

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the inability of the House to bring to the floor the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, due to the severe under funding of Education within the President's Fiscal Year (FY) 2003 Budget.

Whereas under Article I, Section IX, of the Constitution states no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually the funds needed to support the execution of programs and operations of the Federal government.

Whereas to date the House has only considered five Appropriations bills.

Whereas as President, George W. Bush has been persistent in resonating public concern for better schools. He dedicated significant amounts of time and public dialogue during his first year in office to the passage of H.R. 1, the "Leave No Child Behind" Act, not only implying he favored more help to schools from the federal treasury but specifically authorizing large increases in a number of key program areas.

Whereas within weeks of signing H.R. 1, Public Law No: 107-110, the "No Child Left Behind" Act, the President submitted a budget that stopped six years of steady progress in federal support to local schools dead in its tracks.

Whereas instead of the strong and consistent growth in support to local schools that the federal government has provided for more than a decade, the President's FY 2003 Budget holds aid to local schools virtually flat. Furthermore, his Budget Director now insists that if Congress exceeds the budget request by even the smallest amount, the President will veto entire appropriation bills.

Whereas the future of our labor force and our economy is heavily dependent on elevating the education and skills of all future workers.

Whereas about one third of the 53.6 million children now in elementary and secondary schools in America are at serious risk of being left behind. The achievement gap between these students and the rest of the student population remains large and has failed to close.

Whereas of the 53.6 million children currently enrolled in elementary and secondary schools in this country, 9.8 million, or nearly 20 percent, are from households defined by the Commerce Department as being in poverty.

Whereas the House is faced with the choice of supporting schools or supporting the President and his effort to reverse the trend of expanding federal support for local schools.

Whereas the Congress has provided states with an unfunded mandate by approving the "No Child Left Behind" Act without the necessary financial resources to fund it. Now, therefore, be it

Resolved that it is the sense of the House of Representatives that the Congress should provide states with the resources they need to fully implement the "No Child Left Behind" Act as it promised less than a year ago, by completing action on the Fiscal Year 2003 Labor, Health and Human Services, and Education, and Related Agencies Appropriations bills.

The SPEAKER pro tempore. Under rule IX, a resolution that is offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of

the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Indiana will appear in the RECORD at this point.

The Chair does not at this point determine whether or not the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. VISCLOSKEY. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. That time will be designated.

NOTIFICATION OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. OBEY. Mr. Speaker, pursuant to clause 2(a)(1) of House rule IX, I rise to give notice of my intent to present a question of privileges of the House.

The form of the resolution is as follows:

EDUCATION PRIVILEGED RESOLUTION

A resolution, in accordance with House Rule IX, expressing a sense of the House that its integrity has been impugned and Constitutional duty hampered by the failure of the House to bring to the floor on a timely basis the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

Whereas Article I, Section IX, of the Constitution states that no money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

Whereas it is the fiscal duty of the Congress to appropriate annually, by October 1st of each year, the funds needed to support the execution of programs and operations of the Federal government.

Whereas the House to date has only considered five Appropriations bills, and has failed to consider the Fiscal Year 2003 Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act which would provide funding for critical areas of national policy including pre-school, elementary and secondary education, special education, higher education and student loans.

Whereas as President, George W. Bush supported and signed into law Public Law 107-110, the "Leave No Child Behind Act," which imposes substantial accountability and performance mandates on elementary and secondary schools in every state and congressional district in the United States.

Whereas the "Leave No Child Behind Act" included the authorization of significant additional resources to assist the states and local education agencies to provide the mandated improved educational services to America's schoolchildren.

Whereas within weeks of signing the "Leave No Child Behind" Act, the President submitted the FY 2003 budget provides an increase in education funding of 0.5 percent (one half of one percent) compared with an average increase of 12 percent in the six years prior to enactment of the new law.

Whereas President Bush's FY 2003 education budget request fails to provide the

promised level of funding to states and local education agencies which are required to implement significant educational reforms.

Whereas President Bush's FY 2003 budget would provide only 18 percent of the increase in compensatory education funding promise by the "Leave No Child Behind" Act.

Whereas about one third of the 53.6 million children now in elementary and secondary schools in America are at serious risk of educational failure without the resources promised in the "Leave No Child Behind" Act.

Whereas the funding level for improving teach quality in President Bush's budget would not even keep pace with the current level of funding, let alone help promote the expanded teacher quality programs contained in the "Leave No Child Behind" Act.

Whereas the President's education budget also fails to provide the level of federal assistance for the Individuals with Disabilities Education Act that was promised to states more than 27 years ago.

Whereas by failing to appropriate the funds it has promised to pay for the new accountability requirements for students, teachers and schools, the Congress would bring discredit on itself and undermine the ability of our schools to provide the improved education services for which the House has overwhelmingly voted. Now therefore be it,

Resolved that it is the sense of the House of Representatives that the Congress should complete action on the Fiscal Year 2003 Labor, Health and Human Services, and Education, and Related Agencies Appropriations before recessing and should fund the "Leave No Child Behind" Act at levels commensurate with levels promised by the act less than a year ago.

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The SPEAKER pro tempore (Mr. DAN MILLER of Florida). Under rule IX, a resolution that is offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Wisconsin (Mr. OBEY) will appear in the RECORD at this point.

The Chair does not at this point determine whether or not the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

Mr. OBEY. Mr. Speaker, I ask to be heard at the appropriate time on the question of whether this resolution constitutes a question of privilege.

The SPEAKER pro tempore. That time will be designated.

SPECIAL ORDERS

FREEDOM OF SPEECH FOR RELIGIOUS INSTITUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES of North Carolina. Mr. Speaker, I will not take more than 5 or 6 minutes, but I am back on the floor

again to talk about an issue of freedom, freedom of speech in our churches, synagogues, and mosques throughout this country.

Most people do not realize that in 1954, Lyndon Baines Johnson, United States Senator, put an amendment on a revenue bill going through the Senate without any debate, no debate at all; and that amendment basically put the Internal Revenue Service into the churches and synagogues throughout this country.

Prior to 1954 and the beginning of this great Nation that we all know and love, the preachers and the priests and the rabbis at that time, all the way up until 1954, had no restriction of speech. If they wanted to talk about a cultural issue that maybe became a political issue of the day, they did so.

What happened was that with the Johnson amendment, because he was being attacked, so to speak, by the H.L. Hunt family in Texas, they were opposed to his reelection to the United States Senate, he put an amendment on a revenue bill going through the Senate that basically, again, was never debated. So the Internal Revenue Service has the authority to make judgments over what certain churches, meaning the preachers, the priests, the rabbis, might say that might be in their opinion of a political nature.

Mr. Speaker, this, in my opinion, is not what this great Nation stands for. This great Nation stands for the first amendment rights of its people, and I support that first amendment right, and that includes the churches and the houses of worship throughout this Nation.

Let me also say that this bill is known as H.R. 2357, and in just a very few minutes I am going to show my colleagues some myths that the opposition is saying about this legislation. We had people like Dr. D. James Kennedy, who is a wonderful man of our Lord from Florida, to come up to testify on May 14; also, a Baptist minister here in Washington, D.C. who used to be a Member of the House, and his name is Pastor Walter Fauntroy. Pastor Fauntroy came to testify on behalf of this legislation; and the young man that helped me draft this legislation, an attorney with the American Center for Law and Justice, Kobe May, also testified.

Mr. Speaker, at that testimony, the IRS basically said they cannot even enforce this legislation. I want to read just a couple of comments very quickly that came out during the hearing. This one really probably is one that bothers me greatly, which is that in answer to a question from the gentleman from Georgia (Mr. LEWIS), the Internal Revenue Service acknowledged that they were not able to enforce this law; that they were dependent on a third party to enforce the law. In other words, Mr. Speaker, that kind of reminds me of the late 1930s in Germany when somebody reported somebody for saying something or doing something.

Again, let me remind my colleagues in the House that this was only an amendment offered by Johnson in 1954 that was never debated and accepted, that put the Internal Revenue Service into the churches. Let me also say, if I might read it at this time, a quote by Martin Luther, and Martin Luther said: "The church must be reminded that it is neither the master nor the servant of the State, but rather the conscience of the State." I believe that quote is so true.

Mr. Speaker, let me also make a couple of other points. We have over 700,000 houses of worship in this Nation. How in the world can the Internal Revenue Service, during the months of September and October and November, how in the world can they send a person to be at the churches and synagogues and mosques to see what they are saying?

Let me give an example very quickly. In the third district of North Carolina, which I represent, down in eastern North Carolina, a priest, Father Rudy at St. Paul's in New Bern, North Carolina, was asked by one of his parishioners, Jerry Schill, Jerry Schill asked, would you, Father Rudy, just say at the closing of the sermon, at the homily, just say that George Bush is pro-life. That is all he asked him to do, to say that George Bush is pro-life. He said no, I cannot do that. If I make that statement, it will violate the 501(c)(3) status of this church, and again, that is because of the Johnson amendment. If that had been in 1953 or 1945, the priest could have said whatever he wanted to say. He had the right to do so. The first amendment guarantees it.

Let me give another example on the other side of the fence. We have strong support, Mr. Speaker, from another former Member of Congress, Pastor Floyd Flake, Dr. Floyd Flake of one of the largest Baptist churches in New York; and what Dr. Flake did in the 2000 election, he had Presidential candidate Al Gore in his church, and when Mr. Gore finished his comments, Pastor Flake went up, put his arm on his shoulder and said to his congregation, I think this is the right man to lead this Nation.

Well, Dr. Flake, just like the priest down in my district, they would be saying this because they believe spiritually it is the right thing to do in their mind, and they should have the right to do it. It should not have been taken away from them by Lyndon Johnson.

Mr. Speaker, let me now very quickly run through a chart. The other side on this issue is saying that this bill is not needed. They say that houses of worship can already comment on political issues. I have just given two examples, and I can give more examples than that. In fact, let me give another example. One of the groups that is opposed to this opposition is the Americans for Separation of Church and State, and this one I always have a great deal of

interest in for this reason. I am not going to read a page and a half, but just make a couple of points. He sends this out to 285,000 churches. That is what he said in a press release. He did not send it to 700,000, but 285,000. I wonder how he selected those 285,000, by the way.

But this is what he says; it is really kind of contradictory. The first sentence says: "The first amendment of the U.S. Constitution protects the rights of pastors and church leaders to speak out on religious, moral, and political issues." Mr. Speaker, I actually agree with him on that sentence. But he comes back with, "However, it is because of the Johnson amendment that churches and synagogues and mosques are barred from endorsing or opposing candidates for any political office and may not intervene directly or indirectly in partisan campaigns."

Mr. Speaker, this is not an effort by those of us who believe in the first amendment to say that churches and preachers and priests and rabbis should get involved in political activity. We do not believe that. Only if they believe there are certain topics that they want to talk about. If that priest in New Bern wanted to say that George Bush is pro-life, that is educational, Mr. Speaker. If Floyd Flake in New York wants to say Al Gore is the right man, if he believes that and he says it, that is also educational. The spiritual leaders in this country have got to have the freedom.

So that first myth that the other side is saying is absolutely wrong. The churches and the preachers and the priests, I have talked to many of them throughout this Nation, do not understand this law that Johnson passed; and they are concerned about violating the law so, therefore, they just would rather not say anything.

I want to make it perfectly clear again that should this bill become law, the preacher, the priest, the rabbi would have a choice. He would not have to talk about moral, political, or cultural issues if they did not want to. He can choose to do so. But the way it is now, he is restricted by the Federal Government.

That in itself brings up the second myth. Anyone who believes in separation of church and State cannot support this legislation. Well, my suggestion to those people is this, if you believe there should be a separation, then why should the Federal Government be able to have any influence or any chilling effect on what a preacher, priest, or rabbi should say in this Nation? So, therefore, that one is bogus also.

Then they say, they come right back, the houses of worship bill would compromise the integrity of houses of worship. Let me tell my colleagues that in itself is laughable, because I am going to give a quote now from a former Member of Congress whose name is George Hansen from Idaho; he served for 12 years. Mr. Speaker, to myth

number three I would say, let me read the quote from George Hansen. Mr. Hansen said on the floor of this House: "It is impossible to have religious freedom in any Nation where churches are licensed to the government. That is the point." That is the point. When the churches and synagogues in this country were given a 501(c)3 status, there was no restriction at all. I have researched this issue, no restriction at all on speech; nothing. It was Lyndon Baines Johnson that put the Federal Government into our churches and synagogues.

Myth number four is H.R. 2357 is not constitutional. Let me say to those again that raise that bogus argument, this is constitutional. Everything that I have ever read from being a student in high school to a college student to being an older man, that the first amendment applies to each and everyone and that means our preachers, our priests, and rabbis. In fact, in 1830, when Alex De Toqueville came to America and he was so impressed with this great, beautiful country that God had blessed with natural beauty, and he was excited about the New Republic and this freedom we would have in this country, what he said, Mr. Speaker, when he traveled America was, what impressed him the most was the flame in the pulpit. Mr. Speaker, we know for sure that until the Johnson amendment that the churches, synagogues, and mosques had no restrictions of speech.

So, Mr. Speaker, I close this way with a couple of comments. Mr. Hansen was right. It is impossible to have religious freedom in any Nation where churches are licensed to the government. The IRS testified on May 14 they cannot even enforce this law; and yet we have certain groups in this country that intentionally send out letters to intimidate a lot of our pastors, priests, and rabbis. I believe, Mr. Speaker, with our men and women in uniform fighting today and at this very moment for this country, trying to protect our national security and protect our constitutional rights, and one of those is the freedom of speech and the freedom of participation, then our spiritual leaders should not be handcuffed. If this Nation is going to remain morally strong, Mr. Speaker, our spiritual leaders must talk about the issues of the day that they think are important, whether they be cultural issues or moral issues or political issues; and sometimes they intertwine, quite frankly.

So, Mr. Speaker, I am very hopeful that this bill will be debated sometime this week, and I certainly hope that the House will join me in passing this legislation. That will be the first step of restoring the First Amendment right to our spiritual leaders.

I close this way because I close this way every time I speak, whether it be in my district, here on the floor, or anywhere throughout, because I feel that this time that we are in as a Na-

tion that, first of all, I have three military bases in my district. I have Camp LeJeune, I have Cherry Point Marine Air Station, New River Marine Base, and also Seymour Johnson Air Force Base. So I close, Mr. Speaker, by asking God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God to please bless the American citizen. I ask God to please bless the men and women who serve in the House and the Senate, that we might do what is right in God's eyes. I ask God to please bless the President of the United States as he has many tough days and many tough decisions to make.

I close finally this way, Mr. Speaker, by saying three times, please, God, please, God, please God, continue to bless America.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly a joint resolution of the House of the following title, which was thereupon signed by Speaker pro tempore JAMES HANSEN on September 27, 2002.

H.J. Res. 111. Joint resolution making continuing appropriations for the fiscal year 2003, and for other purposes.

On September 30, 2002, Speaker pro tempore MAC THORNBERRY signed the following bill.

H.R. 1646. An act to authorize appropriations for the Department of State for fiscal year 2003, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal year 2003, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1325. An act to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island, and for other purposes.

ADJOURNMENT

Mr. JONES of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, October 1, 2002, at 10:30 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9411. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of General Carlton W.

Fulford, Jr., United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

9412. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Daniel R. Zanini, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

9413. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting the Department's report entitled, "Quality of Health Care Furnished under the Defense Health Program During FY 2001"; to the Committee on Armed Services.

9414. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Special Information Sharing Procedures To Deter Money Laundering and Terrorist Activity (RIN: 1506-AA27) received September 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9415. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Anti-Money Laundering Requirements — Correspondent Accounts for Foreign Shell Banks; Recordkeeping and Termination of Correspondent Accounts for Foreign Banks (RIN: 1505-AA87) received September 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9416. A letter from the Director, Department of the Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Amendment to the Bank Secrecy Act Regulations — Requirement that Casinos and Card Clubs Report Suspicious Transactions (RIN: 1506-AA22) received September 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9417. A letter from the Senior Paralegal (Regulations), Department of the Treasury, transmitting the Department's final rule — Alternative Mortgage Transaction Parity Act; Preemption [Docket No. 2002-43] (RIN: 1550-AB51) received September 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9418. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation; Georgia Transportation Conformity State Implementation Plan Memorandum of Agreement for the Atlanta Metropolitan Area [GA-200228(a); FRL-7382-2] received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9419. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Correction of Implementation Plans; California [CA083-FRL-7376-2] received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9420. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality State Implementation Plans; Louisiana: Motor Vehicle Inspection and Maintenance Program [LA-61-2-7566; FRL-7382-7] received September 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9421. A letter from the Principal Deputy Associate Administrator, Environmental