the leadership of CSS over the years, Fr. David Quitugua, Sr. Anita, Mrs. Cerila M. Rapadas, and Sr. Callista Camacho, R.S.M. Together they have brought hope to those in need.

I want to recognize Archbishop Anthony S. Apuron and the Archdiocese of Agana for the continued support of the mission of the Catholic Social Services. Furthermore, I would also like to recognize the generosity of the donors and benefactors of the Catholic Social Services. Their contributions have made it possible for CSS to continue its work and I encourage their continued support.

I want to congratulate the Catholic Social Services on their 25th Anniversary. Although I cannot be with them as they celebrate the occasion, I want to thank them for their service to our people and wish them continued success. Un Dangkulu na Si Yu'os Ma'ase!

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

SPEECH OF

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 22, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes:

Ms. DEGETTE. Mr. Chairman, I voted in strong support of the Motion to Recommit sponsored by Representative DAVID OBEY and in reluctant support for final passage of H.R. 5025, the Transportation and Treasury Appropriations Act for Fiscal Year 2005.

Politics and a deplorable abuse of the legislative process are holding critical transportation projects across this country hostage. This includes the T–REX project in my district—which has introduced light rail to metro Denver and expanded a vital corridor along I–25. Every federal highway and transit project in this country must be authorized to receive federal funds before the appropriators can release them. Unfortunately, the wheels have fallen off the authorization train this time around.

We in Congress are facing an incredible situation where a Republican-controlled House, a Republican-controlled Senate and a Republican-controlled White House cannot reach an agreement on funding levels for our nation's transportation system. This showdown occurs against a background of ever increasing traffic congestion, as our transportation needs continue to outstrip our will to address them.

As if there weren't enough to raise concern about the authorization process alone, the folly extended to the House's consideration of the transportation funding bill as well. My Republican colleagues from Colorado subjected the appropriations bill itself to numerous points of order that stripped the legislation of funding for transit projects, Amtrak, and even T–REX.

My hometown paper, the Rocky Mountain News, recently described the situation we face today, ''Imagine a major transportation bill that pays for very few roads or transit programs.'' Well, that's what we're stuck with. Do you know why my colleagues decided to strip this much-needed money out of the bill? Because the authorization bill hasn't passed. Well, whose fault is that?

So I support Mr. OBEY's efforts to restore the transit funding to the transportation bill before us here today. I'll vote for final passage, because I hope that all of this absurdity will be remedied in the conference report because, frankly, my constituents don't care about this political wrangling. They care about the transportation crunch across our country, they care about congestion in Denver and they care about real solutions. I will continue to fight against this political posturing and for the real solutions that will get traffic flowing again in my district and across this nation.

PLEDGE PROTECTION ACT OF 2004

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 2004

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2028) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong opposition to the Pledge Protection Act of 2003, H.R. 2028. The operative language of H.R. 2028 is contained in a single provision—Section 2(a):

[n]o court created by an Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, the Pledge of Allegiance, as defined in section 4 of title 4, or its recitation.

Mr. Chairman, we have seen this kind of egregious legislation before in the context of closing federal court doors to claims related to the Defense of Marriage Act. This legislation violates the same principles as that did—supreme court and lower federal court jurisprudence; well-respected legal precedence; the doctrines of the ''separation of powers;'' the doctrine of ''judicial review;'' equal rights and equal protection; the U.S. Constitution; the intent of the original Framers; and others.

H.R. 2028 would preclude any federal judicial review of any constitutional challenge to the Pledge of Allegiance—whether it be in the lower federal courts or in the highest Court in the Land, the U.S. Supreme Court. Effectively, if passed, this extremely vague legislation will relegate all claimants to State courts to review any challenges to the Pledge. This possibility will lead to different constitutional constructions in each of the 50 states. If one of the purported goals of H.R. 2028 is to minimize the amount of cases brought to the federal courts and save the court administration's time, this bill fails miserably. H.R. 2028 ''dumps'' these claims onto the dockets of the State courts which will render different decisions across the board—clearly bad policy.

JUDICIAL REVIEW AND ARTICLE III

Article III of the U.S. Constitution vests ''the Judicial Power of the United States . . . in one supreme court.'' The laundry list of areas which the federal courts have the power to hear and decide under Section 2 of Article III, establishes the doctrine of the ''separation of powers.''

For over 50 years, the federal courts have played a central role in the interpretation and enforcement of civil rights laws. Bills such as H.R. 2028 and H.R. 3313, the Marriage Protection Act—bills to prevent the courts from exercising their Article III functions only mask discrimination.

We cannot allow bad legislation such as this to pass in the House. In the 1970s, some members of Congress unsuccessfully sought to strip the courts of jurisdiction to hear desegregation efforts such as busing, which would have perpetuated racial inequality.

At the height of anti-immigration sentiments in 1996, Congress succeeded in enacting immigration laws that stripped federal courts of the ability to hear appeals by legal immigrants who sought to challenge the harsh deportation laws that were on the books. Some of these laws were so extreme that the Supreme Court ultimately weighed in and struck them down as unconstitutional. As Ranking Member of the House Judiciary Subcommittee on Immigration and Claims, I recognize the importance of the Supreme Court's role in ensuring that fundamental fairness remains the hallmark of the American legal and judicial system.

Minority groups enjoy the freedoms that they now enjoy today because of the wisdom of the Supreme Court. By passing legislation such as H.R. 2028 and H.R. 3313, Congress will set a dangerous precedent that will leave many Americans vulnerable to discrimination and disparate treatment.

The denial of a federal forum for plaintiffs to vindicate their Constitutional rights would preclude a body specifically suited for the analysis of federal interests from doing what it has been created to do under the Constitution. State courts, which will be the ''last shot'' at relief for these plaintiffs, may lack the expertise and independent safeguards provided to federal judges under Article III.

H.R. 2028, as drafted, insulated the Pledge of Allegiance as set forth in section 4 of title 4 of the United States Code from constitutional challenge in the federal courts.

However, the statute and the Pledge are subject to change by future legislative bodies. This means that if some future Congress decides to insert some religiously offensive or discriminatory language in the pledge, the matter would be immune to constitutional challenge in the federal courts.

The Jackson-Lee amendment, which I will offer, provides for an exception to the bill's preclusion that involves allegations of coerced or mandatory recitation of the Pledge of Allegiance, including coercion in violation of the First Amendment.

Closing the doors of the federal courthouse doors to claimants will amount to a coercion of individuals to recite the Pledge and its reference to God in violation of the holding in West Virginia State Board of Education v. Barnette. This case struck down mandatory recitation of the Pledge of Allegiance.

In Barnette, the Supreme Court struck down a West Virginia law that mandated schoolchildren to recite the Pledge of Allegiance. Under the West Virginia law, religious minorities faced expulsion from school and could be subject to prosecution and fined, if convicted

of violating the statute's provisions. In striking down that statute, Justice Jackson wrote for the Court:

To believe in patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds . . . If there is any fixed star in our constitutional constellation, it is that no official, high, or petty can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

This legislation would strip the parents of those children of the right to go to court and defend their children's religious liberty. If this legislation is passed, schools could expel children for acting according to the dictates of their faith and Congress will have slammed the courthouse door shut in their faces. When I was a child, I always wondered why, when the rest of the class recited the Pledge of Allegiance, she always sat quietly. Today, I understand that it was because she was of the 7th Day Adventist faith and therefore reciting the ''under God'' provision would force her to frustrate her religious faith. If H.R. 2028 were law back then, the school administrators could have forced her to say the pledge and she would have no recourse in the federal courts.

The Jackson-Lee Amendment protects religious minorities, Mr. Chairman.

Recently, a panel of the U.S. Court of Appeals for the Third Circuit held that a Pennsylvania law requiring recitation of the Pledge, even when it provided a religious exception, violated the Constitution because it violated the free speech of the students.

In Circle School v. Pappert, the court found that:

It may be useful to note our belief that most citizens of the United States willingly recite the Pledge of Allegiance and proudly sing the national anthem. But the rights embodied in the Constitution, particularly the First Amendment, protect the minority—those persons who march to their own drummers. It is they who need the protection afforded by the Constitution and it is the responsibility of federal judges to ensure that protection.

Again, under H.R. 2028, such a coercive speech case could never reach the federal courts.

DUE PROCESS AND SEPARATION OF POWERS

Protecting fundamental due process of the law requires independent judicial forums capable of determining federal constitutional rights—with experience. H.R. 2028 will deprive the federal courts of the ability to hear cases involving fundamental free exercise and free speech rights of students, parents, religious affiliates, and many others. Congressional denial of a federal forum to plaintiffs in a specified class of cases would force these plaintiffs out of federal courts—which are specifically suited for the vindication of federal interests, and into state courts which may be inexperienced and hostile to federal claims.

The Pledge Protection Act threatens to destroy the U.S. Constitution, the independence of the federal judiciary, separation of powers, and individual rights and protections guaranteed by the Constitution. Mr. Chairman, I urge my colleagues to save this country from legal demise and defeat the base bill.

GREATER REGULATION OF RELIGION IN KAZAKHSTAN?

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2004

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the U.S. Helsinki Commission I am concerned about Kazakhstan's draft law on combating extremist activity, as the legislation could violate Kazakhstan's OSCE commitments on religious freedom and damage the country's positive reputation on religious tolerance and liberty. In President Nursultan Nazarbaev's address to the parliament on September 1, he urged deputies to pass the bill while dismissing concerns about the further regulation of religion. Nevertheless, the text is problematic in several respects and would benefit from further refinement. Considering that Kazakhstan wishes to be the OSCE Chair-in-Office in 2009, I urge Kazakhstan to seek the advice of the OSCE Panel of Experts on Religious Freedom or Belief, as President Nazarbaev wisely did two years ago regarding a proposed draft law on religion.

Intended to combat terrorism, the draft law would criminalize membership in certain groups or the holding of certain beliefs, rather than combating actual criminal deeds. A critical portion of the law is also vague, as the text fails to define clearly the term ''extremism.'' The omission is glaring and will very likely lead to its misapplication. In addition, the draft uses the word ''religious'' ten times and links religion with an ill-defined understanding of ''extremism.'' In the context of an anti-terrorism law, such a connection gives rise to concern, as these types of statutes can easily be misused against unpopular religious communities. The draft law would strengthen state control over religious activity by giving the State Agency for Work with Religious Associations the ability to monitor groups. From its observations, the State Agency can recommend the banning of a group for ''extremist activity,'' but again the text does not spell out what activities would qualify.

Another problematic provision included in the draft concerns the foreign classification of a group as ''extremist,'' as the law will honor the classification by another country and ban their activity in Kazakhstan. This clause would in effect allow the long arm of a repressive government to outlaw a group in Kazakhstan, as well. I remember when a Moscow court labeled the Salvation Army as a ''paramilitary'' organization; under this draft bill, Kazakhstan could follow this erroneous assertion and ban this well-respected humanitarian organization.

Existing Kazakh law fully provides for the prosecution of criminal acts, so these new provisions are not only unnecessary but harmful. In fact, some articles of current law are too restrictive. For example, Article 375 of the Administrative Code, which requires the registration of religious groups, should be removed. I have received consistent reports since the promulgation of Article 375 of unregistered groups being penalized for legitimate activities and their facing civil and criminal sanctions. Considering the recurring misuse of civil regulations, I fear further abuse under the draft law.

I understand that President Nazarbaev is concerned about the spread of extremism in his country, especially from ''radical'' Islamic groups. The President may be tempted to follow the actions of his neighbors, especially Uzbekistan, but I would advise him otherwise. The Uzbek Government has for years ruthlessly clamped down on pious Muslims suspected of being associated with Hizb ut-Tahrir. This reactionary and heavy-handed policy has proven counterproductive, antagonizing the devout Muslim population and leaving it receptive to other, radical voices. Instead of defeating terrorists, demanding legal requirements for religious practice and Uzbekistan's harsh responses have restricted the religious freedoms of the many peaceful Muslims and Christians wanting to practice their faith. Obviously, individuals involved in criminal activity in Kazakhstan should be punished. But, by banning entire groups, particularly independent mosques outside the control of the state-backed Muslim Spiritual Association, entire communities will be penalized. The result will be the inappropriate limiting of a fundamental freedom, while doing little to prevent criminal acts.

In closing, the Congress of World and Traditional Religions convened by President Nazarbaev himself was successful in bringing together Christian, Muslim, Jewish, Buddhist and Hindu leaders to discuss tolerance and understanding. I fear that the draft law on extremism, if not amended, will sully Kazakhstan's reputation on religious tolerance by unduly limiting religious freedoms through the criminalization of certain memberships and beliefs as opposed to addressing real criminal activity.

PERSONAL EXPLANATION

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2004

Mr. TANCREDO. Mr. Speaker, I was out of town on official business, and missed rollcall vote Nos. 457, 458, 459, and 460. Had I been present, I would have voted ''no'' on rollcall 457, ''no'' on rollcall 458, ''no'' on rollcall 459, and ''no'' on rollcall 460.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, September 24, 2004

Mr. GRAVES. Mr. Speaker, on Thursday, September 23, 2004 I was unavoidably detained and thus missed rollcall vote Nos. 466, 467, 468 469, 470, 471 and 472. Had I been present, I would have voted ''nay'' on 466, an amendment by Mr. Watt; ''yea'' on 467, passage of the Pledge Protection Act; ''yea'' on 468, the Adoption Tax Relief Guarantee Act; ''yea'' on 469; ''yea'' on 470; ''yea'' on 471; and ''yea'' on 4721, passage of the conference report to H.R. 1308, which I previously supported.