

solve this issue. It is now clear, however, that this bill will not move in its current form. As I mentioned to the majority leader, the consensus regarding S. 758 between industry, the plaintiffs, and other concerned parties, and among industry itself, appears to have deteriorated substantially since S. 758 was introduced.

It is also clear that there is virtually no time in the Senate to consider this bill this year. The Senate has a target adjournment date of October 6 this year. Before adjourning, the Senate will work to repeal the Social Security earnings limit, repeal the marriage tax penalty, pass agriculture sanctions reform to open markets for American farmers and ranchers, timely pass the budget and 13 separate appropriations bills, reauthorize the Elementary and Secondary Education Act, give final approval to legislation to combat the methamphetamine crisis, and adopt legislation to protect Social Security. These issues will take up my time this year. And these issues are just a partial list of the ambitious agenda for the year.

In light of this situation, and the fact that the House appears to be taking a different approach entirely, I appreciate the majority leader's candid assessment of the legislative prospects for this bill. Because it serves no purpose to represent that S. 758 will pass or be acted upon this year or in the future, I appreciate the remarks of the majority leader.

TRIBUTE TO COLONEL TYLER H. FLETCHER

Mr. LOTT. Mr. President, today I rise to pay tribute to an extraordinary citizen and public servant who has dedicated his life to the noble endeavor of law enforcement and the edification of those committed to this distinguished profession. Tyler H. Fletcher of Hattiesburg, Mississippi, exemplifies the qualities of honor, courage, dedication, and service that reflect the outstanding character of this former colonel in the United States Army Military Police. With the retirement of Colonel Fletcher on Friday, April 7, 2000, I express my highest gratitude to him for over 50 years of service and leadership to the United States of America.

As an officer in the United States Army Military Police, Colonel Fletcher was recognized with the Police Medal of Honor from the Republic of South Vietnam, three Legion of Merit awards, the Bronze Star, an Army Commendation, and four Meritorious Unit Citations. After retirement from the Military Police in 1971, Colonel Fletcher continued his exemplary service as associate professor and chairman of the department of criminal justice at the University of Southern Mississippi, garnering the distinction of Who's Who in American Law Enforcement in 1978 and the Excellence in Teaching Award in 1980.

Colonel Fletcher's extraordinary accomplishments in the professional

arena are matched only by his dedication to the service of his fellow Americans. He has greatly contributed to the field of law enforcement by authoring numerous books and articles on the subjects of correctional administration, juvenile justice, and community policing. He is a pioneer in his research into areas of police education, crimes against the elderly, and victims of crime in Mississippi. He is a leader in his field as an active contributor to the National Society of Police and Criminal Psychology, the Mississippi Association of chiefs of Police, the International Association of Chiefs of Police, the National Council on Crime and Delinquency, the Disabled Americans Veterans, and the Mississippi Corrections Officers Association.

Mr. President, the distinguished career of Colonel Tyler H. Fletcher associates him with the best of the best in the United States, surpassing the accolades of personal accomplishments and awards only with the gift of inspiration to future leaders and former colleagues. Colonel Fletcher is a great American, and his service to his country, his profession, and his fellow man serves as the benchmark by which we all should hope to achieve.

JOSEPH ILETO POST OFFICE

Mrs. FEINSTEIN. Mr. President, I am very pleased that yesterday the Senate unanimously passed a bill I introduced to name a United States Post Office after Joseph Santos Iletto. He was the U.S. Postal Service employee of Filipino descent who was brutally gunned down last August by the same man who opened fire on the North Valley Jewish Community Center. This bill designates the new post office located at 14071 Peyton Drive in Chino Hills, California as the "Joseph Iletto Post Office."

Joseph Iletto's death on the job exemplifies the ultimate sacrifice of public service. He served our nation with honor and will be remembered by his family, friends, and community as a kind-hearted man who touched many lives. Despite the tragedy of his death, we can take comfort in knowing that Joseph's life will continue to touch others.

By passing this bill, Congress recognizes the urgent need to address and condemn hate crimes and racism. Dedication of the newly constructed post office in Joseph's hometown is the very least we can do to honor a man who gave his life to his country. The companion legislation, sponsored by Congressman GARY MILLER, has already passed. It is my hope that the bill will be signed into law expeditiously.

THE FLAG DESECRATION ACT

Mr. FRIST. Mr. President, in less than a month's time, we will celebrate the first Memorial Day of the second millennium, our first opportunity in this new century to honor and salute

the men and women who, through the decades, have sacrificed so gallantly to keep us free. It will be our first opportunity to thank them publicly for the sacrifice they made, the pain they suffered, and the trauma they endured to ensure that the flame of freedom would never be extinguished.

Each and every one of those patriots, Mr. President, those who died, those who returned, and those we are blessed to still have with us, shouldered squarely the highest responsibility of citizenship; remained dedicated to the survival of our Nation; were willing to pay the highest price to preserve peace and freedom. And they risked it all under the one symbol that summed up their strength and sharpened their courage—our bright banner of red, white, and blue.

We are a Nation of images and symbols, but that's not a 21st century phenomenon. It has always been so. Throughout our history, we have been captivated by scenes that seem to capture all the emotion of a particular event—George Washington's winter encampment at Valley Forge, Robert E. Lee's last ride to Appomattox along a path lined by ranks of Union troops standing at attention, JFK's funeral cortege making its way to Arlington across the Memorial Bridge.

But the most poignant image of all—the one that will live forever in the hearts and minds of all Americans—is the image of a handful of Marines braced against a whipping Pacific wind, raising the American flag over Iwo Jima.

That symbol of freedom that flies over the dome of the building in which we now stand, that adorns the flagpoles of our schools and communities, that graces the windows and doorways of our homes, that is draped in silent tribute over the coffins of our dead—that symbol deserves our protection.

It should not, under any—any—circumstances be desecrated. And that is why I support an amendment to the U.S. Constitution to ensure that this is so.

The Constitutional Amendment proposed by this resolution is surprisingly simple—astoundingly simple when compared to anything that emanates from Washington these days. It does not dictate a particular course of action to the states. It does not threaten the separation of powers. It does not set a complex set of rules and regulations that require a team of lawyers to interpret. It does not change the integrity of the Constitution. And it does not cost the taxpayers one cent. The entire amendment is contained in a single sentence: "The Congress and the States shall have power to prohibit the physical desecration of the flag of the United States."

To those who maintain that this amendment would be a violation of First, I quote perhaps the greatest proponent of First Amendment freedoms, Supreme Court Justice Hugo Black, who stated, "It passes my belief that

anything in the Federal Constitution bars making the deliberate burning of the American flag an offense." Let me repeat: "It passes my belief that anything in the Federal Constitution bars making the deliberate burning of the American flag an offense."

Let us not let one more Memorial Day pass without clarifying and codifying that protection. Let us not let one more soldier, sailor, airman or marine nobly and unselfishly risk his life without honoring him and the ideals for which he is willing to die, without protecting the most sacred and visible symbol of his freedom.

Let us not let one more minute pass, without enacting into law, and sending to the states, this amendment to protect the flag under which so many—so many—were willing to, as one soldier-poet put it, "taste death in youth so that Liberty might grow old."

Mr. CHAFEE. Mr. President, last week the Senate engaged in an emotionally charged debate about one of our nation's most precious and beloved symbols, the flag. American history is rich with examples of the significance of our flag. Francis Scott Key's lyrics equate our "star spangled banner" with the essence of our national identity, "the land of the free and the home of the brave." Betsy Ross is known to school children from the Aleutian Islands to the Florida Keys as the woman who painstakingly sewed our first flag. Many Senators referred to the raising of the flag by a handful of beleaguered, yet still brave, Marines on Iwo Jima. And who among us will ever forget the sight of Neil Armstrong planting the flag on the moon as he took that giant step for mankind. During the Judiciary Committee's hearings on S.J. Res. 14, the proposed Constitutional Amendment to protect the flag, Senator McCain told of a fearless POW who fashioned a flag from scraps of material. Each night under threat of torture, an extraordinary group of prisoners displayed the makeshift flag and renewed their commitment to democracy and their courage to withstand a barbarous imprisonment.

As children, we started each day with our hands respectfully pressed to our hearts as we recited the pledge of allegiance. As Senators, we start the day in much the same manner, renewing our respect for this visible symbol of democracy.

Unlike Senator McCain and Senator Bob Kerry, some of us have not served our country in the military. Our national pride, our fundamental courage, our commitment to country has not been tested on the battlefield, but just a few months ago, I stood in the well of this Chamber and, as my wife held the Bible on which my left hand rested, I swore to uphold the Constitution. The Constitution is the document that provides each citizen with broad 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 speak and publish without fear of censorship. We are free to worship without interference; free from unlawful search and seizure; and free to choose our leaders. 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. This Resolution would not have expanded our rights. This Amendment, instead, would limit individual freedom.

As I think about this effort to amend the Constitution, I cannot help but conclude that in a free society, respect cannot be mandated. It springs from the heart. Furthermore, it seems ironic that the Senate would endeavor to protect this symbol of freedom by acting to limit the very freedom it represents.

I am gratified to know that Senator Bob Kerrey, the only Member of the Senate who holds the Congressional Medal of Honor, and General Colin Powell, a living symbol of patriotism, also oppose this Resolution.

My heartfelt belief that this is the wrong approach was shaped by a man whose life was spent in a passionate struggle to protect and conserve the Constitution in the face of menacing threats. The early Twentieth Century was marked by World War I and by the Bolshevik Revolution, a time in world history during which the "Red Scare" was very real. Zechariah Chafee, a young Harvard Law professor and civil libertarian, wrote eloquently about "Freedom of Speech in Wartime." Zechariah Chafee argued that even during wartime the freedom of speech guaranteed by the First Amendment must be upheld. He wrote, "[A] provision like the First Amendment to the federal Constitution is much more than an order to Congress not to cross the boundary which makes the extreme limits of lawful suppression. It is also an exhortation and a guide for the action of Congress inside that boundary. It is a declaration of a national policy in favor of the public discussion of all public questions." My great uncle had the courage to stand up for our Constitutional rights during a time of extremely high emotions in our national history. I am inspired by his example to defend that which separates this nation from all others—our freedoms.

NATIONAL ESTUARY CONSERVATION ACT

Mr. TORRICELLI. Mr. President, today, I rise to commend the Senate for passing, last Thursday, S. 835, the Estuary Habitat Restoration Partnership Act. Section 12 of this legislation is taken from legislation that I introduced, S. 878, with Senators Boxer, Gregg, Mack, Graham, Kennedy, Lieberman, Moynihan, Reed, Feinstein, Kerry, Murray, and Sarbanes.

Today our nationally significant estuaries are threatened by pollution, development, or overuse. With 45 percent of the Nation's population residing in estuarine areas, there is a compelling need for us to promote comprehensive planning and management efforts to restore and protect them.

Estuaries are significant habitat for fish, birds, and other wildlife because they provide safe spawning grounds and nurseries. Seventy-five percent of the U.S. commercial fish catch depends on estuaries during some stage of their life. Commercial and recreational fisheries contribute \$11 billion to the nation's economy and support 1.5 million jobs. Estuaries are also important to our nation's tourist economy for boating and outdoor recreation. Coastal tourism in just four states—New Jersey, Florida, Texas, and California—totals \$75 billion.

Due to their popularity, the overall capacity of our nation's estuaries to function as healthy productive ecosystems is declining. This is a result of the cumulative effects of increasing development and fast growing year round populations which increase dramatically in the summer. Nowhere is this more pronounced than New Jersey. At Barnegat Bay, the population doubles in the summer months.

Land development, and associated activities that come with people's desire to live and play near these beautiful resources, cause runoff and storm water discharges that contribute to siltation, increased nutrients, and other contamination. Bacterial contamination closes many popular beaches and shellfish harvesting areas in estuaries. Also, several estuaries are afflicted by problems that still require significant research. Examples include the outbreaks of the toxic microbe, *Pfiesteria piscicida*, in rivers draining to estuaries in Maryland and Virginia.

Congress recognized the importance of preserving and enhancing coastal environments with the establishment of the National Estuary Program in the Clean Water Act Amendments of 1987. The Program's purpose is to facilitate state and local governments preparation of comprehensive conservation and management plans for threatened estuaries of national significance. In support of this effort, Section 320 of the Clean Water Act authorized the EPA to make grants to states to develop environmental management plans. To date, 28 estuaries across the country have been designated. However, the law fails to provide assistance once plans are complete and ready for implementation. Already, 22 of the 28 plans are finished.

As the majority of plans are now in the implementation stage, it is incumbent upon us to maintain the partnership the Federal government initiated ten years ago to insure that our nationally significant estuaries are protected. S. 835 will take the next step by including language from S. 878 that will give EPA the authority to make