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# House of Representatives

The House met at 10 a.m.

The Reverend Allen Novotny, Gonzaga College High School, Washington, DC, offered the following prayer:

Lord, we gather here this morning, representatives of millions, to use Your gifts of the power of words, of debate and of laws to serve their needs. Yet, we dare ask for even more, the awesome power of Your Spirit.

And so we pray, rush upon us, O Spirit of God. From this time, rush upon us: like living water, like leaping fire, like fresh wind through an open window.

For this time, rush upon us, O Holy Spirit: with wisdom and knowledge, with understanding and counsel, with wonder and with recognition and awe. Just in time, rush upon us, O Spirit of God: in life-giving words, in songs for the powerless, in a passion for service. At this time, rush upon us, O Holy Spirit: this hopeful time, this planning time, this renewing time, this new time, this full time, all the time. Rush upon us, O Spirit of God.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New Jersey (Mr. SIRES) come forward and lead the House in the Pledge of Allegiance.

Mr. SIRES 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.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 1-minute speeches on each side of the aisle.

## THE COST OF THE WAR IN IRAQ

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

Mr. MORAN of Virginia. Madam Speaker, the Congressional Budget Office just released an analysis that on top of the half a trillion dollars that we have already spent on the war in Iraq, it will cost us another $2 trillion over the next decade. That includes $564 million of interest, because every dime of this war in Iraq has been borrowed, from our children and from our grandchildren. It will come to a greater cost than the cost of the Korean, the Vietnam War and all three theaters of operation in World War II. It boils down to about $7,000 for every man, woman and child.

And here we thought the only real sacrifice was being borne by our soldiers and their families. We are beginning to see the real implications for all of America. In fact, just last week, the President vetoed a bill that would have cost $35 billion but would have provided health care to 10 million children over the next 5 years and at the same time demanded that we instead spend that same amount of money for 3 weeks in Iraq. This is not what America expects from its President or its Congress, Madam Speaker.

## VETERANS AFFAIRS APPROPRIATIONS BILL

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

Mr. AKIN. Mr. Speaker, last week on ABC's news program, Charlie Gibson announced the news in Iraq. He said, ''The news is, there isn't any news.'' That's right. Across all of Iraq, there were no fatalities, shootings and bombs going off. As the media has started to recognize that we have turned the corner and are winning the war in Iraq, this pressing question, once again, comes before the House, and that is, what are the Democrats going to do with the bill that we have already passed and that the Senate has already passed to provide money for our veterans?

Eighteen million dollars every day is being wasted for the last 130 days because we won't bring this veterans funding bill back for final approval. It has the votes. What are we waiting for, post-traumatic stress syndrome? Veterans hospitals? Veterans clinics? We have to ask the Democrat leadership why a 130-day wait.

It's time for us to fund our veterans.

## HONORING GALESBURG, ILLINOIS

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

Mr. HARE. Mr. Speaker, I rise today to pay honor to my hometown, the city of Galesburg, IL, for publicly speaking out against hate crimes. Galesburg has a rich tradition of promoting equality for all of its citizens. It was a stop on the Underground Railroad and home to the first anti-slavery society in the State of Illinois.

Mayor Gary Smith recently declared October Not in Our Town Month, an effort to combat violent, bias-motivated crimes designed to cause fear and intimidation among an entire group of people.

The Not in Our Town Month proclamation states, ''Hate groups shall not divide communities.'' It also urges the residents of Galesburg to ''join together to eliminate racism and violence and to declare that respect,



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equality and freedom for all people be our goal.''

Crimes based on prejudice are a poor reflection on our communities, and I congratulate Galesburg for refusing to stand by in silence.

## VETERANS FUNDING

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

Mr. STEARNS. Good morning, Mr. Speaker.

My colleagues, the House passed the largest increase in veterans funding in the 77-year history of the Veterans Affairs Department. The bill provides more than $37 billion for veterans programs. This is a $4.4 billion increase over last year. As pointed out earlier, it has been over 130 days since the House passed the VA/Military Construction funding. Yet they have refused to appoint conferees like the Senate, their counterparts, have already done. So at this point the bill can't move forward and be signed by the President.

By the Democrats' failure to move forward on this bill, veterans are losing out on $600 million for posttraumatic stress disorder care, traumatic brain injury research and care; $4.1 billion to improve VA facilities, hospitals and clinics; and, lastly, $480 million for prosthetic research to help our wounded veterans retain a positive quality of life.

Mr. Speaker, we urge our Democrat colleagues to move forward on this bill and have it to the President so he can sign it on Veterans Day.

## NATURAL DISASTERS

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

Mr. BLUMENAUER. Our hearts go out to the almost million people forced to flee their homes from wildfires in Southern California. At the same time a drought has gripped North Carolina and Georgia which in the long run may be end up being as devastating.

These disasters are almost unimaginable, except we've been there before, like in Southern California in 2003. And two-thirds of the new development in the last 10 years in Southern California has been in areas we know are subject to wildfire. What are we going to do about it?

The administration's refusal to deal meaningfully with global warming is the most glaring example of behaviors that doom us to reruns for years to come. Georgia has no real plan to deal with its water and doesn't even know what supplies it can count upon. Here in Congress, we fail to prioritize the right infrastructure and give billions of dollars for relief after a disaster and won't spend millions to invest in programs to protect before it happens.

I hope and pray that the message sinks in and that we use this disaster as a wake-up call to get our act together to help people before these things happen to save both lives and money in the future.

## CALIFORNIA WILDFIRES

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

Mr. DREIER. Mr. Speaker, I rise this morning to express on behalf of California's congressional delegation our appreciation to our colleagues here in the House of Representatives and to the administration, President Bush and Secretary Chertoff and Director Paulison and others in the administration who are at this moment on the ground in Southern California, and to the courageous firefighters and Governor Schwarzenegger and his entire team for all that is being done to deal with what has been described by one battalion chief in San Diego, California, as the worst fire that the State has ever faced. Last night, Brian Williams of NBC News said that the fact that nearly a million people have been evacuated from their homes means that this is the largest movement of people since the Civil War.

We are going to go through some very difficult and challenging days ahead, and to the firefighters, to those who have suffered losses, our thoughts and prayers are with you. And again my appreciation to our colleagues who represent States across this country, North Carolina, Wyoming, Arizona, Idaho, States all across this country, Mr. Speaker, that have stepped up to the plate to help us. I also want to express my appreciation to Speaker PELOSI as well.

## CHIP

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

Mr. SIRES. Mr. Speaker, the bipartisan CHIP Reauthorization Act had the support of over two-thirds of the U.S. Senate, nearly every U.S. Governor, and an overwhelming majority of the American people. Unfortunately, it did not have the support of two crucial parties, President Bush who vetoed it and his Republican friends who voted to uphold his veto.

Instead of helping us extend health care to low-income children, the President claims this fully-paid-for bill is excessive spending and instead he proposes to spend just $5 billion more than we do now on the CHIP program. According to the Congressional Budget Office, the President's plan will lead to more than 800,000 children losing their coverage.

Mr. Speaker, I would like to know how the President and his Republican enablers would determine which 800,000 children lose their coverage. And what do they tell the 4 million children who are currently eligible for CHIP, but will have no hope of getting this coverage unless our bipartisan bill passes? It is time for Republicans in this body to reject the President's plan to cut health care for children and stand with us in strengthening the CHIP program.

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## COMBATING THE EMERALD ASH BORER

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

Mr. ROSKAM. Mr. Speaker, I rise today and urge my colleagues to join with me and our colleague Mr. KIRK in cosponsoring H.R. 3901, the Emerald Ash Borer Municipality Assistance Act.

What is an emerald ash borer, you may ask. Well, it is a nasty little bug that has found its way on to our shores, which has a very aggressive disposition towards ash trees in particular. It is a native of China, and there are no known natural predators here in the United States.

If you think of the districts that we all represent, many of them have beautiful canopies of trees that line our streets and create wonderful natural ways all throughout our districts. Yet this bug has shown up in Illinois, my State; Indiana; Michigan; Ohio; Pennsylvania; Maryland and West Virginia.

As one researcher of the Morton Arboretum, which I represent, said, ''The emerald ash borer doesn't just kill a majority of the ash trees it encounters; it seems to kill them all.''

This legislation creates a revolving loan fund whereby municipalities have access to those moneys, and they use it in order to take on this scourge.

## PROVIDING HEALTH CARE FOR MILLIONS OF AMERICAN CHILDREN

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

Mr. WALZ of Minnesota. Mr. Speaker, last week 10 million children were denied health insurance because some of my colleagues on the Republican side of the aisle chose to stand with President Bush over the children.

It is disappointing that some of our colleagues stood with the President and stood with the smoke-and-mirrors campaign to distort what the SCHIP legislation was. But this is not the end; it is only the beginning of the effort of this Congress to stand with American families to protect health care for our children.

Democrats in this body, along with 68 Members of the Senate and 43 of our Nation's Governors and over 80 percent of the American public want this piece of legislation to move. We are committed to ensuring that States have the resources and flexibility necessary to enroll these children.

Mr. Speaker, the American people, Governors and many Members of Congress, both Democrat and Republican,

were disappointed that more of our colleagues on the Republican side of the aisle didn't vote to override the veto. However, we will give them the opportunity soon and often to change that vote, stand with America's children, and reject the President's veto.

## DEMAND THAT HOUSE APPOINT CONFEREES ON VA APPROPRIATIONS

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

Mrs. BLACKBURN. Mr. Speaker, more than 4 months ago the House passed an appropriations bill designed to provide benefits for our soldiers and veterans. H.R. 2642 passed the House by an overwhelming 409–2 vote. A similar bill went through the Senate 92–1. But since then, nothing has happened.

It has been 131 days since we passed the legislation, and still nothing has been sent to the President's desk for him to sign. The Senate appointed conferees to hammer out a compromise between the two bills 6 weeks ago. But the House leadership? Nothing has been done.

The question is why. Why would the new majority play politics with the health care of our brave men and women in uniform? There is no reason, a month into this fiscal year, that the bill is unresolved.

I ask all my colleagues, all 408 of them who voted for this bill, to demand that the House appoint conferees. Stop doing nothing. Do what needs to be done to meet the needs of our men and women in uniform.

## CONGRATULATING THE UNITED NATIONS ON UNITED NATIONS DAY

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

Mr. FARR. Mr. Speaker, I rise on a happy note. It is a happy birthday today, the birthday of the United Nations. It was 62 years ago when 50 countries gathered in the great City of San Francisco, California, to make the cause of international peace and security a global mantra and launched the United Nations. It was a good idea then, and 62 years later, it is still a good idea.

In a world that is tense with war, the U.N. fights for peace every day. Where hunger plagues the poor, the U.N. provides food aid to more than 80 million people every day, every year. In 166 nations that suffer devastating poverty, the U.N. offers proactive programs to buttress economic development. And, most important of all, the U.N. deploys 100,000 peacekeepers around the world on missions vital to stabilization of regions under threat of conflict.

The answer to global distress is found in solving the problems that are the root causes of poverty, the lack of health care, shelter and legislation. The U.N. is the only organization worldwide dedicated to this grand mission.

I congratulate the United Nations for its hard work, and ask Members of this body to support and invigorate America's commitment to this vital international organization.

## SUPPORT THE SCHIP REAUTHORIZATION

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

Ms. SOLIS. Mr. Speaker, I rise today in support of reauthorizing the Children's Health Insurance Program. President Bush, as you know, has callously denied health care for 10 million poor children due to his misplaced priorities.

More than 800,000 children in my home State of California depend on the Healthy Families Program. More than half of those children happen to be Hispanic. The health of millions of children will be endangered and millions more will continue to suffer if we do not reauthorize this program.

We in Congress have an incredible opportunity to do what is right for our children, especially those children who are disadvantaged and come from low-income families. All children, regardless of race, income or geography deserve a healthy start in life.

It is time to end this false allegation that undocumented immigrants are receiving this coverage. Ten million children are counting on us to do the right thing. We have a moral obligation to protect the health and well-being of all of our children.

## IRAQI CONTRACTS WITH IRAN AND CHINA CONCERN UNITED STATES

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

Mr. ENGEL. Mr. Speaker, a very disturbing report has come out that Iraq has agreed to award $1.1 billion in contracts to Iranian and Chinese companies to build a pair of enormous power plants. That is what the Iraqi Minister of Electricity said on Tuesday. Word of the project prompted serious concerns among American military officials who fear that Iranian commercial investments can mask military activities at a time of our heightened tension with Iran.

Mr. Speaker, at a time when young Americans are dying in Iraq and when the U.S. is spending billions of dollars in Iraq, this makes absolutely no sense at all. The Iraqi Electricity Minister said that the Iranian project would be built in Sadr City, a Shiite enclave in Baghdad that is controlled by followers of the anti-American cleric Moqtada al-Sadr. He added that Iran had also agreed to provide cheap electricity from its own grid to southern Iraq and to build a large power plant, essentially free of charge, in an area between two Shiite holy cities.

The expansion of ties between Iraq and Iran comes as the U.S. and Iran clash on nuclear issues and about what American officials had repeatedly said was Iranian support for armed groups. This is an outrage and should not stand.

## THE PRESIDENT'S MISPLACED PRIORITIES: WHAT WE COULD DO HERE WITH MONEY GOING TO IRAQ

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

Mr. ARCURI. Mr. Speaker, earlier this week, President Bush proposed that our Nation spend another $196 billion in Iraq next year. Today we will spend $330 million fighting the war in Iraq. Imagine that. Every day, $330 million in taxpayer dollars is going to Iraq.

Just imagine for one moment what we could do here in the United States with that money instead. We could hire an additional 1,700 Border Patrol agents to work our borders for an entire year. We could provide health care to 50,000 more veterans so they receive the essential health care treatment that they need. We could enroll 46,000 more children in Head Start for 1 year, so they can receive early childhood education. If we took 1 day of funding from the Iraq war, we could help nearly 800,000 families keep their heat on this winter through the LIHEAP program. We could provide 270,000 more children health care coverage through the CHIP program.

Mr. Speaker, while President Bush has no problem sending billions of dollars to Iraq, he is neglecting essential needs here in America. The Democratic majority in this Congress refuses to follow that lead.

## BUSH NEGLECTS DOMESTIC PRIORITIES TO CONTINUE TO FOCUS ON WAR IN IRAQ

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

Mr. YARMUTH. Mr. Speaker, when President Bush vetoed a bill earlier this month that would provide health care coverage to 10 million American children, he said the spending was excessive. The bipartisan bill invested $35 billion more in children's health over a 5-year period. Three weeks later, President Bush announces that he needs $196 billion to fight the war in Iraq over the next year. If $35 billion for children's health is excessive, what exactly is his request for the war?

I know the President believes that Congress is his personal ATM machine, but article I of the Constitution says different, and we will not rubber-stamp his funding request for the war.

As we have in the past, Democrats will continue to exert pressure on the administration to change course in Iraq so that we can begin to bring the

troops home. There is no military solution to the war; yet the Bush administration refuses to put pressure on the Iraqi Government to enact the political reforms that are necessary to bring about stability in the country.

While we push the administration to change course in Iraq, we also remain firm in our conviction to pass the children's health care bill that covers 10 million American children.

## CELEBRATING AMERICA'S HERITAGE ACT

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 765, I call up the bill (H.R. 1483) to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1483

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

**SECTION 1. EXTENSIONS AND TECHNICAL CHANGES.**

(a) IN GENERAL.—Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended—

(1) in each of sections 107, 208, 310, 408, 507, 607, 707, 811, and 910, by striking ''September 30, 2012'' and inserting ''September 30, 2027''; and

(2) in each of sections 108(a), 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 812(a), and 909(c), by striking ''$10,000,000'' and inserting ''$20,000,000''.

(b) OHIO & ERIE NATIONAL HERITAGE CANALWAY.—Title VIII of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 110 Stat. 4267, 114 Stat. 31) is amended—

(1) by striking ''Canal National Heritage Corridor'' each place it appears and inserting ''National Heritage Canalway'';

(2) in section 803—

(A) by striking paragraph paragraph (2);

(B) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

(C) in paragraph (2) (as redesignated by subparagraph (B)), by striking ''808'' and inserting ''806''; and

(D) in paragraph (6) (as redesignated by subparagraph (B)), by striking ''807(a)'' and inserting ''805(a)'';

(3) in the second sentence of section 804(b)(1), by striking ''808'' and inserting ''806'';

(4) by striking sections 805 and 806;

(5) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;

(6) in section 805(c)(2) (as redesignated by paragraph (5)), by striking ''808'' and inserting ''806'';

(7) in section 806 (as redesignated by paragraph (5))—

(A) in subsection (a)(1), by striking ''Committee'' and inserting ''Secretary'';

(B) in subsection (a)(3)—

(i) in subparagraph (A), by striking ''from the Committee''; and

(ii) in the first sentence of subparagraph (B), by striking ''Committee'' and inserting ''management entity'';

(C) in subsection (e), by striking ''807(d)(1)'' and inserting ''805(d)(1)''; and

(D) in subsection (f), by striking ''807(d)(1)'' and inserting ''805(d)(1)'';

(8) in section 808 (as redesignated by paragraph (5))—

(A) in subsection (b), by striking ''Committee or''; and

(B) in subsection (c) in the matter before paragraph (1), by striking ''Committee'' and inserting ''management entity''.

(c) 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''.

(3) In section 105—

(A) by striking ''paragraphs (2) and (5) of''; and

(B) by adding at the end the following: ''Resources within Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawha County, West Virginia, shall also be eligible for assistance as determined by the National Coal Heritage Area Authority.''.

(4) In section 106—

(A) by striking ''Governor'' and all that follows through ''and Parks'' and inserting ''National Coal Heritage Area Authority''; and

(B) in subsection (a)(3), by striking ''State of West Virginia'' and all that follows through ''entities'' and inserting ''National Coal Heritage Area Authority''.

(d) CONTINUATION OF AGREEMENT.—The contractual agreement entered into by the Secretary of the Interior and the Governor of West Virginia prior to the date of enactment of this Act pursuant to section 104 of title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 shall be deemed as continuing in effect except that such agreement shall be between the Secretary and the National Coal Heritage Area Authority.

(e) SOUTH CAROLINA HERITAGE AREA AMENDMENT.—Section 604(b)(2) of title VI of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended by adding at the end the following new subparagraph:

''(O) Berkeley County.''.

The SPEAKER pro tempore (Mr. PASTOR). Pursuant to House Resolution 765, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110–405, is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 1483

*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 ''Celebrating America's Heritage Act''.*

***SEC. 2. TABLE OF CONTENTS.***

*The table of contents is as follows:*

*Sec. 1. Short title.*
*Sec. 2. Table of contents.*

*TITLE I—AUTHORIZATION EXTENSIONS AND VIABILITY STUDIES*

*Sec. 1001. Extensions of authorized appropriations.*
*Sec. 1002. Evaluation and report.*

*TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS*

*Subtitle A—Journey Through Hallowed Ground National Heritage Area*

*Sec. 2001. Short title; table of contents.*
*Sec. 2002. Purposes.*
*Sec. 2003. Definitions.*
*Sec. 2004. Designation of the Journey Through Hallowed Ground National Heritage Area.*
*Sec. 2005. Management plan.*
*Sec. 2006. Evaluation; report.*
*Sec. 2007. Local coordinating entity.*
*Sec. 2008. Relationship to other Federal agencies.*
*Sec. 2009. Private property and regulatory protections.*
*Sec. 2010. Authorization of appropriations.*
*Sec. 2011. Use of Federal funds from other sources.*
*Sec. 2012. Sunset for grants and other assistance.*

*Subtitle B—Niagara Falls National Heritage Area*

*Sec. 2021. Short title; table of contents.*
*Sec. 2022. Purposes.*
*Sec. 2023. Definitions.*
*Sec. 2024. Designation of the Niagara Falls National Heritage Area.*
*Sec. 2025. Management plan.*
*Sec. 2026. Evaluation; report.*
*Sec. 2027. Local coordinating entity.*
*Sec. 2028. Niagara Falls Heritage Area Commission.*
*Sec. 2029. Relationship to other Federal agencies.*
*Sec. 2030. Private property and regulatory protections.*
*Sec. 2031. Authorization of appropriations.*
*Sec. 2032. Use of Federal funds from other sources.*
*Sec. 2033. Sunset for grants and other assistance.*

*Subtitle C—Muscle Shoals National Heritage Area*

*Sec. 2041. Short title; table of contents.*
*Sec. 2042. Purposes.*
*Sec. 2043. Definitions.*
*Sec. 2044. Designation of Muscle Shoals National Heritage Area.*
*Sec. 2045. Management plan.*
*Sec. 2046. Evaluation; report.*
*Sec. 2047. Local coordinating entity.*
*Sec. 2048. Relationship to other Federal agencies.*
*Sec. 2049. Private property and regulatory protections.*
*Sec. 2050. Authorization of appropriations.*
*Sec. 2051. Use of Federal funds from other sources.*
*Sec. 2052. Sunset for grants and other assistance.*

*Subtitle D—Freedom's Way National Heritage Area*

*Sec. 2061. Short title; table of contents.*
*Sec. 2062. Purposes.*
*Sec. 2063. Definitions.*
*Sec. 2064. Designation of Freedom's Way National Heritage Area.*
*Sec. 2065. Management plan.*
*Sec. 2066. Evaluation; report.*
*Sec. 2067. Local coordinating entity.*
*Sec. 2068. Relationship to other Federal agencies.*
*Sec. 2069. Private property and regulatory protections.*
*Sec. 2070. Authorization of appropriations.*
*Sec. 2071. Use of Federal funds from other sources.*

Sec. 2072. Sunset for grants and other assistance.

Subtitle E—Abraham Lincoln National Heritage Area

Sec. 2081. Short title; table of contents.
Sec. 2082. Purposes.
Sec. 2083. Definitions.
Sec. 2084. Designation of Abraham Lincoln National Heritage Area.
Sec. 2085. Management plan.
Sec. 2086. Evaluation; report.
Sec. 2087. Local coordinating entity.
Sec. 2088. Relationship to other Federal agencies.
Sec. 2089. Private property and regulatory protections.
Sec. 2090. Authorization of appropriations.
Sec. 2091. Use of Federal funds from other sources.
Sec. 2092. Sunset for grants and other assistance.

Subtitle F—Santa Cruz Valley National Heritage Area

Sec. 2111. Short title; table of contents.
Sec. 2112. Purposes.
Sec. 2113. Definitions.
Sec. 2114. Designation of Santa Cruz Valley National Heritage Area.
Sec. 2115. Management plan.
Sec. 2116. Evaluation; report.
Sec. 2117. Local coordinating entity.
Sec. 2118. Relationship to other Federal agencies.
Sec. 2119. Private property and regulatory protections.
Sec. 2120. Authorization of appropriations.
Sec. 2121. Use of Federal funds from other sources.
Sec. 2122. Sunset for grants and other assistance.

TITLE III—STUDY

Sec. 3001. Study and report of proposed Northern Neck National Heritage Area.

TITLE IV—TECHNICAL CORRECTIONS AND ADDITIONS

Sec. 4001. National Coal Heritage Area technical corrections.
Sec. 4002. Rivers of steel national heritage area addition.
Sec. 4003. South Carolina National Heritage Corridor addition.
Sec. 4004. Ohio and Erie Canal National Heritage Corridor technical corrections.
Sec. 4005. New Jersey Coastal Heritage trail route extension of authorization.
Sec. 4006. Erie Canalway National Heritage Corridor technical corrections.

TITLE V—SENSE OF CONGRESS REGARDING FUNDING

Sec. 5001. Sense of Congress Regarding Funding.

## TITLE I—AUTHORIZATION EXTENSIONS AND VIABILITY STUDIES

### SEC. 1001. EXTENSIONS OF AUTHORIZED APPROPRIATIONS.

*Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended in each of sections 108(a), 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 810(a) (as redesignated by this Act), and 909(c), by striking ''$10,000,000'' and inserting ''$15,000,000''.*

### SEC. 1002. EVALUATION AND REPORT.

*(a) IN GENERAL.—For the nine National Heritage Areas authorized in Division II of the Omnibus Parks and Public Lands Management Act of 1996, not later than 3 years before the date on which authority for Federal funding terminates for each National Heritage Area, the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local management entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the investments of Federal, State, Tribal, and local government and private entities in each National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

## TITLE II—ESTABLISHMENT OF NATIONAL HERITAGE AREAS

### Subtitle A—Journey Through Hallowed Ground National Heritage Area

### SEC. 2001. SHORT TITLE; TABLE OF CONTENTS.

*(a) SHORT TITLE.—This subtitle may be cited as the ''Journey Through Hallowed Ground National Heritage Area Act''.*

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

Sec. 2001. Short title; table of contents.
Sec. 2002. Purposes.
Sec. 2003. Definitions.
Sec. 2004. Designation of the Journey Through Hallowed Ground National Heritage Area.
Sec. 2005. Management plan.
Sec. 2006. Evaluation; report.
Sec. 2007. Local coordinating entity.
Sec. 2008. Relationship to other Federal agencies.
Sec. 2009. Private property and regulatory protections.
Sec. 2010. Authorization of appropriations.
Sec. 2011. Use of Federal funds from other sources.
Sec. 2012. Sunset for grants and other assistance.

### SEC. 2002. PURPOSES.

*(a) The purposes of this subtitle include—*

*(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the study entitled ''The Journey Through Hallowed Ground National Heritage Area Feasibility Study'' dated September 2006;*

*(2) to preserve, support, conserve, and interpret the legacy of the American history created along the National Heritage Area;*

*(3) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;*

*(4) to recognize and interpret important events and geographic locations representing key developments in the creation of America, including Native American, Colonial American, European American, and African American heritage;*

*(5) to recognize and interpret the effect of the Civil War on the civilian population of the National Heritage Area during the war and postwar reconstruction period;*

*(6) to enhance a cooperative management framework to assist the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the State of West Virginia, and their units of local government, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural and recreational sites in the National Heritage Area; and*

*(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.*

### SEC. 2003. DEFINITIONS.

*In this subtitle—*

*(1) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Journey Through Hallowed Ground National Heritage Area established in this subtitle.*

*(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Journey Through Hallowed Ground Partnership, a Virginia non-profit, which is hereby designated by Congress—*

*(A) to develop, in partnership with others, the management plan for the National Heritage Area; and*

*(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.*

*(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.*

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

### SEC. 2004. DESIGNATION OF THE JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.

*(a) ESTABLISHMENT.—There is hereby established the Journey Through Hallowed Ground National Heritage Area.*

*(b) BOUNDARIES.—*

*(1) IN GENERAL.—The Heritage Area shall consist of the 175-mile region generally following the Route 15 corridor and surrounding areas from Adams County, Pennsylvania, through Frederick County, Maryland, including the Heart of the Civil War Maryland State Heritage Area, looping through Brunswick, Maryland, to Harpers Ferry, West Virginia, back through Loudoun County, Virginia, to the Route 15 corridor and surrounding areas encompassing portions of Loudoun and Prince William Counties, Virginia, then Fauquier County, Virginia, portions of Spotsylvania and Madison Counties, Virginia, and Culpepper, Rappahannock, Orange, and Albemarle Counties, Virginia.*

*(2) MAP.—The boundaries of the National Heritage Area shall include all of those lands and interests as generally depicted on the map titled ''Journey Through Hallowed Ground National Heritage Area'', numbered P90/80,000, and dated October 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.*

### SEC. 2005. MANAGEMENT PLAN.

*(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including—*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal or local government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and*

*(8) include a business plan that—*

*(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and*

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) DEADLINE.—*

*(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.*

*(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.*

*(c) APPROVAL OF MANAGEMENT PLAN.—*

*(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity—*

*(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and*

*(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;*

*(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;*

*(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and*

*(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*

*(4) DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—*

*(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and*

*(ii) may make recommendations to the local coordinating entity for revisions to the management plan.*

*(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.*

*(5) AMENDMENTS.—*

*(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.*

*(6) AUTHORITIES.—The Secretary may—*

*(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and*

*(B) enter into cooperative agreements with interested parties to carry out this subtitle.*

***SEC. 2006. EVALUATION; REPORT.***

*(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local coordinating entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, Tribal, local, and private investments in the National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

***SEC. 2007. LOCAL COORDINATING ENTITY.***

*(a) DUTIES.—To further the purposes of the National Heritage Area, the Journey Through Hallowed Ground Partnership, as the local coordinating entity, shall—*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;*

*(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

*(D) the amounts leveraged with Federal funds and sources of the leveraging; and*

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.*

*(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

*(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;*

*(3) hire and compensate staff, including individuals with expertise in—*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

*(4) obtain funds or services from any source, including other Federal programs;*

*(5) contract for goods or services; and*

*(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.*

*(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.*

***SEC. 2008. RELATIONSHIP TO OTHER FEDERAL AGENCIES.***

*(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.*

*(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.*

*(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—*

*(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;*

*(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or*

*(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.*

***SEC. 2009. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.***

*Nothing in this subtitle—*

*(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;*

*(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;*

*(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy or water or water-related infrastructure;*

*(4) authorizes or implies the reservation or appropriation of water or water rights;*

*(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or*

*(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.*

***SEC. 2010. AUTHORIZATION OF APPROPRIATIONS.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.*

*(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.*

*(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.*

***SEC. 2011. USE OF FEDERAL FUNDS FROM OTHER SOURCES.***

*Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.*

***SEC. 2012. SUNSET FOR GRANTS AND OTHER ASSISTANCE.***

*The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.*

***Subtitle B—Niagara Falls National Heritage Area***

***SEC. 2021. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This subtitle may be cited as the ''Niagara Falls National Heritage Area Act''.*

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

*Sec. 2021. Short title; table of contents.*
*Sec. 2022. Purposes.*
*Sec. 2023. Definitions.*
*Sec. 2024. Designation of the Niagara Falls National Heritage Area.*
*Sec. 2025. Management plan.*
*Sec. 2026. Evaluation; report.*
*Sec. 2027. Local coordinating entity.*
*Sec. 2028. Niagara Falls Heritage Area Commission.*
*Sec. 2029. Relationship to other Federal agencies.*
*Sec. 2030. Private property and regulatory protections.*
*Sec. 2031. Authorization of appropriations.*
*Sec. 2032. Use of Federal funds from other sources.*
*Sec. 2033. Sunset for grants and other assistance.*

***SEC. 2022. PURPOSES.***

*(a) The purposes of this subtitle include—*

*(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the National Park Service study report entitled ''Niagara National Heritage Area Study'' dated 2005;*

*(2) to preserve, support, conserve, and interpret the natural, scenic, cultural, and historic resources within the National Heritage Area;*

*(3) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;*

*(4) to recognize and interpret important events and geographic locations representing key developments in American history and culture, including Native American, Colonial American, European American, and African American heritage;*

*(5) to enhance a cooperative management framework to assist State, local, and Tribal governments, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural, and recreational sites in the National Heritage Area;*

*(6) to conserve and interpret the history of the development of hydroelectric power in the United States and its role in developing the American economy; and*

*(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.*

***SEC. 2023. DEFINITIONS.***

*In this subtitle—*

*(1) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Niagara Falls National Heritage Area established in this subtitle.*

*(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the National Heritage Area designated pursuant to this subtitle.*

*(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.*

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

*(5) COMMISSION.—The term ''Commission'' means the Niagara Falls National Heritage Area Commission established under this subtitle.*

*(6) GOVERNOR.—The term ''Governor'' means the Governor of the State of New York.*

***SEC. 2024. DESIGNATION OF THE NIAGARA FALLS NATIONAL HERITAGE AREA.***

*(a) ESTABLISHMENT.—There is hereby established the Niagara Falls National Heritage Area.*

*(b) BOUNDARIES.—*

*(1) IN GENERAL.—The National Heritage Area shall consist of the area from the western boundary of the town of Wheatfield, New York, extending to the mouth of the Niagara River on Lake Ontario, including the city of Niagara Falls, New York, the villages of Youngstown and Lewiston, New York, land and water within the boundaries of the Heritage Area in Niagara County, New York, and any additional thematically related sites within Erie and Niagara Counties, New York, that are identified in the management plan developed under this subtitle.*

*(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled ''Niagara Falls National Heritage Area,'' and numbered P76/80,000 and dated July, 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.*

***SEC. 2025. MANAGEMENT PLAN.***

*(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including—*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and*

*(8) include a business plan that—*

*(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and*

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) DEADLINE.—*

*(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.*

*(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.*

*(c) APPROVAL OF MANAGEMENT PLAN.—*

*(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for*

*a National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION.—The Secretary shall consult with the Governor before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity—*

*(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and*

*(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;*

*(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;*

*(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and*

*(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*

*(4) DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—*

*(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and*

*(ii) may make recommendations to the local coordinating entity for revisions to the management plan.*

*(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.*

*(5) AMENDMENTS.—*

*(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.*

*(6) AUTHORITIES.—The Secretary may—*

*(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and*

*(B) enter into cooperative agreements with interested parties to carry out this subtitle*

***SEC. 2026. EVALUATION; REPORT.***

*(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local coordinating entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

***SEC. 2027. LOCAL COORDINATING ENTITY.***

*(a) DESIGNATION.—The local coordinating entity for the Heritage Area shall be—*

*(1) for the 5-year period beginning on the date of enactment of this subtitle, the Commission; and*

*(2) on expiration of the 5-year period described in subparagraph (1), a private nonprofit or governmental organization designated by the Commission.*

*(b) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity, shall—*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;*

*(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

*(D) the amounts leveraged with Federal funds and sources of the leveraging; and*

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds;*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area; and*

*(5) coordinate projects, activities, and programs with the Erie Canalway National Heritage Corridor.*

*(c) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

*(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;*

*(3) hire and compensate staff, including individuals with expertise in—*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

*(4) obtain funds or services from any source, including other Federal programs;*

*(5) contract for goods or services; and*

*(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.*

*(d) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.*

***SEC. 2028. NIAGARA FALLS HERITAGE AREA COMMISSION.***

*(a) ESTABLISHMENT.—There is established within the Department of the Interior the Niagara Falls National Heritage Area Commission.*

*(b) MEMBERSHIP.—The Commission shall be composed of 17 members, of whom—*

*(1) 1 member shall be the Director of the National Park Service (or a designee);*

*(2) 5 members shall be appointed by the Secretary, after consideration of the recommendation of the Governor, from among individuals with knowledge and experience of—*

*(A) the New York State Office of Parks, Recreation and Historic Preservation, the Niagara River Greenway Commission, the New York Power Authority, the USA Niagara Development Corporation, and the Niagara Tourism and Convention Corporation; or*

*(B) any successors of the agencies described in subparagraph (A);*

*(3) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of Niagara Falls, New York;*

*(4) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Youngstown, New York;*

*(5) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Lewiston, New York;*

*(6) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Tuscarora Nation;*

*(7) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Seneca Nation of Indians; and*

*(8) 6 members shall be individuals who have an interest in, support for, and expertise appropriate to tourism, regional planning, history and historic preservation, cultural or natural resource management, conservation, recreation, and education, or museum services, of whom—*

*(A) 4 members shall be appointed by the Secretary, after consideration of the recommendation of the 2 members of the Senate from the State; and*

*(B) 2 members shall be appointed by the Secretary, after consideration of the recommendation of the Member of the House of Representatives whose district encompasses the National Heritage Area.*

*(c) TERMS; VACANCIES.—*

*(1) TERM.—A member of the Commission shall be appointed for a term not to exceed 5 years.*

*(2) VACANCIES.—*

*(A) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.*

*(B) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.*

*(d) CHAIRPERSON AND VICE CHAIRPERSON.—*

*(1) SELECTION.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.*

*(2) VICE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.*

*(e) QUORUM.—*

*(1) IN GENERAL.—A majority of the members of the Commission shall constitute a quorum.*

*(2) TRANSACTION.—For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.*

*(f) MEETINGS.—*

*(1) IN GENERAL.—The Commission shall meet at least quarterly at the call of—*

*(A) the Chairperson; or*

*(B) a majority of the members of the Commission.*

*(2) NOTICE.—Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that are distributed throughout the National Heritage Area.*

*(3) APPLICABLE LAW.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.*

*(g) AUTHORITIES OF THE COMMISSION.—In addition to the authorities otherwise granted in this subtitle, the Commission may—*

*(1) request and accept from the head of any Federal agency, on a reimbursable or non-reimbursable basis, any personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission;*

*(2) request and accept from the head of any State agency or any agency of a political subdivision of the State, on a reimbursable or non-reimbursable basis, any personnel of the agency to the Commission to assist in carrying out the duties of the Commission;*

*(3) seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services; and*

*(4) use the United States mails in the same manner as other agencies of the Federal Government.*

*(h) DUTIES OF THE COMMISSION.—To further the purposes of the National Heritage Area, in addition to the duties otherwise listed in this subtitle, the Commission shall assist in the transition of the management of the National Heritage Area from the Commission to the local coordinating entity designated under this subtitle.*

*(i) COMPENSATION OF MEMBERS.—*

*(1) IN GENERAL.—A member of the Commission shall serve without compensation.*

*(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.*

*(j) GIFTS.—For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift or charitable contribution to the Commission shall be considered to be a charitable contribution or gift to the United States.*

*(k) USE OF FEDERAL FUNDS.—Except as provided for the leasing of administrative facilities under subsection (g)(1), the Commission may not use Federal funds made available to the Commission under this subtitle to acquire any real property or interest in real property.*

***SEC. 2029. RELATIONSHIP TO OTHER FEDERAL AGENCIES.***

*(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.*

*(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.*

*(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—*

*(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;*

*(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or*

*(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.*

***SEC. 2030. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.***

*Nothing in this subtitle—*

*(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;*

*(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;*

*(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;*

*(4) authorizes or implies the reservation or appropriation of water or water rights;*

*(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or*

*(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.*

***SEC. 2031. AUTHORIZATION OF APPROPRIATIONS.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.*

*(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.*

*(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.*

***SEC. 2032. USE OF FEDERAL FUNDS FROM OTHER SOURCES.***

*Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.*

***SEC. 2033. SUNSET FOR GRANTS AND OTHER ASSISTANCE.***

*The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.*

***Subtitle C—Muscle Shoals National Heritage Area***

***SEC. 2041. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This subtitle may be cited as the ''Muscle Shoals National Heritage Area Act''.*

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

*Sec. 2041. Short title; table of contents.*
*Sec. 2042. Purposes.*
*Sec. 2043. Definitions.*
*Sec. 2044. Designation of Muscle Shoals National Heritage Area.*
*Sec. 2045. Management plan.*
*Sec. 2046. Evaluation; report.*
*Sec. 2047. Local coordinating entity.*
*Sec. 2048. Relationship to other Federal agencies.*
*Sec. 2049. Private property and regulatory protections.*
*Sec. 2050. Authorization of appropriations.*
*Sec. 2051. Use of Federal funds from other sources.*
*Sec. 2052. Sunset for grants and other assistance.*

***SEC. 2042. PURPOSES.***

*The purposes of this subtitle include—*

*(1) to preserve, support conserve and interpret the legacy of the region represented by the National Heritage Area as described in the feasibility study prepared by the National Park Service;*

*(2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;*

*(3) to recognize and interpret important events and geographic locations representing key developments in the growth of America, including Native American, Colonial American, European American, and African American heritage;*

*(4) to recognize and interpret how the distinctive geography of the region shaped the development of settlement, defense, transportation, commerce, and culture there;*

*(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region 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; and*

*(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the National Heritage Area.*

***SEC. 2043. DEFINITIONS.***

*In this subtitle:*

*(1) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Muscle Shoals National Heritage Area established in this subtitle.*

*(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Muscle Shoals Regional Center, which is hereby designated by Congress—*

*(A) to develop, in partnership with others, the management plan for the National Heritage Area; and*

*(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.*

*(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.*

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

***SEC. 2044. DESIGNATION OF MUSCLE SHOALS NATIONAL HERITAGE AREA.***

*(a) ESTABLISHMENT.—There is hereby established the Muscle Shoals National Heritage Area in the State of Alabama.*

*(b) BOUNDARIES.—*

*(1) IN GENERAL.—The National Heritage Area shall be comprised of the counties of Colbert, Franklin, Lauderdale, Lawrence, Limestone, and Morgan; including the Wilson Dam; the Handy Home; and the Helen Keller birthplace.*

*(2) MAP.—The boundary of the National Heritage Area shall be as generally depicted on the map titled ''Muscle Shoals National Heritage Area'', numbered T08/80,000, and dated October 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.*

***SEC. 2045. MANAGEMENT PLAN.***

*(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the*

*story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including—*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and*

*(8) include a business plan that—*

*(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and*

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) DEADLINE.—*

*(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.*

*(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.*

*(c) APPROVAL OF MANAGEMENT PLAN.—*

*(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity—*

*(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and*

*(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;*

*(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;*

*(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and*

*(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*

*(4) DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—*

*(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and*

*(ii) may make recommendations to the local coordinating entity for revisions to the management plan.*

*(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.*

*(5) AMENDMENTS.—*

*(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.*

*(6) AUTHORITIES.—The Secretary may—*

*(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and*

*(B) enter into cooperative agreements with interested parties to carry out this subtitle.*

***SEC. 2046. EVALUATION; REPORT.***

*(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local coordinating entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

***SEC. 2047. LOCAL COORDINATING ENTITY.***

*(a) DUTIES.—To further the purposes of the National Heritage Area, the Muscle Shoals Regional Center, as the local coordinating entity, shall—*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;*

*(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

*(D) the amounts leveraged with Federal funds and sources of the leveraging; and*

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.*

*(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

*(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;*

*(3) hire and compensate staff, including individuals with expertise in—*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

*(4) obtain funds or services from any source, including other Federal programs;*

*(5) contract for goods or services; and*

*(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.*

*(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.*

***SEC. 2048. RELATIONSHIP TO OTHER FEDERAL AGENCIES.***

*(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.*

*(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a*

*National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.*

*(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—*

*(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;*

*(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or*

*(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.*

***SEC. 2049. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.***

*Nothing in this subtitle—*

*(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;*

*(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;*

*(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;*

*(4) authorizes or implies the reservation or appropriation of water or water rights;*

*(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or*

*(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.*

***SEC. 2050. AUTHORIZATION OF APPROPRIATIONS.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.*

*(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.*

*(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.*

***SEC. 2051. USE OF FEDERAL FUNDS FROM OTHER SOURCES.***

*Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.*

***SEC. 2052. SUNSET FOR GRANTS AND OTHER ASSISTANCE.***

*The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.*

***Subtitle D—Freedom's Way National Heritage Area***

***SEC. 2061. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This subtitle may be cited as the ''Freedom's Way National Heritage Area Act''.*

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

*Sec. 2061. Short title; table of contents.*
*Sec. 2062. Purposes.*
*Sec. 2063. Definitions.*
*Sec. 2064. Designation of Freedom's Way National Heritage Area.*
*Sec. 2065. Management plan.*
*Sec. 2066. Evaluation; report.*
*Sec. 2067. Local coordinating entity.*
*Sec. 2068. Relationship to other Federal agencies.*
*Sec. 2069. Private property and regulatory protections.*
*Sec. 2070. Authorization of appropriations.*
*Sec. 2071. Use of Federal funds from other sources.*
*Sec. 2072. Sunset for grants and other assistance.*

***SEC. 2062. PURPOSES.***

*(a) The purposes of this subtitle include—*

*(1) to recognize the significant natural and cultural legacies of the area, as demonstrated in the study entitled ''Freedom's Way Heritage Area Feasibility Study'' dated July 1997 and the addendum dated March 2003;*

*(2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;*

*(3) to foster a close working relationship between the Secretary and all levels of government, the private sector, and local communities in the Commonwealth of Massachusetts and the State of New Hampshire in order to preserve the special historic identity of the National Heritage Area;*

*(4) to manage, preserve, protect and interpret the cultural, historical, and natural resources of the National Heritage Area for the educational and inspirational benefit of future generations; and*

*(5) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the National Heritage Area.*

***SEC. 2063. DEFINITIONS.***

*In this subtitle:*

*(1) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Freedom's Way National Heritage Area established in this subtitle.*

*(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Freedom's Way Heritage Association, Inc., which is hereby designated by Congress—*

*(A) to develop, in partnership with others, the management plan for the National Heritage Area; and*

*(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.*

*(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.*

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

***SEC. 2064. DESIGNATION OF FREEDOM'S WAY NATIONAL HERITAGE AREA.***

*(a) ESTABLISHMENT.—There is hereby established the Freedom's Way National Heritage Area.*

*(b) BOUNDARIES.—*

*(1) IN GENERAL.—The National Heritage Area shall include the following communities in the Commonwealth of Massachusetts: Winchendon, Ashburnham, Ashby, Gardner, Fitchburg, Westminster, Princeton, Sterling, Leominster, Townsend, Pepperell, Lunenburg, Shirley, Lancaster, Clinton, Bolton, Harvard, Ayer, Groton, Dunstable, Westford, Littleton, Boxborough, Stow, Hudson, Maynard, Sudbury, Concord, Carlisle, Acton, Bedford, Lincoln, Lexington, Woburn, Arlington, Medford, and Malden. Additionally it shall include the following communities in the State of New Hampshire: New Ipswich, Greenville, Mason, Brookline, Milford, Amherst, Hollis, and Nashua.*

*(2) MAP.—The boundaries of the National Heritage area shall be as generally depicted on the map titled ''Freedom's Way National Heritage Area'', numbered T04/80,000, and dated July 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.*

***SEC. 2065. MANAGEMENT PLAN.***

*(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including—*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and*

*(8) include a business plan that—*

*(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and*

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) DEADLINE.—*

*(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.*

*(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.*

*(c) APPROVAL OF MANAGEMENT PLAN.—*

*(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for the National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION.—The Secretary shall consult with the Governor of each State or Commonwealth in which the National Heritage Area is located before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity—*

*(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and*

*(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;*

*(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;*

*(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and*

*(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*

*(4) DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—*

*(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and*

*(ii) may make recommendations to the local coordinating entity for revisions to the management plan.*

*(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.*

*(5) AMENDMENTS.—*

*(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.*

*(6) AUTHORITIES.—The Secretary may—*

*(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and*

*(B) enter into cooperative agreements with interested parties to carry out this subtitle.*

***SEC. 2066. EVALUATION; REPORT.***

*(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local coordinating entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

***SEC. 2067. LOCAL COORDINATING ENTITY.***

*(a) DUTIES.—To further the purposes of the National Heritage Area, the Freedom's Way Heritage Association, Inc., as the local coordinating entity, shall—*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;*

*(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

*(D) the amounts leveraged with Federal funds and sources of the leveraging; and*

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.*

*(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

*(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;*

*(3) hire and compensate staff, including individuals with expertise in—*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

*(4) obtain funds or services from any source, including other Federal programs;*

*(5) contract for goods or services; and*

*(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.*

*(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.*

***SEC. 2068. RELATIONSHIP TO OTHER FEDERAL AGENCIES.***

*(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.*

*(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.*

*(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—*

*(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;*

*(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or*

*(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.*

***SEC. 2069. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.***

*Nothing in this subtitle—*

*(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;*

*(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;*

*(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;*

*(4) authorizes or implies the reservation or appropriation of water or water rights;*

*(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or*

*(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.*

***SEC. 2070. AUTHORIZATION OF APPROPRIATIONS.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.*

*(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.*

*(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.*

***SEC. 2071. USE OF FEDERAL FUNDS FROM OTHER SOURCES.***

*Nothing in this subtitle shall preclude the local coordinating entity from using Federal*

*funds available under Acts other than this subtitle for the purposes for which those funds were authorized.*

**SEC. 2072. SUNSET FOR GRANTS AND OTHER ASSISTANCE.**

*The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.*

**Subtitle E—Abraham Lincoln National Heritage Area**

**SEC. 2081. SHORT TITLE; TABLE OF CONTENTS.**

*(a) SHORT TITLE.—This subtitle may be cited as the ''Abraham Lincoln National Heritage Area Act''.*

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

*Sec. 2081. Short title; table of contents.*
*Sec. 2082. Purposes.*
*Sec. 2083. Definitions.*
*Sec. 2084. Designation of Abraham Lincoln National Heritage Area.*
*Sec. 2085. Management plan.*
*Sec. 2086. Evaluation; report.*
*Sec. 2087. Local coordinating entity.*
*Sec. 2088. Relationship to other Federal agencies.*
*Sec. 2089. Private property and regulatory protections.*
*Sec. 2090. Authorization of appropriations.*
*Sec. 2091. Use of Federal funds from other sources.*
*Sec. 2092. Sunset for grants and other assistance.*

**SEC. 2082. PURPOSES.**

*(a) The purposes of this subtitle include—*

*(1) to recognize the significant natural and cultural legacies of the area, as demonstrated in the study entitled ''Feasibility Study of the Proposed Abraham Lincoln National Heritage Area'' prepared for the Looking for Lincoln Heritage Coalition in 2002 and revised in 2007;*

*(2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;*

*(3) to recognize and interpret important events and geographic locations representing key periods in the growth of America, including Native American, Colonial American, European American, and African American heritage;*

*(4) to recognize and interpret the distinctive role the region played in shaping the man who would become the 16th President of the United States, and how Abraham Lincoln's life left its traces in the stories, folklore, buildings, streetscapes, and landscapes of the region;*

*(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region 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; and*

*(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.*

**SEC. 2083. DEFINITIONS.**

*In this subtitle:*

*(1) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Abraham Lincoln National Heritage Area established in this subtitle.*

*(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Looking for Lincoln Heritage Coalition, which is hereby designated by Congress—*

*(A) to develop, in partnership with others, the management plan for the National Heritage Area; and*

*(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.*

*(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.*

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

**SEC. 2084. DESIGNATION OF ABRAHAM LINCOLN NATIONAL HERITAGE AREA.**

*(a) ESTABLISHMENT.—There is hereby established the Abraham Lincoln National Heritage Area.*

*(b) BOUNDARIES.—*

*(1) IN GENERAL.—The National Heritage Area shall consist of sites as designated by the management plan within a core area located in Central Illinois, consisting of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, Dewitt, Douglas, Edgar, Fayette, Fulton, Greene, Hancock, Henderson, Jersey, Knox, LaSalle, Logan, Macon, Macoupin, Madison, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazwell, Vermillion, Warren and Woodford counties.*

*(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled ''Proposed Abraham Lincoln National Heritage Area'', and numbered 338/80,000, and dated July 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.*

**SEC. 2085. MANAGEMENT PLAN.**

*(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including—*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and*

*(8) include a business plan that—*

*(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and*

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) DEADLINE.—*

*(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.*

*(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.*

*(c) APPROVAL OF MANAGEMENT PLAN.—*

*(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity—*

*(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and*

*(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;*

*(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;*

*(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and*

*(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*

*(4) DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—*

*(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and*

*(ii) may make recommendations to the local coordinating entity for revisions to the management plan.*

*(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.*

*(5) AMENDMENTS.—*

*(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.*

*(6) AUTHORITIES.—The Secretary may—*

*(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and*

*(B) enter into cooperative agreements with interested parties to carry out this subtitle.*

***SEC. 2086. EVALUATION; REPORT.***

*(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local coordinating entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

***SEC. 2087. LOCAL COORDINATING ENTITY.***

*(a) DUTIES.—To further the purposes of the National Heritage Area, the Looking for Lincoln Heritage Coalition, as the local coordinating entity, shall—*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;*

*(2) submit an annual report to the secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

*(D) the amounts leveraged with Federal funds and sources of the leveraging; and*

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.*

*(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

*(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;*

*(3) hire and compensate staff, including individuals with expertise in—*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

*(4) obtain funds or services from any source, including other Federal programs;*

*(5) contract for goods or services; and*

*(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.*

*(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.*

***SEC. 2088. RELATIONSHIP TO OTHER FEDERAL AGENCIES.***

*(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.*

*(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.*

*(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—*

*(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;*

*(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or*

*(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.*

***SEC. 2089. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.***

*Nothing in this subtitle—*

*(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;*

*(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;*

*(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;*

*(4) authorizes or implies the reservation or appropriation of water or water rights;*

*(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or*

*(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.*

***SEC. 2090. AUTHORIZATION OF APPROPRIATIONS.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.*

*(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.*

*(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.*

***SEC. 2091. USE OF FEDERAL FUNDS FROM OTHER SOURCES.***

*Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.*

***SEC. 2092. SUNSET FOR GRANTS AND OTHER ASSISTANCE.***

*The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of the enactment of this subtitle.*

***Subtitle F—Santa Cruz Valley National Heritage Area***

***SEC. 2111. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This subtitle may be cited as the ''Santa Cruz Valley National Heritage Area Act''.*

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

*Sec. 2111. Short title; table of contents.*
*Sec. 2112. Purposes.*
*Sec. 2113. Definitions.*
*Sec. 2114. Designation of Santa Cruz Valley National Heritage Area.*
*Sec. 2115. Management plan.*
*Sec. 2116. Evaluation; report.*
*Sec. 2117. Local coordinating entity.*
*Sec. 2118. Relationship to other Federal agencies.*
*Sec. 2119. Private property and regulatory protections.*
*Sec. 2120. Authorization of appropriations.*
*Sec. 2121. Use of Federal funds from other sources.*
*Sec. 2122. Sunset for grants and other assistance.*

***SEC. 2112. PURPOSES.***

*The purposes of this subtitle include—*

*(1) to establish the Santa Cruz Valley National Heritage Area in the State of Arizona;*

*(2) to implement the recommendations of the ''Alternative Concepts for Commemorating Spanish Colonization'' study completed by the National Park Service in 1991, and the ''Feasibility Study for the Santa Cruz Valley National Heritage Area'' prepared by the Center for Desert Archaeology in July 2005;*

*(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 region and to conserve the region's heritage while continuing to pursue compatible economic opportunities;*

*(4) to assist communities, organizations, and citizens in the State of Arizona 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; and*

*(5) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the National Heritage Area.*

***SEC. 2113. DEFINITIONS.***

*In this subtitle:*

*(1) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Santa Cruz Valley National Heritage Area established in this subtitle.*

*(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Santa Cruz Valley Heritage Alliance, Inc., which is hereby designated by Congress—*

*(A) to develop, in partnership with others, the management plan for the National Heritage Area; and*

*(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.*

*(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.*

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

***SEC. 2114. DESIGNATION OF SANTA CRUZ VALLEY NATIONAL HERITAGE AREA.***

*(a) ESTABLISHMENT.—There is hereby established the Santa Cruz Valley National Heritage Area.*

*(b) BOUNDARIES.—*

*(1) IN GENERAL.—The National Heritage Area shall consist of portions of the counties of Santa Cruz and Pima.*

*(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled ''Santa Cruz Valley National Heritage Area'', and numbered _____, and dated _____. The map be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.*

***SEC. 2115. MANAGEMENT PLAN.***

*(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—*

*(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;*

*(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;*

*(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;*

*(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(6) describe a program for implementation for the management plan, including—*

*(A) performance goals;*

*(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and*

*(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;*

*(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and*

*(8) include a business plan that—*

*(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and*

*(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.*

*(b) DEADLINE.—*

*(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.*

*(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.*

*(c) APPROVAL OF MANAGEMENT PLAN.—*

*(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).*

*(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.*

*(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—*

*(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;*

*(B) the local coordinating entity—*

*(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and*

*(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;*

*(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;*

*(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;*

*(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;*

*(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and*

*(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.*

*(4) DISAPPROVAL.—*

*(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—*

*(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and*

*(ii) may make recommendations to the local coordinating entity for revisions to the management plan.*

*(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.*

*(5) AMENDMENTS.—*

*(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.*

*(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.*

*(6) AUTHORITIES.—The Secretary may—*

*(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and*

*(B) enter into cooperative agreements with interested parties to carry out this subtitle.*

***SEC. 2116. EVALUATION; REPORT.***

*(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—*

*(1) conduct an evaluation of the accomplishments of the National Heritage Area; and*

*(2) prepare a report in accordance with subsection (c).*

*(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—*

*(1) assess the progress of the local coordinating entity with respect to—*

*(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and*

*(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;*

*(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and*

*(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.*

*(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.*

***SEC. 2117. LOCAL COORDINATING ENTITY.***

*(a) DUTIES.—To further the purposes of the National Heritage Area, the Santa Cruz Valley Heritage Alliance, Inc., as the local coordinating entity, shall—*

*(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;*

*(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—*

*(A) the specific performance goals and accomplishments of the local coordinating entity;*

*(B) the expenses and income of the local coordinating entity;*

*(C) the amounts and sources of matching funds;*

*(D) the amounts leveraged with Federal funds and sources of the leveraging; and*

*(E) grants made to any other entities during the fiscal year;*

*(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and*

*(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.*

*(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—*

*(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;*

*(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;*

*(3) hire and compensate staff, including individuals with expertise in—*

*(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;*

*(B) economic and community development; and*

*(C) heritage planning;*

*(4) obtain funds or services from any source, including other Federal programs;*

*(5) contract for goods or services; and*

*(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.*

*(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.*

***SEC. 2118. RELATIONSHIP TO OTHER FEDERAL AGENCIES.***

*(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.*

*(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.*

*(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—*

*(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;*

*(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or*

*(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.*

***SEC. 2119. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.***

*Nothing in this subtitle—*

*(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;*

*(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;*

*(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;*

*(4) authorizes or implies the reservation or appropriation of water or water rights;*

*(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or*

*(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.*

***SEC. 2120. AUTHORIZATION OF APPROPRIATIONS.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.*

*(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.*

*(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.*

***SEC. 2121. USE OF FEDERAL FUNDS FROM OTHER SOURCES.***

*Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.*

***SEC. 2122. SUNSET FOR GRANTS AND OTHER ASSISTANCE.***

*The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.*

## *TITLE III—STUDY*

***SEC. 3001. STUDY AND REPORT OF PROPOSED NORTHERN NECK NATIONAL HERITAGE AREA.***

*(a) The Secretary of the Interior (hereafter referred to as ''the Secretary''), in consultation with appropriate State historic preservation officers, State historical societies, and other appropriate organizations, shall conduct a study of the suitability and feasibility of designating the area described in subsection (d) as the Northern Neck National Heritage Area in the Commonwealth of Virginia.*

*(b) CRITERIA.—In conducting the study, the Secretary shall apply the following criteria to determine the suitability and feasibility of designating the area described in subsection (d) as a National Heritage Area:*

*(1) The area—*

*(A) has an assemblage of natural, historic, cultural, educational, scenic, or recreational resources that together are nationally important to the heritage of the United States;*

*(B) represents distinctive aspects of the heritage of the United States worthy of recognition, conservation, interpretation, and continuing use;*

*(C) is best managed as such an assemblage through partnerships among public and private entities at the local or regional level;*

*(D) reflects traditions, customs, beliefs, and folklife that are a valuable part of the heritage of the United States;*

*(E) provides outstanding opportunities to conserve natural, historical, cultural, or scenic features;*

*(F) provides outstanding recreational or educational opportunities; and*

*(G) has resources and traditional uses that have national importance.*

*(2) Residents, business interests, nonprofit organizations, and governments (including relevant Federal land management agencies) within the proposed area are involved in the planning and have demonstrated significant support through letters and other means for National Heritage Area designation and management.*

*(3) The local coordinating entity responsible for preparing and implementing the management plan is identified.*

*(4) The proposed local coordinating entity and units of government supporting the designation have documented their commitment to work in partnership to protect, enhance, interpret, fund, manage, and develop resources within the National Heritage Area.*

*(5) The proposed local coordinating entity has developed a conceptual financial plan that outlines the roles of all participants (including the Federal Government) in the management of the National Heritage Area.*

*(6) The proposal is consistent with continued economic activity within the area.*

*(7) A conceptual boundary map has been developed and is supported by the public and participating Federal agencies.*

*(c) CONSULTATION.—In conducting the study, the Secretary shall consult with the managers of any Federal land within the proposed National Heritage Area and secure the concurrence of the managers with the findings of the study before making a determination for designation.*

*(d) BOUNDARIES OF THE STUDY AREA.—The study area referred to in subsection (a) shall be comprised of the following:*

*(1) The part of Virginia between the Potomac and the Rappahannock Rivers in eastern coastal Virginia.*

*(2) Westmoreland, Northumberland, Richmond, King George, and Lancaster Counties, Virginia.*

*(3) Other areas that have heritage aspects that are similar to those aspects that are in the areas described in paragraphs (1) and (2) and which are adjacent to or in the vicinity of those areas.*

*(e) REPORT.—The Secretary shall*

*(1) review, comment on, and determine if the study meets the criteria specified in subsection (b) for designation as a National Heritage Area;*

*(2) consult with the Governor of the Commonwealth of Virginia; and*

*(3) not later than 3 fiscal years after the date on which funds are first made available for this section, submit to the Committee on Natural 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, including—*

*(A) any comments received from the Governor of the Commonwealth of Virginia; and*

*(B) a finding as to whether the proposed National Heritage Area meets the criteria for designation.*

*(f) DISAPPROVAL.—If the Secretary determines that the proposed National Heritage Area does not meet the criteria for designation, the Secretary shall include within the study submitted under subsection (e)(3) a description of the reasons for the determination.*

## *TITLE IV—TECHNICAL CORRECTIONS AND ADDITIONS*

***SEC. 4001. NATIONAL COAL HERITAGE AREA TECHNICAL CORRECTIONS.***

*Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333 as amended by Public Law 106–176 and Public Law 109–338) is amended—*

*(1) by striking section 103(b) and inserting the following:*

*''(b) BOUNDARIES.—The National Coal Heritage Area shall be comprised of Lincoln County, West Virginia, and Paint Creek and Cabin Creek within Kanawah County, West Virginia, and the counties that are the subject of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.'';*

*(2) by striking section 105 and inserting the following:*

***''SEC. 105. ELIGIBLE RESOURCES.***

*''(a) IN GENERAL.—The resources eligible for the assistance under section 104 shall include—*

*''(1) resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawah County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and*

''(2) the resources set forth in appendix D of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.

''(b) PRIORITY.—Priority consideration shall be given to those sites listed as 'Conservation Priorities' and 'Important Historic Resources' as depicted on the map entitled 'Study Area: Historic Resources' in such study.'';

(3) in section 106(a)—

(A) by striking ''Governor'' and all that follows through ''Parks,'' and inserting ''National Coal Heritage Area Authority''; and

(B) in paragraph (3), by striking ''State of West Virginia'' and all that follows through ''entities, or'' and inserting ''National Coal Heritage Area Authority or''; and

(4) in section 106(b), by inserting ''not'' before ''meet''.

**SEC. 4002. RIVERS OF STEEL NATIONAL HERITAGE AREA ADDITION.**

Section 403(b) of title IV of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended by inserting ''Butler,'' after ''Beaver,''.

**SEC. 4003. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR ADDITION.**

Section 604(b)(2) of title VI of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended by adding at the end the following new subparagraphs:

''(O) Berkeley County.

''(P) Saluda County.

''(Q) The portion of Georgetown County that is not part of the Gullah/Geechee Cultural Heritage Corridor.''.

**SEC. 4004. OHIO AND ERIE CANAL NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.**

Title VIII of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended—

(1) by striking ''Canal National Heritage Corridor'' each place it appears and inserting ''National Heritage Canalway'';

(2) by striking ''corridor'' each place it appears and inserting ''canalway'', except in references to the feasibility study and management plan;

(3) in the heading of section 808(a)(3), by striking ''CORRIDOR'' and inserting ''CANALWAY'';

(4) in the title heading, by striking ''**CANAL NATIONAL HERITAGE CORRIDOR**'' and inserting ''**NATIONAL HERITAGE CANALWAY**'';

(5) in section 803—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

(C) in paragraph (2) (as redesignated by this Act), by striking ''808'' and inserting ''806''; and

(D) in paragraph (6) (as redesignated by this Act), by striking ''807(a)'' and inserting ''805(a)'';

(6) in the heading of section 804, by striking ''**CANAL NATIONAL HERITAGE CORRIDOR**'' and inserting ''**NATIONAL HERITAGE CANALWAY**'';

(7) in the second sentence of section 804(b)(1), by striking ''808'' and inserting ''806'';

(8) by striking sections 805 and 806;

(9) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;

(10) in section 805(c)(2) (as redesignated by this Act), by striking ''808'' and inserting ''806'';

(11) in section 806 (as redesignated by this Act)—

(A) in subsection (a)(1), by striking ''Committee'' and inserting ''Secretary'';

(B) in the heading of subsection (a)(1), by striking ''COMMITTEE'' and inserting ''SECRETARY'';

(C) in subsection (a)(3), in the first sentence of subparagraph (B), by striking ''Committee'' and inserting ''management entity'';

(D) in subsection (e), by striking ''807(d)(1)'' and inserting ''805(d)(1)''; and

(E) in subsection (f), by striking ''807(d)(1)'' and inserting ''805(d)(1)'';

(12) in section 807 (as redesignated by this Act), in subsection (c) by striking ''Cayohoga Valley National Recreation Area'' and inserting ''Cayohoga Valley National Park'';

(13) in section 808 (as redesignated by this Act)—

(A) in subsection (b), by striking ''Committee or''; and

(B) in subsection (c), in the matter before paragraph (1), by striking ''Committee'' and inserting ''management entity''; and

(14) in section 809 (as redesignated by Act), by striking ''assistance'' and inserting ''financial assistance''.

**SEC. 4005. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE EXTENSION OF AUTHORIZATION.**

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended as follows:

(1) Strike paragraph (1) of subsection (b) and insert the following new paragraph:

''(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

''(A) technical assistance;

''(B) the design and fabrication of interpretive materials, devices, and signs; and

''(C) the preparation of the strategic plan.''.

(2) Paragraph (3) of subsection (b) is amended by inserting after subparagraph (B) a new subparagraph as follows:

''(C) Notwithstanding paragraph (3)(A), funds made available under subsection (a) for the preparation of the strategic plan shall not require a non-Federal match.''.

(3) Subsection (c) is amended by striking ''2007'' and inserting ''2011''.

**SEC. 4006. ERIE CANALWAY NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.**

The Erie Canalway National Heritage Corridor Act (title VIII of Appendix D of Public Law 106–554, 114 Stat. 2763A–295) is amended—

(1) in section 804(b)—

(A) by striking ''27'' and inserting ''at least 21 members, but not to exceed 27'';

(B) in paragraph (2), by striking ''Environment'' and inserting ''Environmental'';

(C) in paragraph (3), by striking ''19'';

(D) in paragraph (3)—

(i) by striking subparagraph (A) and redesignating subsequent subparagraphs accordingly;

(ii) in subparagraph (B) (as redesignated by clause (i)), by striking the second sentence; and

(iii) by adding after subparagraph (B) the following new subparagraph:

''(C) The remaining members shall be based on recommendations from each member of the United States House of Representatives whose district encompasses the Corridor, each of whom shall be a resident of or employed within the district from which they shall be recommended.'';

(2) in section 804(f), by striking ''Fourteen members of the Commission'' and inserting ''A majority of the seated (sworn) Commissioners'';

(3) in section 804(g), by striking ''14 of its members.'' and inserting ''a majority of the seated (sworn) Commissioners.'';

(4) in section 804(h)(4), by striking ''staff to carry out its duties;'' and inserting ''such staff as may be necessary to carry out its duties. Staff appointed by the Commission—

''(A) may be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service; and

''(B) may be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the classification and General Schedule pay rates;'';

(5) in section 804(j), by striking ''10 years after the date of enactment of this title'' and inserting ''15 years after the date of the enactment of this title'';

(6) in section 807(e), by striking ''duties with regard to the preparation and approval of the Canalway Plan.'' and inserting ''duties.'';

(7) in section 807, by adding at the end the following:

''(f) OPERATIONAL ASSISTANCE.—Subject to the availability of appropriations, the Superintendent of Saratoga National Historical Park may, on request, provide to public and private organizations in the Heritage Area, including the Commission, any operational assistance that is appropriate for the purpose of supporting the implementation of the management plan.''; and

(8) in section 810(a)(1), by inserting after the first sentence: ''Such sums shall remain available until expended.''.

**TITLE V—SENSE OF CONGRESS REGARDING FUNDING**

**SEC. 5001. SENSE OF CONGRESS REGARDING FUNDING.**

It is the sense of Congress that the Federal Government should not fund a national heritage area in perpetuity.

The SPEAKER pro tempore. The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. 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, H.R. 1483.

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

There was no objection.

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

Mr. Speaker, today, as America continues to grapple with the war and citizens throughout these United States deal with their daily struggles, I think it is important for us to harken back to our heritage and to celebrate our culture.

From the coalfields of southern West Virginia to the Land of Lincoln in Illinois; from the awesome beauty of Niagara Falls to the Muscle Shoals of Alabama; from the hallowed ground of the Virginia Piedmont, where battles were fought to unify this Nation, to the Santa Cruz Valley of New Mexico, this is the fabric of America. This is her heartbeat. Let us take time to listen to it and to celebrate it.

The legislation we are considering today was introduced by my friend and colleague, the gentleman from Ohio, Representative RALPH REGULA, who has been a strong and effective advocate for heritage areas, not only in the area he represents but also throughout the country, and I commend and salute him for that leadership.

Heritage areas help to preserve and interpret the geological history, the natural history and the human history of an area in a comprehensive fashion so that we and our children will better understand how our land has shaped our history and how our history has shaped our land.

National heritage areas are local community-driven preservation projects. Most of them arise out of the concerns of a core group of committed,

local folks who want to work together to preserve the places and resources that make their country or town or region unique. These citizens bring their proposals to their elected representatives in Congress because they need technical and planning assistance from their government and matching funds to use as seed money to help get their program off the ground.

Now, 23 years after the first national heritage area was designated, the program is at a crossroads. The Congress can either provide the program with the tools and support it needs to continue, maturing into a successful preservation model, or the Congress can turn our backs on heritage areas and leave local communities to fend for themselves as they try to save those things that make them special, that make America special.

We are moving this legislation today because we support national heritage areas and we want to see them succeed. Ever since Congress established the Illinois and Michigan Canal National Heritage Corridor in 1984, heritage tourism has been growing, and today it is a significant economic engine. These areas are worthwhile, not only as a way to help local economies, but also as a crucial tool for preserving our communities' and our people's links to the past.

By providing Federal recognition and financial support, we encourage preservation and interpretation of important periods in our Nation's history in a way that traditional units of the national park system cannot do.

□ 1030

Our initial investment ''primes the pump,'' if you will, and ensures that those areas get a solid start toward financial and operational independence. Given that each Federal dollar is matched by local funds, the Federal investment in the heritage area program is money well spent.

In addressing the Rules Committee Monday, my colleague Mr. REGULA noted that the $8 million made in his heritage area has yielded more than $270 million in non-Federal funding. For affected local communities, heritage areas are a program that works.

H.R. 1483, as amended, would establish six new heritage areas, increase the funding authorization for nonexisting areas, and make mostly technical changes in the establishing legislation for several of those areas. The bill also includes a study of the Northern Neck of Virginia, requested by our late colleague, Representative Jo Ann Davis.

Bringing this bill before the House today responds to the frequent and energetic requests of numerous Members on both sides of the aisle, Republicans and Democrats. In total, H.R. 1483 includes bills that are cosponsored by dozens of Members in both parties, including the entire House delegation in Illinois and New Jersey.

We also had very helpful input from the administration on this legislation, including detailed studies of the suitability of each new heritage area. Most of the changes being made to existing heritage areas were added at the request of the National Park Service.

This is a good bill, Mr. Speaker, and I want to commend the gentleman from Ohio (Mr. REGULA) for his commitment and leadership on heritage areas. We support passage of H.R. 1483 and urge its adoption by the House today.

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

Mr. BISHOP of Utah. Mr. Speaker, I am actually saddened to rise today on this particular bill. The 16 heritage areas that are either existing or proposed, many of them are very good, things that I would readily support.

Unfortunately, they have been packaged into what the government book my high school students read called ''A Christmas Tree'' in a very real way, in which bad proposals can be packaged around the few good proposals that are in here in hopes that people will tolerate the bad in hopes of getting a favorable recommendation from the good. My State and most State legislatures would never have tolerated this type of bill. This bill would be split up in our State so that each proposal would stand on its own merits and go up or down. Unfortunately, we do not use that procedure here. We ought to, but we do not.

Even in areas where something like an appropriation can be justified by lumping things together, in an authorization, it should not. That is why I rise in opposition to H.R. 1483.

When this bill was originally introduced, it was to reauthorize nine heritage areas, giving each an additional $10 million. Since the reauthorization on these nine original areas doesn't lapse until 2012, 5 years hence, it is interesting why we are taking the time now to revisit these particular areas. Even though some of these areas are simple technical corrections and changes, for most it appears that the reason we're doing it again is because they have gone through their money and they want more.

It is difficult when the process of a heritage area is supposed to become self-sufficient. It is an affront to heritage areas that are trying to become self-sufficient and break themselves from Federal dependence.

In 1994 when these same nine areas were being discussed, the Democrat hero of heritage areas, the advocate, the chairman of the then subcommittee, the late Bruce Vento stated: ''There is a limit to the length of time or the amount of money the Federal Government can be in a heritage area.'' Not totally grammatical, but you get the point of what he was trying to say.

He went on to say: ''In 10 years, we are out of there. Then they are on their own and we get the benefit of that conservation.''

Thirteen years later, that has not been the case. In fact, it has been said that for every dollar spent on these heritage areas, there is $10 to $20 from the private sector that comes back. It sounds like a great return on our investment if it could be independently verified.

In fact, during the hearings on this bill, the National Park Service testified that no heritage area has become self-sufficient. Unfortunately, it gets worse.

The Heritage Area Alliance, the association which represents all heritage areas, has told us in committee hearing that they should never become self-sufficient and they should always rely on continuous Federal appropriations for every heritage area. In fact, the Heritage Area Alliance has become a cottage industry where groups get grants from the Federal Government to go around telling other people how to get more grants from the Federal Government. And this performance we are now wishing to reward. While a public-private partnership can yield positive results, this program has taken on a life of its own.

In the Resources Committee, the bill was amended to cut back additional funds to existing heritage areas from $10 million to $5 million. I compliment Chairman GRIJALVA for his amendment and the chairman of the full committee for accepting it. It is like taking the balls off the bottom branches of the Christmas tree so the cat won't play with them.

And after taking that positive step, they reverse course and tacked on six new heritage areas. They have had hearings, but in fairness, only one has gone through the regular order that the chairman of the full committee established when we first met this year.

The Democrats also decided to make changes that were never part of the hearing. The new heritage areas will now receive $15 million each, up from the $10 million that they requested. It is great and lucky to receive a 50 percent bonus without asking for it. This gracious move by the Democrats means the total cost of this bill is now $135 million. Some of our committees thought that was a paltry sum. But $135 million is the total annual Federal income tax paid by 33,276 middle-class taxpayers. And this is how we are being responsible for their particular money.

We have some problems concerning some of the subtitles included in this new omnibus Christmas tree bill.

A journey through Hallowed Ground Heritage Area has been diligently sought by my colleague from Virginia (Mr. WOLF). I commend him for his dedication to this cause, and there is much of his proposed area that I like and I applaud. However, one of the problems still is there are issues that still persist. There is both support and opposition within this proposed area. Two of our colleagues have asked their particular congressional districts be removed from this designation. In committee, an amendment was offered to remove their districts, but it was rejected. And because this is a closed

rule, our colleagues do not have the opportunity of coming down here and on the floor of the House presenting their reasons why they wish to be withdrawn from this particular district.

We should not take Federal designations lightly. When we create a Federal designation, a Member who is opposed to that should be respected in his particular wishes. We were told this would disrupt the continuity of this heritage area. Well, this heritage area spans four States and it is supposed to still be locally operated. One must ask how a Virginia-based management entity will represent the local interests of four States. It is a legitimate question, but the bottom line is we still should respect our colleagues' privilege to represent their constituencies.

There has been criticism that private property protections in this bill are inadequate. The majority claims that the protections in this bill are sufficient because it states that participation is voluntary. Voluntary.

If two of our Members want to voluntarily opt out of this particular bill and are not allowed to do so, how will any property owner sitting in one of these new proposed districts get any kind of confidence that they are safe when it is not voluntary for any Member to remove their districts from these types of recommendations?

In the Resources Committee, I offered an amendment that would have simply provided for the right of private property owners to withdraw their land from a heritage area boundary. This is the exact same provision that has been on the 12 prior heritage areas. This is the same provision that Mr. WOLF added in his bill and was taken out by the committee even though he objected to the removal of that language from his own particular provision. Why are we treating these heritage areas different than the precedent we established for the other heritage areas? It is not an additional burden to the management. It would go a long way to assuring constituents that their rights would be protected. Unfortunately, the amendment was defeated again because the Democrats claim that their language was sufficient, an argument that has proved inaccurate on other occasions. In light of the infamous Kelo decision, we need to be extra cautious in the House when we deliberate on property rights.

The other side will claim that there is no risk to property rights. While I hope that is correct, we need to be very sure because boundaries have a consequence, or why should we have them. Proponents of this bill on the one hand say we need boundaries to protect historical properties, but on the other hand there is no regulatory authority. You can't have it both ways. It is an invitation to lawsuits. We have already seen cases brought forward based on these recommendations. I would point my colleagues to Pogliani v. United States Corps of Engineers. It has already happened that lawsuits have been filed to discontinue actions based on inclusion in a heritage area. The right to opt out of the boundary we proposed would have prevented this type of situation in the future.

In some respects this legislation is simply not ready for prime time. The Muscle Shoals proposal, which is another one I like a lot, I think it is good, but it has not yet completed a feasibility study. In other words, we don't have the assurance this heritage area could get off the ground before we wish to actually make the check for it.

We were promised in this particular bill that there would be a map included. If you see in the self-executing rule of the Rules Committee, they have put a number in place that used to be blank. A small little detail. But we have not been provided with a map of what the boundaries of this new heritage area actually are. So how can we tell people they can be voluntarily in or out of it when we don't even know yet what the boundary levels are? No wonder this has become a closed rule.

There is another area in this bill that was created, a Niagara Falls region, at the behest of the very powerful chairwoman of the Rules Committee, Ms. SLAUGHTER. Proponents claim it is needed to protect the falls. Protect the falls from what? What potential harm to the falls can be protected by the provisions of this particular bill? Remember, proponents say there are no restrictions or regulations imposed. Perhaps the totally unique commission that is established in this portion of the bill that has the Secretary of the Interior creating a new entity and staffing it with Federal employees and paying for it can finally answer that particular question. There is little more in this particular provision than using the National Park Service to conduct economic redevelopment projects. The Park Service does not have the expertise, or the funds, or the desire to be burdened with this subject.

At the center of the economic development plan for Niagara Falls is a new casino. Niagara Falls, honeymoons, gambling, there may be a nexus there somewhere for us. But while the State of New York has the right to pursue casinos and help their development, it is inappropriate to use national heritage areas to promote the casino. An amendment was offered when the Niagara Falls heritage bill originally went through the committee to put a firewall between the Federal funds in this bill and the casino. Committee Democrats rejected again this simple amendment. Whatever my colleagues feel on the issue of gaming is irrelevant. We should all agree, though, that this is not an appropriate use of Federal funds, especially when one area is given an advantage over the other.

Finally, concerns have been raised that these heritage areas and their boundaries may be used to impede the placement of energy transmission lines. While this may not be the full intent of the sponsors, we must proceed cautiously before we further damage our ability to keep up with the demand for energy. The grid is already heavily taxed, and it would be a tragedy to see blackouts as an unintended consequence of these designations.

Mr. Speaker, because we do not have an opportunity to improve this bill via amendment as a result of the closed rule, I have to urge my colleagues to oppose this legislation, unfortunately.

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

Mr. RAHALL. Mr. Speaker, I am honored at this point to yield 2 minutes to the gentlelady that the gentleman from Utah has already referenced, the chairlady of our powerful House Rules Committee, the gentlewoman from New York, Representative LOUISE SLAUGHTER, who has been a true fighter for her Niagara Falls National Heritage Area.

Ms. SLAUGHTER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 1483, a bill amending the Omnibus Parks and Public Lands Management Act of 1996.

The bill reauthorizes already existing national heritage areas. Most important to me and my district, and I think to the country, the bill authorizes the creation of the Niagara Falls Heritage Area. This truly is a monumental day for the city of Niagara Falls, the surrounding communities and the millions of people who visit Niagara Falls each year.

Every time I drive across my congressional district, I am reminded how fortunate I am to represent such a beautiful part of the country. From the shores of Lake Ontario to our vineyards and apple orchards, Mother Nature has bestowed some of her finest treasures upon western New York. But none is as widely recognized at home and around the world as Niagara Falls.

Every year more than 15 million people travel to Niagara Falls to take in this awe-inspiring natural phenomenon. It is high time, Mr. Speaker, that the national treasures that are Niagara Falls and the Niagara River be granted the official status they have long deserved, that of a national heritage area.

Niagara Falls has always been a source of energy for our region. I don't need to remind you that it is the foremost source of hydroelectric power in North America as well as the birthplace of modern hydroelectric power.

This bill will help to solidify Niagara Falls' standing as something more, an engine for the revitalization and promotion of our region's natural, historic and scenic resources to residents and visitors alike. We are not ashamed of that.

We have, obviously, one of the areas of the country most devastated economically. As you know, the heritage area designation ties together private and public lands linked by geography and history. With the approval of this designation, the National Park Service

will assist our local and State organizations to develop and implement a plan to conserve and promote Niagara's natural attributes. Niagara Falls is one of the seven natural wonders of the world. We should all cherish it. The benefits are obvious for all to see.

□ 1045

Mr. BISHOP of Utah. Mr. Speaker, I am happy to yield 3 minutes to the sponsor of this particular bill, the gentleman from Ohio (Mr. REGULA), at the conclusion of which it would be very nice if the other side would have additional time for him because he's supporting your side.

Mr. RAHALL. Mr. Speaker, I yield the gentleman from Ohio 1 minute, also.

Mr. REGULA. Mr. Speaker, I thank the gentlemen for yielding time. I could spend all day on this. I've had 10 years of experience with this, with the heritage corridor, and it's been such a tremendous asset.

As a matter of fact, our chamber of commerce brought in an expert on economic development as to what we could do to keep young families in our community, and she said your number one asset is the corridor, the trail, because young families want to use it, and they do use it. And putting a human face on it, not only do I see young families all the time out on the towpath with their bicycles, with their family groups, but I see handicapped people who are wheeling their wheelchairs down the trail. So they, too, can benefit from the value of open space, a touch of environment and touch of nature.

It's a terrific asset in our community. Over 3 million people use it. In terms of costs, this is not an appropriation. This is an authorization. So let's not be confused here by what it costs. That will be a decision for the Appropriations Committee to make as to how much they want to commit. All this bill does is authorize this expenditure.

But what we found is that we get a huge outpouring of community support, foundations, village councils, private individuals who support this. For every dollar of Federal support, there's probably been $10 of local community involvement because they appreciate the recreational value. They appreciate the family values that come from using these facilities. They appreciate what it means to have this kind of thing in our community.

The Ohio and Erie Canal Towpath, which was originally there as part of the canal system, had brought prosperity to Ohio many years ago. In fact, we had had a system of canals that were the original expressways of yesteryear, and it started with George Washington and John Quincy Adams who pushed this for people.

Of course, we all know about the granddaddy of all canals, the C&O Canal. That was saved. It was originally designated to be a highway. The highway folks said, yeah, this is wonderful; we've got 160 miles here of corridor where the canal and the towpath run so we'll put a highway on it. And Justice William O. Douglas got the Washington press corps together and said, ''Come with me; we'll hike this piece of history.'' I suppose that was a little strenuous at the time, but they managed it, and they wrote such glowing editorials about it that it was preserved.

And to date, it's the C&O Canal National Parkway, and all you need to do is go out there on a Sunday afternoon or any weekday and you see people, thousands of people, from the City of Washington and the area using the C&O Canal for recreation, for an understanding of environment, for an understanding of history. It's a terrific asset.

And I think what we're saying here is that other communities want to preserve their heritage corridors to tell the story of how their communities were built originally, and this is the case in Ohio. But you get all the additional benefits of health, of walking and bicycling on a towpath, the benefits of being together as a family, the benefits of having a community asset.

It was mentioned about the cost, but I don't think we are ready to charge for Yellowstone or Gettysburg. We preserve these things, and it's part of the national responsibility to preserve these historic artifacts and places that are very much a part of our Nation's history.

So I would urge my colleagues to support this bill. Let the communities raise their money. Let them go to the Appropriations Committee and get whatever they can by way of support.

Mr. RAHALL. Mr. Speaker, continuing with the strong bipartisan support for this bill, I yield 2 minutes to my very good friend and dear colleague, the gentleman from Peoria, Illinois (Mr. LAHOOD), whose bipartisan nature and friendly relations we're going to truly miss in this Congress next year.

Mr. BISHOP of Utah. Mr. Speaker, I'd also like to yield the gentleman 1 minute of our time as well.

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

Mr. LAHOOD. Mr. Speaker, I thank both gentlemen for the time.

Mr. Speaker, I rise today in strong support of H.R. 1483, legislation to amend the Omnibus Parks and Public Lands Management Act to establish six new national heritage areas, including one running through my own congressional district known as the Abraham Lincoln National Heritage Area.

Mr. Speaker, I believe the establishment of heritage areas provides us with a unique opportunity to take a closer look at some of the most culturally significant areas of our country. As a former school teacher, I believe very strongly in the need to study the past in order to understand how we got to where we are today. Many of the issues that shaped President Lincoln's legacy are still relevant today, and it's worthwhile to continue to explore these issues. The establishment of the Abraham Lincoln National Heritage Area within this bill would accomplish these goals.

The purpose of creating this national heritage area in Illinois is to manage, study and promote Lincoln-related historical sites. Scattered throughout the central Illinois landscape are countless places where Lincoln traveled and lived. As children, we're taught the basic history of our country, including the basic facts of President Lincoln's life and legacy. What the history books usually don't teach are the experiences and events that shaped President Lincoln and made him the man he became. By designating this heritage area, we can tie these many Lincoln sites together in order to create a tapestry that will allow us to better understand the influences that shaped President Lincoln's life.

During my time in Congress, I've had the unique honor of representing all 11 counties that originally formed Abraham Lincoln's congressional district when he served one term in this very House. The year 2009 represents the 200th anniversary of President Lincoln's birth, and as the cochair of the Abraham Lincoln Bicentennial Commission, which is in charge of celebrating this event, what better way to honor one of the most prominent figures in American history who affected millions of lives than preserving and studying further those places where he lived and worked and that had a profound effect on his later life.

I urge my colleagues to support this important legislation, as it will lead to an opportunity for all in Illinois and all in our country to really have a better understanding of President Lincoln.

Mr. Speaker, I rise today in strong support of H.R. 1483, legislation to amend the Omnibus Parks and Public Lands Management Act to establish six new national heritage areas, including one running through my own district known as the Abraham Lincoln National Heritage Area.

I would first like to thank Chairman RAHALL and Ranking Member YOUNG for bringing this important matter to the Floor today. I would also like to thank Chairman GRIJALVA and Ranking Member BISHOP for holding hearings on the Abraham Lincoln National Heritage Area in their Subcommittee.

Mr. Speaker, I believe the establishment of heritage areas provides us with a unique opportunity to take a closer look at some of the most culturally significant areas of our country. As a former school teacher, I believe very strongly in the need to study the past in order to understand how we got to where we are today. Many of the issues that shaped President Lincoln's legacy are still relevant today, and it is worthwhile to continue to explore these issues. The establishment of the Abraham Lincoln National Heritage

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During my time in Congress, I have had the unique honor of representing all 11 counties that originally formed Abraham Lincoln's congressional district when he served one term in the House of Representatives. The year 2009 represents the 200th year since Abraham Lincoln's birth. I am a co-chair, along with Senator DURBIN, of the Abraham Lincoln Bicentennial Commission, which is in charge of celebrating this event. What better way to honor one of the most prominent figures in American history, who affected millions of lives, than preserving and studying further those places where he lived and worked that had a profound effect on his later life.

I urge my colleagues to support the preservation of Abraham Lincoln's legacy by voting in favor of H.R. 1483.

Mr. BISHOP of Utah. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF), once again speaking in favor, and I would ask maybe perhaps the other side would be a little bit more generous than the last time with their giving him some additional time.

Mr. RAHALL. I beg your pardon, it's your side of the aisle that should be yielding the time totally, but I'll be glad to yield 1 additional minute to the gentleman from Virginia, who has been very instrumental in crafting this legislation, and I appreciate his help.

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

Mr. WOLF. Mr. Speaker, I thank the gentlemen. I want to thank the chairman very much for his help and his support and your staff. I also want to honor Mr. REGULA, who has probably made such an impact on these issues over the many, many, many years.

I rise in strong support of this. The journey through hallowed grounds is hallowed growth. It begins with Monticello where Jefferson came out and wrote those words ''that all men are created equal, endowed by their Creator.'' Ronald Reagan said those words were a covenant, a covenant with not only Americans but with the entire world.

Then we move up to Antietam, Antietam where President Lincoln took that win, that battle, that victory there of 20,000 deaths and then had the Emancipation Proclamation. That is hallowed ground because when you walk in 1 day, 20,000 people died.

And then we move up to Gettysburg, Gettysburg where President Lincoln, probably the greatest or second greatest President after President Washington, gave that famous speech that made sure the Union came together.

This is hallowed ground. It is areas that we have helped define ourselves and who we are and why we are who we are.

Also in this area is Monroe's house, Oak Hill; Montpelier, President Madison; also Zachary Taylor's home; Eisenhower's farm; Teddy Roosevelt's cabin; Kennedy's house; Marshall's house, who helped devise the Marshall Plan. This will help commemorate, preserve and promote.

Let me read you what David McCullough said. He said, ''This is the ground of our Founding Fathers. These are the landscapes that speak volumes, small towns, churches, fields, mountains, creeks and rivers with names such as Bull Run and Rappahannock. They are the real thing, and what shame we will bring upon ourselves if we destroy them.''

For those who have objected, this is what the bill says: nothing in the subtitle alters any duly adopted land use regulation, approved land use plan or other regulatory authority of any Federal, State, tribal or local agency.

It goes on to say: nothing in this subtitle conveys any land use or other regulatory authority to any local or coordinating entity.

And the bottom line is, this bill cannot and does not affect the rights of any property owner.

In closing, let me say here's what Lincoln said. When Lincoln was in this area he said, ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have hallowed it far above our poor power to add or detract.''

This region, this area is sacred. It is hallow. I strongly urge my colleagues on both sides of the aisle, please pass this bill so we can preserve and protect and promote together, to educate our young people so when they hear the word ''Antietam'' they understood what took place; when they hear about ''Gettysburg'' they understood what took place; when they read the Declaration of Independence, they honor the men who said we give our lives, our fortunes and our sacred honor.

I urge an ''aye'' vote for this and again want to thank Mr. RAHALL very, very much and his staff and Mr. REGULA for his leadership, not only on this but on all of these park issues and all of these important preservation issues over the many, many years.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER).

Mr. CRAMER. Mr. Speaker, I thank the chairman.

Mr. Speaker, I rise today in strong support of today's legislation, amending the Omnibus Parks and Public Lands Management Act of 1996.

I would like to applaud Chairman RAHALL and his commitment to preserving our Nation's heritage. I would also like to thank Subcommittee Chairman GRIJALVA and members of the National Parks, Forest and Public Lands Subcommittee for their consideration of this important legislation.

Also, I would like to congratulate Mr. REGULA for his leadership over many years and offering today's basic underlying bill.

There's been some harsh criticism of this process. My area, the Muscle Shoals National Heritage Area, is one of the six new heritage areas included in this bill. This process has worked the way I would assume a process like this should work.

It has taken us years to bring our counties together, six counties in the northwest corner of Alabama, the birthplace of Helen Keller, the birthplace of W.C. Handy. There's so much rich history there, but we have not had the opportunity to partner with the private sector to develop a management plan, a feasibility study to come up with a management entity that could further the issues that we want to help preserve for our area. This whole process has allowed us to do that, and I think that's the way this process should work.

Look, we will have the public sector much more involved with us. We have a Helen Keller Festival every year at her birthplace, Ivy Green. Her home has deteriorated. It is an embarrassment to the country. It's an embarrassment to our area how much it's deteriorated. But now the public and private sector are coming together to preserve that homeplace and to make sure that the festival that honors her heritage there is one that's carried on in surroundings that it should be carried on.

As I said earlier about the process, a woman there, Nancy Gonce, teamed with the University of Alabama and brought together resources from all over that section of Alabama to make sure that we had the chance to have this national heritage area determined there.

I congratulate this process and urge the passage of this bill.

□ 1100

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 7 minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Thank you very much for yielding.

Mr. Speaker, I rise in opposition to H.R. 1483 and urge my colleagues to vote ''no'' on this bill.

The Journey Through Hallowed Ground is not Mr. WOLF's bill. It is a

Democrat substitute bill that has been added to a larger bill, H.R. 1483, that is also a Democrat substitute bill. H.R. 1483 reflects a big government, big spending philosophy that tramples over taxpayers' interests and private property rights established and considered fundamental by revered American leaders such as Thomas Jefferson and Abraham Lincoln. What's more, it is being brought up under a closed rule. An amendment I offered to ensure majority voting control by congressional district residents over decisions by management entities affecting sites in their district located within heritage areas was rejected.

I was an enthusiastic supporter of the establishment of the Journey Through Hallowed Ground when it was perceived as a collective marketing effort. I thought, gee, what a great idea to include in one marketing effort all these grand historic sites in these four States, many of which are in the district I have the honor of representing. The Battle of Monocacy, the Battle of South Mountain, the Battle of Antietam, the C&O Canal that was mentioned by my friend, Mr. REGULA, are all in my district. What a grand name for it, the Journey Through Hallowed Ground. In fact, this was such a great idea, it was such a fantastic name, that I was a little embarrassed when I thought to myself, gee, Roscoe, why didn't you think of that, such a great idea. Then, regrettably, it has metamorphosed into this big government, big spending bill. If you read the fine print in this bill, you will see that there is a Virginia-based, Virginia-controlled designated management entity that has an exclusive vision that I don't think is consistent with most of the voters in my district.

I have consistently stated and testified on both September 28, 2006, and March 8, 2007, that any Federal legislation to create the Journey Through Hallowed Ground Heritage Area should retain local control of its management by Marylanders concerning sites in Maryland. I also believe that if the value of land is reduced as a result of actions by the management entity, or local zoning ordinances, for instance, then affected property owners should be compensated at fair market value. I don't only think this, this is a requirement of the fifth amendment of the Constitution. We have taken value from their land, and we need to compensate them for that. We almost never, ever do that. If the fifth amendment of the Constitution were, in fact, honored, most of the governments would be bankrupt because they couldn't pay for the value they had taken from their taxpayers' lands. It is unwarranted to spend $15 million of taxpayers' money to protect and promote the Journey Through Hallowed Ground. This is such a great idea. There is plenty of money out there in the private sector. We don't need Federal money to do this. Supporters of H.R. 1483 have consistently refused to incorporate protections of taxpayers and private property owners. That is why I introduced an alternate bill, H.R. 1270, and approved an amendment to remove the Sixth District of Maryland if we couldn't have majority voting rights. That was defeated in committee on a party-line vote. Actions by management entities and the $135 million in taxpayers' money that will be matched and spent by management entities speak louder than the weak and toothless language in section 2009.

Let me just quote a couple of things from some outside groups that have looked at this. First from Americans for Tax Reform/Property Rights Alliance Vote Alert: ''We urge all Members to side with Americans and protect the right of land use by voting 'no' on H.R. 1483.''

From the National Taxpayers Union: ''NTU urges all Members to vote 'no' on H.R. 1483. NTU testified against H.R. 1483 in committee, and we're dismayed to see that the bill has grown in both cost and potential harm since introduction. Rollcall votes on H.R. 1483 will be significantly weighted in our annual Rating of Congress.''

From the Heritage Foundation, in a report that they issued called ''National Heritage Areas: Costly Economic Development Schemes that Threaten Property Rights, Backgrounder 2080:''

''In fact, non-National Park Service funds amount to nearly 70 percent of the costs associated with the national heritage areas. If this pattern continues, H.R. 1483 would lead to an additional $270 million in NHA spending by Federal, State, local and not-for-profit entities.''

''One of the most controversial aspects of H.R. 1483 is the establishment of the Journey Through Hallowed Ground,'' which is in my district. ''The effort is sponsored and promoted by mainly two factions, Virginia-based environmental groups with a long history of opposition to most residential and commercial development in the region and wealthy estate owners who would benefit from the cachet and exclusivity that the designation might bring. The opposition includes local property owners and a large majority in Congress.

''Other NHAs have used their federally acquired authority to impose restrictive zoning requirements on the region's property owners to limit development and/or to force it into directions agreeable to those who guide the management of the NHA.''

Let me review. Members may be concerned that H.R. 1483 would, one, increase Federal funding by 50 percent from $10 million to $15 million per national heritage area, an amount neither requested nor reviewed in hearings, with total additional Federal spending of $135 million.

Two, it would expand the boundaries of three existing national heritage areas and, in addition, it would create six new national heritage areas, including the Journey Through Hallowed Ground, at a total initial authorization of $90 million.

It would reauthorize, increase and extend Federal funding for nine existing national heritage areas through 2012 at an additional cost of $45 million.

All of our Nation's founders knew of the intimate connection between personal liberty, taxpayers' interests and property rights. H.R. 1483 tramples over, rather than honors, these hallowed principles.

Mr. RAHALL. Mr. Speaker, may I ask how much time is left on both sides.

The SPEAKER pro tempore. The gentleman from West Virginia has 17½ minutes, and the gentleman from Utah has 8 minutes.

Mr. RAHALL. Mr. Speaker, I am honored to yield 2 minutes to the gentleman from Massachusetts (Mr. OLVER) who has been very instrumental in crafting this legislation.

Mr. OLVER. I thank the gentleman from West Virginia for yielding time and for his dedicated leadership of the Resources Committee.

Mr. Speaker, I rise in strong support of H.R. 1483, but I will address my specific comments to subtitle D of title II which authorizes the Freedom's Way National Heritage Area.

New England provided four of our original 13 States and has been long associated with our Nation's formative years, our major social and intellectual movements and, of course, great natural beauty. The area that comprises the proposed Freedom's Way National Heritage Area, which is included in this bill, has provided the backdrop for many other events and movements that shaped America.

Freedom's Way includes 37 communities in Massachusetts and eight in New Hampshire that are historically rich. Freedom's Way chronicles and celebrates the Revolutionary War stories of Lexington and Concord. Additionally, the free religious expression and social movements of the Shakers and Transcendentalists had their roots in the region. The area also hosted the social justice and the social criticism development found in the writings of Emerson, Hawthorne, Alcott, Fuller and Thoreau. And finally, the movements for the abolition of slavery, women's rights and environmental conservation all have roots within the boundary of Freedom's Way.

The proposed initiative embodies the National Park Service's criteria for national heritage areas. It will conserve historic, cultural, scenic and natural resources for the benefit of current and future generations. The idea has received widespread support from local residents and has the support from every Member of the House whose district includes a portion of the proposed area.

With this designation, the communities included will benefit from better resources to create a cohesive learning experience, using the natural setting and historical and cultural artifacts to tell the story of American democracy.

I urge all my colleagues to support H.R. 1483.

Mr. BISHOP of Utah. Mr. Speaker, I submit for the RECORD a letter signed by 110 organizations interested in property rights who are opposed to this particular bill, including such groups as the Taxpayers Union, a supervisor in the affected area, Property Rights Foundation of America, Family Research Council and a mayor in my district.

COALITION LETTER DETAILING RISKS OF NATIONAL HERITAGE AREA DESIGNATION

The following letter—signed by a diverse group of more than 110 organizations, elected officials and citizens—was delivered on September 4 to Senate Majority Leader Harry Reid, Senate Minority Leader Mitch McConnell, House Speaker Nancy Pelosi, House Minority Leader John Boehner, Senate Energy and Natural Resources Committee Chairman Jeff Bingaman, Senate Energy and Natural Resources Committee Ranking Member Pete V. Domenici, House Committee on Natural Resources Committee Chairman Nick Rahall, House Committee on Natural Resources Ranking Member Don Young as well as all the members of the House and Senate Natural Resources Committees.

DEAR [ELECTED OFFICIAL]: The U.S. Supreme Court ruling in Kelo v. City of New London ignited a national outcry against government abuse of property rights. The ''bridge to nowhere'' and other wasteful programs triggered angry protests against the practice of earmarking National heritage areas are the Kelo decision and earmarks rolled into one.

National heritage areas are preservation zones where land use and property rights can be restricted. They give the National Park Service and preservation interest groups (many with histories of hostility toward property rights) substantial influence by giving them the authority to create land use ''management plans'' and then the authority to disburse federal money to local governments to promote their plans.

As a March 2004 General Accountability Office report on heritage areas states: ''[National heritage areas] encourage local governments to implement land use policies that are consistent with the heritage areas' plans, which may allow the heritage areas to indirectly influence zoning and land use planning in ways that could restrict owners' use of their property.''

The proposed ''Journey Through Hallowed Ground National Heritage Area Act'' provides a good case study on how heritage areas can be self-perpetuating federal pork and influence projects. The chief lobbying organization for this heritage area, the Journey Through Hallowed Ground Partnership, received a one million-dollar earmark in the 2005 federal transportation bill at the behest of Members of Congress sponsoring legislation to establish this heritage area—an earmark that was granted before the organization was even incorporated. A million-dollar earmark thus was issued to help create a steady stream of future pork, at the expense of the rights of local landowners.

We believe zoning and land use policies are best left to local officials, who are directly accountable to the citizens they represent. National heritage areas corrupt the principle of representative government and this inherently local function by giving unelected, unaccountable special interests the authority to develop land management plans and federal money with which to finance their efforts.

Once established, National heritage areas become permanent units of the National Park Service, and as such, permanent drains on an agency that currently suffers a multi-billion-dollar maintenance crisis. According to the GAG, ''sunset provisions have not been effective in limiting federal funding [for National Heritage Areas]: since 1984, five areas that reached their sunset dates received funding reauthorization from the Congress.''

Supporters of new heritage areas have the public will precisely backward: Americans want stronger property rights protections and less pork-barrel spending—not more earmarks to programs that harm property rights.

Please do not support the creation of additional national heritage areas or federal funding for heritage area management entities, support groups, or groups that lobby for or advocate the creation of new heritage areas.

Sincerely,

David Ridenour, Vice President, National Center for Public Policy Research; J. William Lauderback, Executive Vice President, The American Conservative Union; John Berthoud, President, National Taxpayers Union; Paul Poister, Executive Director, Partnership for the West; Larry Pratt, Executive Director, Gun Owners of America; William Niemeyer, Mayor, City of West Alton, MO; Ryan Ellis, Executive Director, American Shareholders Association; Peter Flaherty, President, National Legal and Policy Center; Steve Snow, Supervisor, Loudoun County, VA; Carol W. LaGrasse, President, Property Rights Foundation of America; Paul M. Weyrich, National Chairman, Coalitions for America; Tom McClusky, Vice President of Government Affairs, Family Research Council; Jay Lehr, Science Director, The Heartland Institute; Jim Martin, President, 60 Plus Association; Bill Moshofsky, Vice President, Oregonians In Action; Niger Innis, National Spokesman, Congress of Racial Equality; Gregory Cohen, President and CEO, American Highway Users Alliance.

Richard Falknor, Executive Vice President, Maryland Taxpayers Association, Inc.; Linda C. Runbeck, President, American Property Coalition; Thomas K. Remington, Managing Editor, U.S. Hunting Today; Fred L. Smith, President, Competitive Enterprise Institute; Matt Kibbe, President, Freedom Works; Mychal Massie, Advisory Council Chairman, Project 21; Steve Baldwin, Executive Director, Council for National Policy Action, Inc.; Caren Cowen, Executive Director, New Mexico Cattle Growers' Association; Randy T. Simmons, Mayor, Providence City, UT, Professor, Utah State University; Donald E. Wildmon, Founder and Chairman, American Family Association; Leroy Watson, Legislative Director, National Grange; Kelsey Zahourek, Executive Director, Property Rights Alliance; Roy Cordato, Ph.D., VP for Research and Resident Scholar, John Locke Foundation; Tom DeWeese, President, American Policy Center; Rachel Thomas, Property Rights Advocate, Huachuca City, AZ; Rose Ellen Ray, Treasurer, Citizens for Property Rights Loudoun County, VA.

Paul Driessen, Senior Policy Advisor, Center for the Defense of Free Enterprise; Maxine Korman, Korman Ranch, Hinsdale, Montana; Gerald Hobbs, President, Public Lands for the People; John Grigsby, Vice President, Taxpayers for Accountable Government; Don Parmeter, Executive Director, American Property Coalition; Leo Schwartz, Chairman, Virginia Land Rights Coalition; Pat King, Anvil Ranch, Tucson, AZ; Tom Borelli, Ph.D., Portfolio Manager, Free Enterprise Action Fund; John and Connie Morris, Members, Tongue River Watershed Alliance, and MT and WY Farm Bureaus; Brad VanDyke, Representative, Rural Utahns for Local Solutions; Jerry Hamilton, Environmental Coordinator, Formation Capital Corporation; F. Patricia Callahan, President and General Counsel, American Assoc. of Small Property Owners; Lew Uhler, President, National Tax Limitation Committee; Jon Caldara, President, Independence Institute; Dan Byfield, President, American Land Foundation; John Taylor, President, Tertium Quids.

Susan Carlson, Chairman and CEO, American Civil Rights Union; Gary Palmer, President, Alabama Policy Institute; Lenore Hardy Barrett, State Representative, Idaho; Jonathan DuHamel, President, People for the West-Tucson; Jack and Patricia Shockey, President and Director, Citizens for Property Rights; Fred Grau, Executive Director, Take Back Pennsylvania; Mike Dail, Chairman, American Land Foundation; Chuck Cushman, President, American Land Rights Association; James Stergios, Executive Director, Pioneer Institute; Deneen Borelli, Fellow, Project 21; Marilyn Hayman, Chairman, Citizens for Responsible Zoning and Landowner Rights; C.J. Hadley, Publisher/Editor, Range Magazine; Elizabeth Arnold, Grassroots Consultant, Environmental Community Outreach Services, Juneau, AK; Greg Blankenship, President, Illinois Policy Institute; Bill Wilson, President, Americans for Limited Government; Jane Hogan, Secretary, Ontario Hardwood Company, Inc.

Katherine Lehman, President, People for the USA Grange #835; Howard Hutchinson, Executive Director, Coalition of Arizona/New Mexico Counties; C. Preston Noell III, President, Tradition, Family, Property, Inc.; Dr. William Greene, President, RightMarch.com; Leo T. Bergeron, President, Upper Mid-Klamath Watershed Council; Eugene Delgaudio, President, Public Advocate of the U.S., Inc.; Leri M. Thomas, Ph.D., Charter Member, Virginians for Property Rights; John McClaughry, President, Ethan Allen Institute; Richard O. Rowland, President, Grassroot Institute of Hawaii; James W. Jarrell, Sr., Board Member, Virginia Bear Hunters Association; Erich Veyhl, Publisher, Maine Property Rights News; Dane vonBreichenruchardt, President, U.S. Bill of Rights Foundation; Mark Williamson, Founder and President, Federal Intercessors, New Mexico Federal Lands Council, New Mexico Wool Growers, Inc.; Beth Machens, Board of Aldermen, City of West Alton, MO .

Janet M. Neustadt, Board of Aldermen, City of West Alton, MO; William J. Richter, Board of Aldermen, City of West Alton, MO; Deborah Anderson, Treasurer, City of West Alton, MO; Susan Silk, City Clerk, City of West Alton, MO; Charlotte Meyers, Assistant Administrator, City of West Alton, MO; Ora B. Anderson, Jr., Planning and Zoning Commission, City of West Alton, MO; Ray Ponciroli, Board of Aldermen, City of Portage, MO; Army Ridenour, Director, Americans for the Preservation of Liberty; Bruce Colbert,

Executive Director, Property Owners Association of Riverside County, CA; Randall and Ruth Lillard, Farmers and Landowners, Madison County, VA; Joyce Morrison, Farmer and Agricultural Environmentalist, Fieldon, IL; Donald Castellucci, Jr., Councilman, Town of Owego, Tioga County, NY; Milari Madison, Property Owner, Loudoun County, VA; Robert L. Sansom, Farmer and Landowner, Madison County, VA; Mary E. Darling, Sonoita, AZ.

James Vadnais, Port Angeles, WA; Floyd Rathbun, Fallon, Nevada; Steven and Peggy Breen, Boise, Idaho; Peggy Bogart, Access Advocate; Dan Goulet, Portland, OR; Susan Freis Falknor, Bluemont, VA; Harold L. Stephens, Member, Citizens to Protect the Confluence; Jerry Fennell, Chairman, Jicarilla Mining District; Bonner R. Cohen, Ph.D., Senior Fellow, National Center for Public Policy Research; Judy Keeler, Secretary, Bootheel Heritage Assoc. (Animas, NM); Alexandra H. Mulkern, Mechanicsville, MD; Lee Riddle, Brookings, OR; Stephen L. Ralston, Columbia, PA; Mark Pollot, Boise, ID; Billy Jean Redemeyer-Roney; D.J. McCarthy, Civil Engineer; Clifton McDonald, Needles, CA; Kirk and Jeri Hansen, Clayton, ID; Suzanne Volpe, Sterling, VA.

With that, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, with the development of such strong bipartisan legislation of this nature, it obviously takes a lot of work by Members' staffs on both sides of the aisle and by members of the originating committee, our Committee on Natural Resources, as well.

I yield 3 minutes to the distinguished gentleman from Arizona, Mr. RAUL GRIJALVA, one of those gentlemen that has taken the reins of leadership this year as chairman of our Parks Subcommittee and done a tremendous job.

Mr. GRIJALVA. Let me thank the chairman for the time.

Mr. Speaker, I am pleased to be here to support H.R. 1483 as chairman of the subcommittee, but also supporting the larger heritage area bill. One section in particular that applies to my community is the designation of a new heritage area in the Santa Cruz Valley of Arizona.

The Santa Cruz Valley has national significance and deserves the recognition that this designation would bring and highlight what is a shared border with Mexico. The Santa Cruz Valley encompasses many diverse cultures and histories. These include native peoples whose heritage dates back 13,000 years, and the descendants of Spanish, Mexican and American territorial settlers who shaped the region, its land, its customs and its traditions from the 1690s to the present date.

For me it's an important designation. I grew up on a ranch, Canoa Ranch, that is located within the Santa Cruz Valley. It's a historic ranch, been designated as such and presently is being renovated to bring and highlight what that ranch life was in the 1800s and 1900s.

The towns and cities of the Santa Cruz Valley support this. The amount of support that this proposal has is truly outstanding. I want to say something not only about the Santa Cruz Valley and its importance, but I think it transcends the discussion that we are having about heritage areas. Heritage areas, through the designation, is also a recognition of a mosaic, a mosaic of history, people, traditions, the environment, a mosaic that shapes this country. Each one is as different and diverse as our Nation. To get to a designation point takes a great deal of work and cooperation among communities and peoples, and that's what we are acknowledging with heritage areas, the work that went into it, the diversity of this great Nation of ours, and the mosaic that makes this Nation of ours as special and privileged as it is in the world.

I would also like to say that we are going to hear things about taking property rights, the cost. A GAO study was commissioned, and many of the organizations which have been submitted for the record as private property rights advocates were solicited to provide specific examples where heritage areas did indeed interfere with, take or prohibit the use of someone's private property. Not one instance came up in that study. I just want to reaffirm that these projects, these heritage areas are cooperative, bipartisan and truly deserving of the designations. I want to thank the chairman for the entire bill.

Mr. BISHOP of Utah. Mr. Speaker, the GAO report that was just referenced, it is one of those unique things, not wishing to actually criticize the Federal Government for what they do, but in the entire report, not one property owner was interviewed, not a single property attorney was interviewed, nor a Realtor, nor appraiser, nor a local zoning official. Simply put, the report neglected to ask those who actually know what the impact of a heritage area has on the property rights and values of their land.

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

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California, Mr. SAM FARR.

Mr. FARR. Thank you, Mr. Chairman, for yielding.

Mr. Speaker, it's a pleasure to rise as a former member of this committee and to congratulate the chairman and the ranking member and the fellow committee members for bringing this bill to the floor. Much of the committee work in the past, I think, was focused a lot on the Federal lands in the West. This bill, interestingly enough, focuses on land mostly east of the Mississippi.

Congressional authorization is essential to sound management of these important places. But this just isn't about land designation; it's about the beauty and heritage of American spirit, our cultural spirit.

As cochair of the House Tourism Caucus, we have learned that we need to increase travel in this country, particularly outreaching to foreign visitors, because the image of the United States around the world is not that good.

However, visitors coming to this country, seeing this beautiful land, and meeting the people in this country, and looking at our history and our beauty of what I think is the best culture in the world, the American spirit, can only be done by showing them places that we have preserved, so that it's just not all sort of sprawled-out urbanism.

These special places need to be protected, because they need the guidance of a good government structure like the Federal Government along and in partnership with State and local government. I want to associate myself with the words of the other speakers that have long been involved in land-use planning and land use, and there has never been an eminent domain or taking of this land.

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In fact, the prices, if they do buy them, are agreed upon by the landowner, and they're agreed upon without having to have any disputes. So I think it's worked very, very well.

America is a beautiful place, but it's beauty is not just in its scenery. It's also in its people and the people's heritage.

I urge my colleagues to authorize the celebration of America's great assets, this bill, the heritage of our people.

Mr. BISHOP of Utah. Mr. Speaker, I would like to yield an additional 2 minutes to the sponsor of this particular bill, the gentleman from Ohio (Mr. REGULA).

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

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding, and I want to commend Chairman RAHALL and the staff for their effective working on this.

This is a people's bill because what it does is allows the local communities to develop their heritage legacy. As Mr. WOLF pointed out, the historic corridors, as was pointed out also by Mr. LAHOOD, would bring these things to life. It would bring these battlefields to life to understand what happened there and how important that is to our Nation's heritage as a people, how important it is in the case of Lincoln, as to what his life has meant to all of us.

And it's no encroachment on local control. In fact, it's the epitome of local control, because the decision to make heritage corridors work is up to the people. In our own experience, as I say, we've raised over 250 million private dollars to match something like 8 or 9 million of Federal dollars.

But putting the Federal imprimatur on this gives it a certain status that allows foundations, that allows private individuals to contribute to making these corridors a success.

And as I said earlier, it enhances family values. It enhances property values. It enhances understanding.

I'll never forget going out, to our corridor, where we had a group of students from the inner city as part of a summer work program, cleaning up the right-of-way where we now have the towpath. And these two young students who for the first time in their life, saw a turtle. It was a whole new experience for them. I said to them, Keep your finger out of that turtle's mouth.

But it illustrates how historic corridors are so much a part of everyone's heritage, to understand environmental values, to understand historical values, to understand what has made this Nation great.

And I would urge all of my colleagues to support this legislation. This is a gift to the people of all local communities that have a corridor.

Mr. RAHALL. Mr. Speaker, I reserve the balance of my time, as I understand I have the right to close.

Mr. BISHOP of Utah. Do I understand you have no more speakers?

Mr. RAHALL. That's correct. And I reserve the right to close.

Mr. BISHOP of Utah. Then I'm prepared to close as well, if that's okay.

Mr. Speaker, as I said at the very beginning of this particular debate, on this particular bill there are elements of this bill that I fully support and I think are wise, good moves forward. There are some things in there that simply are not.

We have talked a lot and heard a lot about some of the better parts of this bill. However, we're talking about heritage areas. And I'm sorry, in all due respect, a casino as a heritage area for Niagara Falls? Those are some of the stretches that we have in this particular element.

When we had our committee hearing, there were several people that were talking about the need for these new heritage areas. One particular individual who was testifying told of the importance of having this Federal designation, so I tried to zero in on that and ask what it is specifically about this designation that cannot be done by the local levels, by State government, the local entity. Give me one thing that cannot be done that only the Federal Government can do. There was not one element that was given until somebody behind him simply answered that the correct answer is there are 15 million reasons why you have this designation, and each one has a portrait of George Washington on it.

We have all been lobbied on this bill, even though lobbying is not allowed in this bill. We have tried to put amendments and provisions of these parts that would clarify, clarify that lobbying could not be used by this Federal money going to these entities, and yet the chairman's argument against this, well, it would be making it too difficult for heritage areas to then ask for money. Had we not had a closed rule, some commonsense changes as, for example, where the map actually is, should there be lobbying allowed, should there be real protection for private property owners, should we actually define what these are, they would have been allowed to be discussed and at least voted on this particular bill. Unfortunately, the Rules Committee cut out that opportunity, and now we're here with a closed bill.

Many of my colleagues who do not serve on the Resources Committee may not be aware that the Department does not support these bills. On each and every heritage area that we've had recommended to the committee, the Department has asked the committee to defer action until a criteria for heritage areas is established. And I can see why some deferment makes sense. Perhaps we wouldn't be here debating heritage areas that have not yet finished their feasibility studies or had their maps prepared had we listened to that advice.

A lot of good things, but this is still a classic Christmas tree with a lot of bad things that are hidden by the good ones.

I urge my colleagues not to support this omnibus lands bill, this Christmas tree of lands bill, simply because there are too many bad things that need to be fixed before it moves on.

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

Mr. RAHALL. Mr. Speaker, in summation, these are not good times for the ratings of the United States Congress in the public opinion polls. We all know that in this body; yet I think if the American people would see Congress in action this very moment that those poll ratings might very well go up.

We've seen examples on this legislation of Members on both sides of the aisle in a bipartisan, nonpartisan manner, working to preserve what is the best of America. I look at the gentleman from Ohio (Mr. REGULA), I look at the gentleman from Virginia (Mr. WOLF), I look at the gentleman from Illinois (Mr. LAHOOD) on the other side of the aisle, and I look at the many Members on this side of the aisle from different parts of the country, south, north, west, that have joined together in bringing this legislation to the floor today.

Yes, we have respectful disagreements, and I respect the gentleman from Utah's position, but we also have worked very hard in what I think the American people want to see, and that is a nonpartisan effort to solve this country's problems.

Now, if you looked up the word ''red herring'' in Webster's Dictionary, the definition would be the property rights arguments that the critics of this bill are using against this legislation.

Heritage areas have no regulatory authority. Over 60 million Americans live in heritage areas. The entire State of Tennessee, for example, the entire State of Tennessee is a heritage area. Almost my entire congressional district is a heritage area. There have been no impacts on private property rights, mining, road building, economic development. I believe we've done quite well in each of those areas in my congressional district, most of which is a heritage area.

And the gentleman from Arizona, the subcommittee chairman, Mr. GRIJALVA, brought out very well where we've seen no instances where there have been private property issues, no instances where such problems have occurred.

Now, those that have expressed concern about property provisions in this bill, let me be clear. In the 20 years plus of this program's existence, opponents have not been able to identify one single instance in which someone has been deprived of the use of their property as a result of such designations as we're considering in this bill.

And nevertheless, as the gentleman from Virginia (Mr. WOLF) has quoted, we do, in this legislation, provide extensive property, private property provisions. These private property protections are the same language approved by the Senate, the same language proposed by the administration in heritage area systems bills under consideration in this Congress, and the same language included in heritage areas bills passed by the previous Congress under the other party's control.

The history of this program, as we have seen in repeated debate on the floor and in committee, not to mention the GAO report which has been referenced, has proven that there are simply no legitimate private property issues here. It's time to move on, stop flogging this dead horse and bringing up this red herring.

Now, the gentleman from Utah mentioned our late colleague, the gentleman that was elected to Congress with me, the late Representative Bruce Vento, the former chairman of the Parks Subcommittee. And the gentleman from Utah mentioned that he did not intend for the Federal heritage areas to last longer than 10 years. I'm reasonably sure, however, that our late colleague did not foresee these areas having to contend with close to $90 a barrel oil and the other increase in costs, I might add, that the numerous heritage areas created under Republican Congresses that were all authorized for 15 years. We have provided an increase in authorized funding for heritage areas to ensure that heritage areas have enough funds to get on their feet.

So the issue here is not private property rights. The issue is not gaming in these areas. The issue is not earmarks. I would say to my colleagues, imagine, for example, if Yellowstone National Park did not exist and Members of Congress introduced legislation to provide for such a crown jewel of our national park system. Would that be called an earmark?

The issue is not lobbying by local people, our local legislators. They have a right to try to secure that additional State and local funding necessary to match Federal funding. We provide

protections. Federal law prohibits any other lobbying by local groups.

So the issue, as I conclude, Mr. Speaker, is not about earmarking, not about lobbying, not about private property rights; it's about the American people and protection of what is theirs and providing our American people a place in which they can take their families, can spend quality time of life in these times when it's so hard to spend quantity time together, that they spend quality time together. And that's what we're talking about in this legislation. That's what we're talking about in our heritage areas, in America's heritage.

So I conclude by urging my colleagues on both sides of the aisle to continue the nonpartisan, bipartisan spirit that has brought this bill to the floor and pass this legislation by a tremendous margin.

Mr. BRALEY. Mr. Speaker, I rise today in support of H.R. 1483, the Celebrating America's Heritage Act. As an original co-sponsor of this important legislation, I fully support the reauthorization of the National Heritage Areas.

I am especially pleased that this bill authorizes additional funding for Silos and Smokestacks National Heritage Area in Iowa, and also pleased that the bill establishes six new Heritage Areas, because they have so much to offer. My District, the 1st District of Iowa, is home to Silos and Smokestacks, one of the 37 current federally designated heritage areas in the Nation. Silos and Smokestacks covers 20,000 square miles, and 37 counties in Iowa, and preserves and tells the story of Iowa and American agriculture, both past and present. Silos and Smokestacks also helps convey the global significance of Iowa and American agriculture through partnerships and activities that celebrate and honor the land, people, and communities of the area. Agriculture in Iowa is as crucial as it ever was, but has evolved significantly. Through museums, farms, schools, and historical societies, Silos and Smokestacks takes visitors on a tour through Iowa's rich agricultural history, shows how Iowa farmers have come to be where they are today, and supports the hope for a strong and prosperous agricultural future. I urge all of my colleagues to support our Nation's National Heritage Areas, and to vote in support of this bill today.

Mr. LOBIONDO. Mr. Speaker, I rise today to urge my colleagues to support H.R. 1483, which includes legislation to extend the authorization of the New Jersey Coastal Heritage Trail Route. I would first like to take this opportunity to thank my colleagues in the New Jersey delegation for their continued support of this extension. I would also like to thank Chairman RAHALL, Ranking Member YOUNG and their staff for their support and guidance.

Established by Congress in 1988, the New Jersey Coastal Heritage Trail incorporates the very best of what the great State of New Jersey has to offer to the rest of the Nation. The Trail unifies New Jersey's many scenic points of interest. These points of interest include a wealth of environmental, historic, maritime and recreational sights found along New Jersey's coastline, stretching 300 miles from Perth Amboy in the north, Cape May in the extreme southern tip of the State and Deepwater to the west.

The Trail's area includes three National Wildlife Refuges, four tributaries of a Wild and Scenic River system, a Civil War fort and National cemetery, several lighthouses, historic homes, and other sites tied to southern New Jersey's maritime history. Through a network of themes and destinations, the New Jersey Coastal Heritage Trail connects people with places of historic, recreational, environmental and maritime interest.

One exciting aspect of the Trail is its focus on maritime history. There is a rich story to be told about the industries once sustained by the Delaware Bay, such as whaling, shipbuilding, crabbing and the harvesting of oysters. While we often define our Nation's history through military or political milestones, the Trail will serve to remind visitors that maritime-dependent commerce was a major factor in the growth of the United States.

''Eco-tourism'' along the Trail has proven to be a huge success. There is an abundant variety of natural habitats and species to be found on the Trail. Whale and dolphin watching have become extremely popular, and bird lovers from throughout the country, and in fact around the world, are realizing what Southern New Jersey residents have known all along: our region is unmatched for observing migratory birds, ospreys and bald eagles.

The Trail has also helped to foster important partnerships between the Federal government and individuals, groups, corporations, State and local governments. Since the Trail began, these partnerships have resulted in additional funding amounting to almost double the investment of the Federal government.

Legislation reauthorizing the Trail was included in S. 203, the National Heritage Areas Act of 2006, which the President signed into law in October of 2006. S. 203 requires a strategic plan for the Trail to be prepared ''Not later than 3 years after the date on which funds are made available.'' Unfortunately, under S. 203, the Trail is only reauthorized through September 30, 2007.

The language pertaining to the Trail included in H.R. 1483 has the support of the entire New Jersey Congressional delegation. It would extend the authorization of the Coastal Heritage Trail Route in New Jersey until September 30, 2011. This would allow for adequate time to complete the required strategic plan, which will explore opportunities to increase participation by private and public interests, as well as organizational options for sustaining the Trail. S. 1039, a bill containing language very similar to the Trail language in H.R. 1483, was introduced in the Senate in March.

Since its inception, the New Jersey Coastal Heritage Trail has not only helped New Jersey residents develop pride, awareness, experience with, and understanding of our coastal resources and their history, it has encouraged visitors to explore this area, bringing with them much needed tourism dollars. The extension of the authorization contained in H.R. 1483 will allow the Trail to continue and flourish. I urge my colleagues in the House to support this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I have several concerns with H.R. 1483. While I may support several subtitles within this bill, changes have been made that harm the positive intent of the legislation.

An unexpected and unrequested increase, from $10 million to $15 million, in the authorization for new Heritage Areas was inserted by the Majority. No hearings have been held to discuss this change and we do not understand why it is warranted. The cost of this bill has ballooned to over $135 million.

I have further reservations because the closed rule does not provide two Members of the House the opportunity to adequately represent their districts. Mr. BARTLETT and Mr. GOODE have expressed concerns that they do not want to be included in these Heritage Areas and would prefer to be removed. I believe a Member has the right to represent his district and decide which Federal designations will be created over his constituents.

The committee has heard concerns that this bill would exacerbate the problem of Heritage Areas and their inability to operate without Federal funds. Heritage Areas are supposed to become self-sufficient: they were designed with that goal and that intent. This simply delivers more money to those heritage areas that have run through their authorization. The National Park Service testified that no National Heritage Area has succeeded in becoming self-sufficient.

We have seen evidence that the National Park Service and some Heritage Areas are violating public law by using Federal funds for lobbying. They go so far as to instruct other groups on how to start new Heritage Areas and further this problem.

In committee we sought to strengthen the private property rights protections. My Democrat colleagues believe this is the cure to a problem that does not exist. I urge them to reconsider and adopt real property protections that allow owners to withdraw from Heritage Area boundaries. This protection has been given to the last twelve Heritage Areas and should not be denied any new Heritage Areas.

Finally, the committee has learned that Heritage Area boundaries may be used to impede the placement of critical energy transmission lines. At a time when the national grid is already heavily taxed and the threat of blackouts loom, we should not build obstacles to providing Americans with reliable energy.

Mr. SHULER. Mr. Speaker, I rise today in support of H.R. 1483, Celebrating America's Act of 2007, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend authorizations of certain natural heritage areas, including the Blue Ridge Natural Heritage Area, and for other purposes.

The mission of the Blue Ridge National Heritage Area is to protect, preserve, interpret, and develop the unique natural, historical, and cultural resources of western North Carolina for the benefit of present and future generations, and in so doing to stimulate improved economic opportunity in the region.

This bill extends authorization of the existing Blue Ridge National Heritage Area, a landscape full of superlatives: the highest mountain, Mount Mitchell; deepest gorge, Linville Gorge; and highest waterfall, Whitewater Falls in the eastern United States; the oldest river in North America, the New River; and the two most visited National Park lands in the country, the Blue Ridge Parkway and the Great Smoky Mountains National Park. The region is home to the Eastern Band of the Cherokee Indians who continue to preserve many facets of traditional Cherokee culture.

I am especially pleased that this legislation extends and increases authorization of funds for the Blue Ridge National Heritage Area and

others, and I urge my colleagues to vote in favor of this legislation and support enhancing our natural and cultural heritage for future generations.

Mr. BARTON of Texas. Mr. Speaker, I rise today to comment on one aspect of H.R. 1483: the effect of the designation of National Heritage Areas on the development and siting of needed energy infrastructure. Some of these National Heritage Areas fall within National Interest Electric Transmission Corridors that were recently designated by the Department of Energy. Development and siting of new electric transmission was an important part of the Energy Policy Act of 2005, and the designation of National Interest Electric Transmission Corridors is a critical component in getting that new transmission built.

Originally, there was concern that the designation of National Heritage Areas could impede the development of new energy infrastructure, even if that infrastructure were in a National Interest Electric Transmission Corridor. Bipartisan compromise language that has been added to the bill, along with language in the Committee Report accompanying H.R. 1483, makes it clear that the designation of a National Heritage Area should not impede the development of necessary energy infrastructure. Specifically, I understand that compromise language has been added to clarify that nothing in the bill "alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy or water or water-related infrastructure." I believe that this language and the accompanying report language makes it clear that a State public utility commission or the Federal Energy Regulatory Commission should not consider the fact that an area is a National Heritage Area as a basis to deny siting of energy infrastructure.

I commend the bill's authors for including this important clarification.

Mr. MARKEY. Mr. Speaker, I rise today in strong support of H.R. 1483, the "Celebrating America's Heritage Act," which would, in part, designate the Freedom's Way National Heritage Area in Massachusetts and New Hampshire. The Freedom's Way National Heritage Area would recognize the important historical contributions made by communities throughout New England to the historic events of the American Revolution.

This new heritage area would include the communities of Arlington, Lexington, Lincoln, Malden, Medford, and Wobum in my district along with 39 other communities throughout Massachusetts and New Hampshire that played a role in the birth of our Nation.

H.R. 1483 would allow for cooperation between the communities in the heritage area and the National Park Service to conserve these special places and develop increased recreational and educational opportunities for these tremendous resources.

I am proud to support the creation of this important new National Heritage Area, which will help preserve the unique history of New England. Sometimes we forget that the small towns and cities where we were born and live are also the birthplace of this great Nation. The Freedom's Way National Heritage Area designation will ensure that future generations will be able to visit, tour and learn about the communities in New England that shaped our young Nation.

This heritage area designation will allow for the commemoration of the important role that these New England communities played in shaping our Nation and I urge passage of the bill.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 765, the previous question is ordered on the bill, as amended. The question is on engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of Utah. Yes, in it's current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of Utah moves to recommit the bill, H.R. 1483, to the Committee on Natural Resources with instructions to report the same to the House forthwith with the following amendment:

At the end of the bill, add the following new title:

TITLE VI—APPLICATION OF CERTAIN LAWS

**SEC. 6001. APPLICATION OF CERTAIN STATE AND LOCAL LAWS.**

All designated and future designated lands within any natural heritage area for which funding is provided under this Act shall be exclusively governed by relevant State and local laws regarding hunting, fishing, and the possession or use of a weapon, trap, or net.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah is recognized for 5 minutes in support of his motion to recommit.

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Mr. BISHOP of Utah. Thank you, Mr. Speaker.

This particular motion to recommit ensures that the rights of State and local governments within heritage area designations will be able to regulate hunting and that it will be unharmed by this legislation.

This bill currently provides that heritage area designations shall not diminish the right of States to regulate hunting, but it is silent on the issue including the right to carry firearms.

The motion to recommit also clarifies that laws regarding fishing and possession or use of a weapon or trap shall be governed exclusively by States and localities.

The second amendment is a critical right. We want to protect our constituents against consequences of this legislation that could harm that right.

National parks have regulations that limit hunting and the right to carry or possess firearms even in States and localities where it is legally permitted. The text you see to my left is title 36 for the National Park Service Department, and this is the language that would prohibit in heritage areas those rights that even are currently allowed by State and local legislation.

These regulations harm wildlife and the environment because even local wildlife management officials are impeded in their work.

Before any attempt is made to restrict the rights of gun owners and second amendment defenders, this motion to recommit protects their legal existing rights now and in the future. It is important that it be said and be said clearly.

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

Mr. RAHALL. Mr. Speaker, I rise maybe not necessarily in opposition to the motion but, nevertheless, to claim time to speak.

The SPEAKER pro tempore. Without objection, the gentleman from West Virginia is recognized for 5 minutes.

There was no objection.

Mr. RAHALL. Mr. Speaker, this is an issue, as is typical of a minority of the minority, that has not been mentioned one iota in any of today's debate, in any of the committee debate developed on a bipartisan, nonpartisan nature in bringing this bill to the floor, not in any way brought up in any of the extensive hearings held by our subcommittee chairman, Mr. GRIJALVA, and is brought up at this last second out of the clear blue, which, again, I say should not be surprising because it is typical of a minority of the minority to make such efforts.

But I would ask the gentleman from Utah, is he referring to all Federal lands? Because as I am sure he knows, the heritage areas are not part of the national park system, the chart that he just brought forward, nor are they under the jurisdiction of the National Park Service. The heritage areas are part of a collaborative effort between Federal and State and local people with local governing units with matching dollars, not all Federal dollars, as I am sure the gentleman knows.

So I ask that question. Are you intending this language for all Federal lands?

Mr. BISHOP of Utah. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Utah.

Mr. BISHOP of Utah. As I am sure the distinguished gentleman from West Virginia knows, each and every one of the divisions within the Department of the Interior has different sets of rules and regulations. BIA land would not be a problem. A national park designation would be. So any of these heritage areas that were under the direction of the National Park Service, and there are some within this new bill, would fall under title 36. That's why this legislation desperately needs to be there,

the same amendment that we actually did present at another time in one of our committees.

So, yes, it's still significant. It's still important. It needs to be there to clarify specifically. If the intent is not to change what has been happening by the locals, this clearly sets in all these areas what has been local will continue and State and local regulations will have precedence.

Mr. RAHALL. I am not sure we are talking about the same definitions here.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. BISHOP of Utah. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 344, nays 71, not voting 17, as follows:

[Roll No. 995]

YEAS—344

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Inglis (SC)
Inslee
Israel
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Watson
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (FL)

NAYS—71

Abercrombie
Andrews
Becerra
Berman
Blumenauer
Brown, Corrine
Butterfield
Capuano
Castor
Clarke
Clay
Cleaver
Conyers
Crowley
Davis (IL)
Delahunt
Ellison
Engel
Farr
Frank (MA)
Gonzalez
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hirono
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Kaptur
Klein (FL)
Kucinich
Langevin
Lee
Lewis (GA)
Lowey
Matsui
McCollum (MN)
McDermott
McGovern
Miller, George
Moran (VA)
Olver
Price (NC)
Rangel
Richardson
Roybal-Allard
Rush
Sánchez, Linda T.
Schakowsky
Serrano
Sherman
Slaughter
Solis
Stark
Sutton
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Velázquez
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Wexler
Woolsey

NOT VOTING—17

Bilbray
Carson
Cooper
Culberson
Davis (CA)
Hunter
Issa
Jindal
Johnson, E. B.
Lewis (CA)
Marchant
Reyes
Shea-Porter
Walberg
Wilson (OH)
Wynn
Young (AK)

□ 1200

Messrs. DAVIS of Illinois, CONYERS, CROWLEY, BECERRA, HOLT, RUSH, FARR, INSLEE and CLEAVER, and Ms. HIRONO, Ms. WATERS, Ms. JACKSON-LEE of Texas, Ms. SUTTON, Ms. KAPTUR, Ms. SLAUGHTER, Mrs. TAUSCHER and Ms. WOOLSEY changed their vote from ''yea'' to ''nay.''

Messrs. BOEHNER, HARE, NADLER, PITTS, PASTOR, RYAN of Ohio, RUPPERSBERGER, LYNCH, GENE GREEN of Texas, INSLEE, AL GREEN of Texas, HINOJOSA, ISRAEL, and Ms. DEGETTE and Ms. SCHWARTZ changed their vote from ''nay'' to ''yea.''

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. WALBERG. Mr. Speaker, I missed the vote on rollcall No. 995 because I was visiting wounded warriors at Walter Reed. As an avid outdoorsman, and conservationist I supported the Motion to Recommit to H.R. 1483.

Had I been present, I would have voted ''yea.''

Mr. RAHALL. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report H.R. 1483 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of the bill, add the following new title:

**TITLE VI—APPLICATION OF CERTAIN LAWS**

**SEC. 6001. APPLICATION OF CERTAIN STATE AND LOCAL LAWS.**

All designated and future designated lands within any natural heritage area for which funding is provided under this Act shall be exclusively governed by relevant State and local laws regarding hunting, fishing, and the possession or use of a weapon, trap, or net.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. BISHOP of Utah. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 291, noes 122, not voting 19, as follows:

[Roll No. 996]

AYES—291

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Roskam
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth

NOES—122

Aderholt
Akin
Bachmann
Baker
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Price (GA)
Putnam
Radanovich
Rehberg
Renzi
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Weldon (FL)
Westmoreland
Whitfield
Young (FL)

NOT VOTING—19

Bilbray
Carson
Cooper
Culberson
Davis (CA)
Gingrey
Hunter
Issa
Jindal
Johnson, E. B.
Lewis (CA)
Marchant
Reyes
Ross
Shea-Porter
Snyder
Wilson (OH)
Wynn
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes to record their vote.

□ 1208

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PROVIDING FOR CONSIDERATION OF H.R. 505, NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 764 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 764

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions of the bill are waived. The previous question shall be considered as ordered on the bill, and any amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources; (2) the amendment printed in the report of the Committee on Rules, if offered by Representative Flake of Arizona or his designee, which shall be in order without intervention of any point of order (except those arising under clause 9 or 10 of rule XXI) or demand for division of the question, shall be considered as read, and shall be separately debatable for ten minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 505 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. BLUMENAUER). The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington, my good friend, Representative HASTINGS. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 764 provides a structured rule for consideration of H.R. 505, the Native Hawaiian Government Reorganization Act of 2007. The resolution provides 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The rule makes in order an amendment offered by Representative FLAKE of Arizona. This was the only amendment submitted to the Rules Committee.

Mr. Speaker, I don't intend to speak for long about this legislation other than to express my sincere hope that this body will move forward expeditiously with its passage. Our Nation is greater because of its vast diversity and the living narrative of all those who contribute to it. However, make no mistake, our government has treated a number of cultural communities in a less than favorable manner.

Mr. Speaker, we are not here to debate the particulars of our Nation's dealings with Native Hawaiians. However, it is only right that all indigenous people should have a right to determine how they should interact with our government.

As my good friend from Hawaii, Representative NEIL ABERCROMBIE, mentioned in the Rules Committee, the current system of land tenure for Native Hawaiians is organized under the Office of Hawaiian Affairs. This State agency does not meet the needs of Native Hawaiians in the most effective manner as it is currently arranged. What the community demands and needs is an entity in which the Native Hawaiians can be effectively engaged. Rightfully, this legislation will give Native Hawaiians an opportunity to create such an entity and empower themselves with self-determination.

I do want to make note of my concern that there are some in this body who are seeking to create controversy where none exists. Contrary to what some say today, this bill does not allow gaming on Native Hawaiian lands, nor does it lay the groundwork for gaming. On the contrary, it takes the necessary steps to put Native Hawaiians on the necessary path to control their destiny.

Additionally, similar legislation has passed the House in the 106th Congress and was reported out of the Natural Resources Committee in both the 107th and 109th Congresses. Unfortunately, the measure was never taken any further until today.

Mr. Speaker, this rule provides the appropriate framework for debate on this bipartisan legislation, which is the culmination of many years of negotiation. I have been in this body, and I have seen NEIL ABERCROMBIE, and now MAZIE HIRONO, and before, Patsy Mink, work actively on this particular legislation.

The lack of amendments submitted to the Rules Committee for this legislation is a testament to years of bipartisan collaboration. It is only right that we bring this legislation to the full floor today in this manner.

I urge my colleagues to support the rule and the underlying legislation.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and namesake from Florida (Mr. HASTINGS) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

□ 1215

Mr. HASTINGS of Washington. Mr. Speaker, the underlying legislation, offered in good faith by my friend and colleague from Hawaii (Mr. ABERCROMBIE), would create a process, and I want to emphasize ''process,'' because that is what this is, for establishing and recognizing a Native Hawaiian government entity that would be empowered to act on behalf of its members with the State and Federal Government.

However, Mr. Speaker, as the Wall Street Journal noted in 2005, the practical effect of granting this status to self-identified Native Hawaiians would be to allow this new class of American citizens to declare, and I quote again from the Wall Street Journal, ''complete legal and territorial independence from the United States and the establishment of a Hawaiian nation-state.''

Mr. Speaker, before this statement is dismissed out of hand as a completely unbelievable statement dreamed up by the editorial board of the Wall Street Journal, I should mention that they were not the ones that were making this claim. They were merely reporting on a statement made by the State Office of Hawaiian Affairs, which first acknowledged this fact.

In addition, a recent statement made by the U.S. Civil Rights Commission raised concerns that this legislation, and, again, I quote from the U.S. Civil Rights Commission, ''would discriminate on the basis of race or national origin and further subdivide American people into discrete subgroups according to various degrees of privilege.''

Despite the best efforts of this legislation's advocates to compare Native Americans with Native American tribes who govern reservations and often live on them, this legislation would make it possible for our next-door neighbors in Hawaii to suddenly coexist under different legal regimes, a clear violation of the 14th amendment of the Constitution's equal protection clause.

Mr. Speaker, because this legislation would grant broad governmental powers to a racially defined group, to include all living descendants. The new Native Hawaiians created by this bill would need no geographic, political or cultural connection to Hawaii, much less a physical connection to a distinct Native Hawaiian community. As the Federal courts have recently explained, this is problematic. Again, I quote the Federal courts: ''The history of the indigenous Hawaiians is fundamentally different from that of indigenous groups in federally recognized Indian tribes in the continental United States.''

Finally, Mr. Speaker, this legislation raises significant constitutional concerns, which have been raised on other bills this year, namely, H.R. 8345, the Hawaiian Ownership Act of 2007, which the House considered in March of this year. The Hawaiian Township Act initially failed under suspension of the rules because 162 Members of the House recognized, and in 2000, the Supreme Court ruled in Rice v. Cayetano, that the current configuration of Justices would likely strike down the Federal benefits flowing to Native Americans as an unconstitutional racial set-aside, if given the chance.

Mr. Speaker, I believe that there are legitimate constitutional concerns that must be addressed in the underlying Native Hawaiian Government Reorganization Act. I am pleased, Mr. Speaker, that the rule makes in order an amendment to be offered by Mr. FLAKE of Arizona that would attempt to address the constitutional concerns and ensure the underlying legislation complies with the equal protection clause of the 14th amendment of the United States Constitution.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my friend, the distinguished gentlewoman from Hawaii (Ms. HIRONO), who is an original sponsor of this measure.

Ms. HIRONO. Mr. Speaker, I rise in support of the rule. I thank Chairman SLAUGHTER and Vice Chair MCGOVERN for the rule which fairly gives the only amendment to be filed due consideration pursuant to House rules. I disagree with the amendment because it, if adopted, unnecessarily creates confusion where none exists.

The Native Hawaiian Government Reorganization bill is a good one, the result of over 6 years of fine-tuning and negotiations, including significant compromises with the Department of Justice, Department of the Interior, and the Office of Management and Budget to conceive a law that should be approved by all persons concerned with the welfare of Native Hawaiians.

This bill is supported by the Republican Governor of the State of Hawaii, the Hawaii State legislature, the American Bar Association, the National Congress of American Indians, the National Education Association, the NAACP, League of United Latin American Citizens, and dozens of other civil rights, professional associations and unions.

I will enter into the RECORD a list of all supporters of this measure, as well as letters of support from the Governor of the State of Hawaii, Linda Lingle; the American Bar Association; National Congress of American Indians; and the Japanese American Citizens League, and thank them for their wholehearted support.

Mr. Speaker, let me close by quoting a sentence from the letter from the National Congress of American Indians, which is of particular relevance to the proposed amendment to be offered. ''To invoke the equal protection or due process clause of the Constitution in this context, as some of the legislation's critics attempt to do, is a perversion of what those clauses were intended to do. Those submitting this argument are using the very cornerstones of justice and fairness in our democracy to deny equal protection to one group of indigenous people.''

Mr. Speaker, I urge this body to adopt the rule so we may get on to the merits of this important legislation that will at long last afford the Native Hawaiian people self-determination and self-governance long given to other indigenous people of the United States but denied to Native Hawaiians.

S. 310/H.R. 505: NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT—TO EXPRESS THE POLICY OF THE U.S. REGARDING THE U.S. RELATIONSHIP WITH NATIVE HAWAIIANS AND TO PROVIDE A PROCESS FOR THE RECOGNITION BY THE U.S. OF THE NATIVE HAWAIIAN GOVERNING ENTITY

STANDING TOGETHER FOR JUSTICE

The following groups, entities and individuals from around the islands and across the Nation have pledged their support for Native Hawaiian self-determination through federal legislation extending a process of official recognition to Native Hawaiians as the indigenous people of Hawai'i, similar to the existing federal policy available to American Indians and Alaska Natives:

*Hawai'i organizations & entities*

Alu Like, Inc.; Alan M. Arakawa, Mayor, County of Maui; Association of Hawaiian Civic Clubs; Council for Native Hawaiian Advancement; Daughters and Sons of Hawaiian Warriors—Māmakakaua; Hale O Na Ali'i O Hawai'i; Hawaii Carpenters Union; Hawaii Government Employees Association (HGEA); Hawaii State AFL–CIO; Hawai'i State Legislature; and Hawai'i State Teachers' Association.

Hawaiian Homes Commission; Hui Hānai; Hui Kāko'o 'Āina Ho'opulapula; I Mua Group; International Longshore and Warehouse Union (ILWU); Japanese American Citizens League (Honolulu Chapter); Kamehameha Schools; Kamehameha Schools Alumni Association (KSAA); Ko'olaupoko Hawaiian Civic Club; and Kualoa-Heeia Hawaiian Civic Club.

Linda Lingle, Governor, State of Hawai'i; Nānakuli Housing Corporation; National Association of Social Workers (Hawaii Chapter); Native Hawaiian Chamber of Commerce; Native Hawaiian Economic Alliance; Office of Hawaiian Affairs; Royal Order of Kamehameha 1; and State Council of Hawaiian Homestead Associations.

*National, regional & international entities*

Affiliated Tribes of Northwest Indians (ATNI)—Established in 1953, ATNI represents and advocates for regional, national and specific Tribal concerns. It is comprised of 54 Northwest Tribal governments from Oregon, Idaho, Washington, southeast Alaska, northern California and western Montana.

Alaska Federation of Natives (AFN)—AFN is the largest statewide Native organization in Alaska. It represents over 200 Alaska Native villages, corporations, and associations. AFN's mission is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community.

American Bar Association (ABA)—The American Bar Association is the largest voluntary professional association in the world. With more than 400,000 members, the ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges in their work, and initiatives to improve the legal system for the public.

Association of Asian Pacific Community Health Organizations (AAPCHO)—AAPCHO is a national association representing community health organizations dedicated to promoting advocacy, collaboration and leadership that improves the health status and access of Asian Americans, Native Hawaiians and Pacific Islanders within the United States, its territories and freely associated states, primarily through member community health clinics.

Governors' Interstate Indian Council (GIIC)—Represents 21 state Indian Affairs agencies and organizations.

Inter Tribal Council of Arizona (ITCA)—Established in 1952, ITCA is comprised of 19 member tribes and provides a united voice for tribal governments located in the State of Arizona.

Japanese American Citizens League (JACL—National)—JACL is the Nation's oldest and largest Asian Pacific American civil rights organization, with over 24,000 members in 23 states.

Leadership Conference on Civil Rights (LCCR)—LCCR consists of more than 180 national organizations, representing persons of color, women, children, labor unions, individuals with disabilities, older Americans, major religious groups, gays and lesbians and civil liberties and human rights groups.

League of United Latin American Citizens (LULAC—National)—With approximately 115,000 members throughout the United States and Puerto Rico, LULAC is the largest and oldest Hispanic organization in the United States.

League of United Latin American Citizens (LULAC—California).

Mexican American Legal Defense and Educational Fund (MALDEF)—MALDEF is the leading nonprofit Latino litigation, advocacy and educational outreach institution in the U.S.

Asian American Justice Center (AAJC)—AAJC, formerly the National Asian Pacific American Legal Consortium, is one of the Nation's leading experts on issues of importance to the Asian American community including: affirmative action, anti-Asian violence prevention/race relations, census, immigrant rights, language access, and voting rights.

National Association for the Advancement of Colored People (NAACP)—The NAACP is the Nation's oldest and largest civil rights organization. Its half-million adult and youth members throughout the United States and the world are the premier advocates for civil rights in their communities while conducting voter mobilization and monitoring equal opportunity in the public and private sectors.

National Association of Social Workers (NASW)—The National Association of Social Workers represents over 150,000 social workers in the U.S.

National Coalition of Asian Pacific Americans (NCAPA)—NCAPA is a coalition of the Nation's leading Asian Pacific American organizations. It represents the interests of the greater APA community and provides a national voice on APA issues.

National Coalition for Asian Pacific American Community Development (National CAPACD)—National CAPACD's mission is to enhance the capacity and ability of community based organizations to conduct community development activities for the Asian and Pacific Islander American communities.

National Congress of American Indians (NCAI)—NCAI is the Nation's oldest and largest American Indian and Alaska Native organization that represents over 250 member tribes.

National Council of La Raza (NCLR)—NCLR is the largest constituency-based national Hispanic organization, serving all Hispanic nationality groups in all regions of the country. NCLR has over 270 formal affiliates who together serve 40 states, Puerto Rico, and the District of Columbia—and a broader network of more than 30,000 groups and individuals nationwide—reaching more than three and a half million Hispanics annually.

National Indian Education Association (NIEA)—Established in 1969, NIEA is the largest national Indian organization of American Indian, Alaska Native and Native Hawaiian educators, administrators, parents and students in the United States, providing a forum to discuss and act upon issues affecting the education of indigenous people.

National Organization of Pacific Islanders in America (NOPIA)—NOPIA is dedicated to ensuring the protection of rights and fair treatment of all Pacific Islander Americans through legislative and policy initiatives at all levels of government.

Organization of Chinese Americans (OCA)—OCA is dedicated to securing the rights of Chinese American and Asian American citizens and permanent residents through legislative and policy initiatives at all levels of the government. OCA aims to embrace the hopes and aspirations of the nearly 2 million citizens and residents of Chinese ancestry in the United States as well as to better the lives of the 10 million Asian Americans across the country.

Tribal Education Departments National Assembly (TEDNA)—A membership organization for the Education Departments of American Indian and Alaska Native Tribes.

United South and Eastern Tribes (USET)—USET is an inter-tribal organization that collectively represents its 24 federally recognized member Tribes at the regional and national level. USET is dedicated to promoting Indian leadership, improving the quality of life for American Indians, and protecting Indian rights and natural resources on tribal lands.

Virginia Indian Tribal Alliance For Life (VITAL)—An independent public organization, established to support Virginia Indian Initiatives by funding lobbyist and bipartisan political campaigns which support the needs of Virginia Indians in education, healthcare and economic development.

Commonwealth of the Northern Mariana Islands Public Lands Authority—Established by the Constitution of the Commonwealth of the Northern Mariana Islands to manage and dispose of the public lands for the benefit of the people of the Commonwealth who are of Northern Marianas descent.

National Federation of Filipino American Associations—Hawaii Pacific Region 12 (NaFFAA—HPR 12)—NaFFAA was established in 1997 to promote the welfare and well-being of all Filipinos and Filipino Americans throughout the U.S., and Region 12 is Hawai'i, Guam and Commonwealth of Northern Mariana Islands.

Individual Supporters: Joe Shirley, President, Navajo Nation.

Introducers of S. 310 on 1/17/07: Senator Daniel K. Akaka and Senator Daniel K. Inouye.

S. 310 Co-Sponsors: Senator Maria Cantwell on 1/17/07, Senator Norm Coleman on 1/17/07, Senator Byron L. Dorgan on 1/17/07, Senator Lisa Murkowski on 1/17/07, Senator Gordon H. Smith on 1/17/07, Senator Ted Stevens on 1/17/07, and Senator Christopher J. Dodd on 1/17/07.

Introducers of H.R. 505 on 1/17/07: Representative Neil Abercrombie and Representative Mazie Hirono.

H.R. 505 Co-Sponsors: Delegate Madeleine Z. Bordallo on 2/27/07, Delegate Eni Faleomavaega on 2/27/07, and Representative James P. Moran on 2/27/07.

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NATIONAL CONGRESS OF AMERICAN INDIANS,
*Washington, DC, October 22, 2007.*

Re Support H.R. 505—Native Hawaiian Government Reorganization Act of 2007.

DEAR REPRESENTATIVE: I am writing on behalf of the National Congress of American Indians (NCAI), the nation's oldest and largest organization of tribal governments, to express our strong support of H.R. 505, the Native Hawaiian Government Reorganization Act of 2007. As this matter has made its way through Congress, the NCAI member tribes have consistently passed resolutions supporting the Native Hawaiian right to self-determination (attached). NCAI and the tribal nations we represent continue to support

Native Hawaiian people in their efforts towards a path to self-determination, and we urge you to do the same by voting in favor of H.R. 505.

H.R. 505 would reaffirm the Native Hawaiian right to self-governance and enable the creation of a process that will lead to self-determination and economic self-sufficiency for Native Hawaiian people. Like all of the nation's indigenous peoples, Native Hawaiians lived on their homelands and governed their own affairs before the first contact with Europeans until the overthrow of the Native Hawaiian government in 1893. Since that time, Native Hawaiians have continued to suffer more than a century of injustice, including neglect and abuse of Native Hawaiian entitlements and civil rights, by the United States.

Like all of the indigenous peoples of the United States, Native Hawaiians deserve the right to determine their own future. The purpose of self-determination is not simply for its own sake. Rather, it is what enables indigenous people to maintain their culture, language, and identity. This is a purpose that all American citizens can support. Congress has consistently supported Native Hawaiian recognition through numerous programs intended to benefit Native Hawaiians along with the other indigenous peoples of the United States. Furthermore, it is a purpose that was recently affirmed by the United Nations in the Declaration on the Rights of Indigenous Peoples, which passed with overwhelming support.

Some critics have misstated the effect of H.R. 505. Let me be clear that this bill, like all legislation impacting tribal governments, concerns U.S. policy toward and relationship with the nation's sovereign, indigenous peoples and is not race-based legislation. The unique legal and political relationship that indigenous Hawaiians have with the United States is like that of all Native Americans and is based on our status as aboriginal people with pre-existing governments with whom the U.S. entered treaties and other agreements. It is this historical, political reality that provides the foundation for the unique relationship that has always existed—and continues to exist today—between the United States and the indigenous people whose homelands fall within the borders of what is now the United States.

The argument that recognition of a Native Hawaiian governing entity would establish a race-based government is antithetical to the very foundation of the United States government's relationship with the indigenous peoples who have inhabited this land from time immemorial—a relationship that has long been recognized by Congress, the federal courts, and the Executive branch. Those making this argument are suggesting that Native Hawaiians should, and indeed must, be treated differently from the other indigenous peoples residing in what is now the United States.

The Native Hawaiian Government Reorganization Act would establish parity for Native Hawaiians with the other indigenous peoples of America. To invoke the equal protection or due process clauses of the Constitution in this context, as some of the legislation's critics attempt to do, is a perversion of what those clauses were intended to do. Those submitting this argument are using the very cornerstones of justice and fairness in our democracy to deny equal treatment to one group of indigenous people.

The Native Hawaiian Government Reorganization Act is consistent with this country's longstanding commitment to preserving the right of indigenous people to continue to exist as peoples. Passage of the bill is a matter of fundamental fairness and will rectify an injustice that has existed for far too long. Its enactment will set Native Hawaiians on the path toward self-determination and self-governance, as is their inherent right. I urge you to support H.R. 505. Please contact myself or Virginia Davis, vdavis@ncai.org or 202–466–7767 with any questions. As always, I thank you for your leadership on this important issue.

Sincerely,

JOE GARCIA,
*President.*

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THE NATIONAL CONGRESS OF AMERICAN INDIANS: RESOLUTION #PHX–03–004

TITLE: SUPPORT FEDERAL LEGISLATION CALLING FOR RECOGNITION OF THE HAWAIIAN NATION AND RETURN OF LAND TO THE HAWAIIAN NATION

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people and their way of life, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

Whereas, the federal policy affords all Native Americans and Alaska Natives the right to be self-governing within a defined land base; and

Whereas, there is a need for self-government; and

Whereas, the NCAI at its 56th annual session adopted Resolution #99–042, at its 57th annual session adopted Resolution #00–032 and at it 58th annual session adopted Resolution #SPO–01–087, all of which support the sovereign rights of native Hawaiians and recognizes the need to develop a true government-to-government relationship with the Hawaiian nation; and

Whereas, NCAI also adopted the same resolution that the Hawaiian Nation's goal is federal recognition as a sovereign indigenous nation with inherent rights to self-determination and self-governance.

Now therefore be it resolved, that the NCAI does hereby support federal legislation calling for recognition of the Hawaiian nation, a self-determined entity created by and for native Hawaiians and their descendants in furtherance of a true government-to-government relationship; and

Be it further resolved, that the NCAI further supports the return of land to the Hawaiian Nation; and

Be it further resolved, that this resolution shall be the policy of the NCAI until it is withdrawn or modified by subsequent resolution; and that a copy of this resolution be transmitted to the Hawaii state legislature, the Governor of the state of Hawaii, the Hawaii congressional delegation, the Congress of the United States of America, the Secretary of the Department of the Interior, the Attorney General of the United States, the Secretary of State, the President of the United States and the Trustees of the Office of Hawaiian Affairs; and

Be it finally resolved, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted at the 2003 Mid-Year Session of the National Congress of American Indians, held at the Sheraton Wild Horse Pass Gila River Indian Community, in Phoenix, Arizona on June 18, 2003 with a quorum present.

TEX HALL,
*President.*

Attest: Juana Majel.

Adopted by the General Assembly during the 2003 Mid-Year Session of the National Congress of American Indians, held at the Sheraton Wild Horse Pass Gila River Indian Community, in Phoenix, Arizona on June 18, 2003.

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EXECUTIVE CHAMBERS,
*Honolulu, Hawaii, October 23, 2007.*

Re H.R. 505—Native Hawaiian Government Reorganization Act of 2007.

Hon. NANCY PELOSI,
*Speaker of the House, Canon House Office Building, Washington DC.*

Hon. JOHN A. BOEHNER,
*House Minority Leader, Longworth House Office Building, Washington, DC.*

DEAR SPEAKER PELOSI AND HOUSE MINORITY LEADER BOEHNER: I am writing to you to express my very strong and unqualified support for the Native Hawaiian Government Reorganization Act of 2007, H.R. 505, often referred to as the ''Akaka Bill.'' Enactment of this important bill is just and fair and will help to preserve the language, identity, and culture of Native Hawaiians.

I am very pleased that the bill will likely be considered this week on the House floor, as this bill has the bipartisan support of almost every elected official in Hawaii, the strong support of Hawaii's business community, and most importantly, the strong support of Hawaii's people.

H.R. 505 would afford Native Hawaiians a long overdue measure of justice by providing them with the means to reorganize a formal self-governing entity. That entity would allow them to regain a portion of the self-determination taken from them over a century ago. This country's other native peoples, including American Indians and Alaska Natives, have been allowed to exercise some form of self-governance for decades. Native Hawaiians, therefore, are not asking for ''preferential'' status, but rather the same treatment all other of America's native peoples have received.

The bill does not create ''racial'' distinctions, but rather affords participation in the Native Hawaiian Governing Entity to those who are descendants of the indigenous people of the Hawaiian Islands, a criterion Congress has long characterized as being non-racial. Indeed, Congress has already recognized Native Hawaiians to a large degree, by repeatedly singling out Native Hawaiians for special treatment, by acknowledging a ''special relationship'' with Native Hawaiians, and by stating that ''the political status of Native Hawaiians is comparable to that of American Indians.'' This bill formalizes that status by providing Native Hawaiians with an actual limited self-governing entity.

H.R. 505 is surely constitutional, as the United States Supreme Court has consistently upheld the special status of indigenous peoples and defers to Congress's near plenary authority to decide which native peoples to recognize.

I began this letter by stating my unqualified support for H.R. 505. I conclude by respectfully asking for you to support this important measure as well. I thank you in advance for your consideration of this request.

Sincerely,

LINDA LINGLE,
*Governor.*

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
*Washington, DC, October 23, 2007.*

HOUSE OF REPRESENTATIVES,
*Washington, DC.*

DEAR REPRESENTATIVE: On behalf of the American Bar Association, I urge your support for the Native Hawaiian Government Reorganization Act of 2007, H.R. 505, introduced by Representative Neil Abercrombie (D–HI).

The ABA, as the national voice of the legal profession, has a long standing interest in the legal issues concerning America's native and indigenous peoples. Over the past twenty years, our House of Delegates has adopted numerous policies supporting self-determination and self-governance for American Indians and Alaska Natives. In 2006, we adopted policy supporting the right of Native Hawaiians to seek federal recognition of a native governing entity within the United States similar to that which American Indians and Alaska Natives possess under the Constitution.

The ABA supports H.R. 505. It is a conservative measure drafted to provide an ordered process that would lead to renewed self-determination for the Native Hawaiians. The goal is the creation of a political entity within U.S. borders developed by the indigenous Hawaiian people to serve, maintain and support their unique cultural and civic needs, including advocacy on their behalf on the federal and state level.

This would represent a return to self-determination for the Hawaiian people and a renewal of federal support for their unique history. For 1,000 years prior to the overthrow of the Hawaiian monarchy, the people who we now know as the Native Hawaiians lived under an organized political framework governed by the rule of law. This kingdom had a written constitution and was recognized by the U.S. Government as a sovereign nation. Congress ratified treaty agreements with it and recognized its representatives.

In 1893, U.S. agents acting without official sanction orchestrated a coup against this sovereign state and overthrew Hawaii's last queen. Acknowledging this crime and the continuing effect it had on Queen Liliuokalani's subjects, Congress chose to intercede by taking a managerial posture towards the kingdom's assets and accepting a fiduciary duty to the Native Hawaiians and their progeny. This was the beginning of a unique relationship between Congress and the Hawaiian people. In 1993, the destruction of the Hawaiian nation's last government was acknowledged with regret in U.S. law (Public Law 103–150, also known as the Apology Resolution). H.R. 505 would allow the Hawaiian people the right to govern their own destiny by replacing the Congressional mandate with Native Hawaiian governance within the state of Hawaii.

Opponents of this legislation claim that allowing Native Hawaiians the right to self governance would imperil the constitutional rights of non-Native Hawaiians to equal protection under the law. They point to the former Kingdom's wealth and claim that self-determination will create a system of benefits disadvantaging those who are not of Native Hawaiian heritage. However, Native Hawaiians, in seeking rights and privileges that other indigenous people of the United States enjoy under our system of law, are not compromising the rights of others but exercising their own rights to property, to self-determination and to be recognized as an indigenous people by Congress.

The right of Native Hawaiians to use of the property held in trust for them and the right to govern those assets is not in conflict with the Equal Protection Clause since it rests on independent constitutional authority regarding the rights of native nations contained within the text of Articles I and II of the Constitution. The constitutional framers recognized the existence of native nations within the United States that predated our own democracy and created a system for federal recognition of indigenous nations within our then expanding borders. The framers empowered Congress through the Indian Commerce Clause and the Treaty Clause to maintain relations between the U.S. federal government and the governments of these native nations. Our courts have upheld Congress' power to recognize indigenous nations and have specifically recognized that this power includes the power to re-recognize nations whose recognition has been compromised in the historical past. Thus, the Native Hawaiians have the right to be recognized by this body, this right is not in conflict with the rights of others, and this recognition may be renewed despite historical lapses.

I urge you to support the rights of Native Hawaiians to self-determination by voting for H.R. 505 and against any weakening amendments.

Sincerely,

DENISE A. CARDMAN,
*Acting Director.*

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to my friend, the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in support of this act. Having great familiarity with the peoples of the Hawaiian Islands and with Native Hawaiians, I understand their concerns that we should have codified a stronger statement of what their rights are as indigenous peoples.

This is really about making sure that language and culture and history are preserved. It also is consistent with the law which created the admission of Hawaii to this Union. I think the date, Mr. ABERCROMBIE could correct me if I am wrong, it was August 21, 1959. That was an important date for this Nation, because it is a day that we embraced not only Hawaii but Alaska. It was a day that we embraced the potential of this country to extend its reach and embrace peoples of many different cultures.

This act is an act that needs to be passed so that we can keep unfolding the real purpose and quality of America.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve my time,

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 6 minutes to the distinguished gentleman from Hawaii (Mr. ABERCROMBIE), the sponsor who has labored with this legislation actively in several Congresses, who is from the Committee on Natural Resources, and the author of this bill.

Mr. ABERCROMBIE. Mr. Speaker, inasmuch as this is a discussion on the rule and not necessarily on the bill itself, I would like to confine my remarks, at least in this initial phase of dealing with the issue, on some of the points raised by my good friend and colleague Mr. HASTINGS. I am appreciative of the points that he raised, because I think they are in need of not so much refutation but perhaps clarification.

It is easy to understand why those who are not necessarily familiar, and I am not speaking about Mr. HASTINGS personally, I am talking about the references that he cited in his commentary, it is easy to understand why people who are not familiar with a little bit of the history of Hawaii could come to some of the conclusions or make some of the observations that they have. Absent the context within which this bill is coming forward, it is understandable. That context then is what I want to establish, so that it becomes clear.

I certainly don't want to get in an argument with the editorial board of the Wall Street Journal either, and they are making some quotations there about complete territorial independence.

Well, I think what is being referred to there, and what the likelihood of the reference is, is that there was in fact not territorial in the sense of annexation of territory, like the Philippines or Hawaii or Puerto Rico or that kind of thing that occurred during the kind of ''imperial phase'' of the United States, but there was in fact territorial independence, because Hawaii was a kingdom. It is one of the things that kind of gets lost in the shuffle, and that is one of the reasons we are here today, Mr. Speaker.

The United States of America has in fact had, over a 175-year period leading up to the overthrow of the kingdom in 1893, a series of treaties and conventions; 1826, 1842, 1849, 1875, 1887, dealing with commerce, dealing with trade, dealing with various recognitions. The Kingdom of Hawaii had treaties and conventions with other nations, as well as the United States.

So as a result of that history, we have a succession of land claims and assets that have come from the time of the kingdom to the shotgun republic that occurred after the overthrow of the kingdom and the annexation of the United States into the territory, and into finally becoming a State, as was indicated, in 1959. We are in fact the last State to enter the Union, along with Alaska in 1959.

I bring this up simply to point out that far from subdividing the American people, as was cited by my good friend, quite the contrary; it incorporates the politics as well as the historical reality of this land secession and the assets associated with it, because this land generates income.

Basically what this is about, Mr. Speaker, is land and other assets, including money, and who controls it. When this land came in, it wasn't worth anything. The Wall Street Journal did not comment, I am certain, on the ceded lands. They are called ''ceded lands'' because they were ceded from the kingdom to the succeeding governmental entities. They could care less,

the Wall Street Journal, about these lands when they were worth nothing, when they were not seen to be able to be marketed.

But let me explain now, and I ask my good friend as I look at him now with a smile on my face, we are talking about land in Hawaii? You are talking big bucks. You are talking money here. That is what this is about is land and money and who controls it. And this land has, from the time of the kingdom, resided with the Native Hawaiians. That is who is to be the beneficiary.

That takes me to the point, Mr. Speaker, of the entry into the Union. The Admissions Act requires us, requires us, the Admissions Act of 1959 requires us to utilize those lands and assets for the benefit of Native Hawaiians. That is in the Admissions Act.

□ 1230

We are not here on the floor today because we didn't have anything better to do in Hawaii than to try to bring this to the Federal Government. On the contrary, the Admissions Act requires us to make certain that these lands are utilized for the benefit of Native Hawaiians. The reason we have the bill here is that in order to accomplish that, we need to get a governing entity that can come to the Department of the Interior for approval in order to be able to conduct the affairs, similarly to, parallel to what now happens with Native Americans in the so-called lower 48 in the mainland of the United States and with various Alaska Natives and corporations and other entities that have been set up in Alaska.

This is a history of indigenous people. They are different from other indigenous people because they were a kingdom, and we would not have the 2 million acres we are talking about had those acres not been associated with an indigenous people. They are not imaginary, they are real.

Finally, let me say with Rice v. Cayetano, Governor Cayetano, the first Filipino American to be elected Governor, that issue was settled on a question of voting procedures and had nothing whatsoever to do with programs for Native Hawaiians.

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

I appreciate my friend from Hawaii's clarification on this, and I just want to point out a couple of things in my opening remarks.

I emphasized that this is a process which I think acknowledges the fact that there is a history that goes back to when Hawaii was a kingdom, and so I acknowledge that point. But I simply raise those issues because those issues I think are important when we talk about the United States as a whole, as a government under laws and everybody being treated equal, and these are questions that I think need to be addressed.

I appreciate very, very much my friend's clarification on this. The point that this is a process and the point that there is some lineage going back from a State to a territory to a kingdom probably has some viability to it.

But there are always unintended laws when we write national laws that appeal to one State or one set of people. That is what we have to be cautious about. That is why I simply raise these concerns. The issue is before us. We have a rule and we have made in order an amendment that deals with the 14th amendment. I think that is important to be discussed, and I doubt if this issue will be completely decided here today.

With that, I reserve the balance of my time.

Mr. HASTINGS of Florida. I am the last speaker, and I will reserve my time until the gentleman closes.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to have Speaker PELOSI, in consultation with Republican Leader BOEHNER, immediately appoint conferees to H.R. 2642, the Military Construction and Veterans Affairs Appropriations Act for 2008.

Two days ago a number of news publications, including Roll Call, reported that the Democrat leadership intends to play political games and hold off on sending any appropriations bills to President Bush so that they can use an upcoming anticipated veto of the Labor-HHS appropriations bill to serve as ''an extension of their successful public relations campaign on the State Children's Health Insurance Program.'' Roll Call is the one that made that observation on October 22, 2007.

While the House Democrat leadership plays politics on this issue, however, our Nation's veterans are paying the price. The Senate has already done its work and appointed conferees for this bill. And for every day that House Democrats allow the veterans funding bill to languish without conferees for their only political advantage, our Nation's veterans lose $18.5 million, money that could be used for veterans housing, veterans health care, and other important veterans support activities.

On October 18, American Legion National Commander Marty Conaster, five national vice commanders and all 55 Legion national executive committee members sent Speaker PELOSI a letter pleading with her to put partisanship aside and provide this funding for the troops.

Mr. Speaker, I include a copy of the letter for the CONGRESSIONAL RECORD.

THE AMERICAN LEGION,
*Indianapolis, IN, October 18, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR SPEAKER PELOSI: Today ends the Fall meeting of The American Legion's National Executive Committee, at The American Legion's National Headquarters in Indianapolis, Indiana. The National Executive Committee consists of an elected leader from each of The American Legion's 55 Departments (50 States, the District of Columbia and four foreign countries). In accordance with The American Legion's National Constitution and By-laws, the National Executive Committee serves as The American Legion's governing body.

The National Commander Marty Conatser briefed The National Executive Committee on an array of issues to include the status of the VA budget for FY 2008. The fiscal activities of the 110th Congress—the FY 2007 Continuing Resolution, the Budget Resolution for FY 2008, and the passage of the Military Construction, Veterans' Affairs and Related Agencies Appropriations for FY 2008 were reviewed.

However, in trying to grasp why such a bipartisan bill, which passed overwhelmingly in both chambers, still hasn't moved in over a month is rather difficult, especially since the President has already said he would not veto the bill, even though it exceeds his recommendations. Understanding why the appropriations process has come to a complete halt is difficult. What is preventing the appointment of conferees, the Conference Committee, or passage of a Conference Report?

We are now in the new fiscal year with no idea when the Mil Con-VA appropriations will be passed. If history repeats itself, this standoff may last well into the second quarter of the fiscal year. This uncertainty is disturbing to not only The American Legion and other veterans' and military service organizations, but to every veteran who is dependent on VA for timely access to quality health care, earned benefits, and other services provided by a grateful nation.

Madam Speaker, the newest generation of wartime veterans are reporting to VA medical facilities every day as troops are returning from deployments to Iraq and Afghanistan. Some will be determined to be service-connected disabled because of medical conditions incurred or aggravated while on active-duty. Others may very well have invisible scars that need attention as soon as possible. As VA welcomes new patients, the existing patient population cannot be ignored nor should their health care be rationed due to limited available resources. There are veterans dependent on VA as their life-support system.

The American Legion represents 2.6 million wartime veterans, but also speaks for the 24 million veterans of the United States Armed Forces and their families.

Please continue the appropriations process—name conferees, convene the Conference Committee, and pass the Conference Report.

Sincerely,

Marty Conatser, National Commander; Thomas L. Burns, Jr. (DE), National Vice Commander; Randall A. Fisher (KY), National Vice Commander; David A. Korth (WI), National Vice Commander; James L. Van Horn (AK), National Executive Committeeman; Ross Rogers (AK), National Executive Committeeman; Peggy G. Dettori (AK), National Vice Commander; Donald Hayden (MN), National Vice Commander; Floyd W. Turner (AL), National Executive Committeeman; Julius Maklary (AZ), National Executive Committeeman; James W. Hackney (CA), National Executive Committeeman.

Jeff Luginbuel (CO), National Executive Committeeman; John J. Jackson (DE), National Executive Committeeman; Robert J. Proctor (FL), National Executive Committeeman; Ray Hendrix (GA), National Executive Committeeman; Cleve Rice (ID), National Executive Committeeman; W. Darrell Hansel

(IN), National Executive Committeeman; David O. Warnken (KS), National Executive Committeeman; Charles D. Aucoin (LA), National Executive Committeeman; Dr. Gordon B. Browning (MD), National Executive Committeeman; Richard W. Anderson (CT), National Executive Committeeman; Paul H. _____, for Walter W. Norris (DC), National Executive Committeeman; William E. Marshall (France), National Executive Committeeman; Andrew W. Johnson (HI), National Executive Committeeman; Kenneth J. Trumbull (IL), National Executive Committeeman; Michael E. Wanser (IA), National Executive Committeeman; Randall Coffman (KY), National Executive Committeeman; Robert A. Owen (ME), National Executive Committeeman; James F. Army (MA), National Executive Committeeman.

John E. Hayes (Mexico), National Executive Committeeman; Virgil V. Persing (MN), National Executive Committeeman; David N. Voyles (MO), National Executive Committeeman; Michael J. Landkamer (NE), National Executive Committeeman; John E. Neylon (NH), National Executive Committeeman; Bruce Jorgensen (NM), National Executive Committeeman; Jerry L. Hedrick (NC), National Executive Committeeman; Carl W. Swisher (OH), National Executive Committeeman; Charles E. Schmidt (OR), National Executive Committeeman; Gerald N. Dennis (MI), National Executive Committeeman; Charles E. Langley (MS), National Executive Committeeman; Bob O. Beals (MT), National Executive Committeeman; Ron Gutzman (NV), National Executive Committeeman; William A. Rakestraw, Jr. (NJ), National Executive Committeeman; Paul Mitras (NY), National Executive Committeeman; Curtis O. Twete (ND), National Executive Committeeman; Bobby J. Longenbaugh (OK), National Executive Committeeman; Alfred Pirolli (PA), National Executive Committeeman.

William J. Kelly (Philippines), National Executive Committeeman; Ernest Gerundio (RI), National Executive Committeeman; Paul A. Evenson (SD), National Executive Committeeman; Ronald G. Cherry (TX), National Executive Committeeman; Leslie V. Howe (VT), National Executive Committeeman; William F. Schrier (WA), National Executive Committeeman; Arthur D. Herbison (WI), National Executive Committeeman; Carlos Orria-Medina (PR), National Executive Committeeman; Billy W. Bell (SC), National Executive Committeeman; Jennings B. Loring (TN), National Executive Committeeman; William E. Christoffersen (UT), National Executive Committeeman; Rob R. Gordon, Jr. (VA), National Executive Committeeman; William W. Kile (WV), National Executive Committeeman; _____, for Irvin A. Quick (WY), National Executive Committeeman.

Mr. Speaker, on that same day, the commander in chief of the Veterans of Foreign Wars, General Lisicki, also urged Speaker PELOSI and the Democrat leadership to put partisanship aside for the benefit of our Nation's veterans and troops. These pleas from the American Legion and the VFW fall on the heels of multiple requests from Republican Members of this House to both Speaker PELOSI and Democrat Majority Leader Senator REID, urging them to end their PR campaign and begin conference work on the Veterans appropriations bill.

Unfortunately, it appears as though all of these commonsense requests have fallen on deaf ears and our Nation's veterans are being forced to pay the price for continued Democrat partisanship and lack of leadership on this issue.

Mr. Speaker, I include for the CONGRESSIONAL RECORD these two letters so everyone watching today's debate across the country can see the efforts that have been made by the Republican Party to end this impasse on the important issue of providing adequate funding for those who have sacrificed so much on behalf of the country.

CONGRESS OF THE UNITED STATES,
*Washington, DC, September 17, 2007.*

OFFICE OF THE SPEAKER,
*U.S. Capitol,*
*Washington, DC.*

MADAM SPEAKER: We write to urge you in the strongest possible terms to reach a prompt agreement on the conference report on the FY2008 Military Construction and Veterans Affairs Appropriations Act (H.R. 2642). Few issues are more important than adequate funding for our Nation's veterans. The leadership in the House cannot allow this critically important funding to fall victim to the usual partisan wrangling which occurs all too often in Washington.

Veterans should not be used as tools for political bargaining and gamesmanship. Both the House and Senate passed the FY08 MilCon-Veterans appropriations with overwhelming majorities because our commitment to veterans rises above partisan squabbling. Tragedies such as the recent revelations at Walter Reed Army Medical Center must never be repeated. The findings of insufficient care at Walter Reed and other facilities should be seen by Congress as a mandate to finish the work and live up to the promises we have made to our veterans.

After decades of flat funding, total VA budget rose from $48 billion in FY 2001 to approximately $70 billion in FY 2006, a 46 percent increase. This year, the House voted to increase funding by $6 billion over FY07, one of the largest in the 77 year history of the Department of Veterans Affairs. Both the Senate and House versions received overwhelming majority support passing by a vote of 409–2 in the House and 92–1 in the Senate.

Earlier in the year, the new Majority agreed they would continue the trend of significant increases in veterans funding begun by the Republican Congress. We ask you to honor that agreement and see that the commitment we made to our veterans is honored.

We must never forget the sacrifice of our veterans. As members of Congress, we have a solemn obligation to fulfill our promises to them. We ask for you to look past the heightened partisanship of our times and unite us on this issue by making it a first priority to quickly bring a stand alone Veterans appropriations bill through conference so the Congress may present the President with a bill by October 1, 2007.

We stand ready to assist you in reaching this goal.

Sincerely,

Stevan Pearce; Steve Buyer; Don Young; Greg Walden; Marilyn N. Musgrave; Ron Lewis; Jim Saxton; ———; Thomas Price; Tim Walberg; Mary Fallin; John Kline; Ginny Brown-Waite; David Obey; Tom Tancredo; John L. Mica; Mark Souder; Louie Gohmert; Rick Renzi; Mario Diaz-Balart; Jean Schmidt; Gus M. Bilirakis; Adrian Smith; Pete Sessions; Paul Ryan; Dana Rohrabacher; Spencer Bachus; K. Michael Conaway; Tom Feeney; J. Randy Forbes; Jon C. Porter; John Shimkus; Jim Gerlach; Mike Ferguson; Mary Bono; Dean Heller; Jeff Miller; Sue Myrick; Geoff Davis; Thelma Drake; Steve King; Jeb Hensarling; Barbara Cubin; Scott Garrett.

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CONGRESS OF THE UNITED STATES,
*Washington, DC, October 4, 2007.*

OFFICE OF THE SENATE MAJORITY LEADER,
*U.S. Capitol,*
*Washington, DC.*

DEAR MAJORITY LEADER REID: We write today to ask you to keep the Senate in session the week of October 8, to help pass this years' veterans appropriations. Now that we are already into the new fiscal year, it is imperative that the House and Senate reach a prompt agreement on the conference report on the FY2008 Military Construction and Veterans Affairs Appropriations Act (H.R. 2642).

It is unfortunate the Senate has been unable to act upon many of its Constitutionally mandated appropriations bills. While the House continues to wait upon the Senate to complete its work, we call upon you to quickly move veterans appropriations through conference so a final version of the bill may be passed and presented to the President. We believe that veterans issues rise above the partisan divisions of Washington which is evident by the passage of the FY08 MilCon-Veterans appropriations with overwhelming majorities in both Houses, 501–3 combined.

The Senate cannot allow this critically important funding to continue to fall victim to the usual partisan wrangling which occurs all too often in Washington. If tragedies such as the recent revelations at Walter Reed Army Medical Center are to be diverted in the future, we must pass veterans funding now. From FY 2001 the total VA budget rose from $48 billion to approximately $70 billion in FY 2006, a 46 percent increase. This year, the House voted to increase funding by $6 billion dollars over FY07, one of the largest in the 77 year history of the Department of Veterans Affairs. Because we have asked so much of our brave men and women in uniform during the War on Terror we must uphold our commitment to veterans upon their return home.

Earlier in the year, the new Majority agreed they would continue the trend of significant increases in veterans funding begun by the Republican Congress. We ask you to honor that agreement and see the commitment we made to our veterans is upheld.

We must never forget the sacrifice of our veterans. As members of Congress, we have a solemn obligation to fulfill our promises to them. We ask you to look past the heightened partisanship of our times and unite us on this issue by making it a first priority to bring a stand-alone veterans appropriations bill through conference so the Congress may present the President with a bill no later than October 12, 2007.

Sincerely,

Stevan Pearce; Duncan Hunter; Don Young; Jim Sensenbrenner; Wally Herger; Jim Saxton; John Kline; Geoff Davis; Tom Tancredo; Louie Gohmert; Ginny Brown-Waite; Doug Lamborn; Darrell Issa; John T. Doolittle; Lincoln Diaz-Balart; Jeff Miller; Scott Garrett; Paul Ryan; Adrian Smith; K. Michael Conaway; Michele Bachmann; Tim Welberg; Jean Schmidt; Dan Burton; Phil English; Randy Kuhl; Greg Walden; Jo Ann Davis; Jim Moran; Thomas Price; John R. Carter; Tom Feeney;

Phil Gingrey; Vito Fossella; Gary G. Miller; Jim Gerlach; Jeb Hensarling; Pete Sessions; Mark Souder; Randy Neugebauer; John E. Peterson; Trent Franks; Gus M. Bilirakis; Wayne T. Gilchrest; Timothy H. Bishop; Michael T. McCaul; Thelma Drake.

I ask all of my colleagues to vote against the previous question so we can put partisanship aside and move this important legislation forward.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. With that, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, this bill is about the right to live. It is about empowering Native Hawaiians to own their destiny and choose how to manage their livelihood. This bill is not about gaming. In fact, it expressly is prohibited in this bill.

Instead, the bill is about providing an opportunity to effectively reorganize the Native Hawaiian government to better meet the needs of Native Hawaiians.

The underlying legislation enjoys the support of Hawaii's Republican Governor Linda Lingle, the business community in Hawaii, the National Congress of American Indians, the Alaska Federation of Natives, and Hawaii's entire congressional delegation.

Mr. Speaker, the Native Hawaiian Government Reorganization Act has received immense bipartisan support year after year. It is now time that we fulfill the duty of this Congress and serve Native Hawaiians just as they have served and contributed to the vibrant and diverse culture that is America.

I urge a ''yes'' vote on the rule, the previous question, and on final passage of the bill.

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

AMENDMENT TO H. RES. 764 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

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(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

Because the vote today may look bad for the Democratic majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution—[and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's ''American Congressional Dictionary'': ''If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

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

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

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

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 218, nays 175, not voting 39, as follows:

[Roll No. 997]

YEAS—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NAYS—175

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—39

Barton (TX)
Bilbray
Blackburn
Bono
Buyer
Carson
Cooper
Culberson
Davis (CA)
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Forbes
Garrett (NJ)
Giffords
Hastert
Holt
Hunter
Issa
Jindal
Johnson, E. B.
Kirk
Lamborn
Lewis (CA)
Mack
Mahoney (FL)
McCotter
Payne
Peterson (PA)
Reyes
Ros-Lehtinen
Roskam
Shea-Porter
Smith (NJ)
Wasserman Schultz
Wilson (OH)
Wynn
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1301

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

Ms. VELÁZQUEZ changed her vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 179, not voting 36, as follows:

[Roll No. 998]

AYES—217

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NOES—179

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—36

Barton (TX)
Bilbray
Blackburn
Buyer
Carson
Cooper
Culberson
Davis (CA)
Davis, Tom
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Forbes
Garrett (NJ)
Giffords
Hastert
Hunter
Issa
Jindal
Johnson, E. B.
Kirk
Lewis (CA)
Mahoney (FL)
McCotter
Payne
Peterson (PA)
Reyes
Ros-Lehtinen
Roskam
Shea-Porter
Slaughter
Smith (NJ)
Wasserman Schultz
Wilson (OH)
Wynn
Young (AK)

□ 1311

Mr. SHAYS and Mr. HERGER changed their vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1483, CELEBRATING AMERICA'S HERITAGE ACT

Mr. RAHALL. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1483, to include corrections in spelling, punctuation, section numbering and

cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

## NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2007

Mr. RAHALL. Mr. Speaker, pursuant to House Resolution 764, I call up the bill (H.R. 505) to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 764, the bill is considered read.

The text of the bill is as follows:

H.R. 505

*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 ''Native Hawaiian Government Reorganization Act of 2007''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are indigenous, native people of the United States;

(3) the United States has a special political and legal relationship to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty making power of the United States, Congress exercised its constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions with the Kingdom of Hawaii to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;

(6) by setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act assists the members of the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian families reside on the Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the ''ceded lands trust''), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival and economic self-sufficiency of the Native Hawaiian people;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii;

(12) on November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the ''Apology Resolution'') was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(13) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(14) the Apology Resolution expresses the commitment of Congress and the President—

(A) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii;

(B) to support reconciliation efforts between the United States and Native Hawaiians; and

(C) to consult with Native Hawaiians on the reconciliation process as called for in the Apology Resolution;

(15) despite the overthrow of the government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a single distinct native community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;

(16) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction; and

(xii) traditional justice programs, and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(18) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(19) this Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a single Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(20) Congress—

(A) has declared that the United States has a special political and legal relationship for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as a distinct group of indigenous, native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(21) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States' responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the exclusive right of the United States to consent to any actions affecting the lands included in the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(22) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, indigenous, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the indigenous, native people of a once-sovereign nation with whom the United States has a special political and legal relationship; and

(D) the special relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(23) the State of Hawaii supports the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States as

evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003, and March 1, 2005.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term ''aboriginal, indigenous, native people'' means people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) ADULT MEMBER.—The term ''adult member'' means a Native Hawaiian who has attained the age of 18 and who elects to participate in the reorganization of the Native Hawaiian governing entity.

(3) APOLOGY RESOLUTION.—The term ''Apology Resolution'' means Public Law 103–150 (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893, overthrow of the Kingdom of Hawaii.

(4) COMMISSION.—The term ''commission'' means the Commission established under section 7(b) to provide for the certification that those adult members of the Native Hawaiian community listed on the roll meet the definition of Native Hawaiian set forth in paragraph (10).

(5) COUNCIL.—The term ''council'' means the Native Hawaiian Interim Governing Council established under section 7(c)(2).

(6) INDIAN PROGRAM OR SERVICE.—

(A) IN GENERAL.—The term ''Indian program or service'' means any federally funded or authorized program or service provided to an Indian tribe (or member of an Indian tribe) because of the status of the members of the Indian tribe as Indians.

(B) INCLUSIONS.—The term ''Indian program or service'' includes a program or service provided by the Bureau of Indian Affairs, the Indian Health Service, or any other Federal agency.

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) INDIGENOUS, NATIVE PEOPLE.—The term ''indigenous, native people'' means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(9) INTERAGENCY COORDINATING GROUP.—The term ''Interagency Coordinating Group'' means the Native Hawaiian Interagency Coordinating Group established under section 6.

(10) NATIVE HAWAIIAN.—

(A) IN GENERAL.—Subject to subparagraph (B), for the purpose of establishing the roll authorized under section 7(c)(1) and before the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, the term ''Native Hawaiian'' means—

(i) an individual who is 1 of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(I) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(II) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(ii) an individual who is 1 of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

(B) NO EFFECT ON OTHER DEFINITIONS.—Nothing in this paragraph affects the definition of the term ''Native Hawaiian'' under any other Federal or State law (including a regulation).

(11) NATIVE HAWAIIAN GOVERNING ENTITY.—The term ''Native Hawaiian Governing Entity'' means the governing entity organized by the Native Hawaiian people pursuant to this Act.

(12) NATIVE HAWAIIAN PROGRAM OR SERVICE.—The term ''Native Hawaiian program or service'' means any program or service provided to Native Hawaiians because of their status as Native Hawaiians.

(13) OFFICE.—The term ''Office'' means the United States Office for Native Hawaiian Relations established by section 5(a).

(14) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(15) SPECIAL POLITICAL AND LEGAL RELATIONSHIP.—The term ''special political and legal relationship'' shall refer, except where differences are specifically indicated elsewhere in the Act, to the type of and nature of relationship the United States has with the several federally recognized Indian tribes.

**SEC. 4. UNITED STATES POLICY AND PURPOSE.**

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people which includes promoting the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution, including but not limited to Article I, section 8, clause 3, to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3, 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—The purpose of this Act is to provide a process for the reorganization of the single Native Hawaiian governing entity and the reaffirmation of the special political and legal relationship between the United States and that Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

**SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.**

(a) ESTABLISHMENT.—There is established within the Office of the Secretary, the United States Office for Native Hawaiian Relations.

(b) DUTIES.—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the special political and legal relationship between the single Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with, the Native Hawaiian people and the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, and the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

(c) APPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Office.

**SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.**

(a) ESTABLISHMENT.—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group to be known as the ''Native Hawaiian Interagency Coordinating Group''.

(b) COMPOSITION.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands; and

(2) the Office.

(c) LEAD AGENCY.—

(1) IN GENERAL.—The Department of the Interior shall serve as the lead agency of the Interagency Coordinating Group.

(2) MEETINGS.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) DUTIES.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) consult with the Native Hawaiian governing entity, through the coordination referred to in section 6(d)(1), but the consultation obligation established in this provision shall apply only after the satisfaction of all of the conditions referred to in section 7(c)(6); and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 5(b)(5).

(e) APPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall have no applicability to the Department of Defense or to

any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Interagency Coordinating Group.

**SEC. 7. PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY AND THE REAFFIRMATION OF THE SPECIAL POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVE HAWAIIAN GOVERNING ENTITY.**

(a) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—The right of the Native Hawaiian people to reorganize the single Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) COMMISSION.—

(1) IN GENERAL.—There is authorized to be established a Commission to be composed of 9 members for the purposes of—

(A) preparing and maintaining a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the single Native Hawaiian governing entity; and

(B) certifying that the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in section 3(10).

(2) MEMBERSHIP.—

(A) APPOINTMENT.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subparagraph (B).

(ii) CONSIDERATION.—In making an appointment under clause (i), the Secretary may take into consideration a recommendation made by any Native Hawaiian organization.

(B) REQUIREMENTS.—Each member of the Commission shall demonstrate, as determined by the Secretary—

(i) not less than 10 years of experience in the study and determination of Native Hawaiian genealogy; and

(ii) an ability to read and translate into English documents written in the Hawaiian language.

(C) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(3) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) DUTIES.—The Commission shall—

(A) prepare and maintain a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certify that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(10).

(5) STAFF.—

(A) IN GENERAL.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) EXPIRATION.—The Secretary shall dissolve the Commission upon the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—

(1) ROLL.—

(A) CONTENTS.—The roll shall include the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity and are certified to be Native Hawaiian as defined in section 3(10) by the Commission.

(B) FORMATION OF ROLL.—Each adult member of the Native Hawaiian community who elects to participate in the reorganization of the Native Hawaiian governing entity shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition of Native Hawaiian in section 3(10).

(C) DOCUMENTATION.—The Commission shall—

(i) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of Native Hawaiian in section 3(10);

(ii) establish a standard format for the submission of documentation; and

(iii) publish information related to clauses (i) and (ii) in the Federal Register.

(D) CONSULTATION.—In making determinations that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(10), the Commission may consult with Native Hawaiian organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) CERTIFICATION AND SUBMITTAL OF ROLL TO SECRETARY.—The Commission shall—

(i) submit the roll containing the names of the adult members of the Native Hawaiian community who meet the definition of Native Hawaiian in section 3(10) to the Secretary within two years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(10).

(F) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of Native Hawaiian in section 3(10), the Secretary shall publish the roll in the Federal Register.

(G) APPEAL.—The Secretary may establish a mechanism for an appeal for any person whose name is excluded from the roll who claims to meet the definition of Native Hawaiian in section 3(10) and to be 18 years of age or older.

(H) PUBLICATION; UPDATE.—The Secretary shall—

(i) publish the roll regardless of whether appeals are pending;

(ii) update the roll and the publication of the roll on the final disposition of any appeal; and

(iii) update the roll to include any Native Hawaiian who has attained the age of 18 and who has been certified by the Commission as meeting the definition of Native Hawaiian in section 3(10) after the initial publication of the roll or after any subsequent publications of the roll.

(I) FAILURE TO ACT.—If the Secretary fails to publish the roll, not later than 90 days after the date on which the roll is submitted to the Secretary, the Commission shall publish the roll notwithstanding any order or directive issued by the Secretary or any other official of the Department of the Interior to the contrary.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of adult members of the Native Hawaiian community whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(A) ORGANIZATION.—The adult members of the Native Hawaiian community listed on the roll published under this section may—

(i) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(ii) determine the structure of the Council; and

(iii) elect members from individuals listed on the roll published under this subsection to the Council.

(B) POWERS.—

(i) IN GENERAL.—The Council—

(I) may represent those listed on the roll published under this section in the implementation of this Act; and

(II) shall have no powers other than powers given to the Council under this Act.

(ii) FUNDING.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) ACTIVITIES.—

(I) IN GENERAL.—The Council may conduct a referendum among the adult members of the Native Hawaiian community listed on the roll published under this subsection for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for citizenship of the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council may develop proposed organic governing documents for the Native Hawaiian governing entity.

(III) DISTRIBUTION.—The Council may distribute to all adult members of the Native Hawaiian community listed on the roll published under this subsection—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—The Council may hold elections for the purpose of ratifying the proposed organic governing documents, and on certification of the organic governing documents by the Secretary in accordance with paragraph (4), hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section 8(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the 3 governments, not later than 90 days after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the adult members of the Native Hawaiian community whose names are listed on the roll published by the Secretary;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of governmental authorities by the Native Hawaiian governing entity, including any authorities that may be delegated to the Native Hawaiian governing entity by the United States and the State of Hawaii following negotiations authorized in section 8(b)(1) and the enactment of legislation to implement the agreements of the 3 governments;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law and the special political and legal relationship between the United States and the indigenous, native people of the United States; provided that the provisions of Public Law 103–454, 25 U.S.C. 479a, shall not apply.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH THE REQUIREMENTS OF SUBPARAGRAPH (A).—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under paragraph (4) shall be deemed to have been made if the Secretary has not acted within 90 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council may hold elections of the officers of the Native Hawaiian governing entity.

(6) REAFFIRMATION.—Notwithstanding any other provision of law, upon the certifications required under paragraph (4) and the election of the officers of the Native Hawaiian governing entity, the special political and legal relationship between the United States and the Native Hawaiian governing entity is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people.

**SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS; CLAIMS.**

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'' approved March 18, 1959 (Public Law 86–3, 73 Stat. 4), is reaffirmed.

(b) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement addressing such matters as—

(A) the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the delegation of governmental powers and authorities to the Native Hawaiian governing entity by the United States and the State of Hawaii;

(E) any residual responsibilities of the United States and the State of Hawaii; and

(F) grievances regarding assertions of historical wrongs committed against Native Hawaiians by the United States or by the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States, the State of Hawaii, and the Native Hawaiian governing entity, the parties are authorized to submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the 3 governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the 3 governments.

(3) GOVERNMENTAL AUTHORITY AND POWER.—Any governmental authority or power to be exercised by the Native Hawaiian governing entity which is currently exercised by the State or Federal Governments shall be exercised by the Native Hawaiian governing entity only as agreed to in negotiations pursuant to section 8(b)(1) of this Act and beginning on the date on which legislation to implement such agreement has been enacted by the United States Congress, when applicable, and by the State of Hawaii, when applicable. This includes any required modifications to the Hawaii State Constitution in accordance with the Hawaii Revised Statutes.

(c) CLAIMS.—

(1) DISCLAIMERS.—Nothing in this Act—

(A) creates a cause of action against the United States or any other entity or person;

(B) alters existing law, including existing case law, regarding obligations on the part of the United States or the State of Hawaii with regard to Native Hawaiians or any Native Hawaiian entity;

(C) creates obligations that did not exist in any source of Federal law prior to the date of enactment of this Act; or

(D) establishes authority for the recognition of Native Hawaiian groups other than the single Native Hawaiian Governing Entity.

(2) FEDERAL SOVEREIGN IMMUNITY.—

(A) SPECIFIC PURPOSE.—Nothing in this Act is intended to create or allow to be maintained in any court any potential breach-of-trust actions, land claims, resource-protection or resource-management claims, or similar types of claims brought by or on behalf of Native Hawaiians or the Native Hawaiian governing entity for equitable, monetary, or Administrative Procedure Act-based relief against the United States or the State of Hawaii, whether or not such claims specifically assert an alleged breach of trust, call for an accounting, seek declaratory relief, or seek the recovery of or compensation for lands once held by Native Hawaiians.

(B) ESTABLISHMENT AND RETENTION OF SOVEREIGN IMMUNITY.—To effectuate the ends expressed in section 8(c)(1) and 8(c)(2)(A), and notwithstanding any other provision of Federal law, the United States retains its sovereign immunity to any claim that existed prior to the enactment of this Act (including, but not limited to, any claim based in whole or in part on past events), and which could be brought by Native Hawaiians or any Native Hawaiian governing entity. Nor shall any preexisting waiver of sovereign immunity (including, but not limited to, waivers set forth in chapter 7 of part I of title 5, United States Code, and sections 1505 and 2409a of title 28, United States Code) be applicable to any such claims. This complete retention or reclaiming of sovereign immunity also applies to every claim that might attempt to rely on this Act for support, without regard to the source of law under which any such claim might be asserted.

(C) EFFECT.—It is the general effect of section 8(c)(2)(B) that any claims that may already have accrued and might be brought against the United States, including any claims of the types specifically referred to in section 8(c)(2)(A), along with both claims of a similar nature and claims arising out of the same nucleus of operative facts as could

give rise to claims of the specific types referred to in section 8(c)(2)(A), be rendered nonjusticiable in suits brought by plaintiffs other than the Federal Government.

(3) STATE SOVEREIGNTY IMMUNITY.—

(A) Notwithstanding any other provision of Federal law, the State retains its sovereign immunity, unless waived in accord with State law, to any claim, established under any source of law, regarding Native Hawaiians, that existed prior to the enactment of this Act.

(B) Nothing in this Act shall be construed to constitute an override pursuant to section 5 of the Fourteenth Amendment of State sovereign immunity held under the Eleventh Amendment.

**SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.**

(a) INDIAN GAMING REGULATORY ACT.—

(1) The Native Hawaiian governing entity and Native Hawaiians may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

(2) The foregoing prohibition in section 9(a)(1) on the use of Indian Gaming Regulatory Act and inherent authority to game apply regardless of whether gaming by Native Hawaiians or the Native Hawaiian governing entity would be located on land within the State of Hawaii or within any other State or Territory of the United States.

(b) TAKING LAND INTO TRUST.—Notwithstanding any other provision of law, including but not limited to part 151 of title 25, Code of Federal Regulations, the Secretary shall not take land into trust on behalf of individuals or groups claiming to be Native Hawaiian or on behalf of the native Hawaiian governing entity.

(c) REAL PROPERTY TRANSFERS.—The Indian Trade and Intercourse Act (25 U.S.C. 177), does not, has never, and will not apply after enactment to lands or lands transfers present, past, or future, in the State of Hawaii. If despite the expression of this intent herein, a court were to construe the Trade and Intercourse Act to apply to lands or land transfers in Hawaii before the date of enactment of this Act, then any transfer of land or natural resources located within the State of Hawaii prior to the date of enactment of this Act, by or on behalf of the Native Hawaiian people, or individual Native Hawaiians, shall be deemed to have been made in accordance with the Indian Trade and Intercourse Act and any other provision of Federal law that specifically applies to transfers of land or natural resources from, by, or on behalf of an Indian tribe, Native Hawaiians, or Native Hawaiian entities.

(d) SINGLE GOVERNING ENTITY.—This Act will result in the recognition of the single Native Hawaiian governing entity. Additional Native Hawaiian groups shall not be eligible for acknowledgment pursuant to the Federal Acknowledgment Process set forth in part 83 of title 25 of the Code of Federal Regulations or any other administrative acknowledgment or recognition process.

(e) JURISDICTION.—Nothing in this Act alters the civil or criminal jurisdiction of the United States or the State of Hawaii over lands and persons within the State of Hawaii. The status quo of Federal and State jurisdiction can change only as a result of further legislation, if any, enacted after the conclusion, in relevant part, of the negotiation process established in section 8(b).

(f) INDIAN PROGRAMS AND SERVICES.—Notwithstanding section 7(c)(6), because of the eligibility of the Native Hawaiian governing entity and its citizens for Native Hawaiian programs and services in accordance with subsection (g), nothing in this Act provides an authorization for eligibility to participate in any Indian program or service to any individual or entity not otherwise eligible for the program or service under applicable Federal law.

(g) NATIVE HAWAIIAN PROGRAMS AND SERVICES.—The Native Hawaiian governing entity and its citizens shall be eligible for Native Hawaiian programs and services to the extent and in the manner provided by other applicable laws.

**SEC. 10. SEVERABILITY.**

If any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

**SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

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

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in House Report 110–404 if offered by the gentleman from Arizona (Mr. FLAKE) or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered read, and shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. 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 H.R. 505.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 505, the Native Hawaiian Government Reorganization Act of 2007. Without the hard work, dogged determination, persistence and leadership of our colleagues from Hawaii, we would not be where we are today on this legislation. Indeed, Mr. NEIL ABERCROMBIE has been at this for many years, and it is because of his dedication to his people that I have also agreed to strongly support this bill. I also want to commend MAZIE HIRONO for her work, and the entire delegation deserves words of praise for their leadership.

This bill has been years in the making and Mr. ABERCROMBIE, in particular, never failed to take every opportunity to educate and encourage the rest of us on the need for this important legislation.

H.R. 505 would establish a process by which the Native Hawaiian governing body would be reorganized and the political and legal relationship with the United States would once again be reaffirmed.

Starting in 1920, Congress began passing legislation specifically for the benefit of Native Hawaiians. To date, over 160 laws have been enacted authorizing Native Hawaiian participation in government programs ranging from housing to the repatriation of Hawaiian bones from our Nation's museums.

Recent court challenges have necessitated the need for this legislation to codify a government-to-government relationship with the indigenous peoples of Hawaii. Simply put, this legislation will finally bring parity to the way the United States relates to Indian tribes, Alaska Natives and Native Hawaiians.

I will tell you a bit about what H.R. 505 does not do:

It does not allow for gaming of any kind. It does not provide for additional land to be transferred to Native Hawaiians. It does not change any current civil or criminal jurisdiction by the State or Federal Government.

□ 1315

It does not provide for any new eligibility for Native Hawaiians into Indian programs.

Mr. Speaker, Congress's authority to address the conditions of the aboriginal indigenous people, regardless of how organized, stems from our United States Constitution. In recognition of this authority, we passed similar legislation in the House under the suspension of the rules during the 106th Congress. My committee, the Committee on Natural Resources, has passed similar legislation three times, each time with overwhelming bipartisan support.

We need to make a clear statement. We need to pass H.R. 505 overwhelmingly, and I would urge all my colleagues to vote ''yea'' on this important bill.

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

Mr. BISHOP of Utah. Mr. Speaker, the gentleman from Alaska (Mr. YOUNG) very much wanted to manage H.R. 505 today, but he is on his way to an annual convention of the Alaska Federation of Natives, something that's very important to him as well as to that particular group. So I have consented to manage this issue, though there are few Members in this House who feel as strongly in favor of H.R. 505 as Mr. YOUNG.

The sponsor of this bill, the gentleman from Hawaii (Mr. ABERCROMBIE) has done something that is very unique in this body. He's written a bill that only affects his own State. Recognizing the Native Hawaiian governing entity does not affect Native American tribes in my State, does not affect the lands or resources in my district. That is something that's becoming very unusual around here. Mr. ABERCROMBIE, you need to be careful, you're almost becoming a Republican.

Congress has already enacted dozens of authorizing laws and appropriations bills for the benefit of Native Hawaiians. This bill does not create a new source of funds, nor does it let Native Hawaiians seek funds through the BIA.

This bill has the support of the Hawaiian delegation, Governor Lingle and the State legislature. Their judgment should be given some respect.

Georgetown Professor Viet Dinh, who was the U.S. Assistant Attorney General for Legal Policy in 2001 to 2003, testified that ''Congress has constitutional authority to enact the Native Hawaiian Government Recognition Act, and to recognize a Native Hawaiian governing entity as a dependent sovereign government within the United States or, in other words, to treat Native Hawaiians just as it treats Native Americans and Alaska Natives.''

Professor Dinh explained that when Congress recognizes Native people, it does so in a political way, not a racial way, and he established two criteria that Congress must deem having met in order to exercise this authority. Basically, one, that people must have a native ancestry on lands that became part of the United States; two, they must be members of a distinct native community. H.R. 505 appears to have passed these two tests.

This bill deserves a fair and open debate in this body, just as the native people who are seeking formal recognition from the government do.

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

Mr. RAHALL. Mr. Speaker, I'm very happy to yield 6 minutes to the main drive behind this legislation, a valued member of our Committee on Natural Resources, the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I'm very grateful and thank you. I want to thank Mr. BISHOP for his kind remarks. It exemplifies, I think, the kind of relationship we have on the Resources Committee. And I want to repeat that for those who are in their offices, maybe are not here on the floor but in their offices and may be tuning in. I want to emphasize that the tenor of his remarks and the courtesy with which he put it forward, including his sense of humor, which is well recognized in the committee and appreciated, reflects that this legislation is not only bipartisan, it's nonpartisan. That is to say, it's not a Republican issue or a Democratic issue and has never been presented on this floor, through all the different sections of the Congress, from its introduction over the past 7 years and as it has moved through the Congress over past sessions, it has never ever been presented as a partisan issue, Republican or Democrat. And I say ''nonpartisan'' because the committee reflects the full spectrum of the left of the Democratic Party and the right of the Republican Party. Whether you are characterized as a progressive or a conservative, this issue transcends that precisely for what Mr. BISHOP so rightly pointed out.

This bill directly affects and only affects the ceded lands and the Hawaiian homelands and the assets associated with Native Hawaiians in Hawaii. Everybody who's on the Resources Committee and everybody who has dealt with issues that have come before the body as a whole coming out of the Resources Committee understands that there are particular and peculiar instances associated with each Member's district, whether it's salmon runs in the Northwest or whether it's water issues based on treaty obligations in the Southwest, whether it's indigenous people in Alaska or indigenous people in Hawaii. Each area has particular contexts and situations that need to be addressed legislatively. And so what the committee tries to do in a nonpartisan way is address those issues in a very specific manner so that they can be resolved without impinging on any other aspect of constitutional consideration.

Let me point out practically how that happens. For those of you who have visited Hawaii, when you land at the airport, you're landing on what's called ceded land. That ceded land produces revenue. Now, obviously the airport didn't exist back when the Kingdom of Hawaii was overthrown in 1893, and it didn't exist when the United States annexed the Kingdom of Hawaii as a territory of the United States, and that airport as it is configured today did not exist with the advent of statehood. And so what we have now is very, very valuable land producing revenue. And that's what this is all about, 1.8 million acres of ceded land coming in a continuum from the time of the overthrow of the kingdom down to the State of Hawaii today where the ownership of the land, and the benefit's very clearly recognized, including in the Admissions Act of Hawaii to the State of the Union: Public Law 8–3, March 18, 1959, which specifically requires us to address questions of benefiting Native Hawaiians through the lands that have been ceded to them or which were created for them by the Hawaiian Homes Commission Act of 1920. That's what we're dealing with here today.

So we are asking that deference be given to the committee's work, which has been nonpartisan, which has no ideological difficulties associated with it, that deference be given and understanding to what the Admissions Act requires of us.

And I find it ironic that support comes from Mr. YOUNG, Mr. DON YOUNG, as it came from other Republican chairmen. In fact, this was first introduced under Republican chairmen, passed under Republican chairmen. Mr. Hansen of Utah and Mr. Pombo of California and Mr. YOUNG of Alaska, as well as Mr. MILLER and Mr. RAHALL, all have supported this act, as have the committees. Mr. YOUNG is now in Alaska speaking to the Federation of Natives, of Alaskan Natives, because we recognize that there are indigenous people who were not a party to the Constitution when it was formed and first passed but have activities, and in the contemporary context, their lives' affected by how we deal with them. The Constitution requires us as a Member of Congress to be able to do that.

So what is at stake here very, very simply for the Members is that this is enabling legislation. That's all it is. This creates the opportunity for Native Hawaiians to take responsibility for their own actions with regard to the control and administration of their own assets. That is not in dispute. The land boundaries are there. The amount of money that's coming in is not in dispute. What's in dispute is who's going to control those assets. That's what this is about. This gives the opportunity to Native Hawaiians to organize themselves to come back to the Secretary of the Interior, whoever that may be, and to ask the Secretary of the Interior to recognize that governing entity over these assets. If the Secretary of the Interior disagrees with it, they have to go back to the drawing board. This is enabling legislation, and it's enabling legislation that has been put together responsibly by responsible members of the Resources Committee in consultation with one another and with various administrations, and we would ask for your favorable consideration on the floor today.

Mr. BISHOP of Utah. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE of Oklahoma. Mr. Speaker, our decision on Native Hawaiian recognition ought to be governed by two very basic principles: First, the concerns of the people of Hawaii, and second, the established principles of sovereignty of indigenous people under which this Republic has operated for over 200 years.

This bipartisan bill is supported by the Hawaii delegations in both the House and the Senate, which are Democratic, by a Republican Governor for the State of Hawaii, and by the Hawaii State Legislature, which has adopted bipartisan resolutions overwhelmingly in 2000, 2001 and 2005, by the National Congress of American Indians, and by the Alaska Federation of Natives.

Some are concerned that the establishment of a Native Hawaiian governing body is only a Federal issue. I would submit, as has been suggested, it's as much a State question as a national one, and we ought to respect, as conservatives, the wishes of people at the State level.

Despite what some believe or say, this is not about race; this is about the sovereignty of an indigenous people. The Native Hawaiian governing body, having the same characteristics as Native American governments, deserves Federal recognition.

Some sometimes say that Native Hawaiians should not be set apart as a separate category, yet our Congress has passed over 160 statutes addressing the conditions of Native Hawaiians and repeatedly recognizing the United States' political and legal relationship

and trust relationship with Native Hawaiians.

Again, despite what some say, this bill will not allow the Native Hawaiian governing body to establish gaming facilities in the State of Hawaii. It will not limit Federal control of Federal military facilities in Hawaii, and the Native Hawaiian governing body will not drain resources currently allocated to Native American tribes, Alaskan Natives, or threaten their interests in any way. Indeed, as I mentioned earlier, the NCAI actually supports this legislation.

I think fundamentally, as conservatives, we ought to allow the people of Hawaii to manage their own affairs as they see fit. We ought to respect the Constitution that we have, which recognizes the sovereignty of indigenous people. And we ought to support the passage of this very important and long-overdue legislation, H.R. 505.

And in closing, let me just add my congratulations to Mr. ABERCROMBIE, who has labored long and hard for this legislation and has garnered significant bipartisan support, and I look forward to your success today.

Mr. RAHALL. Mr. Speaker, I'm very happy to yield to another Representative from Hawaii, the gentlelady, Ms. MAZIE HIRONO, for 5 minutes.

Ms. HIRONO. Mr. Speaker, I rise today in strong support of H.R. 505, the Native Hawaiian Government Reorganization Act, which begins to provide a measure of justice for the indigenous native people of the Hawaiian Islands. I'd like to take a few moments to share some of the history to show why this bill is so important to all the people of Hawaii.

The Kingdom of Hawaii was overthrown in 1893. Hawaii's last Queen, Lili'uokalani, was deposed by an armed group of businessmen and sugar planters who were American by birth or heritage, with the support of U.S. troops. The Queen agreed to relinquish her throne, under protest, to avoid bloodshed. She believed the United States, with which Hawaii had diplomatic relations, would restore her to the throne. As we now know, despite the objections of President Grover Cleveland, the injustice of the overthrow was allowed to stand and the Republic of Hawaii was established.

A few years later, in 1898, the United States annexed Hawaii. Prior to annexation, a petition drive was organized by Native Hawaiians securing signatures of almost two-thirds of the Native Hawaiian population opposing annexation; 29,000 signatures out of an estimated Native Hawaiian population of 40,000 at that time.

□ 1330

These petitions are now in the National Archives.

The Hawaiian culture was under siege. The Republic of Hawaii prohibited the use of the Hawaiian language in Hawaii schools. Everyday use of the Hawaiian language diminished greatly. Hula, which had been suppressed by the missionaries and then restored by King Kalaukaua a few years before the overthrow, survived but did not thrive. Hawaiians were pressured to assimilate and much was lost.

When Prince Jonah Kuhio Kalaniana'ole was elected to serve as Hawaii's Delegate to Congress, he succeeded in passing the Hawaiian Homes Commission Act of 1920, which set aside some 200,000 acres of land for Native Hawaiians. The reason for the legislation was the landless status of so many Native Hawaiians who were displaced by newcomers and became the most impoverished population in their own land. In recognition of its trust responsibility to our Native Hawaiians, Congress passed the Hawaiian Homes Commission Act, which is still in force.

Hawaii became a State in 1959. Beginning in the late 1960s and early 1970s, a Native Hawaiian cultural rediscovery began in music, hula, language, and other aspects of the culture. This cultural renaissance was inspired by hula masters, kumu hula, who helped bring back ancient and traditional hula; musicians and vocalists, who brought back traditional music sung in the Hawaiian language; and political leaders, who sought to protect Hawaii's sacred places and natural beauty.

This flowering of Hawaiian culture was not met with fear in Hawaii but with joy and celebration and an increased connection with each other. People of all ethnicities in Hawaii respect and honor the Native Hawaiian culture.

In 1978, Hawaii convened a constitutional convention that was designed, in part, to right some of the wrongs done to Native Hawaiians. The constitutional convention created the Office of Hawaiian Affairs, or OHA, so that Native Hawaiians would have some ability to manage their own affairs.

The constitutional convention also laid the groundwork for the return of some Federal lands to Native Hawaiians, including the island of Kaho'olawe, which currently is held in trust for a future Native Hawaiian governing entity. The convention also designated the Hawaiian language, along with English, as the official State language of Hawaii for the first time since the overthrow in 1893.

We can trace the genesis of this bill, embodying the hope of an indigenous people to control their own fate, all the way back to the overthrow of 1893. It has been a long road. I believe how we treat our native indigenous people reflects our values and who we are. Clearly, there is much in the history of our interactions with the native people of what is now the United States that makes us less than proud. But one of the great attributes of America has always been our ability to look objectively at our history, learn from it, and where possible make amends.

Native Hawaiians, like American Indians and Alaska Natives, have an inherent sovereignty based on their status as indigenous, native people. They desire the right to exercise management over their own affairs and land.

Our State motto, which is the same as that of the Kingdom of Hawaii, is ''Ua mau ke ea o ka aina i ka pono,'' which means ''the life of the land is perpetuated in righteousness.'' This is an historic vote and one that helps to perpetuate righteousness by righting an historic wrong.

I ask my colleagues to stand with the people of Hawaii and support this bill.

Mahalo nui loa.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

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

Mr. WESTMORELAND. I thank my friend for yielding.

I feel like Bill Murray in ''Groundhog Day,'' the movie. I've only been in Congress for 3 years, but my respect for Mr. ABERCROMBIE has grown. I try to take experiences with people I have differences with and learn. He is one of the most patient people that I have seen up here, and the fact that he took a big problem and has ate it just a little at a time, I admire that. And I want him to know how much respect I do have for him for his tenaciousness, and I hope I can be just as tenacious with things that are important to my constituents as he has been and also the gentlewoman from Hawaii.

Let me say that from what we have heard today, it reminds me of a story of some gentlemen down in the Okefenokee swamp that were going coon hunting. If you're not familiar with coon hunting, you use dogs and you go at night, typically build a campfire, and you all sit around and talk and gossip and share stories and some other activities sometimes while you're waiting for the dog to tree. One night this old World War I veteran was down there in the Okefenokee, and he had a wooden peg leg. It was pretty cold that night, and the dogs were out running; so he laid down and he got a little too close to the campfire and he burned off about 6 inches of that wooden leg. Well, when the dog started barking and they had really treed the coon, he was the first one up. And he got up, and he said, ''Come on, boys. Old Sam has treed one.'' And he started running off across the field with that one leg about 6 inches shorter. And after two or three steps, he turned around and he said, ''Watch out, boys. There's a hole every other step.''

Well, there are a few holes in this, and I want to try to plug up those holes today as far as what the ability of Congress is able to do and what our Constitution says.

So I rise today to oppose the legislation. I want to try to go into what this bill actually does and how it relates to what I feel like our Constitution says and what the limits of our Congress is.

Every aspect of this bill from its goal to its methods, I think, undermines the

idea that we are one that has come from many people. I think the legislation is divisive and will give a group of U.S. citizens special rights over other citizens based solely on race.

Our Constitution seeks to eliminate racial separation, not promote it. How can we promote equality while separating our people?

Some people here today have characterized this legislation as nothing more than a kind gesture to Native Hawaiians. This is not the case. This bill will not only create a new race-based government but it will allow rights and privileges to Native Hawaiian descendants throughout the United States that their neighbors and friends throughout this country do not enjoy.

The Federal Government today will decide what is best for 20 percent of the Hawaiians who have Native Hawaiian ancestry. The Federal Government should not and cannot create a new Indian tribe for ethnic Hawaiians. Congress does not have this power. The Bush administration has rightly promised to veto the bill if it passes because it will ''discriminate on the basis of race or national origin and further subdivide the American people.''

This attempt to divide America sets a frightening precedent for separating groups of Americans based on racial backgrounds. This bill is irresponsible, I believe, and simply unconstitutional.

My good friend from Oklahoma got up and spoke about that the leaders of the State want this legislation. Well, in 2006 there was a survey done of the Hawaiian people by a nonpartisan grassroots institute of Hawaii that found that 69.89 percent of Hawaii's residents want to vote on a Native Hawaiian government before it is considered at the national level, and 80.16 of Hawaii's residents do not support laws that provide preferences for people groups based on their race; 68.3 percent of residents in the First Congressional District, Mr. ABERCROMBIE's district, want that vote; and 66.95 percent of the entire State opposed the 2006 bill to create a Native Hawaiian government.

DEFINITION OF NATIVE HAWAIIAN

This bill will grant broad governmental powers to Native Hawaiians including all living descendents of the original inhabitants of Hawaii. Geographic, cultural, and political connections are not required.

This bill does not effectively define what it means to be a member of the new Native Hawaiian government. Anyone with one traceable drop of Native Hawaiian blood could claim the same right to this alternate government, regardless of how far removed they are from their ancestors or even what State they live in.

There is nothing in this bill that prohibits this newly organized government entity from including members with Native Hawaiian backgrounds from Arizona or Connecticut. Furthermore, this new government entity will then have to come up with a system for assessing and cataloguing all the people who claim to have Native Hawaiian heritage. This could be more costly and time consuming than anyone today realizes.

The new government will have authority over more than 20 percent of Hawaii's population, and possibly countless more nationwide. And no where in this legislation is there an opportunity for citizens of the state of Hawaii (Native or not) to vote to accept this newly created government. This is a Federal imposition of the worst kind, one in which the citizens who this bill affects most, have little or no say in acceptance or implementation.

In fact, a 2006 survey of the Hawaiian people done by the non-partisan Grassroot Institute of Hawaii found that:

69.89 percent of Hawaii's residents want to vote on a Native Hawaii government before it is considered at the national level.

80.16 percent of Hawaii's residents do not support laws that provide preferences for people groups based on their race.

68.3 percent of residents in the first Congressional District (Rep Neil ABERCROMBIE) want that vote.

66.95 percent of the entire State opposed the 2006 bill to create a Native Hawaiian government.

77.83 percent of Hawaiians would vote for statehood if the vote was held today. (In 1959, 94 percent voted for statehood.)

NATIVE HAWAIIANS ARE A RACIAL GROUP, NOT A TRIBE

The Bureau of Indian Affairs has seven mandatory requirements for tribal recognition. Among other things the tribe must have existed as a tribe since 1900 as documented by the state; existed as a community—including 50% of the group residing together; and possessed governing documents and membership criteria

The Supreme Court's definition of a tribe in Montoya v. United States asserts that a 'tribe' must be a united community under one leadership or government, and inhabiting a particular territory. Former Attorney General Ed Meese emphasizes the distinction between racial groups and tribes, ''If sharing one drop of aboriginal Hawaiian blood makes a tribe, then Chicanos, Latinos, African Americans, and Mexicans could become a tribe if Congress so decrees''.

Meese went on to say that the phrase ''Indian Tribe'' has a fixed and distinct Constitutional meaning that cannot be changed by a simple act of Congress. This definition limits ''tribes'' to preexisting tribes within North America, or their offshoots, that were thought to be ''dependent nations'' at the time of the framing of the Constitution. Such American Indian tribes had to live an independent existence in a separate community, apart from the rest of American society.

By these standards Native Hawaiians would never qualify as a tribe. Hawaii is the most integrated society in the U.S.—there are no Hawaiians living apart from other Americans. All U.S. citizens who reside in Hawaii are equally citizens of Hawaii and the United States and are entitled to enjoy all the privileges and immunities common to other citizens, including protection against discriminatory laws, and racially-discriminatory laws.

Even the U.S. Commission on Civil Rights have objected strongly and consistently to the 'race based' classifications in this legislation. Their report released on May 18, 2006 said that passage of a similar bill would ''discriminate on the basis of race or national origin and further subdivide the American people into subgroups accorded varying decrees of privilege.''

CONSERVATIVE CONCERNS; CONGRESS CAN'T CREATE TRIBES

Congress lacks the power to invent Indian tribes. In U.S. v. Sandoval, the Supreme Court reaffirmed that Congress can recognize existing tribes, but does not have the authority to create them. ''It is not meant by this that Congress may bring a community or body of people within the range of this power by arbitrarily calling them an Indian tribe.''

Congress can only acknowledge groups who have long operated as a tribe with preexisting political structure and who live separately and distinctly from other communities both geographically and culturally. Neither is true of the Native Hawaiians today who live in different States, and under different State laws and systems, and who for years have co-existed in the same communities with non-Native Hawaiians.

COMMUNITY DISTINCTIONS

The fact that Native Hawaiians have lived and currently live in Hawaii in the same communities as non-native Hawaiians will cause many potential problems should this bill become law—in effect creating one set of laws for Native Hawaiians and a potentially drastic different set of laws for non-native Hawaiians living in the same house.

Different codes of law would apply to people differently based on race, even though all Hawaiians now currently live and function in one community, attend the same churches, shop at the same stores and attend the same schools. One business may be exempt from State taxes, State business regulations, and zoning laws while the other one is not. Because of this, the Native Hawaiian Government Reorganization Act could be found in violation of the 14th amendment equal protection clause.

BILL PROVISIONS:

Creation of New Federal Offices: This bill will create a Native Hawaiian Relations Office within the Department of Interior and a new interagency coordinating group to coordinate political and legal relationships between the new tribe and all agencies of the U.S. Federal government.

Formal Negotiations—Government to Government: This legislation would allow for negotiations between the three governments, the United States, the State of Hawaii, and the new Native Hawaiian government. The Native Hawaiian people would be able to negotiate with these governments on the transfer of lands, natural resources, and other assets and the authority over these transferred lands.

The Native Hawaiians could renegotiate the exercise of civil and criminal jurisdiction in their government, possibly changing which laws or even Constitutional rights they will adhere to by having the option of redrawing various jurisdictional lines. This new government will also be able to negotiate on the delegation of powers and authorities they have from the Federal and State government and possible reparations or grievances for historical wrongs committed against Native Hawaiians.

HAWAII CASES—RACE

Rice v. Cayetano—2000: Currently there are more than 150 statutes that confer Federal benefits to the Native Hawaiian people. Rice v. Cayetano put many of these benefits in jeopardy and casts serious doubt on the Constitutionality of this legislation.

The Court hold that the State of Hawaii's limitation on voting for certain posts to only

"Native Hawaiians" contradicted the Fifteenth Amendment because it used ancestry as a substitute for race.

Morton v. Mancari—1974: In this 1974 case, the Court noted there was a large distinction between a racial group consisting of "Indians" and a political group, a federally recognized tribe.

The Court asserted that all government programs that extend benefits according to racial classifications must be "strictly scrutinized" and are presumed invalid under the Equal Protection Clause of the Fourteenth Amendment.

The Hawaiians—pushing for the passage of this bill before us today—seek to provide a process for the United States to recognize Native Hawaiians as a governing tribe that is political in nature. The stated goal of this legislation is to ensure that "Native Hawaiians are treated as a unique and distinct, indigenous, native people with whom the U.S. has a special political and legal relationship."

Mr. RAHALL. Mr. Speaker, I am very happy to yield 5 minutes to another distinguished member of our Natural Resources Committee, the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H.R. 505.

First, I want to commend the author of this bill, my good friend and colleague, the gentleman from Hawaii, for his leadership and tireless efforts in bringing this legislation to the floor for consideration. I also want to commend my good friend the gentlewoman from Hawaii (Ms. HIRONO) for her coauthorship of this legislation.

Mr. Speaker, I want to commend the chairman of the committee, the gentleman from West Virginia (Mr. RAHALL); and the senior ranking member, Mr. YOUNG, for their support of this legislation.

This bill is important for many reasons but none more critical than to address the serious needs of the indigenous Native Hawaiians who are the indigenous and aboriginal people who not only inhabited these islands way before Europeans ever arrived, but they are still there, I submit, Mr. Speaker.

In 1893 a great injustice took place. The government of the sovereign nation of Hawaii, then ruled by its Queen Liliokalani, was overthrown by U.S. military forces, which later the President of the United States stated that this overthrow of the Queen's government was done without authorization neither from the President nor from the Congress of the United States. It was not until 1993 that Congress passed a joint resolution to acknowledge and apologize on behalf of the United States on the illegal and unlawful overthrow of the Hawaiian Kingdom in 1893 and for the deprivation of the rights of Native Hawaiians to self-determination.

This is not the first time Congress has shown deference towards the status of the indigenous Native Hawaiians. In the Hawaiian Homes Commission Act of 1921, Congress expressed and reaffirmed the "special" and "trust" relationship between the United States and the Native Hawaiians. Moreover, Congress, in passing the Hawaiian Homes Commission Act of 1921, also recognized Native Hawaiians as "a distinct and unique indigenous people."

This bill sets the institutional framework for the establishment of a relationship between the United States and the indigenous Native Hawaiians just as Congress has done for the indigenous American Indians and the indigenous Native Alaskans.

At this point I want to personally commend the gentleman from Oklahoma for his support of this legislation, not only as the cochair of our Native American Congressional Caucus but certainly as a proud member of the Chickasaw Nation from Oklahoma. I cannot think of a better person who understands and appreciates more the plight and sufferings of his own indigenous people, almost an exact replica of the fate of the indigenous people of Hawaii, the Native Hawaiians. I hope my colleagues in their officers have had a chance to listen to Mr. COLE's eloquent statement that he just shared with us.

Mr. Speaker, I also want to note the particularly strong support of this bill from the senior ranking member of our committee, the gentleman from Alaska (Mr. YOUNG). In my opinion, the gentleman from Alaska is probably the most recognized expert in this Chamber who understands historically how Congress has also accepted Native Alaskans as a "trust responsibility" in the same way that American Indians are treated under the U.S. Constitution.

Mr. Speaker, I submit to my colleagues that this should not be a partisan issue. If there are doubts among our colleagues on the other side of the aisle, I would strongly suggest consultations with the gentlemen from Oklahoma and Alaska.

Mr. Speaker, after 114 years our national government, especially this body, the Congress of the United States, which has plenary authority under the Constitution to deal with issues affecting the rights and general welfare of the indigenous population of our Nation, this bill seeks to correct that remaining group, the indigenous people who inhabited the Hawaiian Islands and later established a sovereign nation and later established treaty relations with other countries, even with our own country.

After the unlawful and illegal overthrow of the Hawaiian Kingdom, the status of the indigenous people of the Hawaiian Kingdom was never properly addressed by the Congress of the United States. Mr. Speaker, Congress has properly determined that American Indians of the lower 48 States are an indigenous people. We have also declared Native Alaskans as an indigenous people. The only remaining group to be recognized are the indigenous people of the State of Hawaii, some 400,000 Native Hawaiians.

Mr. Speaker, this bill is not based upon race. It is a bill to establish a reconciliation process by giving the indigenous Native Hawaiians the same status as we have done for the indigenous American Indians and the indigenous Native Alaskans.

I respectfully urge my colleagues to support this bill.

□ 1345

Mr. RAHALL. Mr. Speaker, I yield 1½ minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. I want to thank my friend, Mr. WESTMORELAND, for his kind compliments that came my way. I knew something would follow on that, and of course it was his reservations about the bill.

But he cited a poll which seemed to indicate, I believe he said, that people were obviously against race-based legislation and so on. I don't blame them; I would think they would be. I'm surprised it wasn't 100 percent. But let me read what the question was. He didn't read us the question. Here's the question: "If 505 would allow Native Hawaiians to create their own government not subject to all the same laws, regulations and taxes that apply to other citizens of Hawaii, do you want Congress to approve this bill?" Well, I'm dumbfounded they couldn't get 100 percent against that question. And, of course, 505 doesn't do any of that; quite the opposite. As Mr. RAHALL indicated, we specifically address those issues, and taxes, of course, are going to be paid.

Let me give you the Ward Research Poll, done this year, that is a real poll, and I will tell you the question: "Have you heard of the bill, the Akaka bill?" Yes, 84 percent. "Do you think Hawaiians should be recognized by the U.S. as an indigenous group similar to recognition given American Indians and Native Alaskans?" Yes, 70 percent. "Do you believe Hawaiians have a right to make these decisions?" Yes, 87 percent. "Do you believe programs that have been passed by the Congress for Native Hawaiians should continue?" Yes, 83 percent. This goes on and on at that kind of level in Hawaii.

So, I appreciate my good friend bringing up the question of polling, but I think it's useful for us to know that when the people of Hawaii are polled on an objective basis, there is overwhelming support, Republican and Democrat and independent, for resolving this issue in the manner in which 505 addresses.

Mr. BISHOP of Utah. Mr. Speaker, I yield as much time as he may consume to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

I have an amendment that has been made in order which I plan to offer later.

When I came on the floor yesterday, I was approached by several Members who pointed out that my amendment was, perhaps, overly broad. I went back to the office and took a look, and I

happen to agree, it is. And it might confuse people. Because in my original amendment I said nothing in the action will relieve any sovereign entity within the jurisdiction of the United States, including the Native Hawaiian governing authority, from complying with the equal protection clause of the 14th amendment of the United States Constitution.

And so I would like to see if the proponents of the measure would agree to a unanimous consent request to narrow the amendment so that it would simply apply only to the Native Hawaiian governing authority, as opposed to the Native American or any sovereign entity within the United States.

I would yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Well, I regret to say that I don't have the revised language in front of me. And I understand the intent of the first amendment. Mr. FLAKE knows that I supported the opportunity for him to put that forward for discussion before the Rules Committee. But I'm sorry, I can't consent, despite my friendship and respect for Mr. FLAKE, because I'm not sure that the revised language, even if I had it in front of me, which I don't, would not be subject to the same kind of difficulty, perhaps an interpretation that we can't foresee on first glance. So I reluctantly cannot accede unanimous consent.

Mr. FLAKE. I thank the gentleman.

Let me just state what the narrowed one would do: ''Nothing in the act shall relieve the Native Hawaiian governing authority from complying with the equal protection clause of the 14th amendment to the United States Constitution.''

I'm not trying to play a game of ''gotcha'' here at all. I have the utmost respect, and that respect has grown over the years, for the gentleman from Hawaii. No Member of Congress works harder for his constituents and is more thoughtful in legislating than Mr. ABERCROMBIE. But for those of us who have some concerns that this goes beyond land disposition or other smaller issues, this is not an idle concern that we have.

The U.S. Civil Rights Commission noted recently that this legislation ''would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups according to varying degrees of privilege.''

Mr. ABERCROMBIE. Would the gentleman yield?

Mr. FLAKE. I would be glad to yield.

Mr. ABERCROMBIE. Could I then yield to the expert on the civil rights matter? Because you did kindly bring it to my attention yesterday and we did have a discussion, so I deferred my inquiry to the expert in the House of Representatives on civil rights and Native Americans; that's Mr. KILDEE. Would it be all right if I yielded to him to have a dialogue with you on this?

Mr. FLAKE. That would be fine with me.

Mr. KILDEE. I thank the gentleman for yielding.

First of all, no one questions your sincerity on this. I do think that we could really create a legal situation here without knowing the consequences of the amendment.

Now, Congress, back in 1968, recognizing that in certain areas, the 14th amendment, by the way, says ''States'' shall not do certain things. So they wrote the Indian Civil Rights Act of 1968. That was written very, very carefully by both Houses. The great constitutional attorney Senator Sam Irwin played a major role in that, and they carved out how the basic rights contained within the fifth and the 14th amendment would apply on Indian tribes.

It's a well-done bill. And had we had the chance to discuss this in committee, perhaps we could have reached some agreement; I'm not sure. But I'm very concerned about adopting anything without knowing the consequences when it took them months, in 1968, to craft the Indian Civil Rights Act. It's a two-page bill, and it really enumerates pretty well the fifth amendment and the 14th amendment.

So, at this time, I think that we would be treading on rather dangerous territory to have the courts have to look at, first of all, the Constitution, the treaties, the 14th amendment and the Flake amendment and decide where they conflict, which one to apply.

So, despite your sincerity, I wish we had discussed this in committee, perhaps we could have arrived at some remedy there. But here I think we're going to create a lawyer's delight.

Mr. ABERCROMBIE. If the gentleman would continue to yield for a moment.

Mr. FLAKE. Yes.

Mr. ABERCROMBIE. And I won't take more than a moment or two.

The question, nonetheless, as I indicated when we spoke yesterday and as I indicated to the Rules Committee, is an important one that needs to be addressed. I don't want to run anything by anybody where they might feel even for a moment that they haven't had full consideration of important fundamental issues like civil rights and equality before the law.

If the gentleman would consider the idea of not offering the amendment right now for the reasons that have been stated, we're not quite sure where we're going with it, I can assure the gentleman that, should the bill pass, it has to go to the Senate, it has to come out of the Senate, and we can address those issues, as has been done with other bills with which we are acquainted again and again. You have my word that I will sit down and go over with you in detail and in depth the issues involved here and, should the bill move forward, seek to have those addressed in whatever comes from the other body, if it's able to move forward.

Mr. KILDEE. Will the gentleman yield?

Mr. FLAKE. I would.

Mr. KILDEE. I would take that as a very helpful and constructive suggestion.

First of all, Mr. FLAKE, you and I are friends, and you are a friend of Mr. ABERCROMBIE, also. And I think what he suggests would be a good thing. Perhaps, I'm just saying, I'm not sure, perhaps the 1968 law somehow could be worked into this, but we aren't prepared to do that now without knowing exactly what we're doing. And I think it would be helpful. I would take Mr. ABERCROMBIE's willingness to sit with you. I will be glad to sit with you. We all believe in civil rights, we all believe in the principles of the fifth and the 14th amendment, and I think we could very well work this out in conference.

Mr. FLAKE. I thank the gentleman, and I thank him for providing the text of ICRA yesterday. I did read through it and was convinced and compelled that my original amendment was overly broad, and that's why I sought to restrict it here.

Seeing that we cannot restrict it, I will withdraw the amendment. But I will offer the motion to recommit later. And the motion to recommit is pretty much similar to what the amendment would have been, further restricted.

I take the gentleman's concerns. We don't know what the implications will be with the amendment, but I would submit that we don't really know what the implications might be without the amendment. And what the motion to recommit will do will simply have three sections. It's just one page here. It will say that what will apply is the U.S. Constitution's Bill of Rights, the Federal civil rights laws, and that no racially defined burdens of immunities, so we will make sure that no persons shall, as a result of the operation of this act, be exempted from any Federal or State law, regulation tax or legal burden that is the basis of the law.

I would say that it is true, this needs to go to the Senate and then come back here. And if there are problems in that this is overly broad, the motion to recommit, then that, perhaps, can be fixed as the bill works its way through. But I think that, because we swear an oath to uphold the Constitution, that we should endeavor to make sure that what we pass does not run afoul of, in particular, the 14th amendment.

I understand the gentleman's concerns in talking about ICRA of 1968, but I think we can all agree here that the sovereign nature of Native American tribes in the United States is a little different than what we're talking about here.

So, I think it would behoove us to be careful here and to make sure that we aren't doing anything that might upset the applecart, that we need to make sure that we're not creating something here that might run afoul of the Constitution. I think that's our obligation.

So, that's what the motion to recommit will be. It will be ''forthwith,'' so this will not take any time. It won't have to come back to committee. And I will be glad to give copies across so people can be familiar with it before we're voting on it.

But, again, this is not a game of ''gotcha'' at all. I have great respect for those on the other side of the aisle who have worked hard on this legislation.

With that, I would yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Rather than having a motion to recommit, because I would ask you not to do that for the reasons already enumerated, this deserves our specific attention. And we both know, I think, what happens on a motion to recommit: people come to the floor; they see superficially what's involved. Who can argue about everybody wanting to have civil rights?

And I don't want to have to get into a debate with you about the question of recommittal. Here is what section 7 says of the bill, if you would allow me: ''Prior to conferring Federal recognition on a reorganized governing entity, the Secretary of the Interior must certify that the organic governing documents provide for the protection of the civil rights of the citizens of the entity, as well as all other persons affected by the exercise of the entity's governmental powers and authorities. In addition, the organic governing documents must be consistent with applicable Federal law. If the Secretary finds that the organic governing documents, or any part of these documents, do not meet these requirements, the organic governing documents will not be certified.''

□ 1400

This has to be certified by the Secretary of the Interior as meeting every Federal responsibility. Now, up until this time, and I am sure you agree, if the Speaker will just grant me a little more time and if you will, this bill has never been subject to partisan rhetoric or activity in the committee or elsewhere. From a realistic point of view, motions to recommit really have to do with who is in charge and who is not in charge and that kind of thing. I am not disputing that your question isn't real. But the motion to recommit essentially is repeating, in some fashion, without my quite knowing what the real consequences of that language would be, whereas the language that I am citing to you from section 7 has been vetted again and again and again by minority staff, majority staff, legal staff all over to fit exactly what the gentleman seeks to succeed with.

So I am asking you not to make a motion to recommit on the basis that what I have read to you, in good faith, is language that has been put forward in good faith within the existing bill. And if you conclude that it is not adequate, I pledge to you that I will certainly sit down with you as will Mr. KILDEE and anyone else who is interested in it to try and see what we can do to make the language work as the bill moves along. But I don't want to get trapped in a recommital action which may then put language into the bill, the consequences of which I have no idea. Nor, I think, does the gentleman.

Your intentions are good. I have complete faith and say so publicly in your intentions and your desire to make this a better bill. So I ask you on the basis of a collegial respect for each other and on the basis of our friendship to let the bill go without a recommital based on section 7 and my promise to you that we will address any and all issues that may still be on the table once you have had a chance to examine the consequences of the language you might otherwise propose.

Mr. FLAKE. I appreciate the gentleman's concern about motions to recommit. They are sometimes by their nature political. I don't always vote for the ones offered by my side because of that. However, I am only going to the motion to recommit now because I can't offer my amendment as modified. I would be glad to forgo offering the motion to recommit if I could get a commitment under unanimous consent to restrict my amendment to what I outlined, and I will be glad to read it again. If it is true that the legislation does address this concern, it would be redundant at best, or at worst, but it would at least give us here, and I think, frankly, there is a pretty safe harbor I would think for those of us who are concerned about the constitutionality in saying that this legislation should have the Bill of Rights apply to it, Federal civil rights laws, and there would be no racially defined burdens or immunities. So that is a pretty safe harbor, and I am not seeing it as political. But I would be glad to withdraw that if we could go back and have my amendment accepted as modified.

Mr. ABERCROMBIE. My difficulty is, and I'll conclude with this. Mr. BISHOP, I am very appreciative of your indulgence in this and the other Members. Obviously it is very, very important to all of us and important on a fundamental constitutional basis as well. The difficulty for me in doing that is that I am seeing it right now for the first time. The language in the bill has been gone over and over and over again with a legal fine tooth comb so that I have confidence in that.

My problem is that your intention and my intention may not be what the consequences legally would be when somebody reads it as written on the paper. My friend and mentor on the Armed Services Committee, the chairman, IKE SKELTON, who usually characterizes himself as a country lawyer, which should put everybody on edge and make them wary when he says it, has a saying that he admonishes us with on the Armed Services Committee all the time: Read it. What he means by that is the words on the paper are what will be referred to when legal recourse is taken. And what my fear is, is that not knowing the consequences of the language, despite the gentleman's intention, if I accepted such a thing, I am doing it on blind faith. Not on blind faith in you. I have faith in your good intentions. But I am doing it on blind faith as to what the safe harbor would be or not be or what the consequences would be. I am sorry I can't accept that and I ask you once again to give us the opportunity to work on this in the quiet and in the contemplative atmosphere outside the volatility of the floor.

Mr. FLAKE. I thank the gentleman.

I think that we can work with this in the quiet if we simply accept the motion to recommit or preferably the actual amendment that simply says, and let me read it again, ''Nothing in the act shall relieve the Native Hawaiian governing authority from complying with the equal protection clause of the 14th amendment to the United States Constitution.'' That's a pretty safe harbor. And I think that if it goes to the Senate and we find there is something in there that needs to be modified or tweaked, we can do that as the bill comes back. But we ought to have at least that, I would submit. And so with the knowledge that we can't modify that, then we will offer the motion to recommit later.

Mr. RAHALL. Mr. Speaker, how much time is left for each side?

The SPEAKER pro tempore (Mr. ROSS). The gentleman from West Virginia has 9 minutes remaining. The gentleman from Utah has 2½ minutes remaining.

Mr. RAHALL. Mr. Speaker, before yielding to my next speaker, I do want to certainly recognize the gentleman from Arizona (Mr. FLAKE) who has, for the first time in quite a few months if not this year, been so gracious and so kind to give us at least 5 minutes' notice of what the minority side's motion to recommit is going to be all about instead of at the last nanosecond receiving such recommittal motions as we have on so many bills before this body in an effort to play gotcha. So I do appreciate knowing what that recommittal motion is going to be ahead of time.

Thank you, Mr. FLAKE.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Speaker, I rise today as chairman of the Congressional Asian Pacific American Caucus in unconditional support of H.R. 505, the Native Hawaiian Government Reorganization Act of 2007. This bill provides a process for the reorganization of the Native Hawaiian governing entity for the purposes of a federally recognized government-to-government relationship.

Since the annexation of the Territory of Hawaii, Native Hawaiians, Hawaii's indigenous peoples, have been treated by Congress in a manner similar to

American Indians and Alaska Natives. Congress has passed over 160 statutes to address the conditions of Native Hawaiians and has repeatedly recognized the United States' political and legal relationship with Native Hawaiians.

H.R. 505 formally extends the Federal policy of self-governance and self-determination to Native Hawaiians, thereby providing parity in Federal policies toward American Indians, Alaska Natives, and Native Hawaiians.

This bill does not grant Federal recognition, but provides a process for Native Hawaiians to be federally recognized. The Secretary of Interior will be required to certify the Native Hawaiian governing entity before it is federally recognized.

This bill will also provide a structured process to address the longstanding issues resulting from the overthrow of the Kingdom of Hawaii. The bill provides for a negotiation process to resolve these issues with the Federal and State governments and will alleviate the growing mistrust, misunderstanding, anger and frustration about these matters.

This measure is supported by Hawaii's Republican Governor, Linda Lingle, Hawaii's congressional delegation, and the Hawaii State legislature. The bill is supported by the National Congress of American Indians and Alaska Federation of Natives as well as numerous other national organizations. In addition, the bill is also supported by a number of organizations in Hawaii who have passed resolutions in support of enacting this bill.

I ask my colleagues to support this measure and advance the reconciliation process for our people.

Mr. BISHOP of Utah. Mr. Speaker, I will continue to reserve.

Mr. RAHALL. Mr. Speaker, I have the right to close and I will reserve the balance of my time.

Mr. BISHOP of Utah. In closing, I will merely state I have appreciated this particular dialogue we have had, without the long colloquy we went through in this particular area. I would humbly submit that at least some of the times in the past when more than adequate time to consider a recommital has been given, the bill tends to disappear from the floor before the vote takes place. So we are happy this may not necessarily be the case today.

With that, I will yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, according to the American Bar Association, ''The right of Native Hawaiians to use of property held in trust for them and the right to govern those assets is not in conflict with the equal protection clause since it rests on independent constitutional authority regarding the rights of native nations contained within articles I and II of the Constitution.''

The ABA further adds, ''Our courts have upheld Congress' power to recognize indigenous nations and has specifically recognized that this power includes the power to re-recognize nations whose recognition has been compromised in the historical past.''

Indeed, I would note that this body, the Congress, has recognized 530 of the 561 federally recognized Indian tribes. It is clear that we have this power and this authority and that is simply what we are doing today with respect to Native Hawaiians.

I again want to commend the delegation from Hawaii, Mr. ABERCROMBIE and Ms. HIRONO, for the work that they have put into this legislation. I commend our Committee on Natural Resources and the staff that have worked so hard to, once again, bring this effort to the floor of the House in a nonpartisan, bipartisan piece of legislation. I join my colleague from Hawaii (Mr. ABERCROMBIE) in hoping that the motion to recommit is not offered by the gentleman from Arizona. But should it be offered, then I hope my colleagues will certainly recognize that what we are attempting to prevent by arguing against that motion is a discrimination against Native Hawaiians. And we are asking that we treat them no differently than other Indians.

I would close by again urging my colleagues to join, once again, in supporting this legislation in a strong bipartisan manner and I would urge a ''no'' on any motion to recommit.

Ms. HIRONO. Mr. Speaker, I rise today in strong support of H.R. 505, the Native Hawaiian Government Reorganization Act, which begins to provide a measure of justice for the indigenous, native people of the Hawaiian islands. I could argue the legal and constitutional arguments on why this bill should be passed, but I want to take a few minutes to share some of the history to show why this bill is so important to all the people of Hawai'i.

As many of you know, the Kingdom of Hawai'i was overthrown in 1893. Hawai'i's last Queen, Lili'uokalani, was deposed by an armed group of businessmen and sugar planters, who were American by birth or heritage, with the support of U.S. troops. The Queen agreed to relinquish her throne, under protest, to avoid bloodshed. She believed the United States, which with Hawai'i had diplomatic relations, would restore her to the throne. As we now know, despite the objections of President Grover Cleveland, the injustice of the overthrow was allowed to stand, and the Republic of Hawai'i was established.

A few years later, in 1898, the United States annexed Hawai'i. Prior to annexation, a petition drive organized by Native Hawaiians secured signatures of almost two-thirds of the Native Hawaiian population opposing annexation (29,000 signatures out of an estimated Native Hawaiian population of 40,000). These petitions are now in the National Archives.

The Hawaiian culture was under siege. The Republic of Hawai'i prohibited the use of the Hawaiian language in Hawai'i schools. Everyday use of the Hawaiian language diminished greatly and it was in danger of dying out. Hula, which had been suppressed by the missionaries and then restored by King Kalaukaua a few years before the overthrow, survived but did not flourish. Hawaiians were pressured to assimilate and much was lost.

When Prince Jonah Kuhio Kalaniana'ole was elected to serve as Hawai'i's delegate to Congress, he succeeded in passing the Hawaiian Homes Commission Act of 1920, which set aside some 200,000 acres of land for Native Hawaiians. The reason for the legislation was the landless status of so many Native Hawaiians, who were displaced by newcomers and became the most impoverished population in their native land. In recognition of its trust responsibility toward Native Hawaiians, Congress passed the Hawaiian Homes Commission Act, which is still in force.

Hawai'i became a state in 1959. Beginning in the late 1960s and early 1970s, a Native Hawaiian cultural rediscovery began in music, hula, language, and other aspects of the culture. This cultural renaissance was inspired by hula masters (kumu hula), who helped bring back ancient and traditional hula; musicians and vocalists, who brought back traditional music and sang in the Hawaiian language; and political leaders, who sought to protect Hawai'i's sacred places and natural beauty.

This flowering of Hawaiian culture was not met with fear in Hawai'i, but with joy and celebration and an increased connection with each other. People of all ethnicities in Hawai'i respect and honor the Native Hawaiian culture. We are not threatened by the idea of self determination by Native Hawaiians.

In 1978, Hawai'i convened a constitutional convention that was designed, in part, to right some of the wrongs done to Native Hawaiians. The constitutional convention created the Office of Hawaiian Affairs or OHA so that Native Hawaiians would have some ability to manage their own matters. The people of Hawai'i ratified the creation of OHA and voted to allow the trustees of the Office of Hawaiian Affairs to be elected solely by Native Hawaiians. Although the Supreme Court in Rice v. Cayetano decided that limiting the vote in this manner violated the 15th Amendment, that decision was based on the fact that the State of Hawai'i ran the elections, not whether or not Native Hawaiians are an indigenous, native group with an inherent sovereignty. In fact, the court expressly avoided the issue of whether or not Native Hawaiians are analogous to an Indian tribe.

The Constitutional Convention also laid the ground work for the return of some federal lands to Native Hawaiians, including the island of Kaho'olawe, which is currently held in trust for a future Native Hawaiian governing entity. The ConCon, as it is known in Hawai'i, also designated the Hawaiian language (along with English) as the official state language of Hawai'i for the first time since the overthrow in 1893.

I was in the Hawai'i State Legislature when we approved creation of Hawaiian language immersion schools, recognizing that language is an integral part of a culture and people. The Hawaiian language was in danger of disappearing. Public Hawaiian language preschools, called Punana Leo, were started in 1984. We now have Hawaiian language elementary, middle, and high schools in Hawai'i, and a new generation of fluent Hawaiian language speakers are helping to keep this beautiful and culturally important language alive. Other native peoples are looking to the Hawai'i model as a means of preserving and perpetuating their native languages.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support H.R. 505, and I do so in recognition

of the long-standing ties between Native Hawaiians and Alaska Natives, who themselves underwent a struggle to be recognized for the purpose of settling their aboriginal land claims. H.R. 505 concerns a struggle involving Native Hawaiians, who are seeking to formalize a kind of relationship among the Federal government, the State of Hawaii, and Hawaii's aboriginal peoples based on the powers of the Congress to regulate Indian affairs. I have been proud to work with my good friend, the Gentleman from Hawaii (Mr. ABERCROMBIE), to work on passing this bill for all the years we have served together. I want to recognize and congratulate the Gentleman for his iron commitment to this legislation and to the well-being of Hawaii and the nation.

This Congress has passed several laws of unique application to Native Hawaiians, invoking the authority of the so-called Indian Commerce Clause of Article I, Section 8 of the Constitution. An important example of these laws is when Congress conveyed lands in Hawaii for the purpose of benefiting the Natives. This has been supplemented with additional benefits and services exclusively for Natives based on their status as Natives.

But there is a shortcoming in these laws: Congress has not yet authorized the Natives to organize a governing entity. At some point, we the Congress have to provide a means for the Native Hawaiians to administer these benefits in accordance with our current policy of promoting self-determination among Native American people in general. Native Hawaiians have largely stayed intact as a distinct community and we would be doing a great disservice to them if we did not set up a process for their recognition as a governing entity. The governing entity will be the vehicle they use to advance their economies, and preserve and pass on their special heritage and language to future generations.

I understand that some Members have a problem with this bill. It has been said many times already but it's worth emphasizing again: H.R. 505 has the endorsement of the Governor, the Congressional Delegation and the State Legislature of Hawaii. It does not cut into programs for American Indians and Alaska Natives. Enrollment to the governing entity is elective.

We can trace the genesis of this bill, embodying the hope of an indigenous people to control their own fate, all the way back to the overthrow of 1893. It has been a long road. I believe how we treat our native indigenous people reflects our values and who we are. Clearly, there is much in the history of our interactions with the native people of what is now the United States that makes us less than proud. But one of the great attributes of America has always been the ability to look objectively at our history, learn from it, and where possible make amends.

Native Hawaiians, like American Indians and Alaska Natives, have an inherent sovereignty based on their status as indigenous, native people. They desire the right to exercise management over their own affairs and land. By law, a portion of income from the former crown lands of the Kingdom of Hawai'i (also called ceded lands) is allocated to benefit the native Hawaiian people. At present, that income is managed by the Office of Hawaiian Affairs, a state agency. Management of this income and Hawaiian lands should be done by a Native Hawaiian governing entity now that the trustees of the Office of Hawaiian Affairs are elected by all the residents of the State of Hawai'i and not just Native Hawaiians.

As has already been mentioned today, this legislation is supported by the great majority of Hawai'i's people, by its Republican governor, by our State Legislature, and by dozens of organizations, including the Congress of American Indians and the Alaska Federation of Natives.

This legislation primarily affects the State of Hawai'i. Our state motto, which is the same as that of the Kingdom of Hawai'i, is ''Ua man ke ea o ka aina i ka pono,'' which means ''the life of the land is perpetuated in righteousness.'' This is a historic vote and one that helps to perpetuate righteousness by righting a historic wrong. I ask that you stand with the people of Hawai'i and oppose the Flake amendment, oppose the motion to recommit, and support passage of the bill.

Mahalo nui loa (thank you very much).

For these reasons, we owe a great deal of deference to the judgment of the elected representatives of the State of Hawaii. They are the ones who are accountable for this legislation on their islands. The Delegation of Hawaii understands best that Native Hawaiians have struggled for decades to achieve a status that adequately promotes their self-determination.

Let's keep in mind that Congress has recognized Native Americans for various purposes over the years. We are not limited by a strict set of criteria such as those set forth in the Interior Department's Federal acknowledgment regulations. While these criteria are sensible to apply in some cases, a quick look at some of the Indian statutes passed in the early days of our republic make it clear that Congress viewed its powers to deal with Indians in a very broad sense.

Opponents often say that Native Hawaiians are not a tribe and that Article I, Section 8 of the Constitution limits Congress to recognize only tribes in the contiguous 48 States.

The meaning of ''tribes'' in Article I, Section 8—commonly called the Indian Commerce Clause—is broad in scope. There is nothing that limits Congress to recognizing only the aboriginal people of the Lower 48 States. In fact, Congress was recognizing Indians for special reasons when they were in lands that were not part of the United States. And Congress has authorized the reorganization of reservations that were broken up and tribes that were terminated. Again, Congress has broad, plenary authority to recognize Native peoples.

H.R. 505 is a good bill and it is a first, critical step for Native Hawaiians to deal with Hawaii and the Federal government in a fashion befitting their special status as a distinct Native community. In their wisdom, the Representatives from Hawaii have left issues regarding benefits, services, and lands to future negotiations with the newly organized governing entity. We can deal with these issues in a deliberative, careful fashion with the Native governing entity when it is organized.

I'm pleased to support H.R. 505 and to advance a process for recognizing a Native Hawaiian entity.

Mr. RAHALL. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 764, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FLAKE. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Flake moves to recommit the bill H.R. 505 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Page 44, after line 22, insert the following:

(h) APPLICABILITY OF THE UNITED STATES CONSTITUTION'S BILL OF RIGHTS.—The Native Hawaiian governing entity shall be subject to the United States Constitution's Bill of Rights and other protections in the same manner and to the same extent as a State or local government of the United States.

(i) APPLICABILITY OF FEDERAL CIVIL RIGHTS LAWS.—The Native Hawaiian governing entity shall be subject to Federal civil rights and antidiscrimination laws in the same manner and to the same extent as a State or local government of the United States.

(j) NO RACIALLY DEFINED BURDENS OR IMMUNITIES.—No persons shall, as a result of the operation of this Act, be exempted from any Federal or State law, regulation, tax, or other legal burden on the basis of that person's race or ancestry or on the basis of any classification that is defined by race or ancestry.

Mr. FLAKE (during the reading). I ask unanimous consent that the motion be considered as read.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona is recognized for 5 minutes in support of his motion.

Mr. FLAKE. Mr. Speaker, as I mentioned before, I originally had an amendment that I would have liked to have offered which would simply say that we would add the following: ''Nothing in this act shall relieve a Native Hawaiian governing authority from complying with the equal protection clause of the 14th amendment to the United States Constitution.''

This motion to recommit is very similar to that.

As I mentioned before, the U.S. Civil Rights Commission has concerns about the legislation. They said, ''This would discriminate on the basis of race or national origin and further subdivide the American people into discrete subgroups accorded varying degrees of privilege.''

I think there is sufficient concern that we should find the safe harbor here of making sure that the 14th amendment applies. This motion to recommit, I will read the entire thing, it is not long. So I will read all of it.

□ 1415

It simply says: ''Page 44, after line 22, insert the following: Applicability of

the United States Constitution's Bill of Rights. The Native Hawaiian governing entity shall be subject to United States Constitution's Bill of Rights and other protections in the same manner and to the same extent as a State or local government of the United States.

''Section (i). Applicability of Federal civil rights laws. Shall be subject to civil rights and antidiscrimination laws in the same manner and to the same extent as a State or local government of the United States. Section (j). No racially defined burdens or immunities. No person shall, as a result of the operation of this Act, be exempted from any Federal or State law, regulation, tax, or other legal burden on the basis of that person's race or ancestry or on the basis of any classification that is defined by race or ancestry.''

This is a pretty good default, a default back to the Constitution, and says that nothing in this act has to be compatible, has to fit within the Constitution. That is all that this motion to recommit does. Some will raise the concern that this might apply to Native American groups here on the mainland. It does not. This only applies to this act, to the Native Hawaiian governing entity.

Mr. Speaker, this is a very narrowly drafted motion to recommit. It is drafted ''forthwith'' so it will come immediately back so it won't spend any more time in committee. Then, if there are issues unforeseen, when it goes to the Senate and comes back, we can work on them. But in the meantime, I think it is a much better option to actually have this default and to go back to the U.S. Constitution.

The gentleman mentioned earlier that the act provides that the Secretary of the Interior has to certify that we are in compliance with the U.S. Constitution. I would just state for the record that we haven't had the best record relying on the Secretary of the Interior to manage trust accounts or other things. We shouldn't delegate that authority here. We shouldn't delegate our responsibility to uphold the Constitution to an official in the executive. That is our purpose here. We make the laws. We should ensure that they are given the guidelines and given the protections here that the Constitution affords.

So I would urge adoption of the motion to recommit. As I mentioned, I offered it reluctantly. I would have rather, because motions to recommit sometimes become political, and this is not, so I would have preferred to offer this as a straight amendment narrowed to this specific act, but wasn't afforded that opportunity.

Mr. Speaker, I also want to say again that I want to commend those on the other side of the aisle for working so hard on this legislation and for their diligence in working to make sure that this is a good bill. This will improve it. This will simply say that those under this act are afforded the guarantees and the protections of the U.S. Constitution and the Bill of Rights.

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

Mr. ABERCROMBIE. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Speaker, this bill before us is the result of years of bipartisan and nonpartisan work, which has been mentioned. I take second to none my regard for Mr. FLAKE and recitation once again of our personal regard for one another; however, I am afraid that the reason I have to oppose this motion to recommit is for precisely the reasons I mentioned during our previous dialog.

I am pleased that he actually read what the motion to recommit says because the part here, and you may recall in my previous commentary where I said we can't be sure what the consequences might be unless we have had a chance to vet them. The bill itself has been vetted again and again by counsel on both sides of the aisle and by groups that have an interest in the bill. This is the consensus that this meets all relevant legal technicalities.

Here, look what it says: ''The Native Hawaiian governing entity shall be subject to the United States Constitution's Bill of Rights and other protections in the same manner and to the same extent as a State or local government of the United States.'' That is an invitation to an avalanche of litigation. How are you going to define ''same manner'' and ''same extent'' of a State or local government?

The indigenous people, whether they are Native Americans in tribes, whether they are Alaska Natives in corporations, Native Hawaiians trying to put together a government, and they are not a State, they are not a local government, and to say in a motion to recommit that we are going to require them to exactly replicate State and local governments, which is subject to litigation all the time, you would have to have a trust fund set up to handle the litigation, I think, that would result from that.

Mr. Speaker, I don't think that that is Mr. FLAKE's intent. In fact, I would stipulate that that is not his intent. Our problem is we haven't had a chance to sit down and go over this to see whether we can cover any of these contingencies. I wish he had accepted my plea, my offer, and I wish he would stand up now and say, I have seen the light and I am going to withdraw my motion to recommit. Because if you go to number (i), applicability of Federal civil rights laws, it says the same thing with respect to civil rights and antidiscrimination laws in the same manner and to the same extent as a State or local government of the United States.

My friends, my colleagues, I agree that Mr. FLAKE has brought this not for political reasons but because of his sincere belief that this needs to be addressed. I can assure you that if anything is political, this is political by default. Far from saying simply that it is a simple explication of his point of view, it is an absolute wellspring of complication to try and figure out what the same extent of State and local government laws are with regard to civil rights, antidiscrimination or Bill of Rights and other protections. ''Other protections,'' what does that mean? That will be litigated to death.

So, Mr. Speaker, I ask Mr. FLAKE, now that I have analyzed his simple language for him, if he would reconsider withdrawing the motion to recommit. If he does not, I pledge to him now that if we are able to defeat the motion to recommit, which I think should be defeated by anybody who's worked on this bill. I make this final plea in all seriousness, Mr. Speaker. We have worked too hard, come too far on a nonpartisan basis, Republican and Democrat alike, to come to this conclusion and throw ourselves into the briar patch of State and government applicability of laws as recommended in the recommittal. The bill itself deals with all these issues on civil rights.

Mr. Speaker, I ask that the motion to recommit be defeated and that we move to a vote, an overwhelming vote on the underlying bill, H.R. 505, which is an exemplary product, a singular stalwart example of what bipartisan work can do in this House of Representatives.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 178, nays 235, not voting 19, as follows:

[Roll No. 999]

YEAS—178

| | | |
|---|---|---|
| Aderholt | Boustany | Coble |
| Akin | Brady (TX) | Conaway |
| Alexander | Broun (GA) | Crenshaw |
| Bachmann | Brown (SC) | Cubin |
| Bachus | Brown-Waite, Ginny | Culberson |
| Baker | Buchanan | Davis, David |
| Barrett (SC) | Burgess | Davis, Tom |
| Bartlett (MD) | Burton (IN) | Deal (GA) |
| Barton (TX) | Calvert | Dent |
| Biggert | Camp (MI) | Diaz-Balart, L. |
| Bilirakis | Campbell (CA) | Diaz-Balart, M. |
| Bishop (UT) | Cannon | Doolittle |
| Blackburn | Cantor | Drake |
| Blunt | Capito | Dreier |
| Boehner | Carter | Duncan |
| Bonner | Castle | Ehlers |
| Bono | Chabot | Emerson |
| Boozman | | Everett |

Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—235

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Renzi
Reynolds
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Yarmuth

NOT VOTING—19

Bilbray
Buyer
Carson
Davis (CA)
Davis (KY)
Hinojosa
Hunter
Issa
Jindal
Johnson, E. B.
Knollenberg
Lewis (CA)
Reyes
Ros-Lehtinen
Shea-Porter
Walberg
Wilson (OH)
Wynn
Young (AK)

□ 1450

Messrs. EDWARDS, STUPAK, MITCHELL, CARNEY, Mrs. McCARTHY of New York, Messrs. COSTELLO, LYNCH, HALL of Texas, Ms. BERKLEY, Messrs. SCOTT of Georgia, ENGLISH of Pennsylvania, TIERNEY, DONNELLY and LOBIONDO changed their vote from ''yea'' to ''nay.''

Messrs. CARTER, SMITH of New Jersey, TERRY, WELDON of Florida, SHADEGG, CHABOT, and PICKERING changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. KNOLLENBERG. Mr. Speaker, on rollcall No. 999, I was unavoidably detained. Had I been present, I would have voted ''yea.''

Mr. WALBERG. Mr. Speaker, on rollcall No. 999, I was unable to vote. Had I been present, I would have voted ''yea.''

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 999, had I been present, I would have voted ''nay.''

(By unanimous consent, Mr. SHULER was allowed to speak out of order.)

LONGEST YARD CLASSIC CONGRESSIONAL FOOTBALL GAME

Mr. SHULER. Mr. Speaker, I would like to congratulate everyone and thank everyone who took part in this year's Longest Yard Classic; although the game didn't quite go like we had expected it to go. It was 28–0. Zero is something I've come to know pretty well during my Washington days with the Redskins. We knew quite well about that zero.

Quarterback rating did not go up during that game. I will say that we had some great wide receivers. Every one offensively who got in the game got a chance to catch the football, which was great.

I do want to say and congratulate the Capitol Hill Police, not only for their great win over the Members of Congress, but for what they do when they sacrifice their lives every single day of their lives.

We were able to see firsthand how actually across the aisle we can work together, Democrats and Republicans, 7 a.m. practices. No one showed up late, almost never.

Ken Harvey and John Booty from the NFL came down and helped coach us, and we have special thanks to them and to all the participants, all the Members who played and to the Members who came out to watch us.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. SHULER. I yield to the gentleman from Pennsylvania, my friend.

Mr. SHUSTER. Mr. Speaker, I want to thank the gentleman, and I just want to echo what he said about the Capitol Hill Police and what they do every day, protecting us, making sure the grounds are safe, not only for us but the people who do business here, the visitors here. So we owe them a great debt of gratitude.

I would urge all of you, while not all of you were able to get out to the game and not all of you were able to play in the game, but I would urge all of you, when you see a Capitol Hill Police officer out there, thank them. Thank them for what they do for you, for your family and for, as I said, everybody that uses this great Capitol Hill complex.

The game, as HEATH pointed out, didn't end up the way we thought it would. Some thought we gave better than we took. Some thought that the Capitol Hill Police could have scored 56 on us. That will remain to be seen, but nobody was hurt during the game. Everybody played. We all had a lot of fun, and we raised some money for the benevolent fund that goes to the kids of the Capitol Hill Police. So it was a great success.

I appreciate all those that participated. Practices were early. HEATH and John Booty and Ken Harvey, who really ran the show, did a great job of getting us out there in the morning.

I also want to thank the Members that showed up to the game. Some of you came out: HENRY BROWN, MIKE CONAWAY, STEPHANIE TUBBS JONES, JESSE JACKSON, GREGORY MEEKS and LINCOLN DAVIS. Thank you guys for coming out there to the game. I think that's extremely important that when you are out there, we're out there, leaving a little skin on the field, a little blood, but all of it's for a great cause to the Capitol Hill Police.

Sergeant at Arms, Bill Livingood, thank you. The Chief of Police, Philip Morse, thank you for all your help. And also a special thanks to Vardell Williams, who's now become the voice of the Longest Yard Classic. Thank you. He works here for the superintendent, but he volunteered to be out there to be the voice of the Longest Yard Classic.

So again I thank everybody, and congratulations to the Capitol Hill Police.

The following is our team roster.

| Member name | State | Jersey number |
|---|---|---|
| Kendrick Meek | Florida | 0 |
| Zach Wamp | Tennessee | 1 |
| Pat Murphy | Pennsylvania | 3 |
| Jim Jordan | Ohio | 4 |
| Joe Donnelly | Indiana | 7 |
| Anthony Weiner | New York | 9 |
| Charlie Dent | Pennsylvania | 15 |
| Brad Ellsworth | Indiana | 18 |
| Heath Shuler | North Carolina | 21 |
| Jason Altmire | Pennsylvania | 24 |
| Sam Graves | Missouri | 27 |
| Jack Kingston | Georgia | 28 |
| Jim Gerlach | Pennsylvania | 30 |
| John Sullivan | Oklahoma | 39 |
| Dean Heller | Nevada | 42 |
| Jeff Flake | Arizona | 44 |
| Todd Tiahrt | Kansas | 45 |
| Michael Arcuri | New York | 58 |
| Thaddeus McCotter | Michigan | 65 |
| Rick Renzi | Arizona | 67 |
| Gresham Barrett | South Carolina | 76 |
| Paul Ryan | Wisconsin | 80 |
| Bill Shuster | Pennsylvania | 00 |
| Kevin McCarthy | California | 11* |

*Might change.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 261, nays 153, not voting 18, as follows:

[Roll No. 1000]

YEAS—261

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Cannon
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—153

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Latham
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walsh (NY)
Wamp
Waters
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOT VOTING—18

Bilbray
Buyer
Carson
Davis (CA)
Dicks
Feeney
Hunter
Issa
Jindal
Johnson, E. B.
Lewis (CA)
Reyes
Ros-Lehtinen
Rush
Shea-Porter
Wilson (OH)
Wynn
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1504

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## FLY OUR FRIENDLY AND SAFE SKIES?

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

Mr. POE. Mr. Speaker, ''Fly the friendly and safe American skies.'' That's what Americans are being told by our government. But not so fast.

NASA just completed a 4-year survey of thousands of pilots on the issue of air safety. The results have been compiled, but NASA not only won't release the results, they have ordered the survey to be deleted from official computers.

NASA officials have said if the results are public, the airline customers' confidence in air safety will be jeopardized. The taxpayers paid $8 million for this survey, and the results should be open and not held hostage just because the results may reveal bad news.

The American public and the airline industry should know what the pilots say about air safety. If it wasn't for the press, the mere knowledge of this survey would not have been exposed, but would have remained a dark secret behind the Moon. Our ''Challenge'' is to continue to ''Endeavor'' to ''Discover'' the truth.

NASA should not be in the business of hiding the truth. Americans can deal with the truth, even if NASA cannot.

And that's just the way it is.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SARBANES). Under the Speaker's announced policy of January 18, 2007, 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 Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## HONORING DEVEN AMIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, I rise today to recognize the achievements of one of my constituents, Mr. Deven Amin of Easton, Pennsylvania. Deven, a senior at the Blair Academy in Blairstown, New Jersey, recently raised $7,500 in local contributions for the Nyumbani Village Project in Kenya.

Nyumbani Village, located a short distance from Kenya's capital, Nairobi, is a settlement where HIV/AIDS affected orphans are placed under the stewardship of elderly Kenyans in mutually beneficial family settings. Founded in 1992, the village today provides shelter, nutrition and education for roughly 160 orphans, over 100 of which are infected with HIV/AIDS, and 63 elderly adults. From infants to teenagers, these orphans represent nearly every tribe and ethnicity in Kenya.

In the past 2 years, Deven has twice traveled to Kenya to volunteer at Nyumbani, where he helped cultivate the village's farm, organize children's activities and assist families with various household duties. After witnessing firsthand the impact of this unique project on its many participants, Deven returned to Easton eager to share his experiences, enhance awareness of the global HIV/AIDS epidemic and generate local support for the continued development of the Nyumbani Village.

This year, Deven raised an astonishing $7,500 for the project through an ambitious letter-writing campaign that targeted local businesses and health care professionals. The funds gathered by Deven will be used to help construct a critical multipurpose hall in Nyumbani. This structure will provide necessary recreation space for children during times of inclement weather and serve as a gathering place for the entire Nyumbani community. Construction of the facility has been identified as a top priority by the program's directors, who envision the settlement housing between 1,200 and 1,600 individuals in the future.

While raising money, Deven also educated residents of the Lehigh Valley about the devastating impact of HIV/AIDS in Africa through various speaking engagements at local organizations. Recently, Deven spoke at the Palmer Township Kiwanis Clubs, and he will address an audience at a local Rotary International chapter in the near future. He also plans to host a chapel service at his high school in late November. Deven's desire to enhance local awareness of global HIV/AIDS through firsthand accounts of his experience in Kenya is truly commendable.

Mr. Speaker, I ask that my colleagues today join me in recognizing the achievements of Deven Amin, whose selfless efforts will undoubtedly improve the lives of hundreds of Kenyan orphans impacted by HIV/AIDS. We are all extraordinarily proud of Deven. On behalf of myself and the people of the 15th Congressional District, I congratulate him and thank him once again for what he has done to help make this world a better place.

## IRAQ AND AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, when General Petraeus testified before Congress last month, there was a lot of happy talk from the administration about how much improved things had gotten in Iraq. From the way they talked, you would have thought that Iraq had become a sort of paradise, a middle eastern Shangri-La.

But now it's back to harsh reality, and yesterday the administration handed us yet another bill for their senseless occupation of Iraq. This time, the tab is $46 billion in supplemental funding. And this is for Iraq as well as Afghanistan. That's on top of the nearly half trillion dollars we have already spent in Iraq. And make no mistake, this isn't the last bill for Iraq that we will be getting. The administration has no exit strategy. Instead, it has a strategy to keep the occupation going for decades. So the bill will keep piling up until our credit cards are absolutely maxed out. To make matters worse, the administration had the gall to hand us this enormous bill just a few weeks after vetoing the SCHIP bill, which they said was too expensive.

Let's examine the White House's logic. Our policy in Iraq is a failure while the SCHIP program is a big success. So you would think the administration would want to cut our losses in Iraq and increase our investment in SCHIP. But, no, it's the other way around. The White House has turned into Superman's bizarro world, where everything is the opposite of what it should be.

Yesterday, when the administration announced its funding request, the President said, and I quote, ''I often hear that war critics oppose my decisions, but still support the troops. Well, I'll take them at their word, and this is the chance to show that they support the troops.''

Well, a few weeks ago, the administration had a chance to show that it supported the troops, and it blew it. The SCHIP bill that was vetoed included the bill that I sponsored, H.R. 3481, the Support for Injured Servicemembers Act. This bill amends the Family Medical Leave Act to allow family members of a soldier wounded in Iraq or Afghanistan or any other conflict to take up to 6 months leave from work to care for that soldier.

This change in the Family Medical Leave Act is desperately needed by the families of our brave troops. The Dole-Shalala Commission reported that 21 percent of active duty soldiers, 15 percent of reservists and 24 percent of retired or separated soldiers have had family members or friends give up their jobs to care for them while they recovered from their wounds. And 33 percent of active duty soldiers, 22 percent of reservists and 37 percent of retired or separated soldiers have had a family member or close friend relocate, relocate for extended periods of time to care for them while they were in the hospital. So extending the Family Medical Leave Act benefits would help many military families when they actually need the help the most. That's why my bill has been endorsed by the Military Officers Association of America, the Enlisted Association of the National Guard of the United States, the National Military Family Association, and the National Partnership for Women and Families.

The administration's veto of SCHIP was a slap in the face, not only to the children that will not be covered, but to all of these fine organizations.

Let's support our wounded troops and their families and let's support our courageous troops in the field in Iraq by rejecting this administration's request for supplemental funding, but, instead, fully funding the safe, orderly and timely redeployment of all of our troops and of all of our military contractors. That way we will be supporting the troops in Iraq.

This is what Congress must do. This is what the American people want. And if we fail to do it, we will have failed the American people and our troops.

□ 1515

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3867, SMALL BUSINESS CONTRACTING PROGRAM IMPROVEMENTS ACT

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–407) on the resolution (H. Res. 773) providing for consideration of the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. SARBANES). Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## MUHAMMAD A. NASSARDEEN, FOUNDER OF RECYCLING BLACK DOLLARS IN LOS ANGELES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, it was with great sorrow that I learned of the loss of a stalwart champion of political and business empowerment within the Los Angeles community. I'm speaking of Mr. Muhammad A. Nassardeen, a pioneering entrepreneur and a staunch promoter of ''economic activism.''

Muhammad Nassardeen founded Recycling Black Dollars in 1988 as a way

to encourage African Americans and others to patronize African American-owned businesses and promote the practice as a much needed strategy for revitalizing the community and addressing problems such as unemployment.

Muhammad Nassardeen never saw the City of Los Angeles as it is, but he envisioned what it could be. He was ''connector'' extraordinaire. He connected black consumers with black businesses, and black business owners with one another. It is estimated that some 2,000 to 3,000 businesses benefited from the work of Recycling Black Dollars.

Muhammad Nassardeen's vision and focus on the economic empowerment and advancement of ethnic minorities in Los Angeles will be sorely missed. He was a beacon of light out of economic darkness for many.

The City of Los Angeles, colleagues, family and friends all mourn the loss of Muhammad A. Nassardeen, and I extend my most heartfelt condolences to his family, his colleagues, his many close friends in the Los Angeles business community and here on Capitol Hill.

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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.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

(Mr. EDWARDS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

(Mr. LAMPSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

(Mr. ENGLISH of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

(Ms. WATERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

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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.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

(Mr. SNYDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2007 AND FY 2008 AND THE 5-YEAR PERIOD FY 2007 THROUGH FY 2008

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal years 2007 and 2008 and for the 5-year period of fiscal years 2008 through 2012. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and sections 204, 206 and 207 of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set by S. Con. Res. 21. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels.

The second table compares the current levels of discretionary appropriations for fiscal years 2007 and 2008 with the ''section 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act because the point of order under that section applies to measures that would breach the applicable section 302(b) suballocation.

The third table compares the current levels of budget authority and outlays for each authorizing committee with the ''section 302(a)'' allocations made under S. Con. Res. 21 for fiscal years 2007 and 2008 and fiscal years 2008 through 2012. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) allocation of new budget authority for the committee that reported the measure.

The fourth table gives the current level for fiscal years 2009 and 2010 for accounts identified for advance appropriations under section 206 of S. Con. Res. 21. This list is needed to enforce section 206 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that: (i) are not identified in the statement of managers; or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2008 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 21

[Reflecting Action Completed as of October 19, 2007—On-budget amounts, in millions of dollars]

| | Fiscal year— | | |
|---|---|---|---|
| | 2007 | 2008 [1] | 2008–2012 |
| Appropriate Level: | | | |
| Budget Authority | 2,250,680 | 2,350,996 | (2) |
| Outlays | 2,263,759 | 2,353,954 | (2) |
| Revenues | 1,900,340 | 2,015,841 | 11,137,671 |
| Current Level: | | | |
| Budget Authority | 2,250,680 | 2,346,297 | (2) |
| Outlays | 2,263,759 | 2,352,281 | (2) |
| Revenues | 1,904,516 | 2,050,418 | 11,313,688 |
| Current Level over (+) / under (−) Appropriate Level: | | | |
| Budget Authority | 0 | −4,699 | (2) |
| Outlays | 0 | −1,673 | (2) |
| Revenues | 4,176 | 34,577 | 176,017 |

[1] Discretionary levels based on annualization of continuing resolution. Pending action by the House Appropriations Committee on spending covered by section 207(d)( I)(E) (overseas deployments and related activities), resolution assumptions are not included in the appropriate level.

[2] Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not he considered until future sessions of Congress.

BUDGET AUTHORITY

For purposes of section 311 of the Congressional Budget Act, appropriations bills will generally be scored without regard to levels in the continuing resolution that expire on November 16, 2007. The continuing resolution provides $923,554 million in budget authority on an annualized basis. Thus enactment of measures that provide new budget authority for FY 2008 in excess of $928,523 million (if not already included in the current level estimate) would cause FY 2008 budget authority to exceed the appropriate level set by S. Con. Res. 21.

OUTLAYS

For purposes of section 311 of the Congressional Budget Act, appropriations bills will generally be scored without regard to levels in the continuing resolution that expire on November 16, 2007. The continuing resolution results in $585,600 million in outlays on an

annualized basis. Thus enactment of measures providing new outlays for FY 2008 in excess of $587,273 million if not already included in the current level estimate) would cause FY 2008 outlays to exceed the appropriate level set by S. Con. Res. 21.

REVENUES

Enactment of measures resulting in revenue reduction for FY 2008 in excess of $34,577 million (if not already included in the current estimate) would cause FY 2008 revenue to fall below the appropriate level set by S. Con. Res. 21.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2008 through 2012 in excess of $176,017 million (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 21.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2007—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

| Appropriations Subcommittee | 302(b) suballocations as of Oct. 1, 2007 (H. Rpt. 110–182) | | Current level reflecting action completed as of Oct. 1, 2007 | | Current level minus suballocations | |
|---|---|---|---|---|---|---|
| | BA | OT | BA | OT | BA | OT |
| Agriculture, Rural Development, FDA | 18,569 | 19,356 | 18,569 | 19,356 | 0 | 0 |
| Commerce, Justice, Science | 51,950 | 52,236 | 51,950 | 52,236 | 0 | 0 |
| Defense | 489,519 | 499,510 | 489,519 | 499,510 | 0 | 0 |
| Energy and Water Development | 30,296 | 29,882 | 30,296 | 29,882 | 0 | 0 |
| Financial Services and General Government | 19,488 | 20,360 | 19,488 | 20,360 | 0 | 0 |
| Homeland Security | 33,962 | 41,195 | 33,962 | 41,195 | 0 | 0 |
| Interior, Environment | 26,411 | 27,569 | 26,411 | 27,569 | 0 | 0 |
| Labor, Health and Human Services, Education | 144,766 | 145,567 | 144,766 | 145,567 | 0 | 0 |
| Legislative Branch | 3,774 | 3,950 | 3,774 | 3,950 | 0 | 0 |
| Military Construction, Veterans Affairs | 49,752 | 46,889 | 49,752 | 46,889 | 0 | 0 |
| State, Foreign Operations | 31,358 | 35,186 | 31,358 | 35,186 | 0 | 0 |
| Transportation, HUD | 50,471 | 107,765 | 50,471 | 107,765 | 0 | 0 |
| Unassigned (full committee allowance) | 0 | 0 | 0 | 0 | 0 | 0 |
| Total (Section 302(a) Allocation) | 950,316 | 1,029,465 | 950,316 | 1,029,465 | 0 | 0 |

NOTE: Allocations and current level include off-budget amounts.

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2008—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

| Appropriations Subcommittee | 302(b) suballocations as of Oct. 19, 2007 (H. Rpt. 110–236) | | Current level reflecting action completed as of Oct. 19, 2007[1] | | Current level minus suballocations | |
|---|---|---|---|---|---|---|
| | BA | OT | BA | OT | BA | OT |
| Agriculture, Rural Development, FDA | 18,817 | 20,027 | 18,088 | 19,162 | –729 | –865 |
| Commerce, Justice, Science | 53,551 | 55,318 | 50,260 | 52,162 | –3,291 | –3,156 |
| Defense | 459,332 | 475,980 | 489,614 | 495,379 | 30,282 | 19,399 |
| Energy and Water Development | 31,603 | 32,774 | 30,428 | 32,061 | –1,175 | –713 |
| Financial Services and General Government | 21,434 | 21,665 | 19,731 | 20,475 | –1,703 | –1,190 |
| Homeland Security | 36,262 | 38,247 | 33,972 | 36,876 | –2,290 | –1,371 |
| Interior, Environment | 27,598 | 28,513 | 26,409 | 27,535 | –1,189 | –978 |
| Labor, Health and Human Services, Education | 151,748 | 148,174 | 144,706 | 145,187 | –7,042 | –2,987 |
| Legislative Branch | 4,024 | 4,042 | 3,834 | 3,870 | –190 | –172 |
| Military Construction, Veterans' Affairs | 64,745 | 54,832 | 52,883 | 49,882 | –11,862 | –4,950 |
| State, Foreign Operations | 34,243 | 33,351 | 31,335 | 32,242 | –2,908 | –1,109 |
| Transportation, HUD | 50,738 | 114,528 | 48,139 | 112,905 | –2,599 | –1,623 |
| Unassigned (full committee allowance) | 0 | 1,646 | 0 | 0 | 0 | –1,646 |
| TOTAL (Section 302(a) Allocation) | 954,095 | 1,029,097 | 949,399 | 1,027,736 | –4,696 | –1,361 |

[1] Includes continuing resolution on an annualized basis. Scoring for individual appropriations bills will generally ignore scoring for the continuing resolution.
NOTE: Allocations and current level include off-budget amounts.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Reflecting Action Completed as of October 19, 2007—Fiscal Years, in millions of dollars]

| House Committee | 2007 | | 2008 | | 2008–2012 total | |
|---|---|---|---|---|---|---|
| | BA | Outlays | BA | Outlays | BA | Outlays |
| Agriculture: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Armed Services: | | | | | | |
| Allocation | 0 | 0 | −50 | −50 | −410 | −410 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 50 | 50 | 410 | 410 |
| Education and Labor: | | | | | | |
| Allocation | −4,877 | −4,886 | −313 | −983 | 5,017 | 4,157 |
| Current Level | −4,877 | −4,886 | −313 | −983 | 5,017 | 4,157 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Energy and Commerce: | | | | | | |
| Allocation | −1 | −1 | 366 | 362 | −59 | −63 |
| Current Level | −1 | −1 | 363 | 359 | −139 | −143 |
| Difference | 0 | 0 | −3 | −3 | −80 | −80 |
| Financial Services: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Foreign Affairs: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Homeland Security: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | −425 | 0 | −500 |
| Difference | 0 | 0 | 0 | −425 | 0 | −500 |
| House Administration: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Judiciary: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Natural Resources: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES—Continued

[Reflecting Action Completed as of October 19, 2007—Fiscal Years, in millions of dollars]

| House Committee | 2007 | | 2008 | | 2008–2012 total | |
|---|---|---|---|---|---|---|
| | BA | Outlays | BA | Outlays | BA | Outlays |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Oversight and Government Reform: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Science and Technology: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Small Business: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Transportation and Infrastructure: | | | | | | |
| Allocation | 0 | 0 | 125 | 0 | 1,525 | 0 |
| Current Level | 0 | 0 | −1 | −1 | −6 | −6 |
| Difference | 0 | 0 | −126 | −1 | −1,531 | −6 |
| Veterans' Affairs: | | | | | | |
| Allocation | 0 | 0 | 0 | 0 | 0 | 0 |
| Current Level | 0 | 0 | 0 | 0 | 0 | 0 |
| Difference | 0 | 0 | 0 | 0 | 0 | 0 |
| Ways and Means: | | | | | | |
| Allocation | 0 | 0 | 532 | 532 | 37 | 37 |
| Current Level | 0 | 0 | 541 | 541 | 46 | 46 |
| Difference | 0 | 0 | 9 | 9 | 9 | 9 |

FY 2009 AND 2010 ADVANCE APPROPRIATIONS UNDER SECTION 206 OF S. CON. RES. 21

[Budget Authority in Millions of Dollars]

| | 2009 | 2010 |
|---|---|---|
| Appripriate Level | 25,558 | 25,558 |
| Accounts Identified for Advances: | | |
| Corporation for Public Broadcasting | 400 | 0 |
| Employment and Training Administration | 0 | 0 |
| Education for the Disadvantaged | 0 | 0 |
| School Improvement | 0 | 0 |
| Children and Family Services (Head Start) | 0 | 0 |
| Special Education | 0 | 0 |
| Vocational and Adult Education | 0 | 0 |
| Payment to Postal Service | 0 | 0 |
| Section 8 Renewals | 0 | 0 |

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
*Washington, DC, October 24, 2007.*

Hon. JOHN M. SPRATT Jr.,
*Chairman, Committee on the Budget, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through October 1, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(b) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of the report).

Since my last letter to you, dated September 6, 2007, the Congress has cleared and the President has signed the College Cost Reduction and Access Act (Public Law 110–84), which affects budget authority and outlays for fiscal year 2007. (That act also affects spending in subsequent years.)

Sincerely,

ROBERT A. SUNSHINE
(For Peter Orszag, Director).

Enclosure.

FISCAL YEAR 2007 HOUSE CURRENT LEVEL REPORT AS OF OCTOBER 1, 2007

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Enacted in previous session: | | | |
| Revenues | n.a. | n.a. | 1,904,706 |
| Permanents and other spending legislation | 1,354,965 | 1,304,022 | n.a. |
| Appropriation legislation | 1,472,924 | 1,536,122 | n.a. |
| Offsetting receipts | −571,507 | −571,507 | n.a. |
| Total, enacted in previous session | 2,256,382 | 2,268,637 | 1,904,706 |
| Enacted this session: | | | |
| U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) [1] | −794 | 9 | −166 |
| An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110–42) | 0 | 0 | −24 |
| A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of 12 fiscal year 2007, and for other purposes (P.L. 110–48) | 12 | 3 | 0 |
| College Cost Reduction and Access Act (P.L. 110–84) | −4,890 | −4,890 | 0 |
| Total, enacted this session | −5,672 | −4,878 | −190 |
| Entitlements and mandatories: | | | |
| Budget resolution estimates of appropriated entitlements and other mandatory programs | −30 | 0 | 0 |
| Total Current Level [1,2] | 2,250,680 | 2,263,759 | 1,904,516 |
| Total Budget Resolution [3] | 2,375,469 | 2,295,685 | 1,900,340 |
| Adjustment to the budget resolution for emergency requirements [4] | −124,789 | −31,926 | 0 |
| Adjusted Budget Resolution | 2,250,680 | 2,263,759 | 1,900,340 |
| Current Level Over Adjusted Budget Resolution | 0 | 0 | 4,176 |
| Current Level Under Adjusted Budget Resolution | 0 | 0 | n.a. |

[1] Pursuant to section 204(b) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2007, which are not included in the current level totals, are as follows:

| | | | |
|---|---|---|---|
| U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) | 120,803 | 31,116 | n.a. |

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[3] Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 21, pursuant to various provisions of the resolution:

| | | | |
|---|---|---|---|
| Original Budget Resolution | 2,380,535 | 2,300,572 | 1,900,340 |
| Revisions: | | | |
| To reflect the difference between the assumed and actual nonemergency supplemental appropriations for fiscal year 2007 (section 207(f)) | −188 | 0 | 0 |
| For extension of the Transitional Medical Assistance (TMA) program (section 320(c)) | 12 | 3 | 0 |
| For the College Cost Reduction and Access Act (section 306(b)) | −4,890 | −4,890 | 0 |
| Revised Budget Resolution | 2,375,469 | 2,295,685 | 1,900,340 |

[4] S. Con. Res. 21 assumed $124,789 million in budget authority and $31,926 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 above), budget authority and outlay totals specified in the budget resolution also have been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Note.—n.a.=not applicable; P.L.=Public Law.

Source: Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, October 24, 2007.*

Hon. JOHN M. SPRATT Jr.,
*Chairman, Committee on the Budget,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through October 19, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(b) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of the report).

Since my last letter to you, dated September 6, 2007, the Congress has cleared and the President has signed the following acts that affect budget authority, outlays, or revenues for fiscal year 2008: College Cost Reduction and Access Act (Public Law 110–84); Food and Drug Administration Amendments Act of 2007 (Public Law 110–85); an act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months (Public Law 110–89); TMA, Abstinence Education, and QI Programs Extension Act of 2007 (Public Law 110–90); and an act making continuing appropriations for the fiscal year 2008, and for other purposes (Public Law 110–92).

In addition, the Congress has cleared the Water Resources Development Act of 2007 (H.R. 1495) for the President's signature.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

FISCAL YEAR 2008 HOUSE CURRENT LEVEL REPORT AS OF OCTOBER 19, 2007

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Enacted in previous session: | | | |
| Revenues | n.a. | n.a. | 2,050,796 |
| Permanents and other spending legislation | 1,450,532 | 1,390,611 | n.a. |
| Appropriation legislation | 0 | 419,269 | n.a. |
| Offsetting receipts | −575.635 | −575,635 | n.a. |
| Total, enacted in previous session | 874,897 | 1,234,245 | 2,050,796 |
| Enacted this session: | | | |
| U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) [1] | 1 | 42 | −335 |
| An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110–42) | 0 | 0 | −41 |
| A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of fiscal year 2007, and for other purposes (P.L. 110–48) | 96 | 99 | 0 |
| A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (P.L. 110–52) | 0 | 0 | −2 |
| Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53) | 0 | −425 | 0 |
| College Cost Reduction and Access Act (P.L. 110–84) | −326 | −992 | 0 |
| Food and Drug Administration Amendments Act of 2007 (P.L. 110–85) | −3 | −3 | 0 |
| An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months (P.L. 110–89) | 9 | 9 | 0 |
| TMA, Abstinence Education, and QI Programs Extension Act of 2007 (P.L. 110–90) | 815 | 804 | 0 |
| Total, enacted this session | 592 | −466 | −378 |
| Passed, pending signature: | | | |
| Water Resources Development Act of 2007 (H.R. 1495) | −1 | −1 | 0 |
| Continuing Resolution Authority: | | | |
| An act making continuing appropriations for the fiscal year 2008, and for other purposes (P.L. 110–92) [1] | 923,554 | 585,600 | 0 |
| Entitlements and mandatories: | | | |
| Budget resolution estimates of appropriated entitlements and other mandatory programs | 547,255 | 532,903 | 0 |
| Total Current Level [1 2] | 2,346,297 | 2,352,281 | 2,050,418 |
| Total Budget Resolution [3] | 2,496,764 | 2,469,698 | 2,015,841 |
| Adjustment to the budget resolution for emergency requirements [4] | −606 | −49,990 | n.a. |
| Adjustment to the budget resolution pursuant to section 207(d)(1)(E) [5] | −145,162 | −65,754 | n.a. |
| Adjusted Budget Resolution | 2,350,996 | 2,353,954 | 2,015,841 |
| Current Level Over Adjusted Budget Resolution | n.a. | n.a. | 34,577 |
| Current Level Under Adjusted Budget Resolution | 4,699 | 1,673 | n. a. |
| Memorandum: | | | |
| Revenues, 2008–2012: | | | |
| House Current Level | n.a. | n.a. | 11,313,688 |
| House Budget Resolution | n.a. | n.a. | 11,137,671 |
| Adjusted Budget Resolution | n.a. | n.a. | 11,137,671 |
| Current Level Over Adjusted Budget Resolution | n.a. | n.a. | 176,017 |
| Current Level Under Adjusted Budget Resolution | n.a. | n.a. | n.a. |

[1] Pursuant to section 204(b) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level totals, are as follows:

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) | 605 | 48,639 | n.a. |
| An act making continuing appropriations for the fiscal year 2008, and for other purposes (P.L. 110–92) | 5,178 | 1,024 | n.a. |

[2] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include budget authority, outlays, or revenues for off-budget amounts. As a result, current level excludes these items.

[3] Periodically, the House Committee on the Budget revises the totals in S. Con. Res. 21, pursuant to various provisions of the resolution:

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Original Budget Resolution | 2,496,028 | 2,469,636 | 2,015,858 |
| Revisions: | | | |
| To reflect the difference between the assumed and actual nonemergency supplemental appropriations for fiscal year 2007 (section 207(f)) | 1 | 1 | −17 |
| For extension of the Transitional Medical Assistance (TMA) program (section 320(c)) | 96 | 99 | 0 |
| For the College Cost Reduction and Access Act (section 306(b)) | −176 | −842 | 0 |
| Extension of the Transitional Medical Assistance (TMA) program (section 320(c)) (updated to reflect final scoring) | 815 | 804 | 0 |
| Revised Budget Resolution | 2,496,764 | 2,469,698 | 2,015,841 |

[4] S. Con. Res. 21 assumed $606 million in budget authority and $49,990 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 above), budget authority and outlay totals specified in the budget resolution also have been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[5] Section 207(d)(1)(E) of S. Con. Res. 21 assumed $145,162 million in budget authority and $65,754 million in outlays for overseas deployment and related activities. Pending action by the House Committee an Appropriations, the House Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

Source: Congressional Budget Office.

Note.—n.a. = not applicable; P.L. = Public Law.

## THE COST OF SCHIP AND THE COST OF WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. HASTINGS) is recognized for 5 minutes.

Mr. HASTINGS of Florida. Mr. Speaker, I customarily do not find myself on the floor after the close of business, but I am here today because I genuinely find myself in the position of concern that I believe a significant number of Americans share.

We have passed, out of the House of Representatives and the U.S. Senate, a measure that will provide health care to many of this Nation's children who presently are uninsured. The President, exercising his prerogative, vetoed that

measure, and as a result of that, further discussions are ongoing, and the need, again, is to put forward a measure that will provide health care for 10 million children in this country that find themselves and their families without the necessary assistance for medical care.

Mr. Speaker, the President, on the day before yesterday, proposed that there be an additional $49 billion spent in Iraq and Afghanistan.

There's no one in the House of Representatives who does not support the military efforts of the United States military. There's no one in the House of Representatives who is not exceedingly proud of the extraordinary work that the military has done. The military has done what the Commander-in-Chief required of them, and for those of us, as policymakers, expect that they would be able to do.

And quite frankly, one of my colleagues is preparing legislation that talks about the benchmarks that we had originally set for the military and the fact that the military, the U.S. military and the coalition forces have achieved all of those benchmarks. And, in short, we could not arguably say, with the removal of Saddam Hussein or with other temporizing measures that have been brought to various provinces in Iraq, that the military has not been successful. They have been. And when they come home we want them to receive the proud accolades of the American citizenry, and that's every Member of the United States House of Representatives.

But let's compare the cost in that particular effort with the cost for our children's health. Forty-one days in Iraq would provide health insurance for 10 million children.

Now, I don't know all of the nuances of the defense budget, but I have reason to believe that if we did not give all of the money as requested by the President that this particular effort could be run for a substantial period of time.

I might add, all of us are mindful of how stretched the United States military is. But you know something? Without knowing, I would venture a guess that some soldier's child may not be properly insured in this country. Some soldier's child. To my way of thinking, that is absurd. For us to be in the position, a Nation as resourceful as our Nation, a Nation as accomplished as our Nation, a Nation with genuinely the best physicians and nurses and hospitals in the world would find ourselves in this position.

We must pass SCHIP, and we must do so immediately.

□ 1530

## HONORING THE LIFE OF SENATOR PAUL WELLSTONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Mr. Speaker, I would like to call to the House's attention that it was on October 25 a few years ago, not long it seems, only days ago, in 2002 that our State of Minnesota lost Senator Paul Wellstone.

Paul Wellstone, Mr. Speaker, was a United States Senator, was a professor of politics, political science, at Carleton College. Paul Wellstone was an organizer of average citizens in Minnesota and helped them to discover their own power and their ability to maneuver the instrumentality of government to work for the benefit of the average citizen. Paul Wellstone was actually the State Chair of the Jackson for President campaign in 1988.

Paul Wellstone was truly a friend of all working people everywhere on the globe. And I just wanted to let you know, Mr. Speaker, that as we approach October 25, and I reflect back upon my own personal exposure and friendship with Paul Wellstone, whose picture hangs in my office right now, that I just wanted this day to go by with us in contemplation of what a true servant leader represents.

Paul Wellstone was a friend of mine. I'm proud to say that he was a political hero of mine as well. I had the awesome benefit of knowing him, and I'll never forget some of the things he said to me. But, among those things was to make sure that you never ever stop listening to the people.

Paul Wellstone was comfortable anywhere he went. He was comfortable in the hair shops, the beauty salons and the laundromats. Paul Wellstone obviously was comfortable in the halls of power in Congress.

Paul Wellstone, wherever he went, was a person who understood that he carried a sacred trust, that government service was a trust that the people of the State of Minnesota entrusted in him, that it was not a privilege, but it was an awesome responsibility, and he never forgot it.

Paul Wellstone was a leader in many ways and was an example to young people like myself. And as I think what his life means to me, means to the people of Minnesota, I have to consider that it is also that awesome responsibility that he laid out there. A servant leader, Mr. Speaker. Not just somebody who was looking to be served but a person who was looking to serve.

Paul Wellstone's favorite color was green, that was the color of his campaign literature, because it symbolized life. And I shamelessly copied it, Mr. Speaker, because I wanted to carry on that spirit of service, of being evergreen, of being ever new, and being committed to the idea that we have to constantly and continuously renew ourselves, our values, our faith, and our consistency when it comes to serving people all over the world.

So, Mr. Speaker, I want to say that whether it was veterans, of whom Paul Wellstone was a tireless advocate, or whether it was students or whether it was the poor in our country, and I will never forget the tour he took around this country to highlight poverty in America, Paul Wellstone could always be found serving people. His loss was a tragic loss.

Only the day before we lost him, he was scheduled to come to my office, and we were going to do some campaigning together. It was a long night, Mr. Speaker, when we heard back the reports as the news reports said that a plane has gone down in Ely, Minnesota, and it was thought to be containing Paul Wellstone and his partner, Sheila Wellstone, and their daughter and several other campaigners. We hoped all night that what we thought might have happened didn't happen, but at the end of the evening, we learned that that tragedy, in fact, did occur. Our worst fears were confirmed when we learned that we lost him, but it was a long several hours before we realized that that tragedy had actually occurred, and we had hoped against hope. I will never forget that night.

Mr. Speaker, as I wind down my remarks, I just want to say that in many ways I have dedicated my service and take great inspiration from Senator Wellstone. I will never forget him, and I hope that this House and Senate never do, either.

## 30–SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. SARBANES). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House once again.

I share the sentiment of my colleague in recognizing Senator Wellstone. He was definitely a cornerstone here in this building for public service and really was a student of many of our great leaders of the past and gave voice to health care in a way that no other can do it.

As you know, in the 30-Something working group, we come to the floor every day, or just about every day we are in session, to share with the Members the things that we have to continue to work on here in the House in a bipartisan way and also share with the Members the importance of making sure that we stand up on behalf of those Americans that need our assistance.

At this time, Mr. Speaker, I would like to yield to my colleague to address the House for as long as he would wish to do so.

Mr. LAMPSON. I thank the gentleman for yielding to me and for allowing me to take a minute or two to talk of a person who has done something significant for our country.

Mr. Speaker, it is a distinct honor and a privilege to be a Member of this House and to be from the great State of Texas and to have in my district the home of American manned spaceflight,

the Lyndon B. Johnson Space Center, or JSC as it's called. The largest industry contractor at JSC is a company called United Space Alliance, or USA, and it operates the space shuttle for NASA and helps train our astronauts, who also call JSC home.

For more than a decade, the head of USA has been a gentleman whose name is Michael J. McCulley. The company's president and CEO, Mike has led his company through some of the most difficult, and some of the most exciting, days in the history of the space shuttle. In just a few short weeks, he will step down from USA to begin a well-deserved retirement. He probably won't go far away. I rise today to salute this good man and his leadership.

Mike came to his duties at USA from the front lines of space exploration. As a shuttle pilot, he has flown *Atlantis* into Earth's orbit and seen firsthand the majesty of this planet from space. But even before that, Mike was a naval aviator and test pilot, having operated more than 50 different types of aircraft, flown from the U.S.S. *Nimitz* and the U.S.S. *Saratoga*, and at the beginning of his naval career even served aboard atomic submarines in the depths of the oceans. That, my friends, is a true explorer of both inner and outer space.

People like Mike McCulley show that in some of our most challenging times, there will be those ready and willing to serve the American people, placing their lives at risk for exploration, discovery, and achievement. Only through that kind of courage, that kind of selfless service, will our Nation's scientific advancement in space be assured and be continued.

On behalf of this Congress of the United States of America, I hope that Mike and his wife, Jane, and their family will accept our thanks and our best wishes on his well-deserved next phase of an exciting, all-American life. Congratulations, Mike.

Mr. Speaker, if I may continue while our colleague who has control of the time has gone to make a critical vote in the Ways and Means Committee, in speaking about Michael McCulley, there are two other things I would like very much to raise as an issue. I started speaking about space because Mr. McCulley is one of the great Americans who has played a significant role in moving us forward technologically in this world, and I am concerned right now that we are not moving ourselves, as a Nation, forward in science and technology, engineering and math studies for our youth. We are not challenged, it seems, to have the same kind of commitment for research and development, for exploration as we once had. And, unfortunately, other nations are stepping up to the plate to take our place. So it is my hope that we will find a new and renewed interest in funding space exploration and making sure that NASA has the moneys necessary to perform the tasks that it is required to do as a science organization for our Nation.

I find it fascinating that in the early 1960s, when we were having difficulties as a Nation, when our Nation happened to be at war and we were having civil strife and were having financial problems in the 1960s; yet John Kennedy, a new, young, enthusiastic President, stepped up to the plate and challenged us to go to the Moon, doing something that not many people thought was possible. And at the same time many of the naysayers and doubters were saying, how can we possibly do that financially? But we made the commitment. We put the money where it was necessary. And our young people learned how to do it and made an unbelievable success for us and changed the world, created new industries.

The information technology industry has grown from our need to be able to communicate with people in space. We have seen medical advances to the extent that lives are now being extended. People are living a higher quality of life because of what we have learned, what the technological advancements have been because of our involvement in space. All of these things changed America and, to a large extent, changed the world.

But in the last several years, we seem to have had a continuous slackening of the support and the commitment that we made or we saw in earlier years in space. For example, during those Apollo years in the 1960s, when we were going back and forth to the Moon, and in the early 1970s, 6 percent of the Nation's budget was committed to NASA. Today, that number is around six-tenths of 1 percent, 10 times less. So we have expected a major science agency of this government to do more but to do it with significantly less, and we can't continue to do that.

Now we are starting to see the impact of other programs that we have learned along the way. We have critical satellite systems that fly overhead in space that give us information about weather and about Earth science, about the environment of the Earth. Those satellites in many instances are getting old. As they get old and cease to operate, we must have something to take their place, and that something must be in place before these existing satellites die or else there will be a gap in knowledge and information. And a gap in information, for example, on the gulf coast, where I live and where Mr. MEEK lives, would put people in harm's way. They will not have the advance warning of an approaching storm and be able to prepare their property or prepare their families to get out of harm's way. Those critical areas are important for us to acknowledge, to commit to, to believe in, and to fund. A gap in that knowledge means that our families will not be as safe as they were with the knowledge.

As we weaken our commitment to science and to NASA and we lose some of the hope that these systems will continue to operate, and just think if our information technology satellites went out of service, what would we do without our PDAs? What would we do without our Blackberrys and our cell phones? If they stop working, then we stop communicating, and we communicate with the world.

So it is my hope that we will find a renewed commitment and fund NASA to a greater extent than what we have been doing so. It is my hope that the billion dollars that the Senate has found to put into the Commerce, Justice, and State portion of our budget, which we will be taking to conference very soon, will find the same kind of support in the House of Representatives that it has found in the Senate and that we will support this commitment so that, instead of having to choose between doing the work for space exploration or science, we can do both because it is the commitment that the people want us to make to give them the hope for a better tomorrow, to keep us growing with our quality of life, to keep us having hope that our children will go and get the education necessary to do the things that will give us the kind of lives that we have strived for for such a long period of time.

Mr. MEEK, I appreciate your yielding to me. I got to talk about Michael McCulley, who is a friend of mine, who has led a major space effort for this country for a long period of time and also to just sort of put forth some of my passion, which is to make sure that we get NASA funded properly out here on the table so that we can continue that dialogue.

I don't know what your topic was, but thank you for letting me butt in, and I would be happy to answer any questions, if you have them.

Mr. MEEK of Florida. I am just very pleased that you came down at the time that you did come down and share with us about how important the NASA program is, especially to not only the development of the country but to our young people and those that have contributed and dedicated their lives to helping us along the way in the sciences, not to compete against States but to compete against other countries as it relates to the forward lean that we have to have.

We are going to talk about children's health care and a number of other issues, but we are glad that we kicked off with the NASA program.

Mr. LAMPSON. The Children's Health Insurance Program is critically important. It's critically important to giving children the opportunity to grow up healthy enough to want to do well enough in their early years in school so that they will have an opportunity to go off and study math and science and engineering later on. It's a big deal for all of us.

□ 1545

Mr. MEEK of Florida. You're 110 percent right. And being from Florida, as you know, we have a number of NASA assets in Florida. And even when I was

in the Florida legislature, we were very supportive of programs that gave kids a jump start in the math and sciences to be eligible for NASA programs and other private programs that are out there as it relates to innovation and space.

Mr. LAMPSON. Well, I thank you for your commitment. I thank you for all the work that you have done to further the Children's Health Insurance Program. This body has come very close to making it law, and it's my hope that we will succeed very quickly to make sure that the 10 million children in this country who do not have access to this health care are covered.

So thank you for your good work, and I look forward to continuing to work with you to make it a success.

Mr. MEEK of Florida. Thank you so very much. And as we speak, there are those in the Capitol dome trying to make sure that children's health care gets its fair share from this country of ours.

I would just like to share with the Members some of the good things that are happening under the Capitol dome.

We have passed, Mr. Speaker, a number of measures that have been bipartisan and major as it relates to legislation. The 9/11 Commission recommendations are something that the House and Senate both passed, and that was signed into law. The largest college aid expansion since the 1944 GI Bill saved, on average for every student, I would say almost every American because, as it relates to college loans and student loans, the responsibility for paying many of those loans back fall back on parents and grandparents. So that's $4,400 in interest that the American people don't have to pay.

The first minimum wage increase in a very long time, double-digit years, was passed by this Congress. And it was because of the Democratic leadership and some of our friends on the Republican side that voted for the passage of that bill that we now have an increase in the minimum wage.

Innovation Agenda to promote 21st century jobs, passed by this House, signed into law. The Reconstruction Assistance Program for gulf coast disasters and hurricanes was passed and signed into law. The largest veterans health care increase in the 77-year history of the VA passed off of this floor and is still in a holding pattern as it relates to that becoming law or empowered by not only the President but the legislative process. Also, the landmark Energy Independence and Global Warming Initiative that was passed by this Congress.

Now, I think it's important that we look at the record-breaking roll call votes that have been taken thus far by this Congress and the work philosophy that we have in the 110th Congress versus previous Congresses. And you know that two of the initiatives that have passed on a bipartisan vote that I did not mention that the President has vetoed was the expansion of the life-saving medical research on stem cells that passed in a bipartisan way by this House and by the Senate and was vetoed by the President. And the most recent veto is the one that's dealing with health care for 10 million children and working families that passed off this floor on a bipartisan vote, came 13 votes shy last week of overriding the President's bad veto, had the votes in the Senate to do so, but it's something that we're working on right now, Mr. Speaker. And that's one of the reasons why I came to the floor today, and my other colleagues that will be joining me a little later on, to talk about the SCHIP plan.

I can tell you, as we stand here, Mr. Speaker, to address these issues dealing with children's health care, one said, when I was on the floor last week, well, the Congressman is talking about health care. The CHAMP, or SCHIP, bill is dealing with insurance. Well, I can tell you, when you're talking about insurance, you're talking about health care. If you don't have insurance, you're not going to be able to afford health care, especially the preventive care that the CHAMP bill or the SCHIP bill calls for. So, if you take the opportunity to go meet the average American that has a child that is not covered under health insurance, you're going to find an individual who will share with you that, without it, they can't go to many of the doctors offices where they can at least pay a small fraction or at least afford preventive care and the annual checkups that children need.

We're in a situation right now, Mr. Speaker, that we have children, if this SCHIP bill or CHAMP bill is not reauthorized, we're going to have children without health care, without health insurance. Whichever way you cut the cookie, they're going to need a way to pay for health care or you might as well look forward to parents going down the drugstore aisle trying to correct the sniffles and trying to head off fever and trying to head off other situations that young children run into. But those are just the minor issues. What about the bigger issues that, if detected early, can be prevented if we have the kind of health insurance that would be helpful for children?

As we start to look at a re-approach on this bill after the President's veto, I know that the Speaker and others, and in reading through not only the newspapers but also in meetings that have taken place, we are still holding hard on the 10 million children insured. Now, I think that's very, very important that we head in that direction and that we stand firm on the 10 million.

Last week, I was sharing with many of my Republican colleagues on the other side of the aisle, those of whom were in the 13, because there are some that are saying that they are with the American people, they don't necessarily have to be with the Democratic Caucus because this is not about the Republican Conference or the Democratic Caucus, this is about children having an opportunity to have health insurance to be able to have quality health care, and that's what it's about. And I want to commend my colleagues that are on the other side that have voted on behalf of not only their districts but young people in America and their families.

So, now we're down to correcting a wrong. Last week, I talked about the story, Mr. Speaker. In all great pieces of legislation and every initiative there is always a story before you get to the glory, and we're still writing the story. And I think, as we go into the final chapters of this SCHIP debate here in the House of Representatives and the Senate and we deliver another product to the President of the United States, I think it's important for those who voted against overriding the President on this issue, think about what you have done. You might not have felt the full brunt of the displeasure of the American people for the Congress, where many of our children are insured because we have health insurance and we have the kind of insurance that will cover our children, and that there are families that don't celebrate the same thing that we do, that there is going to be a great level of displeasure out there. And I want to say that out loud because I want to make sure that Members understand exactly what they're doing.

No one came to Congress to vote against health care for children. I don't think anyone jumped up and said at any political forum or debate, when they were debating, need it be a Republican primary or a Democratic primary, to say, ''You know, one of my goals when I get to Congress is that I'm going to vote against children's health care.'' I think they wouldn't have even made it to the Halls of Congress. I'm speaking to that individual Member that decided not to, whatever the situation may be.

I haven't seen, in my 14 years of public service, Mr. Speaker, a bill that I am 110 percent in support of and agree with every section in that bill. When we put together legislation, there is always something in the bill that you wish you could have more of or not have at all in the bill. And it's very unfortunate, especially when we're in a body of compromise, when we're talking about children that will become uninsured if we don't pass this bill, I think it's important for us to realize our place in this debate. I commend those that voted. You were supposed to vote for that. I'm glad you did. I'm glad you voted for the SCHIP program.

Let me just run some numbers. One may say, well, we're concerned about cost as it relates to providing insurance for children to have health care. Well, one day we're going to compare this as it relates to war, because a lot of folks get into the chest-beating posture or session when it comes down to the war in Iraq. And we're concerned about what happens with children tens

of thousands of miles from the United States of America. I'm concerned, also. But I'm really concerned about what is happening with children here in the United States. And I think it's something that we all should pay very, very close attention to.

One day in Iraq costs $330 million. That will cover 270,000 kids. One week in Iraq costs $2.3 billion. That's 1.8 million kids who can be covered under the children's health care bill. One month in Iraq is $10 billion. That's one month that can cover 8.1 million children as it relates to health care. And the cost of 40 days in Iraq is $12.2 billion. That will cover 10 million kids' health care. I think it's important to look at just over one month that will cover a full year of health care for 10 million children. Just a couple of days over the average month will cover 10 million children.

So, when we start lining our priorities up of where we stand as a Congress, and I'm talking to the real minority here because there are very few Members of this House that are voting opposite of where the American people want us to be, and that's providing health care. Polls have shown here in the United States over 80 percent of Americans are saying that it's important for us to have children's health care. So, you have a very small percentage saying that they don't agree with this, and maybe they need more information.

But when you have Members of Congress, and we're talking about lights on, lights off, health care for 10 million children or not, that's a simple decision for one to make. If you have issues with the application of it, it has to be better than what we will not have if we don't reauthorize it and reauthorize it for 10 million children.

I think it's important that you understand a number of the coalitions that are here. And I'm spending the time on the floor, Mr. Speaker, to share this with the Members because this is, A, what do we look for in legislation? We look for bipartisanship. That's what the American people always say. They would love for Democrats and Republicans to work together. You have that in this bill. I mean, for this to be a partisan body, you have to look at the significance of having a bipartisan piece of legislation with major Democrats and major Republicans that are on board on the legislation.

You also have to look at the second issue that I think is very, very important; the fact that it passed both House and Senate overwhelmingly. And you have to look at that as a component and a proof to the leadership and the reason why we have to insure children, 10 million children in the United States of America. That's very, very significant. Don't let anyone belittle the work that has happened on both sides of the aisle with Democrats and Republicans sending a bill to the President.

I would also add on to that point the fact that the President vetoed the bill. And you had a commitment from the Senate, the United States Senate, that they would override the President of the United States on this issue because he's wrong. That's what is so good about our democracy. That goes back, not just a bill on Capitol Hill, it goes back to those days that used to come on Saturday morning to let young Americans know how this process worked. And then in the House we took the vote and we fell 13 votes short of overriding the President. That's very, very significant.

I came last week and commended those groups, those nonpartisan, volunteer groups that are dealing with children's diabetes, that are dealing with a number of issues, polio, the doctors that came to Capitol Hill, the March of Dimes, all the different foundations that are out there doing good things and passing good information out and encouraging Members to sign on and get that vote. We couldn't have had the kind of vote that we had last week if it wasn't for those outside organizations and Americans and parents and grandparents and children saying we should have health care.

□ 1600

When they see the kind of numbers that I am reading off, spending $330 million in Iraq in 1 day, that's just 1 day. I can get down to $3,300 and change every second that we are spending in Iraq. And you have folks here that are mumbling and grumbling about the cost of an insurance bill that will provide health care to 10 million children, we have 40 plus Governors out there in the 50 States that are out there saying that we need this bill. I want to break this down because I want to make sure that the Members, I don't want to use a lot of acronyms, I don't want to get into a lot of programs and all of that because I'm on the Ways and Means Committee and there's enough acronyms there to talk about health care. I'm on the Armed Services Committee and there is a plethora of acronyms that we could use there and all kind of big words. I want to make sure that everyone understands what it comes down to. You are either with insuring 10 million children or you're not. Period. Dot. There is no in between. There is no ''maybe I need to take more consideration'' or ''maybe I need to look at this a little further.'' We have already taken one vote that has passed the House overwhelmingly. We have already taken a second vote that fell 13 votes short of a two-thirds vote to override the President of the United States. And now we're about to take another vote. So it's almost like three strikes and you're out.

Mr. Speaker, I have been on this floor now coming on 5 years, speaking not only to the Members but also making sure that staff and everyone else understands the significance of every vote that we take. And if this was about politics, I always say it, look in the CONGRESSIONAL RECORD time after time again, if it was about politics, I could just sit in my office and let just the electoral process take its course.

I do believe that Members who are not voting for children's health care are making a career decision. That's what they're doing. Now, if this is the last day of school for Members and they're retiring after this term that is a whole other thing. But for those who want to continue to serve not only their districts and the American people, they have to pay very close attention to the vote that they are taking here on this floor. Insuring 10 million kids is bigger, in my opinion, than winning some sort of, you know, one or two political races. I am not into that. I was sent here to Congress, and many of us were sent, all of us were sent here to represent the folks back home. And I guarantee you, the folks back home are not saying, ''Please don't insure children. Whatever you do, Congressman, make sure you don't insure 10 million children or 5 million children. Just make sure you don't do that, and you have my vote.'' There is not anyone back there saying that. And so I think it's important for us, when we get into this process, I think it's important for us to share with Members what we are here for. Like I said, once again, there are some things in the bill that I don't agree with, but when you start talking about the insurance for children that my children celebrate, I wasn't elected for me to have my children to have health care and I look at my constituents and say, ''Run for Congress one day and you can be like me.'' That's not what it's about. It's about us being able to stand for them.

I think it's also important to look at even with some of the media accounts about some of the things that are going on here in Washington that we are working hard on, the Democratic side of the aisle, because Americans voted for change, Mr. Speaker. They didn't vote for the status quo. Republicans had the majority last time. There were Democrats and Republicans and independents who said, You know something, we gave you an opportunity. My kids and my grandkids and the fiscal situation this country is in is more important than my party affiliation. And we have seen throughout the country, Republicans say, ''I'm going to vote for the Democrat this time because I want to see change.'' Now that change is here and I read off a list of bills that were passed in a bipartisan way. These are not just Democratic bills, we beat our chests and say, ''Not one Republican voted for it.'' Yes, there are one or two there. But the majority of the major bills that have passed have passed with some Republican votes, and that is important to the process.

USA Today, War Costs May Total $2.4 trillion. When you look at the cost of the war in Iraq and Afghanistan, it could cost $2.4 trillion the next decade or nearly $8,000 per man, woman and child in this country according to the Congressional Budget Office that is

scheduled for release and that took place here today earlier. A previous Congressional Budget Office estimate put the war cost at more than $1.6 trillion. This one adds to the $705 in interest. And if you take into account, Mr. Speaker, as we continue to go on as it relates to the war in Iraq, as we look at the borrowing from foreign nations and then we turn around and we also bring a bill, I'm going to add to those points, we bring a bill that we show how we are going to pay for the bill so that we don't have to continue to borrow from foreign nations, so that we don't have to continue to see our kids having to pay some $8,000 per man, woman and child because of the decisions that were made here on this floor in previous Congresses.

So how do we have a paradigm shift? Well, we come about bringing about that paradigm shift through good policy and bipartisanship. So I am speaking to the 13 that voted against, helped us fall short of that, of overriding the President. It could have been a different day the following day after that vote, but it wasn't because we had some of our Republican friends not voting with us.

I am going to put a pin there, and I am going to allow my good friend from Ohio (Mr. RYAN). First of all, I just want to say, sir, that I'm sorry about your Indians. I'm really sorry. As you know, I e-mailed you and told you that I was with you. Being a Dolphins fan, I'm switching sports now, but I'm having a rough year, and I wanted someone to have some joy that I knew. And I know you, sir, and I know you're excited about your Cleveland Indians. And they fought hard. But I'm sorry, sir, that they didn't make it through the process.

Mr. RYAN of Ohio. We're still struggling. There are a lot of emotional issues that Cleveland Indians fans have had for a long time. And then you factor in the Cleveland Browns and the drive and the fumble and Michael Jordan singlehandedly beating us a couple of times in the playoffs and you add this to the mix, we have some psychological issues we need to deal with, Mr. Speaker, and hopefully we will be able to work through them.

But today is the day that we are talking about the excess in spending on the war. We hear a lot back in our districts, I'm sure you do in the Seventeenth District in Miami, and I hear in the Seventeenth District of Ohio, we hear about the rising cost of health care. We hear about the rising cost of education. We hear the problems that we have incurred in this country because we haven't invested into developing alternative energy sources in the United States of America, and we haven't developed them fast enough.

We have all these issues that local communities deal with, Community Development Block Grant money that they get from the Federal Government that local communities can build sidewalks and roads and sewer lines and they can use all this money. That is Federal money that works its way down to local communities. And when we look at the needs of local communities, every single day in the paper in Ohio, it is water lines, it is sewer lines. In the summer it is what sports do we have to ask the kids and the parents to pay for this year? Why are we cutting the art programs? Why don't we have enough money to handle the septic and the sewer systems in our local community? For years, the Federal Government continued to make those investments. And what we hear now coming out of the executive branch, Mr. MEEK, is that we don't have the money to do it.

Now, we are talking about providing health care for 10 million kids, poor kids, who live within 200 percent of poverty, a family of four making maybe $40,000 a year. What we are arguing on our side is that we think it is in the best interests of this country, all of us together, not one family or this family, all of us, is that if we provide and pay for health care for these 10 million kids and their families, because we believe on this side and our friends on the other side who voted with us, not the President, we believe that if we make this very small investment of $35 billion over 5 years, that we are going to have a healthier country, that we are going to have kids who aren't sitting in the classroom getting other children sick, that they are going to be able to concentrate and focus.

We sit here and we say, ''We need more people to major in math. We need more people to major in science. We need to compete with the Chinese. They graduated thousands and thousands of more engineers than we did in the United States of America.'' Part of that is we need our kids to be healthy. We need them to be able to concentrate in school, not sneezing and getting colds and pneumonia and not missing classes. We need them to be healthy. And that is the basic concept behind the State Children's Health Insurance Program.

To have the President, after he began a war that is going to cost us $2.4 trillion, with a T, tell us that we don't have enough money to provide health care for these 10 million kids is a complete outrage and doesn't really make any sense. Now, I think it is important, Mr. Speaker, for the Congress to know and to be reminded that over the past 6 years, with a Republican President, a Republican House and a Republican Senate, that this President and that Congress, those Congresses have borrowed more money from foreign interests than every President and Congress before them combined. Over $1 trillion in foreign money. Now, the same Congress and the same President asked to raise the debt limit, meaning we can go out and borrow, as a country, more money, five times he asked to raise the debt limit. Then, on top of that, the final number is the increase of the debt under this President is $3 trillion. So he raised the debt by $3 trillion, raised the debt limit five times. Now we have a war that is going to cost us $2.4 trillion, with a T, and he says, ''We don't have enough money, Mr. Speaker, to provide health care for 10 million kids at $35 billion, with a B, over 5 years.''

For 40 days in Iraq, we could pay for 10 million kids to get health care for a whole year. Forty days in Iraq. And what is the investment going to get us? It is going to get us healthier kids. It is going to get us kids who can concentrate and pay attention in school. It is going to save us money in the long run because we are not going to cart these kids off to the emergency room 2 weeks later with pneumonia when we could have taken care of them with maybe a small prescription. Those are the kind of prudent investments that we want to make in this country. Those are the kind of investments that we should be making in this country.

We talk a lot in this country about what are we going to do in the next century? We lost manufacturing, and we are not sure what the new economy is going to look like. But there are some things we know about, Mr. Speaker. We know that our kids in Niles, Ohio, or Youngstown, Ohio, or, Miami, Florida or wherever you are from, are competing more directly with the students in China. We know that our kids are now competing. The old steel belt and the old rust belt in Ohio is Cleveland and Youngstown and Akron and Pittsburgh. For the longest time, those cities used to compete with each other and those businesses used to compete with each other. Now this whole region is competing with Shanghai. And our kids are competing more directly with those kids in China, India and all over the world, 1.3 billion people in China, 1.2 billion people in India. We only have 300 million people in the United States of America. We are at a real disadvantage when it comes to just mass numbers. And democracy is not always easy, either. If you want to open up a factory in China or you just clear a neighborhood out, you give everybody 25 bucks, they give you a week to get out. There are no environmental laws. There are no worker rights. It just happens. The government comes in and moves everything along. Democracy is sometimes a little more difficult, in a good way. We have rights; property rights, human rights and all kinds of different things that citizens in China don't have.

But my point here is this, we only have 300 million people. So if you look at what the Democratic agenda, the 6 in '06 and what my friend from Florida has been stating, what we have been trying to do is very, very simple. We're trying to invest into those 300 million people so that they're healthier, so that they're more educated, so that they are able to live the American dream. Now, no one here is saying that everyone needs to be a winner. We understand that life is life. There are winners and there are losers. But as a

country, we want to make these investments because we all benefit from it. We all benefit from that.

□ 1615

The investments we are making now, just look at our agenda now. One of the first things we did, we raised the minimum wage for the first time since 1997 so that we are lifting people up. One of the second things we did is we reduced the cost of college education, or tried to. We cut student loan interest rates in half. So when you go out and borrow for your kids to go to school or a student borrows next year to go to school, the interest rate will be 3.4 percent, as opposed to last year when it was 6.8 percent and that money was going to the banks. They were making a heck of a lot of money off of it.

Mr. Speaker, we are saying keep those rates low; let's improve access so that everyone can go to a community college and get a skill or they can go off to college and get an associate's degree or a master's degree or Ph.D. so that they are educated to compete. What we also did was increased the Pell Grant by $1,000 over the course of the next 5 years. Is that as much as we want? No. Absolutely not. We are not even close. But we are moving in that direction. It's tough, when you have a war that is costing you $2.4 trillion, to come up with any money to make these kinds of investments. But that is what we wanted to do, and we have changed the direction in regard to college education.

Now, if you're a kid going to school in Ohio, where we had the new Governor come in and he froze college tuition for 2 years so there will be a zero increase next year and a zero percent increase the following year, if you add that to what we have done with the student loans and the Pell Grants, you're talking about saving average families thousands and thousands and thousands of dollars. An average student loan, because of the interest change we made, an average family will save $4,400 over the course of the loan.

Now, we are not coming out here beating a drum, saying we have got to cut taxes, we have got to cut taxes for millionaires. We are saying if you send your kid to school and you take out a loan, we just saved you $4,400. If you have someone in your family, or one of your students, kids that are going to school that are working for minimum wage, they got a pay increase. If you're utilizing the Pell Grant, you're going to get more of that. These are good, solid investments we've made. In addition to this, we have the State Children's Health Insurance Program. So these kids have opportunity.

Now one of the other things that really isn't on the agenda to talk about, but the Senate just passed it last night, we are trying to pass it again through the conference committee and hopefully get the President to sign it, but the President said he was going to veto it, is the Health and Education bill, where we are making investments to build community health clinics so that people who don't have health insurance now can at least go to a health care clinic and get some preventive care.

Mr. Speaker, I just found it stunning, and I think a lot of other citizens of this country did as well, and I know many Members of Congress have found it stunning too, when we were having this big debate about children's health and the President said, Well, they have health insurance. They can go to the emergency room.

I found that absolutely stunning that the President of the United States, in 2007, his solution or lack of solution is to say that these kids could just go to the emergency room. Now, I am sorry, but that is unacceptable. Not only is it bad economics, it is unacceptable from a moral position.

It has been frustrating, but I want the American people, Mr. Speaker, to understand what we have done through the House is passed legislation. And my friend with the great reform of the Small Business Administration, our friend from Pennsylvania, creating an angel investor fund and basically retooling the SBA for the 21st century in a high-tech economy, the things that we have done have been investments into our country and into our people.

Now, I'm sorry. Giving $100,000 tax break to someone who makes millions of dollars a year is not benefiting anybody because they are not even taking that money and investing it back into our country. They are investing it probably in China and India. What we are saying is we are going to make these investments.

Mr. ALTMIRE. Mr. Speaker, I wanted to follow up on a couple of points that the gentleman from Ohio mentioned, one of which was this idea that, well, these kids who don't have insurance can just show up at the emergency room. What I hear people who are of that mindset say is this SCHIP program is too expensive, there's not enough money to cover these kids and, therefore, I don't want to pay for them; somebody else can worry about that, send them to the emergency room.

But here's the problem with that way of thinking. We do pay for it when they show up at the emergency room. They show up there, they get covered, and, as the gentleman indicated, an earache that could have been knocked out with antibiotics turns into something more serious, a cold turns into pneumonia. Other situations that could be easily treatable, they instead turn into bigger health problems. We all pay for that because, in this country, when a hospital has uncompensated care or debt based on the fact that people don't have insurance but still show up for treatment, we are the ones that pay for that.

The reason that when you go to a hospital an aspirin will cost $15 is because of the cost shift that takes place when somebody, one of these children without health insurance shows up at the hospital, usually in the least cost effective way possible in the emergency room. So that is what happens when the President or someone else says, Well, let's just send them to the emergency room and everything will be fine. We are paying for that. That is why health insurance premiums go up, that is why costs are skyrocketing, and that is the cost shift that takes place.

On another point, I wanted to mention, and we are talking about our successes, some of the things that have happened in this Congress, I wanted to relay a story that took place over the weekend. I was holding a town hall meeting in my district and we were taking questions and someone asks the question, Well, when are you guys going to do something about the cost of college? I have got a kid in college. When are you going to lower the cost of higher education?

I said, That is a great question and I want to apologize to you because you should be aware of the fact that we have done something about that. This is not something that is on the drawing board or just passed the House or is awaiting signature. This has been signed and enacted, $20 billion of relief for parents and students for higher education. The largest expansion of higher education funding since the GI bill in 1944 passed this House, passed the Senate, and has been signed into law by the President.

Maybe we haven't done as good a job as we should be doing in getting the message out. This is a major legislative victory for this Congress and for this country. We cut in half the interest rate on student loans, from 6.8 percent to 3.4 percent, which, by itself, if we did nothing else, would save the average student borrower in this country $4,400 by itself.

But that is not all we did. We increased Pell Grant funding to $5,400, the largest increase and the highest amount available in history, in the history of the Pell Grant program. We increased funding for Perkins loans. We increased the availability and the types of students and the types of schools that can qualify for Perkins loans. Just as important, we capped at 15 percent of discretionary income the amount that the student borrower will be required to pay in paying back their loans.

So they will not be forced into debt over their heads, and they will be able to have a more manageable debt burden when they graduate and when they start in the workforce and their income is not that high. These are good achievements. That was all in that bill.

So what I said to the person who asked this question was, this was something you took the time to show up at the town meeting to ask this question. This was the number one issue of concern to you, and that is why you asked me this question. And we did something about it. This Congress has

helped you on the issue that is of the greatest concern to you. It is going to help millions of Americans, parents and students around this country, afford higher education, afford the cost of college.

We have had tremendous legislative success. As you have talked about, more days in session, more rollcall votes, more legislation passed, than any Congress in recent history, maybe in the history of the country to this date. So we have legislative success.

I wanted to not let the time go by without talking about that College Cost Reduction Act, because that is going to affect people's lives.

So I yield back now to the gentleman from Florida, Mr. MEEK.

Mr. MEEK of Florida. Thank you, Mr. ALTMIRE. The good thing about it, and Mr. RYAN and I were in a meeting the other day, and I think it is important, very important, and I was sharing a little earlier today about giving thanks to those out in the field. And when I say ''those out in the field,'' those Americans out there, because the President said he wasn't going to sign the College Interest Rate Reduction Act or what have you, the $4,400 that Mr. RYAN alluded to.

If it wasn't for the American people pushing for that, it wouldn't have happened. If it wasn't for the American people saying that we wanted a minimum wage after double-digit years of no minimum wage, it would not have happened. If it wasn't for the American people stepping up at the last given Tuesday when we had the election for this House saying that we wanted to move in a new direction, it would not have happened.

I think it is important for us to look at this American spirit rising up again on the children's health bill. When we look at health insurance and we look at health care for children, the American people are going to make that happen, because hopefully we will have an opportunity to vote on that bill again. Hopefully after taking the number one vote that was a bipartisan vote, sending a bill to the Senate, the Senate sent a bill to us, and we voted out the bill and sent it to the President, and the President, two votes that took place, overwhelmingly bipartisan, the President vetoes the bill, okay? And now you are going to have a real third opportunity to vote again.

I don't know if those that have voted against the previous bills, if they want to continue to do it, because their excuse is to say, Well, you know, there was something I didn't understand on that first vote. Congressman, you mean on the second vote you still didn't understand? And then on the third vote? Well, maybe you are not in the business of making sure that children have health insurance so they can have health care.

So I am hoping that we can come together in even a greater way in passing a children's health care bill that covers 10 million children. I think it is important. I agree with the Speaker. I am glad she has put her foot down and this Congress has put our foot down and said we are going to do this. Because at the end of the 110th Congress, there is not going to be a short list of accomplishments; there is going to be a long list, because there has been a drought for a very long time to bring the issues and concerns back to those who attended your town hall meeting.

Congressman, what are you doing for the district? What are you doing for us? Yes, it is wonderful about the war. We know that is going on. All of us share in making sure our men and women have what they need to have and all of those different things, but what are you doing domestically? How does this affect my children?

Mr. RYAN talked about someone is going to sit next to a child that doesn't have health care, and if that child is sick, you can have all the health care in the world. Your child is coming home and they are going to bring whatever that other child has into the household and then everyone is sick, and now we have employers without employees, and we can go on and on and on. It is a domino effect. I think it is important that we continue to highlight that.

But I appreciate the fact you all have brought light to all of this. Even Mr. RYAN was talking about a democracy. I think a democracy is a good thing. I think it is playing out well. Even though we fell on the short end, 13 votes short of overriding the President, a major accomplishment with having the Senate vote in an overwhelming way and having the votes to override the President, and having a supermajority vote here in this House based on the strong Democratic leadership of even bringing the issue to the floor in the first place.

So I am excited about it. I do have faith in the American spirit. I know it will rise up. Those that have sent us here, those that do not work in the Capitol, those counting on us to do the right thing.

Mr. RYAN of Ohio. I think it is important, too, to recognize we are just beginning. I think we have moved into a new direction. We are clearly not done. We are clearly not close to being done. No one here is satisfied. No one here will say, This is great; we have really accomplished everything we wanted to. We can go out and turn out the lights and let someone else finish the business.

We have got a lot more to do, if you look at what we want to do with alternative energy, if you look at what we want to do as far as continuing to try to reduce the cost of education, K–12 and whatnot.

Mr. MEEK of Florida. We are out of time, Mr. RYAN. I want to thank Mr. ALTMIRE and yourself.

## MESSAGE FROM THE PRESIDENT

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

□ 1630

## MANAGING PUBLIC LANDS

The SPEAKER pro tempore (Mr. MCNERNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Utah (Mr. BISHOP) is recognized for 60 minutes as the designee of the minority leader.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate the opportunity you have given us to speak for awhile about public lands and about how the public lands are treated and how the future will and will not deal with those public lands.

One of the facts that we have to deal with is how a government deals with property, whether personal property or public property, is a window to the soul of that government. Personal property is tangible and civil liberties are intangible, but both of them are at the center of the historic purpose of this American government, and the preservation of one is indeed the precondition for the preservation of the other.

Sir Henry Maine once wrote a book called ''The Village Communities'' in which he said: Nobody is at liberty to attack several property and to say at the same time he values civilization. The history of the two cannot be disentangled. The desire, the use of property, whether it is on land or whether it is the use of public property, that desire is what raises mankind from political slavery.

One of the things that we do not often enough around this place is to consider why we are doing what we are doing. Indeed, one of the concepts that is there is that we do what we do because we have done what we always did; and sometimes when you take a moment to look back and reflect on that, in this particular Congress we have been inundated with laws and proposals which have huge and significant impact on personal and public property in the United States.

Mr. Speaker, one of the things I would like to do is try to go through with several Members who are in the West, public land States who understand firsthand the responsibility and relationship of this, specifically what we are doing in these particular areas.

One of the people I would like to address some of these issues deals with the public property in our forests. As you know, we are having major fires in this country, and the Speaker on this floor said now is the time we need to do what is right.

I would like to yield some time to the gentleman from Oregon (Mr. WALDEN) and simply ask him to address that, of what can this Congress do to make it right, especially when we deal with our forests and our processes for the future of our forests to make them healthier or better.

Mr. WALDEN of Oregon. Thank you, Mr. BISHOP. I appreciate your work on

the issues we have worked on in the past.

The California fires are tragic in what is happening to the people who live there, the loss of life, the loss of habitat, the pollution that is going into the air. I have been told that the California wildfires have burned the equivalent of 10 times the square mileage of the District of Columbia. Ten times the size of the District of Columbia has gone up in smoke in California so far.

In my district in Oregon this year, 11 times the size of the District of Columbia has gone up in fire. Now fortunately we have not seen the loss of life and we haven't seen the loss of homes. But what we have seen is the loss of land for grazing and habitat and clean water as our watersheds have gone up in smoke.

This picture here I brought down to the floor for my colleagues to see. It is of two young children who are from Harney County, Oregon. This is the Egley fire which burned in my district 140,000 acres; 140,000 acres, the Egley fire burned in Harney County. America's forest lands going up in smoke.

There are 192 million acres of national forest system lands. According to the Forest Service, 52 million of those acres are at high risk to catastrophic wildfires. Twelve million acres in Oregon are considered high risk; 26 million acres, or just under the size of the State of Kentucky, are at risk to insect infestation.

You have to understand that our forests are not static. They continue to grow and suffer bug infestation, drought devastation, and ultimately fire. The total net national forest growth in the United States is currently about 20 billion board feet a year. Total mortality is about 10 billion board feet. So our forests are expanding at 20 billion board feet a year, America's federally owned forests, and 10 billion board feet die. We harvest less than 2 billion board feet.

That is part of our topic today, the lack of active management in our Federal forests. I want to show you what happens on a watershed. This is up in northeastern Oregon. In 1989, the Tanner Gulch fire wiped out the spring Chinook salmon run in Oregon's Upper Grand Ronde River. This used to be habitat for salmon. There was a creek that ran along here. Unfortunately, it is just mud and sludge and debris and blackened trees and ashen slopes.

Now in an extreme fire, scientists tell us that the most catastrophic fire that occurs in our forests emits about 100 tons of carbon and greenhouse gases. For those concerned about trying to do something about carbon emissions in our atmosphere and trying to reduce other pollutants in our atmosphere, we need to do something to manage our forests better to prevent these catastrophic fires. That is on the extreme, the 100 tons per acre.

A healthy green forest will sequester between 4 and 6 tons of carbon per acre. So these are the choices we are facing: How do you manage the forests for better forest health, for reduced fire and reduced fire intensity, and get them back into balance with nature. My colleague from Utah said what do you do about that.

Well, a few years ago we passed the Healthy Forest Restoration Act. It was bipartisan in its nature and scope. It was designed to allow Federal agencies, the Forest Service, and the Bureau of Land Management, to more rapidly, while still involving the public, go in and do the kind of thinning and debris removal to address this issue of the overgrown forests you heard me mention, the 20 billion board feet a year that grows in our forests and the 10 billion that dies, so we can go in, especially in the wildland-urban interface, near communities where homes are, the kind of homes we see burning today, although they are not necessarily in a Federal forest, but it is a similar concept. So to be able to go in quickly and have scientifically proven plans, based on community wildfire plans, in many cases, to go in and remove that debris and reduce that fire hazard.

That legislation which I coauthored with former Representative Scott McInnis from Colorado and Senator FEINSTEIN and Senator WYDEN were both very much involved, has worked in many cases, especially the community wildfire planning piece because that piece brought diverse groups together, environmentalists, community leaders, firefighters. We have a group here from Bend who have been on the forefront of this very effort, firefighters from my own district. They came together and developed plans on how do we safeguard the communities and the things we really want to protect, our watersheds and habitat. They came together, and now they can even more quickly implement those community wildfire plans.

The problem we face in this Congress is virtually every Member of the leadership of this Congress voted ''no'' on the final conference report that passed the Senate unanimously, and that includes the Speaker, majority leader, the caucus chairman, the Resources Committee chairman, the subcommittee chairman, and the Rules Committee chairwoman all voted against the Healthy Forest Restoration Act conference report. This is what we worked out with the Senate. It passed and became law. We now have these community wildfire plans in place. We need to continue to work and expand them elsewhere. It is so important.

So far this year in America's forests and grasslands on Federal land, more than 8 million acres have burned. We are setting records. This is down a little bit from last year, but over the last few years, we are at record levels. American taxpayers have spent $1.22 billion fighting fires, and that is before these awful fires in California have broken out. So it is very expensive when we don't manage properly and have fires break out.

Let me tell you what has happened. In my district, it is 70,000 square miles of eastern Oregon. It is beautiful. We have nine national forests there. We have national grasslands. We have wilderness areas. We have Crater Lake National Park and high desert plateaus, wheat land, and we have had all these fires. They have destroyed communities and many homes in the past. They have inflicted death. They have burned, and it takes years to recover. In fact, we have cattle ranchers in central and eastern Oregon who may be off their allotments for 2 years because it will take that long for the range to recover from fires that, frankly, shouldn't have gotten so out of hand if we had done the right management to begin with.

In the meantime, the infrastructure that needs to be there for our scientists and professional forest managers to conduct this forest thinning is going away because, you see, the allowable harvest of timber off Federal land has declined in my part of the world by 80 percent, 80 percent reduction. And with it, the timber receipts to these communities.

So this chart going back to 1976 shows the various timber receipt levels. And you get out here, and you see there is virtually no revenue coming off our Federal land, revenue that used to help pay for restoration work, that used to help pay for conservation efforts, that used to help pay for parks and other things, the activities people like to do when they recreate. And, most importantly, revenues that used to be shared with the local counties to fund their schools and their roads.

In the largest county in my district, Jackson County, this year because timber receipts are virtually eliminated, and because the county replacement program was stalled in its reauthorization, which is fundamentally flawed in my opinion, they had to close all the libraries. This is not some thousand-person county. This is largest populated county in my district. Every library had to close.

Another county down on the south Oregon coast, they were looking at declaring bankruptcy. Another was going to have to lay off all their sheriff's deputies except those mandated by State law to run the jail to provide security because this Congress hasn't passed the Secure Rural Schools Reauthorization. I would hope that could be brought to the floor and passed so that those of us in the West, and the gentleman from Utah (Mr. BISHOP) has a wonderful map showing Federal land ownership, but where most of the Federal lands are in the West, my district is over half Federal land. And it is important.

When Teddy Roosevelt created the national forest reserves in 1905, he said it needs to be a partnership with the communities in the management of these lands and in the revenues that are shared, and these lands need to be

properly managed. I think he would roll over in his grave today if he knew what had happened in terms of the disassociation with the communities, in terms of the bug-infested nature of our forests, the droughts that have occurred that have left them distressed, and the disease that has come in, and then how they burn. And then we leave them.

In the last Congress, I wrote, and many of my colleagues on both sides of the aisle, including the gentleman from Washington (Mr. BAIRD), a Democrat, former Sierra Club chapter president, helped me write the Forest Emergency Recovery and Research Act.

□ 1645

So we, like private forest landowners and State forest landowners and county forest landowners and others, could get in right after a fire, take out where appropriate, where environmentally appropriate, in sensitive ways the dead trees that still have value, create the jobs, recover the wood, and replant sooner. We passed it in this House, big bipartisan margin to pass it. It went up on the rocks in the great graveyard we call the Senate, where all good ideas go to founder and die, and it did.

The fires in California, fires in my district, the fact that forests continue to grow exponentially, global climate change means they're going to be more under threat from higher temperature and, therefore, more drought and more bug infestation, more disease and more fire. This Congress, this country needs to adopt new policies.

Mr. BISHOP of Utah. I appreciate the gentleman from Oregon who's been a leader in trying to make sure that we have a healthy forest environment, and it means that we have to change some of the policies that we've had in the past, and I appreciate his leadership in those areas. I would like him to address just maybe one element.

Because of mistakes, I think, that we have made in the past on how we have decided to handle the forests in the future, those counties, those areas where citizens live next to the forest and where the forest becomes an integral part of their lifestyle, are facing a huge and significant problem, and especially their kids in secure rural schools. I wonder if the gentleman for just one second would take a moment to explain what we should be doing right now with relationship to secure rural schools, forest area schools.

Mr. WALDEN of Oregon. Well, we need to pass the legislation that's just come out of the Natural Resources Committee that would reauthorize the program that shared receipts or made up for the receipts that no longer are being generated with the county roads and schools. That legislation, and you are the ranking member on the subcommittee, worked very hard to make sure it's properly crafted, would provide for replacement revenue because, you see, that partnership shouldn't be broken, that promise shouldn't be shattered.

Communities where there are Federal lands, especially timbered communities, that have no real other ability to have an economic base in some cases, and yet, and I diverge a little here, but yet are still responsible when somebody's lost. Who's out there doing the recovery? The sheriff, out of the county. We've seen that tragically in my district, in my State, with the Kim family that was lost in southern Oregon. Family went out for a drive, got snowed in on a road, and the father died, and I believe the child and mother survived after several days. A number of climbers on Mt. Hood fell to their death. Their bodies have yet to be recovered from last year.

I was down in central Oregon and southern Oregon where sheriffs are out in the forests dealing with organized crime elements that have moved in to grow marijuana in highly sophisticated, generally Mexican, drug trafficking organizations, highly armed, very sophisticated. It's our sheriffs that are going in and trying and their deputies to deal with these issues.

So these costs of recovery, of rescue, of dealing with law enforcement issues on Federal ground are borne in large measure by the counties. And yet when you stop doing productive work on our national forests and they continue to grow and die at the same time, you don't have the revenue; yet, you still have greater and greater demand, people moving in to the wild land urban interface.

So this Congress gave us a 1-year reprieve in the emergency supplemental this spring. We need to reauthorize the county payments program for another 5 years, at a minimum, and we need to keep the Federal Government's commitment. If we're not going to do that, then we need to. And we probably need to do this anyway, frankly, get in with a new strategy on how to manage forests.

Now, I'm told in Canada where bugs have wiped out the lodgepole pine, the Canadian Government has come in and said actively get in there, take out the dead trees and let's get new forests going quickly. And they are rapidly clearing out the dead trees and starting new forests.

Our alternative here appears to be let it burn, let it rot, and 100 years from now we'll come back and take a look. I don't think that's the kind of stewardship Teddy Roosevelt had in mind when he talked about the great forest reserves and their use for water, for agriculture, and wood for home building. If you go back and read his speeches when he was creating these reserves; he wanted this long-term look at management of this wonderful resource we have.

Mr. BISHOP of Utah. You have long been involved in bipartisan efforts to solve this problem for your constituents, especially with their schools. I wonder if you would just take a couple more minutes before we segue into the next speaker, next area, simply talking about what we practically can do for secure rural schools right now, as well as what we should probably ask our leadership to do that we should be practically doing right now in the long term for healthy forests in the future.

Mr. WALDEN of Oregon. Well, there are two things. One on the forest side. Let me take that first, and then I'll talk about county payments.

You're right. I always figured people sent us back here not because of our party label and we're only supposed to use that; they sent us back here to solve problems. And that's how I've tried to approach this, and that's why on the Healthy Forest Restoration Act, it was bipartisan when it passed this House, although the leadership in place today, from the Speaker all the way to the subcommittee chairman, opposed that bill, the bill that passed bipartisanly, unanimously in the Senate in its final form. They voted against it. But that's law and that's worked.

We need to pass a version similar to the Forest Emergency Recovery and Research Act so that we can go in and clean up after these fires and use the burned, dead trees while they still have value; create jobs in our community. Then we won't need these Federal payments after all if we better manage the forests. We need to increase the allowable cut in our forests so that we can generate jobs and so that we can harvest wood here legally for our uses rather than buy our wood products manufactured overseas from illegally logged forests that are being wiped out in places like Burma and Malaysia and Indonesia and Russia and China where they may have laws on the books and they're completely unenforced.

So, as a result, we all gleefully go to the local furniture store and buy this furniture that's made from wood that was illegally harvested, while our forests burned, and we don't even recover the burned, dead trees. So we need to deal with that issue.

And we need to take into account some terrific research out of the forest service about the change in temperature that's occurring and how the forests are going to move north, but it will take them 10,000 years to catch up with the temperature that should change in about 100 years, if all their data is correct, and I know some of that still needs to be worked out.

So, finally, on the issue of county payments, first I think the first day of this session my colleague PETER DEFAZIO, a Democrat from Oregon, and I, as we did the prior session, introduced legislation with you and others to reauthorize the county payments law. That partnership needs to be kept. That promise needs to be kept, regardless of who carries the gavels around here. And it's taken until just a week or so ago to get it out of the first committee. It still has an Ag Committee referral on it, and it's yet to come to this floor. We should be bringing that to the floor and voting it up and down

and moving it to the Senate or they should be sending us a bill. But right now, it appears to be, I don't know, held up, and that's not good for our children. It's not good for our libraries, not good for our first responders. It's not good for our county roads.

These school districts in some States have to send their layout notices out in March to tell teachers whether or not they're going to have the money for the following year. As you know, this year that happened in some school districts.

Mr. BISHOP of Utah. I appreciate the comments from the gentleman from Oregon. I especially appreciate his comments about our bipartisan bill that has been referred out of Resources. The Speaker of the House does have the ability of helping to move that bill along and can change the referral process to bring this one to the floor. And how significant this is, with these particular counties for the so-called secure rural schools, schools that are impacted by our policies in the passed-over forestlands. We need to have that on the floor now, and it has a funding source. It can be moved right now. I think I would probably join you in asking the Speaker publicly to bring that bill to the floor, let us vote on it, let us move the process forward, get it over to the Senate so we can solve that problem.

Mr. WALDEN of Oregon. As the gentleman knows, the clock is running. Time is running out, not just on our Special Order tonight but on the school kids and the counties and the services that our citizens rely upon in these forested areas, because that funding stream we got that 1-year extension on is running out, as is the time in this Congress running out.

We'll be off 2 weeks after Thanksgiving, a week. We're going to be in for a day and a half or 2 days, couple of weeks in December. Then we're into January and maybe in 1 week there. You know, it's the way Congress works, but we're running out of time, and we shouldn't run out on the promise that this Congress should uphold to the school kids and the communities in America's rural counties.

Mr. BISHOP of Utah. I appreciate the gentleman from Oregon for specifically and very eloquently stating what the problems are in our national forests.

He, as well as I and many of those who will be speaking this evening, come from what are called public lands States. You see the map that I have to my left. Everything that is blue in those States is the amount of that State which is owned and controlled by the National Government, and you can obviously see that there's a unique difference between the States in the West and the States in the East.

Now, a big chunk of this blue in the West is national forests, which Representative WALDEN understands very definitely, very clearly, and needs to deal with that particular issue. And he's given us some directions on what we need to do to do it right.

The other part of this blue deals with land that's owned by the Bureau of Land Management, BLM land, and all of these lands, whether they be forestlands or BLM lands or parklands, have an impact on the States in which we find this particular land.

I'd ask my colleague from Utah, Mr. CANNON, if you'd maybe take a moment and talk about how we try to help these Western States that don't have control over their lands but still have the responsibility of providing services not just for the westerners but also the easterners that are coming directly on these lands with a program known as PILT, payment in lieu of taxes.

I yield to Mr. CANNON.

Mr. CANNON. I thank the gentleman from Utah, my colleague, for recognizing me and organizing this event, and you've seen his blue chart. I grew up thinking that blue meant Republicans. We had this anomaly here recently, because red normally meant the Soviets. I have here a map of the United States, and when Ronald Reagan saw this map it was in red, that is, the public lands that you see mostly in the western part of the United States were in red. He looked at that and he compared that to a Soviet state, and he said he'd never seen so much government domination as is expressed by that since the Soviet Union.

So, not being partisan about these issues, which are really in fact not partisan, let me just suggest that there is something terrifically wrong with the Federal Government owning so much of these States. You can see that in Nevada, 93 percent of the State is owned by the Federal Government. In Utah, it's over 70 percent. In California, it's about 50 percent. This is a huge amount of public ownership of our lands.

As a result, you can see also that the ownership by the Federal Government is spread around the whole United States. In fact, there are about 19,000 counties in the United States that have public lands of some sort in them, and in those counties the Federal Government pays to those counties money that substitutes for the taxes that those counties would otherwise receive. We call this payment in lieu of taxes, and it's fair.

It's fair in the East where we have small amounts of land and the payments are substantial, but it's not fair in the West where we've taken a vast amount of public lands out of the system, and therefore, States can't actually have any kind of revenue stream from those public lands.

Now, the blue map that you saw that represented how much of the Western States is owned by the Federal Government is interesting, and Mr. BISHOP I think is going to come back and talk about this startling fact, but it is clear that all of the people in the Western part of the country pay more in the way of taxes per family, per capita and otherwise, than in the eastern part of the country.

It's also clear that in the western part of the country, where we have this domination of Federal lands, that we pay less per pupil for schools than people in the East do. So we tax more and we pay less, and the reason we do that is because of the ownership of public lands by the Federal Government.

This leaves us in a difficult circumstance where it's just plain harder to grow in the West. Now, I've got to count my State, which is by many measures the best place in the country to do business, and I don't want to suggest there's a problem there. In fact, we love our public lands because people can go out and recreate, and that's why people who are high-tech and others want to come to Utah. It's a great place to live and to work and be. But you have to buy into the fact that if the Federal Government owns that property, you have to pay more in the way of taxes.

I have many friends who live in the Northeast who have said to me over time, these are America's lands. And if you look at the map, you have got a little bit of New Hampshire and Maine and there's a sprinkling around here in the eastern part of the country. But when they talk about America's lands, they're talking about the public lands in the West.

I spent some time at Disneyland one day with my wife and kids, and that can be very long and painful. We finally got into the ''Honey, I Shrunk the Kids'' exhibit, and I thought as we got to the door that we were almost ready to get on the ride, but then we got through the door and we had a long, long, half-an-hour-long line to wait through to get into the exhibit.

□ 1700

I was uptight, irritated. They had to pass by people like me. They had pictures of America flashing on the walls, and I noticed a picture from my district. I thought, well, that's nice. Two pictures later there is another picture from my district. Three pictures later there was another. The fact is, we have beautiful, beautiful lands in the West, and we welcome everyone to come out and join us on those lands.

But if they are America's lands, then we have a responsibility as Americans to pay the costs of those lands. If we are not going to use them productively, if we are not going to tax them for productive use, then we have an obligation in America to pay for those lands.

Mr. BISHOP of Utah. One of the things I have been hearing so many times, you may have said this already earlier, that PILT, payment for all these lands, is nothing more than a handout for the poor western counties.

Is this a handout or is this a responsibility that we have for these lands?

Mr. CANNON. Is that a handout or a hand in our pockets by the Federal Government? This is, in fact, not a handout at all.

Every county in the country taxes its public lands. Every county does. Every

State has a regime for taxing public lands. But we can't, because the Federal Government is sovereign, we can't tax lands that are owned by the Federal Government.

So if you want people to be there for search-and-rescue when you get lost in some of the beautiful parts of my county or my State, we expect to be paid for that. It's not an expectation that's vacuous or whiny, it's an expectation based upon what we are giving up in these western States and in Utah, in particular.

Mr. BISHOP of Utah. We are talking about what these lands can do and how we can benefit the constituents that are out there in these western lands as well. One of it deals with the bounties that have been placed in there in these western lands, what we can do if we actually bring them about.

I am often amazed how we sit under this quotation from Daniel Webster saying that in actuality if we want this country to move, we need to take the resources that are here and develop them. That's where progress comes.

The gentleman represents a State in an area that has a significant amount of natural resources that have yet to be developed, and I am talking specifically about oil shale. I notice that he has been joined here on the floor by Representative PETERSON of Pennsylvania, two people who understand our energy policy specifically and who realize some of the energy policies that we have been talking about passing on this floor are going to have a negative effect on people, on real people.

I wonder if he could spend some time talking about the potential of oil shale and what it can do. I guess the basic question is, is it really possible to remove ourselves from a dependency on foreign sources of energy?

Mr. CANNON. I thank the gentleman. In fact, I paid, I think, $3.09 the last time I bought gas. When I took my daughter, one of my daughters up to school about 5 years ago, there was a gas war. We had low prices. It may have been 6 years ago. I paid 75 cents a gallon for gas and of that 75 cents, 42 cents was tax. We are not paying 42 cents on a gallon of gas that is over $3.

These are amazing numbers. Why we are there? Well, we are there because we have had policies that have restricted the development of oil and gas. There are two things I want to comment on just quickly in response to that question.

The first is that we have 250 billion tons of coal in America representing about 6 or 800 billion barrels of gasoline if we did coal-to-liquids. A lot of people know that we are the Saudi Arabia of the world for coal, but very few people understand that we have more oil in our shale that's easily recoverable in Colorado, Wyoming and Utah than exists in all of Saudi Arabia.

If you look at the more difficult or more expensive to recover from shale, it's two or three times everything that you have in the Middle East. If we could just develop the oil that's in our shale, we would do remarkably well for America.

Let me just give you a sense of this. In other words, think of all the oil that comes out of Saudi Arabia, all the oil that comes out of Venezuela, all the oil that comes out of Mexico. We could easily replace that at a teeny fraction of the oil we have available in shale in this country. By the way, you asked the question, Mr. BISHOP, is it possible to actually get the oil out of that shale?

Well, the Estonians have been doing it for 60 years. They have been producing oil out of shale for 60 years. The shale that we have in Utah is better, has much more oil, and, in fact, in 60 years, we have made massive progress technologically. The answer is unequivocal. We can do it.

The Federal Government owns the bulk of this shale. We need to assure that we can do it quickly without the kind of burdens. Let me just take a moment to tell you, we have a mine in Utah, it cost $330 million to develop that mine in 1977. The first thing I did when I came to Congress was to stop the BLM from spending $50 million to shut that mine up so it would be, as they said, safe.

We have now released that mine, but it has taken almost 2 years in a mine that's already developed to get to the point of licensing that so the people that lease the mine can produce. Their production is based on a very narrow, limited set of circumstances. We are in the way. The Federal Government is in the way of energy self-sufficiency for the United States. The people of America ought to say we want to get out of the way.

By the way, for the people of America, this body is actually an interesting place. People do what Americans want us to do. If you want cheaper oil, tell your Congressman to get with it and help us change the policies so we can develop our oil, particularly the oil and gas in the shale in the United States.

I know that Mr. PETERSON is going to talk about oil and gas.

Mr. BISHOP of Utah. I appreciate it. I hope Mr. CANNON may have a chance to join us a little bit later.

We are talking about energy policies. It has an impact on people. We all like alternative forms of energy. That's important. But for the short term, we have to make life bearable for people. We have some options without having to rely simply on foreign sources.

Mr. CANNON understands oil shale very well, and he explained how that is one of our options. Another option we have is natural gas, which is a forte of Mr. PETERSON at the same time. I guess the question has to be, we understand how high natural gas prices terribly impact citizens trying to live their lives, heat their homes. They impact the job market as well. They impact farmers when it comes time for fertilizer. I guess the question is, can we make domestic natural gas reserves available so it improves the lives of people?

If I could ask Mr. PETERSON to spend a few minutes, 5 minutes or so, maybe explaining how that part of the energy puzzle can be dealt.

Mr. PETERSON of Pennsylvania. Yes. Natural gas, I call it America's clean, green energy, no $NO_X$, no $SO_X$, a third of the $CO_2$. It's almost the perfect fuel. Now, a lot of people don't realize what all we do with natural gas, but natural gas is the basic ingredient of many of our products, polymers, plastics, petrochemical. Everything we manufacture has some form of natural gas in it or we have used natural gas to do it.

Natural gas is America's hope for the future. I call it the bridge fuel.

Now, just a few years ago, in fact, 6 years ago, we had $2 natural gas, and we had $16 oil. Just 6 years later we now have $7 natural gas, but we haven't had a storm in the gulf yet, we haven't started our winter heating yet. We know those prices will skyrocket much higher.

Well, it amazes me. I am going to speak a little bit about oil. $87.50 was the price of oil, that it just closed at. Not a crisis in this Congress. I haven't heard any rustling of activity. We have a Senate bill and a House bill not conferenced on yet. I haven't seen where the House and the Senate have agreed to have their conference committee and move forward with their bill.

Now, maybe it's a good thing they don't, because let's just look at it. With the natural gas prices we have today, highest in the world, here is what their bill does. Their bill locks up 9 trillion feet of natural gas in the Roan Plateau. The Roan Plateau is a huge, clean natural gas field in Colorado that was once set aside as the Naval Oil Shale Reserve in 1912 because of its rich energy resources. That means that 9 trillion cubic feet of natural gas, more than all the natural gas from the OCS bill that passed last Congress in the gulf, will be put off-limits.

The Roan Plateau is ready to go. It has already gone through NEPA. It's ready for lease sale. This provision was not in the original Resources Committee bill and was added without any hearings in the 11th hour. That's the kind of legislation this Congress is putting forth to cause natural gas prices to continue to increase, locks up 18 percent more by policy changes.

I had some amendments in the energy bill in 2005. This guts the categoric exclusions if we stop allowing redundant NEPAs to stop the process. We had leases in the West where they had leased the land for oil and gas production, and 5, 6 and 7 years later, they are doing redundant NEPAs.

They had to do a NEPA for the whole layout. Then they had to do a NEPA for the road construction. Then they had to do a NEPA for every location. A NEPA study takes about a year. There is no reason that an overall NEPA on

the project couldn't cover all those aspects in a year's time and make sure we do it right. No, we are going to take away that, and that will lock up more natural gas. Of course, we just heard from our friend about the 2 trillion barrels of oil from western oil shale.

Well, it's similar to tar sands in Canada. Everybody thought that wasn't a good thing. Well, they are now producing 1.5 million barrels a day. Their goal is 4 million a day. They are increasing every month, because they figured out how to release the tar sand oil, and we need to be working at releasing the oil shale oil because we have trillions of barrels there.

Should we have policy? Should we have legislation going that's going to take oil and gas? Then we go on down here a little further, we are going to have a $15 billion tax increase on the production of energy and the processing of it. Does that make sense? That means it is going to cost American taxpayers $15 billion more for energy somewhere down the road. Should we be taxing the production of oil and gas? I don't think so.

There is nothing in the bills before us about coal-to-liquids. We are the Saudi Arabia of coal. It's a tragedy in America that we are not moving forward with coal-to-liquid and coal-to-gas, because, you know, today we are 66 percent dependent on foreign oil, and we are growing 2 percent a year, and we have $87.50, today's closing price. We hit $90 a few days ago. And just 6 years ago, it was $16. How much can the American economy absorb without a recession?

I was told by someone from the Department of State that they thought $75 oil for any length of time would put America in a recession. It didn't. What some figure is a figure that the American economy can no longer absorb. Now we are approaching the heating season. Sixty-two percent of Americans heat their homes with natural gas.

What do we have? We have it locked up. These are all areas that are locked up. Clean, green natural gas. A natural gas well has never contaminated a beach. It has never really done major environmental harm. But, no, America has a policy that we are not going to use the cleanest, greenest fossil fuel there is, natural gas. We're just not going to produce it.

I don't understand that, but that's where we are, folks. High gas and high oil prices are because this Congress, not just this current Congress, but historically, 26 years ago Presidents and Congress locked up the outer continental shelf. We are the only country in the world not to produce it, the only country in the world not to produce.

This is the greatest energy reserves we have. Eleven miles offshore you don't even know they are there. You don't see it. I have legislation that says the first 25 miles will not even be open for drilling. The second 25 miles would be controlled by the State. The second 50 miles would be open, but States would still have the right to pass a bill to not produce if they don't want to. That gives States rights. Then the second 100 miles would be open.

Folks, when we make these decisions to open these up, when we make the decisions to make any major coal-to-liquid, coal-to-gas, when we make decisions to reopen nuclear and get it moving again, you are talking 8 to 10 years before you have any energy.

America is in a crisis today. I think $87.50 oil is a crisis. We have $7 gas, and we know it's going to spike as soon as we start using our winter supply. When American homeowners find out the price of home heating oil, they are going to be pretty angry at Congress, and they ought to be.

Now, the gas prices that are out today, I heard the gentleman say $3.09. In my State it's $2.89. But gasoline prices have not caught up with $80 oil. $80 oil means $3.29, $3.39 gasoline. There is still a glut of gasoline in the marketplace. This spring we had $3 something gasoline with $60 oil because there was a shortage of gasoline in the world.

We buy 20 percent of our gasoline now from Europe. We don't produce enough in this country. Europe didn't have any to sell us because they were using more than normal. There was a world shortage and so our price was much higher than it ought to have been, because it's a separate marketplace.

Now, just wait till gasoline catches up, the summer fuel burns off. Our refineries are now making home heating oil, and those on home heating oil are going to pay a tremendous price because there is none of that in the system. Those heating with propane are going to pay a much higher price. Those heating with natural gas are going to pay 10 to 15 percent more. Home heating this winter is going to be very expensive.

Do you know who even feels the pain worse, small businesses who use a lot of energy. There are no programs to help them. There is no LIHEAP funding to help them.

□ 1715

Small businesses in America are going to struggle to make a profit because of energy prices. And natural gas, being one of the highest prices in the world, and we have lots of countries with very cheap natural gas, we're going to continue to export petrochemical jobs, polymer and plastic jobs, fertilizer. You know, here we're using ethanol now, it's big. We have to grow a lot of corn to make ethanol. We have to use a lot of fertilizer. Seventy percent of the cost of fertilizer is natural gas. If we make a hydrogen car, it's going to use natural gas. Natural gas is the feedstock for most of our manufacturing. It's what we heat our homes with.

We need energy policy here in Congress. We don't want a bill that takes energy away from Americans. This bill takes energy away from Americans. This bill makes energy more expensive. The bill before us does nothing to produce energy and to bring down gasoline prices, to bring down home heating prices and to keep American jobs here. And there's no reason that America cannot be in charge of its future destiny with natural gas.

We can't control the oil market. We can control our natural gas market. We can be self-dependent. We now import 17 percent of our natural gas. We wouldn't have to import any of it. America is rich in natural gas, the clean, green fuel.

And I impose this Congress, natural gas could actually fuel a third of the auto fleet. It would save a lot more than CAFE standards. And I'm for better CAFE standards. But it would immediately take all construction vehicles, school buses, taxicabs could all be on natural gas. That's a known technology. It's just a conversion.

Folks, clean natural gas is what America needs to be about as we build our renewable future. All the renewables are built off of natural gas. Natural gas is the feedstock. Folks, we need clean, natural gas so Americans can afford to heat their homes and can afford to drive their cars.

Mr. BISHOP of Utah. I appreciate the gentleman from Pennsylvania, who understands this issue.

Let me see if I can borrow that one you have in your left hand. I'm not all that hot on a lot of the details of energy and mining, but I am a school teacher, and I just noticed on the back of this chart is a chart which goes through the salaries of teachers comparing Wyoming and Montana. And you find that a step one teacher in Wyoming is significantly higher than a step four teacher in Montana. And I want to tell you, there's only one reason for that disparity. Wyoming does more with their resources to develop them and use them to help fund their education system. It has all sorts of spin-off effects.

I appreciate the gentleman from Pennsylvania who understands this concept so significantly and has spoken so eloquently about it.

I'd also like to welcome the gentleman from New Mexico who is here, who clearly understands the issue of energy significantly.

We will have a potential energy bill before us. We will have next week a potential mining bill before us, both of which could have some difficult situations especially as they deal with Americans. So I'd like to yield to the gentleman from New Mexico to have a chance to talk for a moment especially on what we are doing, once again, as to our constituents.

Mr. PEARCE. I thank the gentleman for yielding and appreciate his leadership on this.

We are discussing extremely important things. For instance, in the mining bill, which will be coming to the floor, a heated debate really arises

about what does it matter. What does it matter if we add an 8 percent royalty on to the price of minerals?

At one point yesterday in the debate, the chairman of our Resources Committee, Mr. RAHALL of West Virginia, said, I see no reason, no reason whatsoever why good public land law should be linked to the gross national product. Now that is, to me, a stunning statement because I think policy should always consider the jobs in America. It should consider our standard of living, and it should consider the ramifications for our communities.

Communities in the West, where mining occurs on public lands, will be affected most by this new royalty that is being suggested by the majority party.

Now, we had comments at a field hearing, and we find the comments are very similar from the Democratic witnesses to the Republican; in other words, both sides agree. There's a James Otto, ''8 percent is excessive,'' he says.

''I'm only aware of a single royalty that is as high as the royalty proposed in the bill, just one in my 20 years of practice. An 8 percent royalty would really be ruinous,'' says James Cress of Washington on 10/2/07.

''I am particularly concerned about the potential impacts of the 8 percent net smelter return royalty called for in the last legislation. All the royalty costs will be absorbed by the mining companies, and this will be a direct adverse impact on the amount of mining tax revenues that flows into the State and to the counties.''

We had testimony from one country, and I think it was British Columbia, that increased their royalties and saw a tremendous decrease in their net tax revenues because companies simply moved out.

Today, companies can move their mining assets; they can move their mining investments by simply a flick of the computer. If it's that easy, then we should be very cautious. We should be concerned about the gross domestic product before we jump into these very significant arguments.

One of the letters that I have, and I would like, Mr. Speaker, to submit this as a part of the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON NATURAL RESOURCES,
*Washington, DC, October 16, 2007.*

Hon. NICK J. RAHALL, II,
*Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.*

DEAR CHAIRMAN RAHALL: This is to request that the Committee hold additional hearings regarding our country's mineral policy as it relates to military and economic security before we convene a mark-up of H.R. 2262. Notwithstanding the amendment in the nature of a substitute discussion draft circulated late last week, we are very concerned that H.R. 2262 moves our country's mineral policy in the very opposite direction of recommendations outlined in the two recent National Research Council (''NRC'') reports:

(1) Managing Materials for a 21st Century Military and

(2) Minerals, Critical Minerals and the US. Economy.

We are entering a challenging time for our nation which is only now beginning to become clear. China and India are consuming huge amounts of energy and minerals which they are willing to secure from parts around the globe and with which they are fueling unprecedented economic growth. At current rates of relative economic growth, one or both of them will surpass the United States in economic output within two decades. We are in a race. Now is not the time to rest. We must examine closely the consequences. . . . intended and unintended . . . of our actions. We owe nothing less to our children's future.

I. MINERAL POLICY AND AMERICA'S MILITARY SECURITY

One of the most fundamental functions of the Federal government is to provide for the common defense and our national minerals policy is inextricably linked to providing for that defense. It was America's natural resources—and the ingenuity and strong backs of American workers—that made us ''The Arsenal of Democracy'' that supplied the tools of victory in World War II. In many ways, minerals are the foundation to a strong modern military.

Requiring our military to import the strategic and critical minerals it needs from hostile foreign nations puts our military on its knees before the battle begins. It will make the United States military the ''paper tiger'' China's Mao Zedong wished for in 1956 when he coined the phrase. Attachment 1 provides examples of strategic and critical military materials upon which our military already relies on foreign sources for. If we rush to create a minerals policy that further discourages a domestic minerals industry that is already shrinking because of the existing regulatory constraints, we will have left a grave legacy that is threatening to our long term stability.

As discussed in the NRC's report, restarting or jump-starting a U.S. mining operation in response to supply interruptions would be very time consuming, expensive and in all probability, impossible. Consequently, the mineral policy moved by this Committee must take into account military needs. To this end, we request joint hearings with the House Armed Services Committee so that this issue can be fully understood by the Committee.

II. MINERAL POLICY AND AMERICA'S ECONOMIC SECURITY

Mineral availability is a cornerstone to robust economic activity because minerals support the broadest range of manufacturing and industrial businesses, including transportation, defense, aerospace, electronics, energy, agriculture, communication, construction, and health care. According to the NRC's report, ''current lifestyles in the United States require per capita annual consumption of over 25,000 pounds . . . of new minerals . . . to make the items that we use every day.''

While our reliance on foreign sources of minerals may be less visible than petroleum, Attachment 2 illuminates the gravity of America's exposure in this regard. Our country is rich with minerals; however, the ''political availability'' compromises our independence on foreign sources of minerals. The NRC's report describes ''political availability'' as a significant part of mineral availability. The concept of ''political availability'' encompasses (a) legislation, rules and regulations that influence investment in mineral exploration and development and (b) the risks and results of change in these policies. While God has blessed our Nation with a rich natural resource base, it appears that the common sense with which He endowed our policy makers has not been used by its recipients.

We are concerned that H.R. 2262 will adversely affect both of these ''political availability'' components. We are unaware of any witness in the three legislative hearings held by Subcommittee on Energy and Mineral Resources thus far who testified that H.R. 2262 will increase domestic mining activity. Rather, several witnesses testified that H.R. 2262, as drafted, will be devastating to our domestic production of minerals, will be crippling our economy and will send more jobs overseas. We believe that moving H.R. 2262 out of this Committee in advance of an analysis of its impact on the overall U.S. economy is premature.

ATTACHMENT 1.—EXAMPLE STRATEGIC AND CRITICAL MILITARY MATERIALS AND FOREIGN IMPORT RELIANCE

| Material metal | Uses | Import (percent) |
|---|---|---|
| Aluminum | Aluminum alloys in airplanes, aerospace, marine applications, food cans | 44 |
| Arsenic | Semiconductors, pyrotechnics, insecticides | 100 |
| Bismuth | Magnets, nuclear reactors, thermoelectrics, ceramic glazes | 96 |
| Chromium | Steels, catalyst, magnetic tape, plating | 75 |
| Cobalt | Specialty steels; medium or high temperature fuel cells | 81 |
| Columbium | Specialty steels | 100 |
| Copper | Wire, electromagnets, circuit boards, switches, magnetrons | 40 |
| Gallium | Optoelectronics, integrated circuits, dopant, photovoltaics | 99 |
| Indium | Semiconductors, metalorganics, light-emitting diodes | 100 |
| Lithium | Batteries | >50 |
| Magnesium | Airplanes, missiles, autos, photography, pharmaceuticals | 54 |
| Manganese | Specialty steels | 100 |
| Nickel | Specialty steels; superalloys for jet engine parts | 60 |
| Platinum | Catalytic converters | 80 |
| Quartz Crystals | Electronic and photonic devices (high purity) | 100 |
| Rhenium | Specialty steels; high temperature alloys & coatings | 87 |
| Scandium | Refractory ceramics, aluminum alloys | 100 |
| Silicon | Photovoltaics, semiconductors, microprocessors, alloys, electronic and photonic devices | <50 |
| Strontium | Medium or high temperature fuel cells | 100 |
| Tantalum | Specialty steels; electronic capacitors | 87 |
| Tin | Superconducting magnets, solder, alloys, electronic circuits | 79 |
| Tungsten | Specialty steels | 71 |

ATTACHMENT 1.—EXAMPLE STRATEGIC AND CRITICAL MILITARY MATERIALS AND FOREIGN IMPORT RELIANCE—Continued

| Material metal | Uses | Import (percent) |
|---|---|---|
| Yttrium | Laser rods, superalloys | 100 |
| Zinc | Batteries, galvanizing, paints, metalorganics, pharmaceuticals | 63 |

[1] National Research Council, Managing Material for a 21st Century Military and Minerals, Table 4–3.

On page 1 we're referring to two recent National Research Council, NRC, reports. And one quote is, ''We are entering a challenging time for our Nation which is only now beginning to become clear. China and India are consuming huge amounts of energy and minerals which they are willing to secure from parts around the globe and with which they are fueling unprecedented economic growth. At current rates of relative economic growth, one or both of them will surpass the United States in economic output within 2 decades. We are in a race. Now is not the time to rest. We must examine closely the consequences, intended and unintended, of our actions. We owe nothing less to our children's future.''

In light of this worry by the National Research Council, yesterday I had an amendment which would have simply required that if we ever are passed by any country and become the second largest economy in the world, that the implications of this bill simply be done away with; that is, that we would begin to do the things that would heal our economy.

I accept the fact that we could be overestimating the impacts of this bill that is coming to the floor, the mining legislation. But what I will not accept is that we have consequences in our economy without having some way to reverse those impacts.

The Chinese economy doubled gross domestic product in 5 short years. The combined economies of China and India have tripled in size over the last decade, and some predict that, at the current rate, the U.S. could very well become the second largest economy in the world. That's what I mentioned when we very first started, that the consequences of too hasty an action here could place our children into a position where they no longer have the standard of living to where we, as Americans, begin in a steep decline economically, so that we do not have the hope and the opportunity for the future which we currently have.

The National Research Council pointed out three ways in which they are very concerned about the potential ruinous effects. They're concerned about how much of the minerals that we are going to import. And again, I would show a chart to my left, that all of these elements in this picture get minerals that are currently mined in the U.S. Some are strategic, some are not, but our daily life revolves around minerals that we get from deep inside the ground. When we acknowledge that and when we understand where these minerals come from, we might have a different opinion than just trying to regulate the companies out of existence. We're going to use these elements whether or not they come from U.S. mines or not.

My recommendation is that we continue to mine these minerals inside the United States. Don't transport our jobs. Don't transport our national security to firms outside. Don't make us subject to another country to get the minerals which are required for national security considerations. Please, let's take time before we pass this legislation. Let's send it back to committee. Let's contemplate the effects of it.

And I would yield back to the gentleman and thank him greatly.

Mr. BISHOP of Utah. I appreciate the gentleman from New Mexico coming and talking about these issues, and I think people can realize we feel very strong and deeply about these particular issues. This is what happens in our States. We live with this issue all together.

You've heard today about the nature of our forests and what we must do to have healthy forests in the future. You heard about the impact it has on school children in those forest counties. But there is a proposal; it needs to come to the floor that we can debate about that as well.

You've heard about the significance of payment in lieu of taxes and what it means to Western States, about oil shale development, natural gas development, mining development, all of these which have an impact.

Now, I said earlier on, but once again I'm just an old school teacher. And it does have impacts beyond what we naturally think about. And I'm thinking specifically about my kids, about my salary, my retirement as a school teacher and what we do in the future in our Western States.

We noticed before, this is the chart, the amount of blue is how many, how much land is owned by the Federal Government in each State. I'd like you to contrast that, if you would, with this chart. The States in red are the States that have the most difficult time increasing the amount of money and paying for their education. The States that are red have the growth in education but they also have the most difficult time in adjusting for that growth. And if you look at that and then compare it once again with the public land States, you'll find an amazing correlation. The public land States are having the most difficult time funding their education, and I think there is a relationship to it which we have yet to fully investigate, and we ought to. It's a subject for a future time, but it's also one of those things that are important because there are collateral impacts that are extremely important on how we actually follow the advice of Daniel Webster up there, which told us to develop our resources so that we can move this Nation forward. And this is the time we have to do it. And there are right ways of doing it and there are probably imprudent ways of doing it. It's important that we do it the right ways, and we in the West clearly understand the significance of that.

With that, Mr. Speaker, I appreciate your patience.

## CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE SITUATION IN OR IN RELATION TO THE DEMOCRATIC REPUBLIC OF THE CONGO—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–69)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

The situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability and was addressed by the United Nations Security Council in Resolution 1596 of April 18, 2005, Resolution 1649 of December 21, 2005, and Resolution 1698 of July 31, 2006, continues to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared in Executive Order 13413 of October 27, 2006, and the related measures blocking the property of certain persons contributing to the conflict.

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo, and the related measures blocking the property of certain persons contributing to the conflict in

that country, must continue in effect beyond October 27, 2007.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 24, 2007*.

## CONSTITUTIONAL CHECKS AND BALANCES

The SPEAKER pro tempore (Mr. MCNERNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. WALZ) is recognized for 60 minutes.

Mr. WALZ of Minnesota. Mr. Speaker, it is a pleasure to be here with my colleagues, the members of the class of 2006, and I'm going to defer to my colleague from Kentucky who brought an initiative forward and one that we are excited about talking about. It's something that the American people should be excited about talking about. It's a refresher course and, I guess, to bring to the forefront again the most important document in this country, the Constitution.

□ 1730

With that, I yield to the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Mr. Speaker, I thank my colleague from Minnesota, the distinguished president of our class, for yielding and thank him for the superb job he has done in leading us through this wonderful year that we are spending as new Members of Congress.

I want to start this segment by actually reading the first few words of the Constitution of the United States because too often I find that, as I go around the country and go around my district, the people have lost sight and I think many Members of Congress have lost sight of exactly what the Founding Fathers did 220 years ago. I think we are all familiar with the preamble of the Constitution, and it starts with those wonderful words ''We the people,'' those incredible words that actually go to the heart of what we are about as a democracy:

''We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.''

Now, following those words, following that brief preamble, it says in article I, section 1: ''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.''

I think it's amazing to think back to what was going on in those formative years of our Republic in 1787. The country had just rebelled against a monarch in England, and when they were establishing a government that would reflect the hopes and dreams of the people who had gone through that incredible war of revolution against England, they decided to create a government in which the ultimate power would rest in the people. That's why they said at beginning of the preamble, ''We the people.'' They created in article I the representative body of government that we sit in today. They did that because they didn't want one person being the decider of everything that affected their lives. They wanted to vest the power to govern in themselves through their representatives in Congress.

And so we sit here as successors to that incredible legacy. And it is not only our power to do that vested by the Constitution in article I; it is our responsibility. We have an obligation to govern on behalf of our citizens, ''we the people,'' as reflected in our representation here.

I think those of us who were elected for the first time last November know that, yes, we were elected partially because of the war in Iraq, but we were also elected because the people of the country decided that they really wanted to make sure their voice was heard in Washington. They thought their voice was being ignored. They said this is our government. We are going to change it by sending people there who will listen to us and will put our desires into action through the legislative process.

So I thought it would be wonderful to call attention to the fact that article I does impose, again, not just these powers, but it also imposes responsibilities. And that's what we came here to do, and we recognize that. We want everyone in Congress, both parties, to share in this acknowledgment of what our responsibilities are under the Constitution. I am so proud to have with me tonight and so proud to serve with wonderful people who are committed to the same ideals.

I would like to recognize BETTY SUTTON from Ohio, one of our wonderful new Members, to elaborate on article I and what we are doing to realize and to fulfill our responsibilities under article I.

Ms. SUTTON. I thank the gentleman for his introduction here and I thank you for your leadership. The gentleman from Kentucky is taking us, hopefully, on what will be a bipartisan effort to restore the responsibilities of this Congress has under article I and just sort of bring that back to the forefront because checks and balances are very important in this government. I also want to commend the leadership of our president, TIM WALZ, the gentleman from Minnesota, who is an outspoken advocate for the people that he represents, and, frankly, that's what article I is all about.

As you point out, when we were elected to Congress, we were elected to represent the people of our districts. Not lobbyists on K Street and not operatives at the White House or even the President himself. Our responsibility and our loyalty are to the Americans, the people, first and foremost, who sent us here. That means we have to do the job that they asked us to do. And that job is important, and we know exactly what that job is because article I in some ways is a job description. As you point out, it's not about really just authority; it's about responsibilities. Nowhere in that job description in article I does it say we have to protect egos or political interests of the executive branch. Nowhere does it say that we have to do only things that the President tells us to do. And nowhere in that job description does it say that Congress answers to anyone but the American people.

There has sort of been a slope here where past Congresses have ceded legislative power to the executive branch, and, frankly, I believe that when that happens, Congress is falling down on their job. I am really glad that we are here tonight to reinvigorate and rededicate ourselves to make sure that we are fulfilling our obligations and our function under article I because it is vitally important to so many issues, from the war in Iraq to all these judiciary issues.

Mr. YARMUTH. I thank my colleague. She has expressed it very well, and that is exactly what I know she has done in our 10 months here.

It also gives me great pleasure to recognize our colleague, another new Member from the great State of Florida, Congressman KLEIN, and I know he has some thoughts on this issue as well.

Mr. KLEIN of Florida. I would like to thank the gentleman from Kentucky and all of my colleagues here in our freshman class. We all ran in these difficult elections almost a year ago, but I think the very strong message that came out of all of us coming to Washington was a very strong message from back home, and that is the responsibilities, as was suggested by our colleagues, that we all know, from our civics classes back in high school and elementary school, that the beauty and the strength of the United States and our democracy is all about checks and balances. It's what makes our system a democracy. We can look at other models in Europe and Asia and around the world and dictatorships and things like that, but the strength of what works in this country is checks and balances.

What we believe is going on and the reason this emphasis on article I is so important and for our public and the people in this country to jump on this and work with us and recognize this and talk about it is because there has been a falling down of one side. We're out of balance. There are three legs to the stool. Each one has a specific set of authority. The judges, the judiciary, interpret. The legislature, that is, the Congress, has the authority to make the laws. And the executive has certain authority into executing and following and, through the agencies, doing certain things. But when one branch gets out of whack, it means the power is coming from another branch. This isn't about personal power. This is about the strength of our democracy. That is the exciting piece here.

So this check and balance is not about President Bush, or any President. It's not about anybody in particular because there are future and past leaders that have all tried to exercise in certain ways. This is about where we are going in the future. I think as the gentlewoman from Ohio has already correctly mentioned, there has been a failure over the last number of years in the legislative branch, the Congress, in fighting back and asserting itself in terms of oversight and accountability and follow-through to make sure that the executive branch, the President and the executive branch, are doing what they are supposed to do, whether it is executing the war in Iraq and making sure that billions of dollars are not flowing out without any follow-up, whether it is an Attorney General that may not have necessarily been following some of the laws as we understand them or at least having the opportunity to ask the questions and not be stonewalled by the executive branch. This is what it's all about. It is a balance. It's a beautiful thing, truly, but it has got to work.

As the gentleman from Kentucky has correctly stated, and I thank him for bringing up in our discussion article I, this conversation that is going to happen throughout our country for the next couple of months is, let's make sure Congress does its job, let's limit the executive branch to do what it has to do, and make sure that our system works in its form of accountability that we have.

Mr. YARMUTH. I thank the gentleman.

I would now like to recognize another colleague, another member of the freshman class and the first president of our class and also a member with me on the Oversight and Government Reform Committee, where I think we perform one of the major powers and responsibilities that article I vests in the Congress: the function of oversight.

Mr. HODES. I thank the gentleman for yielding.

Mr. YARMUTH, let me start by saying how proud I am to stand with my colleagues, other new Members of the class of 2006, to talk about an initiative which you began, the article I initiative, to talk about reasserting the constitutional balance of power in Washington.

For me, in coming to Congress as a new Member of this House from New Hampshire, it was absolutely fundamental to what I talked about in my campaign that the people of New Hampshire sent me to Congress to restore accountability, integrity, and oversight to government. They sent me here because what I said to them and what we now see is that Congress was a broken branch. Congress had not been exercising its oversight and accountability functions. And when Congress does not exercise its important power, its important right, its important obligation to the people to exercise oversight and accountability over the executive branch and other branches of government, things get unbalanced. It was that sense of checks and balances that our Founding Fathers put into the Constitution, and they put it in there for a reason.

They won a Revolutionary War against an empire, the British empire, with an imperial ruler at the top, the King of England. We wanted to make sure that we had a different form of government; that we had a form of government where the people were the top dog in the fight; that the ruler would never become imperial. That is why we have a President, we have a Congress which is divided between the House and the Senate.

In article I, section 1, our founders were very clear. They said, ''All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.'' What I saw and many of us saw when we ran was a President who was abusing presidential power in an unprecedented way. This wasn't a matter of parties. It was this President abusing power in an unprecedented way, and it could have happened whatever party that President was in, but this is what we saw, and we ran.

The article I initiative, which you began, which we have joined, and which we are spreading, seeks to heighten the public consciousness of the importance of checks and balances in our system. As newly elected Democratic Members of Congress, we feel with particular importance the obligation we have to reassert the power that the Founding Fathers wisely gave to Congress. When we came, we took an oath of office to protect and defend and uphold the Constitution. Article I is the first article, and it is the first article for a reason. And we are well on our way as we have begun to exercise oversight throughout Congress with hundreds of hearings held in this 110th Congress on many issues and especially the war in Iraq and what has happened with this President and this administration. In the Oversight and Government Reform Committee, we have held oversight hearings about administration interference with the work of GSA, the folks who deal with Federal buildings, turning it into an arm of politics; administration interference with science at NASA; administration incompetence with FEMA, delivering formaldehyde-filled trailers to the victims of Katrina; incompetence and mismanagement by the State Department, failing to exercise oversight over contractors in Iraq, the Blackwater scandal that is beginning to emerge now. We have been holding the hearings that constitute the function of Congress not just to make the law but to exercise the oversight that keeps things in checks and balances.

I am delighted to be with you tonight. We are going to talk about numbers of ways in which we are reasserting Congress' power and taking steps to bring the people back to the People's House and serve the interests of the American people.

Mr. YARMUTH. I thank the gentleman from New Hampshire (Mr. HODES).

And now, Mr. Speaker, it gives me great pleasure to introduce one of our more illustrious new Members, Mr. HALL from New York, who has done a great deal in his term of office to uphold article I.

Mr. HALL of New York. Thank you so much, Congressman, for yielding.

I am proud to join my fellow new Members of the class of 2006. Freshmen, new Members, whatever you want to call us, I am really honored to be here with all of you and to tell you, speaking of oversight, about my trip this last weekend to Iraq. I think it's one of the most important functions the Constitution gives to Congress, the power, the sole power, to make war and to fund that war should it decide that it needs to happen.

□ 1745

I flew out on a congressional delegation that was led by our fellow classmate, Dave Loebsack, Congressman of Iowa. And after a few hours of sleep in Kuwait, we were flown in by a C–130 to Balad Airbase in Iraq. On the way in, the plane's crew deployed flares against a perceived threat from the ground. I never found out exactly what they saw, but they fired flares for protection.

We got a tour of the base and the Air Force Theater Hospital there. We spent a night in the Green Zone. I slept in a guest room in one of the pool houses by one of Saddam's palaces, with a big Olympic swimming pool and gold fixtures and a marble bathroom that the guesthouse had. And I understand this is a subject of some friction with the Iraqis who feel that after 4 years we should have handed over the national palaces to the Iraqi people rather than inhabiting them ourselves, but that's another subject.

I have good news and I have not so good news. The good news that I first perceived on my trip is that, first of all, I cannot state strongly enough my admiration and respect for our Army, Navy, Air Force and Marine personnel. Officers, medical teams, enlisted men and women, all are displaying creativity, commitment and a work ethic that should make all of us proud, even when they're carrying out duties other than they were trained for, such as an artillery officer doing civil affairs or training Iraqi police. They are more than up to the mission.

The other good news is the money that we and our fellows here in Congress voted for MRAPs was definitely money well spent. We saw a picture of a Cougar MRAP that was hit by such a powerful explosive that it blew it up 25 feet or so into the air, hooked the utility lines, and brought them down with it as it landed upside down. Four soldiers inside that MRAP, two of them

walked away; the other two spent a night in the hospital with relatively minor injuries and returned to their units. Their commander told us that in any other vehicle all four would have been fatalities.

Now for the bad news. We have a lot of other vehicles. We were shown a huge parking lot. Imagine the biggest used car lot that you ever saw full of Humvees, Bradley vehicles, tanks, trucks, all kinds of vehicles that had been hit by IEDs. Some, including Abrams tanks, looked like they had been opened up by a can opener and had metal inside that had melted and resolidified. Tires, treads, electronics and other useable parts were being salvaged, and the twisted steel that was left sold for scrap to Kuwait.

Some vehicles were deemed fit for repair, but most of what we saw was clearly far beyond repair. The lot we looked at represented thousands of American casualties and billions of taxpayer dollars. We were not, by the way, allowed to take photographs of it.

In the Green Zone, the most heavily guarded part of Baghdad, one of the safest, supposedly, parts of Baghdad, we were shown the concrete shelters every couple of hundred feet and warned to duck inside one of these shelters if an alarm sounded, because just the week before, two American troops were killed by mortar fire in the Green Zone. Even sleeping in a guest room in Saddam's pool house, with the Olympic swimming pool and gold fixtures, we had to be ready to duck and cover.

We had meetings with Ambassador Ryan Crocker, General Petraeus, briefings by the intelligence staff. And my synopsis of the conversations goes like this: Ambassador Crocker said, ''the Maliki government is somewhere between challenged and dysfunctional.''

I asked repeatedly about what progress is being made toward restoration of clean drinking water, sewer service, and uninterrupted electrical supply. The answers from all of our briefers were vague. And current estimates are that electricity is only on 2 to 3 hours in Baghdad, maybe 12 hours a day in Ramadi or the Shia-controlled south.

The next day we got to go to what they called the safest part of the country, which is Ramadi in Anbar province. Surprise; the last couple of months there has been a decrease in violence there as what they call the Anbar awakening happens with the sheiks deciding they're going to side with us rather than siding with the terrorists.

Nonetheless, as we rode in the helicopter to the safe part of the country, we flew low and fast, close to the deck, with two .50 caliber machine guns out each of the front doors, and a couple of times they fired bursts of automatic weapons fire. And afterwards I asked what it was for, and the gunners said they were clearing intersections. I presume that means firing in front of the lines of vehicles to make them stop and not drive directly underneath us.

When we entered the marketplace to see the new, safe Ramadi market and the new business center, the small business center that had opened, we were driven there in a Cougar MRAP and told to wear our body armor and our helmets while we were inside the MRAP. And when we took them off and walked around the marketplace, we were surrounded at all times by a ring of dozens of soldiers carrying automatic weapons, and they were wearing their helmets and their body armor. So, if that's the safe part of Iraq, I wonder what the dangerous part is.

On the way home we stopped in Ramstein, Germany, launched to a medical center, visited some of our troops. I saw one of my constituents there and had my picture taken with him, and interrupted his lunch to shake his hand and thank him for his service.

There were several Romanians there who were injured, a number of Americans, all of whom from Iraq were hurt in Baghdad, attacked in Baghdad, and then there was one attacked or wounded in Afghanistan.

Their spirits, in general, were great, and the medical staff was terrific. I can't say enough about our medical core either. And they really appreciate the visits. They really appreciate the donations from home that are coming from individuals, from school kids, from veterans groups and from corporations of everything from fleece and coats and underwear and toothbrushes, anything you might need, duffel bags, because these are soldiers evacuated from the point where they were wounded in the field by helicopter to Balad and then stabilized and sent off to Germany.

So, there are good things, but there are also enough negative things going on there so that I returned with the same conclusion that I went there suspecting, which is that the $200 billion more that we're being asked for by President Bush for Iraq, based on the presumption that the Maliki government, which our own ambassador describes is dysfunctional, will be up to the task of resolving and reconciling the differences between the different sects is wishful thinking; and that after a year and another $200 billion, where will we be? What kind of guarantee, what kind of even probability do we have of a stable country to leave behind? If the sheiks in Anbar can get together, if the mullahs in the south, the Shia south can get together, if the Kurds in the north can get together and stop attacking Turkey long enough to have the country that they've always wanted, then perhaps we can bring our troops home and get to business spending that money here on things that Americans, at least in my district, are telling me they need built, infrastructure they need repaired, schools that they need to be improved, and other things that constitute Nation building here at home.

That is the short version of my report. I thank you so much for letting me share that with you.

Mr. YARMUTH. I want to thank my colleague.

Before I introduce another one of our esteemed colleagues from the class of 2006, when you talk about your observations after having gone to Iraq, and many of our colleagues have gone, sometimes I think people get the impression that we're just acting like any other pundit talking on television. But, in fact, what you're doing and what the other Members of our body have done when they go to Iraq is to fulfill their responsibilities under article I. Because article I says that Congress shall have the power to provide for the common defense, it says to raise and support armies, to provide and maintain a Navy, to make rules for the government and regulation of the land and naval forces, and so forth, to provide for organizing, arming and disciplining, this is the militia. But all of these powers and responsibilities are given to the Congress not just to say okay to the President, the Commander in Chief, but to make the decisions as to what the appropriate levels of support for those various responsibilities are.

So when we talk about going to Iraq to assess the situation there, to talk to our troops, that is not just to go for a matter of curiosity or journalistic curiosity, it's actually to fulfill our responsibilities because we are responsible to make decisions as to what appropriate levels of support are.

And with that, I would like to call on my distinguished colleague from Minnesota (Mr. ELLISON).

Mr. ELLISON. Well, my colleagues, let me thank you again for this excellent dialogue.

We have to, as the difference makers in this 110th Congress, tell the people what's going on, what we're here for, and to reclaim the Congress as a co-equal branch of government articulated in article I, a co-equal branch of government that resides and has all legislative powers herein granted shall be vested in the Congress of the United States and shall consist of the Senate and the House of Representatives.

And so as I heard my colleague, Mr. JOHN HALL, articulate his trip to Iraq, I was forced to reflect upon my own. And I didn't go there out of an idle curiosity seeker, a person trying to go on an interesting trip, but as somebody who is going to be called upon to execute a vote, to push a button, red or green or otherwise, as to monies that will be sent forth and as to other business that will be happening in Iraq. That's our job, we claim it, we do not abdicate it, and it would be wrong and a dereliction of our duty to do otherwise.

So, let me commend you and everybody who has gone to that place where our constituents, some of them have spent up to 18 months at a time as they face extended deployments.

And I also want you to know that I sat down at a table with young people

from my district in Minnesota where we ate lunch. I was struck by the fact that wherever they go, they've got these big old guns that they carry with them, everybody. It's like a wallet, but it probably weighs quite a bit more than that. And that's just the lives that they lead. But they distinguish themselves and make us proud by their courage. And it is political authority, politicians like us that make decisions whether they stay or whether they go. So we had better at least spend a little bit of time there with them, and we had better at least try to get in their shoes and identify with what they're going through just a little bit and feel that 130-degree heat that they're in every single day and feel the dust and sand under their feet and the hum of those helicopters. I'm sure you were humming around in those Black Hawks with the windows out and the machine guns on either side, strapped in in four places and feeling the heat of those propellers as the air hits against your helmet. It's the kind of experience that we go through so that we can have some real sympathy and empathy with the people who we are charged to represent. So, hats off to you, Congressman. I appreciate it.

I'm not going to talk long because I love the switching around that we do. But I just want to make one other point as we look at article I and we reclaim and assert our responsibility under the Constitution as Congress. It is also important to understand that we have asserted our authority in the area of promoting working-class prosperity for people.

I am so proud that one of the things we did for the first time in 9 years is raised the minimum wage, Mr. Speaker. The hardest working people in America getting paid the least got a raise under this Congress. And I don't want people to make that into any kind of a small matter. Thousands and thousands of Americans benefited by raising the minimum wage for the first time in 9 years. I'm talking about the folks that clean the bedpans, mop the floors, sit in those cold or hot parking booths all across this country and really do the tough, tough work, getting paid not much of nothing. And you know that if you make minimum wage, basically, if your employer can pay you less, they probably would. So what we did is we raised that minimum wage so people can have a little bit better of a life. So now instead of moms having to tell kids, ''Honey, you can't go on that class trip,'' ''Honey, you're going to have to wear those sneakers a few months longer,'' now, instead of dad saying, ''No, son, you can't sign up for baseball,'' or, ''Yes, we're having macaroni and cheese again,'' now they can say, ''No, we're going to do a little better this time. We're going to make your life a little better. We're going to make your quality of life a little better.''

So I just want to say, Mr. Speaker, that I'm so proud of my colleagues and this whole 110th Congress to be able to do a little bit better for the hardest working Americans in our country.

Mr. YARMUTH. I thank the gentleman. And it's interesting because, again, you can find a foundation for all these things we're doing in these very words in article I, because one of our responsibilities is to provide for the general welfare. And when we're talking about the minimum wage, we're talking about the general welfare of the people.

I would like to return to our distinguished president, who has a distinguished military record of his own, since we've been talking about our efforts with regard to Iraq and the military.

Mr. WALZ of Minnesota. Well, I thank the gentleman. And I thank the gentleman from New York for his clear testimony and for fulfilling his obligation, not only as a Congressman, but as a citizen, to ask the hard questions. When we send our soldiers and our warriors into harm's way, it's all of our responsibility to ask, is this the right mission? Are they being provided for with the right equipment? Are we doing everything necessary to ensure that that's happening?

And quite honestly, the problem around here up until January of this year was that people were being told that it was unpatriotic, it wasn't right to question those things because the President, under his administration, was determining that he was the unitary executive, he was the decider. Now, that's the President's right, that's this President's right or any right, I guess, to determine how they're going to look at that.

The foundational principles, though, of this country don't let us just get to pick and choose. We go back to the document that the gentleman from Kentucky keeps referring to. The Constitution of the United States clearly lays out for us, and I think it's kind of interesting and maybe even critical for us, it might be the teacher in me that goes back to this, I have been rereading a book on the Constitutional Convention by two professors from Georgia that take James Madison's notes about what was happening at that time and that summer when they were thinking how they were going to form this government.

□ 1800

When the President talks about he doesn't need 435 commanders in the field or whatever, what he does need to understand is that these 435 Members were the very first piece of decision-making that went into that convention.

I would like to quote a little bit if I could from this, to my colleagues and to you, Mr. Speaker, about what was going through their minds as they were formulating this and what our responsibilities as article 1 is. Keep in mind that they met on May 30, and on June 1, the first piece of legislation once they got a quorum and they decided they were going to go with a Federal or national government, here are some of the notes that were compiled. Here is Mr. Mason.

Mr. Mason argued strongly for an election of the larger branch by the people. It was going to be the grand depository of the democratic principles of the people. It was, so to speak, to be our House of Commons. It ought to know and sympathize with every part of the people. It ought to therefore not only be taken from different parts of the whole, but also from different districts of the larger members, which had several instances, particularly in Virginia, different interests of views arising from differences of produce, differences of habit, all kinds of differences.

Mr. Madison considered the popular election of one branch of the national legislature as essential to a free government. He thought, too, that the great fabric to be raised would be more stable and durable if it should rest on the solid foundation of the people themselves and their elected representatives as the pillars. They went on to formulate how they were going to do that and have the debate of who should elect the Senate and how those things should happen. But there was no doubt in anyone's mind by the framers of this government about where the pillar and where that foundation should lay.

I think it is interesting, then, to take a look at this of when they talked about the next branch, when they started talking about the executive branch. On June 1, the delegates began considering the structure of the executive. They were not sure yet what duties would fall to the executive or even whether a single person would hold that position. The major issue that faced them was one of balance. If the executive branch was too strong and independent, many delegates feared it might result in another monarchy like the ones they had recently revolted from. But if the executive was too weak and depended solely on the legislature, it might be ineffective. Thus, checks and balances were key to this.

In going through and looking at these, the different issues that are coming up or the clauses that went into this, it was apparent from the very beginning that the Founders of this Nation clearly understood that. As we said earlier, and my colleagues each said, this isn't about a piece of legislation. This is a platform or a framework to get back to where this country came from. This isn't about President Bush. This is about all subsequent Presidents. And so be it, be that Democratic, Republican or whatever it would be, that those individuals still must fall within this framework.

I believe, and I think my colleagues that are here tonight believe, that that was one of the motivating factors for sending many of us here almost a year ago to the day. It wasn't just ideology. It was about the framework of the genius that went into the Constitution

and the thought processes that formed that.

So in listening to this and listening to Mr. HALL describe his trip to Iraq, he is fulfilling his constitutional duties as an elected official and fulfilling the things that we know are necessary. I would go back to talking about this MRAP. If you remember, without the oversight, it was the administration that sent our soldiers with the army that we had, not the one that we would want. No one asked about body armor. No one asked about up-armored Humvees. Those were the questions that should have been asked in this chamber. But they were told, no, go along with the executive.

Well, article I is about saying, we will never just go along because that is not our duty. I am pleased to see each of my colleagues here. I know the passion that each of them feel for this issue is a passion for this great Nation. It is a passion for the founding principles. It is not a revisionist history. It is not a power grab. It is functional government that delivers for its people. That is what we need to get back to.

With that, I would like to, if I could, yield to the gentlewoman from Ohio.

Ms. SUTTON. I thank the gentleman. What great points, and thank you for reading that because we can all use sort of that reminder that the Founding Fathers recognized the dangers of an imperial Presidency where edicts from the White House might carry more weight than laws passed in Congress or rulings handed down by the court. And that is what we are here to do, to get things back in balance.

Unfortunately, as we have sort of expressed earlier, some of us, that the White House at present has routinely refused to provide information to the Congress. As the gentleman from Minnesota points out, that is not what was envisioned when our Founding Fathers put together the fantastic, amazing, living document that we are here today to reclaim.

Earlier this month, I heard testimony from executive branch witnesses that they were refusing to answer questions before Congress on whether or not there is corruption in the Iraqi Government. We hear this right after we hear our distinguished colleague from New York talking so eloquently about what he saw and what he witnessed. And we hear about our responsibility to come forth with the knowledge that we gain when we go to Iraq and I, too, have visited Iraq. We hear witnesses come in, though, from the administration when you start to ask questions about corruption that may be going on in that country, where we have paid, those of us here, the American soldiers, the troops, the price that they have paid. You speak so eloquently of them, Congressman HALL, and their dedication and their heart. I have to tell you, they are breathtaking to watch in action. But we have to question if money is missing. We have to question when equipment is missing because the troops pay a price. The American people are paying a price for what we are doing in Iraq.

At any rate, the reality of an administration that instead of providing information so that we can investigate, they stonewalled providing information and in that case and in so many other cases, and I am sure others are going to mention them, it is our responsibility to ask the questions, to get the information and make sure that we make policies that are worthy of those soldiers and are worthy of the American people.

I am so proud to be here with you all tonight, the members of the freshman class as we begin this campaign to reclaim our responsibility. Before I yield back, I just want to mention one thing that was striking. The gentleman from Minnesota mentioned that the President has rights under article II. But I think that we would all be better served that rather than thinking of the President having rights, he should think of them as responsibilities, because they are not personal rights. It is a job description for him, too, in article II.

Mr. YARMUTH. I thank my distinguished colleague from Ohio. It is kind of interesting, because since we are going back to the kind of legislative history of the Constitution, in the Federalist Papers which do constitute, I guess, whatever official legislative history there was, one of the things that James Madison wrote in article number 51 was, he said, ''But the great security against a gradual concentration of the several powers in the same department'' which would be the executive or the Congress ''consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others.''

So when you talk about the efforts of the White House, in this particular case, to withhold information that the Senate requires, and we issued subpoenas, which would be our constitutional means of requiring the information to resist the encroachments of the other branch of government, we have been stonewalled on a number of occasions. And this is the type of activity that the Founding Fathers anticipated. They gave us the constitutional means to resist those encroachments. We need to continue to recognize those and to use them whenever we have to.

Now, my colleague from Florida has been standing there for quite a while.

Mr. KLEIN of Florida. Thank you, the gentleman from Kentucky and the gentleman from Minnesota. It was great. It reminded me of being back in school of reading the Federalist Papers and those kind of things. But for those folks listening in this room and around the country, I think we all understand very clearly this is a living, breathing document, the Constitution. It has changed over the years, not the language, but the belief, but the fundamental goals and the values behind it are all the same. I think when I speak to people back in Florida, and they say to me, ''Get control over the problems in Iraq,'' whether that is changing the policy or making sure that the armor is there and that our military is properly supplied. ''What happened in Katrina? How could our government, when we saw those pictures on TV, how would could this be the United States?'' We look at third-world countries around the world and surely we go and support them, and yet in our own cities we saw the failure of the government. And unfortunately, at that time, very little ''buck stops here'' kind of response. People died unfortunately, billions of dollars in property loss, and just the bruising of the American psyche, not to mention the loss of personal lives in New Orleans and other places. It was so wrong on so many levels. I think that hurt America. But the key in what our responsibility is, Members of Congress and Americans together, is to say, let's learn from the errors. Let's learn from our mistakes. That is where the accountability, the balance of power, asking the questions, getting the answers, learning from those mistakes, whether it is in Iraq and finding out where those billions of dollars of cash have gone so it doesn't happen again, whether it is foreign policy or whether it is policy that affects everything in this country. We saw a bridge collapse. Are we looking at all the bridges in the United States to make sure that our infrastructure is safe?

Mr. ELLISON obviously is deeply involved and truly has been a great leader and hero to your community because you obviously knew exactly what needed to be done there. But these are the questions. Where is America today? And the only way we are going to continue to be this great country, this beacon around the world, is to be able to have a thriving democracy that doesn't let one end of the spectrum, in this case the executive branch, run over and not allow the Members of Congress and the American people to ask the questions, get the answers, learn and move forward in a very, very positive way, which is the American value that we all have.

Americans can do anything they want. We know that. But you can't have Washington stopping it. Unfortunately, until this most recent Congress of which we are all privileged to be a part, we had year after year after year where Congress unfortunately didn't do its job in many of our opinions. I am very proud to say that we are making many of the right moves here. We have a lot more work to do. Let's make no mistake about it. Americans demand and expect us to do our job, to do it with fervor and excitement and make sure we correct some of these mistakes and move forward.

But we need help from the executive branch. They have to realize there are limits to those responsibilities. There are no personal issues here, but responsibilities of moving this country ahead.

If everyone will get out of their corner a little bit and come together, I think we can solve all these problems and do it in a very positive way.

Mr. YARMUTH. I would like to recognize my colleague from New Hampshire with a question. And that is, we are about to engage in a fairly contentious series of votes concerning appropriations measures. According to article I, section 8, one of the most important powers that this Congress has is the power of the purse. As a matter of fact, in another Federalist Paper, number 58, James Madison said that, ''This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress from every grievance, and from carrying into effect every just and salutary measure.''

As we look forward to our deliberations and our discussions of the appropriations process, I would like the gentleman from New Hampshire to discuss our responsibilities in that regard.

Mr. HODES. Thank you. As I have listened to the colloquy we have had here on the floor today in this Chamber where such important issues of war and peace, spending, raising revenue are debated on a daily basis now and thinking about the beginnings of the country, and you have asked about the questions coming up about appropriations, and we have had passed numerous appropriations bills. I think we have passed 12 here in the House of Representatives. The Senate has not yet acted on all of them, because, of course, once we pass the appropriations bills, and they must originate under the Constitution here in the House of Representatives, they go to the Senate. The Senate has to pass them. They come back and forth and they go up to the President. Of course the President has now threatened a veto on the spending necessary to run the Federal Government, to run the program for health and human services, to educate our kids, to heal the sick, all the programs that we have in the Federal Government, he has threatened to veto. And then if he vetoes a bill as we saw with the SCHIP bill, it will come back here where Congress will have the power to vote to override that veto and put it into law despite what the President says. All those powers and all the debates arise out of what my colleague from Florida noted was a living, breathing document. This great democracy of ours comes down to the words and the spirit that are embodied in the Constitution of the United States

Many Americans around the country really have lost sight of the humble beginnings of the country and the need for the powers in article I.

□ 1815

We were a ragtag country, mostly woodsmen and woodswomen that were fighting against this imperial monarchy. We won a revolution and were then immediately faced with terrible challenges. We had no Navy. We had no commerce. Our Army was weak because we had just been through a revolution. We didn't have much money. We had no trade. We had few ambassadors. We had very few friends. It was the Constitution that had to lay out all the powers that would serve as the basis for what is now a $1 trillion a year appropriation in terms of what the Federal Government raises and spends, or borrows and spends in past Congresses.

The challenges we faced coming in here, we are faced with fiscal irresponsibility, in which Congress was borrowing and spending. In fact, the war in Iraq is a perfect example. That war, which is now suggested will cost $2.4 trillion when all is said and done and all is added up, has been done with borrowing. It has been done by putting it on the backs of our children and our grandchildren. Fiscal irresponsibility. Just waste of taxpayer money, which we were sent here to deal with.

The Constitution lays out clearly that it is Congress's duty to lay and collect taxes, duties, imposts and excises, words these days that don't mean very much. They are fancy, old-fashioned words. We have got to pay the debts and provide for the common defense and general welfare. We are allowed in Congress to borrow money on the credit of the United States because it was very important at the very beginning of the Nation that this government be given the power to deal commercially and get the money it needed in a responsible way to run the affairs of the country. But it was up to Congress to appropriate the money to run the programs, provide for the common defense and general welfare.

Today, we are faced with a tough situation and it will probably take us all through the fall as we deal with the President, who has threatened to veto the responsible measures that we, in Congress, coming together as voices of the people, have decided are necessary to run this country. It is up to Congress, really, to say what those programs should be because that is the power the Constitution gives us.

Mr. Speaker, I heard with great interest the quotes from Madison, the quotes in the book. There is another quote from Madison that really talks about why Congress is the place that provides for the welfare and defense of the country. Madison wrote in Federalist Papers No. 52, and the words, it's a little old-fashioned, but folks will get it, ''As it is essential to liberty that the government in general should have a common interest with the people, so it is particularly essential that the branch of it under consideration,'' the Congress, ''should have an immediate dependence on, and an intimate sympathy with, the people''. In other words, it was clear from the founding of this Nation that this body, this hall, this place where we stand before there was C–SPAN, before there was television, this place is the place of the people.

The 435 people who gather here, each representing 650,000 or so people of the United States, are the folks who, in what I have described to my constituents as the hurly-burly of democracy, come together to decide how things should be governed, what kind of money do we need, and how are we going to spend it.

So that is what we are going to be seeing this fall play out. We don't know how it will end, where it is going to go. The Senate will have a role, certainly the President has a role. But so far it appears that with this President, the role now, unlike the past 6 years of the 109th, 108th, 107th, which, with all due respect for my colleagues on the other side of the aisle, the Republicans, were Republican-dominated Congresses where the veto word was never mentioned, all of the sudden the President has now decided that it is time to veto almost everything that is coming out of Congress. He vetoed SCHIP, a bill to ensure 10 million of our neediest children for health care. Vetoed. We are going to send it back. Threatened vetoes for our appropriations bills to run the Federal Government. He is going to send them back.

This is a new light, apparently, that has dawned on this President, that suddenly a Democratic Congress sending him legislation is all of a sudden going to be subject to vetoes. With this initiative, we are here to reassert the importance, the power, the responsibility of this Congress to act for the people who sent us here.

Mr. YARMUTH. I thank the gentleman from New Hampshire. I would like to yield to the gentleman from New York, with this segue; that we all come from different parts of the country. Isn't it amazing that the Constitutional Convention in its wisdom, the Founding Fathers, I think recognized that even if you had an all-powerful executive, that person, that man or woman could never know the needs and the priorities of every nook and cranny of the country and that you coming from New York or from New Hampshire or Ohio or Florida would all assimilate all of our needs and priorities into a budget and a priority list for the Nation. That is why he vested this type of power in the Congress and not in the executive branch.

Mr. HALL of New York. Mr. Speaker, I thank the gentleman. It is true that all of our areas and our districts around the country are different in many ways, but it is also true that they are the same, and our people have the same needs in many ways.

The gentleman from Florida talked about Hurricane Katrina. The gentleman from Minnesota mentioned the trailers that FEMA didn't know were contaminated with formaldehyde. Two weeks ago, in my district, the town of Deer Park discovered they had lead contamination in their highway department building and their town hall

that was measured at 5,000-plus parts per million of indoor air contamination of lead.

My office called and we got FEMA to send a trailer over 2 days later so they could set up some computers and telephones and at least have a rudimentary office in the parking lot next to their closed-down office being remediated for lead contamination.

Three days later, the following Monday, I found that FEMA had come and towed the trailer away because it was contaminated with formaldehyde. Two-plus years after Hurricane Katrina, they still don't know which of their trailers have formaldehyde in them and which ones don't.

That is why oversight is needed. Whether it is the Veterans' Affairs Committee, which has performed significant oversight, whether it is the Transportation and Infrastructure Committee looking at Coast Guard sweetheart deals with military contractors that resulted in eight vessels being lengthened by 13 feet and rendered unseaworthy, the 123s, as they call them, so they are now being scrapped in Baltimore Harbor, or whether it is oversight of the conduct of the war in Iraq, this body needs to perform oversight, and I am glad after the last 6 years, it is finally doing so.

Mr. YARMUTH. Mr. Speaker, we have just about 5 minutes left, so I thought all my colleagues would like a last chance to talk about what article I means to them and where they think we in this Congress can do our best work in furtherance of the goals of article I.

Mr. ELLISON. Mr. Speaker, when I think about article I, I think this passage in the Federalist Papers where it says that we are to be in intimate sympathy with the people, I got to tell you, that when I sat down along with my colleague Congressman HODES and Congressman KLEIN with the Financial Services Committee to listen to people who had faced foreclosure in their homes because of the subprime lending crisis, I thought about article I.

Mr. Speaker, I thought about article I because article I is that provision that empowers me as an individual Member of Congress to want to listen to people who are facing foreclosure; listen to the mortgage originators who say, yes, we do need to have some regulation of what we are doing, there are some cowboys out there; to listen to these community bankers; and to listen to people who say, look, I made all my mortgage payments, but there is a foreclosure on the left and a boarded building on the right, and my house where I paid every payment is now suffering loss in the value of it because of this foreclosure crisis.

I was in intimate contact with article I as I sat there in earnest and sincere humility listening to people and what they were going through, when I was so proud to sit there on that committee to be able to respond to the people. Because we have to go back there every 2 years. We can't take a vacation from the people in the House. We got to listen every week. Week in, week out, we are in touch with our folks.

So Mr. Speaker, Mr. YARMUTH, I just wanted to say that article I, what it means to me is sympathy with the people and action on their behalf.

Mr. HODES. Mr. Speaker, I can't help but think about the importance of the power of the purse. James Madison said, ''The House of Representatives can not only refuse, but they alone can propose the supplies requisite for the support of government.''

The power over the purse is our weapon to use, and I am hoping that this Congress will no longer be the President's enabler when it comes to his misguided policy in Iraq. Earlier this week, he asked for an additional $46 billion for the wars in Iraq and Afghanistan, bringing the total request this year to almost $200 billion. By the time we are done, we are going to be at $2.4 trillion in Iraq. That is enough to provide college educations for every student who wants to go to a 4-year college for free at a private college or university. We could provide health care for every American for a year for the money we are spending.

It is going to be up to Congress to make tough decisions on whether or not we are going to use the power of the purse to take charge of this President's misguided policy.

So I am in contact and intimate sympathy with my constituents in New Hampshire who have said to me loud and clear, ''Do something to stop this President's policies in Iraq.''

Ms. SUTTON. Mr. Speaker, just briefly, I thank the gentleman for the time. As we began, the 2006 election was not simply a change of course, but a return to checks and balances. Members were elected, as my colleague over here says, to hear from their constituents. We were also elected to speak for our constituents, and we have to be their voice. That is what article I is all about.

So I am glad that this is probably the beginning of many hours to come, where we are going to come to this House floor and we are going to talk about article I and reclaim that responsibility.

Mr. YARMUTH. I thank the gentlewoman. Finally, our president.

Mr. WALZ of Minnesota. Mr. Speaker, I thank my colleagues for being here. It couldn't have been put better. We represent the entire bread of this country, from New York to New Hampshire out to Minnesota, Kentucky down to Florida. And there is more to come and there will be more to talk about this.

I am just reminded, remember how the Constitutional Convention ended? All of us remember this story from school, where Benjamin Franklin was asked what he was thinking about, and he said, I remember looking at that sun sitting behind General Washington and thinking during the time that this was crafted, is that a rising or a setting sun? And he said when they had ended, I could say with happiness, it is a rising sun.

This country's democracy is still healthy, it is still moving forward, the checks and balances are still here, and this country knows that it is the true secret credit of where our greatness lies.

Mr. YARMUTH. Mr. Speaker, I thank the gentleman and I thank all my colleagues. It has been a wonderful hour. I think the dialogue we have had tonight not only discusses an important issue, but also reflects the greatness of the Founding Fathers because it created this body in which we can have this type of discussion. So I thank my colleagues once again. We will have many more discussions like this.

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

## VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute special order of the gentleman from Texas (Mr. POE) is vacated.

There was no objection.

## CRUEL AND UNUSUAL PUNISHMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. POE) is recognized for 60 minutes.

Mr. POE. Mr. Speaker, I will address this house tonight on a very special issue. It is good to hear that the speakers prior to me used as the basis of their dialogue the Constitution.

Far too often it seems to me that in this House we talk and pontificate about all kinds of things, but sometimes we forget the basis for all legislation, the basis for what we do, the basis for the oath that we took as Members of Congress, was to support the Constitution of the United States.

□ 1830

Like many Members of Congress, I carry a pocket Constitution with me to refer to from time to time. I want to read just one portion of the U.S. Constitution. It is the eighth amendment to the Constitution. We call the first 10 amendments to our Constitution the Bill of Rights.

It says in the eighth amendment that excessive bail should not be required, nor excessive fines imposed. It also says nor cruel and unusual punishments inflicted. You notice the phrase is ''cruel and unusual punishment.'' Far too often some quote this phrase in the Constitution as cruel or unusual. That is not the law and it has never been the law. The law is punishment should not be cruel and unusual.

A little history is in order. Our forefathers that wrote this Constitution did not come up with that phrase. It

goes all of the way back to the English Bill of Rights from 1689. Most of the colonists had English heritage, and when they formed their federations and the States and colonies, they enacted certain laws. In those laws and later their State constitutions, they included the phrase that punishment should not be cruel and unusual.

Then when our forefathers wrote this Constitution and made it the law, this eighth amendment was added to make sure that punishment was not cruel and unusual. So that is a little basis for where we came up with this phrase. There have been many debates over the years as to what does that mean, cruel and unusual punishment. Not many Supreme Court cases are involved in what the definition is. But there is one. In 1878, the Supreme Court of the United States in a case called Wilkerson v. Utah tried to define what the phrase ''cruel and unusual'' meant. Here is what they said: It is safe to affirm that punishments of torture, such as drawing and quartering, emboweling alive, such as took place in the movie Braveheart with William Wallace, beheading, public dissecting, and burning alive, and all others in the same line of unnecessary cruelty, are forbidden by the eighth amendment to the Constitution. I doubt there are many Americans who would disagree with that interpretation of what ''cruel and unusual'' means.

But we have a new issue before us today, and this issue is coming before the United States Supreme Court which meets right down the street from us. Those nine members of the Supreme Court have decided to take two cases from Kentucky that deal with the issue of cruel and unusual punishment.

Two men in Kentucky received the death penalty for crimes against the citizens of Kentucky. And they argue now, years later, that the means by which they are executed is cruel and unusual. That means, Mr. Speaker, is by lethal injection. Kentucky's lethal injection procedures are the same as many States, including my home State of Texas. Just to be clear, three chemicals are used for lethal injection. The first is sodium thiopentothal which renders a person unconscious, and pavulon which paralyzes the muscles, including those which control breathing, and then potassium chloride which causes cardiac arrest. Those are the three chemicals that most States use and are administered to the person who has received the death penalty and is to be executed for their crimes.

The Supreme Court will consider one of these cases, it is called Baze v. Rees, the way that lethal injection is actually administered by the administrating process, whether it causes severe pain such that it is a violation of the cruel and unusual punishment provision of the eighth amendment. Baze was scheduled to die on September 25, 2007, for the 1992, that's right, 15 years ago he murdered a sheriff and deputy sheriff who were trying to serve him with a warrant. The Kentucky Supreme Court stayed his execution pending the outcome of the Supreme Court decision.

The second case involves the execution of a Thomas Bowling, also from Kentucky. In 1990, that is 17 years ago, he killed Tina and Edward Early outside their Lexington dry cleaning business. He also shot the Early's then 2-year-old son, but the son did not die. He was able to survive. Bowling was supposed to be executed 3 years ago, in 2004, but his execution was halted in part because of a challenge on how the State of Kentucky executes prisoners.

Both of these offenders, Baze and Bowling, sued the Commonwealth of Kentucky in 2004 claiming lethal injection amounts to cruel and unusual punishment and violates the eighth amendment to the Constitution. The State Supreme Court of Kentucky ruled against both of these men, but the U.S. Supreme Court now will hear their case. This marks the first time that the United States Supreme Court will address the merits of lethal injection without also a request for a stay of execution.

The Supreme Court's precedent is that the death penalty and the method of execution must not be ''contrary to evolving standards of decency'' and may not inflict ''unnecessary pain.'' Let me say that again. The Supreme Court says that the method of execution must not be contrary to evolving standards of decency and may not inflict unnecessary pain.

Our Supreme Court really has only ruled on a direct method of execution once, and that was in 1878 when it upheld the use of a firing squad for execution. But since that time, the Supreme Court in 1972 stopped all death penalty cases because of a different legal issue. The issue was that juries that decided whether a person should get the death penalty or not had too much discretion in making that decision. So the Supreme Court struck down death cases in the United States until State law conformed with the Supreme Court ruling, and then jurors were given a more exact way of determining whether the person should live or die. I am not going to go into those issues at this time, but basically the jury is asked a series of questions, and based upon the way they answer the questions, the person would receive the death penalty or a life sentence. In 1976, juries once again started hearing death penalty cases and making that decision.

Mr. Speaker, as you know, prior to coming to this House, I served in Texas first as a prosecutor in the district attorney's office in Houston for 8 years, and I also served on the bench trying felony cases after that for 22 years. During those 8 years when I served as a prosecutor, I tried death penalty cases. And those people that I tried when I was a prosecutor have all been executed.

When I served on the bench, most of those individuals who were tried and juries heard those cases, those people who received the death penalty have also been executed. But there are still some even now who are on death row.

I want to make it clear that judges do not determine the death penalty in this country. We do not give that power to one person. We want and make juries determine whether a person should live or die for the crimes they have committed. It is a mistaken belief among a lot of Americans that judges assess the death penalty. We just sentence the person to the death penalty if the jury has ordered the death penalty in that particular case.

So it is 12 people from the community who set the community standard on the conduct on the individual who appears in court. I am a great believer in that. I believe juries should be the ones and it should be a unanimous decision before we take a person's life for the crimes they have committed.

And guilt should never be an issue. What I mean by that, juries must be absolutely convinced beyond all doubt that a person committed this crime before they assess the death penalty. I was very careful as a trial judge over those 22 years on the numerous death penalty cases I tried to make sure that the rule of law was enforced in every situation because of the fact that the person that is on trial receives the ultimate punishment.

I am actually one who believes in numerous appeals on death penalty cases, to have it reviewed by other courts. I just wish courts, including our Supreme Court, would not take so long to make those decisions, that they should review those questions of guilt and the constitutional rights of the offender, make sure that those are reviewed quickly and not take years and years. That does not promote any form of justice either for the offender or for the victim in the case.

The State of Texas, as many know, has executed more folks than any other State. Let me just mention a little history here. Before it was even a part of the United States and before it was even a country, Texas was a country for 9 years from 1836 to 1845. But even before that time, Texas assessed the death penalty and death penalty cases were assessed by hanging. That was done until 1923, and then the State of Texas moved to the electric chair until the Supreme Court stayed all executions. And then lethal injection has been used ever since 1976. Texas was the first State to use lethal injection in 1982 as the means of punishing a person who received the death penalty.

There are 38 States now that assess the death penalty or have death penalty statutes on their books; 37 of those use lethal injection. Nebraska still uses electrocution. So 38 States, most of the States make that decision that some cases are so bad that the death penalty should be a form of punishment in those cases.

Now, I say all of that to address just one case. There are many cases that I could mention here. It would fill more than my allotted 60 minutes, but I want to talk of one case that occurred in my district back in Texas in Port Arthur. It involves a person by the name of Elroy Chester. He was born in Port Arthur in 1969. His criminal record begins in 1987 when he turned 18 years of age. I have before me here, Mr. Speaker, the 4-page resume of Elroy Chester. I don't have time to read all of the life and times of Elroy Chester, but I would like to put his rap sheet, as we call it in the vernacular, into the RECORD.

STATE OF TEXAS VS. ELROY CHESTER

CHRONOLOGY OF EVENTS

6/14/69—Elroy Chester born in Port Arthur, TX.

2/20/87—Burglary of a habitation, docket #48529.

2/25/87—Chester arrested for above burglary.

4/08/87—Chester released from jail via pretrial bond.

5/87—Chester graduated from Abraham Lincoln H.S. in Port Arthur.

5/09/87—Burglary of a habitation, docket #48794.

5/17/87—Chester arrested for above burglary.

8/03/87—Chester convicted on both cases, 10 years probation on both #48529 & #48794.

8/07/87—Chester transferred to TDC (shock probation).

11/04/87—Chester returned to Jefferson County Jail from TDC.

11/09/87—Chester released per order of the court.

3/28/88—Chester arrested on MTRP warrants on both probation cases.

3/29/88—Chester released per order of the court.

5/11/88—Burglary of a habitation docket #50635.

5/25/88—Burglary of a habitation, docket #50633.

6/09/88—Chester arrested for both above burglaries.

7/28/88—MTRP's filed on both probation cases.

12/19/88—Chester convicted on #50635, sentenced to 13 years TDC, revoked probations.

4/07/89—Chester transferred to TDC.

2/13/90—Chester paroled from TDC.

3/16/90—Chester arrested for evading arrest, theft and possession of criminal instrument.

3/19/90—Chester released, accusation up.

4/01/90—Burglary of a habitation, 2 counts aggravated assault reported, case against Chester refused by DA 1/08/91.

5/31/90—Chester appeared in court on evading case, convicted, 3 days in jail.

5/31/90—Chester released, time served.

8/19/91—Chester arrested for UCW (misd).

8/19/91—Chester released via PR bond.

10/15/91—Chester arrested for parole warrant.

11/18/91—Chester transferred from Jefferson County Jail to Bexar County.

9/01/92—Chester arrested for possession of marijuana (misd).

9/04/92—Chester released, accusation up.

9/27/92—Aggravated sexual assault/Burglary.

10/20/92—Chester arrested on warrant for above marijuana case.

10/21/92—Chester released via PR bond.

2/01/92—Chester arrested on parole warrant.

1/11/94—Chester transferred to TDC.

3/21/97—Chester paroled from TDC.

8/03/97—Burglary of a habitation (Lorcin .380 pistol stolen). Victim: Kenneth Risinger.

8/09/97—Aggravated sexual assault. Victim: A minor.

8/14/97—Attempted aggravated robbery. Victim: Candice Tucker.

8/15/97—Aggravated robbery. Victim: Dolly DeLeon.

8/16/97—Burglary of a habitation, Victim: Nancy Morales.

8/16/97—Attempted capital murder. Victim: Oscar Morales.

8/16/97—Attempted capital murder. Victim: Matthew Horvatich.

9/20/97—John Henry Sepeda murdered.

10/25/97—Burglary of a habitation. Victim: James Haney.

11/08/97—Burglary of a habitation. Victim: Marlene King.

11/08/97—Burglary of a habitation. Victim: Kay Barnes.

11/15/97—Etta Mae Stallings murdered. (.22 pistol stolen).

11/15/97—Attempted capital murder/2 counts. Victims: Peggy Johnson and Debra Ferguson.

11/20/97—Cheryl DeLeon murdered.

11/21/97—Four suspected gang members arrested and charged in Sepeda's death: Michael Lieby; David Lieby, Joseph Garcia and Bryan Garsee.

11/25/97—Arthur Jupiter also arrested and charged in the Sepeda murder.

12/07/97—Attempted capital murder. Victim: Lorenzo Coronado.

12/21/97—Albert Bolden, Jr. found murdered.

1/22/98—Grand jury indicts the Lieby's and Jupiter for capital murder (Sepeda), Garsee for burglary of Sepeda home but no-bills Garcia in the murder.

2/06/98—Willie Ryman, III murdered.

2/08/98—Chester arrested for violation of city ordinance, other charges added.

2/09/98—Chester directs investigators to Lorcin .380. Chester gives investigators sworn statement (confession) #1.

2/10/98—Chester gives investigators sworn statement #2. Chester directs investigators to jewelry.

2/11/98—Chester gives investigators sworn statements #3, #4, and #5.

2/12/98—Chester indicted Jefferson County Grand Jury: 2 counts capital murder (Ryman and Stallings), 2 counts murder (DeLeon and Bolden).

2/26/98—Chester indicted for capital murder of Sepeda.

2/26/98—Attorneys Douglas Barlow and Layne Walker appointed to defend Chester.

2/26/98—Capital murder charges against David Lieby, Michael Lieby and Arthur Jupiter are dismissed by DA (regarding the Sepeda murder).

8/03/98—Jury selection begins in capital murder trial of Chester (Ryman).

8/13/98—Jury selection completed, Chester enters a guilty plea.

8/17/98—Punishment phase of the trial begins.

8/24/98—Following closing arguments the jury begins deliberations.

8/24/98—After jurors deliberated for 12 minutes, Chester was sentenced to death.

Mr. Speaker, Chester's crime spree started when he was young with burglaries, and it ends up with capital murder in 2004. I want to tell you something about this case as to just tell you the type of people that live among the rest of us and what they do and how eventually they are caught.

In September of 1997, John Henry Sepeda, and the people I mention tonight are or were real people. He was an elderly man in southeast Texas and he was bedridden and he was shot to death in his home in his bed. Four local gang members were first arrested and later released. And Chester, when he was finally released, confessed to this murder.

Three months later in November of 1997, Etta Stallings, 86 years of age, was gunned down in her home where she happened to be caring for her invalid husband. A 22-caliber revolver was stolen from her home, and nearby during the same evening, two women were shot with a 22-caliber handgun as they lay in their bed. Shots came through an open window. Both women suffered multiple gunshot wounds, but miraculously they lived. The dog that was shot did not live.

Chester later when he was arrested confessed to all of these crimes.

Five days later Cheryl Deleon, an employee at a cafeteria in Port Arthur, Texas, was found shot to death outside her front door. Robbery was the apparent motive, and there weren't any witnesses.

The next month, in December 1997, Lorenzo Coronado was shot in the head as he lay in his bed after someone broke in. He miraculously also survived even though he was shot in the head.

Two weeks later, Albert Bolden, another real person, was found dead in his residence in Port Arthur. He had been shot in the head, but he had been dead for some time before his body was found.

□ 1845

Then finally, just a few months later in February of 1998, Port Arthur's reign of terror ended with the murder of Willie Ryman, III.

Mr. Speaker, Willie Ryman was a firefighter at Port Arthur Fire Department. He was twice named Firefighter of the Year, and in February of 1998 he decided he would stop by his sister's home to check on his two teenage nieces who were there alone. His sister was also a firefighter, and he wanted to make sure that they were okay because his sister was working as well.

Ryman was concerned about the nieces' welfare. It's interesting he was very concerned because he had heard of this crime spree that was going on in Port Arthur. Unbeknownst to him, it was all Chester's doing, this crime spree.

Be that as it may, he comes into the house, and he found that it was dark. He turned on the light, and he confronted a masked intruder who pointed a .380 revolver pistol at him and shot him in the chest. He fell right there in this room, and he died in his own blood.

Ryman never knew that the intruder had already been in the house and sexually assaulted both of the teenage girls. Not only had they been sexually assaulted, they'd been tied up and duct-taped, as well as one of their friends.

Chester left the house and saw Ryman's fiancee in his truck parked in the driveway. In other words, the

fiancee had come to the house looking for Ryman, wanting to know why he hadn't returned. Chester tried to gain entry into this truck, but she locked the doors. Chester fired several shots into the vehicle but missed Ryman's fiancee, and then he takes off in the darkness of the night running.

He was later arrested for a minor city ordinance violation in Port Arthur, and while he was in custody, he was charged with several offenses, including burglary of the home where Ryman was killed.

The next day, Chester agreed to speak with the investigators, and they obtained a search warrant ordering a sample of Chester's blood and hair to be taken for comparison with evidence from the sexual assault victims.

He was taken to the district attorney's office to execute the warrant and obtain the samples, but before the blood samples could be taken and the hair samples could be taken, he blurted out that he killed ''the fireman.''

During the course of the search, the police found the jewelry that belonged to Kim DeLeon, that was Willie Ryman's sister and mother of the two girls that Chester sexually assaulted. This was the same property that had been taken at the time of the murder and the sexual assault.

Chester was in recent, unexplained possession of stolen property, which had been missing for only 30 hours. Police informed Chester that they'd found and recovered the stolen jewelry, found the masks that were used in the rapes in his residence, and so Chester volunteered to show the police where his gun was.

He had hidden the pistol over at his father's house, and here's what happened when they go to Chester's father's house. As Elroy Chester informed the police where he hid the gun, he also tried to reach for a gun he had hidden in that residence and pull it on the police, but the police forcefully and adequately and successfully took that gun away from him as well.

He later confessed to stealing Etta Stallings' jewelry. That's the 88-year-old woman that I mentioned some minutes ago that took care of her invalid husband and murdering her. He confessed to killing her. He confessed to killing John Sepeda, and he later confessed to the murders of DeLeon and Albert Bolden. Then he also confessed to other attempted capital murders of three other victims.

Now, his case has already worked its way to the Supreme Court once on a different issue, but yet, as he was tried in 1998, he has still not received his appropriate sentence.

And what was his sentence from the jury in 1998 after they heard about the death, murder, and pillaging that he committed in Port Arthur, the five murders, the numerous burglaries, the numerous sexual assaults, the attempted murders? The jury, Mr. Speaker, in 12 minutes, 12 minutes, assessed the death penalty for Elroy Chester.

Now, as I mentioned, both as a prosecutor and as a judge, I have heard several, many death penalty cases, but I've never heard a case where a jury only took 12 minutes to all agree on what should happen to this person who did these dastardly acts against other people in his community. It's a remarkable time frame. DWI cases take longer than 12 minutes for a jury normally to reach a verdict. That's how overwhelming his guilt was in this case, Mr. Speaker. So guilt is not an issue in this case. The 12-minute verdict is certainly remarkable, but guilt is not an issue.

But he also faces execution by lethal injection. So one issue is now before the Supreme Court, throughout the fruited plain in all States, whether or not lethal injection violates the eighth amendment prohibition against cruel and unusual punishment. That is one of the issues in his case, and he is avoiding his day with his Maker because of this issue.

But I think it goes further than that, Mr. Speaker. I don't think it's just an issue that the Supreme Court is going to decide whether or not lethal injection violates the eighth amendment provision, but whether the death penalty itself is a violation of the eighth amendment prohibition against cruel and unusual punishment.

Based upon prior rulings of the Supreme Court, it seems to me that there are at least three members of the Supreme Court that are always opposed to the death penalty as a form of punishment. Sometimes there's a fourth member opposed to the death penalty, and they find ways to prevent the death penalty. No matter what the circumstances are, even though State law, written by State legislators and the will of the people and the will of a jury of the community says otherwise, some of those members of the Supreme Court continue to look for ways to avoid assessing or allowing the death penalty, even though we had in this country the death penalty that goes all the way back to colonial days.

Going to the first issue, whether or not lethal injection is a violation of the eighth amendment, cruel and unusual punishment provision, my question is, if we don't use lethal injection, what do we use? All of these other forms of execution are basically no longer used, whether it's hanging, the firing squad, the gas chamber. So I ask the question, what would those who oppose lethal injection have the system, society, justice, the juries, the courts use as an alternative to lethal injection? I don't know the answer to that question.

Is the Supreme Court going to rule that the pain inflicted by the administration of lethal injection in itself is cruel or unusual? It will be interesting to see if they draw that fine line to say that since it is painful or could be painful, that violates the prohibition.

The real issue, though, is whether or not the death penalty will remain on the statutes of 38 States. Most countries don't have the death penalty. Our European friends don't use the death penalty. They criticize us a lot for the death penalty. Even Third World countries like Mexico, where crime is rampant, don't use the death penalty, and they do everything they can to prevent execution in this country of their nationals.

Some say that the death penalty is immoral, but let me ask you, what is moral about taking people like Elroy Chester and taking care of them for the rest of their natural life? What is moral about that? I don't think that that is very moral. Incarcerating a person for the rest of their lives where they have no responsibility, that the society takes care of them for the rest of their life and gives them, really, a place to live out forever, I do not think that that is a moral thing, in my opinion.

But be that as it may, we use the term ''justice'' quite frequently in courts of law. We use it in this Chamber, ''justice.'' What is justice? Well, justice to me seems to be the right decision for the right reason, but sometimes we compare justice to the scales of justice, where Lady Justice is holding the scales, and justice occurs when the scales are balanced, that they are not overweighted for one side or the other.

And what do we put on those scales? Well, maybe we put the concerns and the rights of the offender. But also, on the other side, what do we put? Maybe the rights of the community, of the public and of victims.

But be that as it may, justice only occurs when the scales of justice are balanced, and when either side is out of sync, we have injustice in our courts of law.

The defendants that are on death row, who hope that the death penalty may be thrown out, hope that the lethal injection system is thrown out have their concerns, but those people who have been murdered also have their day and rights in court.

You know, Mr. Speaker, the silent graves of the murdered cry out for justice in these types of cases for several reasons; not just the fact that the delays and the delays for execution of these sentences take so long, but by the method or, rather, by the total result of whether or not a person should receive the death penalty or not. If justice is delayed, it's denied.

So I would hope that the Supreme Court would review this law based upon American law, and I say that because our Supreme Court, Mr. Speaker, from time to time goes and uses international law and international court decisions to make determinations and interpret our United States Constitution. They've done that in the phrase ''cruel and unusual punishment'' in the past. They did that when they have said that 17-year-olds can't be executed. They made that decision even though it was the State law in several

States, including the State of Texas. So my question is, why do we go to Europe to make our decisions about our Constitution? After all, didn't we leave Europe and England because we didn't like the way they were doing things?

Some say that the death penalty doesn't deter, and we've heard all those arguments. Of course, it does deter one person from ever committing those crimes again. But my own concern is that justice demands that in some cases, like Elroy Chester, that the ultimate price for the crimes that they have committed should be given, and that is a person's forfeiture of their right to live.

Some people actually earn the death penalty on their own by their conduct, and I am one of those that believes that that is just in appropriate cases. An injustice would occur if he were allowed to have some other sentence other than what the jury verdict so imposed in his particular case.

So, Mr. Speaker, this whole issue of cruel and unusual punishment, the eighth amendment, the history of the eighth amendment, what the Supreme Court now interprets that to mean, the method of execution, execution in any form, all of those issues now once again will be before the nine black-robed Justices down the street, and it would seem to me that they should follow the Constitution to the letter, the historical content of the eighth amendment and where it came from and the history of it and uphold the right of States and, in some cases, appropriate cases, to let juries make a determination that a person should pay the ultimate price for the crimes they have committed against society.

They should make it very clear what method should be used in all cases for the execution of those like Elroy Chester who have earned the right to be executed for the crimes that they have committed, because you see, Mr. Speaker, justice is the one thing that we should always find in every case. Although the death penalty is a very serious punishment for crime, in cases of overwhelming guilt and overwhelming evidence and overwhelming cruelty and criminal conduct and a slew of murders, a person has earned the punishment that juries impose.

And that's just the way it is.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 58 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2352

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HASTINGS of Florida) at 11 o'clock and 52 minutes p.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3963, CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. CARDOZA, from the Committee on Rules, submitted a privileged report (Rept. No. 110–408) on the resolution (H. Res. 774) providing for consideration of the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## 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, October 24, 2007.*

Hon. NANCY PELOSI,
*Speaker, House of Representatives,*
*Washington, DC.*

DEAR MADAM 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 October 24, 2007, at 7:49 p.m.:

That the Senate passed without amendment H.R. 995.

That the Senate passed with an amendment and requests a conference with the House, appoints conferees H.R. 3043.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
*Clerk of the House.*

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. DAVIS of California (at the request of Mr. HOYER) for today on account of the San Diego wild fires.

Mr. REYES (at the request of Mr. HOYER) for today on account of a death in the family.

Ms. SHEA-PORTER (at the request of Mr. HOYER) for today and October 25 on account of family medical reasons.

Mr. BUYER (at the request of Mr. BOEHNER) for today from noon and for the balance of the week on account of family illness.

Mr. LEWIS of California (at the request of Mr. BOEHNER) for today and the balance of the week on account of the ongoing fire disaster in his district.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. DENT) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, October 31.

Mr. JONES of North Carolina, for 5 minutes, October 31.

Mr. WOLF, for 5 minutes, today.

Mr. DENT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HASTINGS of Florida, for 5 minutes, today.

## ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the followings titles, which were thereupon signed by the Speaker:

H.R. 327. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

H.R. 1284. An act to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

H.R. 3233. An act to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the ''Laurence C. and Grace M. Jones Post Office Building.''

## ADJOURNMENT

Mr. CARDOZA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, October 25, 2007, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3861. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerance [EPA–HQ–OPP–2007–0471; FRL–8151–5] received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3862. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Fenamidone; Pesticide Tolerance [EPA–HQ–OPP–2006–0848; FRL–8152–9]

received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3863. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Data Requirements; Technical Amendments [EPA–HQ–OPP–2004–0387;FRL–8114–1] received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3864. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides: Redesignation of part 158; Technical Amendments [EPA–HQ–OPP–2004–0387; FRL–8116–2] received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3865. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticides; Data Requirements for Biochemical and Microbial Pesticides [EPA–HQ–OPP–2004–0415; FRL–8109–8] (RIN: 2070–AD51) received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3866. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Revisions to the Single Family Mortgage Insurance Program [Docket No. FR–4831–F–02] (RIN: 2502–AI03) received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3867. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Program Evaluation Activities of the Department of Health and Human Services—Performance Improvement 2007,'' pursuant to Section 241(b) of the Public Health Service (PHS) Act, as amended by the Preventive Health Amendments of 1993, summarizing the findings of the evaluations of PHS programs authorized under Section 241(a); to the Committee on Energy and Commerce.

3868. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Federal Implementation Plans for the Clean Air Interstate Rule: Automatic Withdrawal provisions [EPA–HQ–OAR–2007–0510; FRL–8485–7] received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3869. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Exemptions from Licensing, General Licenses, and Distribution of Byproduct Material: Licensing and Reporting Requirements (RIN: 3150–AH41) received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3870. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No. 060824226–6322–02] (RIN: 0648–AW07) received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3871. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; Framework Adjustment 7 [Docket No. 070706268–7513–02] (RIN: 0648–AV21) received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3872. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery [Docket No. 0612243160–7448–02; I.D. 112505A] (RIN: 0648–AU07) received October 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

3873. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting a report entitled, ''Federal Assistance for Interjurisdictional and Anadromous Fisheries, Program Report 2005–2006''; to the Committee on Natural Resources.

3874. A letter from the Director, National Oceanic and Atmospheric Administration, transmitting the National Marine Fisheries Service Strategic Plan for Fisheries Research, as required by Section 404 (a) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

3875. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the Agency's report entitled, ''National Water Quality Inventory: 2002 Report to Congress,'' pursuant to 33 U.S.C. 1315(b)(2); to the Committee on Transportation and Infrastructure.

3876. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the biennial report entitled, ''Report on the Montgomery G.I. Bill for Members of the Selected Reserve'' for Fiscal Year 2006, pursuant to 10 U.S.C. 16137 Public Law 106–65, section 546; jointly to the Committees on Armed Services and Veterans' Affairs.

3877. A letter from the General Counsel, Office of Compliance, transmitting a Report on Inspections for Compliance with the Public Access Provisions of the Americans with Disabilities Act Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104–1, section 210(f) (109 Stat. 15); jointly to the Committees on House Administration and Oversight and Government Reform.

3878. A letter from the Associate Deputy Secretary, Department of the Interior, transmitting the Department's report on the impacts of the Compacts of Free Association with the Federated States of Micronesia and the Republic of the Marshall Islands for Fiscal Year 2006, pursuant to Public Law 108–188, section 104(h); jointly to the Committees on Natural Resources and Foreign Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CARDOZA: Committee on Rules. House Resolution 773. Resolution providing for consideration of the bill (H.R. 3867) to update and expand the procurement programs of the Small Business Administration, and for other purposes (Rept. 110–407). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 774. Resolution providing for consideration of the bill (H.R. 3963) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes (Rept. 110–408). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BECERRA (for himself and Mr. NUNES):

H.R. 3951. A bill to amend the Internal Revenue Code of 1986 to modify and make permanent the election to treat certain costs of qualified film and television productions as expenses; to the Committee on Ways and Means.

By Mr. MCGOVERN (for himself, Mr. FRANK of Massachusetts, Mr. NEAL of Massachusetts, Ms. TSONGAS, Mr. CAPUANO, Mr. LYNCH, Mr. MARKEY, Mr. OLVER, Mr. DELAHUNT, and Mr. TIERNEY):

H.R. 3952. A bill to designate the facility of the United States Postal Service located at 901 Pleasant Street in Attleboro, Massachusetts, as the ''Max Volterra Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. MAHONEY of Florida (for himself, Ms. GIFFORDS, Mr. HIGGINS, Mrs. BOYDA of Kansas, Mr. KAGEN, Mr. BISHOP of New York, Mr. ISRAEL, Mr. GORDON, Mr. PATRICK MURPHY of Pennsylvania, Ms. CASTOR, Mr. BOYD of Florida, Mr. HILL, Mr. WALZ of Minnesota, Mr. COSTA, Mr. CARDOZA, Mr. WEXLER, Ms. HIRONO, Mr. PETERSON of Minnesota, Mr. ROSKAM, and Mr. WALBERG):

H.R. 3953. A bill to amend the Internal Revenue Code of 1986 to allow the deduction for property taxes in determining the amount of the alternative minimum taxable income of any taxpayer (other than a corporation); to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 3954. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to reimburse certain volunteers who provide funeral honors details at the funerals of veterans; to the Committee on Veterans' Affairs.

By Mr. LIPINSKI (for himself, Mrs. BIGGERT, Mr. JACKSON of Illinois, Mr. KIRK, Mr. COSTELLO, and Mr. HASTERT):

H.R. 3955. A bill to provide for educational partnerships between science museums and National Laboratories; to the Committee on Science and Technology.

By Mr. SPACE (for himself, Mr. GUTIERREZ, and Mr. FRANK of Massachusetts):

H.R. 3956. A bill to authorize the Secretary of the Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes; to the Committee on Financial Services.

By Mr. MATHESON:

H.R. 3957. A bill to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency; to the Committee on Science and Technology.

By Mrs. BACHMANN (for herself, Mr. RYAN of Wisconsin, Mr. KIRK, Mr. FEENEY, Mr. HERGER, Mrs. BLACKBURN, Mrs. BONO, Mr. ROHRABACHER, Mr. MILLER of Florida, Mr. SOUDER, Mr. FLAKE, Mr. HOEKSTRA, Mr. SHADEGG, Mr. GOODE, Mr. DOOLITTLE, Mr. FORTUÑO, Mrs. MYRICK, Mr. WELDON of Florida, Ms. FOXX, Mr. CARTER, Mr. DANIEL E. LUNGREN of California, Mr. COOPER, Mr. HENSARLING, Mr. GARRETT of New Jersey, Mr. CAMPBELL of California, Mr. CULBERSON, Mr. SENSENBRENNER, Mr. BURTON of Indiana, Mr. DAVIS of Kentucky, Mr. BARTLETT of Maryland, Mr. CONAWAY, Mr. PITTS, Mr.

LUCAS, Mr. CANTOR, Mr. DAVID DAVIS of Tennessee, Mr. WALBERG, Mr. KLINE of Minnesota, Mr. GOHMERT, Mr. BARRETT of South Carolina, and Mr. PAUL):

H.R. 3958. A bill to amend title 31, United States Code, to require certain additional calculations to be included in the annual financial statement submitted under section 331(e) of that title, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on the Budget, 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. GARRETT of New Jersey (for himself and Mr. FRANK of Massachusetts):

H.R. 3959. A bill to amend the National Flood Insurance Act of 1968 to provide for the phase-in of actuarial rates for certain pre-FIRM properties; to the Committee on Financial Services.

By Mr. KIND (for himself and Mr. CAMP of Michigan):

H.R. 3960. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income loan repayments made under the Indian Health Service Loan Repayment Program in return for service as a dentist; to the Committee on Ways and Means.

By Mr. MEEK of Florida:

H.R. 3961. A bill to amend the Internal Revenue Code of 1986 to provide relief with respect to the children of members of the Armed Forces of the United States who die as a result of service in a combat zone; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 3962. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. RANGEL):

H.R. 3963. A bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Oversight and Government Reform, House Administration, and Education and Labor, 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. GOODE:

H.J. Res. 60. A joint resolution proposing an amendment to the Constitution of the United States providing for Representatives to be chosen every four years, and to limit the number of times Senators and Representatives may be elected; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself, Mr. ORTIZ, Mr. WALZ of Minnesota, Mr. BRADY of Pennsylvania, Mrs. CHRISTENSEN, Mr. ABERCROMBIE, and Ms. BORDALLO):

H. Con. Res. 240. Concurrent resolution commending the Alaska Army National Guard for its service to the State of Alaska and the citizens of the United States; to the Committee on Armed Services.

By Mr. OBERSTAR (for himself, Mr. MICA, Mr. DEFAZIO, and Mr. DUNCAN):

H. Res. 772. A resolution recognizing the American Highway Users Alliance on the occasion of its 75th anniversary, and for other purposes; to the Committee on Transportation and Infrastructure.

## MEMORIALS

Under clause 3 of rule XII,

209. The SPEAKER presented a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 7 urging the California Congressional delegation to support H. Con. Res. 25; jointly to the Committees on Agriculture, Energy and Commerce, and Natural Resources.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Ms. SUTTON.

H.R. 840: Mr. BERRY and Mr. MOORE of Kansas.

H.R. 927: Ms. GRANGER and Mr. TERRY.

H.R. 1000: Mr. TOM DAVIS of Virginia.

H.R. 1076: Mr. CARTER.

H.R. 1222: Mrs. WILSON of New Mexico.

H.R. 1223: Mrs. WILSON of New Mexico.

H.R. 1225: Mr. KUCINICH.

H.R. 1295: Mr. JONES of North Carolina.

H.R. 1321: Mr. SOUDER and Mrs. CHRISTENSEN.

H.R. 1328: Mr. MATHESON.

H.R. 1390: Mr. TOWNS.

H.R. 1420: Mr. GENE GREEN of Texas.

H.R. 1553: Mr. MURTHA.

H.R. 1809: Ms. MCCOLLUM of Minnesota.

H.R. 1845: Mr. CAPUANO, Mr. MARSHALL, Mr. CUMMINGS, and Mr. HODES.

H.R. 1881: Mr. MILLER of North Carolina and Mr. OBERSTAR.

H.R. 1927: Mr. ABERCROMBIE.

H.R. 2017: Mr. WEXLER.

H.R. 2023: Mr. CAPUANO.

H.R. 2032: Mr. WYNN.

H.R. 2040: Mr. KUCINICH.

H.R. 2188: Ms. WOOLSEY.

H.R. 2234: Mr. BLUMENAUER, Mr. DOYLE, and Mr. ENGEL.

H.R. 2266: Mr. HOLT.

H.R. 2405: Mrs. MALONEY of New York and Mr. BILBRAY.

H.R. 2406: Mr. TOWNS.

H.R. 2452: Mr. SHAYS.

H.R. 2508: Mr. CALVERT.

H.R. 2510: Mr. TIAHRT.

H.R. 2549: Ms. WASSERMAN SCHULTZ.

H.R. 2606: Mr. RUPPERSBERGER.

H.R. 2705: Mr. SHERMAN.

H.R. 2758: Mr. WU.

H.R. 2762: Ms. CARSON, Mr. HALL of New York, Mr. ENGLISH of Pennsylvania, Mr. SARBANES, Mrs. CAPPS, Ms. BALDWIN, Mr. BOOZMAN, Mr. MEEKS of New York, Mr. DEFAZIO, Mrs. SCHMIDT, Mr. PORTER, Mr. ALTMIRE, Mr. PAYNE, Ms. LORETTA SANCHEZ of California, Ms. HOOLEY, Mr. TIM MURPHY of Pennsylvania, Mr. ANDREWS, and Mr. RUPPERSBERGER.

H.R. 2802: Ms. HOOLEY.

H.R. 2833: Mr. SESTAK.

H.R. 2864: Mr. LOEBSACK.

H.R. 2933: Mr. SERRANO, Mr. COBLE, and Ms. CORRINE BROWN of Florida.

H.R. 3010: Mr. STARK, Ms. JACKSON-LEE of Texas, Mr. LATOURETTE, and Mr. LYNCH.

H.R. 3151: Mr. POE.

H.R. 3191: Mr. HILL and Mr. PETERSON of Minnesota.

H.R. 3223: Mr. PALLONE.

H.R. 3251: Mr. CASTLE.

H.R. 3314: Mr. MCDERMOTT and Mr. EMANUEL.

H.R. 3389: Mr. DREIER.

H.R. 3406: Ms. CLARKE.

H.R. 3429: Ms. WOOLSEY.

H.R. 3457: Ms. BERKLEY, Mr. LINCOLN DAVIS of Tennessee, Mr. REHBERG, and Mr. MCNERNEY.

H.R. 3477: Mrs. BLACKBURN.

H.R. 3486: Mr. ALTMIRE, Mr. SPACE, and Mr. RYAN of Ohio.

H.R. 3496: Mr. BILBRAY.

H.R. 3498: Mr. DAVIS of Illinois.

H.R. 3499: Mr. MICHAUD, Ms. CASTOR, Mr. DELAHUNT, Mr. CAPUANO, and Ms. WATSON.

H.R. 3541: Mr. KIRK, Mr. ALLEN, and Mr. KILDEE.

H.R. 3543: Mr. BISHOP of Georgia.

H.R. 3546: Mr. KIND, Mr. SIRES, and Mr. CARNAHAN.

H.R. 3548: Mr. KAGEN and Ms. SHEA-PORTER.

H.R. 3585: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3610: Mr. GEORGE MILLER of California.

H.R. 3622: Mr. ELLISON, Mr. DOYLE, Mr. MILLER of North Carolina, Mrs. MYRICK, and Mr. SMITH of Washington.

H.R. 3627: Mr. KAGEN.

H.R. 3630: Mr. MCNERNEY.

H.R. 3635: Mr. SKELTON and Ms. ROS-LEHTINEN.

H.R. 3670: Ms. LORETTA SANCHEZ of California, Mr. FILNER, Ms. LINDA T. SÁNCHEZ of California, Ms. MATSUI, Ms. SOLIS, Mr. HONDA, and Mrs. CHRISTENSEN.

H.R. 3684: Mr. ARCURI and Mrs. MALONEY of New York.

H.R. 3691: Mr. ARCURI, Mr. BOSWELL, Ms. CLARKE, Mrs. GILLIBRAND, Mr. HONDA, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Mr. COHEN, Mr. CUMMINGS, Mr. INSLEE, Mr. COOPER, Ms. LORETTA SANCHEZ of California, Mr. CUELLAR, Mr. BAIRD, and Mr. EDWARDS.

H.R. 3737: Ms. SOLIS.

H.R. 3793: Mrs. EMERSON, Mr. TERRY, Mrs. GILLIBRAND, Mr. TIERNEY, Mr. FORBES, Mr. BOUCHER, and Mr. PETERSON of Minnesota.

H.R. 3801: Ms. HARMAN.

H.R. 3828: Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, and Ms. KILPATRICK.

H.R. 3842: Mr. AL GREEN of Texas.

H.R. 3846: Mr. SARBANES, Mr. HONDA, Ms. LORETTA SANCHEZ of California, Mr. RUSH, Mr. COHEN, Mr. CLAY, Mr. SERRANO, and Mr. KUCINICH.

H.R. 3861: Mr. KENNEDY, Mr. HONDA, Ms. ZOE LOFGREN of California, and Ms. ESHOO.

H.R. 3865: Mr. ALLEN.

H.R. 3882: Ms. CORRINE BROWN of Florida, Mr. MORAN of Virginia, Mr. LUCAS, Mr. DOOLITTLE, Mr. DANIEL E. LUNGREN of California, Mr. PITTS, Mr. GINGREY, Mr. Fortuño, Mr. WILSON of South Carolina, Mr. MANZULLO, Mr. JORDAN, Mrs. MCMORRIS RODGERS, Mr. NEUGEBAUER, Mr. HENSARLING, Mrs. MUSGRAVE, Mr. AKIN, Mr. DAVID DAVIS of Tennessee, Mr. BARRETT of South Carolina, Mr. WELDON of Florida, Mr. FEENEY, Mr. MARCHANT, Mr. FORTENBERRY, Mr. WAMP, Mr. SHADEGG, Mr. PRICE of Georgia, Mr. ROSKAM, Mr. CAMPBELL of California, Mr. GOODE, Mr. KUHL of New York, Mr. WALBERG, Mrs. BLACKBURN, and Ms. FOXX.

H.R. 3887: Mr. SHERMAN.

H.R. 3890: Mr. SHERMAN, Ms. DELAURO, Mr. WOLF, Mrs. TAUSCHER, Mr. HOLT, Mr. MCGOVERN, Mr. BURTON of Indiana, Mr. ACKERMAN, Mr. GRIJALVA, Mr. ENGEL, Mr. CROWLEY, Mr. OLVER, Mr. WU, and Ms. JACKSON-LEE of Texas.

H.R. 3908: Mr. BONNER.

H.R. 3918: Ms. CLARKE and Mr. WYNN.

H.R. 3921: Mrs. MCCARTHY of New York.

H.R. 3928: Ms. HIRONO, Ms. WOOLSEY, and Ms. SHEA-PORTER.

H.R. 3950: Mr. SESSIONS and Mr. MILLER of Florida.

H.J. Res. 48: Mr. DAVIS of Illinois.

H.J. Res. 54: Ms. HOOLEY, Mr. MANZULLO, and Mr. MCINTYRE.

H. Con. Res. 40: Mr. LUCAS.

H. Con. Res. 163: Mr. STARK.

H. Con. Res. 198: Ms. SHEA-PORTER and Mr. WELCH of Vermont.

H. Con. Res. 223: Mr. MORAN of Virginia.

H. Con. Res. 224: Mr. BLUMENAUER.

H. Con. Res. 230: Mr. TERRY.

H. Con. Res. 235: Mr. SHERMAN.

H. Res. 169: Mr. BOOZMAN and Mr. TERRY.

H. Res. 245: Mr. MARKEY.

H. Res. 542: Mr. FORBES.

H. Res. 550: Mr. SHERMAN.

H. Res. 556: Mr. AKIN.

H. Res. 695: Mr. ISSA, Mr. ROHRABACHER, Mrs. Boyda of Kansas, Ms. CARSON, Mr. BROWN of South Carolina, Mr. FERGUSON, Mr. SESTAK, Mr. BARTLETT of Maryland, Mr. FEENEY, Mr. WILSON of South Carolina, Ms. BORDALLO, Mr. MORAN of Kansas, Mr. PORTER, Mr. WOLF, Mr. CONAWAY, Mr. GALLEGLY, and Mr. MOORE of Kansas.

H. Res. 705: Mr. KING of Iowa, Mr. JORDAN, Mr. LAMBORN, Mr. HENSARLING, Mr. MILLER of Florida, Mr. ROHRABACHER, and Mr. DAVID DAVIS of Tennessee.

H. Res. 709: Mr. DOGGETT and Ms. GRANGER.

H. Res. 715: Mr. JOHNSON of Illinois and Mr. DAVIS of Illinois.

H. Res. 740: Mr. ENGEL, Mr. SHERMAN, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. NADLER, Mr. DAVIS of Illinois, Ms. LINDA T. SÁNCHEZ of California, and Mr. HASTINGS of Florida.

H. Res. 747: Mr. MARKEY.

H. Res. 759: Mr. GEORGE MILLER of California, Mrs. LOWEY, and Mr. RANGEL.

H. Res. 760: Ms. LEE, Mr. SCOTT of Georgia, Mr. MAHONEY of Florida, Mr. ELLISON, Mrs. NAPOLITANO, Ms. NORTON, Mr. RODRIGUEZ, Ms. SUTTON, and Ms. MCCOLLUM of Minnesota.

H. Res. 769: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURTON of Indiana, Mr. WEXLER, Mr. BARRETT of South Carolina, Mr. HOEKSTRA, Ms. ROS-LEHTINEN, Mrs. MUSGRAVE, Mr. CHABOT, Mr. BLUNT, Ms. JACKSON-LEE of Texas, Mr. FLAKE, Mr. FORTENBERRY, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. WILSON of South Carolina, Mr. FORTUÑO, and Mr. FALEOMAVAEGA.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. JOHN D. DINGELL

Among the provisions that warranted a referral to the Committee on Energy and Commerce, H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MR. CHARLES B. RANGEL

Among the provisions that warranted a referral to the Committee on Ways and Means, H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MR. ROBERT A. BRADY

Among the provisions that warranted a referral to the Committee on House Administration, H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Among the provisions that warranted a referral to the Committee on Education and Labor, H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY MR. HENRY A. WAXMAN

Among the provisions that warranted a referral to the Committee on Oversight and Government Reform, H.R. 3963, the Children's Health Insurance Program Reauthorization Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

180. The SPEAKER presented a petition of the California State Lands Commission, relative to a Resolution supporting S. 1499 and H.R. 2548, which would reduce pollution from marine vessels that use out Nation's ports; to the Committee on Energy and Commerce.

181. Also, a petition of the Broward County Board of County Commissioners, Florida, relative to Resolution No. 2007–529 encouraging the Congress of the United States to take necessary action to bring the Herbert Hoover Dike into compliance with levee protection safety standards; to the Committee on Transportation and Infrastructure.

182. Also, a petition of the Miami-Dade County Board of County Commissioners, Florida, relative to Resolution No. R–1007–07 commending the Governor of Florida, members of the Florida Legislature, the Florida Department of Transportation, and the Miami-Dade Expressway Authority for providing for the installation of guardrails along bodies of water and in roadway medians in Miami-Dade County, Florida; to the Committee on Transportation and Infrastructure.

183. Also, a petition of the National Center for Public Policy Research, relative to a Coalition Letter on the Clean Water Restoration Act; to the Committee on Transportation and Infrastructure.