STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. BOOZMAN, Mr. BURR, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mrs. FISCHER, Mr. GRAHAM, Mr. GRASSLEY, Mr. HELLER, Mr. JOHANNS, Mr. MCCAIN, Ms. MURKOWSKI, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SESSIONS, Mr. THUNE, and Mr. VITTER):

S.J. Res. 17. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, tomorrow is Flag Day and I am proud to be joined by 21 of my colleagues in introducing an amendment to the Constitution giving Congress power to prohibit the physical desecration of the flag of the United States. At a time when many issues divide us, the flag to which we pledge allegiance ought to be one thing that unites us.

On this day in 1777, the Continental Congress adopted a resolution designating the design of the flag of the United States. President Woodrow Wilson first issued a proclamation in 1916 officially establishing June 14 as Flag Day and Congress did so by statute in 1949.

States began adopting laws protecting the American flag in the late 19th century and every state had adopted such a law by 1932. Congress adopted the Federal Flag Code in 1942 providing uniform guidelines for displaying the flag and in 1968 enacted the Federal Flag Protection Act.

We have, as they say, come a long way—but not in a good direction. Gregory Johnson, a member of the Revolutionary Communist Party, was prosecuted under State law for torching an American flag at the 1984 Republican National Convention in Dallas. Five years later, in Texas v. Johnson, the U.S. Supreme Court held that the State flag protection law violated the First Amendment. Congress quickly revised the Flag Protection Act but in United States v. Eichman, the Supreme Court held in 1990 that it too violated the First Amendment.

I believe these two cases, decided by the narrowest 5–4 margins, were based on an incorrect interpretation of the First Amendment. But I also believe that the Constitution belongs to the American people, not to Federal judges.

The Constitution embodies the will of the American people in setting rules for government. The Constitution defines what the federal government may do by enumerating its powers in the body of the Constitution. It defines what government may not do by identifying individual rights in the amendments to the Constitution.

The Supreme Court has had its say, concluding that neither States nor the Federal Government may prohibit desecration of the American flag. But the Supreme Court does not have the last word about what the Constitution says or what the Constitution means. The American people do. They alone have authority to change the Constitution's rules for government.

This is why I first introduced a flag protection constitutional amendment on June 22, 1989, just one day after the Supreme Court's decision in Texas v. Johnson. The American people can decide whether to change their Constitution only when an amendment is proposed and sent to the States for ratification. The American people should have that opportunity regarding protection of this unique symbol of national unity.

Today is the ninth time I have introduced a flag protection amendment. The Senate has voted five times on such proposals, including three of mine. The bipartisan support has grown each time—from 51 votes in 1989, 58 votes in 1990, 63 votes in 1995 and 2000, and 66 votes in 2006, just one short of the ⅔ required by the Constitution.

Members of Congress must keep two things in mind. First, even if it is ratified, this amendment would not prohibit flag desecration. It would merely give Congress authority to do so. Remember what the Supreme Court did in its pair of decisions. The court did not say government should not protect the flag, but said that government may not do so. This amendment would restore that authority. I believe that a vigorous and public debate about our shared values and principles and about the flag as a unique symbol of national unity would be very healthy for America. We can have that debate only when the Constitution allows it and with this amendment the Constitution would.

Second, members of Congress must remember our role in the constitutional amendment process. Congress cannot amend the Constitution. We can propose amendments, but the Constitution is not changed until ¾ of the States say so. Congress should not deprive the American people of the opportunity to express their will on this important issue.

The American people want that opportunity. All 50 State legislatures have indicated their support for a constitutional amendment to allow protection of the flag.

Just a few days ago, President Obama issued the annual proclamation designating this week as National Flag Week and designating today as Flag Day. He urged all Americans to observe these ''with pride and all due ceremony . . . as a time to honor America, to celebrate our heritage in public gatherings and activities, and to publicly recite the Pledge of Allegiance to the Flag of the United States of America.'' I believe that we can make that ongoing observance and celebration complete by restoring authority to protect this symbol of national unity.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 170—COMMEMORATING JOHN LEWIS ON THE 50TH ANNIVERSARY OF HIS CHAIRMANSHIP OF THE STUDENT NONVIOLENT COORDINATING COMMITTEE

Mr. ISAKSON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 170

Whereas Congressman John Robert Lewis was born on February 21, 1940, outside of Troy, Alabama, to parents Eddie and Willie Mae (Carter) Lewis;

Whereas John Lewis has devoted his life to safeguarding human rights, protecting civil liberties, and building what he calls ''the Beloved Community'' in the United States;

Whereas John Lewis grew up on a farm in a family of sharecroppers and attended segregated public schools in Pike County, Alabama;

Whereas, drawing inspiration at an early age from the dedication and bravery demonstrated through the Montgomery Bus Boycott and the Reverend Martin Luther King, Jr., John Lewis joined the movement to secure the basic equal rights guaranteed by the Constitution of the United States;

Whereas, while studying at Fisk University, where he earned a Bachelor of Arts in Religion and Philosophy, John Lewis led the charge by unifying and organizing volunteers for sit-in demonstrations at segregated lunch counters in Nashville, Tennessee;

Whereas, in 1961, John Lewis showed his bravery and dedication while participating in Freedom Rides, challenging segregation at interstate bus terminals throughout the South, subjecting himself to being beaten by an angry mob, and even being arrested for peacefully confronting the injustice of Jim Crow segregation in the South;

Whereas, from 1963 to 1966, at a pivotal point in the Civil Rights Movement, John Lewis was named Chairman of the Student Nonviolent Coordinating Committee, which he helped found, orchestrating student activism in the Movement, including sit-ins, voter registration drives, community action programs, and other activities;

Whereas, at the young age of 23, John Lewis achieved national recognition and respect as 1 of the ''Big Six'' leaders of the Civil Rights Movement, both planning and speaking at the historic March on Washington in August 1963, along with fellow leaders and friends such as Martin Luther King, Jr.;

Whereas, along with many others, John Lewis demonstrated great courage by risking his life and casting light on the senseless cruelty of the time when he was brutally attacked while leading over 600 peaceful orderly protestors across the Edmund Pettus Bridge in Selma, Alabama, to demonstrate the need for voting rights, on March 7, 1965, which later became known as ''Bloody Sunday,'' expediting the passage of the Voting Rights Act of 1965 (42 U.S.C. 1971 note; Public Law 89–110);

Whereas, in 1968, John Lewis portrayed wisdom in balancing his advocacy with family, taking Lillian Miles Lewis as his wife and later raising their son, John Miles Lewis, together;

Whereas John Lewis was elected in 1986 to serve as the United States Representative for Georgia's Fifth Congressional District and has capably and effectively served his constituency since then, serving as Chief Deputy Whip for the House Democratic caucus; and

Whereas John Lewis's unwavering ethical and moral principles have garnered admiration and respect from his colleagues on both sides of the aisle: Now, therefore, be it

Resolved, That the Senate—

(1) commends Congressman John Lewis of Georgia on the 50th anniversary of his chairmanship of the Student Nonviolent Coordinating Committee; and

(2) commemorates his legacy of tirelessly working to secure civil liberties for all, thereby building and ensuring a more perfect Union.

SENATE RESOLUTION 171—DESIGNATING JUNE 15, 2013, AS ''WORLD ELDER ABUSE AWARENESS DAY''

Mr. BLUMENTHAL (for himself, Ms. COLLINS, and Mr. NELSON) submitted the following resolution; which was considered and agreed to:

Whereas Federal Government estimates show that more than 1 in 10 persons over age 60, or 6,000,000 individuals, are victims of elder abuse each year;

Whereas the vast majority of the abuse, neglect, and exploitation of older adults in the United States goes unidentified and unreported;

Whereas only 1 in 44 cases of financial abuse of older adults is reported;

Whereas at least $2,900,000,000 is taken from older adults each year due to financial abuse and exploitation;

Whereas elder abuse, neglect, and exploitation have no boundaries and cross all racial, social, class, gender, and geographic lines;

Whereas older adults who are abused are 3 times more likely to die earlier than older adults of the same age who are not abused;

Whereas, although all 50 States have laws against elder abuse, incidents of elder abuse have increased by 150 percent over the last 10 years;

Whereas public awareness has the potential to increase the identification and reporting of elder abuse by the public, professionals, and victims, and can act as a catalyst to promote issue-based education and long-term prevention; and

Whereas private individuals and public agencies must work together on the federal, state, and local levels to combat increasing occurrences of abuse, neglect, and exploitation crime and violence against vulnerable older adults and vulnerable adults, particularly in light of limited resources for vital protective services: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 15, 2013 as ''World Elder Abuse Awareness Day'';

(2) recognizes judges, lawyers, adult protective services professionals, law enforcement officers, social workers, health care providers, victims' advocates, and other professionals and agencies for their efforts to advance awareness of elder abuse; and

(3) encourages members of the public and professionals who work with older adults to act as catalysts to promote awareness and long-term prevention of elder abuse by reaching out to local adult protective services agencies and by learning to recognize, detect, report, and respond to elder abuse.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1259. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1260. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1261. Ms. KLOBUCHAR (for herself, Mr. COATS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1262. Ms. KLOBUCHAR (for herself, Mr. COATS, and Ms. LANDRIEU) submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1263. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1264. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1265. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1266. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1267. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1268. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1269. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1270. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1271. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1272. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 744, supra; which was ordered to lie on the table.

SA 1273. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1274. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1275. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1276. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1277. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1278. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1279. Mr. REID (for Mr. HOEVEN) submitted an amendment intended to be proposed by Mr. REID, of NV to the resolution S. Res. 154, calling for free and fair elections in Iran, and for other purposes.

SA 1280. Mr. REID (for Mr. HOEVEN) submitted an amendment intended to be proposed by Mr. REID, of NV to the resolution S. Res. 154, supra.

SA 1281. Mr. REID (for Mr. HOEVEN) proposed an amendment to the resolution S. Res. 154, supra.

SA 1282. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1283. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1284. Mr. SANDERS (for himself, Mr. GRASSLEY, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1285. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

SA 1286. Mr. CARDIN (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 744, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1259. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 744, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 1618, between lines 11 and 12, insert the following:

SEC. 3722. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of the enactment of this Act and periodically thereafter as updates may require, the Secretary shall provide the National Crime Information Center of the Department of Justice with all the information in the possession of the Secretary regarding—

(1) any alien against whom a final order of removal has been issued;

(2) any alien who has entered into a voluntary departure agreement;

(3) any alien who has overstayed his or her authorized period of stay; and

(4) any alien whose visa has been revoked.

(b) INCLUSION OF INFORMATION IN IMMIGRATION VIOLATORS FILE.—The National Crime Information Center shall enter the information provided pursuant to subsection (a) into the Immigration Violators File of the National Crime Information Center database, regardless of whether—

(1) the alien received notice of a final order of removal;

(2) the alien has already been removed; or

(3) sufficient identifying information is available with respect to the alien.

(c) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 534(a) of title 28, United States Code, is amended—

(A) in paragraph (3), by striking ''and'' at the end;

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations by aliens of the immigration laws of the United States, regardless of whether any such alien has received notice of the violation or whether sufficient identifying information is available with respect to any such alien or whether any such alien has already been removed from the United States; and''.

(2) EFFECTIVE DATE.—The Attorney General and the Secretary shall ensure that the amendment made by paragraph (1) is implemented not later than 6 months after the date of the enactment of this Act.