

back home want employers to be held accountable. They want to see our government do more to make sure we are reducing the magnet for people to cross our borders illegally. I hope more colleagues will join me in my effort to achieve accountability through electronic verification.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. BARRASSO, Mr. INHOFE, Mr. VITTER, Mr. LUGAR, and Mr. GRASSLEY):

S.J. Res. 19. 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, today is Flag Day and it is the perfect day to re-introduce a constitutional amendment that would allow Congress to protect the American flag from physical desecration. I am joined in doing so today by my friend, the distinguished Senator from Montana, Senator BAUCUS. He was an original cosponsor of this amendment on 6 previous occasions when I have introduced it, including in the 109th Congress when this body came within one vote of approving it.

The American flag is a unique symbol of our country, of its history, and of our shared values. There is, in fact, no more powerful unifying general symbol. At the same time, the flag no doubt means different specific things to different individuals; Congress cannot, and should not attempt to, dictate what Americans believe, think, or say about the flag and whatever it represents to individuals.

That said, Congress should have authority to protect this unique symbol from at least physical desecration. The Supreme Court stripped even that authority from Congress in 1990 when it held that physical desecration is "speech" protected by the First Amendment. I believe the Court was wrong in that conclusion, but because the Court claimed to speak for the Constitution, the only way for Congress once again to have authority to protect the flag is by amending the Constitution.

In his farewell address in 1796, President George Washington said that the very basis of our political system is the right of the people to make and to alter the Constitution. The Constitution belongs to the people, not to the Supreme Court. As a result, the American people must have the opportunity to decide whether their Constitution should allow Congress to protect the flag.

The amendment we introduce today is as simple as it can be. It states: "The Congress shall have power to prohibit the physical desecration of the flag of the United States." Unfortunately, simplicity does not prevent distortion, either by negligence or intention. Critics and some in the media have led many to believe that this amendment

by itself bans flag desecration. It does not. In fact, should Congress propose and the states ratify this amendment, it might not result in any change in the law at all. That would be up to Congress and the people we represent to decide.

The issue is that today Congress is today prohibited by the Supreme Court from passing laws that protect the flag even if 100 percent of the American people wanted those laws and the Congress was ready to enact them.

The American people should be given the opportunity to decide whether they want their Constitution to allow their Congress to pass laws protecting the American flag. That is the way a representative democracy like ours should function. The Supreme Court distorted that process and this amendment will correct the Court's error. I urge my colleagues on both sides of the aisle, as many of you have done in the past, to support this amendment and to give this decision back to the American people.

AMENDMENTS SUBMITTED AND PROPOSED

SA 466. Ms. COLLINS (for herself, Mr. LAUTENBERG, Mr. MENENDEZ, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table.

SA 467. Ms. AYOTTE (for herself, Ms. SNOWE, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 468. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 469. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 470. Mr. BROWN of Ohio (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 471. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 466. Ms. COLLINS (for herself, Mr. LAUTENBERG, Mr. MENENDEZ, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 19, before "and" insert "military base closures or realignments,".

SA 467. Ms. AYOTTE (for herself, Ms. SNOWE, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and

Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, insert the following:

SEC. 22. FIDUCIARY EXCLUSION.

Section 3(21)(A) of the Employee Retirement Income and Security Act of 1974 (29 U.S.C. 1002(21)(A)) is amended by inserting "and except to the extent a person is providing an appraisal or fairness opinion with respect to qualifying employer securities (as defined in section 407(d)(5)) included in an employee stock ownership plan (as defined in section 407(d)(6)), after "subparagraph (B),".

SA 468. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . . . REPEAL OF CERTAIN LIMITATIONS ON HEALTH CARE BENEFITS.

(a) REPEAL OF DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.—Section 9003 of the Patient Protection and Affordable Care Act (Public Law 111-148) and the amendments made by such section are repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) REPEAL OF LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.—Sections 9005 and 10902 of the Patient Protection and Affordable Care Act (Public Law 111-148) and section 1403 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152) and the amendments made by such sections are repealed.

SA 469. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, strike lines 9 through 13 and insert the following:

"(ii) reduce the dependence of the United States on foreign oil;

"(iii) encourage efficient coordination and leveraging of public and private investments; and

"(iv) encourage development of manufacturing capability within the region."; and

SA 470. Mr. BROWN of Ohio (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. BUSINESS INCUBATORS.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 is amended by inserting after section 207 (42 U.S.C. 3147) the following:

"SEC. 208. BUSINESS INCUBATORS.

"(a) DEFINITION OF BUSINESS INCUBATOR.—

"(1) IN GENERAL.—In this section, the term 'business incubator' means an organization