

conduct. Just as we are not allowed to falsely shout "fire" in a crowded theater or obscenities on a street corner as a means of expression, I firmly believe that physically desecrating the American flag is highly offensive conduct and should not be allowed.

The opponents of our proposal to protect the American flag have misinterpreted its application to the right of free speech. Former Chief Justice Warren, Justices Black and Fortas are known for their tenacious defense of first amendment principles. Yet, they all unequivocally stated that the first amendment did not protect the physical desecration of the American flag. In *Street versus New York*, Chief Justice Warren stated, "I believe that the States and the Federal Government do have the power to protect the flag from acts of desecration and disgrace."

In this same case, Justice Black, who described himself as a first amendment "absolutist" stated, "It passes my belief that anything in the Constitution bars a State from making the deliberate burning of the American flag an offense."

Mr. President, the American people treasure the free speech protections afforded under the first amendment and are very tolerant of differing opinions and expressions. Yet, there are certain acts of public behavior which are so offensive that they fall outside the protection of the first amendment. I firmly believe that flag burning falls in this category and should not be protected as a form of speech. The American people should be allowed to prohibit this objectionable and offensive conduct.

It is our intention with this proposed constitutional amendment to establish a national policy to protect the American flag from contemptuous desecration. The American people look upon the flag as our most recognizable and revered symbol of democracy which has endured throughout our history.

Mr. President, I urge my colleagues to join the sponsors and cosponsors of this proposed constitutional amendment to protect our most cherished symbol of democracy.

Mr. GRASSLEY. Mr. President, I am pleased to join the chairman of the Senate Judiciary Committee, Senator HATCH, and my other distinguished colleagues in cosponsoring this resolution to amend the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

Let me state from the outset, as I have stated before, this amendment will merely restore the power to Congress and the States to prohibit flag desecration—a power that we believe they have always had.

Unfortunately, the Supreme Court incorrectly interpreted the Constitution's first amendment. The Court failed to discern the difference between protected speech, and an act—a type of

hate crime of physical desecration of the flag.

Therefore, our amendment does not tamper or tinker with the Constitution's Bill of Rights that protects speech.

But, Mr. President, for argument's sake, assume this amendment does tamper with the speech clause.

Let us ask ourselves a question. If we had to choose, should we amend the speech clause to: protect the American flag from acts of desecration; or protect our reelection to office by restricting the right of voters to hear words of opposition and opponents to speak against us—the incumbents?

I regret, Mr. President, that too many Senators have sided with incumbent protection instead of flag protection.

Remember, the Senate in 1990 fell 9 votes short of the 67 needed to pass a flag protection amendment to the Constitution because, by and large, it was argued that there is something very special, and untouchable about the speech clause.

Mr. President, you may be astonished to learn that 28 of the 42 Senators who voted against amending the speech clause to protect the American flag, had either sponsored, cosponsored, or voted to facilitate the passage of a constitutional amendment pegged the "incumbent protection bill."

This speech clause amendment was aimed at overturning the Supreme Court's *Buckley versus Valeo* decision. The Court said the first amendment speech clause is violated by restrictions on money used on political communication during campaigns.

So while these Senators supported incumbent protection, they strongly opposed flag protection.

Had only 9 of these 28 Senators had their priorities straight, the Senate would have passed the flag protection amendment 5 years ago.

And let us keep in mind, during the 200 years following 1789, over 10,000 constitutional amendments were introduced to the various Congresses.

In fact, in 1990, 525 out of 535 U.S. Representatives and Senators had sponsored or cosponsored amendments to the Constitution for everything under the Sun—from ERA to D.C. statehood.

So, the fact is, a vast majority of Congressmen and Senators do support amending the Constitution.

And more to the point at hand, many of those 28 Senators—who were happy to amend the speech clause to protect their incumbency, but joined in killing an amendment to protect the American flag—are still serving in the 104th Congress.

Mr. President, in fact, enough are still serving, that if they would change their priorities and their votes, this time our efforts to pass an amendment to protect the American flag will succeed.

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. STEVENS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 39, a bill to amend the Magnuson Fishery Conservation and Management Act to authorize appropriations, to provide for sustainable fisheries, and for other purposes.

S. 125

At the request of Mr. MOYNIHAN, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 125, a bill to authorize the minting of coins to commemorate the 50th anniversary of the founding of the United Nations in New York City, New York.

S. 216

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 216, a bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment.

S. 243

At the request of Mr. ROTH, his name was added as a cosponsor of S. 243, a bill to provide greater access to civil justice by reducing costs and delay, and for other purposes.

S. 262

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 262, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 332

At the request of Mr. CONRAD, the name of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 332, a bill to provide means of limiting the exposure of children to violent programming on television, and for other purposes.

S. 351

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 397

At the request of Mr. MCCAIN, the names of the Senator from Alaska [Mr. STEVENS], the Senator from Colorado [Mr. CAMPBELL], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 397, a bill to benefit crime victims by improving enforcement of sentences imposing fines and special assessments, and for other purposes.

S. 412

At the request of Ms. SNOWE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 412, a bill to amend the Federal Food, Drug, and Cosmetic Act to modify the bottled drinking water standards provisions, and for other purposes.

S. 434

At the request of Mr. KOHL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 434, a bill to amend the Internal Revenue Code of 1986 to increase the deductibility of business meal expenses for individuals who are subject to Federal limitations on hours of service.

S. 440

At the request of Mr. WARNER, the names of the Senator from Louisiana [Mr. JOHNSTON] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 448

At the request of Mr. GRASSLEY, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Louisiana [Mr. BREAU] were added as cosponsors of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 495

At the request of Mrs. KASSEBAUM, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 495, a bill to amend the Higher Education Act of 1965 to stabilize the student loan programs, improve congressional oversight, and for other purposes.

S. 508

At the request of Mr. MURKOWSKI, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 508, a bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities.

S. 511

At the request of Mr. DOMENICI, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of S. 511, a bill to require the periodic review and automatic termination of Federal regulations.

S. 530

At the request of Mr. GREGG, the names of the Senator from New Hamp-

shire [Mr. SMITH] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

S. 571

At the request of Mrs. BOXER, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 571, a bill to amend title 10, United States Code, to terminate entitlement of pay and allowances for members of the Armed Forces who are sentenced to confinement and a punitive discharge or dismissal, and for other purposes.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the names of the Senator from Nevada [Mr. REID], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

AMENDMENTS SUBMITTED

THE LEGISLATIVE LINE ITEM VETO ACT

DASCHLE (AND OTHERS) AMENDMENT NO. 348

(Ordered to lie on the table.)

Mr. DASCHLE (for himself, Mr. EXON, and Mr. GLENN) submitted an amendment intended to be proposed by them to amendment No. 347 proposed by Mr. DOLE the bill (S. 4) to grant the power to the President to reduce budget authority; as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Legislative Line Item Veto Act".

SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by adding after section 1012 the following new section:

"EXPEDITED CONSIDERATION OF CERTAIN PROPOSED CANCELLATIONS OF BUDGET ITEMS

"SEC. 1012A. (a) PROPOSED CANCELLATION OF BUDGET ITEM.—The President may propose, at the time and in the manner provided in subsection (b), the cancellation of any budget item provided in any Act. An item proposed for cancellation under this section may not be proposed for cancellation again under this title.

"(b) TRANSMITTAL OF SPECIAL MESSAGE.—

"(1) SPECIAL MESSAGE.—

"(A) IN GENERAL.—Subject to the time limitations provided in subparagraph (B), the President may transmit to Congress a special message proposing to cancel budget items contained in an Act. A separate special

message shall be transmitted for each Act that contains budget items the President proposes to cancel.

"(B) TIME LIMITATIONS.—A special message may be transmitted under this section—

"(i) during the 20-calendar-day period (excluding Saturdays, Sundays, and legal holidays) commencing on the day after the date of enactment of the provision proposed to be rescinded or repealed; or

"(ii) at the same time as the President's budget for any provision enacted after the date the President submitted the preceding budget.

"(2) DRAFT BILL.—The President shall include in each special message transmitted under paragraph (1) a draft bill that, if enacted, would cancel those budget items as provided in this section. The draft bill shall clearly identify each budget item that is proposed to be canceled including, where applicable, each program, project, or activity to which the budget item relates.

"(3) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the budget item proposed to be canceled—

"(A) the amount that the President proposes be canceled;

"(B) any account, department, or establishment of the Government to which such budget item is available for obligation, and the specific project or governmental functions involved;

"(C) the reasons why the budget item should be canceled;

"(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation; and

"(E) all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to effect the proposed cancellation, and to the maximum extent practicable, the estimated effect of the proposed cancellation upon the objects, purposes, and programs for which the budget item is provided.

"(4) DEFICIT REDUCTION.—

"(A) DISCRETIONARY SPENDING LIMITS AND ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the President shall—

"(i) with respect to a rescission of budget authority provided in an appropriations Act, reduce the discretionary spending limits under section 601 of the Congressional Budget Act of 1974 for the budget year and any outyear affected by the rescission, to reflect such amount; and

"(ii) with respect to a repeal of a targeted tax benefit, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

"(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 602(a) to reflect such amount.

"(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

"(1) IN GENERAL.—

"(A) INTRODUCTION.—Before the close of the second day of session of the Senate and the House of Representatives, respectively, after the date of receipt of a special message transmitted to Congress under subsection (b), the majority leader or minority leader of