

be shown to the flag of the United States of America; the flag should not be dipped to any person or thing" is the law of the land, as well as the sentiment of most Americans.

Some opponents of this legislation say that we cannot infringe on the First Amendment and the right to free speech. Others argue that the wording of the First Amendment is sacred, and we must not adjust the Bill of Rights to include this protection. But, I ask you to take a moment and think about the Founding Fathers. How could they have known that one day this would be in question? How could they have imagined that the flag of the country they pledged their lives, fortunes and sacred honor to bring into being would be burned as an act of "speech" by people who enjoy the protections of the Nation they sacrificed so much to build? There is no evidence they thought desecrating the flag would be speech, protected by the First Amendment. They would have known, and we must recognize, that destroying the flag is an action, not speech.

Mr. Justice White in the 1974 Supreme Court case of *Smith v. Goguen* said, "There would seem to be little question about the power of Congress to forbid the mutilation of the Lincoln Memorial or to prevent overlaying it with words or other objects. The flag is itself a monument, subject to similar protection."

Mr. Speaker, I am fortunate to have many veterans residing in my district. While thinking of what I was to say to you today, my thoughts turned to them. We are a nation standing strong today because those heroes kept our flag flying in spite of the hardship and sacrifice of war. The flag gave them strength when they were far from home. Our history is full of testimony that the image that kept our troops moving forward and prisoners enduring their captivity was the red, the white, and the blue. Surely the flag is as much a monument to their sacrifice as any tablet of stone or plaque of bronze; and should it not, then, as Justice White suggested receive the same protection as other monuments?

By adding this amendment to the Constitution, we are not taking away the freedoms that our flag symbolizes, rather we are protecting our most compelling monument to those who died—and lived—to make those freedoms possible. I urge you to vote "yes" to H.J. Res. 36.

Mr. KERN. Mr. Speaker, I rise today as we consider an important piece of legislation to protect the symbol of freedom known around the world—the United States flag. Our American flag is more than just fabric and stitching. It represents the sacrifices made by generations of Americans to ensure the liberties that we enjoy each day. The fundamental principles of freedom, opportunity, and faith are woven into old glory. On porches and main streets throughout Indiana and our great nation, Americans display the stars and stripes as a symbol of their patriotic pride for our country. From the revolutionary war to modern times, the United States flag has been and continues to serve as the primary symbol of freedom and justice in the world. As a national treasure, I believe that our flag deserves our highest respect. For this reason, I ask my colleagues to support this legislation to protect the great symbol of freedom—the United States flag.

Mr. HOLT. Mr. Speaker, I rise today in opposition to this amendment.

Just as everyone here today, I view the American flag with a special reverence, and I

am deeply offended when people burn or otherwise abuse this precious national symbol.

When I was in school, not only did we pledge allegiance to the flag every morning, but we were also honored to be selected to raise or lower the flag in front of my school.

Each one of us took on this task with the utmost seriousness and respect.

I believe that we should still be teaching young people to respect the flag and what it represents.

Our Constitution is the document that provides the basis for our great country. For two centuries and a decade, the Constitution—the greatest invention of humans—has allowed our diverse people to live together, to balance our various interests, and to thrive.

It has provided each citizen with broad, basic rights.

It doesn't fly majestically in front of government buildings. We do not pledge allegiance to it each day. Yet, it is the source of our freedom.

It tells us that we are free to assemble peacefully. We are free to petition our government; we are free to worship without interference; free from unlawful search and seizure; and free to choose our leaders. It secures the right and means of voting.

It is these freedoms that define what it is to be an American.

In its more than 200 years, the Constitution has been amended only 27 times. With the exception of the Eighteenth Amendment, which was later repealed, these amendments have reaffirmed and expanded individual freedoms and the specific mechanisms that allow our self-government to function.

This Resolution before us today would not perfect the operation of our self-government. It would not expand our citizen's rights.

Proponents of this constitutional amendment argue that we need to respect our flag.

I believe that the vast majority of Americans already respect our flag.

The issue before us is whether our Constitution should be amended so that the Federal Government can prosecute the handful of Americans who show contempt for the flag.

To quote James Madison, is this a "great and extraordinary occasion" justifying the use of a constitutional amendment?

The answer is no; this is not such an occasion.

I oppose this amendment because I believe that while attempting to preserve the symbol of the freedoms we enjoy in this country, it actually would harm the substance of these freedoms.

Mr. LEVIN. Mr. Speaker, I do not approve of people burning the U.S. flag. The flag serves as a proud symbol of our country, denoting truth, freedom and democracy. But as offensive as flag desecration is, I do not believe we can protect the flag by weakening the constitution.

One of this country's most cherished principles is that of free speech as found in the First Amendment. As Justice Oliver Wendell Holmes once wrote, "The Constitution protects not only freedom for the thought and expression we agree with, but freedom for the thought we hate, the conduct and action we seriously dislike."

Should this amendment be approved, it could open a Pandora's box prohibiting other activities. Who is to say restrictions won't be placed on desecrating religious symbols or

texts, or even the Constitution and Declaration of Independence? The possibilities are limitless and all would stand in opposition to what the founding fathers intended by giving citizens the right of freedom of speech.

Mr. Speaker, I would never condone burning the American flag. But carving out exceptions to the First Amendment is a slippery slope we should not venture down.

The SPEAKER pro tempore (Mr. QUINN). All time for general debate has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. WATT of North Carolina:

Strike all after the resolving clause and insert the following:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:

"ARTICLE —

"Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States."

The SPEAKER pro tempore. Pursuant to House Resolution 189, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 30 minutes.

Is the gentleman from Wisconsin (Mr. SENSENBRENNER) opposed to the amendment in the nature of a substitute?

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) will be recognized in opposition.

The Chair recognizes the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN), outside of the debate on this amendment, to speak on general debate.

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague and classmate, the gentleman from North Carolina, for yielding time to me.

Like our system goes here in Congress, I have a markup going on in the Committee on Energy and Commerce on the energy bill, and have been running back and forth. I appreciate the courtesy of the gentleman, my colleague, in yielding time to me.

Mr. Speaker, I rise today in support of the resolution and as a proud co-sponsor of the original resolution to

protect one of our Nation's most sacred and beloved symbols, our flag, from desecration.

This is the fourth consecutive Congress that we have taken up this resolution. I hope this time our colleagues in the Senate will join us in passing this amendment and sending it on to the States for ratification.

Our flag is a symbol of the men and women who have fought and died for our country. Their sacrifice is represented by that flag. To millions of Americans, the flag is more than just colored dye and cotton, it is the physical manifestation of our pride, our honor, and our dignity both here and around the world.

To see it stomped, burned, or otherwise desecrated is an affront to ordinary hardworking Americans. We cannot do anything about someone doing it in other parts of the world, but we can do something about it in our own country.

To those who argue that this sacred symbol is just a piece of cloth, I challenge them to remember some of the ways our flag is used: leading our athletes during opening ceremonies for the Olympics, flying at half staff to mark national tragedies, and covering the remains of our brave soldiers and service personnel who have given their lives for our country.

When the flag is desecrated, so, too, are the moments in these memories. I hope my colleagues will join me in voting for this resolution.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the underlying proposed constitutional amendment that is the subject of this debate, and which has been the subject of general debate for now almost 2 hours, reads: "The Congress shall have power to prohibit the physical desecration of the flag of the United States."

The proposed amendment in the nature of a substitute, which I am offering to the underlying proposed constitutional amendment, reads: "Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States."

We should be clear that many people think that the desecration, the burning of a flag, is a part of an expression against the United States, against some action of the United States, and is a protected means of speech. The Supreme Court has so held, and if the Supreme Court did not hold such, I think that we would be in a position where we could selectively decide who could burn a flag and who could not burn a flag based on whether we agreed with the expression that they were intending to make or whether we disagreed with the expression they intended to make.

As we will hear, I am sure, from the gentleman from Virginia (Mr. SCOTT), who has studied this issue at some

length, there are many, many occasions, and many of us in this House have been invited to occasions where the United States flag is burned. It is part of the ritual for doing away with a flag in a graceful way. That is an expression of our respect for the flag, because we have a designated way to dispose of the flag.

On the other hand, when people rise and make a statement against the United States government, many of them, some of them, have chosen to make that expression against the United States by burning the flag.

So when we talk about desecration of a flag or burning of a flag, one means of burning the flag would be protected when we agreed or the majority agreed with the expression that was being made.

The other means, when we disagreed with the expression that the protester or person who was making a statement against the United States was making, then we would, in effect, be stopping that person from exercising their freedom of speech.

The problem comes that if we put the proposed constitutional amendment in our Constitution as it is written, the Supreme Court is going to come to a very serious fork in the road. One amendment would say that we prohibit the physical desecration of the flag, and the Supreme Court has already held that in some cases that is constitutionally protected free speech. The first amendment will still be on the books, so the Supreme Court will have to decide which one of these constitutional amendments, the first amendment or this proposed constitutional amendment which we are debating, will it give precedence to.

The amendment in the nature of a substitute resolves that dispute. It basically says that if one can do away with or if Congress can pass a law that prohibits the physical desecration of the flag of the United States in such a way that it does not impinge, does not discriminate against people who are expressing their views, then it can do so. But if the Congress passes a law which does impinge on the freedom of expression, then it should be clear that the first amendment to the Constitution, which has served this Nation well for low so many years, should be the controlling amendment to the Constitution.

□ 1445

And so it is in that context that we offer this substitute.

I wanted to give this opening statement so that everybody would understand that we are trying to resolve a potential dispute between two potentially conflicting provisions in the Constitution.

Mr. Speaker, having kind of framed the issue in that way, I reserve the balance of my time.

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

Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute by the gentleman from North Carolina (Mr. WATT). And so that the membership is clear what the gentleman from North Carolina (Mr. WATT) is trying to do, I would like to read his proposed constitutional amendment: "Not inconsistent with the first article of amendment to this constitution, the Congress shall have the power to prohibit the physical desecration of the flag of the United States."

Now, the only difference between the substitute of the gentleman from North Carolina and House Joint Resolution 36 is the phrase "not inconsistent with the first article of amendment to this constitution." What the substitute does is to punt this issue right back to the Supreme Court of the United States, because the Court twice, in a 5 to 4 decision in the Johnson and Eichman cases, allowed flag desecration based on first amendment grounds.

This is kind of a not-so-subtle way of saying that the Supreme Court was right, because if we send this whole issue back to the Supreme Court, they will use the precedent that they established in 1989 and 1990 as controlling and allow flag desecration to go on. But I think there is a greater issue involved than just the issue of whether or not the Constitution should be amended to prohibit flag desecration, and that is whether or not this House of Representatives should go along with unraveling the elaborate system of checks and balances put into our Constitution by the framers in order to prevent one branch of government from becoming too powerful.

As I said during the general debate, Mr. Speaker, the amendment procedure for the Constitution of the United States was, in part, designed to prevent the courts from becoming too powerful. Three of the 17 amendments that were proposed following the Bill of Rights, and ratified by the States, overturned court decisions that were determined not to be good law by the Congress and by three-quarters of the State legislatures.

Now, if the gentleman from North Carolina and the supporters of his amendment want to toss this matter back to the courts, then just defeat the amendment that we are debating today. Because that will mean that the court decisions in Johnson and Eichman will be the controlling law until the Supreme Court changes its mind and either overrules or modifies its decisions.

I believe that the House of Representatives today should hit this issue head on. If my colleagues do not want a constitutional amendment to protect the flag from physical desecration, then vote it down on the merits on the floor, but do not put this House on record saying that if we agree with the Supreme Court decision then we should

amend the Constitution in order to ratify that Supreme Court decision, because that is what the substitute offered by the gentleman from North Carolina does.

Vote down the Watt substitute, pass the original amendment that has been reported by the Committee on the Judiciary.

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

Mr. WATT of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Speaker, I rise in support of the Watt amendment, and I thank the gentleman for yielding me this time.

Once again it is around the 4th of July, and we are discussing the current version of what is often referred to as the "flag burning amendment." The gentleman from North Carolina has offered a meaningful alternative, one that will continue to protect the rights of free speech under the first amendment and is consistent with the opinions of former Senator John Glenn and Secretary of State Colin Powell, both of whom have spoken out in support of protecting the right of free speech and against the underlying amendment in its present form.

The Supreme Court has considered the restrictions which are permissible by the Government under the first amendment. For example, with respect to speech, time, place and matter may generally be regulated, while content cannot. So if a group or individual wishes want to have a protest march, the Government can restrict the particulars of the march: what time it is held, where it is held, how loud it can be. But it cannot restrict what people are marching about. We cannot allow some marchers and ban others just because we disagree with the message.

The only exception to the prohibition on regulation of content are situations, for example, where speech creates an imminent threat of violence. Burning a flag will not necessarily create an imminent threat of violence, particularly if someone is burning his own flag in his own back yard. Yet this is precisely the behavior prohibited by the underlying amendment.

We should all understand that flags are burned every day in this country. Indeed, flag burning is considered the proper way to retire a flag. And every year around Flag Day or the 4th of July, flags are burned en masse in order to retire them. When these flags are burned, those attending the ceremony or doing the burning say something respectful about the flag. Flag burning under those circumstances is considered appropriate and would remain legal under this amendment. However, when protestors burn a flag in exactly the same manner, but when accompanied by words of protest, well, the underlying amendment would make that instance of flag burning illegal.

So, if we say something nice while burning a flag, that is okay; but if something is said which offends the local sheriff as the flag is burned, then it would be illegal. This is nothing less than an attempt to suppress speech, and government officials should not be in the position of deciding which speech is good and which speech is bad. I believe the Watt amendment will help remedy this problem by requiring the criminalization of flag burning related to crimes must be consistent with the first amendment.

Now, there would still be other problems, like what is a flag? Is a picture of a flag, a flag? What is desecration and what does that mean? Who gets to decide when an expression constitutes desecration? And what other symbols, like Bibles or copies of the Constitution, should also be protected? Those problems still remain, but I ask my colleagues to join me in supporting this amendment.

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to the substitute amendment of the gentleman from North Carolina (Mr. WATT).

The gentleman from Virginia (Mr. SCOTT) has, in essence, indicated that it is going to be difficult or perhaps impossible to differentiate between appropriate burning of the flag or proper burning of the flag and an inappropriate or desecrating of the flag. This argument has been made other times. How do we differentiate between the two? This is done by tradition and by practice. For 100 years, our courts and the American people were able to tell the difference between desecration and the proper disposal of worn flags.

In the absence of a provision of some way to dispose of American flags, we would have to maintain them into perpetuity. It did not present a problem before, it has not throughout our Nation's history, and there is no reason to think it would be a problem now. In 1989, Congress passed the Flag Protection Act and was able to define desecration and flag. Additionally, the U.S. Code defines the terms and it always has.

In any event, we trust the good common sense of the American people and the fairness of the courts to resolve any unforeseen problems. And, ultimately, that is what would happen if there was a disagreement on whether something was an appropriate disposal of a flag in one person's mind or desecration in the other. The courts could step in, as has happened in the past. We should be able to easily differentiate between a ceremony that many of us have gone to on Memorial Day, for example. Many of us go back into our districts and participate in those ceremonies. That is clearly different than a person who goes out and desecrates a flag or sets it on fire, as has happened.

Again, some have argued this does not happen any more. It has happened 86 times in the recent past, in 29 States and in the District of Columbia and in Puerto Rico, for example. We are able to differentiate, just as we are able to differentiate, for example, a surgeon who has a scalpel and operates on a person to assist them, to do something, to cure a disease or to cure some problem that person has from another person coming up with a knife and stabbing a person with it. It is easy to differentiate between the two, just as it is easy to differentiate between appropriate disposal of the flag and not appropriate disposal.

The gentleman's substitute amendment, again, says "not inconsistent with the first article of amendment of this constitution." We already know what this Supreme Court, at least five of the justices of the Supreme Court, think about desecration of the flag. We know that they think that it amounts to expression and that that is protected by the first amendment in that 5 to 4 decision. And since this language would come first in the amendment, it would be controlling. So, in essence, if we would pass the substitute amendment of the gentleman from North Carolina as he proposes, it would appear that we are passing an amendment to protect the flag, to stop desecration of the flag in this country; but in essence, we would be passing absolutely nothing. It would be a sham. For that reason, I oppose the amendment.

Mr. WATT of North Carolina. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this well-intentioned amendment. When I was first elected to the House, I cosponsored the flag burning amendment. I did so for many of the same reasons that proponents of the amendment have expressed today. It is disturbing to think of someone burning the flag of the United States. It is an action that holds in contempt the greatness of this Nation and all those who gave up their lives defending this symbol of freedom that our flag represents. It is an act for cowards.

And yet looking back, I was moved by my heart more than my head. History informs us that the strength of America is derived from its basic ideals, one of the most important of which is tolerance for the full expression of ideas, even the most obnoxious ones.

For more than 2 centuries, the first amendment to the Constitution has safeguarded the right of our people to write or publish almost anything without interference, to practice their religion freely and to protest against the Government in almost every way imaginable. It is a sign of our strength that, unlike so many repressive nations on earth, ours is a country with a constitution and a body of laws that accommodates a wide-ranging public debate. We must not become the first

Congress in U.S. history to chill public debate by tampering with the first amendment.

Mr. Speaker, H. L. Mencken once said, "The trouble with fighting for human freedom is that one spends most of one's time defending scoundrels, for it is against scoundrels that oppressive laws are first aimed. And oppression must be stopped at the beginning if it is to be stopped at all." Flag burners are generally scoundrels. On that much we would agree. But we ought not give them any more attention than they deserve.

Mr. Speaker, former Senator Chuck Robb sacrificed his political career by doing such things as voting against this amendment in order to defend the very freedoms that the American flag represents.

□ 1500

In his Senate floor statement last year, he described how he had been prepared to give up his life in the Vietnam War in order to protect the very freedoms that this constitutional amendment would suppress. He did wind up giving up his political career by showing the courage to vote against this amendment.

Not having fought in a war, I should do no less than Senator Robb did in defense of the freedom he and so many of my peers were willing to defend with their lives.

This amendment should be defeated. I think the substitute amendment is appropriate. It should be supported. But this amendment should be defeated in our national interest, regardless of the consequences to our personal and political interests.

Mr. SENSENBRENNER: Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I rise against the substitute offered by the gentleman from North Carolina (Mr. WATT).

We have seen this debate before where our side has proposed the flag constitutional amendment and we have seen your side always provide a substitute. Generally, your substitute has been a method to give you the ability to vote for it and still go back to your constituents and say that you believe that the physical desecration of the flag of the United States is bad. That is what your amendment is, quite simply. Because if you were really sincere about this debate, you would not have this sentence in your substitute amendment: "Not inconsistent with the first article of amendment to this Constitution."

I am sure that my colleagues would be willing to explain why they would have that in it, in fact, they felt that the Congress should have the power to prohibit the physical desecration of the flag of the United States. But the fact that you put that in with a contingency would show that you do not really have your heart in this debate. This is really, in my opinion, just the oppor-

tunity for those who are in swing districts to have the opportunity to vote for something and vote against ours.

When we look at what we have offered in the original flag constitutional amendment, H.J.Res. 36, we are simply saying that our flag is not just a piece of cloth, we are saying it is something much more. To desecrate it is to desecrate the memory of thousands of Americans who have sacrificed their lives to keep that banner flying intact. So it is to desecrate everything this country stands for.

I would remind the Members who do not support our original amendment and support the substitute that we also note in our laws we protect our money from desecration, destruction. So if that is true for our money, why is that not true for the flag?

Obviously there is a debate on this all the time and we cannot get complete support on this, but I think in this case that we can talk and talk and talk about first amendment rights and everything but clearly that your amendment is just really subterfuge to try to protect Members who want to have it both ways.

Supreme Court Justice John Paul Stevens claims that the act of flag burning has nothing to do with disagreeable ideas, but rather involves conduct that diminishes the value of an important national asset. The act of flag burning is meant to provoke and arouse and not to reason. Flag burning is simply an act of cultural and patriotic destruction.

The American people revere the flag of the United States as a unique symbol of our Nation, representing our commonly held belief in liberty and justice. Regardless of our ethnic, racial or religious diversity, the flag represent oneness as a people. The American flag has inspired men and women to accomplish courageous deeds that won our independence, made our Nation great and, of course, advanced our values throughout the world which the rest of the country is adopting. Mr. Speaker, I say we should defeat this substitute.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

First of all, let me address the comments made by my colleague, the gentleman from Florida (Mr. STEARNS), and make it absolutely clear to him that for those of us who have different opinions about what the first amendment covers than yours, it does not mean that we do not have political heart. It just means we have a difference of opinion.

Those of us who have stood for the first amendment to the Constitution are people like myself who, in the practice of law, actively defended the right of the Ku Klux Klan to march.

Mr. Speaker, maybe my colleagues can say I do not have any heart. Maybe my colleagues can say I am looking for political cover. But when I go back into my community and stand up for

the right of the KKK to march and express themselves, I think that gives some indication of what I feel about the first amendment and the right that all of us, I think, are fighting to protect, which is the right of people to express themselves, whether we agree with what they are saying or disagree with what they are saying.

This is not about seeking political cover. This is about protecting the very Constitution that we are operating under and have been operating under for years and years.

Mr. Speaker, I want to make that clear to the gentleman. This is not, as the gentleman characterized it, a political exercise. And the gentleman should also be clear that this is not the Republican side versus our side, that is the Democratic side. The last time I checked, there were people of goodwill, both Republicans and Democrats, on both sides of the aisle on this issue.

The one thing that I think we all agree on is that we believe in this country and the principles on which it was founded, and we will all fight and defend those principles. I finally got to that point with the gentleman from California (Mr. CUNNINGHAM), my good friend, who is in the Chamber. We got past that. Let us not call names.

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

Mr. WATT of North Carolina. I yield to the gentleman from Florida.

Mr. STEARNS. Mr. Speaker, could the gentleman give me an example where in his mind the authors of this substitute give a specific example where the first amendment would be in conflict with physical desecration of the flag?

Mr. WATT of North Carolina. Reclaiming my time, I have a very limited amount of time. Had the gentleman been on the floor at the outset of this debate, he would have heard what this amendment is all about. The only way I can do that now is to go back and restate it. It is in the record, though. I will just stand on the record.

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

Mr. SENSENBRENNER. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time to close.

Mr. WATT of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. WATT of North Carolina. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I ask the gentleman to yield so I can respond briefly to the gentleman from Florida (Mr. STEARNS) because I think it is important to know about the importance of the first amendment.

When we talk about some burning would be legal and some would not, if someone is being arrested because of the message, if someone is burning the flag and says something nice about the Vietnam War, would that be desecration? If someone says something in

protest of the Vietnam War, would that be desecration? It is the same act. If the local sheriff happens to be of a particular view on that, he would want to arrest the burner because he is offended.

Mr. Speaker, that is why it is important that we have the first clause in the Watt amendment. It would have to be consistent with the first amendment. The first amendment would say that one cannot restrict by virtue of the content. We can restrict the way the flag is burned, the time the flag is burned, but not the message delivered when the burning is going on.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for his intervention.

Mr. Speaker, in closing, first of all, I want to respond to the comments of the gentleman from Wisconsin (Mr. SENSENBRENNER) that he made in his opening statement, that the effect of this proposed substitute would be to punt this proposed issue back to the United States Supreme Court.

It is interesting that the chairman of the Committee on the Judiciary would say that, because, by passing the underlying proposal, we do not do away with the first amendment to the Constitution. The Supreme Court is going to have to reconcile this proposed constitutional amendment with the first amendment as it stands now; and so the notion that we are somehow, by not putting the language that we have proposed in the constitutional amendment, are going to save ourselves from the United States Supreme Court interpreting the first amendment is just not the case.

At some point this issue is going back to the Supreme Court, whether it goes back under my substitute or whether it goes back under the proposed constitutional amendment.

We can say to ourselves we have resolved this issue, but if in fact it is speech to burn a flag in the course of a demonstration or protest expressing one's self, if it was protected by the first amendment before this proposed constitutional amendment, then that act is still going to be protected by the first amendment unless the effect of this is to repeal the first amendment.

So it is not as if we are doing away with the first amendment. In any event, this all must be resolved. I do not think there is any credibility in that analysis. This issue is going back to the Supreme Court, and the Supreme Court will reconcile whatever amendment we make.

I am just trying to make it clear that in my order of priorities I want the first amendment to the Constitution, which has been on the books for all these years that our country has been around, to still be the preeminent amendment to the Constitution. I do not want something that this Congress has done in the heat of some political moment to supersede that.

Second, I want to close by just saying how much I have come to welcome

this debate. When we first started doing this 5 or 6 years ago, I actually resented having to do this every year. Now I actually think that it is a good debate for our country.

Mr. Speaker, 5 or 6 years ago when I first started debating this, I used to think, as the gentleman from Florida (Mr. STEARNS) now thinks, that everybody on the opposite side of this issue was unAmerican because they did not believe in the first amendment.

Mr. Speaker, folks used to come in the Chamber and they would shout at me that I was unAmerican because I did not support what they wanted; and I would shout at them that they were unAmerican because they did not believe in what I believed in.

□ 1515

I think about 2 or 3 years into the debate, it became apparent to me that everybody on all sides of this issue is a patriot. And I think we finally got to that resolution last year or the year before last when we had a very, very dignified debate that allowed everybody to express their opinions on this proposed constitutional amendment, on the proposed substitute, and everybody went away understanding more fully what free speech and expression is all about and why we value our country as we do regardless of where we stand on this issue.

There is dignity in this debate. It is not a partisan debate. It is not a racial debate. It is not a philosophical debate. This is all about what you think this country stands for and what you think the first amendment stands for. I applaud my colleagues for engaging in this dignified debate.

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

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

Mr. Speaker, I am willing to stipulate that everybody who has debated this question today, on either side of the issue, is just as patriotic as everybody else. There is a legitimate difference of opinion on whether or not we should propose a constitutional amendment for the States to consider and ratify to protect the United States flag from physical desecration. I think that the case is overwhelming on why we ought to do that.

I would just like to cite one legal decision from my home State, in the case of the State of Wisconsin v. Matthew C. Janssen, Supreme Court of Wisconsin, decided on June 25, 1998, where the State Supreme Court, citing the Johnson and Eichman cases as precedent, declared unconstitutional the Wisconsin flag desecration statute in the case where the defendant defecated on the American flag. And there the court determined that because the defendant claimed that this disgusting act was a political expression, he could not be criminally prosecuted because the statute was unconstitutional.

Now, if there ever was a reason why we should overturn the Johnson and

Eichman cases, this decision of the Wisconsin Supreme Court, I believe, is a case in point. I think that whether one supports or opposes House Joint Resolution 36 goes down to a question of values. We have heard those values spoken today very eloquently on both sides. But I think that protecting the flag should be one of our paramount goals, because the flag does stand for all Americans. The flag does stand for the principles that are contained in the Declaration of Independence and the Constitution. The flag does stand for the values that 700,000 young men and young women died for in the wars that this country has fought over the last 225 years. If we can say that it is a Federal crime to burn a dollar bill, we ought to be able to say it is a Federal crime to burn the American flag.

I urge the defeat of the substitute and the passage of the constitutional amendment.

Mr. CONYERS. Mr. Speaker, I strongly support the substitute offered by Mr. WATT.

This substitute goes to the heart of what we're debating. If the sponsors of H.J. Res. 36 really believe that the proposed amendments does not supersede the First Amendment, they ought to have no problem supporting this substitute.

And if H.J. Res. 36 does supersede the First Amendment, then the sponsors should have the courage to admit it—so the American people can make an informed decision about this issue.

In my view it is clear that H.J. Res. 36 directly alters the free speech protections of the First Amendment. There can be no doubt that "symbolic speech" relating to the flag falls squarely within the ambit of traditionally protected speech.

Our nation was born in the dramatic symbolic speech of the Boston Tea Party, and our courts have long recognized that expressive speech associated with the flag is protected under the First Amendment.

Also, as H.J. Res. 36 is currently drafted, it will allow Congress to outlay activities that go well beyond free speech. The amendment gives us no guidance whatsoever as to what if any provisions of the First Amendment, the Bill of Rights, or the Constitution in general that it is designed to overrule.

Some have suggested that the amendment goes so far as to allow the criminalization of wearing clothing with the flag on it. This goes well beyond overturning the Johnson case and indicates that the flag desecration amendment could permit prosecution under statutes that were otherwise unconstitutionally void of vagueness.

For example, the Supreme Court in 1974 declared unconstitutionally vague a statute that criminalized treating the flag contemptuously and did not uphold the conviction of an individual wearing a flag patch on his pants. So unless we clarify H.J. Res. 36, the legislation would allow such a prosecution despite that statute's vagueness.

Finally, it is insufficient to respond to these concerns by asserting that the courts can easily work out the meaning of the terms in the same way that they have given meaning to other terms in the Bill of Rights such as "due process."

Unlike the other provisions of the Bill of Rights, H.J. Res. 36 represents an open-

ended and unchartered invasion of our rights and liberties, rather than a back-up mechanism to prevent the government from usurping our rights.

I urge the Members to support the substitute and oppose altering the Bill of Rights.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to House Resolution 189, the previous question is ordered on the joint resolution and on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. WATT).

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

Mr. WATT of North Carolina. 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.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 100, nays 324, not voting 9, as follows:

[Roll No. 231]

YEAS—100

Abercrombie	Hoyer	Nadler
Allen	Inslee	Neal
Baldwin	Israel	Obey
Barrett	Jackson (IL)	Olver
Becerra	Jackson-Lee	Pastor
Berman	(TX)	Paul
Blagojevich	Johnson, E. B.	Payne
Blumenauer	Jones (OH)	Pelosi
Bonior	Kennedy (RI)	Price (NC)
Borski	Kilpatrick	Rangel
Boucher	Kind (WI)	Roybal-Allard
Brady (PA)	Kleczka	Rush
Capuano	Kolbe	Sabo
Cardin	LaFalce	Sanders
Clay	Lampson	Sandlin
Clayton	Lantos	Sawyer
Clyburn	Larsen (WA)	Scott
Coyne	Larson (CT)	Shadegg
Cummings	Leach	Slaughter
Davis (IL)	Lewis (GA)	Tanner
DeFazio	Lowe	Tauscher
Dicks	Maloney (NY)	Thompson (MS)
Engel	Markey	Tierney
Etheridge	Matheson	Towns
Evans	Matsui	Udall (CO)
Fattah	McCarthy (MO)	Udall (NM)
Frank	McCollum	Visclosky
Gonzalez	McGovern	Waters
Greenwood	McKinney	Watt (NC)
Gutierrez	Meehan	Waxman
Hastings (FL)	Meek (FL)	Weiner
Hilliard	Meeks (NY)	Wexler
Hinche	Millender-	
Hoeffel	McDonald	
Hooley	Moran (VA)	

NAYS—324

Ackerman	Bass	Brown (FL)
Aderholt	Bentsen	Brown (OH)
Akin	Bereuter	Brown (SC)
Andrews	Berkley	Bryant
Armey	Berry	Burr
Baca	Biggert	Burton
Bachus	Bilirakis	Buyer
Baird	Blunt	Callahan
Baker	Boehlert	Calvert
Baldacci	Boehner	Camp
Ballenger	Bonilla	Cannon
Barcia	Bono	Cantor
Barr	Boswell	Capito
Bartlett	Boyd	Capps
Barton	Brady (TX)	Carson (IN)

Carson (OK)	Horn	Putnam
Castle	Hostettler	Quinn
Chabot	Houghton	Radanovich
Chambliss	Hulshof	Rahall
Clement	Hunter	Ramstad
Coble	Hutchinson	Regula
Collins	Hyde	Rehberg
Combest	Isakson	Reynolds
Condit	Issa	Rivers
Conyers	Istook	Rodriguez
Cooksey	Jenkins	Roemer
Costello	John	Rogers (KY)
Cox	Johnson (CT)	Rogers (MI)
Cramer	Johnson (IL)	Rohrabacher
Crane	Johnson, Sam	Ros-Lehtinen
Crenshaw	Jones (NC)	Ross
Crowley	Kanjorski	Rothman
Cubin	Kaptur	Roukema
Culberson	Keller	Royce
Cunningham	Kelly	Ryan (WI)
Davis (CA)	Kennedy (MN)	Ryun (KS)
Davis (FL)	Kerns	Sanchez
Davis, Jo Ann	Kildee	Saxton
Davis, Tom	King (NY)	Scarborough
Deal	Kingston	Schaffer
DeGette	Kirk	Schakowsky
DeLauro	Knollenberg	Schrock
DeLay	Kucinich	Sensenbrenner
DeMint	LaHood	Serrano
Deutsch	Langevin	Sessions
Diaz-Balart	Largent	Shaw
Dingell	Latham	Shays
Doggett	LaTourrette	Sherman
Dooley	Lee	Sherwood
Doolittle	Levin	Shimkus
Doyle	Lewis (CA)	Shows
Dreier	Lewis (KY)	Shuster
Duncan	Linder	Simmons
Dunn	Lipinski	Simpson
Edwards	LoBiondo	Skeen
Ehlers	Lofgren	Skelton
Ehrlich	Lucas (KY)	Smith (MI)
Emerson	Lucas (OK)	Smith (NJ)
English	Luther	Smith (TX)
Eshoo	Maloney (CT)	Smith (WA)
Everett	Manzullo	Snyder
Farr	Mascara	Solis
Ferguson	McCarthy (NY)	Souder
Filner	McCrery	Spratt
Flake	McDermott	Stark
Fletcher	McHugh	Stearns
Foley	McInnis	Stenholm
Forbes	McIntyre	Strickland
Ford	McKeon	Stump
Fossella	McNulty	Stupak
Frelinghuysen	Menendez	Sununu
Frost	Mica	Sweeney
Galleghy	Miller (FL)	Tancredo
Ganske	Miller, Gary	Tauzin
Gekas	Miller, George	Taylor (MS)
Gibbons	Mink	Taylor (NC)
Gilchrest	Mollohan	Terry
Gillmor	Moore	Thomas
Gilman	Moran (KS)	Thompson (CA)
Goode	Morella	Thornberry
Goodlatte	Murtha	Thune
Gordon	Myrick	Thurman
Goss	Napolitano	Tiahrt
Graham	Nethercutt	Tiberi
Granger	Ney	Toomey
Graves	Northup	Trafficant
Green (TX)	Norwood	Turner
Green (WI)	Nussle	Upton
Grucci	Oberstar	Velazquez
Gutknecht	Ortiz	Vitter
Hall (OH)	Osborne	Walden
Hall (TX)	Ose	Walsh
Hansen	Otter	Wamp
Harman	Oxley	Watkins (OK)
Hart	Pallone	Watson (CA)
Hastings (WA)	Pascrell	Watts (OK)
Hayes	Pence	Weldon (FL)
Hayworth	Peterson (MN)	Weldon (PA)
Hefley	Peterson (PA)	Weller
Herger	Petri	Whitfield
Hill	Phelps	Wicker
Hilleary	Pickering	Wilson
Hinojosa	Pitts	Wolf
Hobson	Platts	Woolsey
Hoekstra	Pombo	Wu
Holden	Pomeroy	Wynn
Holt	Portman	Young (AK)
Honda	Pryce (OH)	Young (FL)

NOT VOTING—9

Bishop	Jefferson	Riley
Delahunt	Owens	Schiff
Gephardt	Reyes	Spence

□ 1557

Messrs. MCINTYRE, DEMINT, THOMPSON of California, PICKERING, STARK, MCDERMOTT, SERRANO, and Ms. LOFGREN, Ms. LEE, Mrs. NAPOLITANO, Ms. VELAZQUEZ, and Mrs. DAVIS of California changed their vote from “yea” to “nay.”

Messrs. RANGEL, ALLEN, DICKS, MCGOVERN, and HILLIARD changed their vote from “nay” to “yea.”

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LINDER). The question is on engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 298, nays 125, not voting 10, as follows:

[Roll No. 232]

YEAS—298

Aderholt	Collins	Graham
Akin	Combest	Granger
Andrews	Condit	Graves
Armey	Cooksey	Green (TX)
Baca	Costello	Green (WI)
Bachus	Cox	Grucci
Baird	Cramer	Gutierrez
Baker	Crane	Gutknecht
Baldacci	Crenshaw	Hall (TX)
Ballenger	Crowley	Hansen
Barcia	Cubin	Harman
Barr	Culberson	Hart
Bartlett	Cummings	Hastings (WA)
Barton	Cunningham	Hayes
Bass	Davis (FL)	Hayworth
Bentsen	Davis, Jo Ann	Hefley
Bereuter	Davis, Tom	Herger
Berkley	Deal	Hilleary
Berry	DeLay	Hilliard
Biggert	DeMint	Hinojosa
Bilirakis	Deutsch	Hobson
Blagojevich	Diaz-Balart	Holden
Blunt	Dooley	Horn
Boehlert	Doolittle	Hostettler
Boehner	Doyle	Houghton
Bonilla	Duncan	Hulshof
Bono	Dunn	Hunter
Boswell	Edwards	Hutchinson
Boyd	Ehrlich	Hyde
Brady (TX)	Emerson	Isakson
Brown (FL)	English	Issa
Brown (OH)	Etheridge	Istook
Brown (SC)	Everett	Jenkins
Bryant	Ferguson	John
Burr	Fletcher	Johnson (CT)
Burton	Foley	Johnson (IL)
Buyer	Forbes	Johnson, Sam
Callahan	Ford	Jones (NC)
Calvert	Fossella	Kanjorski
Camp	Frelinghuysen	Kaptur
Cannon	Frost	Keller
Cantor	Galleghy	Kelly
Capito	Ganske	Kennedy (MN)
Capps	Gekas	Kerns
Carson (OK)	Gibbons	Kildee
Castle	Gillmor	King (NY)
Chabot	Gilman	Kingston
Chambliss	Goode	Kirk
Clement	Goodlatte	Knollenberg
Clyburn	Gordon	Kucinich
Coble	Goss	LaHood

Lampson	Pallone	Skeen
Langevin	Pascarell	Skelton
Lantos	Pence	Smith (MI)
Largent	Peterson (PA)	Smith (NJ)
Larson (CT)	Phelps	Smith (TX)
Latham	Pickering	Smith (WA)
LaTourette	Pitts	Souder
Lewis (CA)	Platts	Spratt
Lewis (KY)	Pombo	Stearns
Linder	Pomeroy	Stenholm
Lipinski	Portman	Strickland
LoBiondo	Pryce (OH)	Stump
Lucas (KY)	Putnam	Stupak
Lucas (OK)	Quinn	Sununu
Luther	Radanovich	Sweeney
Maloney (CT)	Rahall	Tancredo
Manzullo	Ramstad	Tauzin
Mascara	Regula	Taylor (MS)
McCarthy (NY)	Rehberg	Taylor (NC)
McCrary	Reynolds	Terry
McGovern	Rodriguez	Thomas
McHugh	Roemer	Thompson (MS)
McInnis	Rogers (KY)	Thornberry
McIntyre	Rogers (MI)	Thune
McKeon	Rohrabacher	Thurman
McNulty	Ros-Lehtinen	Tiahrt
Menendez	Ross	Tiberi
Mica	Rothman	Toomey
Millender-	Roukema	Towns
McDonald	Royce	Traficant
Miller (FL)	Rush	Turner
Miller, Gary	Ryan (WI)	Upton
Mollohan	Ryun (KS)	Vitter
Moran (KS)	Sanchez	Walden
Morella	Sandin	Walsh
Murtha	Saxton	Wamp
Myrick	Scarborough	Watkins (OK)
Napolitano	Schaffer	Watts (OK)
Neal	Schrock	Weldon (FL)
Nethercutt	Sensenbrenner	Weldon (PA)
Ney	Sessions	Weller
Northup	Shaw	Whitfield
Norwood	Sherman	Wicker
Nussle	Sherwood	Wilson
Ortiz	Shinkus	Wolf
Osborne	Shows	Wynn
Ose	Shuster	Young (AK)
Otter	Simmons	Young (FL)
Oxley	Simpson	

NAYS—125

Abercrombie	Hill	Nadler
Ackerman	Hinchey	Oberstar
Allen	Hoeffel	Obey
Baldwin	Hoekstra	Olver
Barrett	Holt	Pastor
Becerra	Honda	Paul
Berman	Hoolley	Payne
Blumenauer	Hoyer	Pelosi
Bonior	Inslee	Peterson (MN)
Borski	Israel	Petri
Boucher	Jackson (IL)	Price (NC)
Brady (PA)	Jackson-Lee	Rangel
Capuano	(TX)	Rivers
Cardin	Johnson, E. B.	Roybal-Allard
Carson (IN)	Jones (OH)	Sabo
Clay	Kennedy (RI)	Sanders
Clayton	Kilpatrick	Sawyer
Conyers	Kind (WI)	Schakowsky
Coyne	Kleczka	Scott
Davis (CA)	LaFalce	Serrano
Davis (IL)	Larsen (WA)	Shadegg
DeFazio	Leach	Shays
DeGette	Lee	Slaughter
DeLauro	Levin	Snyder
Dicks	Lewis (GA)	Solis
Dingell	Lofgren	Stark
Doggett	Lowey	Tanner
Dreier	Maloney (NY)	Tauscher
Ehlers	Markey	Thompson (CA)
Engel	Matheson	Tierney
Eshoo	Matsui	Udall (CO)
Evans	McCarthy (MO)	Udall (NM)
Farr	McColum	Velazquez
Fattah	McDermott	Visclosky
Filner	McKinney	Waters
Flake	Meehan	Watson (CA)
Frank	Meek (FL)	Watt (NC)
Gilchrest	Meeks (NY)	Waxman
Gonzalez	Miller, George	Weiner
Greenwood	Mink	Wexler
Hall (OH)	Moore	Woolsey
Hastings (FL)	Moran (VA)	Wu

NOT VOTING—10

Bishop	Kolbe	Schiff
Delahunt	Owens	Spence
Gephardt	Reyes	
Jefferson	Riley	

□ 1614

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.

Stated for:

Mr. PETERSON of Minnesota. Mr. Speaker, during rollcall vote No. 232 on H.J. Res. 36, I mistakenly recorded my vote as "nay" when I should have voted "aye".

Stated against:

Mr. KOLBE. Earlier today, I was absent during the vote on final passage of H.J. Res. 36, proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

Had I been present, I would have voted "nay" on this vote, No. 232.

ANNOUNCEMENT REGARDING PREPRINTING OF AMENDMENTS TO H.R. 2506, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

Mr. LINDER. Mr. Speaker, a Dear Colleague letter will be sent to all Members informing them that the Committee on Rules plans to meet tomorrow on Wednesday, July 18, 2001, to grant a rule for the consideration of H.R. 2506, the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002.

□ 1615

The Committee on Rules may grant a rule which would require that amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor.

The Committee on Appropriations filed its report on the bill today. Members should draft their amendments to the bill as reported by the Committee on Appropriations.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

PROVIDING FOR CONSIDERATION OF H.R. 2500, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 192 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 192

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the

Whole House on the state of the Union for consideration of the bill (H.R. 2500) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "Provided" on page 19, line 13, through "workyears:" on line 19. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

The SPEAKER pro tempore (Mr. COOKSEY). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. HASTINGS); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, H. Res. 192 is an open rule providing for the consideration of H.R. 2500, the FY 2002 Commerce, Justice, State, the Judiciary, and related agencies appropriations bill. Overall, this bill provides roughly \$38 billion in funding for a variety of Federal departments and agencies, about \$600 million over the President's budget request.

H. Res. 192 provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and all points of order are waived against consideration of the bill.

The rule also provides that the bill be considered for amendment by paragraph. H. Res. 192 waives clause 2 of rule XXI, prohibiting unauthorized or legislative provisions in an appropriations bill, against provisions in H.R. 2500, except as otherwise specified in the rule. The rule also authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.