

CORNBY, Mr. BROWNBACK, Mr. LOTT, Mr. GRASSLEY, Mr. MARTINEZ, Mr. BUNNING, Mr. ALLEN, Mr. BURNS, Mr. STEVENS, Mr. DEMINT, Mr. THUNE, Mr. ENSIGN, and Mr. KYL) submitted the following resolution; which was considered and agreed to:

S. RES. 243

Whereas on June 26, 2002, a 3-judge panel of the Ninth Circuit Court of Appeals ruled in *Newdow v. United States Congress* that the words "under God" in the Pledge of Allegiance violate the Establishment Clause of the United States Constitution when recited voluntarily by students in public schools;

Whereas on March 4, 2003, the United States Senate passed a resolution disapproving of the Ninth Circuit's decision in *Newdow* by a vote of 94-0;

Whereas on June 14, 2004, the Supreme Court of the United States dismissed the case, citing the plaintiff's lack of standing;

Whereas on January 3, 2005, the same plaintiff and 4 other parents and their minor children filed a second suit in the Eastern District of California challenging the words "under God" in the Pledge of Allegiance;

Whereas on September 14, 2005, the Eastern District of California declined to dismiss the new *Newdow* case, holding that the Ninth Circuit's earlier ruling that the words "under God" in the Pledge of Allegiance violate the Establishment Clause was still binding precedent;

Whereas this country was founded on religious freedom by the Founding Fathers, many of whom were deeply religious;

Whereas the First Amendment to the United States Constitution embodies principles intended to guarantee freedom of religion both through the free exercise thereof and by prohibiting the Government from establishing a religion;

Whereas Congress, in 1954, added the words "under God" to the Pledge of Allegiance;

Whereas Congress, in 1954, believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the United States flag, to our country having been established as a union "under God", and to this country being dedicated to securing "liberty and justice for all";

Whereas the 107th Congress overwhelmingly passed a resolution disapproving of the panel decision of the Ninth Circuit in *Newdow*, and overwhelmingly passed legislation recodifying Federal law that establishes the Pledge of Allegiance in order to demonstrate Congress's opinion that voluntarily reciting the Pledge in public schools is constitutional;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954, as recodified in 2002, and as recognized in a resolution in 2003, is a fully constitutional expression of patriotism;

Whereas the National Motto, patriotic songs, United States legal tender, and engravings on Federal buildings also refer to "God"; and

Whereas in accordance with decisions of the United States Supreme Court, public school students are already protected from being compelled to recite the Pledge of Allegiance: Now, therefore, be it

Resolved,

SEC. 1. That the Senate strongly disapproves of the September 14, 2005, decision by the United States District Court for the Eastern District of California in *Newdow*, et al. v. The Congress of the United States of America, et al.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue

to cooperate fully with the Attorney General in this case in order to vigorously defend the Constitutionality of the Pledge of Allegiance.

SENATE RESOLUTION 244—EX-PRESSING SUPPORT FOR THE PLEDGE OF ALLEGIANCE

Mr. SALAZAR (for himself, Mr. CORZINE, Mr. NELSON of Florida, Mr. PRYOR, and Mr. CONRAD) submitted the following resolution; which was considered and agreed to:

S. RES. 244

Whereas Congress in 1954 added the words "under God" to the Pledge of Allegiance;

Whereas the Pledge of Allegiance has for more than 50 years included references to the U.S. flag, the country, to our country having been established as a union "under God" and to this country being dedicated to securing "liberty and justice for all";

Whereas the Congress in 1954 believed it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas this Senate of the 109th Congress believes that the Pledge of Allegiance is not an unconstitutional expression of patriotism;

Whereas patriotic songs, engravings on U.S. legal tender, engravings on Federal buildings also contain general references to "God"; and

Whereas the Congress expects that the U.S. Court of Appeals for the Ninth Circuit will review on appeal the decision of the District Court. Now, therefore, be it

Resolved,

SEC. 1. That the Senate strongly disapproves of the U.S. District Court ruling in *Newdow v. the Congress of United States of America*, et al., holding the Pledge of Allegiance unconstitutional.

SEC. 2. That the Senate authorizes and instructs the Senate Legal Counsel to continue to cooperate fully with the Attorney General in this case in order to vigorously defend the constitutionality of the Pledge of Allegiance.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1718. Mr. KYL proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

SA 1719. Mr. SHELBY (for Mr. KYL) proposed an amendment to the bill H.R. 2862, supra.

SA 1720. Mr. SHELBY (for Mr. BAUCUS) proposed an amendment to the bill H.R. 2862, supra.

SA 1721. Mr. SHELBY (for Mr. DURBIN (for himself and Mr. COBURN)) proposed an amendment to the bill H.R. 2862, supra.

SA 1722. Mr. GRASSLEY (for himself and Mr. BAUCUS) proposed an amendment to the bill S. 1696, to provide tax relief for the victims of Hurricane Katrina, to provide incentives for charitable giving, and for other purposes.

SA 1723. Mr. GRASSLEY (for Mr. BOND (for himself and Mrs. MURRAY)) proposed an amendment to the bill H.R. 3649, to ensure funding for sportfishing and boating safety programs funded out of the Highway Trust Fund through the end of fiscal year 2005, and for other purposes.

SA 1724. Mr. KERRY (for himself and Ms. LANDRIEU) proposed an amendment to the bill H.R. 2862, An Act making appropriations

for the Departments of Commerce and Justice, Science, and related agencies, for the fiscal year ending September 30, 2006, and for other purposes.

SA 1725. Mr. SHELBY (for Mr. REID) proposed an amendment to the bill H.R. 2862, supra.

SA 1726. Mr. BENNETT (for himself and Mr. KOHL) proposed an amendment to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1727. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 1195, to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone, and for other purposes; which was referred to the Committee on Commerce, Science, and Transportation.

SA 1728. Mr. FRIST (for Mr. GRASSLEY (for himself and Mr. BAUCUS)) proposed an amendment to the bill H.R. 3768, to provide emergency tax relief for persons affected by Hurricane Katrina.

SA 1729. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1730. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

SA 1731. Mr. VITTER (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 2744, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1718. Mr. KYL proposed an amendment to the bill H.R. 2862, An Act making appropriations for the Departments of Commerce and Justice, Science, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 190, after line 14, insert the following:

SEC. 522. UNLAWFUL INTERNET GAMBLING.

(a) **SHORT TITLE.**—This section may be cited as the "Unlawful Internet Gambling Enforcement Act of 2005".

(b) **FINDINGS.**—Congress finds the following:

(1) Internet gambling is primarily funded through personal use of payment system instruments, credit cards, and wire transfers.

(2) The National Gambling Impact Study Commission in 1999 recommended the passage of legislation to prohibit wire transfers to Internet gambling sites or the banks which represent such sites.

(3) Internet gambling is a growing cause of debt collection problems for insured depository institutions and the consumer credit industry.

(c) **PROHIBITION ON ACCEPTANCE OF ANY PAYMENT INSTRUMENT FOR UNLAWFUL INTERNET GAMBLING.**—

(1) **IN GENERAL.**—Chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—PROHIBITION ON FUNDING OF UNLAWFUL INTERNET GAMBLING

§ 5361. Definitions

"In this subchapter, the following definitions shall apply: