

Number three, to pursue with all tools at his disposal a more equitable sharing of the burden of accepting imports of finished steel products from Asia and the countries within the Commonwealth of Independent States.

Number four, to establish a task force to closely monitor the imports of steel.

Finally, to report to Congress by no later than January 5 with a comprehensive plan for responding to this import surge, including ways of limiting its deleterious effect on employment, prices and investment in the United States steel industry.

The SPEAKER pro tempore. As previously stated by the Chair, the form of the resolution noticed by the gentleman from Ohio will appear in the RECORD at this point, and the Speaker will later designate a time for its consideration and will at that point determine whether the resolution constitutes a question of the privilege. The gentleman will be notified.

#### SENSE OF CONGRESS SUPPORTING PRAYER AT PUBLIC SCHOOL SPORTING EVENTS

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 199) expressing the sense of the Congress that prayers and invocations at public school sporting events contribute to the moral foundation of our Nation and urging the Supreme Court to uphold their constitutionality.

The Clerk read as follows:

H. CON. RES. 199

Whereas prayers at public school sporting events are entirely consistent with our American heritage of seeking Divine guidance and protection in all of our undertakings;

Whereas sporting events provide a significant and long-lasting impact in character and values development among young people;

Whereas prayers and invocations have been demonstrated to positively affect the fair play and sportsmanlike behavior of both players and spectators at sporting events;

Whereas lower court rulings about prayer at sporting events have placed school and community leaders in the difficult position of choosing between conflicting values, rights, and laws;

Whereas congressional leaders have found value in beginning each legislative day with prayers; and

Whereas statements of belief in a Supreme Power and the virtue of seeking strength and protection from that Power are prevalent throughout our national history, currency, and rituals: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—*

(1) prayers and invocations at public school sporting events are constitutional under the First Amendment to the Constitution; and

(2) the Supreme Court, accordingly, should uphold the constitutionality of such practices.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. Conyers) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 199.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the sponsor of this resolution, the gentleman from Texas (Mr. BONILLA)

Mr. BONILLA. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, we are very proud of a fall tradition we have in Texas. On weekends, Fridays and Saturdays high school stadiums fill up with people to watch high school football.

These are not just events, Mr. Speaker; they are traditions; communities, student bodies, parents, coming together to watch friendly competition and say hello to friends and neighbors. It is about sportsmanship, it is about brotherhood, it is about values.

Traditionally, before each game, voluntary nondenominational prayers have been held, primarily to wish the players an injury-free game and to wish everyone a safe trip home on the road that night.

This tradition has been threatened by a foolish decision in Federal Court. A parent in a town near Houston apparently felt suppressed by the prayer and filed suit. The 5th Circuit Court agreed, and banned voluntary prayer at sporting events.

I think this court decision is wrong. This resolution gives the U.S. Congress the chance to take a stand. Voluntary prayer should not be banned in States.

In this day and age when parents and communities search for answers in helping our young people, what is wrong with voluntary prayer before kick off? There are no mandates in this resolution. I ask my colleagues to join me in taking a stand. Let us tell the court it was wrong. Let us encourage it to reverse its decision and let the children pray.

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

Mr. Speaker, religious freedom has been one of the cornerstones of American democracy since the founding of our Nation, and, like most Members in the body, I remain committed to preserving religious freedom. However, there are serious reservations whether this resolution offers us the best means of protecting our citizens' religious liberties.

To begin with, we have had no deliberative process whatsoever on this complex issue. I was hoping that someone on the other side may enlighten me as to why this could never have come before a subcommittee or a committee for hearings and markup. There has been no opportunity to gauge the seri-

ousness of the problem or determine whether this resolution is an appropriate or reasonable response.

□ 1630

Secondly, the text of the resolution comes very close to not only protecting religious expression, but crossing over and violating the establishment clause. The Supreme Court has consistently held that the coercive mechanics of the State cannot be used to endorse any particular set of religious beliefs. I think we all know that. For public school sporting events, courts have been very generous and have allowed student-led prayers, but have drawn the line at coach-led prayers or using the mechanics of the State, out of fear of a coercive effect.

This resolution appears to go beyond this line, finding that organized and State-led prayer may be constitutional.

Finally, I am concerned that the resolution threatens to abridge our precious separation of powers. The Congress has had enough trouble doing its own business and passing the Nation's budget on time, let alone taking the time to tell the Supreme Court how to resolve highly complex and serious sensitive constitutional arguments.

Under the present constitutional structure of a Bill of Rights protected by an independent judiciary, the courts have done fine in sorting out these issues. Religion is alive and well in America. We have greater religious diversity and more religious observance than any country on the face of the Earth. I seriously question whether this sense of Congress can improve this situation.

Mr. Speaker, if we want to truly protect religious freedom in this country, please reject this well-meaning but flawed resolution.

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

Mr. SMITH of Texas. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, first I want to thank my good friend and neighbor, the gentleman from Texas (Mr. BONILLA), for introducing this important resolution. It is vitally important to express the sense of Congress that voluntary prayers before athletic contests are appropriate and even beneficial. This type of prayer is not an unconstitutional establishment of religion. Rather, it is an appropriate and constitutional exercise of our freedom of religion.

It is altogether appropriate before a hard-fought athletic contest to allow individuals involved to offer a prayer that acknowledges the presence of a supreme being, a reminder of the presence of a deity more powerful than the players on the field. Such a prayer can lead to better sportsmanship, fewer injuries, and could even uplift and inspire both prayers and spectators.

The offering of a prayer should not be feared. Those who do not wish to participate do not need to. However, we should not constrain the actions of those who do want to participate.

Voluntary, unofficial prayers before athletic contests were allowed and even encouraged for decades prior to a mid-1960s Supreme Court ruling by the most liberal court of this century. We are overdue in again recognizing the rights of individuals to offer prayers that can do many people much good.

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

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, as the principal Democratic author of House Concurrent Resolution 199, I join the gentleman from Texas (Mr. BONILLA) in expressing my strong support on this measure, which simply calls on the Supreme Court to rule on public prayer at events such as school football games.

Our forefathers included the establishment clause in the first amendment to the Constitution for a reason. They had been subject to religious persecution, and wanted to make this country a place where Americans of every religion and denomination could practice their faith freely, or not practice a faith at all if they so chose. For those of us who believe in a God who grants free will to his creation, this constitutional approach not only makes for good government, it makes for good theology, as well.

Still, a recognition of God and our country's need for divine guidance has been part of this Nation's fabric from the very start. Our currency reflects that, our pledge of allegiance acknowledges it, our Congress honors the tradition of opening prayers, and a respect for God is woven throughout our government's history and practices.

It is in that spirit that I find prayer at football games both positive and constitutional. I would point out that many of the people who would prohibit such prayer also openly advocate for going still further and want to prohibit prayers in Congress, acknowledgment of God in our pledge of allegiance, et cetera.

Finding a balance between conflicting rights and responsibilities, as well as a balance between the rights of society versus the rights of an individual, has been the challenge of our democracy from its beginning. The balance is never achieved once and for all, but rather, requires constant adjustments when one side of the scales becomes imbalanced and in need of countervailing weight.

Recently a newspaper published in my district, the *Graham Leader*, addressed this very important point, which I share with my colleagues now: "Although school prayer is often cloaked in separation rhetoric, the real issue lies in the definition of individual and group rights. Whose rights should take precedence? In this case, should those who want to pray or hear a prayer" before a game "have that right? Or should those who prefer no prayer have the right to stop it? Whose rights are more important? . . ."

"Democracy centers on the ability to balance individual freedom with the common good. Let's not forget that co-operation sometimes means compromise. We relinquish some rights, and we must endure some offensiveness so others may be granted some rights."

"What the Federal courts and the American Civil Liberties Union seems to have forgotten is that no one group should bear the brunt in each case. Unfortunately, Christians have."

I urge my colleagues to support this measure, which simply urges the Supreme Court to act on this currently conflicting issue, and expresses the sense of Congress that student-led prayers at school sporting events are an exercise of our constitutionally-guaranteed freedoms of speech and religion.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of House Resolution 199, and I commend my colleague, the gentleman from Texas, for bringing forth this important resolution.

I feel strongly about the right to pray in public, and believe that prayer at public school sporting events is in fact constitutional.

Mr. Speaker, we are truly fortunate to be Americans. The Founders of this great country worked to ensure each citizen's right to life, liberty, and the pursuit of happiness. Our Nation's military has fought and sacrificed to protect and preserve these rights.

America was built upon Judeo-Christian values. Yet this foundation of our culture is so often ignored in today's society, and even frowned upon. Citizens throughout the country are being denied one of the most basic, fundamental rights we have fought so hard to protect, the right to freely express one's religious beliefs. Children have been barred from bowing their heads in private prayers and writing their religious beliefs in school papers, and even from bringing the Bible to school.

Freedom of religion is one of the most protected rights guaranteed to us under the Constitution. There are far too many incidents of students and student athletes being prevented from expression of their religious beliefs.

In Santa Fe, Texas, a U.S. Court of Appeals ruling has forced student athletes to replace their former pre-game invocations with the observance of nonsectarian moments of silence. Just recently, Mr. Speaker, while I was watching an NFL football game, a player was seriously ill. Out of deep concern about their teammate, the members of that team knelt on the football field in front of the national TV audience to pray that he be protected from the injury.

To my knowledge, there was no objection to this practice, so I ask, Mr. Speaker, why are student athletes pro-

hibited from expressing their faith on the field? I feel that this is a tragedy. We must stand up for our students' rights to freely observe their religious beliefs.

In closing, Mr. Speaker, I want to quote Jeff Jacoby, a columnist for the *Boston Globe*, who brilliantly conveys the belief of the Founding Fathers on freedom on religion.

"Religion can't survive in the absence of freedom, but freedom without religion is dangerous and unstable."

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this resolution is in direct conflict with a long line of Supreme Court decisions. For example, in 1962 in the *Engel* decision, the Supreme Court warned that one of the greatest dangers to the freedom of the individual to worship in his own way lies in the government's placing its official stamp of approval upon one particular kind of prayer or one particular form of religious services.

In the *Jager* decision in 1989, the Supreme Court refused to review a case that specifically held that prayers at public football games violated the establishment clause of the Constitution, even though student clubs designated the individuals who gave the prayers.

In 1997, a Federal court ruled that a moment of silence could be observed before games, but this year, 1999, another circuit court held specifically that prayers before football games were unconstitutional.

The really disturbing aspect of this resolution is not whether we agree with that long line of court decisions, but the fact that we are considering the issue in a political forum.

In the *Barnett* case in 1943, the court wrote that "The very purpose of the Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials, and to establish them as legal principles to be applied by the courts." One's right to life, liberty, and property, to free speech, to a free press, freedom of worship and assembly, and other fundamental rights cannot be submitted to a vote. They depend on the outcome of no elections.

Yesterday, Mr. Speaker, in the city of Richmond, Virginia, an elementary school was named in honor of former Governor of Virginia Linwood Holton. The program said, Mr. Speaker, that "Linwood Holton was elected Governor of Virginia in 1969—the State's first Republican Governor since 1886. Holton's most enduring legacy is his embrace of racial integration. He supported court-ordered busing to achieve racial balance in schools. While he was governor, he escorted one of his children to attend a predominantly black school. That act, captured on film, displayed a message of social justice to Virginians."

Mr. Speaker, rather than promote a politically popular strategy of massive resistance, Governor Holton supported the Supreme Court ruling. So when he went to the schoolhouse door, he went not to display interposition and nullification, but to display a message of social justice.

Mr. Speaker, this resolution is wrong because it subjects the complicated issue of religious freedom to the vicissitudes of political controversy, and therefore, I urge my colleagues to reject it.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I think the Supreme Court is part of the problem here, not the solution.

I keep hearing this First Amendment mumbo-jumbo. I would like to read it: "Congress shall make no law respecting an establishment of religion", and then the First Amendment says, immediately, "Or prohibiting the free exercise thereof."

The Founders are rolling over in their graves. They did intend to separate church and State, but they never intended to separate God and the American people. This is absolutely ridiculous. The Supreme Court in my opinion is prohibiting in America the free exercise of religion.

It is on our currency. Look behind the gentleman from Illinois (Mr. LAHOOD): "In God we trust." Do we strike that from the Chamber? Do we?

A Nation without God is a Nation without order. An America that restricts God gives license to the devil. We are nitpicking over something that nine Supreme Court members should have enough anatomy to ratify, the free exercise of religion. If a ballplayer wants to say a prayer, I want someone to show me how it is unconstitutional.

They need a shrink over there. I support the resolution, and I think Congress better start drafting laws, because the precedents of the courts are what are running America, and the Founders did not want that, either.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, it is my belief that prayer is nothing less than heartfelt communication with our Creator. I believe in the power of prayer and the reverence for prayer and the sanctity of prayer. That is why I believe any debate on prayer and religious freedom deserves more than a 40-minute debate on a suspension calendar after no committee hearings and with so few Members of this House even present.

Mr. Speaker, I have great respect for my colleagues, the gentleman from Texas (Mr. BONILLA) and the gentleman from Texas (Mr. STENHOLM), and their genuine concerns, but it is the process of handling this resolution, however, on which I wish to comment.

In my opinion, the subject matter of prayer and religious freedom deserves a full and open debate and Committee on this floor. To do any less potentially undermines the importance of the first freedom guaranteed in the first 16 words of the Bill of Rights, the freedom of religion.

Let us also recognize that the Constitution, in Article III, makes it clear that the Supreme Court, not the Congress, has the power to determine what is or is not constitutional.

□ 1645

Several weeks ago, the House leadership supported a resolution that said it was, quote, the necessary duty, end quote, of Americans to pray. That resolution, like this one, was on a suspension calendar and had no committee hearings.

I am therefore compelled to question when the leadership of this House will start treating profound issues such as prayer and such as religious freedom and church-State relations with the reverence that our Founding Fathers exhibited in writing our Bill of Rights and our First Amendment.

I would plead with the House leadership today to stop dealing with the principles of the religious establishment and free exercise clauses of the First Amendment with the same quick process and time limits reserved for the naming of Federal office buildings. The Constitution, the Bill of Rights and the high principles enumerated therein deserve far more than a superficial review.

Resolutions and legislation on prayer and religious freedom should always undergo carefully considered hearings and debates of principle and conscience, not hastily organized mini-debates that deny most House Members even a chance to speak.

Mr. Speaker, as a citizen I would hope the Supreme Court would clarify for school districts whether and under what conditions public prayers and invocations at school sporting events are allowed under the First Amendment. It is not right, in my opinion, for schools and communities to be divided by possibly conflicting lower court decisions. I would hope the Supreme Court would expeditiously review any such cases.

Mr. Speaker, to all of us in Congress, however, I would say we have an obligation in the future to review any question affecting the sacred issues of prayer and religious freedom with the careful, thorough and reverent consideration they deserve.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, why are we considering this legislation today? How is the offering of prayer at a football game unconstitutional? The root of this debate can be traced to 1962 when the Supreme Court opined in *Engel versus Vitale* that, quote, State-sponsored, end quote, prayer was un-

constitutional. Why? Because the Supreme Court said that the First Amendment had erected a wall of separation between church and State and that that wall had been applied to the individual States by way of the Fourteenth Amendment.

Where did that logic come from?

It was a line of reasoning that was expounded by Justice Hugo Black in 1947 when he stated, quote, my study of the historical events that culminated in the Fourteenth Amendment and the expression of those who sponsored and favored, as well as those who opposed its submission and passage, persuades me that the provision of the amendment's first section were intended to make the Bill of Rights applicable to the States, end quote.

Today, Mr. Speaker, we do not have to rehash all of Justice Black's research. Fortunately, all that is necessary today is to ask a simple question: What was so apparent in the justice's research that escaped the knowledge of people who actually voted on the Fourteenth Amendment itself?

The Blaine amendment was an amendment to the Constitution that was introduced in 1875 by Representative James Blaine of Maine and it would have become the Sixteenth Amendment to the Constitution. It was introduced and it stated in relevant part, quote, no State shall make any law respecting an establishment of religion or prohibiting the free exercise thereof.

Mr. Speaker, if the Congress at that time believed that the Fourteenth Amendment applied the Bill of Rights to the States, why was this amendment even brought up for consideration? The question is, would it not have been the main reason for dismissing the amendment the fact that it was unnecessary, given the fact that the Blaine amendment was introduced 8 years after the ratification of the Fourteenth Amendment? In fact, in the 44th Congress that considered the Blaine amendment, 15 Senators had been Members of the 39th Congress that adopted the Fourteenth Amendment and 12 others had participated in the ratification or rejection of this amendment by the State legislatures.

Likewise, 50 Members of the House of Representatives had similar backgrounds. In fact, Mr. Blaine voted for the Fourteenth Amendment.

Mr. Speaker, the fact is that the Fourteenth Amendment does not apply the Bill of Rights to the States and if we do not want any more thorough exercise of this we can simply go to the *Encyclopedia of the American Constitution* that says this: Additionally, the first clause of the proposed amendment provided that no State shall make any laws respecting an establishment of religion or prohibiting the free exercise thereof.

This is an indication, says the *Encyclopedia of the U.S. Constitution*, that Congress did not believe in 1876 that the Fourteenth Amendment, ratified in

1868, incorporated the religion clauses of the First Amendment.

Mr. Speaker, if I may, I would like to say amen and ask for consideration and approval of the resolution.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds, because the gentleman from Indiana (Mr. HOSTETTLER), I thought I misunderstood him at first when he said the Fourteenth Amendment did not apply to the States but he repeated it at least one more time so that I do not have any doubt of that now. Now that that is confirmed, I suppose we can move on back to the debate.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I would like to thank my colleague, the gentleman from Michigan (Mr. CONYERS), for allowing me to speak.

Mr. Speaker, I am a cosponsor of the resolution. Coming from Texas, I noticed a lot of the cosponsors of the resolution are from Texas. There are a lot of things we hold sacred in Texas and one of them is high school football. One can go to any Friday night game or Saturday night game and it is important to the community, and growing up in Texas and having an opportunity to play high school football I know how important that event is for the community.

Since then, I have attended football games both as a State legislator and Member of Congress and participating in the pre-game ceremonies, including giving the prayer as a Member of Congress at some of our high schools. This last February, the Fifth Circuit Court of Appeals in Doe versus Santa Fe Independent School District caused a great deal of concern and ultimately with this coming school year I talked with some of our superintendents in my own district to see how they were dealing with it.

This ruling, while affirming previous court decisions that upheld student-led nonsectarian, nonproselytizing prayer at solemn events like school graduation ceremonies, also stated that invocations before sporting events like football games were not constitutional even if they met that standard.

Mr. Speaker, the courts have been clear on the issue that the guidelines that had previously been issued by the Fifth Circuit Court in Jones versus Clear Creek Independent School District were being followed, so we have a problem. The Supreme Court needs to rule and provide that guidance not only in Texas but hopefully the whole Fifth Circuit and our whole country.

If this sort of activity is constitutional before a graduation ceremony, it should be constitutional. If we in Congress can start our business day as we do, then why would it not be constitutional to pray for the safety of our young men and women before they participate in some sporting event?

I am a firm believer in the First Amendment and I oppose actions that would violate the establishment clause.

I ask, though, where is this violation? How does a prayer before a football game act to establish a religion? We cannot go back to the 1950s because it was wrong where children all recited the Lord's Prayer and we know that as a Methodist and Presbyterians, even Catholics, we have a different Lord's Prayer but I do think we can invoke the wish and the hope and the prayer for the safety of the participants.

Mr. SMITH of Texas. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman from Texas (Mr. SMITH) for yielding me additional time.

Just simplifying, the gentleman was unsure of the meaning of the Fourteenth Amendment, the Congress that adopted it, in that section 5 they said the Congress shall have power to enforce by appropriate legislation the provisions of this article. Therefore, they did not believe the Bill of Rights was incorporated into the Fourteenth Amendment and so they gave themselves the capability to, by statute, enforce the Fourteenth Amendment and grant all of us the liberties we so greatly enjoy at this time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, it is kind of ironic we have this religious debate from time to time here, and when we stand in the House well the only lawgiver facing us is Moses, whose head is turned right towards the Speaker; and above the Speaker's head it says, "In God we trust."

It is clear what Congress intended. We open in the morning with a prayer, and clearly Congress may need prayer more than the schools but I think it is a double standard for us to say these things cannot go on in schools but they can go on here in Congress.

Prayer is not for victory. Hopefully everybody understands that in these football games it is not for victory; unless maybe with the exception of Notre Dame, God does not take sides in football games. In general, however, what is disappointing to me is that apparently if one uses our Lord and Saviour's name Jesus Christ in vain it is allowed, but if one uses it in a biblical sense it is not. If I would refer to God damning people because of their behavior, that would be wrong but if one uses it in blasphemy, that is free speech.

Free speech is a one-directional thing. How can it possibly hurt the young students at a football game to acknowledge that there is a Creator; that there is someone higher than them; that hatred is wrong; that violence in an extreme way is wrong? How can the humility that comes from the Bible be wrong at any moment, whether it is a football game or in school?

We are in danger of putting us, the almighty "I," the all-powerful me, in

such a preeminent position that we will not even allow kids who voluntarily, in a voluntary activity, after school hours, can pray together. It is a sad day if this amendment does not pass.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Speaker, I rise today in support of H. Con. Res. 199, which expresses the sense of Congress that prayers and invocations at public school events are constitutional on the First Amendment and that the Supreme Court should uphold the constitutionality of such activities.

Mr. Speaker, it is most ironic that while an increasing number of violent crimes have occurred in our Nation's schools in recent months and even recent years, some Federal courts have ruled to restrict the very expression of faith which can play such a significant role in providing desperately needed moral guidance to our youth. Under the proper guidance of coaches and administrators, team and individual sports can make a significant, positive impact on the character of students and student athletes in their most formative years.

A strong religious message, coupled with good sportsmanship, instilled by adult role models, can make a positive, long-term influence on our Nation's young people.

I join my colleagues who are opposed to these Federal court decisions that would ban organized prayer from sporting events. Student athletes have a clear constitutional right to exercise their religious beliefs, particularly during school and extracurricular activities. I do not believe that students in our country should have to check their religion and their beliefs at the school door.

Our Founding Fathers believed that prayer and even studying the Bible were activities that should be encouraged among our youth rather than suppressed, even in our schools. Our Constitution grants freedom of, not freedom from, religion. Because of these rulings in the past, I am proud to join the gentleman from Texas in support of this resolution to affirm the importance of prayer at sporting events at a pivotal time in the life of our Nation's young people. There can be no compromise in the defense of our commitment to the very principles that have made this Nation, the United States of America, the greatest nation on the face of the Earth.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, comments have been made about the ability of athletes or students to pray voluntarily. There is no prohibition against that. In fact, in 1995, a circuit court ruled that students, quote, are not enjoined from praying either individually or in groups. Students may voluntarily pray together provided such prayer is

not done with school participation or supervision.

We are not talking about a student's ability to pray. We are talking about the ability of that student to require everyone else to participate.

□ 1700

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I am one of the cosponsors of this resolution, and I rise in strong support of it. I want to thank the gentleman from Texas (Mr. BONILLA) for bringing it to the floor.

Most of the opposition that has been expressed on this this afternoon has been more on the process. We have had the complaints that there have not been adequate hearings in the Committee on the Judiciary, et cetera. That is usually a leading indication that they really cannot argue the policy.

All one has to do is read the Constitution where it talks about freedom of expression and freedom of speech, freedom of religion. I do not believe anybody in everyday America thinks that a public prayer before a football game or some sort of a public event is establishing an official religion.

If one goes back to our Founding Fathers' time and one looks at why they put in the prohibition against establishment of an official religion, it was because, in many of our States, the Anglican church was the official church. If one goes even down to the great State of Texas before it became a State, the Catholic church was the official church of Mexico, one had to convert to Catholicism to come into Texas in the 1820s.

Saying a public prayer before a football game is not the establishment of a religion. It is the acknowledgment that there is a supreme being and that those in attendance and those in participation wish the protection or the blessing of the supreme being as they engage in the contest.

As a United States Congressman, I have given public prayers before football games in Texas. As a football player way back in the dark ages of the 1960s, I have given public prayers during football games. I strongly hope that we will pass this resolution by the two-thirds necessary to suspend the rules.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think this is a debate that bears much more attention than we are able to give it, primarily because it involves children, because it involves guiding children. But it also involves the Constitution.

Mr. Speaker, I am the mother of an eighth grade football player. Football

is an intrinsic part of the culture of Texas, as it is in many, many places, as sports are an intrinsic part of America.

I would simply say to my colleagues that we set, I think, not the right tone if we would suggest to those students that they do not have the freedom to exercise their beliefs and pray. But I do think it is equally important for us to protect the isolated or the single person of a different faith.

That is why I bring some concern to this resolution, not because there is not good intention, but because there are the opportunities to have a story, such as Plaintiff Jane Doe, II, who was attending the seventh grade Texas history class, and her teacher handed out advertising regarding a Baptist religious revival, some of which I have attended. In fact, tomorrow I will be hosting a number of religious liberty activists from the 7th Day Adventist Church.

But Jane Doe was not a Baptist, and she was inquired about her religious affiliation. It was noted that she was from the Church of Jesus Christ of the Latter Day Saints, Mormons. Her teacher launched into a diatribe about the non-Christian cult-like nature of Mormonism and its general evils. In fact, in the Duncanville case, the plaintiff's history teacher referred to her as a little atheist.

I would simply say, Mr. Speaker, that this resolution emphasizes too much that we are separated rather than we are welcoming the diversity of religion. It establishes one faith over another. It establishes a religion.

What we are trying to do, Mr. Speaker, is to make sure that this country is free for all religions. I want the football team to pray. I want the Capitol to pray. I want those in the stadium to pray, and they have every right to pray. The idea, of course, is that they cannot force upon others a prayer that others would not want to have.

I applaud those young people who are praying, and I think we, as adults, should create the atmosphere for them to pray. But I do not think we should instruct the Supreme Court to rule against the Constitution where it says there is a separation of church and State.

Mr. CONYERS. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, there has been a discussion here that has been premised upon some things that we probably are not as sure about because we have not had any hearings. I am surprised to hear one Member say that this is a very important matter; but, yet, it skips over the subcommittee and committee of jurisdiction. We rush it to the floor, and then we end up with Members complaining to me repeatedly that the 14th amendment does not apply to the States. Now, we prepared a lot of material to try to point that out to him, that this has been pretty well settled in constitutional law.

But then I said, why? Why do we need to do this? We are not talking about

the right of students not to pray. It is how it is done. Students can pray at games. They do all the time. They do it in Texas even. So this is not an issue about whether one has the right to pray or not. It is under what circumstances can prayer be allowed.

Now, Mr. Speaker, pretty conservative members of the court have found that the Constitution forbids school-sponsored prayers, not out of a hostility to religion, but to protect the religious freedom of each student. In other words, one cannot use the State and the school as a State to promote any religion over the other. The entire premise of the Bill of Rights is that individual liberty must be safeguarded and must sometimes trump the desires even of the majority.

So it is in that spirit that I close the debate on this side by pointing out we are not against students praying, athletes praying, prayer at games. That is not the issue. The issue is under what circumstance can State-supported institutions use their facilities to promote any one particular prayer.

I urge that Members reject the measure that is now before the House.

Mr. SMITH of Texas. Mr. Speaker, how much time remains on this side?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SMITH) has 4 minutes remaining.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of the time to the gentleman from Texas (Mr. BONILLA), who is the sponsor of the resolution, for purposes of closing.

Mr. BONILLA. Mr. Speaker, once again, I thank the gentleman from Texas (Mr. SMITH) for yielding this time.

Mr. Speaker, I would like to start out by thanking the gentleman from Texas (Mr. STENHOLM), former high school football star, for joining me in this effort as the lead cosponsor. I truly appreciate the work he has put in on this bill, and we are hopeful that we will prevail.

Mr. Speaker, there are parents out there in our communities who are crying out for help and crying out for support. A few weeks ago, I was in the fall parade in Devine, Texas, which is just a few miles south of San Antonio. A young man walked up to me, and told me he was a banker, an executive at the local bank. He did not approach me to talk about banking regulations or the banking bill now pending.

He wanted to talk about prayer at high school football games, because in Medina County, for generations, they have traditionally opened games with voluntarily, nonmandated prayers. They have always opened the ceremonies at night by having a prayer.

He could not understand how we have gotten to the point in this country where they are suddenly under a threat of legal action to stop them from doing this. He was just wondering what our country is coming to when we cannot have voluntary nondenominational, nonmandated prayer at our high schools if we so desire.

I told him that day that I would introduce this resolution, and he was just delighted to hear that here in Congress there were many of us who were already concerned about this and we were going to at least try to take a stand in supporting these parents.

During this debate, we have talked about how every day we in Congress open our sessions with a prayer. We have already talked about how we have the words "In God We Trust" above the Speaker's podium. We have talked about how the Supreme Court opens each session with a prayer. So we wonder why the Fifth Court of Appeals would rule that voluntary community prayers would be prohibited and under threat of legal action.

These prayers are not government-mandated events. High school football games are community events. They are made up of, not only parents, teachers, and students, but sponsors and families from around the community. Some of them do not even have students in school, but like to come out and enjoy the physical activities of a great tradition that we have in some parts of our country.

These parents, teachers, and students are not asking us to pass a new law here in Congress. This is a sense of the Congress that simply allows us to go home and tell our constituents that we took a stand on this issue that is very important to them.

So let us not delay any longer. Let us take a stand. Let us let the folks back home know that we are on their side in this very important issue.

Mr. SANDLIN. Mr. Speaker, one of our most fundamental rights is under fire in the court system. The Court of Appeals for the Fifth Circuit, which presides over Texas, Louisiana and Mississippi, recently told our students they cannot pray before a football game or any other sporting event sponsored by their school. This decision is an affront to the Constitution and sends the wrong message to our children.

I am an original cosponsor of House Concurrent Resolution 199, expressing the sense of the Congress that prayers and invocations at public school sporting events contribute to the moral foundation of our nation and urging the Supreme Court to uphold their constitutionality. I have consistently voted in favor of prayer in schools because it is wrong for the government to tell us when and where we can pray. The First Amendment states, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . ."

The United States Supreme Court has interpreted our constitution to all at least some prayer and religious expression in public schools. We have seen, however, that courts and school district officials are having great difficulty in drawing the distinctions between what is allowed and what is prohibited. With respect to our public school system, the government must be neutral on the issue of religion in the public schools, serving neither as its agent nor as its adversary. Therefore, constitutionally, a public school should allow a student to pray in school, but should not mandate organized prayer.

In the decision handed down by the Fifth Circuit, this principle of neutrality has been lost. Clearly, a court that prohibits prayers specifically at sporting events is not practicing neutrality towards religion. It is discrimination of one kind of speech—religious speech. Our courts should not ban this form or religious expression or attempt to regulate its content.

Mr. Speaker, I believe faith is essential in establishing one's moral and ethical character. I am sure the Members of this House agree because we say a prayer every day this House is in session. If Members of Congress can say a prayer at the beginning of each legislative day, then students should be allowed to say a prayer before a school sporting event. After all, our children do not check their religious beliefs at the schoolhouse door. We cannot allow a strained, out of touch court decision eclipse their rights.

I urge my colleagues to join me in supporting House Concurrent Resolution 199. Let's give our children the same rights we exercise here in the Congress. Let's protect the constitutional freedoms they are learning about in class, but currently unable to enjoy at the school football game.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 199.

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

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3064) "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes."

#### SENSE OF CONGRESS THAT THE PRESIDENT SHOULD RECOMMEND ACTIONS FOR RELIEVING VICTIMS OF HURRICANE FLOYD

Mrs. FOWLER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 349) expressing the sense of the House of Representatives that the President should immediately transmit to Congress the President's recommendations for emergency response actions, including appropriate offsets, to provide relief and assistance to the victims of Hurricane Floyd.

The Clerk read as follows:

H. RES. 349

*Resolved,*

#### SECTION 1. FINDINGS.

The House of Representatives finds the following:

(1) Hurricane Floyd made landfall on the coast of North Carolina on September 15, 1999, as a category two hurricane.

(2) In the State of North Carolina alone, the hurricane caused the deaths of at least 50 individuals, damage to more than 40,000 homes, and billions of dollars in infrastructure damage and agricultural losses.

(3) Citizens of the States of Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and Connecticut have registered for Federal disaster relief aid as a result of Hurricane Floyd.

(4) More than 6 weeks after this disaster, the citizens of these States continue to await critical assistance from the Federal government to rebuild their homes, businesses, and lives.

#### SEC. 2. SENSE OF THE HOUSE OF REPRESENTATIVES.

It is the sense of the House of Representatives that the President should immediately transmit to Congress the President's recommendations for emergency response actions, including appropriate offsets, to provide relief and assistance to the victims of Hurricane Floyd.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Mrs. FOWLER) and the gentleman from Ohio (Mr. TRAFICANT) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill notes that the President should immediately transmit to Congress the President's recommendations for emergency response actions, including appropriate offsets, to provide relief and assistance to the victims of Hurricane Floyd.

On September the 14th, 1999, the State of Florida was staring Hurricane Floyd right in the face. Floyd was at that time packing winds of over 140 miles an hour. It was almost three times the size of Hurricane Andrew, which devastated southern Florida in 1992.

We should be thankful that Hurricane Floyd weakened and caused much less damage than initially seemed likely. But that is of little solace, however, to the victims of the heavy rains that Floyd delivered all along the East Coast.

In Florida alone, thousands of residents have registered for disaster assistance. They are among the tens of thousands of flood victims from Florida to Connecticut who need our assistance and need it quickly. However, before Congress can make certain that enough assistance is available, we need the President's estimate of how much additional money is required to meet the needs of these suffering individuals.

Unfortunately, the administration does not seem to think that this is an urgent matter. This resolution should change his mind. Now, if the President does not intend to propose any additional assistance because he believes no further aid is necessary, then we need to hear that. But I can tell my colleagues, based on what I know, we will need additional aid; and I would hope the executive branch, including