 1397F as section 1397G and by adding at the end of the table of sections for part IV of such subchapter the following new item:

“Sec. 1397F. Credit for holders of qualified renewable school energy bonds.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2006.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 539—CONGRATULATING THE DEPARTMENT OF AGRONOMY IN THE COLLEGE OF AGRICULTURE AT KANSAS STATE UNIVERSITY FOR 100 YEARS OF EXCELLENT SERVICE TO KANSAS AGRICULTURE

Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 539

Whereas, in 2006, the Department of Agronomy in the College of Agriculture at Kansas State University in Manhattan, Kansas, celebrates its centennial year;

Whereas Kansas State Agricultural College was established under the Morrill Act as the first land-grant college in the United States in 1863 and, in July 1906, the Kansas Board of Regents established the Department of Agronomy in the College of Agriculture at the Kansas State Agricultural College;

Whereas, since its inception, the Department of Agronomy has exemplified the land-grant mission by providing statewide leadership in teaching, research, and extension programs in crop breeding, crop production, range science, soil science, and weed science;

Whereas advances in sciences studied at the Department of Agronomy have had a major impact in insuring the profitability of Kansas agriculture while sustaining the natural resources and improving the livelihood of all Kansans;

Whereas the faculty in the Department of Agronomy also have made significant international contributions to world food production and natural resources sustainability, including participation and leadership in long-term projects in India, the Philippines, Nigeria, Morocco, and Botswana;

Whereas the faculty in the Department of Agronomy have distinguished themselves by receiving numerous university and national awards in teaching, research, and extension and provided service and leadership for national and international professional societies;

Whereas the faculty in the Department of Agronomy have conducted research for sustainable, efficient crop and range production systems that conserve natural resources and protect environmental quality;

Whereas, today, a majority of the acres of wheat and a significant number of acres of alfalfa, soybean, and canola in Kansas are planted with varieties developed in the Department of Agronomy;

Whereas the Department of Agronomy extension specialists have provided information to producers and industry regarding soil fertility, conservation of soil and water resources, tillage and production systems, evaluation of crop varieties and hybrids, and protection of the environment, thus, keeping Kansas agriculture efficient and competitive;

Whereas the Department of Agronomy faculty have prepared students in agronomy to effectively serve agriculture and society by feeding the world and protecting soil and water resources;

Whereas the alumni of the Department of Agronomy have distinguished themselves in the public and private sectors as crop, soil, range, and weed science professionals and have become farmers, extension agents, educators, administrators, consultants, representatives, scientists, missionaries, military officers, contractors, and a host of other professionals; and

Whereas many alumni of the Department of Agronomy have become leaders in their communities, academia, industry, and government, contributing significantly to world agriculture by making hybrid corn a reality, developing seeds for the Green Revolution, developing sorghum into an important crop, breeding “Miracle Rice” for Asia, and leading national programs in wheat, barley, oat, and alfalfa: Now, therefore, be it

*Resolved*, That the Senate congratulates and commends the Department of Agronomy in the College of Agriculture at Kansas State University for 100 years of excellent service to Kansas agriculture, the citizens of Kansas, the United States, and the world.

#### SENATE RESOLUTION 540—ENCOURAGING ALL 50 STATES TO RECOGNIZE AND ACCOMMODATE THE RELEASE OF PUBLIC SCHOOL PUPILS FROM SCHOOL ATTENDANCE TO ATTEND OFF-CAMPUS RELIGIOUS CLASSES AT THEIR CHURCHES, SYNAGOGUES, HOUSES OF WORSHIP, AND FAITH-BASED ORGANIZATIONS

Mr. DEMINT submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 540

Whereas the free exercise of religion is an inherent, fundamental, and inalienable right secured by the 1st amendment to the Constitution of the United States;

Whereas the free exercise of religion is important to the intellectual, moral, civic, and ethical development of students in the United States;

Whereas the free exercise of religion must be conducted in a constitutionally appropriate manner;

Whereas, in *Zorach v. Clauson*, 343 U.S. 306 (1952), the United States Supreme Court held

that a statute that provides for the release of public school pupils from school attendance to attend religious classes is constitutional if—

(1) the programs take place away from school grounds;

(2) school officials do not promote attendance at religious classes; and

(3) the solicitation of students to attend is not done at the expense of public schools; and

Whereas the Constitution of the United States and the laws of the States allow the school districts of the States to release public school pupils from school attendance to attend religious classes: Now, therefore, be it Resolved, That the Senate—

(1) calls on all 50 States to recognize and accommodate those churches, faith-based organizations, and individuals that wish to release public school pupils from school attendance to attend religious classes; and

(2) respectfully requests the President of the United States to proclaim the third week of November 2006 as “Bible Education in School Time Week”.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4689. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; which was ordered to lie on the table.

SA 4690. Mr. NELSON (of Florida) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

#### TEXT OF AMENDMENTS

**SA 4688.** Mr. LUGAR submitted an amendment intended to be proposed by him to the bill S. 1950, to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency; which was ordered to lie on the table; as follows:

On page 5, line 23, strike “energy efficiency projects” and insert “energy efficiency and renewable energy projects and technologies”.

**SA 4689.** Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 403, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; which was ordered to lie on the table; as follows:

At the end, insert the following:

#### SEC. . TEEN PREGNANCY PREVENTION.

(a) EDUCATION PROGRAM FOR PREVENTING TEEN PREGNANCIES, AND OTHER ACTIVITIES.—

(1) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) may make grants to States, local educational agencies, State and local public health agencies, and nonprofit private entities for the purpose of carrying out programs of family life education, including education on both abstinence and contraception for the prevention of teen pregnancy and sexually transmitted disease, and education to support healthy adolescent development.

(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to applicants that will carry out the programs under such paragraph in communities for which the rate of teen pregnancy is significantly above the average rate in the United States of such pregnancies.

(3) CERTAIN REQUIREMENTS.—A grant may be made under paragraph (1) only if the applicant for the grant meets the following conditions with respect to the program involved:

(A) The applicant agrees that information provided by the program on pregnancy prevention will be age-appropriate, factually and medically accurate and complete, and scientifically-based.

(B) The applicant agrees the program will—

(i) not teach or promote religion;

(ii) teach that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases;

(iii) stress the value of abstinence while not ignoring those teens who have had or are having sexual intercourse, or teens at risk of becoming sexually active;

(iv) provide information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy;

(v) provide information about the health benefits and side effects of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, including HIV/AIDS;

(vi) encourage family communication about sexuality between parent and child;

(vii) teach teens the skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances and how not to make unwanted verbal, physical, and sexual advances;

(viii) teach teens how alcohol and drug use can affect responsible decisionmaking; and

(ix) educate both young men and women about the responsibilities and pressures that come along with parenting.

(4) ADDITIONAL ACTIVITIES.—In carrying out a program of family life education under paragraph (1), a State, agency, or entity may carry out educational and motivational activities that help teens—

(A) gain knowledge about the physical, emotional, biological, and hormonal changes of adolescence and subsequent stages of human maturation;

(B) develop the knowledge and skills necessary to ensure and protect their sexual and reproductive health from unintended pregnancy and sexually transmitted disease, including HIV/AIDS, throughout their lifespan;

(C) gain knowledge about the specific involvement of and male responsibility in sexual decisionmaking;

(D) develop healthy attitudes and values about adolescent growth and development, body image, gender roles, racial and ethnic diversity, and other subjects;

(E) develop and practice healthy life skills including goal-setting, decisionmaking, negotiation, communication, and stress management;

(F) promote self-esteem and positive interpersonal skills focusing on relationship dynamics, including friendships, dating, romantic involvement, marriage, and family interactions; and

(G) prepare for the adult world by focusing on educational and career success, including developing skills for employment preparation, job seeking, independent living, financial self-sufficiency, and workplace productivity.

(5) EVALUATION OF PROGRAMS.—The Secretary shall establish criteria for the evaluation of programs under paragraph (1). A grant may be made under such paragraph only if the applicant involved—

(A) agrees to conduct evaluations of the program in accordance with such criteria;

(B) agrees to submit to the Secretary such reports describing the results of the evaluations as the Secretary determines to be appropriate; and

(C) submits to the Secretary, in the application under paragraph (6), a plan for conducting the evaluations.

(6) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under paragraphs (3) and (5) and the plan under paragraph (5)(C), as the Secretary determines to be necessary to carry out this subsection.

(7) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which programs under paragraph (1) have been successful in reducing the rate of teen pregnancies in the communities in which the programs have been carried out.

(8) DEFINITIONS.—In this subsection:

(A) AGE-APPROPRIATE.—The term “age-appropriate”, with respect to information on pregnancy prevention, means topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group.

(B) FACTUALLY AND MEDICALLY ACCURATE AND COMPLETE.—The term “factually and medically accurate and complete” means verified or supported by the weight of research conducted in compliance with accepted scientific methods and—

(i) published in peer-reviewed journals, where applicable; or

(ii) comprising information that leading professional organizations and agencies with relevant expertise in the field recognize as accurate, objective, and complete.

(C) HIV/AIDS.—The term “HIV/AIDS” means the human immunodeficiency virus, and includes acquired immune deficiency syndrome.

(D) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(9) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated for each of the fiscal years 2007 through 2011, an amount equal to the total

amount appropriated for that fiscal year to carry out programs of abstinence education under—

(A) section 510 of the Social Security Act (42 U.S.C. 710);

(B) title XX of the Public Health Service Act (42 U.S.C. 300z et seq.); and

(C) section 501(a)(2) of the Social Security Act (42 U.S.C. 701(a)(2)).

(b) REAUTHORIZATION OF CERTAIN AFTER-SCHOOL PROGRAMS.—

(1) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Section 4206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7176) is amended—

(A) in paragraph (5), by striking “\$2,250,000,000” and inserting “\$2,500,000,000”; and

(B) in paragraph (6), by striking “\$2,500,000,000” and inserting “\$2,750,000,000”.

(2) CAROL M. WHITE PHYSICAL EDUCATION PROGRAM.—Section 5401 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241) is amended—

(A) by striking “There are” and inserting “(a) IN GENERAL.—There are”; and

(B) by adding at the end the following:  
“(c) PHYSICAL EDUCATION.—In addition to the amounts authorized to be appropriated by subsection (a), there are authorized to be appropriated \$73,000,000 for each of fiscal years 2007 and 2008 to carry out subpart 10.”.

(3) FEDERAL TRIO PROGRAMS.—Section 402A(f) of the Higher Education Act of 1965 (20 U.S.C. 1070a–11(f)) is amended by striking “\$700,000,000 for fiscal year 1999, and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$883,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

(4) GEARUP.—Section 404H of the Higher Education Act of 1965 (20 U.S.C. 1070a–28) is amended by striking “\$200,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years” and inserting “\$325,000,000 for fiscal year 2007 and such sums as may be necessary for each of the 5 succeeding fiscal years”.

(c) DEMONSTRATION GRANTS TO ENCOURAGE CREATIVE APPROACHES TO TEEN PREGNANCY PREVENTION AND AFTER-SCHOOL PROGRAMS.—

(1) IN GENERAL.—The Secretary may make grants to public or nonprofit private entities for the purpose of assisting the entities in demonstrating innovative approaches to prevent teen pregnancies.

(2) CERTAIN APPROACHES.—Approaches under paragraph (1) may include the following:

(A) Encouraging teen-driven approaches to pregnancy prevention.

(B) Exposing teens to realistic simulations of the physical, emotional, and financial toll of pregnancy and parenting.

(C) Facilitating communication between parents and children, especially programs that have been evaluated and proven effective.

(3) MATCHING FUNDS.—

(A) IN GENERAL.—With respect to the costs of the project to be carried out under paragraph (1) by an applicant, a grant may be made under such paragraph only if the applicant agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than 25 percent of such costs (\$1 for each \$3 of Federal funds provided in the grant).

(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in

determining the amount of such non-Federal contributions.

(4) EVALUATION OF PROJECTS.—The Secretary shall establish criteria for the evaluation of projects under paragraph (1). A grant may be made under such paragraph only if the applicant involved—

(A) agrees to conduct evaluations of the project in accordance with such criteria;

(B) agrees to submit to the Secretary such reports describing the results of the evaluations as the Secretary determines to be appropriate; and

(C) submits to the Secretary, in the application under paragraph (5), a plan for conducting the evaluations.

(5) APPLICATION FOR GRANT.—A grant may be made under paragraph (1) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information, including the agreements under paragraphs (3) and (4) and the plan under paragraph (4)(C), as the Secretary determines to be necessary to carry out this subsection.

(6) REPORT TO CONGRESS.—Not later than October 1, 2011, the Secretary shall submit to Congress a report describing the extent to which projects under paragraph (1) have been successful in reducing the rate of teen pregnancies in the communities in which the projects have been carried out. Such reports shall describe the various approaches used under paragraph (1) and the effectiveness of each of the approaches.

(7) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subsection, there is authorized to be appropriated \$5,000,000 for each of the fiscal years 2007 through 2011.

**SA 4690.** Mr. DOMENICI (for himself, Mr. COCHRAN, Mr. FRIST, Ms. LANDRIEU, Mr. MARTINEZ, Mr. SESSIONS, Mr. VITTER, Mr. CORNYN, Mrs. HUTCHISON, Mr. LOTT, Mr. MCCONNELL, and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 3711, to enhance energy independence and security of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:  
**SEC. 6. SENSE OF THE SENATE REGARDING APPOINTMENT OF CONFEREES BY THE SENATE AND AMENDMENT BY THE HOUSE OF REPRESENTATIVES.**

It is the sense of the Senate that—  
(1) the Senate should not appoint conferees to conference with the House of Representatives with respect to this Act; and

(2) the House of Representatives should enact this Act without amendment.

#### NOTICE OF HEARING

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. COLEMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled “Offshore Abuses: The Enablers, The Tools & Offshore Secrecy.”

The Subcommittee has held a number of hearings addressing the issue of tax havens and offshore abuses which are undermining the integrity of the Federal tax system, diverting tens of billions of dollars each year from the U.S. Treasury, and undermining U.S.

law enforcement. Hearings held in 2001 examined the historic and ongoing lack of cooperation by some offshore tax havens with international tax enforcement efforts and their resistance to divulging information needed to detect, stop, and prosecute U.S. tax evasion. A hearing held in December 2002 and report issued in January 2003 provided an in-depth examination of an abusive tax shelter used by Enron. Two days of hearings in November 2003, and a bipartisan report issued in 2005, provide an inside look at how some respected accounting firms, banks, investment advisors, and lawyers have become engines pushing the design, sale, and implementation of abusive tax shelters to corporations and individuals across the country.

The subcommittee’s upcoming August 1 hearings will present case histories on the use of offshore trusts and corporations to circumvent U.S. tax, securities and anti-money laundering laws. Witnesses for the upcoming hearing will be securities firms, banks, law firms, U.S. taxpayers, a trust protector, and tax and securities experts.

The subcommittee hearing is scheduled for Tuesday, August 1, 2006, at 9 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Raymond V. Shepherd III, staff director and chief counsel to the Permanent Subcommittee on Investigations, at 224–3721.

**ENHANCING ENERGY INDEPENDENCE AND SECURITY OF THE UNITED STATES—MOTION TO PROCEED**

CLOTURE MOTION

Mr. FRIST. Mr. President, I was prepared to ask unanimous consent that it be in order to proceed to Calendar No. 529, S. 3711, the energy security legislation, but I understand there will be an objection. Therefore, I now move to proceed to S. 3711, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 529, S. 3711, a bill to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico, and for other purposes.

Bill Frist, Pete V. Domenici, Richard G. Lugar, Mitch McConnell, Kay Bailey Hutchison, Jim Bunning, Trent Lott, Christopher S. Bond, Tom Coburn, Wayne Allard, David Vitter, Mel Martinez, Thad Cochran, Jim DeMint, John Cornyn, Lindsey Graham, Jeff Sessions.

Mr. FRIST. Mr. President, I ask unanimous consent that the live quorum be waived.

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

Mr. FRIST. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

#### COSPONSORS OF S. 3709

Mr. FRIST. Mr. President, parliamentary inquiry: Last week the Foreign Relations Committee reported an original bill, S. 3709, which deals with the export of nuclear materials to India. When the committee reported out the bill, 17 Senators asked to be original cosponsors of this important legislation. It is my understanding that because this is an original bill, it would not be in order to include those Senators as cosponsors now; is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. FRIST. Mr. President, I ask unanimous consent that a list of those who wish to be listed as cosponsors be printed in the RECORD at this time.

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

Cosponsors: Lugar, Biden, Hagel, Chafee, Allen, Coleman, Voinovich, Alexander, Sununu, Murkowski, Martinez, Dodd, Kerry, Nelson, Obama, Cornyn, Bayh.

#### CLARIFYING TREATMENT OF SELF-EMPLOYMENT

Mr. FRIST. Mr. President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of H.R. 4019, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4019) to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income.

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

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statement relating to the measure be printed in the RECORD.

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

The bill (H.R. 4019) was ordered to a third reading, was read the third time, and passed.

#### UNITED STATES-INDIA ENERGY SECURITY COOPERATION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 454, S. 1950.

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

The assistant legislative clerk read as follows:

A bill (S. 1950) to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with amendments, as follows:

(The part intended to be stricken is shown in boldface brackets, and the part intended to be inserted is shown in italic.)

S. 1950

*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 "United States-India Energy Security Cooperation Act of [2005] 2006".

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The December 2004 National Intelligence Council report entitled "Mapping the Global Future in 2029" states that the single most important factor affecting the demand for energy will be global economic growth, especially that of China and India. It is estimated that the current economic growth rate in India is approximately 7 percent of gross domestic product. India will need to double its energy consumption within the next 15 years to maintain steady rates of economic growth.

(2) The United States and India launched an energy dialogue on May 31, 2005, aimed at building upon a broad range of existing energy cooperation and developing new avenues of collaboration on energy. These efforts will promote increased trade and investment in the energy sector by utilizing resources in the public and private sectors, focusing on oil and gas, power and energy efficiency, new technologies and renewable energy, coal and clean coal technology, and civil nuclear cooperation. In his testimony before the Committee on Foreign Relations of the Senate on July 26, 2005, Under Secretary of Energy David Garman said, "The United States and India recognize their mutual interests are best served by working together in a collaborative fashion to ensure stability in global energy markets."

(3) As the sixth largest energy consumer in the world, India satisfies 70 percent of its oil demand with imports and has embarked on an aggressive oil and gas exploration program. The largest discovery of natural gas in the world in 2002 occurred in India. In 2003, the largest discovery of oil in the world occurred in the state of Rajasthan in India. External funding and investment in the oil and gas industry in India is necessary to maximize recovery from oil fields, but an improved investment environment in India is needed to attract such investment.

(4) India is the world's third largest producer of coal and will continue to rely on coal as a major energy source to support expanding industrial and electric power generation needs. However, many of India's coal-fired plants are inefficient and lack adequate pollution control equipment. In his address to a joint session of the United States Congress on July 19, 2005, Prime Minister of India Manmohan Singh noted the importance of allowing greater access for developing countries to clean coal technologies

and of exploring partnerships that encourage more efficient use of hydrocarbon resources.

(5) India provides a market for United States technologies that promote the clean and efficient use of energy.

(6) India has announced plans to develop a 5,000,000 ton strategic crude oil reserve, which is expected to be completed by 2009.

(7) United States energy experts have emphasized the need for the United States to increase collaboration with other countries—

(A) to develop and deploy energy technologies that will not be pursued absent greater Federal support;

(B) to increase investment in cooperative international energy research; and

(C) to expand the global network of strategic petroleum reserves.

#### SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to cooperate with India to address common energy challenges, to ensure future global energy security, and to increase the world-wide availability of clean energy;

(2) to promote dialogue and increased understanding between the United States and India on our respective national energy policies and strategies as an integral part of the expanding strategic partnership between the two countries; and

(3) to collaborate with India in energy research that fosters market-based approaches to energy security and offers the promise of technological breakthroughs that reduce oil dependency globally.

#### SEC. 4. ASSISTANCE TO SUPPORT ENERGY COOPERATION.

(a) AUTHORIZATION.—The President is authorized to establish programs in support of greater energy cooperation between the United States and India.

(b) ACTIVITIES.—Assistance may be provided under this section for cooperation related to—

(1) research, development, and deployment of clean coal and emission reduction technologies and carbon sequestration projects;

(2) research, development, and deployment of alternative fuel sources, such as ethanol, bio-mass, and coal-based fuels, and hydrogen;

(3) research, development, and deployment of energy efficiency projects;

(4) research related to commercially available technologies that promote the clean and efficient use of energy in India; and

(5) technical assistance in support of the development by the Government of India of a strategic oil reserve to allow India to cope with short-term disruptions to global oil supplies without causing shocks to India's market or the global market.

#### SEC. 5. REPORT ON ENERGY COOPERATION.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in coordination with the Secretary of Energy, submit to the Committee on Foreign Relations and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce and the Committee on International Relations of the House of Representatives a report on energy security cooperation between the United States and India.

(b) CONTENT.—The report required under subsection (a) shall describe—

(1) the ways in which the United States and India have cooperated on energy research and development activities;

(2) joint projects that have been initiated using assistance authorized under section 4, and the contribution such assistance has made to improving global energy security; and

(3) plans for future energy cooperation and joint projects between the United States and India.

Mr. FRIST. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed to, the Lugar amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motion to consider 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 amendments were agreed to.

The amendment (No. 4688) was agreed to, as follows:

(Purpose: To authorize assistance for renewable energy projects)

On page 5, line 23, strike “energy efficiency projects” and insert “energy efficiency and renewable energy projects and technologies”.

The bill (S. 1950) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1950

*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 “United States-India Energy Security Cooperation Act of 2006”.

#### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The December 2004 National Intelligence Council report entitled “Mapping the Global Future in 2020” states that the single most important factor affecting the demand for energy will be global economic growth, especially that of China and India. It is estimated that the current economic growth rate in India is approximately 7 percent of gross domestic product. India will need to double its energy consumption within the next 15 years to maintain steady rates of economic growth.

(2) The United States and India launched an energy dialogue on May 31, 2005, aimed at building upon a broad range of existing energy cooperation and developing new avenues of collaboration on energy. These efforts will promote increased trade and investment in the energy sector by utilizing resources in the public and private sectors, focusing on oil and gas, power and energy efficiency, new technologies and renewable energy, coal and clean coal technology, and civil nuclear cooperation. In his testimony before the Committee on Foreign Relations of the Senate on July 26, 2005, Under Secretary of Energy David Garman said, “The United States and India recognize their mutual interests are best served by working together in a collaborative fashion to ensure stability in global energy markets.”

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coal as a major energy source to support expanding industrial and electric power generation needs. However, many of India’s coal-fired plants are inefficient and lack adequate pollution control equipment. In his address to a joint session of the United States Congress on July 19, 2005, Prime Minister of India Manmohan Singh noted the importance of allowing greater access for developing countries to clean coal technologies and of exploring partnerships that encourage more efficient use of hydrocarbon resources.

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(2) research, development, and deployment of alternative fuel sources, such as ethanol, bio-mass, and coal-based fuels;

(3) research, development, and deployment of energy efficiency and renewable energy projects and technologies;

(4) research related to commercially available technologies that promote the clean and efficient use of energy in India; and

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operation between the United States and India.

(b) CONTENT.—The report required under subsection (a) shall describe—

(1) the ways in which the United States and India have cooperated on energy research and development activities;

(2) joint projects that have been initiated using assistance authorized under section 4, and the contribution such assistance has made to improving global energy security; and

(3) plans for future energy cooperation and joint projects between the United States and India.

#### ORDERS FOR TUESDAY, JULY 25, 2006

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m. on Tuesday, July 25. 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 then resume executive session for the consideration of the Holmes nomination. I also ask that the Senate stand in recess from 12:30 until 2:15 to accommodate the weekly policy lunches.

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

#### PROGRAM

Mr. FRIST. Mr. President, tomorrow morning there will be the 2 final hours for debate on the Holmes nomination. If all time is used, that vote would occur shortly before noon on Tuesday. That vote could occur a little earlier if some debate time is yielded back. After the policy meetings in the afternoon, we will proceed to the Child Custody Protection bill. We will be on that bill, the Child Custody Protection bill, throughout tomorrow afternoon, into the evening, in order to finish the bill.

A few moments ago I filed cloture on the Gulf of Mexico energy security bill. I filed cloture on the motion to proceed to ensure the Senate can take action on this bill related to our energy independence. That vote will occur Wednesday morning, prior to the 11 a.m. joint meeting with the House of Representatives.

#### ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. 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.

There being no objection, the Senate, at 5:13 p.m., adjourned until Tuesday, July 25, 2006, at 9:45 a.m.

## EXTENSIONS OF REMARKS

REGARDING HOUSE INTERIOR APPROPRIATIONS PROVISION TO FUND BLM NEW MEXICO'S PREPARATION OF A NEW CO-DEVELOPMENT PLAN FOR OIL AND GAS AND POTASH IN THE SECRETARIAL POTASH AREA OF NEW MEXICO

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Ms. GRANGER. Mr. Speaker, for too long, the number one concern of Americans all across our Nation has been the price and supply of energy. The cost of gasoline at the pump and the cost of natural gas delivered to homes and businesses throughout America have risen to levels that have threatened family pocketbooks and employment for businesses both big and small. Americans are looking for real action that addresses the real problems they are experiencing in the market place—the price and supply of gasoline and natural gas. The answer is to be found, in part, by increasing domestic supply of oil and gas. And we have so much of those resources still untapped—whether in the Alaska National Wildlife Refuge, in off-shore leases, or on a range of federal properties where the oil and gas resources are already owned by the American people.

Many of these opportunities for increased production of oil and gas on federal lands are admittedly fraught with controversy and caught up in partisan politics. However, the House Interior appropriations bill that we passed on May 18, pursues a supply of 1–2 billion barrels of oil and gas on a federal property that is readily developable, where no environmental impediments exist and where drilling and pipeline infrastructure is so plentiful that the oil and gas can be cost-effectively and quickly delivered into the market.

Particularly, our House Interior Appropriations bill provides an additional \$800,000 to the Bureau of Land Management to develop a new co-development policy to facilitate greater production of both the oil and gas and potash that lies beneath an area known as the Secretarial Potash Area near Carlsbad, New Mexico. There has been some contention between oil and gas producers and the potash industry over how extensive oil and gas production should be in the area. The potash industry has claimed that drilling oil and gas wells variously prohibits recovery of potash deposits by them or creates safety risks to potash miners. The BLM New Mexico State Office has denied many applications for drilling permits (APDs) on the basis of those claims. For their part, the oil and gas leaseholders argue that such claims are baseless and point out that there has never been a safety incident in a potash mine from the oil and gas wells that already exist in the potash area. Additionally, they reference the 500,000 acres that constitute the Secretarial potash area are so vast that in-

creased oil and gas development can be achieved without adversely impacting the potash industry.

Last year, the BLM New Mexico State Director commissioned New Mexico Tech to conduct a thorough geological assessment of the oil and gas potential of the potash area. The State Director briefed congressional staff on the conclusions of the New Mexico Tech study on February 14, 2006. Those conclusions are compelling in terms of the urgent need for more oil and gas in this country. After studying the geologic data in great detail, New Mexico Tech concluded that: “Even considering only the Brushy Canyon and Morrow Formations, a large part of the SPA [Secretarial Potash Area] has significant future oil and gas potential along presently producing trends.” The study further concludes: “The Secretary of Interior’s Potash Area is a prolific oil and gas producing region with significant future reserves. . . . [A]most the entire SPA is of interest for future development. . . . These formations . . . consist of extensive sandstones that have demonstrated production characteristics. . . . Horizontal wells have been demonstrated to work with good production, and drilling islands in areas with existing wells are one method of permitting sub-potash development in the future.”

At that same recent briefing for Congressional staff, the BLM New Mexico state director acknowledged that her office has no data to support the claim of safety risks alleged by the potash companies, but expressed a desire to conduct more research on the issue to confidently issue more APDs for oil and gas drilling. The New Mexico State Director also informed congressional staff that she wanted to begin creation of a new co-development resource policy for the Secretarial potash area that would increase oil and gas production while avoiding any legitimate and avoidable adverse impact on current and future potash mining.

The House Interior Appropriations bill provides the BLM Director with additional funding to accomplish the stated objective of creating such a new co-development policy. With BLM already having the full legal authority to create the new co-development policy, BLM can begin action now and does not need to wait even for the enactment of a final Interior Appropriations conference report to commence activity to create the new co-development policy. The only thing now standing in the way of that new policy and oil and gas production is action by the BLM New Mexico office. BLM must understand the seriousness of our intentions underlying this funding provision and the agency must appreciate that we want oil and gas production expedited as a result of this funding and soon. We are watching BLM to see action, and so are the American people.

CONDEMNING THE RECENT ATTACKS AGAINST THE STATE OF ISRAEL

SPEECH OF

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 2006

Mrs. MALONEY. Mr. Speaker, I rise in support of H. Res. 921.

No sovereign nation can tolerate having its borders invaded, its people shelled and its soldiers kidnapped. America wouldn't, the members of the EU wouldn't, and Israel shouldn't.

Under the circumstances, Israel's response has been measured. Israel clearly has the right to defend its cities and its people from rocket fire, its borders from terrorist tunnels and its military bases from kidnappers.

Hamas and Hezbollah are terrorist organizations. They have no purpose and no aim other than to destroy Israel. For months they have been waging a war against Israel—and Israel has shown restraint. They have lobbed rockets at Israeli targets—and Israel has shown restraint. They have bombed Israel's cities—and Israel has shown restraint. They have sent their suicide bombers—and Israel has shown restraint. There comes a point when Israel can no longer be restrained. It has a right and an obligation to protect its people from attack.

Ironically, these attacks originate in the areas from which Israel withdrew its troops and settlers. Israel left Lebanon in 2000 and disengaged from Gaza last year. Instead of rewarding and encouraging such movement, Hamas and Hezbollah set about arming themselves with increasingly dangerous and potent weapons. We are now seeing the extent to which these terrorist organizations have been fortifying themselves, and it is terrifying. Their weapons are reaching areas of Israel that have never been subjected to rocket fire before. Hundreds of thousands of Israelis are living in bomb shelters or have been evacuated from their homes.

I am pleased to note that the United States and many members of the international community, including the G–8 have supported Israel's right to defend itself. “We demand first that the Israeli soldiers be returned to Israel healthy, that the attacks on Israel cease, and then naturally for Israel to halt military action,” German Chancellor Angela Merkel told reporters at the G–8 summit.

Many Arab leaders and opinion molders have also condemned Hezbollah and/or Hamas for their actions. Although he issued the usual condemnations of Israel, Saud al-Faisal, the Saudi foreign minister, also chided Hezbollah's “unexpected, inappropriate and irresponsible acts.” I understand that delegates from Bahrain, Egypt, Jordan, Kuwait and the UAE backed Mr. al-Faisal. In the same vein, the official Saudi Press Agency opined, “A distinction must be made between legitimate resistance and uncalculated adventures undertaken by elements [without] . . . consulting

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and coordinating with Arab nations." Ahmed al-Jarallah, editor of Kuwait's Arab Times, condemned both Hezbollah and Hamas in an editorial on July 15, 2006, writing, "Unfortunately we must admit that in such a war the only way to get rid of 'these irregular phenomena' is what Israel is doing. The operations of Israel in Gaza and Lebanon are in the interest of people of Arab countries and the international community."

I am pleased that Secretary of State Condoleezza Rice is planning a trip to the region shortly, and hope that she will remain fully engaged. In the meantime, Israel should not be asked to stop its actions as long as Hezbollah and Hamas continue to send missiles toward Israel and to hold Israeli soldiers hostage.

#### PERSONAL EXPLANATION

### HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. LINDER. Mr. Speaker, I was unable to cast rollcall vote 382 on July 19, 2006, because I was unavoidably detained on official business at the White House. Had I been present, I would have cast the following vote: On rollcall No. 382, I would have voted "yea."

#### PLEDGE PROTECTION ACT OF 2005

SPEECH OF

### HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 19, 2006*

The House in Committee of the Whole House on the State of the Union 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:

Mr. FLAKE. Mr. Chairman, today I voted against the Pledge Protection Act—H.R. 2389. I believe in the constitutionality of the Pledge and believe that the Pledge should contain the words "under God."

Unfortunately, this bill does more to hurt the Pledge than help it. The bill strips Federal courts of jurisdiction over Federal constitutional claims, leaving the States to each decide issues regarding the Pledge. Some States may strike down the Pledge; others may modify it. The end result would be lasting damage to the Pledge. This is clearly a Federal, constitutional issue.

I realize that, in 2002, the Ninth U.S. Circuit Court of Appeals reached a disturbing result by declaring that it was an unconstitutional establishment of religion to have students recite the words "under God" in the Pledge of Allegiance. The U.S. Supreme Court overruled the ninth circuit on procedural grounds in 2004. Unfortunately, there was no clear opinion overruling the ninth circuit on substantive grounds.

The ninth circuit's ruling has created confusion as to whether the decision must be followed within the boundaries of the circuit. At least one Federal district court in California

has since ruled that it must. That case is on appeal now to the ninth circuit, and hopefully it will make its way to the U.S. Supreme Court for a reversal.

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

SPEECH OF

### HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 19, 2006*

Mr. WELDON of Florida. Mr. Speaker, I would like to extend congratulations to NASA and the Shuttle program for the successful STS-121 mission on Space Shuttle *Discovery*. On July 4th, I watched with pride as the NASA performed a successful launch of the Space Shuttle *Discovery*, a fitting tribute to NASA, our brave astronauts, and our incredible space program.

STS-121 successfully confirmed the Space Shuttle safety improvements, including the redesigned External Tank foam insulation, the heat shield, and improved imagery during launch. STS-121 also successfully supplied the International Space Station with more than 28,000 pounds of much-needed equipment and supplies.

Our amazing astronauts also gave us earth-bound admirers three awe-inspiring spacewalks. My hearty congratulations go to the entire *Discovery* crew—Commander Steven Lindsey, Pilot Mark Kelly, and Mission Specialists Michael Fossum, Lisa Nowak, Piers Sellers, and Stephanie Wilson.

With the completion of the flawless 13-day mission of STS-121 on Space Shuttle *Discovery*, NASA proved that both its Space Shuttle program and the International Space Station program are once again on firm footing. Americans can be confident that NASA's goal of completing the construction of the space station will be realized.

And this confidence-building mission comes at the right time, since the most complicated space assembly mission that has ever been scheduled in human space flight will happen in only a month and a half. Starting in August, NASA will launch a series of missions to finish the backbone of the International Space Station. These shuttle missions will be the most complex since the Apollo program.

These are great challenges for NASA, but America's space agency continues to prove that it is up to the job. I have complete confidence that NASA will be successful with the remaining 15 Shuttle missions to complete the space station before the shuttle's retirement in 2010.

Our Space Shuttle program has proven that it is on track to completing its remaining missions and NASA is on track to continue the manned space program, including the return of Americans to the surface of the Moon.

ARTICLE BY RABBI ISRAEL ZOBERMAN

### HON. THELMA D. DRAKE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mrs. DRAKE. Mr. Speaker, I would like to call your attention to the following article written by my constituent, Rabbi Israel Zoberman. Rabbi Zoberman is the spiritual leader of Congregation Beth Chaverim in Virginia Beach, VA. A son of Polish Holocaust survivors, he grew up in Haifa, Israel. He is past President of the Hampton Roads Board of Rabbis and Cantors. The article reads as follows:

Once more I felt in the pit of my stomach that gnawing sense of emptiness born of disbelief and grave concern, which after all is a defense mechanism, experienced during past wars and crises. My phone calls to my family in Haifa, Israel have increased from Fridays to wish them a "Shabbat Shalom" to daily contacts of empathy and support.

My beautiful coastal Haifa, Israel's third largest city, has become a deliberate target with rockets landing on Mt. Carmel, not far from my sisters' homes and my parents' residence where I was raised. My very pregnant niece was emotionally affected and temporarily left to Tel Aviv for psychological stability. Speaking to my mom, who along with father are Polish Holocaust survivors, conveyed her definite heightened anxiety as she faced one more challenge after already much trauma, including Israel's previous wars and ongoing tensions since arriving there in 1949. I've also been in touch with Lebanese friends in Virginia Beach. They too are affected by the disconcerting events.

The eruption of hostilities this time followed attacks and kidnappings by Hamas in the south and Hezbollah in the north, instigated by the true powers to be in Iran and Syria, and lengthy rockets' firing at Israeli towns within range from Gaza. It thus forced Israel's government to send a loud message to those who are obstacles to the future of peace, a pre-condition to Israel's very viability and survival in a restive region of critical strategic importance. No state would allow disruption to its citizens' lives on a scale tolerated so long by Israel. Particularly for a small country albeit with a capable military, such unacceptable scenario becomes debilitating.

The threat from radical Islam seeking to create a Middle East a la its rejectionist ideology, sans Israel and Western influence, also aims at destabilizing moderate Arab states such as Egypt and Jordan which signed peace treaties with Israel. Without a countervailing strong Iraq, Iran is now positioned for hegemony to restore its historic preeminence and emerge a global Muslim leader. It attempts to acquire nuclear power as a step in this envisioned goal while led by an irresponsible president who openly denies the Holocaust and calls for Israel's elimination. The Palestinian Authority as well as Lebanon stand to benefit from Israel's actions for their own future is held hostage by their extremists. Israel's response is supportive of America's heroic efforts to confront terrorism world-wide, painfully introducing democracy to a liberated Iraq, even though democracy's Arab enemies subvert fledging democracies from within. Fighting terrorists is hampered by their planting themselves among civilians to take advantage of democratic nations' reluctance to retaliate at random. But terrorists underestimate the will of free nations to ultimately fight back in spite of limitations with inevitable and regrettable losses of life and property. Tragic indeed has been Lebanon's lot

and inability to control Palestinian and Lebanese militants who have begrudged her Western culture and delicate ethnic and religious balance.

How frustrating that despite Israel's sacrificial Gaza disengagement a year ago as well as the departure from southern Lebanon in 2000, with plans for the further withdrawal from the West Bank to create a Palestinian state, its adversaries refuse to respond in kind. Reestablishing a deteriorated deterrence posture is a must for Israel's security. Recently elected Israeli Premier Ehud Olmert is undergoing his first major test by fire, literally, filling in the big shoes of his incapacitated predecessor Ariel Sharon. Sharon, the daring leader in war and peace, would approve Olmert's conduct that is supported by a united political front, so otherwise rare, testimony to Israel's resolve to again prevail. A determined Jewish state has no plans to leave its bad neighborhood, and it may yet help transforming it with its essential American partner. May children on both sides of Israel's borders soon be able to freely play and sleep at peace.

Rabbi Israel Zoberman, spiritual leader of Congregation of Beth Chaverim in Virginia Beach, grew up in Haifa, Israel.

#### HONORING THE AMERICAN LEGION POST 71 FOR 86 YEARS OF SERVICE

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. BURGESS. Mr. Speaker, I rise today so that I may honor the American Legion Post 71 of Denton, Texas as they celebrate their 86th Anniversary. For close to a century, the American Legion Post and its members have selflessly served thousands of veterans and their families throughout North Texas.

The American Legion, holding a 3 million part membership nationally, was chartered by Congress in the aftermath of World War I as a "patriotic, mutual-help, war-time veterans' organization." Since its establishment, the American Legion has sworn "to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the Great Wars;" to promote service and to harvest a healthy sense of community. Today there are over 15,000 posts world-wide.

In celebration of their 86th Anniversary, Post 71 will honor the family of Ernest Dallas Jr., a Denton Veteran of the Iraq War, with a "Fallen Heroes Memorial Plaque."

Mr. Speaker, I applaud American Legion Post 71 for their honorable service to our nation and our heroes. I also recognize one of those heroes, Ernest Dallas Jr., who lost his life in Iraq not more than a year ago. Our nation truly owes a debt of gratitude to him and our other fallen soldiers for their admirable and unyielding service to our nation.

#### PERSONAL EXPLANATION

### HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. TIAHRT. Mr. Speaker, on July 13, I was unavoidably detained and missed rollcall vote No. 374.

Rollcall vote No. 374 was on final passage of H.R. 9, the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act. Had I been present, I would have voted, "yea."

This is an important piece of legislation that I hope to see pass through the Senate, signed by the President and enacted.

#### PERSONAL EXPLANATION

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on July 20, 2006 and missed Rollcall vote 393. Had I been present, I would have voted "aye" for 393.

#### CONDEMNING THE RECENT ATTACKS AGAINST THE STATE OF ISRAEL

SPEECH OF

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 19, 2006*

Mr. HASTINGS of Florida. Madam Speaker, I rise today in strong support of H. Res. 921, condemning the provocations by terrorist organizations on Israel's northern and southern borders.

The actions of the terrorist organizations, Hezbollah, in Lebanon, and Hamas, in Gaza, against Israel are unconscionable. Instead of working towards peace, these terrorist organizations have chosen to perpetuate the violence. Unprovoked attacks on Israel's borders, murdering Israeli soldiers, taking Israeli hostages and showering rockets targeting and killing Israeli civilians are not furthering any legitimate goal.

I am pleased to see that many of the world's leaders have publicly recognized that the crisis in the Middle East was deliberately incited by terrorist organizations. I applaud the leaders of the world's top industrial nations' collaborative statement on July 16 condemning the terrorists: "These extremist elements and those that support them cannot be allowed to plunge the Middle East into chaos and provoke a wider conflict. The extremists must immediately halt their attacks."

I also congratulate the Arab nations, Saudi Arabia, Egypt and Jordan for their willingness to openly criticize Hezbollah's attacks on Israel's northern border. I am in full support of their efforts to speak out against Hezbollah's recent assaults against Israel.

Israel's actions over the past week must be viewed in a broader context. It should be recognized that in response to Israel's unilateral

withdrawal from Southern Lebanon in 2000 and from Gaza in 2005, as well as its committed plan to pull out completely from the West Bank, Israel has met only violence. Since 2000, Hezbollah has fired hundreds of rockets at civilian areas and kidnapped and murdered Israeli soldiers. Since September 2005, terrorist groups in Gaza have launched over 1,000 rocket attacks at Israeli cities. Previously, Israel exhibited restraint and refused to respond to these aggressions with any significant counterattack. Now, in light of the current unprovoked kidnappings by Hamas and Hezbollah, Israel is warranted to act appropriately to free the captured soldiers and to defend her citizens.

Now is the time for the Lebanese Government to abide by the U.N.'s rules. In refusing to disarm Hezbollah as required by U.N. Resolution 1559, the Lebanese Government is choosing to openly ignore the decree of the international community. Lebanese Prime Minister Fouad Siniora should accept responsibility and take immediate action against the terrorist group which Lebanon harbors. I support the resolutions that call on the United Nations to help the Prime Minister and his government to achieve these goals.

Now is also the time for the Hamas government to accept accountability for the actions of its terrorist organization. As the elected government of the Palestinian people, they have a duty to tell the terrorists to release the soldier they captured, halt the relentless rocket fire aimed at Israeli civilians and end their encouragement of terrorist acts against Israel.

But neither the Palestinian nor the Lebanese Government are wholly responsible for these recent provocations against Israel. There is a much greater strategic dimension to the Hamas-Hezbollah offensive. The terrorist organizations, Hezbollah and Hamas, are unquestionably sponsored and guided by the Iranian and Syrian Governments.

Iranian and Syrian support of these attacks will not be rewarded. The current bloodshed of innocent Israeli and Lebanese civilians will not strengthen their governments' positions. As sponsors of terror they will be condemned and held accountable for their actions.

Israel must have the right to defend her civilians from ongoing missile attacks, whether they arise from Lebanon or the Gaza Strip. Like the United States and other sovereign nations, Israel is justified in reestablishing its deterrent posture.

#### FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

SPEECH OF

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 13, 2006*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 9) to amend the Voting Rights Act of 1965:

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise today in support of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act (H.R. 9). I am a proud co-

sponsor of this bipartisan legislation, which ensures every American citizen has the right to vote.

If the Constitution is the embodiment of America's ideal of equality, the Voting Rights Act of 1965 is a historic milestone in our pursuit of that ideal. The namesakes of this legislation are among the tens of thousands of common heroes who fought, sacrificed and even perished to abolish the institutional barriers to voting that cast a shadow on American freedom for nearly 200 years. It is the responsibility of our generation to honor their legacy of vision and commitment through our diligent stewardship of their hard-won victories. Today, as America's elected representatives, we in Congress must renew our dedication to advance the cause of freedom by reauthorizing the Voting Rights Act.

Enacted in 1965 and renewed in 1982, the Voting Rights Act (VRA) prohibits the use of any voting practice or procedure that discriminates based on race and requires certain jurisdictions to provide language assistance to minority citizens. The Act bars literacy tests, poll taxes, intimidation, threats, violence and other transparent assaults on liberty. It also protects against insidious procedural barriers such as restrictive voter registration requirements, districting plans that dilute minority voting strength, discriminatory annexations and the siting of polling places at inaccessible locations.

The Department of Justice has called the Voting Rights Act "the most successful piece of civil rights legislation ever adopted." As a result of the Act in Mississippi, African American registration went from less than 10 percent in 1964 to almost 60 percent in 1968. In Alabama, registration rose from 24 percent to 57 percent. These immediate gains in access to the polls sowed seeds of equal representation that future generations would reap.

According to the American Civil Liberties Union, there were approximately 300 African Americans serving in public office across the country in 1964, including only three in Congress. Today, more than 9,100 African Americans hold elected office at the local and state level, including 43 in Congress. The guarantees of full political participation codified in the VRA have greatly benefited all minority groups including Hispanic Americans, Asian Americans and Native Americans—the last group to win the right to vote. This impressive record of progress argues strongly for reauthorization of the Act.

While most provisions of the VRA are permanent, several key provisions of the law are set to expire in 2007. These provisions include Section 5, which requires covered jurisdictions to obtain approval or "pre-clearance" from the U.S. Department of Justice before they can change voting practices or procedures. Section 203 of the Act requires election officials to provide written and oral assistance to certain citizens with limited English proficiency. Also due for reauthorization are Sections 6–9, which empower the U.S. Attorney General to appoint examiners and send Federal observers to monitor elections when evidence exists of voter intimidation at the polls.

This bipartisan reauthorization bill restores the original intent of the VRA by making it clear that any voting rule changes motivated by intentional and purposeful discrimination cannot be "precleared" by a Federal court or the Department of Justice. And H.R. 9 mod-

ernizes the VRA by requiring the use of the most updated census data and by directing the GAO to determine ways to better administer election assistance to non-English speakers.

Despite broad bipartisan support within the Congress for reauthorization, some Members question whether the VRA's protections are still necessary in today's America. Regrettably, almost 40 years after enactment of the VRA, voting discrimination is not only a painful memory of our past but also a persistent challenge for the present and future. Since the VRA was last reauthorized in 1982, the Department of Justice and disfranchised voters have brought hundreds of intentional voter discrimination cases before the courts, many within the last 5 years.

In 2001, the mayor and all-white Board of Aldermen of Kilmichael, Mississippi canceled local elections when it appeared several African-American candidates might win seats. Elections were finally held in 2003, after the Department of Justice used the VRA to intervene. In the election that followed, the town elected three African-American board members and their first African-American mayor.

South Dakota enacted a redistricting plan in 2001 that "packed," or over-concentrated Native Americans into a district, preventing them from creating a majority voting bloc in an additional, neighboring district. Three years later, a Federal court invalidated the state's plan, finding "substantial evidence" that state officials excluded Native Americans from voting and holding office.

Local officials in Bexar County, Texas attempted to undermine Latino voting strength in a 2003 special election by neglecting to site polling places near those communities. Using the special provisions of the VRA, Latino advocates were able to prevent Latino voters from being silenced in the election by obtaining expedited assistance from the local district court.

And not all voting irregularities are local. The mere mention of "Florida" or "Ohio" evoke the voting controversies of the 2000 and 2004 Presidential elections, which called the legitimacy of the outcomes into question and shook Americans' confidence in our elections process. The effort to reestablish confidence in the elections process has produced new controversies over electronic voting machines that leave no paper record for verification and recounts.

Clearly, the voting discrimination and irregularities that inspired the Voting Rights Act persist and serve to remind us that the right to vote cannot be taken for granted, but it must be actively protected and defended. By passing H.R. 9 and reauthorizing the Voting Rights Act, Congress reinforces the foundations of American democracy and keeps faith with generations of Americans past and future. I urge my colleagues to reject all attempts to weaken the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act (H.R. 9) and to support the bipartisan compromise before us today.

SUPPORT THE STEM CELL RESEARCH ENHANCEMENT ACT, H.R. 810

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mrs. DAVIS of California. Mr. Speaker, I support moving stem cell research forward and believe H.R. 810 will accomplish it in an ethical and responsible manner.

It is almost 2 years since my daughter-in-law, Naomi, underwent a kidney transplant. I marvel at the combined results of the many people and years of science and research that came before her which gave her that opportunity.

Naomi was lucky and found an eligible donor in her brother. The transplant operation was a success. In fact, just a month ago, our family cheered on Naomi at the Transplant Olympics.

It seems like a happy ending, but the story does not end here.

My daughter-in-law takes a number of drugs to keep her body from rejecting her new kidney. I hope her body will be able to support her transplant for many years.

Hopefully, Naomi will not need to face another transplant for many, many years. Clearly, she may not be able to go to a sibling again.

Will new research bring her new hope in the future?

Mr. Speaker, as you can see, I have a personal reason for seeing an expansion of the existing stem cell lines.

New stem cell lines hold the promise of advancing medical research and providing cures to a number of diseases.

After years of work, both the House and Senate passed bipartisan stem cell legislation. Unfortunately, President Bush vetoed this critical bill. Despite a valiant effort in the House, we could not override this veto.

We need to think about tomorrow—what kind of future do we want to provide for the millions of individuals who live with life-threatening illnesses and their families?

If we don't move forward, we will not have the chance to develop innovative treatments, including the potential of growing kidneys.

I hope I can give Naomi and other families like ours that chance.

REGARDING THE GATES FOUNDATION'S WORK TO DEVELOP AN HIV VACCINE

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, AIDS is a disease that knows no national borders. Approximately 40 million people across the globe are infected with this virus. There is no cure, and for many people, no hope.

Between 1995 and 2005, the number of people living with HIV/AIDS has doubled, despite efforts to prevent transmission of the disease. New infections among women outpace those among men as a result of gender inequalities and violence toward women. Ninety-

six percent of people with HIV live in the developing world, most in sub-Saharan Africa.

Life-saving drugs to prevent mother-to-child transmission of the virus have been unavailable, and hundreds of thousands of infants have become needlessly infected at birth or through breastfeeding in the last year.

Bill and Melinda Gates have done a great thing to provide hope to the millions suffering from AIDS.

Yesterday, they announced that they have dedicated \$287 million in the form of 16 grants over 5 years to set up an international network of HIV vaccine scientists.

What is special about the grants is that they will be shared among 16 research projects in 19 countries. Five of the grants will pay for central laboratories to test researchers' findings and foster international collaboration.

Importantly, the Gates Foundation's gift will encourage the 165 scientists receiving them to join forces. All the scientists involved have signed a collaboration agreement to openly share their data and results. This unique arrangement is designed to get an effective HIV vaccine quickly into clinical trials in humans.

I have great respect for Bill and Melinda Gates, and I admire their desire to do good things at a global level. They are a model of charity. By this generous gift, the Gates are showing all of us how to look beyond our own borders and make a real difference in this world. Global health and equality are the true keys to bringing about world peace and understanding.

HONORING DOROTHY BARKER OF  
CWA

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to honor one of my long-time friends, Dorothy Barker. Though not a native Houstonian, she has been here longer than most. She came here in 1939 and is a proud graduate of Milby High School.

Dorothy immediately went to work after graduation and moved around Texas with her husband, U.S. Army Air Force Sergeant Hugh Barker. In addition to being the mother of three children, Dorothy managed to have a variety of jobs to help support her family. She had a milk route in San Antonio, drove a city bus in Galveston, and was a "motor pool" employee at the Air Base in Dalhart, Texas.

Finally, her family settled down in Houston and she became an employee of Southwestern Bell Telephone Company in 1945 and joined the Communication Workers of America the same year. In 2 short years, she became a job steward and became a chief steward in 1962.

She was elected associate treasurer in 1972, which is when I met her and she has held that position ever since.

Dorothy helped bring the CWA into the State of Montana in 1970 and I know personally, she has worked tirelessly to help increase union membership, protect labor rights, and get those of us who believe in good wages and benefits elected to office.

Dorothy helped me the first time I ran for State representative and was elected in 1972.

She has been a strong supporter ever since and I appreciate working with her over the last 32 years.

She has attended all the formal training schools offered by CWA. She has attended steward's training, local officer training schools, leadership and advanced leadership schools, and the AFL-CIO labor law and advanced labor law courses.

Her commitment to the CWA can never be questioned. She has served as a leader in all phases of local organizing drives, and all legislative and community service work. She has been a delegate to the last 18 CWA conventions and a delegate to the AFL-CIO Convention annually since 1976.

She was District 12 CWA Woman of the Year in 1981 and was CWA Woman of the Year for local 6222 in 1999.

She currently serves as local 6222 coordinating officer for the legislative committee, finance committee, election committee, and public relations committee.

She is vice-president of the Harris County AFL-CIO and chair of the trustees of the State AFL-CIO.

I thank Dorothy Barker for her service to the working people in the Houston area and in Texas over the last 60 years and congratulate her on her retirement.

TRIBUTE TO UNITED STATES MA-  
RINE CORPORAL PAUL NICHOLAS  
KING

**HON. MARTIN T. MEEHAN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. MEEHAN. Mr. Speaker, I rise today to honor a true hero, Marine Cpl Paul Nicholas "Nick" King, who gave his life in service to our country.

Corporal King was a resident of a community in my district, Tyngsboro, and was deployed with the brave men and women serving in our Armed Forces as part of Operation: Iraqi Freedom II. Nick arrived in Iraq just a few months ago and served as a mortarman with the 1st Battalion, 25th Marine Weapons Company, Regimental Combat Team 5. On Sunday, June 25, 2006, he sustained fatal injuries when his unit was attacked as they patrolled Fallujah, Iraq.

Nick was just 23 years old when he was killed. He leaves behind his beloved wife Becky who was his high school sweetheart. He is also survived by his loving parents Paul and Julie, and his siblings, Julie, Dianna, and Daniel. He was looking forward to starting a family with his wife and finding a new home upon his return. He was also planning to restore a motorcycle that the couple had bought shortly before his deployment. His friends and family recall his zest for life as well as his courage and sense of duty. Although he was safely stationed with a support unit in Korea, Japan, and Thailand, Nick volunteered for deployment to Iraq because he wanted to fight alongside his fellow Marines. He loved being a Marine and his courage will not be soon forgotten.

Nick graduated from the Greater Lowell Vocational High School in 2001. He enlisted in the Marines during his final year in school and wore his uniform to his wife's senior prom. Nick was very proud to be a Marine.

Nick's family is proud of him for the supreme sacrifice he paid on behalf of his country. He will always be remembered for his kindness, his zest for life, his courage, and his love for his family. He will be sorely missed.

I have requested that an American flag be flown over our United States Capitol in memory of Cpl Paul Nicholas King to honor his brave service to our country. This flag was recently presented to his family. Nick died fighting for the country he loved, alongside comrades he respected and with the family he adored, forever in his heart. Our Nation is humbled and grateful for his sacrifice.

Mr. Speaker, we should all take a moment to recognize Cpl Paul Nicholas King, United States Marine Corps, who gave his life in service to his country.

STEM CELL RESEARCH ENHANCE-  
MENT ACT OF 2005—VETO MES-  
SAGE FROM THE PRESIDENT OF  
THE UNITED STATES (H. DOC.  
NO. 109-127)

SPEECH OF

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 19, 2006*

Mr. ROTHMAN. Mr. Speaker, I rise in support of H.R. 810, the Stem Cell Research Enhancement Act, and in support of overturning the President's veto of this legislation. Unfortunately, what should be a debate about promising new research and technology that could lead to cures and treatments for countless diseases and disorders has been overshadowed, yet again, by a debate about when life begins.

These stem cells do not come from fetuses as some people mistakenly believe. They are blastocysts, 3- to 5-day-old embryos made up of so small a number of cells they can fit on a head of a pin. This legislation does not allow these embryos to be cloned or created for stem cell research. Therefore, there is no risk of rogue scientists performing illegal or unethical experiments.

In addition, the authors of H.R. 810 have taken all precautions to ensure that safeguards are in place for the ethical use of embryonic stem cells. The only embryos permitted to be used under H.R. 810 are those that will come from in vitro fertilization, IVF, donors who no longer plan on using the embryos and who provide their written consent.

Every year hundreds of thousands of leftover embryos from IVF are thrown away. Instead of tossing them in the trash, why shouldn't the owners of the embryos be able to give their consent to have these embryos used for research? We should not be denying their right to help save lives.

Those of us who support embryonic stem cell research unfortunately will not be able to overturn the President's veto. We, however, must not give up. To all Americans who support saving lives, who want to cure diseases and disorders that are plaguing their loved ones, and who care about groundbreaking ethical health research, I ask you to take this issue to your elected Representative and tell them that you demand this legislation become law in the next Congress.

IN HONOR OF SERGEANT ROBERT  
P. KASSIN

**HON. TOM UDALL**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor the life of SGT Robert P. Kassin.

Robert dedicated his life to serving his country, and last Sunday, July 16, he made the ultimate sacrifice while serving in Afghanistan.

Sergeant Kassin was killed near Larzab, in Afghanistan's Zabul province, when his platoon came under enemy fire. He died proudly, eager to defend our Nation and help the people of Afghanistan.

For almost a decade, Robert faithfully defended his country. After graduating from high school in Clovis, NM, he joined the Army in September 1996, volunteering for deployment and reenlisting shortly after arriving in Afghanistan. Robert took pride in all that he did, and this was apparent to all who knew him.

Robert leaves behind his parents, Robert Joseph and Lucia Kassin of Clovis, his 7-year-old son, his wife, Judy, and two stepdaughters. His son and stepdaughters will grow up proud of their father, Sergeant Kassin, knowing that he gave his all in service to our country.

Our most sincere and heartfelt sympathies are with Robert's family and friends during this time of great loss. We will always remember his bravery and the sacrifice he made proudly serving our great Nation.

PERSONAL EXPLANATION

**HON. JOHN LINDER**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. LINDER. Mr. Speaker, on rollcall vote No. 380, House passage of S. 2754, I inadvertently was recorded as voting "nay."

I would like the record to reflect the fact that I wanted my vote to be recorded as "yea."

This does not change the outcome of the vote.

COMMENDING AND SUPPORTING  
RADIO AL MAHABA

SPEECH OF

**HON. KAY GRANGER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 18, 2006*

Ms. GRANGER of Texas. Mr. Speaker, I rise today in support of House Resolution 784 commending Radio Station Al-Mahaba in Iraq.

Radio Al-Mahaba, which means "love" in Arabic, is the only radio station in Iraq or the Greater Middle East whose programming is geared toward the issues important to women.

The station's programming is meant to be an educational tool for women, focusing on subjects such as parenting, healthcare, relationships and other social topics.

The station broadcasts in three different languages, giving women freedom to voice their opinions and hear other opinions.

Articles about Radio Al-Mahaba have appeared in the New York Times, Wall Street Journal, Chicago Tribune and USA Today.

I recently had the honor of meeting with employees of Radio Al-Mahaba on a delegation I led to Iraq to work with Iraqi women leaders and Parliamentarians.

Right now, they are on the verge of having to shut their doors because of terrorist threats against the group and a lack of funding.

Many insurgents do not want to see women have a voice or play a significant role in Iraq. Despite these threats, the employees remain determined to stay on the air.

To do this, they are working for free to keep the station running. If this is not a clear expression of a desire for a free and open society, I don't know what is.

The station eventually hopes to broadcast into Iran in order to let Iranian women know that freedom can be achieved but only if they stand up for their rights.

Mr. Speaker, this is a non-partisan issue. Radio Al-Mahaba deserves our support.

It's crucial that women have a strong voice in Iraqi society, especially as Iraqis work to form a democracy.

Radio Al-Mahaba provides women with a vehicle to have that voice.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2005—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109-127)

SPEECH OF

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 19, 2006*

Mrs. MALONEY. Mr. Speaker, yesterday marked a true tragedy for the medical history of this country. For the first time in 5 years, this President chose to veto a bill that has the potential to save millions of lives and impact millions more.

This veto will go down in history as a monumental step backward for medical research and a profound and significant disappointment for victims and their families. Hope was just a signature away and to millions of people in this country, this President could have become a hero simply by signing H.R. 810, the Stem Cell Research Enhancement Act, into law. Instead, he chose to veto this bill and stall the advancement of science.

In contrast, by signing S. 3504, the President gave cover to opponents of lifesaving science. I would hope that this President would give more credit to the American public. S. 3504 is a useless bill that does nothing for victims of ravaging diseases and instead rubs salt in the wound.

Mr. Speaker, I stand here with many of my colleagues, pleading with the President to listen to 72 percent of Americans, the overwhelming majority of scientists, researchers, and even Nobel laureates who all recognize the promise that embryonic stem cell research holds.

Right now, only 22 of the 78 stem cell lines approved by President Bush are left. Many of these lines have been contaminated and are no longer useful, but more than 400,000 frozen embryos exist in the United States. To be

clear, these are embryos that were extracted for in vitro fertilization. Most of them will be discarded. If the President had signed H.R. 810, they would have instead been used to save human lives. With further research, these cells may be used as "replacement" cells and tissues to treat many diseases including Parkinson's disease, Alzheimer's disease, diabetes, AIDS, Lou Gehrig's disease and others.

Mr. Speaker, as a founder and current co-chair of the Working Group on Parkinson's Disease and as someone who lost my father to Parkinson's disease, I know firsthand just how important this legislation is and how important it is to open up the stem cell lines. I cannot be more clear: This bill is about saving lives and preventing devastating diseases from ravaging and ending people's lives.

In vetoing this legislation, this President has stalled science, ended hope, and reversed progress.

I stand with a bipartisan majority of Congress to express my severe disappointment with the President's decision to veto this life-saving legislation.

HONORING MARY TSUKAMOTO

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. HONDA. Mr. Speaker, today I rise to honor Mary Tsukamoto for her commitment to educating young people in the Elk Grove Unified School District and to advocating for the Japanese-American community. With the use of the curriculum that she developed in the Elk Grove School District and the naming of the Mary Tsukamoto Elementary School in Sacramento, CA, Ms. Tsukamoto has been honored since her passing 8 years ago.

Born in 1915 into an immigrant family in San Francisco, Mary Tsukamoto and her four siblings attended segregated schools throughout childhood. In 1942, when Mary was just 27, she, her husband, Al, and their daughter, Marielle, were sent to an internment camp in Arkansas. Following that dark period in her life, Mary Tsukamoto emerged determined to fight for Japanese-American causes.

As an Elk Grove School District teacher for 25 years, Mary developed an educational curriculum addressing the treatment of Asian-Americans in the United States. This curriculum, "Time of Remembrance," is a living history program featuring interviews, photographs, and artifacts from the internment camps compiled by Mary Tsukamoto. The motto for "Time of Remembrance" is that "never again" should an American lose his or her fundamental rights.

After her retirement from teaching in the mid-1970s, Mary Tsukamoto continued to teach and lead the community. Her leadership contributed to the successful effort to seek a federal apology and restitution for Japanese-American internment. Subsequently, Mary co-authored a book with Elizabeth Pinkerton titled *We the People: A Story of Internment in America*, and worked closely with the Smithsonian Institution in Washington, DC to create an exhibit about Japanese-American internment. This activism, along with her outstanding teaching record, was recognized during this year's National Women's History Month and at

receptions in both California and Washington, DC.

Recently Mary was selected as one of ten National Women's History Month honorees by the National Women's History Project. With this honor, her life story was featured on XM radio and on the Lifetime TV Channel. This year's National Women's History Month theme was "Women: Builders of Communities and Dreams," a fitting theme to describe the life of a community hero.

As a civil rights activist, author, and teacher, Mary Tsukamoto affected the lives and perspectives of many Americans. Her legacy is seen in civil rights legislation and the statewide use of her curriculum. It is in recognition and admiration of Mary Tsukamoto that I stand in honor today. Her life's work is remembered and respected.

#### PLEDGE PROTECTION ACT OF 2005

SPEECH OF

### HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 19, 2006*

The House in Committee of the Whole House on the State of the Union 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:

Mr. POMEROY. Mr. Chairman, I rise in opposition to H.R. 2389, The Pledge Protection Act of 2005.

As I said in 2004 when the House voted on the Pledge Protection Act in the 108th Congress, I strongly believe that the Pledge of Allegiance, including the phrase, "under God" is a constitutional expression of patriotism.

Therefore, I—along with many of my colleagues—was outraged by court decisions that erroneously declared the Pledge of Allegiance unconstitutional. As a result, I consistently have voted in favor of legislation reaffirming the place of the Pledge of Allegiance in its entirety in our schools.

In the 108th Congress, I voted in favor of H. Res. 132, which urged the Supreme Court "to correct the constitutionally infirm and incorrect holding" by the 9th Circuit Court of Appeals in its revised decision on the *Newdow v. U.S. Congress* case. This resolution also expressed the sense of the House of Representatives that the recitation of the Pledge is a patriotic act—not a religious act, that the Pledge should retain the phrase "One nation, under God," and that Congressional policy should encourage the voluntary recitation of the Pledge in public school classrooms. I also voted in favor of an amendment offered by Rep. Hostettler to H.R. 2799, the Commerce, Justice and State and Related Agencies Appropriations bill, which prohibited any funds appropriated by the bill being used to enforce the court's decision in *Newdow v. U.S. Congress*.

In the 107th Congress, I voted in favor of H. Res. 459, which expressed the view of the House of Representatives that the 9th Circuit Court of Appeals' original decision in *Newdow v. U.S. Congress* to strike the words "under God" from the Pledge of Allegiance was incorrectly decided. Similarly, I strongly supported

S. 2690, legislation that reaffirmed the language of the Pledge of Allegiance, including the phrase "one Nation under God."

However, as I stated last year, I am concerned that the passage of H.R. 2389 would threaten the separation of powers set forth in the United States Constitution. Historically, the United States Supreme Court has the final authority on questions regarding a Federal law's constitutionality. However, H.R. 2389 would allow future Congresses to enact laws that clearly violate basic constitutional principles, while at the same time barring these laws from review by the Supreme Court. This lack of checks and balances could undermine the strength of America's most fundamental founding document. Given these significant issues with H.R. 2389, I again plan on voting against this measure.

#### PAYING TRIBUTE TO THE 100TH ANNIVERSARY OF THE FOUNDING OF ENDICOTT

### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. HINCHEY. Mr. Speaker, I rise today to honor the village of Endicott in Broome County, NY, which is part of the 22nd Congressional District that I proudly serve. This year marks the 100th anniversary of the founding of Endicott. I am pleased to recognize the village of Endicott and the important contributions it has made to Broome County and to the State of New York on its centennial anniversary.

Located along the majestic Susquehanna River, the village of Endicott makes up one-third of the "Triple Cities" region of New York, along with the Village of Johnson City and the city of Binghamton. The Tuscarora tribes of the Iroquois Confederacy originally inhabited the area of present day Endicott before European settlement in 1795. Between this time and when Endicott was incorporated in 1906, the village grew steadily in the 19th century with the construction of schools and transportation systems. The first Endicott-Johnson shoe factory in Endicott was constructed on North Street in 1901 which promoted expansion of the village and growth throughout the Triple Cities region. The village was named after Henry B. Endicott who founded and owned the business that was Endicott-Johnson.

Endicott-Johnson was vital to the growth of the community and as an employer it pioneered the concept of worker's dignity. At Endicott-Johnson, labor was seen as a group of people rather than a commodity. Endicott-Johnson workers were given benefits such as profit sharing in the company, financial help when they needed it during an emergency such as an illness or a death in the family, and Endicott-Johnson was also one of the first companies who shortened the work day from 9½ to 8 hours a day with wages remaining the same. Employees were so pleased with their working conditions that they felt it was unnecessary to join a union and, while factories nationwide were experiencing violent riots Endicott-Johnson's workers and management enjoyed a respectful harmonious relationship. In addition to the fairness shown to the employees, Endicott-Johnson was also

known as offering a "Square Deal" to its customers and Binghamton is now known as the "Home of the Square Deal," a place that summarized an unwritten compact that let the public know that with Endicott-Johnson products they were receiving high-quality merchandise while informing potential Endicott-Johnson employees that when working for the company, they would be working for a company that would treat them with respect.

After the incorporation of Endicott in 1906, the 20th century proved to hold more opportunities for expansion for the village with the founding of International Business Machines, IBM, the company helped create jobs in the area as well as helped expand Endicott with recreational services created for IBM employees as well as for the public.

Like the Endicott-Johnson Shoe Company, the workers were seen as people instead of labor to be exploited. IBM also took care of its employees during hard times such as the Great Depression when it provided workers with life insurance and survivors benefits. Later, during World War II, IBM established a fund for widows and orphans of the IBM employees that were fighting overseas.

In 1921, the village of Endicott gained size and prestige by absorbing the adjacent village of Union. The villages had grown together closely, so it became hard to determine geographically where one village started and the other ended. This unification greatly strengthened the community and positioned it for greater growth and prosperity.

Despite its classification as a village, Endicott provides many amenities of a large city such as an airport, paid fire and police protection as well as many other services. The village today also offers many forms of entertainment for its inhabitants as well as visitors such as stage performances at the Cider Mill Playhouse and the Endicott Performing Arts Center as well as golfing at the En-Joie Golf Course, which is also home to the Broome County, B.C., Open, a regular stop on the PGA Tour. There is also the Little Italy section of Endicott on the North Side which also boasts a strong culture. In addition to all of these forms of recreation, there are many parks available and carousels which are so ubiquitous to the Southern Tier that Greater Binghamton is often referred to as the carousel capital.

Endicott's vibrant history is alive and evident today. Villages like Endicott are an essential component of our Nation's past, present, and future, and deserve to be honored and recognized for their numerous contributions. Mr. Speaker, it gives me great pleasure to recognize the village of Endicott, NY, as it celebrates the 100th anniversary of its founding.

#### CONGRATULATING MR. RON LANEY

LANEY

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to recognize Mr. Ron Laney for his forward-looking leadership and commitment to child protection.

After retiring from the Marine Corps as a result of injuries sustained during combat in

Vietnam, Ron Laney worked his way through college as a juvenile probation counselor, earning a degree in criminology and a masters in criminal justice. Mr. Laney soon found his calling in policy development at the Federal Government's Law Enforcement Assistance Agency, LEAA. Continuing his career in public service, he joined the Office of Juvenile Justice Delinquency Prevention, OJJDP, as a law enforcement program manager. Mr. Laney quickly made his presence known developing OJJDP's first law enforcement training program entitled Police Operations Leading to Improved Children and Youth Services, POLICY.

Mr. Laney continued to develop new and dynamic programs for the Federal Law Enforcement Training Center, including Child Abuse and Exploitation Investigative Techniques, CAE; Managing Juvenile Operations, Gang Investigations, and Gang and Drug Policy; and School Administrator for Effective-Policy, SAFE-Policy, which is one of the first comprehensive interagency efforts to improve school and community safety. For approximately 10 years, Ron trained over 96,000 participants including law enforcement, legal professionals, social service personnel, as well as medical and other child protection and enforcement professionals.

In 1998, Congress appropriated funding to combat child exploitation through the internet. Mr. Laney seized upon this opportunity to create a national prototype program, called the Internet Crimes Against Children Task Force Program, ICAC. Initially, the ICAC Program consisted of 10 regional task forces made up of local, State, and Federal agencies all working together to provide expertise to investigate child sexual exploitation via the internet. The ICAC Task Force now also provides community outreach programs to teach children and parents of the dangers of internet usage, and has expanded to include 46 regional task forces, with over 500 local, state, and federal law enforcement officers covering all areas of the United States. Since ICAC's creation, investigations of sexual victimization of children involving the use of internet technology have spanned the globe and have sparked the training of other foreign governments on ICAC techniques. The ICAC programs have come to represent the most comprehensive effort to recognize, investigate, and prosecute adult child sex offenders using internet technology.

In addition to working to create the ICAC, Mr. Laney contributed to the development of the Amber Alert program, advocated for the National Center for Missing and Exploited Children and provided policy and funding assistance for the American Prosecutors' research institute. Throughout his exemplary civil service career, Mr. Laney has provided outstanding leadership, advice, and sound professional judgment to his colleagues. Mr. Laney's commitment to child protection for over 30 years is evidenced by the training of over 500,000 child protection specialists from multiple disciplines. Additionally, he has provided training to educators and school administrators impacting the safety of over 750,000 K-12 students. Mr. Laney's legacy to our society is the protection of our children and advocacy for abused children and their parents.

Mr. Speaker, in closing, I call upon my colleagues to join me in applauding his past accomplishments and wishing him the best of luck in all future endeavors.

#### HONORING MIKE JUNE

### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Mike June, a man of tremendous courage and spirit who recently passed away.

Michael John June was many things to many people. He was a son. He was a husband. He was a father. He was a brother. He was a friend. All who knew and loved him will tell you that he was as kind-hearted, generous, and unselfish an individual as there ever was.

Mike also was a constituent of mine, and a hard-nosed football coach at Palm Harbor University High School, near my congressional district. Mike was always determined and focused on winning, though he cared deeply for his players and wore his emotions on his sleeve. He sometimes cried, after both wins and losses, but often displayed the trademark smile that lurked just below his handlebar mustache, especially when his players performed as he knew they could.

Mike also had an ebullient personality and can-do attitude. He was diagnosed with leukemia in November 2002, yet was coaching his boys the following season. His best friend and former college roommate observed that, "it seemed like there was nothing that could get him down." Mike kept coaching and teaching, even when his cancer returned and his doctors told him that he was risking death by doing so. He did so because, as one of his former players has commented, "he loved to give what he had."

Those who cared for Mike in his final days have said that, despite his serious illness, he did not pity himself or lament the hand he had been dealt. In fact, when asked how he was doing, he always replied "excellent."

Mr. Speaker, Mike June loved his wife Paula, and his children Mike, Max, Matthew, Mitchell, and Mia. I hope the sadness that they and those who cared about him feel at his passing will one day be eclipsed by the joy of knowing that his legacy will live on in those who were fortunate enough to have known him. May God bless his soul and may He watch over his family.

#### FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

SPEECH OF

### HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 13, 2006*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 9) to amend the Voting Rights Act of 1965:

Mr. HENSARLING. Mr. Chairman, on July 13, I reluctantly voted against H.R. 9, a bill that significantly altered the Voting Rights Act (VRA). Contrary to popular opinion, H.R. 9 did not represent a time-critical reauthorization of the Voting Rights Act. The VRA, which pro-

hibits voter discrimination, is permanent Federal law. It never needs reauthorization. However, certain provisions of the Act (Sections 6-9 and Section 203), which were meant to be temporary and periodically reviewed by Congress, are due to expire a year from now—not today, this month or even this year.

When enacted in 1965, the Voting Rights Act played a critical role in granting equal rights to all Americans to cast their ballots. At that point in our Nation's history, some jurisdictions used extraordinary voter suppression devices like poll taxes and literacy tests that were designed to discriminate against minority voters and indeed had that effect. Congress rightly responded in kind with extraordinary remedies that were deemed emergency provisions. The emergency or temporary provisions of the VRA include Section 5, which requires certain covered jurisdictions to pre-clear any change in their election laws or procedures with the Department of Justice. This means relocating a ballot booth in one neighborhood can require Federal approval. It also includes Section 203, added in 1975, mandating that ballots in certain jurisdictions be provided in languages other than English.

Unfortunately, H.R. 9 is significantly flawed. For example, H.R. 9 does not simply reauthorize Section 5 of VRA but makes significant changes to the section. Specifically, it requires that for Section 5 pre-clearance that minorities as a group, not as individuals, be allowed to elect their preferred candidate of choice. Legal scholars disagree on the meaning of this phrase but many interpret it to mean that states will now be forced in decennial Congressional redistricting to maximize the number of districts where a certain political party wins. For example, in the recent Texas redistricting case it was found that if most members of a minority group vote Democratic, they are entitled to a district that elects a Democrat. If a minority candidate wins the district, that is not sufficient. It must be a Democrat minority candidate. That is not a voting right; it is a voting wrong. No less a legal authority than former Solicitor General Ted Olson has stated the following:

"For forty-one years, the Voting Rights Act has focused on protecting voters' rights to cast a ballot by forbidding States from adopting laws that 'abridge[] the right to vote on account of race or color.' The new version of the Voting Rights Act, however, risks shifting the Act's focus to protect politicians' interests in holding office, by entrenching preferred candidates of choice. I believe that most Americans would agree that the Voting Rights Act should be used to protect voters' access to the ballot box, not to protect incumbents' reelection chances."

Thus, Section 5 should be reauthorized as is without this new language.

Another flaw of H.R. 9 is that it preserves 40-year-old criteria (based on the 1964, '68, and '72 presidential elections) to determine which states and counties are subject to provisions of the VRA. But minority-voting patterns are now dramatically different than they were 40 years ago. For example, today in Georgia, blacks are more likely than whites to register to vote and to exercise their right to vote. The VRA should be used to protect voting rights everywhere, not just the South and a handful of other counties. Discrimination today can happen just as easily in Michigan or New Jersey as it can in Texas or Georgia. Unless this

section is changed, many of our grandchildren will continue to be punished for the sins of our grandfathers. That should not happen in America.

Using election data from 1964—when 60% of Americans today were not even alive—to determine discrimination patterns today is deeply troubling and raises questions as to the fairness and constitutionality of the legislation. The criteria should be updated to the relevant last three presidential elections to assure equal protection under the law.

Finally, I continue to believe that section 203 is bad public policy. In America, English is the language of opportunity. This common language binds us together as a people and strengthens us as a Nation. We must continue to emphasize the importance of learning English to those integrating into American society and culture. This is important to them and critical to the Nation as a whole. Those entering the country illegally clearly are not allowed to vote and naturalized citizens must demonstrate English proficiency before becoming Americans. Thus, contrary to popular notions, there are relatively few Americans not sufficiently proficient with English to cast a ballot. Those that are not already have their voting rights protected by laws permitting them to bring a translator into the voting booth with them. If a city or state wishes to print multiple ballots in numerous languages the Federal Government should not prevent them from doing so. On the other hand, the federal government should not mandate that they do it either. Simply put, taxpayers should not be compelled by federal law to pay for printing ballots in languages other than English.

The amendments that I supported to shorten the bill's extension to 10 years, apply the VRA fairly and nationwide, remove jurisdictions from coverage when they have shown a consistent respect for the voting rights of minority citizens, and end a requirement forcing taxpayers to pay for ballots in languages other than English—would have greatly improved this bill. I hope that appropriate changes are made to strengthen this bill, so that I am able to vote for final passage when it comes back to the House.

There is no doubt that the debate over the Voting Rights Act is an emotional one. For many Americans it has become an icon and rightfully so. The VRA has been a critical weapon in the struggle for civil rights and equal opportunity and should remain so. But the emergency provisions were written in a different time to address a different set of challenges. There is danger in allowing symbolism to overcome reality and principle.

This is not a vote I took lightly. I know too often in America that when the accusation is racism, one may wrongly be considered guilty until proven innocent. I regret the phenomena but will not let it dictate my conscience. Everyday we should not only work to root out racial discrimination but should work to reduce race consciousness as well. As Supreme Court Chief Justice Roberts opined in the case *LVLAC v. Perry*: "It is a sordid business, this divvying us up by race." I agree. Instead we should all work together to achieve Martin Luther King, Jr.'s goal of achieving a society that judges our children "not by the color of their skin but by the content of their character."

FANNIE LOU HAMER, ROSA PARKS, AND CORETTA SCOTT KING VOTING RIGHTS ACT REAUTHORIZATION AND AMENDMENTS ACT OF 2006

SPEECH OF

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 13, 2006*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 9) to amend the Voting Rights Act of 1965:

Mr. ISRAEL. Mr. Chairman, I rise today in strong support of H.R. 9, the Fannie Lou Hamer, Rosa Parks and Coretta Scott King Voting Rights Act Reauthorization and Amendments. Since its enactment in August of 1965, the Voting Rights Act (VRA) has helped bring us closer to realizing the true spirit of the 15th Amendment to the Constitution, which guarantees all American citizens the quintessential democratic right to vote. Today we'll vote to reauthorize expiring provisions of the VRA and by doing so send a signal that we will not tolerate discrimination at the polls.

Some of our colleagues will rise today to offer amendments that would weaken the VRA. I am opposed to any attempts to dilute the intent and spirit of the VRA by weakening Section 5 of the bill. Section 5 ensures that the Federal Government will take a closer look at election practices in states and localities with a history of discrimination at the polls.

Our Nation has made a great deal of progress since 1965 when the VRA was first signed into law by President Johnson. But some municipalities continue to make it difficult, intentionally or otherwise, for ethnic and racial minority voters to register and vote. The great civil rights leaders of the 1960s, including our distinguished colleague Rep. JOHN LEWIS, worked tirelessly to fight discrimination in all aspects of our society. They knew then, and we know now, that the right of all Americans to vote is the cornerstone of our democracy. We must continue their great legacy and pass the bill before us today without amendment.

PLEDGE PROTECTION ACT OF 2005

SPEECH OF

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 19, 2006*

The House in Committee of the Whole House on the State of the Union 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:

Mr. MOORE of Kansas. Mr. Chairman, on July 19, 2006, I voted against H.R. 2389, the Pledge Protection Act of 2005.

The American flag is a symbol of liberty and justice, of freedom of speech and expression, as well as the other freedoms we cherish which are guaranteed in the Bill of Rights. But even more important than the symbol are the ideals and principles that the symbol rep-

resents. I believe the best way to honor the American flag is not to wrap ourselves in it, but to respect and honor the values for which it stands. That our Nation can tolerate disrespect for our flag is proof of the enduring strength of our Nation. It is proof to me that ours is the greatest nation on earth.

I served in the U.S. Army and Army Reserves. I know how deeply our veterans love and revere our flag. I share those feelings for our flag and all that it represents.

Our democracy has withstood many tests over time, and has been strengthened as a result. There is no more important protection provided by the First Amendment than its protection of political speech and expression.

In a letter to Senator PATRICK LEAHY of Vermont dated May 18, 1999, former Secretary of State (then General) Colin L. Powell wrote to express his concerns regarding a constitutional amendment banning flag burning: "The First Amendment exists to insure that freedom of speech and expression applies not just to that with which we agree or disagree, but also that which we find outrageous. I would not amend that great shield of democracy to hammer a few miscreants. The flag will still be flying proudly long after they have slunk away. . . . If I were a member of Congress, I would not vote for the proposed amendment. . . ."

I agree wholeheartedly with Colin Powell's statement, and believe it applies here as well. The Pledge of Allegiance is an invaluable part of our national heritage, but we must also bear in mind the immeasurable significance of the First Amendment to the United States Constitution.

Finally, I have deep concerns about current efforts to deny the Federal courts, including the Supreme Court, the ability to review the constitutionality of our Federal laws. I believe preserving our three-branch system of government is in our Nation's best interest.

CONGRATULATING LAKE COUNTY ELECTRICIANS JATC CLASS OF 2006 GRADUATES

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and admiration that I offer congratulations to several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, July 28, 2006, the Lake County Electricians Joint Apprenticeship and Training Committee, JATC, of the International Brotherhood of Electrical Workers and the National Electrical Contractors Association will honor the class of 2006 at their annual Apprentice Completion Banquet, which will be held at the Avalon Manor Banquet Hall in Hobart, Indiana.

This year, the Lake County Electricians JATC will be recognizing and honoring the following graduates, who have completed the apprentice training: Nicholas Bacan, Daniel Boyd, Glen Britton, Nicholas Cardaras, Gonzaliev Castillo, Robert Coleman, James Crocker, David Delaney, Oliver Ewing, Jason M. Gallion, Nathan Gombus, Nathan Gonzales, Eric Hardesty, Jeremy Huber, Mark Jackson, Eric Kociara, Craig B. Konopasek,

Travis Link, Jesus Luna, James Mola, William Parsons, David Petrashevich, Geoffrey Richards, Elliot Rosenberry, John Santana, Jared Solan, Jonathan Steuer, Nicholas Vlasich, and Keith Winston.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These outstanding graduates all exemplify these traits. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their commitment, hard work, and selfless sacrifice.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these committed, hardworking individuals. Along with the other extraordinary men and women of Northwest Indiana's unions, these individuals have contributed in many ways to the growth and development of the economy in Indiana's First Congressional District, and I am very proud to represent them in Washington, DC.

COMMENDING THE CHILDREN'S  
INN AT THE NATIONAL INSTITUTES  
OF HEALTH

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to commend The Children's Inn at the National Institutes of Health, an extraordinary organization in my congressional district, which has worked for many years to provide a warm, supportive home environment for seriously ill children and families seeking cutting-edge treatment at the NIH.

Since it opened in June 1990, The Children's Inn has provided free lodgings to over 6,000 children and their families. The true extent of its services, however, goes far beyond the mere provision of living accommodations. By bringing seriously ill children and their families together in a warm, lively community that provides camaraderie and understanding, The Children's Inn has created invaluable support networks and friendships for children who face daily and often overwhelming challenges.

As we begin National Hospitality House Week, I am pleased to recognize and pay tribute to The Children's Inn and its staff and volunteers for their selfless commitment to some of the youngest and most fragile members of our community. Their generosity of spirit is inspiring and, through their actions, they serve as role models to so many others.

Mr. Speaker, I am proud to represent this special place—The Children's Inn at the National Institutes of Health—and to honor it today.

CONDOLENCES TO THE NORTHUP  
FAMILY

**HON. HAROLD ROGERS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. ROGERS of Kentucky. Mr. Speaker, my colleague from Kentucky's Third Congressional District, ANNE NORTHUP, along with her

husband, Woody, suffered the tragic loss of her son Joshua on Wednesday, July 12, 2006. By all accounts, Joshua was an outstanding young man who will be truly missed by his family and friends. Joshua was a 1998 graduate of Saint Joseph's College of Rensselaer, Indiana. In 1995, Joshua ventured to Tanzania, Africa with a priest from Saint Joseph's, where he continued his education and volunteered in a leper colony to help those most in need.

Joshua was employed at Humana, Inc., Louisville, Kentucky, where he was clearly a valued employee. Upon hearing the sad news, Humana issued the following statement: "Joshua was an exemplary Humana associate, beloved by his colleagues and held in high esteem by his supervisors. We are deeply saddened by his death and extend our thoughts, prayers and heartfelt sympathy to his family."

Funeral services were held for Joshua at Holy Spirit Catholic Church, Louisville, Kentucky, on Saturday, July 15, 2006. Joshua is survived by his parents, ANNE and Woody NORTHUP, and five brothers and sisters: David, Katie, Kevin, Mark and Erin.

On behalf of the entire congressional delegation from Kentucky, as well as her colleagues from across the Nation, we offer our most sincere condolences to the entire Northup family.

CONGRATULATING THE ORGANIZERS, PARTICIPANTS, AND PATRONS OF THE 25TH ANNUAL W.C. HANDY MUSIC FESTIVAL

**HON. ROBERT E. (BUD) CRAMER, JR.**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. CRAMER. Mr. Speaker, I rise today to congratulate the organizers, participants, and patrons of the 25th Annual W.C. Handy Music Festival, which begins on July 21 and lasts until July 30.

The W.C. Handy Festival is named after Florence, Alabama, native William Christopher Handy. Mr. Handy, who is remembered today as the "Father of Blues," was born in 1873 in a log cabin that his grandfather built. He left Florence in 1892, settling in Memphis, Tennessee, where he penned his most recognized composition, "St. Louis Blues." Before his death in 1958, W.C. Handy wrote over 150 songs and his widespread appeal is credited with popularizing blues music into America's cultural mainstream.

Mr. Speaker, beginning with the birth of Mr. Handy and continuing today, the Shoals Region of Northwest Alabama has a storied musical history. The Shoals area is also the birthplace of the "Father of Rock and Roll" Sam Phillips, who discovered artists such as Elvis Presley, Johnny Cash, and Jerry Lee Lewis. The region is also the home of the Alabama Music Hall of Fame, as well as generations of musicians, composers, songwriters, and internationally recognized recording studios and producers. Over the last 50 years, musical legends such as Aretha Franklin, the Rolling Stones, and some of today's musical superstars have recorded many of their biggest hits in the area.

Each year, the Music Preservation Society organizes this unique festival to pay tribute to

W.C. Handy's legacy and the area's rich musical heritage. Thousands of musical patrons are entertained through more than 200 events at locations throughout the Shoals. Musical acts range from a wide variety of blues, jazz, gospel, R&B, soul, and country acts. The artists perform live in local restaurants, nightclubs, theatres, parks, libraries, art galleries, churches, malls, museums, and street corners throughout the region.

The Festival, which began in 1982 featuring jazz legend Dizzy Gillespie, has continued to grow each year. Past headlining acts have included Clarence Carter, the Manhattan Transfer, and Percy Sledge. In its 25-year history, National Geographic, the Southeast Tourism Society, Travelocity.com, the Atlanta Committee for the Olympic Games, and the Alabama Bureau of Tourism and Travel have recognized the festival as one of the top events in the South.

Mr. Speaker, I proudly rise today to congratulate and applaud the efforts of the Music Preservation Society Board of Directors and staff, and the festival's volunteers and musicians who make this celebration of the cultural heritage of northwest Alabama a reality each year.

MARRIAGE PROTECTION  
AMENDMENT

SPEECH OF

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 18, 2006*

Mr. WAXMAN. Mr. Speaker, I rise to express my strong opposition to House Joint Resolution 88, which would amend our Constitution to deny basic rights to gays and lesbians. I would like to express my disappointment in the Republican leadership for once again bringing this divisive and discriminatory amendment before Congress.

Our Constitution has guided our Nation for over 200 years. During that time, it has been amended to guarantee religious liberty, equal protection, and the right to vote. Not once has it been amended to take away rights from a specific group of people. Yet that is what this legislation would do.

Of course, this constitutional amendment will not be adopted; it failed to garner even a simple majority only weeks ago in the Senate. We are wasting our time on this because Republican pollsters have concluded that targeting gays and lesbians is a winning election strategy.

Mr. Speaker, our fellow citizens deserve better. Same-sex couples are trying to raise families, pay the bills, get health care for their partners, and put their kids through college. Instead of working to help them, we are debating whether to permanently deny them over 1,000 rights and benefits given to married heterosexual couples. We should be striving for fairness and equality, not singling them out for discrimination.

Americans are sick and tired of political gamesmanship. They want a Congress that will address the real challenges our Nation faces: health care, energy security, education, economic opportunity. The Republican leadership has once again let down the American people, and I urge my colleagues to reject this effort to distract and divide.

PAYING TRIBUTE TO JOHN T. CASEY ON THE OCCASION OF HIS 80TH BIRTHDAY

**HON. MAURICE D. HINCHEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. HINCHEY. Mr. Speaker, I rise today to extend warm birthday wishes and to pay tribute to a dear friend and great man, Mr. John T. Casey.

John will not turn 80 years old until August 17, but I want to take this opportunity to honor him before the House of Representatives adjourns for the month of August.

As many of his friends would tell you, John is a very civic-minded man. He was an active member of the Town of Gardiner Democratic Committee for 35 years, of which he served as its chairman for 22 years. It was in this capacity that I came to know him when I ran for a seat in the New York State Assembly in the early 1970s. I truly appreciated and valued the support and encouragement that John gave me, and am happy to say it was the start of a wonderful and long lasting friendship.

His contributions weren't limited to the Democratic Party. John was equally dedicated to improving the lives of working Americans through the labor movement. He and I share the belief that good jobs, fair wages and true economic opportunity must be realized for every single American. This is a message that must be carried to every corner of this nation, and John carried this out as a member of the International Brotherhood of Teamsters, local #445. Not only was he a member of the Teamsters for almost 50 years, starting out as a shop steward, he also served as its president from the mid-1970's to 1980.

John proudly served his country in the U.S. Army from 1944 to 1946, serving as a master sergeant in Holland, France and Germany during World War II, and is a member and past commander of the American Legion Post 176 in New Paltz, New York. Additionally, John also served his community as chairman of the Board of Fire Commissioners in Gardiner, and is a life member of its fire company. This is a man who has dedicated himself to the betterment of the community and for that we will always be grateful.

Happy birthday friend, I'm honored to share your day with you.

TRIBUTE TO SEELEY LODWICK

**HON. JAMES A. LEACH**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. LEACH. Mr. Speaker, I rise to inform the House of the passing of one of Iowa's most distinguished leaders of the 20th century, Seeley Lodwick.

Seeley's was a life of public service—a Marine in the greatest war in human history; a farm leader during the greatest era of innovation and change in agriculture; a public servant who served in both our State and national capitols; and a political activist who helped elect presidents and legislators.

Seeley will be remembered as a gentleman of the soil, a son of Iowa, a true friend.

Seeley's passing leaves a gap in all of our lives, for his wife Pat particularly because no marriage could be closer; ours because no friend could be more counted upon for trusted support and sage advice.

He will be much missed because he stood so steadfastly for the values in American politics that seems so forgotten—loyalty, decency, respect.

IN RECOGNITION OF MR. BENNIE F. WOOD II

**HON. WALTER B. JONES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. JONES of North Carolina. Mr. Speaker, I rise today to recognize Mr. Bennie F. Wood II, the recipient of the Meritorious Civilian Service Award for 37 years of Federal service.

This July, Mr. Wood completes a distinguished 37-year career in Federal service that began with student service in 1969. After a brief stint with a private engineering firm following his graduation from the University of Virginia, he entered Federal service as a Civil Engineer with the Public Works Department of the U.S. Naval Academy in Annapolis, Maryland.

Mr. Wood continued with NAVFAC until 1976, leaving his position as MILCON Project Manager for the Chesapeake Region to undertake more than two decades of service to the U.S. Army Corps of Engineers' substantial nation building efforts in the Middle East. He held progressively more responsible positions, and served overseas in Dhahran, Saudi Arabia, and Kuwait during the first Gulf War.

He returned to the U.S. to become Chief of Engineering and Construction Management Directorate and later, the Assistant Deputy for Programs and Project Management at Transatlantic Program Center. During this period, Mr. Wood received two Commanders Awards for Civilian Service and, in 1991, a Superior Civilian Service Award.

With all these years of military construction and overseas project management behind him, Mr. Wood made a bold move in 1999 to enter the Corps' Civil Works arena for the first time as the Wilmington District's Chief of Technical Services Division. Determined to bring his overseas experience back home in the service of the nation's water resources, Mr. Wood vigorously led a highly successful effort to push ahead with the long-awaited Wilmington Harbor Channel Deepening Project. This multi-contract, multi-phase project called on his leadership skills and elicited outstanding efforts from his team of engineers, construction managers and environmentalists. Mr. Wood was a vital part of the leadership team that kept this and other District projects on track, despite the challenges and disruptions brought about by the terrorist attacks of 9/11/2001 and the following military actions in the Gulf Region.

In 2002, he was called upon to act as the District's Deputy for Project and Programs Management, while the serving Deputy and other team members deployed to Kuwait and Iraq in advance of the U.S. military effort there. His leadership during this crucial time kept the District's projects and programs moving ahead despite the absence of key staff

members and the challenges of curtailed funding.

In 2003, Mr. Wood spearheaded an outstanding effort to accomplish rapid repair of a nearly mile-wide breach in Hatteras Island caused by Hurricane Isabel. During this period he was recognized with two Commanders Awards for Civilian Service.

In 2004, Mr. Wood stepped up permanently as the Deputy for Project and Programs Management, and has since been a key leader in a period of significant change for the Wilmington District. As the South Atlantic Division approached regionalization, he has been at the forefront of the change effort, and has played an important role in empowering the district to take on its new roles as the Engineering and Planning Center for the Savannah-Charleston-Jacksonville triad. He has also provided firm and supportive leadership as the District undertook the challenges of implementing the P2 system, and has kept many key projects on track through a period of wartime budget constraints. Mr. Wood's diplomacy and broad knowledge of the Corps have proved an asset as the District works with many local and national elected officials, and stakeholders. His leadership has been critical to the District's continued standing as a "first among equals."

His distinguished career brings great credit upon himself, the U.S. Army Corps of Engineers and the United States Army.

As a member of Congress who has had the pleasure of working with Mr. Wood, I can honestly say that the American taxpayer has been well-served by his dedication and commitment to excellence.

It is an honor to offer my heartfelt congratulations to Mr. Wood upon the completion of his distinguished 37-year career, and to extend my sincere thanks for his service to our nation and to the state of North Carolina.

PLEDGE PROTECTION ACT OF 2005

SPEECH OF

**HON. BETTY MCCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, July 19, 2006*

The House in Committee of the Whole House on the State of the Union 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:

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise to express my opposition to H.R. 2389, the Pledge Protection Act of 2005. This legislation does nothing to address the real issues facing families in America today, and serves merely to distract and delay Congress from efforts to vote on issues that would actually impact the daily lives of our constituents.

This bill failed to pass out of the Judiciary Committee, and yet, we are voting on it today on the Floor of the People's House, an event without precedence according to the Parliamentarian. The Majority is taking this extraordinary action not for an issue that will affect the daily lives of American families—but for a blatantly political debate in an election-year attempt to appeal to their base. My constituents are concerned about the conflict in the Middle

East, earning a living wage, accessing affordable health care and relief from sky-rocketing gas prices. Minnesotans in the 4th District have made it clear that Congress should get to work on the priority issues of this country, rather than continue to play political games.

H.R. 2389 would remove the Pledge of Allegiance from the jurisdiction of federal courts. This bill is an attempt by Republicans to strip our federal courts of their power to rule over issues of Constitutional relevance, and to tell our federal courts that their expertise on Constitutional freedoms is irrelevant. Our system of checks and balances was constructed by our Founders for this specific reason—to retain the independence of the Courts, and their ability to rule justly and uphold the rule of law in this great country. As Justice Sandra Day O'Connor stated last year, the effectiveness of the federal courts relies on the knowledge that they will not be subject to retaliation for their rulings.

Representative MEL WATT offered an amendment today to this bill that, had it passed, would have allowed the Supreme Court to hear cases regarding the Pledge of Allegiance—in effect, reversing the negative damage this bill will inflict if it passes. I supported Mr. WATT's amendment, and am extremely disappointed that the majority of my colleagues did not do the same.

This bill is likely unconstitutional and debating it on the floor of the House today is an outrage considering the real issues facing American families. I urge my colleagues to join me in opposing this legislation, upholding the system of justice our Founders intended, and return to debating the issues we were elected to resolve.

HONORING BRIAN D. THORSON,  
CRNA, MA PRESIDENT OF THE  
AMERICAN ASSOCIATION OF  
NURSE ANESTHETISTS

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to pay tribute to Brian Thorson, CRNA, MA. Mr. Thorson will soon complete his year as National President of the American Association of Nurse Anesthetists (AANA). I am very pleased that Mr. Thorson was tapped as the 2005–2006 President of this prestigious national organization, which I am proud to say is headquartered in Park Ridge, Illinois, in the Congressional district that I represent.

Celebrating its 75th Anniversary, the AANA is the professional organization that represents more than 36,000 practicing Certified Registered Nurse Anesthetists (CRNAs) across the country. Founded in 1931, the AANA has ably served the interests of CRNAs and the patients who rely on them for quality care. CRNAs are anesthesia professionals who administer approximately 65 percent of all anesthetics given to patients each year in the United States. They work in every setting in which anesthesia is delivered, including hospital surgical suites and obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and plastic surgeons.

CRNAs provide anesthesia for all types of surgical cases and, in some states, are the

sole anesthesia providers in approximately 75 percent of all rural hospitals, affording these medical facilities obstetrical, surgical and trauma stabilization services.

Brian Thorson has done a remarkable job as National President of the AANA, bringing his training, skills and hands-on experience to the job. He was educated in the art and science of Nurse Anesthesia at the St. Paul-Ramsey School of Nurse Anesthesiology in St. Paul, Minnesota, and earned his Bachelor of Science in Nursing (BSN) from Winona University in Winona, Minnesota. In addition, Mr. Thorson also holds a Master of Arts (MA) degree in Curriculum Development and Instruction from the College of St. Thomas in St. Paul, Minnesota, and an additional Bachelors of Science from the College of Health Sciences at the University of Minnesota, in Minneapolis, where he graduated summa cum laude. Currently, he is a Staff Anesthetist within the Department of Anesthesia at Hennepin County Medical Center, which provides anesthesia services in and around the Minneapolis area. In an effort to make certain that those citizens in the Minneapolis area are ensured access to needed care, Brian Thorson continues to shape the future of nurse anesthesia by serving as a Clinical Instructor and didactic faculty member at the Minneapolis School of Anesthesia in St. Louis Park, Minnesota and Saint Mary's University of Minnesota.

Mr. Thorson held various leadership positions in the AANA as President-Elect, Treasurer, and Regional Director before becoming the National President of the AANA in 2005. In addition, Brian has served terms as President, President-Elect, Vice-President, Federal Political Director, and as a Member of the Board of Directors for the Minnesota Association of Nurse Anesthetists (MANA). He has also served as the anesthesia representative to both the Council of Minnesota Nursing Organizations and the Minnesota Organization of Leaders in Nursing.

Adding to his professional accomplishments, Mr. Thorson has been recognized for speaking on anesthesia-related topics over the years. He has taken his experience and knowledge from the workplace and AANA leadership roles to lecture on political and academic anesthesia-related topics before different professional groups. During his AANA presidency, Mr. Thorson has played important roles in advocating for the practice of nurse anesthesia and its patients before Medicare and other federal agencies. He has worked tirelessly to help ensure that CRNAs have a seat at the table in the development of a pay-for-performance reimbursement model, increased communication among AANA members, promoted anesthesia patient safety through vigorous participation in the interdisciplinary National Quality Forum (NQF), and advanced principles of wellness among practitioners in this high-stress profession. In addition, under Mr. Thorson's leadership and direction, AANA testified before three House subcommittees about the importance of nurse anesthesia education, the roles and contributions of CRNAs in the Veterans Affairs health system, and the dedication with which CRNAs have provided safe anesthesia care to members of the U.S. Armed Forces at home and abroad. Finally, Brian Thorson has fought hard to maintain equality in teaching and instruction so that all anesthesia professionals have the opportunity to provide the care patients need, without the

system harmfully favoring one provider over another.

Mr. Speaker, I hope my colleagues will join me today in recognizing the outgoing President of the American Association of Nurse Anesthetists, Mr. Brian Thorson, CRNA, MA, for his notable career and outstanding achievements.

HONORING THE LIFE OF GEORGE  
BAHAMONDE

**HON. JOHN B. LARSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. LARSON of Connecticut. Mr. Speaker, the First Congressional District lost a great friend, supporter, and leader this past week. George Bahamonde, President and CEO of the United Way of the Capital Area, died suddenly on Thursday while on vacation in Maine.

George moved from Cuba to Bridgeport, Connecticut with his family when he was 11. He placed great value on education and received his bachelor's degree from the University of Bridgeport and earned a master's degree in business administration from the University of Miami and a master's degree in education from Fairfield University. He stressed the value of education throughout his career in public service and was especially proud of his work introducing the Girls and Boys Town Well-managed Classroom training model to the Hartford school system. A five-year assessment of the program showed that academic achievement had increased and school suspensions had decreased in the schools where it was implemented.

In 1970, George began a career in human service that lasted the remainder of his life. He started as a caseworker for Catholic Family and Community Services in Bridgeport, then joined the United Way in 1972 at the United Way of Eastern Fairfield County. He also served the United Way of Puerto Rico, the United Way of Portland, Maine, the United Way of Aurora, Illinois, and the United Way of Greater Los Angeles.

Connecticut was fortunate to see George return in 1994 to become President and CEO of the United Way of the Capital Area. His vision for the forty towns served by the United Way was to improve the lives of children and families and better community conditions. To this end, he created numerous initiatives and partnerships and worked tirelessly of their behalf. George worked as easily with nonprofit organizations as he did with corporate donors.

What truly made George special though was not just that he cared about the communities he served, he cared about each individual in those communities. He was a great friend to many and will be remembered for his quick smile, his wit, and his professionalism. He was always willing to share a laugh, talk baseball, or offer words of advice and encouragement.

Mr. Speaker, I ask the House to join me in expressing condolences to George's wife Jenny, his son Matthew, and the rest of his family. The Hartford area has lost a truly caring person and a quietly effective leader. However, George's work will be carried on by those who believe in his vision that we can make each person's life better.

A DISPATCH FROM THE IRAQ WAR BATTLE GROUND: AIR FORCE CAPTAIN F. JOHN DURESKY REMINDS US: AMERICANS ARE DYING IN IRAQ

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. RANGEL. Mr. Speaker, I rise to enter into the RECORD a column by Air Force Captain F. John Duresky, "Forgotten Sacrifice," which appeared in the July 5, 2006 edition of The Washington Post.

I have spoken out and written for more than three years about the unshared burden of the Iraq war but never as eloquently and with such forceful imagery as Air Force Captain Duresky. One of the "boots on the ground" in Iraq, Captain Duresky is among the troops President Bush likes to thank. He is one of the troops who, according to the Hawks willing to feed other people's children into the killing field of Iraq, smile bravely from a hospital bed at Walter Reid and promises that although he has lost both legs, he is happy he served his country and wants nothing more than to go back and join his "buddies" still "in country."

But Captain Duresky presents a problem for the President. Unlike most of the hawks who have not ventured beyond the safety of the "green zone" in Iraq or seen the carnage of the battlefield, Captain Duresky can describe the horror of war with the credibility of one who has been there.

I share Captain Duresky's concern that, to most Americans, the war in Iraq is a fight for other people's children. Disproportionately, these are the children of the poor and minorities who proudly serve but also risk their lives for their chance at a college education, technical training and financial benefits the military affords. For most Americans the Iraq war is little more than another story on the evening news.

I wish to offer some hope to Captain Duresky. To many Americans the war is not only real, but a great moral failure. Many of them are protesting and "taking to the streets." They are lobbying Members of Congress and meeting in their communities to arrange marches and protests. The polls clearly show the American people are unhappy with President Bush's handling of the war in Iraq. They want a change of course and they want the troops withdrawn.

The Republican attempt to label any plan to set a date for withdrawal as "cut and run" is not working. The Republican attempt to label anyone who questions the President as not supporting the troops is not working. Millions of Americans believe the best way to support the troops is to question the President's failed policies in Iraq and to force him and Secretary Rumsfeld to protect the troops instead of leaving them in as targets in a war where there is no exit plan and no working strategy.

I thank Captain Duresky for his service and his courage in writing "Forgotten Sacrifice." Millions of us have not forgotten his sacrifice and that of the more than 2,500 Americans killed and 18,000 wounded. Nor have we forgotten the daily pain of their families. I will keep Captain Duresky in my prayers and long for his return home.

Air Force Captain Duresky's words have painted an indelible picture for me. I hope my

colleagues will benefit as I have from reading "Forgotten Sacrifice."

[From The Washington Post, July 5, 2006]

#### FORGOTTEN SACRIFICE

(By F. John Duresky)

A few days ago, as I do every day in Iraq, I listened to the commander's battle update. The briefer calmly and professionally described the day's events. Somewhere in Iraq, on some forgotten, dusty road, an insurgent fighting an occupying army detonated an improvised explosive device (IED) under a Humvee, killing an American soldier. The briefer fielded a question from the general and moved to the next item in the update.

The day before that, in America, a 15-year-old's incredibly rich parents planned the biggest sweet 16 party ever. They will spend more than \$200,000 on an opulent event marking a single year in an otherwise unremarkable life. The soon-to-be-16 girl doesn't know where Iraq is and doesn't care. That same day an American soldier died in Iraq.

Two days earlier, a 35-year-old man went shopping for home entertainment equipment. He had the toughest time selecting the correct plasma screen; he could afford the biggest and best of everything. In the end, he had it installed by a specialty store. He spent about \$50,000 on the whole system. He has never met anybody serving in the military nor served himself, but thinks we should "turn the whole place into a parking lot." That day, another American soldier died in Iraq.

Three days earlier, some college students had a great kegger. There were tons of babes at the party, the music was awesome. Everybody got totally blitzed, and many missed class the next day. The young men all registered for the draft when they were 18, but even though our nation is at war, they aren't the least bit worried about the draft. It is politically impossible to conscript young people today, we are told. That day, another American "volunteer" died in Iraq.

Four days earlier, a harried housewife looked all over town for the perfect accessory for her daughter's upcoming recital. Her numerous chores wore her out, but she still found herself preoccupied. Her oldest son is having trouble in his first year of college, and he has been talking of enlisting in the Army. She is terrified that her child will go off to that horrible war she sees on TV. She and her husband decide to give their son more money so he doesn't have to work part-time; maybe that will help with his studies. That day, another soldier died.

Yesterday millions of Americans celebrated Independence Day. They attended parties and barbecues. Families came together from all across the country to celebrate the big day. Millions of dollars were spent on fireworks. At public events, there were speeches honoring the people who served and those who made the ultimate sacrifice. These words mostly fell on bored ears. While the country celebrated its own greatness, other Americans were still fighting in Iraq.

Today Americans go back to their normal business. The politicians in Washington have made sure the sacrifices of the war are borne by the very smallest percentage of Americans. They won't even change the tax rates to prevent deficits from running out of control. Future generations will pay the cost of this war.

Many Americans feel strongly about the war one way or another, but they aren't signing up their children for service or taking the protest to the streets. What can they do? It is they whom we in the military trust to influence our leaders in Washington.

Today, as on every other day in Iraq, American servicemen are in very real danger. Our country is at war. Mothers, fathers, wives, husbands and children are worrying about their loved ones in a faraway land. They all hope he or she isn't the one whose luck runs out today.

The writer is an Air Force captain stationed in Iraq.

#### IN MEMORY OF MAJOR GENERAL T. ESTON MARCHANT

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 2006

Mr. WILSON of South Carolina. Mr. Speaker, on Wednesday, July 19, I learned of the death of MGT. Eston Marchant, Jr., and made the following statement:

It is with great sadness to learn of the death of Major General T. Eston Marchant. One of the highlights of my life was for him to help recruit me into the Army National Guard and I will always be grateful for the opportunity to serve for 29 years.

General Marchant was a model of military professionalism who established South Carolina's Army and Air Guard as among the most competent in the world's best military. They are now proving themselves by protecting American families in the Global War on Terrorism.

The Wilson Family extends its deepest sympathy to the Marchant Family.

The following obituary was published in The State newspaper of Columbia, SC, on July 20, 2006:

Major General Trelawney Eston Marchant, (Ret.), died Wednesday, July 19, 2006. He was 85. General Marchant was born December 9, 1920, a son of the late Brig. General T. Eston Marchant and Lila Cave Marchant.

General Marchant grew up in Columbia and received both his undergraduate and law degrees from the University of South Carolina. He enlisted in the Marines when the United States entered World War II, and fought in the Pacific Theater, rising to the rank of Captain. When he returned home he practiced law and began a long career in the S.C. National Guard. He was elected to the University of South Carolina Board of Trustees in 1965, and was elected Chairman of the Board in 1970, serving continuously thereafter until 1978, when he was elected Adjutant General of South Carolina. General Marchant served four terms as Adjutant General, retiring in 1994. The S.C. National Guard Headquarters and Complex in Columbia is named in his honor.

General Marchant was active in state and community affairs, serving as a municipal judge, President of the Richland County Bar Association, member of The Citadel Board of Visitors, and President of The Columbia Centillion, among many other activities. He received honorary degrees from both U.S.C. and The Citadel. General Marchant was National President of the Adjutant Generals Association of the United States and, in 1990, he was named South Carolinian of the Year by WIS-TV. He was awarded the Order of the Palmetto by then-Governor John West and again by then-Governor Carroll Campbell.

General Marchant was a member of First Presbyterian Church of Columbia.

General Marchant is survived by his wife of 54 years, Caroline Bristow Marchant; children, T. Eston Marchant III and his wife, Emilie Marchant, of Clinton, Bristow Marchant and his wife, Betsy Marchant,

Caroline Marchant Borucki and her husband, Dr. Robert Borucki, Nancy Marchant Harris and her husband, Gregory Harris; nine grandchildren, all of Columbia. He is also survived by his brother, Julian M. Marchant, and by his sister, Nancy Marchant McIlvaine.

General Marchant was a warm, loving husband, father, and grandfather, and will be dearly missed by all of his family and many friends.

The family would also like to offer special thanks to Mr. John House, who provided care and comfort to General Marchant in his final months.

The family will receive visitors at the home of Dr. and Mrs. Borucki, 181 Aspen Trail, in Gregg Park, Columbia, Thursday, July 20, from 5 until 7 p.m.

The funeral will be held at First Presbyterian Church, 1324 Marion Street in Columbia, Friday, July 21, 2006, at 11 a.m. with burial to follow in the church cemetery.

In lieu of flowers, memorials may be made to the T. Eston and Caroline B. Marchant Endowed Scholarship, University of South Carolina, Attn. Daria Smith, 1600 Hampton Street, Columbia, SC 29208 or to the National Guard Association of South Carolina Scholarship Foundation, 2001 Assembly Street, Suite 204, Columbia, SC 29201.

Dunbar Funeral Home, Devine Street Chapel, is in charge.

A TRIBUTE TO PACIFICA  
PERFORMANCES

**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, July 24, 2006*

Mr. LANTOS. Mr. Speaker, it is with great pleasure that I rise today to honor the Pacifica Performances on the 30th Anniversary of its founding. Pacifica Performances is a non-profit, primarily volunteer, arts organization based in Pacifica, California, which is located in my Congressional District. This extraordinary organization is dedicated to ensuring there is a professional quality performing arts programs for the residents of Pacifica, as well as other communities on the Peninsula.

Pacifica Performances was organized in 1976 as the Pacifica Arts and Heritage Council, a nonprofit musical organization offering a variety of classes in music, dance and calligraphy. Its original venue, the Pedro Point Firehouse in Pacifica, offered Jazz and Classical performances for the community on Sundays. Since then Pacifica Performances has grown exponentially and occupied numerous homes

in the beautiful coastal community of Pacifica, California including St. Edmund's Episcopal Church and most recently the Sanchez Art Center which houses a 175-seat concert hall equipped with a new stage and professional lighting equipment as well as office space.

Mr. Speaker, it is truly amazing that this picturesque town of 44,000 inhabitants is able to provide its citizens with approximately 60 world class performances per year spanning the widest array of performing arts including jazz, blues, piano (ragtime and classical), chamber music, opera, Celtic, Bluegrass Latin, world, pop and guitar, as well as dance and drama. Pacifica Performances truly lives up to its mission of providing diverse musical and cultural programs to Pacifica, and the rest of the Bay Area.

Mr. Speaker, I urge all of my colleagues to join me in saluting and congratulating Pacifica Performances for the invaluable cultural and educational service they bestow upon the community on the occasion of their 30th Anniversary.

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 Tuesday, July 25, 2006 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 26

9 a.m.

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

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

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

2 p.m.

Finance

Taxation and IRS Oversight Subcommittee  
To hold hearings to examine the size and sources of the tax gap.

SD-215

2:30 p.m.

Foreign Relations

To hold hearings to examine the nomination of Philip S. Goldberg, of Massachusetts, to be Ambassador to the Republic of Bolivia.

SD-419

3:30 p.m.

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine a progress report on protecting and enforcing intellectual property rights here and abroad, focusing on the Administration's Strategy Targeting Organized Piracy (STOP!) and the extent to which it has been effective in educating businesses about the issues related to conducting business in the global economy, the progress made since the appointment of the IP Coordinator last July, and explore if the STOP! initiative has identified effective human capital and strategic plans to build on the existing program, and if it has the necessary resources required to complete its mission.

SD-342

JULY 27

Time to be announced

Judiciary

Business meeting to consider pending calendar business.

SD-226

9:30 a.m.

Environment and Public Works

To hold hearings to examine a path forward for the Nation's emergency preparedness and response system relating to the Stafford Act.

SD-406

Foreign Relations

To hold hearings to examine the nominations of John Robert Bolton, of Maryland, to be the U.S. Representative to the United Nations, with the rank and status of Ambassador, and the U.S. Representative in the Security Council of the United Nations, to which position he was appointed during the recess of the Senate from July 29, 2005, to September 1, 2005, and to be U.S. Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as U.S. Representative to the United Nations, to which position he was appointed during the recess of the Senate from July 29, 2005, to September 1, 2005.

SD-419

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

Health, Education, Labor, and Pensions

To hold hearings to examine S. 3128, to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements.

SD-430

Homeland Security and Governmental Affairs

Business meeting to consider S. 2590, to require full disclosure of all entities and organizations receiving Federal funds, proposed Post-Katrina Emergency Management Reform Act; S. 1838, to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, S. 3492, to strengthen performance management in the Federal Government, to make the annual general pay increase for Federal employees contingent on performance, S. 3584, to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees, S. 3613, to designate the facility of the United States Postal Service located at 2951 New York Highway 43 in Averill Park, New York, as the "Major George Quamo Post Office Building", H.R. 4246, to designate the facility of the United States Postal Service located at 8135 Forest Lane in Dallas, Texas, as the "Dr. Robert E. Price Post Office Building", H.R. 4962, 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", H.R. 5104, to designate the facility of the United States Postal Service located at 1750 16th Street South in St. Petersburg, Florida, as the "Morris W. Milton Post Office", H.R. 5169, to designate the facility of the United States Postal Service located at 1310 Highway 64 NW in Ramsey, Indiana, as the "Wilfred Edward 'Cousin Willie' Sieg, Sr. Post Office", H.R. 5540, to designate the facility of the United States Postal Service located at 217 Southeast 2nd Street in Dimmitt, Texas, as the "Sergeant Jacob Dan Dones Post Office", H.R. 4646, to designate the facility of the United States Postal Service located at 7320 Reseda Boulevard in Reseda, California, as the "Coach John Wooden Post Office Building", S. 2555, to designate the facility of the United States Postal Service located at 2633 11th Street in Rock Island, Illinois, as the "Lane Evans Post Office Building", S. 2719 and H.R. 5107, bills to designate the facility of the United States Postal Service located at 1400 West Jordan Street in Pensacola, Florida, as the "Earl D. Hutto Post Office Building", and the nominations of Paul A. Denett, of Virginia, to be Administrator for Federal Procurement Policy, Office of Management and Budget, Anna Blackburne-Rigsby, to be Associate Judge of the District of Columbia Court of Appeals, Phyllis D. Thompson, to be Associate Judge of the District of Columbia Court of Appeals, Jennifer M. Anderson, to be an Associate Judge of the Superior Court of the District of Columbia, and Mickey D. Barnett, of New Mexico, Katherine C. Tobin, of New York, and Ellen C. Williams, of Kentucky, each to be a Governor of the United States Postal Service.

SD-342

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
- Aging  
To hold hearings to examine at home DNA tests, focusing on whether these should be considered a marketing scam or a medical breakthrough. SD-106
- 11 a.m.  
Commerce, Science, and Transportation  
To hold a hearing to examine pending nominations. SR-253
- 1 p.m.  
Commission on Security and Cooperation in Europe  
To hold hearings to examine how the United States Government can live up to its commitment to promote human rights and democratic governance in Russia while preserving a relationship with Moscow. SD-226
- 2:30 p.m.  
Homeland Security and Governmental Affairs  
Federal Financial Management, Government Information, and International Security Subcommittee  
To hold hearings to examine the Health Resources and Services Administration financial management of its budget in carrying out its mission to increase access to and quality of health care. SD-342
- Foreign Relations  
To hold hearings to examine the nomination of Richard W. Graber, of Wisconsin, to be Ambassador to the Czech Republic. SD-419
- Judiciary  
Terrorism, Technology and Homeland Security Subcommittee  
To hold hearings to examine detecting smuggled nuclear weapons. SD-226
- 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 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. SD-366
- Intelligence  
To receive a closed briefing regarding intelligence matters. SH-219
- JULY 28
- 9:30 a.m.  
Homeland Security and Governmental Affairs  
Federal Financial Management, Government Information, and International Security Subcommittee  
To hold hearings to examine recovery and reconstitution of critical networks relating to cyber security, focusing on immediate steps that Department of Homeland Security and the private sector can take to formalize a partnership and to ensure effective response and recovery to major cyber network disruption. SD-342
- AUGUST 1
- 9 a.m.  
Homeland Security and Governmental Affairs  
Investigations Subcommittee  
To hold hearings to examine the issue of tax havens and offshore abuses which are undermining the integrity of the Federal tax system, focusing on case histories on the use of offshore trusts and corporations to circumvent U.S. tax, securities and anti-money laundering laws. SD-342
- 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
- 9:30 a.m.  
Judiciary  
To hold hearings to examine the authority to prosecute terrorists under the war crime provisions of Title 18. SD-226
- POSTPONEMENTS
- JULY 26
- 9:30 a.m.  
Indian Affairs  
Business meeting to consider pending calendar business. SR-485

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S8113–S8136*

**Measures Introduced:** Six bills and two resolutions were introduced, as follows: S. 3714–3719 and S. Res. 539–540. **Page S8129**

#### Measures Reported:

S. 757, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, with an amendment in the nature of a substitute. (S. Rept. No. 109–290)

S. 3501, to amend the Shivwits Band of the Paiute Indian Tribe of Utah Water Rights Settlement Act to establish an acquisition fund for the water rights and habitat acquisition program. (S. Rept. No. 109–291) **Pages S8128–29**

#### Measures Passed:

**Retirement Income Taxation:** Committee on Finance was discharged from further consideration of H.R. 4019, to amend title 4 of the United States Code to clarify the treatment of self-employment for purposes of the limitation on State taxation of retirement income, and the bill was then passed, clearing the measure for the President. **Page S8135**

**United States-India Energy Security Cooperation Act:** Senate passed S. 1950, to promote global energy security through increased cooperation between the United States and India in diversifying sources of energy, stimulating development of alternative fuels, developing and deploying technologies that promote the clean and efficient use of coal, and improving energy efficiency, after agreeing to the

committee amendments, and the following amendment proposed thereto: **Pages S8135–36**

Frist (for Lugar) Amendment No. 4688, to authorize assistance for renewable energy projects. **Page S8136**

**Energy Exploration Legislation:** Senate began consideration of the motion to proceed to consideration of S. 3711, to enhance the energy independence and security of the United States by providing for exploration, development, and production activities for mineral resources in the Gulf of Mexico. **Pages S8134–35**

A motion was entered to close further debate on the motion to proceed to consideration of the bill and, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Wednesday, July 26, 2006. **Page S8134**

**Executive Communications:** **Pages S8127–28**

**Additional Cosponsors:** **Pages S8129–30**

**Statements on Introduced Bills/Resolutions:** **Pages S8130–33**

**Additional Statements:** **Pages S8124–27**

**Amendments Submitted:** **Pages S8133–34**

**Notices of Hearings/Meetings:** **Page S8134**

**Adjournment:** Senate convened at 2 p.m., and adjourned at 5:13 p.m., until 9:45 a.m., on Tuesday, July 25, 2006. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S8136.)

### Committee Meetings

No committee meetings were held.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 12 public bills, H.R. 5862–5873; and 2 resolutions, H. Res. 940–941 were introduced. **Page H5682**

**Additional Cosponsors:** **Pages H5682–83**

**Reports Filed:** Reports were filed on Friday, July 21st, as follows:

H.R. 5682, to exempt from certain requirements of the Atomic Energy Act of 1954 a proposed nuclear agreement for cooperation with India, with an amendment (H. Rept. 109–590, Pt. 1); and

H.R. 2965, to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a 5-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations and other public service programs, with an amendment (H. Rept. 109–591).

Reports were filed today as follows:

H.R. 3082, to amend title 38, United States Code, to require that 9 percent of procurement contracts entered into by the Department of Veterans Affairs be awarded to small business concerns owned by veterans, with amendments (H. Rept. 109–592);

H.R. 5388, to provide for the treatment of the District of Columbia as a Congressional district for purposes of representation in the House of Representatives (H. Rept. 109–593, Pt. 1);

H.R. 5766, to provide for the establishment of Federal Review Commissions to review and make recommendations on improving the operations, effectiveness, and efficiency of Federal programs and agencies, and to require a schedule for such reviews of all Federal agencies and programs, with an amendment (H. Rept. 109–594, Pt. 1); and

H. Res. 939, providing for consideration of H.R. 1956, to regulate certain State taxation of interstate commerce (H. Rept. 109–595). **Page H5682**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Conaway to act as Speaker pro tempore for today. **Page H5569**

**Recess:** The House recessed at 12:37 p.m. and reconvened at 2 p.m. **Page H5570**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

*Mount Hood Stewardship Legacy Act:* H.R. 5025, amended, to protect for future generations the recreational opportunities, forests, timber, clean water, wilderness and scenic values, and diverse habitat of Mount Hood National Forest, Oregon;

**Pages H5571–81**

*Providing for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe:* H.R. 854, amended, to provide for certain lands to be held in trust for the Utu Utu Gwaitu Paiute Tribe;

**Pages H5581–82**

*Musconetcong Wild and Scenic Rivers Act:* H.R. 1307, amended, to amend the Wild and Scenic Rivers Act to designate portions of the Musconetcong River in the State of New Jersey as a component of the National Wild and Scenic Rivers System;

**Pages H5582–84**

*Cababa River National Wildlife Refuge Expansion Act:* H.R. 4947, amended, to expand the boundaries of the Cahaba River National Wildlife Refuge;

**Pages H5584–85**

*Authorizing the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion:* H.R. 5057, amended, to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion;

**Pages H5585–86**

Agreed to amend the title so as to read: "To authorize the Marion Park Project, a Committee of the Palmetto Conservation Foundation, to establish a commemorative work on Federal land in the District of Columbia, and its environs to honor Brigadier General Francis Marion."

**Page H5586**

*Newlands Project Headquarters and Maintenance Yard Facility Transfer Act:* S. 310, to direct the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District in the State of Nevada—clearing the measure for the President;

**Pages H5586–87**

*Designating the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum:* S. Con. Res. 60, to designate the Negro Leagues Baseball Museum in Kansas City, Missouri, as America's National Negro Leagues Baseball Museum—clearing the measure for the President; **Page H5587**

*Electronic Duck Stamp Act of 2005:* S. 1496, to direct the Secretary of the Interior to conduct a pilot program under which up to 15 States may issue electronic Federal migratory bird hunting stamps, by a (2/3) ye-a-and-nay vote of 358 yeas to 4 nays, Roll No. 394—clearing the measure for the President;

**Pages H5587–91, H5647–48**

*National Heritage Areas Act of 2005:* S. 203, amended, to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, by a (2/3) ye-a-and-nay vote of 323 yeas to 39 nays, Roll No. 395;

**Pages H5591–H5615, H5648–49**

*Valle Vidal Protection Act of 2005:* H.R. 3817, to withdraw the Valle Vidal Unit of the Carson National Forest in New Mexico from location, entry, and patent under the mining laws; **Pages H5615–16**

*Blunt Reservoir and Pierre Canal Land Conveyance Act of 2005:* H.R. 4301, amended, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the initial stage of the Oahe Unit, James Division, South Dakota, to the Commission of Schools and Public Lands and the Department of Game, Fish, and Parks of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission; **Pages H5616–18**

*Central Idaho Economic Development and Recreation Act:* H.R. 3603, amended, to promote the economic development and recreational use of National Forest System lands and other public lands in central Idaho, to designate the Boulder-White Cloud Management Area to ensure the continued management of certain National Forest System lands and Bureau of Land Management lands for recreational and grazing use and conservation and resource protection, to add certain National Forest System lands and Bureau of Land Management lands in central Idaho to the National Wilderness Preservation System; **Pages H5618–30**

*Northern California Coastal Wild Heritage Wilderness Act:* H.R. 233, amended, to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the

State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river; **Pages H5630–33**

*Establishing a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels:* H.R. 5534, amended, to establish a grant program whereby moneys collected from violations of the corporate average fuel economy program are used to expand infrastructure necessary to increase the availability of alternative fuels, by a (2/3) ye-a-and-nay vote of 355 yeas to 9 nays, Roll No. 396; **Pages H5634–35, H5649–50**

Agreed to amend the title so as to read: “To provide grants from moneys collected from violations of the corporate average fuel economy program to be used to expand infrastructure necessary to increase the availability of alternative fuels.” **Page H5634**

*Recognizing the dedication of the employees at the National Aeronautics and Space Administration's Michoud Assembly Facility, the “Michoud Hurricane Ride-Out Team”, who risked their lives during Hurricane Katrina's assault on southeast Louisiana, and kept the generators and pumps running to protect the facilities and flight hardware, and whose dedication kept the Michoud Assembly Facility an island of dry land, which made it possible to resume External Tank production less than 5 weeks after the storm passed:* H. Res. 892, amended, to recognize the dedication of the employees at the National Aeronautics and Space Administration's Michoud Assembly Facility, the “Michoud Hurricane Ride-Out Team”, who risked their lives during Hurricane Katrina's assault on southeast Louisiana, and kept the generators and pumps running to protect the facilities and flight hardware, and whose dedication kept the Michoud Assembly Facility an island of dry land, which made it possible to resume External Tank production less than 5 weeks after the storm passed; **Pages H5635–36**

*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:* H. Con. Res. 347, to honor 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;

**Pages H5636–38**

*Expressing support for the designation and goals of "Hire a Veteran Week" and encouraging the President to issue a proclamation supporting those goals:* H. Con. Res. 125, to express support for the designation and goals of "Hire a Veteran Week" and encouraging the President to issue a proclamation supporting those goals; and **Pages H5638–40**

*Veteran-Owned Small Business Promotion Act of 2005:* H.R. 3082, amended, to amend title 38, United States Code, to require that 9 percent of procurement contracts entered into by the Department of Veterans Affairs be awarded to small business concerns owned by veterans. **Pages H5640–47**

Agreed to amend the title so as to read: "to amend title 38, United States Code, to make improvements to small business, memorial affairs, education, and employment programs for veterans, and for other purposes." **Page H5647**

**Moment of Silence:** The House observed a moment of silence in remembrance of Officer Jacob J. Chestnut and Detective John M. Gibson of the United States Capitol Police who were killed in the line of duty defending the Capitol against an intruder armed with a gun on July 24, 1998. **Page H5648**

**Recess:** The House recessed at 4:50 p.m. and reconvened at 6:30 p.m. **Page H5647**

**Senate Messages:** Messages received from the Senate by the Clerk and subsequently presented to the House today appear on page H5570.

**Senate Referrals:** S. 2690 and S. 3187 were referred to the Committee on Government Reform and S. Con. Res. 112 was held at the desk. **Page H5681**

**Quorum Calls—Votes:** 3 yea-and-nay votes developed during the proceedings of today and appear on pages H5647–48, H5648, H5649. There were no quorum calls.

**Adjournment:** The House met at 12:30 p.m. and adjourned at 11:38 p.m.

## Committee Meetings

### BUSINESS ACTIVITY TAX SIMPLIFICATION ACT OF 2006

*Committee on Rules:* Granted, by voice vote, a closed rule providing 1 hour of debate in the House on H.R. 1956, Business Activity Tax Simplification Act of 2006, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. Finally, the rule provides one motion to re-

commit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representatives Delahunt and Dicks.

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## COMMITTEE MEETINGS FOR TUESDAY, JULY 25, 2006

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Armed Services:* Sub committee on Airland, to hold hearings to examine the F-22A multiyear procurement proposal in review of the Defense Authorization Request for fiscal year 2007, 9:30 a.m., SR-222.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine regulation of hedge funds, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* Subcommittee on Aviation, to hold an oversight hearing to examine the Joint Planning and Development Office, 10 a.m., SR-253.

*Committee on Finance:* Subcommittee on Health Care, to hold hearings to examine a decade of covering children relating to the State Children's Health Insurance Program, 2:30 p.m., SD-215.

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, 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, 10 a.m., SD-342.

Full Committee, business meeting to consider the nomination of Stephen S. McMillin, of Texas, to be Deputy Director of the Office of Management and Budget, 11 a.m., S-216, Capitol.

### House

*Committee on Energy and Commerce,* Subcommittee on Commerce, Trade, and Consumer Protection, hearing on H.R. 503, To amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, 2 p.m., 2322 Rayburn.

Subcommittee on Health, hearing on How to Build a Payment System that Provides Quality, Efficient Care for Medicare Beneficiaries, 10 a.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Housing and Community Opportunity, hearing entitled "Changing Real Estate Market," 2 p.m., 2128 Rayburn.

Subcommittee on Oversight and Investigations and the Subcommittee on Intelligence, Information Sharing, and Terrorism Risk Assessment of the Committee on Homeland Security, joint hearing entitled "Terrorism Threats and the Insurance Market," 10 a.m., 2128 Rayburn.

*Committee on Government Reform*, Subcommittee on Federal Workforce and Agency Organization, hearing entitled “Retirees Returning to the Rescue: Re-employing Annuitants in Times of National Need,” 2 p.m., 2247 Rayburn.

Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled “DOD Excess Property: Inventory Control Breakdowns Present a Security Risk,” 2 p.m., 2154 Rayburn.

Subcommittee on Regulatory Affairs, hearing entitled “Is the Federal Government Doing All It Can To Stem the Tide of Illegal Immigration,” 10 a.m., 2154 Rayburn.

*Committee on International Relations*, Subcommittee on Middle East and Central Asia, hearing on Assessing Energy and Security Issues in Central Asia, 2 p.m., 2200 Rayburn.

*Committee on the Judiciary*, Subcommittee on Commercial and Administrative Law, oversight hearing entitled “The 60th Anniversary of the Administrative Procedure Act: Where Do We Go From Here?” 11:30 a.m., 2141 Rayburn.

*Committee on Resources*, Subcommittee on National Parks, oversight hearing entitled “The Recently Released Final Draft of the National Park Service Management Policies,” 2 p.m., 1324 Longworth.

*Committee on Rules*, to consider H.R. 5682, United States and India Nuclear Cooperation Promotion Act of 2006, 3:30 p.m., H-313 Capitol.

*Committee on Science*, hearing on Scientific and Technical Assessment and Advice for the U.S. Congress, 10 a.m., 2318 Rayburn.

*Committee on Small Business*, hearing on the Failure to Comply With the Regulatory Flexibility Act: IRS Endangering Small Businesses Yet Again, 2 p.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Railroads, oversight hearing on Human Factors Issues in Rail Safety, 10 a.m., 2167 Rayburn.

*Committee on Ways and Means*, Subcommittee on Trade, hearing on Customs Budget Authorizations and Other Customs Issues, 10 a.m., 1100 Longworth.

*Next Meeting of the SENATE*

9:45 a.m., Tuesday, July 25

## Senate Chamber

**Program for Tuesday:** Senate will continue consideration of the nomination of Jerome A. Holmes, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit, with a vote on confirmation of the nomination to occur at approximately 11:45 a.m. Also, Senate will resume consideration of S. 403, Child Custody Protection Act, consider certain amendments, and after a period of debate, vote on final passage of the bill.

*(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)*

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Tuesday, July 25

## House Chamber

**Program for Tuesday:** Consideration of suspensions as follows: (1) S. 3525—Child and Family Services Improvement Act of 2006; (2) H.R. 4804—FHA Manufactured Housing Loan Modernization Act of 2006; (3) H.R. 5024—Promoting Transparency in Financial Reporting Act of 2006; (4) H.R. 5068—

Export-Import Bank Reauthorization Act of 2006; (5) H.R. 5121—Expanding American Homeownership Act of 2006; (6) H.R. 5852—The 21st Century Emergency Communications Act of 2006; (7) H. Con. Res. 384—Recognizing and honoring the 100th anniversary of the founding of the Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Greek-letter fraternity established for African Americans; (8) H.R. 5074—Railroad Retirement Technical Improvement Act of 2006; (9) H.R. 5013—Disaster Recovery Personal Protection Act of 2006; (10) H. Con. Res. 145—Expressing the sense of Congress in support of a national bike month and in appreciation of cyclists and others for promoting bicycle safety and the benefits of cycling; (11) H.R. 5187—To amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007; (12) H. Con. Res. 235—Expressing the sense of the 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; and (13) H. Con. Res. 449—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. Consideration of H.R. 1956—Business Activity Tax Simplification Act of 2006 (Subject to a Rule).

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