

(D) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the Constitution.

(2) PURPOSE.—The purpose of this section is to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

(C) PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.—

(1) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

“§ 700. Incitement; damage or destruction of property involving the flag of the United States

“(a) DEFINITION OF FLAG OF THE UNITED STATES.—In this section, the term ‘flag of the United States’ means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and that would be taken to be a flag by the reasonable observer.

“(b) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and under circumstances in which the person knows that it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than \$100,000, imprisoned not more than 1 year, or both.

“(c) FLAG BURNING.—Any person who shall intentionally threaten or intimidate any person or group of persons by burning, or causing to be burned, a flag of the United States shall be fined not more than \$100,000, imprisoned for not more than 1 year, or both.

“(d) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States, and who intentionally destroys or damages that flag, shall be fined not more than \$250,000, imprisoned not more than 2 years, or both.

“(e) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and who intentionally destroys or damages that flag, shall be fined not more than \$250,000, imprisoned not more than 2 years, or both.

“(f) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory, or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The chapter analysis for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following:

“700. Incitement; damage or destruction of property involving the flag of the United States.”.

(d) SEVERABILITY.—If any provision of this section, or the application of such a provision to any person or circumstance, is held to be unconstitutional, the remainder of the section, and the application of this section to any other person or circumstance, shall not be affected by such holding.

SEC. 2. RESPECT FOR THE FUNERALS OF FALLEN HEROES.

(a) SHORT TITLE.—This section may be cited as the “Respect for the Funerals of Fallen Heroes Act of 2006”.

(b) IN GENERAL.—Section 1387 of title 18, United States Code, is amended to read as follows:

“§ 1387. Prohibition on demonstrations at funerals of members or former members of the Armed Forces

“(a) IN GENERAL.—It shall be unlawful for any person to engage in a demonstration during the period beginning 60 minutes before and ending 60 minutes after the funeral of a member or former member of the Armed Forces, any part of which demonstration—

“(1)(A) takes place within the boundaries of the location of such funeral and such location is not a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery; or

“(B) takes place on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery and the demonstration has not been approved by the cemetery superintendent or the director of the property on which the cemetery is located;

“(2)(A) takes place within 150 feet of the point of the intersection between—

“(i) the boundary of the location of such funeral; and

“(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

“(B) includes, as part of such demonstration, any individual willfully making or assisting in the making of any noise or diversion that disturbs or tends to disturb the peace or good order of the funeral of a member or former member of the Armed Forces; or

“(3) is within 300 feet of the boundary of the location of such funeral and impedes the access to or egress from such location.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title, imprisoned for not more than 1 year, or both.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘Armed Forces’ has the meaning given the term in section 101 of title 10.

“(2) The term ‘funeral of a member or former member of the Armed Forces’ means any ceremony, procession, or memorial service held in connection with the burial or cremation of a member or former member of the Armed Forces.

“(3) The term ‘demonstration’ includes—

“(A) any picketing or similar conduct;

“(B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony;

“(C) the display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony; and

“(D) the distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony.

“(4) The term ‘boundary of the location’, with respect to a funeral of a member or former member of the Armed Forces, means—

“(A) in the case of a funeral of a member or former member of the Armed Forces that is held at a cemetery, the property line of the cemetery;

“(B) in the case of a funeral of a member or former member of the Armed Forces that is held at a mortuary, the property line of the mortuary;

“(C) in the case of a funeral of a member or former member of the Armed Forces that is held at a house of worship, the property line of the house of worship; and

“(D) in the case of a funeral of a member or former member of the Armed Forces that is held at any other kind of location, the reasonable property line of that location.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 67 of such title is amended by striking the item relating to section 1387 and inserting the following new item:

“1387. Prohibition on demonstrations at funerals of members or former members of the Armed Forces.”.

SA 4544. Mr. DURBIN (for himself, Mrs. CLINTON, Mr. BENNETT, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the joint resolution S.J. Res. 12, proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; which was ordered to lie on the table; as follows:

Amend the title so as to read: “A Joint Resolution amending title 18, United States Code, to provide for the protection of the flag of the United States and to prohibit certain demonstrations at funerals of members and former members of the Armed Forces, and for other purposes.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CORNYN. I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 27, 2006, at 10:30 a.m., in closed session to receive a briefing on recent North Korean Ballistic Missile Developments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 27, 2006, at 2:30 p.m. to conduct a hearing on “Oversight of SAFETEA-LU Implementation: The Current State of Progress and Future Outlook.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be allowed to meet in an executive session today at 10 a.m. Tuesday, June 27, 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday,

June 27, 2006, at 10 a.m. The purpose of this hearing is to receive testimony relating to implementation of the Energy Policy Act provisions on enhancing oil and gas production on Federal lands in the Rocky Mountain Region.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 27, 2006, at 10 a.m., in 106 Dirksen Senate Office Building, to consider the nomination of Henry M. Paulson, Jr., to be Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 27, 2006, at 10 a.m., in 215 Dirksen Senate Office Building, to consider the nomination of Mr. Eric Solomon, to be Assistant Secretary of the Treasury for Tax Policy, U.S. Department of the Treasury, vice Pamela Olson, resigned.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet to conduct a hearing on "The Use of Presidential Signing Statements" on Tuesday, June 27, 2006, at 10 a.m. in Dirksen Senate Office Building Room 226. Witness list:

Panel I: Michelle Boardman, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice, Washington, DC.

Panel II: Charles Ogletree, Professor, Harvard Law School, Cambridge, Massachusetts; Christopher Yoo, Professor, Vanderbilt University Law School, Nashville, Tennessee; Bruce Fein, Partner, Fein & Fein LLC, Washington, DC; Nicholas Quinn Rosenkranz, Professor, Georgetown Law Center, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 27, 2006, at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CORNYN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet tomorrow, June 27, 2006, from 10 a.m.–12 p.m. in Dirksen 215 purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CORNYN. Mr. President, I ask unanimous consent that the Com-

mittee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Tuesday, June 27, 2006, at 10 a.m. for a hearing entitled, The Right People? Oversight of the Office of Personnel Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Michelle Murphy, an intern in my Judiciary Committee office, be granted floor privileges for the duration of the debate on S.J. Res. 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATING THE 150TH ANNIVERSARY OF THE CITIES OF BRISTOL, TENNESSEE, AND BRISTOL, VIRGINIA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 522, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 522) celebrating the 150th anniversary of the cities of Bristol, Tennessee and Bristol, Virginia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 522) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 522

Whereas the twin cities of Bristol, Tennessee and Bristol, Virginia were officially chartered in 1856, celebrated the Bristol Centennial in 1956, and have organized to celebrate the Bristol Sesquicentennial in 2006;

Whereas the Bristol Sesquicentennial theme, "Celebrating 150 Years of Heritage and Harmony" underscores the duality of Bristol as a cohesion of 2 separate cities with 1 communal spirit;

Whereas the "Bristol Sign", listed in the National Register of Historic Places, serves to exemplify the communal spirit of Bristol, bridge the States of Tennessee and Virginia over the cooperatively named "State Street", and declare Bristol "A Good Place to Live";

Whereas the people of Bristol continue to work to preserve structures of historical significance, including the Paramount Theatre, the Old Customs House, and the historic train station;

Whereas the phonographic recordings known as the Bristol Sessions launched the country music careers of the Carter Family,

the Stonemans, and Jimmie Rogers, and prompted historians to describe Bristol as the "Big Bang" of modern country music;

Whereas country music is a central part of the history of Bristol, which Congress recognized as the "Birthplace of Country Music";

Whereas the history and economic development of Bristol is intimately tied to commercial transportation and Bristol continues to serve as an important commercial hub for the surrounding region; and

Whereas automotive racing is integral to the identity of Bristol and the "World's Fastest Half-Mile" at the Bristol Motor Speedway continues to offer exciting events to scores of racing fans: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the cultural and historic achievements of the people of Bristol, Tennessee and Bristol, Virginia; and

(2) congratulates the twin cities of Bristol on their sesquicentennial.

Mr. FRIST. Mr. President, S. Res. 522, which was just adopted, celebrates the 150th anniversary of the cities of Bristol, TN, and Bristol, VA. Throughout the year, the people of Bristol have celebrated this anniversary, and the adoption of this resolution coincides with a number of exciting local events.

Bristol is a unique city because of the nature of its founding just along the Tennessee and Virginia border in what started out as two separate communities founded along an anticipated railroad route. Through years of give and take and sometimes bitter disputes over that Tennessee-Virginia border, Bristol has developed into a shining example of how hard work, cooperation, partnership, and entrepreneurial spirit can lead to tremendous opportunities and to tremendous economic growth for communities around the country.

What once modestly started as a connecting point between the Virginia and Tennessee railroads has developed into a central crossroad of the country's interstate highway systems.

While many people in the region are known to joke that "all roads lead to Bristol," the city is not only a commercial crossroad, it has also served as a gathering place for musicians from the Appalachian region. Many country music fans know Bristol because of the famous "Bristol Sessions" and recognize the city as the birthplace of country music.

Today when people think of NASCAR racing, they think about Bristol. In the early 1960s, it was two Bristol natives who decided to build a racetrack in northeast Tennessee. A little over 40 years later, racing has become America's fastest growing sport, and, indeed, the Bristol Motor Speedway is on the forefront of what is widely known as the "World's Fastest Half Mile"—I reiterate that cutting edge, the entrepreneurial spirit one finds in Bristol.

In closing, I am pleased to congratulate the twin cities of Bristol for 150 years of cooperation and achievement. With this rich history and cultural heritage, Bristol represents the best of Tennessee and Virginia.