

Let me correct a misconception. Nobody died for the flag. They died for what it stands for. No American mother gave up her son for a piece of cloth. The sacrifice was made for our way of life. It did not cost us a sea of blood and thousands of lives for a flag that costs each of us \$7.97 a copy in the office supply store downstairs. Americans did not sacrifice and bleed and die for a piece of cloth, but rather for what it symbolizes.

And what does it symbolize? It symbolizes the greatest experiment in democracy and individual rights in the history of this planet. It symbolizes a country that is different, because people, indispensable and disagreeable people, have a right to protest, to protest to Congress, to protest against Congress, to protest against you and me, to protest against their Government, their President, their Constitution, and, yes, even against their flag.

This proposed amendment says that 50 States can pass 50 different flag desecration amendments. The motion to recommit corrects that. Imagine 50 different definitions of desecration. Is it a tearing in Montana? It will be. Will it be burning in Mississippi? How about soiling in New Jersey, or cursing at the flag in Utah?

Imagine 50 different State definitions of the flag itself. Is it cloth? How about a paper flag? Could it be unconstitutional to burn a tablecloth that looks like a flag? How about ripping up a photograph of a flag, destroying a symbol of a symbol? Take away that right, and you have diminished us all.

Is a flag anything with stars and stripes? If it has 70 stars and 12 stripes, have you burned a U.S. flag, or can you get off the hook? It will be different in each of 50 States. How about if it is orange, white, and blue? We can have people making them for the purpose of burning. If that is the case, do you beat the rap?

The Constitution is supposed to protect your rights, not your sensitivities. Take away that right, and you are changing what the flag symbolizes, for the first time in American history, reducing constitutional rights. Pass the amendment as it is without the motion to recommit, and what will it mean? The answer will be different in 50 different States. Let us take a look at what it might mean.

America's First Ladies, most of them, all truly patriots, have worn American flag kerchiefs. Are they desecrators? A patriotic gesture, you say? How about an ugly Democrat wearing a flag hat in some State that does not like the idea? Or an uglier flag hat, or an uglier flag hat?

How about a bathing suit made out of the Stars and Stripes, is that desecration? Maybe in one State it is, and another State it will not be.

It goes further. Where does it offend you? How about pantyhose made out of the flag? Stars down one side, stripes down the other leg.

I will spare you the things that personally offend me. How about children

who desecrate? Wearing silly flag ears? Or flag pinwheels? Or filling the flag up with hot air? Can you try these children as if they were adult desecrators?

How about American flag napkins? If you blow your nose in one, have you broken the law? Violating the Constitution is nothing to sneeze at. And how about American flag plates? If you put your spaghetti in it, do you go to the can? How about a flag bag? Have you violated the Constitution if you fill it with garbage and then throw it out? Each State could have a different answer.

Do we raid factories that make things such as George and Barbara slippers out of flags? Do we just arrest the people who make them or the people who put their feet in them? Do you throw them all in jail?

How about flag socks? There are ugly ones, and there are cute ones. Do you violate the flag when you make them, when you buy them, when you wear them? Does it matter if your feet are clean or dirty? And what happens if different States make different statutes? Do you have to check your socks at the border? And what happens to you if you burn your socks?

Disposable flashlights. Can you dispose of them or do you have to give them a decent burial when the battery dies? Suspenders. Does that get you a suspended sentence in one State and live sentence in another? And your mother's admonition to wear clean underwear will have new meaning when it comes from your lawyer.

I do not mean to trivialize the flag, Mr. Speaker. Americans love and respect our flag. But we do not want to worship it. It is not a religious relic that once destroyed exists no more. It is not the physical embodiment of our value system that once gone can no longer be. It is only a copy. The fabric of our beliefs are woven into our society and guaranteed by our Constitution, and that which is a symbol of our beliefs is not so fragile as to be endangered by matches or desecrators or even trivializers.

Desecrators cannot destroy the flag, Mr. Speaker. They have tried. They have burnt it, they have soiled it, they have torn it, but they have not destroyed it.

Turn around, Mr. Speaker. There it is, right in back of you. You cannot destroy a symbol, unless you destroy that which it represents. I urge our colleagues, Mr. Speaker, do not destroy what our flag represents. Do not destroy what our flag represents. Please, do not destroy that which our flag represents.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. OXLEY). Visitors in the gallery are admonished not to demonstrate approval or disapproval of the proceedings.

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

Mr. Speaker, I have a little trouble composing myself here, but let me just point out, I did not see an American flag in any of that crap on that desk there. To me that is crap.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, who is so highly respected in this body. I once recommended him to Ronald Reagan as a U.S. Supreme Court Justice, and would he not have made a great one?

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

Mr. HYDE. Mr. Speaker, my good friend from New York that preceded me was quite amusing, and he reminded me when he said the flag cost \$7.59, or whatever, of the old saying about a person. They say he knows the cost of everything and the value of nothing.

What is at work here is something larger than the flag itself; it is a protest against the vulgarization, the trashing of our society. This amendment asserts that our flag is not just a piece of cloth, but, like a family picture on your desk, it represents certain unifying ideals most Americans hold sacred, ideals that are wonderfully expressed in the Declaration of Independence.

It represents the "unum" in the "e pluribus unum" of our country, and as tombstones are not for toppling, as churches and synagogues and places of worship are not for vandalizing, flags are not for burning.

Some of our critics have accused us of trivializing the Constitution. With great respect, I believe it is they who trivialize democracy itself, by reducing it to a matter of process, a matter of procedure, rather than substance. Their democracy is one-dimensional, consisting only of free speech as they define it. They elevate a method of communication or process over the substance of democracy, equal protection, due process, and the majestic values so timelessly expressed in our Declaration of Independence, our country's birth certificate: Life, liberty, and the pursuit of happiness.

Free speech is protected by this amendment. It is not harmed or diminished. This amendment takes free speech a dimension forward and it validates the duties and the responsibilities that are part and parcel of every right that exists. A right does not exist without a correlative duty.

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We have a duty to respect your rights, and you have a duty to respect our rights. Those responsibilities and duties are the essential underpinnings of the ordered liberty that is the soul of America.

There are well-defined limits to freedom of speech: obscenity laws, perjury, slander, libel, copyright laws, classified information, agreements in restraint of trade and the old yelling fire where there is no fire in a crowded theater.

The question is, is that list commo-
dious enough to include flag desecra-
tion? Somebody tell me why it is a
Federal crime to burn a \$20 bill but it
is okay to burn a flag. Walk down Inde-
pendence Avenue without your clothes
on, and you will find very quickly the
limits on freedom of expression.

I consider the flagpole that holds
that flag high to represent Jefferson's
famous tree and liberty which is nour-
ished, as he said, with the blood of
martyrs. Think of the words of our na-
tional anthem: "and the rocket's red
glare, the bombs bursting in air, gave
proof through the night that our flag
was still there." That expresses some-
thing sublime, something profound,
something extraordinary in history.

Too many men have marched behind
the flag. Too many have returned in a
wooden box with the flag as their own
blanket. Too many parents and kids
and wives have clutched to their griev-
ing bosom a folded triangle of the
American flag as the last remembrance
of their loved one not to honor and re-
vere that flag.

Stand among the crosses in the ceme-
tery at Arlington or go to Normandy
and read the names on the crosses and
the Stars of David, and you will come
across some that say: Here lies in hon-
ored glory a comrade in arms known
but to God; and ask yourself, what hon-
ored glory? Here is a young man, thou-
sands of miles away from home in the
ground who died defending freedom.
How do you honor, how do you glorify
that?

I will tell you how. You honor Old
Glory on behalf of that hero. From Val-
ley Forge to Iwo Jima to Anzio, that
flag is symbolized, and we live by sym-
bols. Justice Felix Frankfurter in 1940
said we live by symbols. So honor Old
Glory, and that is how you honor that
comrade-in-arms known but to God.

The flag is falling. Catch the falling
flag and hold it high. There may not be
any rocket's red glare, any bombs
bursting in air, but anyone with eyes
to see will see that our flag is still
there.

Mr. BRYANT of Texas. Mr. Speaker,
I yield myself such time as I may
consume.

I would hope to be able to interpret
the comments of the gentleman from
Illinois [Mr. HYDE] that we just heard
as a ringing endorsement of the motion
to recommit, for it is the motion to re-
commit that will permit this Congress
to pass legislation prohibiting the dese-
cration of the flag. And it is the pend-
ing proposal brought to the floor by
the gentleman from New York [Mr.
SOLOMON] and the gentleman from
Florida [Mr. CANADY] which would
allow a State, if it chose to do so, to
permit the desecration of the flag.

It is that same proposal which would
allow 50 different States 50 different
definitions of the flag. And if the gen-
tleman from New York [Mr. SOLOMON]
is so offended by the presentation of
the gentleman from New York [Mr.
ACKERMAN] pointing out all of the dif-

ferent things that could or could not be
defined as a flag by any given State,
surely he would be offended by the very
idea that 50 different States ought to
be able to designate for themselves
what is to be the symbol of this coun-
try that was the last blanket that
draped the coffins of those that went
abroad and fought for the freedom of
this country.

Mr. Speaker, I yield 5 minutes to the
gentlewoman from Houston, TX [Ms.
JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I
thank the gentleman for yielding time
to me.

Mr. Speaker, let me comment to the
gentleman that chairs the Committee
on Rules and as well the very honor-
able gentleman that chairs the Com-
mittee on the Judiciary. Let me ac-
knowledge that I was not before the
Committee on Rules and certainly I am
one that plans to vote for the motion
to recommit, which states the senti-
ment of the American people.

I take this discussion extremely seri-
ously. I do so as I hold the Constitution
of the United States in my hand that
incorporates as well the Declaration of
Independence; the Declaration being
the promise, the Constitution being the
document that implements the prom-
ise.

When I hear the comments of those
who would honor the flag, let me join
in, for I can honestly say that I have
never in my life's history desecrated,
burned or trampled or done anything
to disrespect this flag. However, I have
watched those who have felt passion-
ately that they wanted to express their
first amendment rights. And yet hav-
ing relatives who served in World War
II and other wars of this Nation for our
people, but realizing that those in my
family did not come to this Nation free
citizens, I still say very proudly the
Pledge of Allegiance to the flag of the
United States of America. And I do em-
phasize the word Republic for which it
stands, one Nation under God, indivis-
ible, with liberty and justice for all.
And I say that proudly every single
day.

This is not a war between the States
or a war between those who would be in
support of our Constitution, the Decla-
ration and, yes, our flag. But it is, if
you will, a debate on values and morals
and what we truly believe in and what
we want our children to believe in.

I want them to know that in their
heart they can express dissent, and
they can respect the flag. It is not like
me to want to, if you will, look to
amending the Constitution on a regu-
lar basis. But in this instance, I am
concerned, and the reason I support the
motion to recommit is that we do not
have a clear understanding of what we
are doing.

We have a particular constitutional
amendment now proposed that uses the
word desecration, a word that in fact is
not clear and, therefore, may do more
injury to the honor of this great flag
and the understanding of it and the re-
spect for it.

In fact, as we talk about desecrate, it
is a word of sacredness. In fact it
means consecrate to God or having to
do with religion, not destroying a flag.
Therefore the amendment is unclear.

This is a time that we should come
together as a nation. What I would
simply say is that the motion to re-
commit, the one I will vote for, talks
about prohibiting the burning, the
trampling, the soiling or rendering of
the flag of the United States of Amer-
ica. It is clear.

Amending the Constitution is a very,
very serious act. I would simply say to
my colleagues, I have been offended
and hurt over the years when a cross
has been burned. In fact, as recently as
this year, unfortunately citizens in
Texas saw fit to burn a cross to express
opposition against an African-Amer-
ican who was running for mayor of one
of our cities in the State. Tears came
to my eyes. Should we not amend the
Constitution on the burning of a cross,
another very honored emblem in this
Nation?

If we are to do anything like that, if
we are to seriously respect all citizens,
then should we not be clear on what we
are doing? Should we not have the op-
portunity to have a full understanding
of the impact of what we are doing.
What behavior are we preventing—
wearing a flag tie? I hope not.

When I talk to those in the American
Legion, they are talking about burning
and trampling and soiling or rendering
of a flag.

The motion to recommit is a fair mo-
tion. But more importantly, let me say
something directly to those of my good
friends who are veterans and those who
are also Legionnaires, for whom I have
great respect. I say to them that we
are in this fight together. If we came
together, and this point of view was
discussed and we all reaffirmed our
pledge to honor the flag. Our Nation
would not be divided and I believe
there would be broad support for this
view point. In fact when we amend the
Constitution, it should be joined with
the understanding that it is to express
freedom, not to deny freedom.

Do you know what? That representa-
tive of the American Legion's organiza-
tion understood that when we spoke.
How many of us have taken the time to
explain what we truly believe in. There
was no castigation and no accusation.

I think we are going the wrong way.
I think the motion to recommit is one
that brings us all together. For those
of us who hold the document of imple-
mentation—the Constitution—near and
dear like we hold the document of
promise, the Declaration of Independ-
ence, we do know that this is the way
to go, for we are being divisive when we
go in the direction of this amendment.

So I support the motion to recommit.
I, for one, will be voting for it. Mr.
Speaker, let us not divide this body.
Let us be supportive and support an
amendment that the American people
can understand and that gives honor to
the American flag.

Mr. SOLOMON. Mr. Speaker, the speech we have just heard is the kind of speech we should always hear on the floor. It came from the gentlewoman's heart. I respect her opinion, even though I respectfully disagree with it. But that is the kind of speech that we need. We need to really debate this issue. I want the gentlewoman to know I have the greatest respect for her because of that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. CLEMENT].

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

Mr. CLEMENT. Mr. Speaker, I stand to support the American Flag Protection Act. Let us protect our flag. It means too much to us.

Mr. Speaker, I rise today in strong support of House Joint Resolution 79, the American Flag Protection Act. In less than a week Americans all around this Nation will be celebrating Independence Day, the Fourth of July. There will be countless tributes, fireworks displays, and picnics, all to commemorate our country's Independence. It is also a time to reflect on the great history of the United States of America and many courageous men and women that built this great Nation.

Mr. Speaker, it is only fitting that in this time of patriotic revelry and remembrance, Congress has the opportunity to pay tribute to every man and woman that ever fought for America, and the freedom that she represents. We will not be voting to build a new memorial. We will not be voting to build a new museum. My colleagues, when we vote yes on the American Flag Protection Act, we are giving a simple thank you to every veteran that fought and many times died, in every corner of the globe to defend this flag, and the country it stands for.

As many Americans know, the Supreme Court overturned legislation Congress adopted in 1989 which was designed to protect our flag as our Nation's greatest symbol of freedom, a symbol that thousands of brave Americans gave their lives to defend.

Mr. Speaker, some may argue that desecration of the Stars and Stripes should be allowed as an exercise of free speech. I am not a legal scholar. I simply say, if the Supreme court holds that our Constitution permits flag burning, it is time to change our Constitution. I believe in free speech. But I also believe that the flag embodies ideals that Americans have sacrificed their lives to protect for more than 200 years.

Neither I, nor any of my colleagues in the House of Representatives would want to stifle anyone's right to freely speak their mind. A constitutional amendment would not restrict anyone from saying anything they want about any issue. I just believe that the ideas flag burners want to communicate can be expressed without burning our beautiful flag.

Let me say to my friends, that country music songwriter Lee Greenwood sings, "I'm proud to be an American, where at least I know I'm free," I deeply share his sentiments. As do the many veterans and other patriotic citizens in my district who have sent hundreds of letters of support demanding this small token of gratitude for what they and their forefathers have fought for. Please honor these brave men and

women. Vote "yes" on House Joint Resolution 79.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Del Mar, CA [Mr. CUNNINGHAM]. He is an outstanding Member of this body. He is a veteran of the Armed Forces of the United States of America. He has risked his life for this country and that flag.

Mr. CUNNINGHAM. Mr. Speaker, not process but substance. Let me put a face on substance.

I have a close friend that was in Vietnam. He was a POW for nearly 6 years. It took him nearly 5 years to gather bits of thread to knit an American flag on the inside of his shirt. When they would have a meeting, he would hang that shirt above his comrades. That was fine until the guards broke in and they ripped the shirt and they dragged the POW out. And they beat him for 6 hours. They brought him back unconscious and broken bodied.

When they tried to comfort him and put him on a bale of straw, they did not think he was going to survive. They heard a stirring and that broken-bodied POW had dragged himself to the center of the floor and started knitting another American flag.

What kind of message do we send to our children when an Olympic athlete carries the American flag or what kind of message do we send to our children when we allow someone to burn it? We talk about value systems in this country and erosion of them. All we are trying to do is protect those value systems.

Some of those said that they support the Declaration of Independence and the Constitution, but I would ask them to look at the same values when it comes to the second amendment rights and under the Constitution on the different things that we spend on. But to us, this amendment is not political. I would say, as Mr. SOLOMON has and the last speaker, that we understand that on both sides. But it is very, very important.

Mr. BRYANT of Texas. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] has 15 minutes remaining, and the gentleman from Texas [Mr. BRYANT] has 7½ minutes remaining.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from San Diego, CA [Mr. HUNTER]. As I said before, we are surrounded with Texans and Californians. He is another Californian, also a great American, a veteran of the Armed Forces of this country.

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

Mr. Speaker, let me say to my colleagues on both sides of this debate, we can protect the flag and protect free speech. In fact, for 100 years or so before this case, Texas versus Johnson, in 1989 which struck down flag amendments around the country, I would an-

swer my friend, the gentleman from Texas [Mr. BRYANT] he had a number of State legislatures that in fact passed flag protection amendments. They worked well.

I might add, Mr. Speaker, for those who say this somehow constricts free speech, if we look back at the Vietnam days and the Vietnam war days and all the protests and we ask ourselves the question "Was there the adequate expression of free speech? I would say yes, in all of the marches and screaming and shouting and the sound boxes and the cursing and all of the things that were done to oppose the war. Those were all done at a time when we had flag protection amendments. Therefore, this does not hurt free speech. In fact, Mr. Speaker, I think Justice Rehnquist was exactly right when he said that "burning the American flag is not a statement, it is an inarticulate grunt."

To answer my friends who say this is just a piece of cloth, it is a unique piece of cloth. We have made it so. It is the only symbol that we ask American soldiers and sailors to follow, sometimes to their death. When somebody does die in battle, that folded flag that covered their coffin is given to the widow or to the mother, so we have elevated this flag to a position that is a unique, unifying symbol in this country. It is only appropriate to protect it, and we will only be doing, with this constitutional amendment, what the country has been doing for the last several hundred years, before 1989.

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. Mr. Speaker, I would just ask, why in the world the gentleman would want 50 different States to be able to define the flag.

Mr. HUNTER. If the gentleman will let me answer, Mr. Speaker, I think it is absolutely appropriate for the State legislators to participate in protecting the flag.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from California.

Mr. HUNTER. My answer to the gentleman, Mr. Speaker, is I think this is an effort, this idea of protecting the flag, and patriotism and desire to protect the flag is not limited to this body. I think it is absolutely appropriate for the State legislature in Texas, for example, to participate in protecting the flag. There is nothing wrong with that.

Mr. BRYANT of Texas. Reclaiming my time, Mr. Speaker, it is important to stay on point. The gentleman has made many good points with regard to patriotism, the sacredness of the flag, and all of which I agree with.

The point I have made bringing this motion to recommit is in the haste to

get this to the floor, they have allowed 50 different States to decide what the flag is and 50 different States to define desecration. That is a dangerous thing to do. We ought to define what the flag is and we ought to define desecration. The motion to recommit would do that.

Mr. HUNTER. If the gentleman will yield to let me answer his question, Mr. Speaker, my answer to the gentleman is I think it is a healthy exercise for the States to participate in protecting the flag. I think they did a great job of it prior to 1989, when Texas versus Johnson struck down a Texas statute. I have a lot of faith in the legislature in Texas. I think they can do the same thing again.

Mr. BRYANT of Texas. If we have ultimate faith in them, then we do not need a Constitution at all. This says, "The Congress and the States shall have the power to prohibit the burning, trampling, soiling, or rending of the flag of the United States." There is nothing else. That is all Members would want to prohibit.

Let us write one that is like the rest of the Constitution. It is clear what it means, it is narrowly defined, and the definition of the flag would be within the province of the Congress.

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

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from New York, Mr. BEN GILMAN, a colleague of mine from the State of New York, chairman of the Committee on International Relations, who does a great job for this Congress.

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

Mr. GILMAN. Mr. Speaker, I am proud to rise in strong support of this resolution prohibiting the physical desecration of the flag of the United States. I commend the gentleman from New York [Mr. SOLOMON], the original sponsor of this legislation, for his dedicated work and determination on this important issue.

As Americans across the country prepare to celebrate our nation's independence, it is befitting that the House of Representatives is considering this important legislation.

For hundreds of years, courageous men and women have fought for the ideals and beliefs that our great Nation represents. To the many dedicated men and women who have sacrificed for our Nation, our flag is not just a piece of cloth, it is not just the symbol of our Nation, it represents our inherent belief in our freedoms and our ideals.

Based upon these strong beliefs of proud Americans across the country, 49 State legislatures have passed resolutions asking Congress to approve an amendment to the Constitution protecting our flag; 48 States have enacted flag-desecration laws. The American people support such an amendment to the Constitution.

This is not any new issue, yet today, it is more important than ever. Accord-

ingly, I urge my colleagues to join in strong support of this legislation.

Let us properly protect our flag and all of the ideals that it represents.

Let us vote against this motion to recommit.

Mr. SOLOMON. Mr. Speaker, I yield 1½ minutes to the gentleman from Appleton, WI, Mr. TOBY ROTH, a great American who came here with me 17 years ago.

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

Mr. Speaker, every morning before we start business we stand here, one of us stands here in the well of the House, and we put our hands over our hearts and say we pledge allegiance to the flag. Now there are some people who would say let that flag, let it burn, let it be desecrated. Nothing is sacred in America anymore.

There are still some things sacred in America. One is the flag. Today we take sides. Put me down with Barbara Fritchie. When the Confederate Army marched through over here in Maryland, marched up to Antietam for the battle, and this 95-year-old woman went to the top floor of her House, opened the window, put the flag out, and as they were marching by she said, as John Greenleaf Whittier, the poet said, "Shoot this old gray head, if you must, but spare your country's flag." Put me down with her.

Put me down with John Bradley from Appleton WI, who, when they asked for volunteers to put up the flag at Mount Suribachi, he said, "I will volunteer." He was one of five. Put me down with him.

There are still some things sacred in America today, and one is our flag. Members do not have to march into battle, they do not have to put a knapsack and rifle over their shoulders. All they have to have is the courage to vote for our flag today. Barbara Fritchie would have given her life, and John Bradley and others did. Members do not have to give their lives today, they just have to give their vote for the flag.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BARTON], another great American who is noted for a different constitutional amendment called the balanced budget amendment.

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

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished chairman of the Committee on Rules for yielding time to me.

Mr. Speaker, the United States of America has many symbols, but the paramount symbol is the flag of the United States. Because of that, it is worthy of special respect; because of that, it is worthy of special protection; that is why we are here today.

Until 1989, there were numerous States that had flag statutes that protected the burning of the flag, the desecration of the flag. As has been pointed

out, the statute in my State of Texas was overturned by the Supreme Court. The amendment before us today specifically gives the Congress and the States the right to pass other statutes so they can protect the American flag. It is important that we allow this amendment to be passed.

The distinguished gentleman from New York [Mr. ACKERMAN], who earlier stood on the floor and pulled out of his surface bag of tricks various paraphernalia, said, "Is this the flag? Is this the flag?" There were no flags that he pulled out of his bag.

That is the flag of the United States of America. That is the flag of the United States of America. The flag that is flying over our Capitol today at half mast, because of the death of former Chief Justice Warren Burger, that is the flag of the United States of America.

The flag that Patton's divisions took into Europe to liberate the death camps at the end of World War II, that is the flag that we want to protect. The flag that was flying over the air base when then Captain, now Congressman, SAM JOHNSON came back from captivity in the Vietnam war, that is the flag that we want to protect. The flag that General Schwarzkopf sent into Kuwait to liberate Kuwait, that is the flag that we want to protect.

What act is so despicable that the only way we can exercise freedom of speech is this country is by burning the American flag or desecrating it? I can think of no act that is that despicable. That is why we need to pass this amendment, give our States and our Congress the right to protect the paramount symbol of the United States of America, the American flag.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just observe that when my friend, the gentleman from Texas [Mr. BARTON] turned and pointed to the flag, addressed the Speaker and said, "That is the flag," Mr. Speaker, that may be the flag today, but if the gentleman's version of this amendment passes, we could have 50 different versions of the flag. I have repeatedly raised this issue and they have repeatedly failed to answer it, because there is really no answer.

The fact of the matter is that today the definition of the flag in the Federal statutes that exist designates a 48-star flag. The 49th and 50th stars were added by executive order. The gentleman's amendment would allow every State to define a flag as it chose and to define desecration as it chose.

Why not take the motion to recommit, which says that this Congress defines the flag, and this Congress is going to be able to prohibit the burning, the trampling, the soiling, or the rending of the flag of the United States?

Is that not what the gentleman wanted? Did the gentleman want more than that? If he wanted more than that, he

should tell us what more he wanted. There really is not any more than that. Certainly it would be the height of patriotism, and perhaps it would be unpatriotic not to admit that in the rush of getting this bill to the floor before the July 4 recess, some mistakes were made, some things were not thought of, and a proposal was brought out here that is overly broad and unworkable. The motion to recommit is workable, is not overly broad, and does exactly what the gentleman says he wants to do.

For that reason, I urge Members to vote for the motion to recommit.

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

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the gentleman from Meridian, MS [Mr. MONTGOMERY], a Democrat, a cosponsor of this constitutional amendment and a great American. He has stood up for this country so many times.

Mr. MONTGOMERY. Mr. Speaker, I was in opposition to the recomittal motion, and will sponsor and vote for our flag amendment.

However, I have been here all day, just like the gentleman has, I would say to the chairman, the gentleman from New York [Mr. SOLOMON], when you destroy the flag you are really destroying the symbol of this country. This is a real flag. Our veterans marched off to fight for this flag. This is going too far. It is beyond common sense, when you burn the flag. Therefore, we should support the constitutional amendment.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Ocala, FL [Mr. STEARNS], a very distinguished Member from an all-American city, the one just named.

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

Mr. STEARNS. Mr. Speaker, at 10 o'clock this morning on the floor of this House I had the distinct privilege to lead this body in reciting the pledge of allegiance. If I may, I would like to recite just the opening line again for the benefit of any of my colleagues who weren't here at that time. It states, quite simply: "I pledge allegiance to the flag of the United States of America."

Allegiance, my colleagues. Allegiance to the flag. Now, some of my colleagues here today may think you can burn the flag, spit on the flag, or otherwise desecrate the flag all while still professing allegiance to it. I disagree. Desecrating the flag is the antithesis of allegiance. It is instead the height of contempt—contempt not only for our sacred symbol, but contempt for the nation it proudly represents.

Let us be clear on what this debate is about today. This is certainly a debate about the first amendment. For 213 years of our Nation's history, from the founding until just 6 short years ago, the highest court of the land found nothing wrong with laws that protect the flag from desecration. But in 1989 five Supreme Court

justices decided to overturn all legal precedent and declare flag-burning a constitutionally protected form of speech. I have no problem standing up here today and saying emphatically that those five justices were wrong. The Texas versus Johnson decision was yet another case of judicial overreaching by activist judges not content to interpret the law, but feeling the need to re-write it as well.

The other thing this debate is about today is the ability of the majority of the American people to determine the laws under which they will live. The fact is, up to 80 percent of Americans are firmly on record supporting a constitutional amendment that protects the American flag from desecration. Who are we, the members of the people's House, to deny the people what they have asked for? How can we have credibility with the American people if we claim to love and honor the flag, as so many of my colleagues have done here today, yet refuse to take the simple step necessary to protect from desecration?

Do my colleagues need more evidence that passing this amendment expresses the will of the American people? Fully 48 States—48 States—already have anti-flag-desecration laws on the books that would be protected by this amendment. My colleagues, if Congress passes this amendment, we will all be amazed at the speed with which virtually every State votes to ratify it.

Why is that we allow a law on the books that makes it a Federal crime to burn a dollar bill, but recoil from a law protecting the flag? Is the dollar bill a greater symbol of freedom than the American flag? Why do we outlaw vandalism against the mailbox sitting out here on the corner, yet permit acts of unspeakable violence against the banner under which so many of our sons have died for freedom?

Mr. Speaker, the flag of the United States is more than the sum of its parts. It is more than a bolt of cloth arranged into a pattern of stripes and stars, it is the very symbol of liberty itself. From Valley Forge to Vietnam, on every battlefield where American values have been attacked and American lives sacrificed, the flag of the United States has been the shining, indomitable, eternal spirit of American liberty. As Justice Felix Frankfurter has said, "We live by symbols." Symbols may be abstract, but for the patriotic men and women across this land they are certainly more real than contorted arguments of those refuse to give the flag the protection it deserves.

Burning the flag offends me, it offends the vast majority of the American people, and it offends the memory of those who gave their lives to uphold the values the flag represents. I urge all my colleagues to lend their strong support to this amendment today.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply make an observation that with regard to the reference of the gentleman from Florida [Mr. STEARNS] a moment ago to what the public wants, I think, perhaps he and others should take more care with

regard to saying that. I do not believe the public wants 50 different legislatures defining the flag or 50 different legislatures defining desecration. What they want is a definition of the flag and a definition of desecration that is prohibited.

Unfortunately, his side did not get it out here today because they were in such a hurry to get it out here before the July 4 recess. They have one out here that is overly broad and will not work. The motion of recommit will work. Let us go along, and do the right thing today.

□ 1500

Mr. STEARNS. Mr. Speaker, will the gentleman yield?

Mr. BRYANT of Texas. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, would the gentleman admit, though, that if we went out to the American public and asked them would they like to protect the flag and would they expect the States to ratify this, the majority of Americans would say yes? In fact, the polls show that 80 percent of the Americans agree.

Mr. BRYANT of Texas. Taking my time back, again you are begging the question. The point is simply this. You say they want to prohibit desecration, sure. They want the Congress to define the flag and the Congress to define desecration and be done with it.

What you have got is a deal where 50 States do it, 50 States define the flag, 50 States define desecration. It is unworkable and unreasonable. It leads to all types of potential problems. Why do it that way? The answer, because you got in a big hurry, you wanted to be able to take this home for the Fourth of July and say you got something out here, but it will not work.

Mr. STEARNS. Will the gentleman allow me one sentence?

Mr. BRYANT of Texas. One sentence.

Mr. STEARNS. Mr. Speaker, we can split hairs and we can talk about this, but we have a unique opportunity to pass this amendment and thereby give the people what they want. Let's see if it will work out.

Mr. BRYANT of Texas. Your sentence is not responsive to my concern. We prohibit here the burning, trampling, soiling and rending of the flag of the United States. That is really all there is. What you have got here will not work, simply put.

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

Mr. SOLOMON. Mr. Speaker, I would like to get into this right now but I will do it when I close.

Mr. Speaker, I yield 1½ minutes to the gentleman from Union City, NJ [Mr. MENENDEZ], another great Member of this body, a Democrat, too, on the other side of the aisle who stood up against Castro and Cuba. I thank the gentleman for his amendment that will be on the floor shortly.

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

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

Mr. Speaker, I rise in strong support of the proposed constitutional amendment banning the desecration of the flag. The flag of the United States is unique among all the symbols of the unity and freedom of our country, and it is for that reason that I so strongly support its protection.

No other symbol of our Nation is so universally recognized. No other symbol of our Nation is so beloved by its people. No other symbol of our Nation could so thoroughly unite the world's most diverse population.

Our flag's unique status as a symbol of our Nation has long been recognized by the American people, and by this Congress. Many of us have voted in the past to single our flag out for protection because of this uniqueness.

I strongly supported previous efforts to afford such protection by statute precisely because I believed in the flag's uniqueness. The Supreme Court, however, has made it clear that a constitutional amendment, and only a constitutional amendment, can give the flag protection by law. If a constitutional amendment is what it takes, then so be it.

My parents came to this country from Cuba to secure a future of freedom for themselves and for their children. To them, and to me, the flag serves as a tangible reminder of the freedom they lost in their homeland and found in America.

The symbolism goes beyond patriotism—it is a physical symbolism. The American flag, like the country itself, is composed of different colors and material, coming together to make a whole. The colors clash, but are firmly held together. They are held together for a higher purpose. To tear them apart is to reject the sacrifices of millions of Americans who gave their lives to keep the colors together as one.

My commitment to our flag is a reflection of my country's commitment to its people. Those who stand in support of the protection of our flag must stand for the freedom and equality of all, just as surely as our flag stands as a beacon to which all freedom-loving people of the world are drawn. I urge you to join us.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON], a very distinguished Member of this body.

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

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

"Shoot, if you must, this old gray head, but touch not your country's flag," she said. That was Barbara Fritchie, as Stonewall Jackson was marching through Frederick on the way to the Battle of Antietam.

What do you think Stonewall Jackson said? He replied, "He who touches

yonder flag dies like a dog," he said. And they marched and they marched all day long through Frederick town but no one touched their country's flag.

This resolution enables Congress and the States to enact flag protection without fear of such a law being ruled unconstitutional. It is going to convey the protection that the flag enjoyed for 200 years and which must be restored.

While I believe strongly in the first amendment and its protections, I also believe that there are recognized exceptions to the first amendment. Not every act of expressive conduct is protected. Flagrant and public abuse of the flag should not be considered as symbolic speech under the first amendment, and such abuse should not be tolerated. We will see to it through this amendment that it is not tolerated.

I strongly urge my colleagues to join me in passing this important amendment to our constitution which would give the States and the Federal Government the authority to prohibit desecration of the flag of the United States of America.

Mr. BRYANT of Texas. Mr. Speaker, I reserve the balance of my time for the purpose of closing.

Mr. SOLOMON. Mr. Speaker, a number of years ago we had a Republican who ran against Ronald Reagan for President. He is a great American. I did not support him. I supported my other friend, Ronald Reagan.

Mr. Speaker, I yield 30 seconds to him, the gentleman from Wauconda, IL [Mr. CRANE].

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

Mr. CRANE. Mr. Speaker, I strongly support this amendment. But whether one supports it or does not support it, I think it is important for you to recognize that all this vote is about is giving the people a chance to be heard. A vote against this is a denial to hear the expressed will of the people. Amendments require 75 percent ratification support amongst all the States. Forty-nine of the States endorse the concept.

All you are asked to do on this vote is give the people a chance to be heard. You are not changing the Constitution. You are giving the people a chance to change it if they choose.

Mr. SOLOMON. Mr. Speaker, I intend to close for this side and would ask the gentleman to proceed.

PARLIAMENTARY INQUIRY

Mr. BRYANT of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. OXLEY). The gentleman will state it.

Mr. BRYANT of Texas. Mr. Speaker, my understanding is that the right to close would be mine, unless the bill is being managed on the other side by a member of the Committee on the Judiciary, which it is not. Inasmuch as it is not, I believe that I would have the right to close. I would appreciate clarification.

The SPEAKER pro tempore. Under the rules, since the gentleman from

New York [Mr. SOLOMON] is not a member of the Committee on the Judiciary, the gentleman from Texas does have the right to close.

With that, the Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I thought a member of the Committee on Rules was ex officio on all committees. I will proceed at any rate.

Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this has been a very, very good debate. For the most part we have stuck to the subject and for the most part I think everyone understands what we are doing here.

I am a little concerned with the arguments of my good friend, the gentleman from Texas [Mr. BRYANT], because he goes against the entire federalist system. He worries about what the States will do. I do not. I believe that this Constitution gave certain powers to the Federal Government but it retained most of the powers to the States. That is the way it should be. I have faith in those States, all 50 of those States.

I believe that once we pass this constitutional amendment, we give it to the States, I think they will ratify it within 2 years and it will become a part of our Constitution. When that happens, I would ask the gentleman to join me and the gentleman from Mississippi [Mr. MONTGOMERY]. We have already agreed to work with the Committee on the Judiciary, with the gentleman from Illinois [Mr. HYDE], with the gentleman from Florida [Mr. CANADY], both of whom have done outstanding work here, in developing and redefining the U.S. flag code, and passing a statute on a Federal level that will serve as the example for the other 50 States. We have to have confidence in our States. That is what built this country.

Having said that, Mr. Speaker, I would hope that we would defeat this motion to recommit. If we do that, we will simply leave the amendment as it is, which says the Congress and the States shall have power to prohibit the physical desecration of the flag of the United States of America. That is what the people here today want. That is what 80 percent of the American people want. Let's let them decide. If we vote "no" on the motion to recommit and "yes" on the amendment, that is what will happen.

The SPEAKER pro tempore. For the purpose of closing debate, the gentleman from Texas [Mr. BRYANT] is recognized for whatever time he has remaining.

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

Mr. BRYANT of Texas. Mr. Speaker, I have said already that I dearly wish that I could be free from the restraints of conscience today so that I might come up here and give a great patriotic speech, which I am able to give, I

think, just as enthusiastically and as sincerely as anyone else has. Everyone who has given one believes what they have said. I have no doubt about that whatsoever.

But I have the duty, and so do you, to write law for this country that is going to last and stand the test of time, and is not going to get people in trouble accidentally. For better or for worse, in what I assume you hoped would be a fine hour for you, you have brought a proposal to the floor that portends serious problems for us, when you could have easily taken a little more time to write one that is simple and works.

We have done one in this motion to recommit, which says you can't burn the flag, trample it, rend it or soil it, and Congress decides what the flag is. What more could you possibly want than that?

You express great confidence in the States. I did not hear that confidence expressed when we were talking about product liability here just 6 or 8 weeks ago. In fact, your confidence in the States is based upon the fact that every State has its own culture and its own ideas. That is right. What if all 50 States write a different law with regard to desecration and all 50 States write a different law with regard to what the flag is?

Are you serving the people that watch this debate or the people back home that do not know about it or the people that have answered these polls saying they want to protect the flag, when you do that? Of course you have not. If you are going to wrap yourself in the flag, then, by golly, take the responsibility that goes along with wrapping yourself in the flag. Pass a provision that works.

This Congress ought to decide what the flag is, not every State legislature. Desecration ought to be burning, soiling, rending, or trampling. What else could it be?

Instead, you have come out here with one that does not work because you were in such a hurry to get it out here before the Fourth of July recess so you could all go home and say, "Look what I did, and look what those other bad guys wouldn't go along with and do also." That is what is at stake here.

This motion to recommit is the right thing to do if you believe in a constitutional amendment. For goodness sakes, do not soil this day in which you have come forward to try to do something very patriotic, by doing something that is going to lead to problems, hurt people and get people in trouble accidentally, and in effect is in my view a dereliction of our duty in this House to legislate for the ages. Vote for the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BRYANT of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the joint resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 63, nays 369, not voting 2, as follows:

[Roll No. 430]

YEAS—63

Abercrombie
Ackerman
Bentsen
Bonior
Borski
Brown (CA)
Bryant (TX)
Clay
Coleman
Collins (MI)
Coyne
Doggett
Edwards
Engel
Fields (LA)
Frank (MA)
Frost
Gephardt
Gutierrez
Hall (OH)
Harman

Hastings (FL)
Jackson-Lee
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kildee
LaFalce
Leach
Levin
Lowey
Luther
Maloney
Markey
Martinez
McCarthy
McKinney
Meehan
Meek
Minge
Mink
Moran

Nadler
Neal
Oberstar
Obey
Olver
Owens
Peterson (FL)
Reed
Richardson
Rush
Schroeder
Schumer
Scott
Skaggs
Thornton
Toricelli
Tucker
Vento
Visclosky
Waters
Williams

NAYS—369

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady

Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrystler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Coolley
Costello
Cox
Cramer
Crane
Crapo
Creameans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan

Dunn
Durbin
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood

Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kim
King
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manton
Manzullo
Martini
Mascara
Matsui
McCollum

McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton

Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—2

Reynolds

□ 1532

Messrs. McDERMOTT, FLAKE, ROSE, HOYER, and DELLUMS, Mrs. COLLINS of Illinois, and Messrs. MFUME, FOGLIETTA, and FAZIO of California changed their vote "yea" to "nay."

Messrs. SKAGGS, THORNTON, RICHARDSON, and NEAL of Massachusetts changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. OXLEY). The question is on the passage of the joint resolution.

The question was taken.

RECORDED VOTE

Mr. SOLOMON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 312, noes 120, not voting 3, as follows:

[Roll No. 431]

AYES—312

Allard	Doyle	Kennelly
Andrews	Dreier	Kildee
Archer	Duncan	Kim
Armey	Dunn	King
Bachus	Edwards	Kingston
Baesler	Ehrlich	Klug
Baker (CA)	Emerson	Knollenberg
Baker (LA)	English	LaHood
Baldacci	Ensign	Lantos
Ballenger	Everett	Largent
Barcia	Ewing	Latham
Barr	Fawell	LaTourette
Barrett (NE)	Fields (LA)	Laughlin
Bartlett	Fields (TX)	Lazio
Barton	Flanagan	Lewis (CA)
Bass	Foley	Lewis (KY)
Bateman	Forbes	Lightfoot
Bentsen	Ford	Lincoln
Bereuter	Fowler	Linder
Bevill	Fox	Lipinski
Bilbray	Franks (CT)	Livingston
Bilirakis	Franks (NJ)	LoBiondo
Bishop	Frelinghuysen	Longley
Bliley	Frisa	Lucas
Blute	Frost	Luther
Boehlert	Funderburk	Manton
Boehner	Gallegly	Manzullo
Bonilla	Ganske	Martinez
Bono	Gekas	Martini
Brewster	Gephardt	Mascara
Browder	Geren	McCarthy
Brown (FL)	Gillmor	McCollum
Brown (OH)	Gilman	McCrery
Brownback	Gingrich	McDade
Bryant (TN)	Goodlatte	McHugh
Bunn	Goodling	McInnis
Bunning	Gordon	McIntosh
Burr	Goss	McKeon
Burton	Graham	McKinney
Buyer	Green	McNulty
Callahan	Gunderson	Menendez
Calvert	Gutierrez	Metcalf
Camp	Gutknecht	Meyers
Canady	Hall (TX)	Mica
Castle	Hamilton	Miller (FL)
Chabot	Hancock	Molinari
Chambliss	Hansen	Mollohan
Chapman	Harman	Montgomery
Chenoweth	Hastert	Moorhead
Christensen	Hastings (WA)	Moran
Chrysler	Hayes	Morella
Clayton	Hayworth	Murtha
Clement	Hefley	Myers
Clyburn	Hefner	Myrick
Coble	Heineman	Neal
Coburn	Herger	Nethercutt
Collins (GA)	Hilleary	Neumann
Combest	Hilliard	Ney
Condit	Hobson	Norwood
Cooley	Hoke	Nussle
Costello	Holden	Ortiz
Cox	Hostettler	Oxley
Cramer	Houghton	Packard
Crane	Hunter	Pallone
Crapo	Hutchinson	Parker
Creameans	Hyde	Paxon
Cubin	Inglis	Payne (VA)
Cunningham	Istook	Peterson (FL)
Danner	Jacobs	Peterson (MN)
Davis	Jefferson	Pickett
de la Garza	Johnson (CT)	Pombo
Deal	Johnson (SD)	Pomeroy
DeLay	Johnson, E.B.	Portman
Deutsch	Johnson, Sam	Pryce
Diaz-Balart	Jones	Quillen
Dickey	Kanjorski	Quinn
Dooley	Kasich	Radanovich
Doolittle	Kelly	Rahall
Dornan	Kennedy (MA)	Ramstad

Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shaw
Shuster
Sisisky
Skeen
Skelton

Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Taubin
Tausin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt

Torkildsen
Towns
Traficant
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—120

Abercrombie
Ackerman
Barrett (WI)
Becerra
Beilenson
Berman
Bonior
Borski
Boucher
Brown (CA)
Bryant (TX)
Cardin
Clay
Clinger
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Durbin
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Finer
Flake
Foglietta
Frank (MA)
Furse
Gejdenson

Gibbons
Gilchrest
Gonzalez
Greenwood
Hall (OH)
Hastings (FL)
Hinchey
Hoekstra
Hoyer
Jackson-Lee
Johnston
Kaptur
Kennedy (RI)
Klecza
Klink
Kolbe
LaFalce
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Markey
Matsui
McDermott
McHale
Meehan
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Nadler
Oberstar
Obey
Olver
Orton
Owens

Pastor
Payne (NJ)
Pelosi
Petri
Porter
Poshard
Rangel
Reed
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shadegg
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Tanner
Torres
Torricelli
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Woolsey
Wyden
Yates

NOT VOTING—3

Horn Moakley Reynolds

□ 1540

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Before announcing the vote, the Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

So (two-thirds having voted in favor thereof) the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HORN. Mr. Speaker, unfortunately I missed the last rollcall on the constitutional amendment since I was

circulating a letter to the President on behalf of the base closure situation in California.

If present, Mr. Speaker, I would have voted for the Solomon resolution concerning the authority given to pass legislation to deal with the flag and desecration.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 79, the constitutional amendment that just passed the House.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 896

Mr. YATES. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 896.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1289

Mr. CLAY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1289.

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

There was no objection.

PERSONAL EXPLANATION

Ms. DUNN of Washington. Mr. Speaker, yesterday during the House's consideration of H.R. 1868, I inadvertently voted "no" on rollcall vote No. 420. I rise to ask that the RECORD reflect I intended to vote "yes" on that vote.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 170 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1868.

□ 1543

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1868) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes, with Mr. HANSEN in the chair.