

strive to make sure that our constituents have access to the ballot box and are able to have their voices heard. This is of course just one reform we must make to ensure that our citizens' voting rights are protected. In the coming weeks, I intend to reintroduce legislation to restore the full protections of the Voting Rights Act. It has now been almost 4 years since the Supreme Court's devastating decision in *Shelby County v. Holder*, and we have seen the effect of that disastrous ruling as States have attempted to enact discriminatory voter ID laws and other measures intended to prevent minority voters from going to the polls. That is disgraceful, and we must do better. Congress must act to ensure that millions of Americans are not disenfranchised.

The right to vote should not be a partisan issue. It is a right that forms the basis of our democracy, and it is incumbent on all Americans, Democratic and Republican, to ensure that no American's right to vote is infringed. Modernizing our voter registration system is one significant step forward.

By Mr. DAINES (for himself, Mr. GRAHAM, Mr. CORNYN, Mr. HELLER, Mr. HATCH, Mr. CRAPO, Mr. GRASSLEY, Mr. ISAKSON, and Mr. RUBIO):

S.J. Res. 46. A joint resolution 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; to the Committee on the Judiciary.

Mr. DAINES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

Mr. DAINES. Mr. President, today, June 14, 2017 marks the 240th observance of "Flag Day," a day which commemorates the adoption of the flag of the United States by a resolution of the Second Continental Congress in 1777. Deeply symbolic, our flag honors the sovereignty of each of our Nation's 50 States and the great sacrifices many Americans have made to uphold its bedrock principles of freedom and liberty. The Department of Veterans Affairs estimates that over one million military service members have given their lives in the line of duty under our flag. Title 4 of United States Code, "The Flag Code" sets specific requirements for the handling and display of the flag, as a sign of respect to the symbol of our Nation.

In 1989, with a disappointing 5-4 vote, the U.S. Supreme Court held in *Texas v. Johnson* that the desecration of the United States flag was a form of free speech under the First Amendment to the Constitution. Here, Chief Justice Rehnquist rightly observed in his dissent that "the flag is not simply another 'idea' or 'point of view' competing for recognition in the market-

place of ideas." Justice Kennedy, in his majority concurrence, recognized that many would be dismayed by the court's decision, and himself called the result distasteful. Yet, he explained that the court was bound to its decision according to the provisions of the Constitution. The Supreme Court reaffirmed this decision in *United States v. Eichman* in 1990. It ruled, again by 5-4 vote, that as Constitutional free speech, desecration of the flag cannot be prohibited by Federal or State statute. At the time of the Supreme Court's ruling, 48 of the 50 States had enacted statutes prohibiting desecration of the United States Flag.

My resolution proposes an amendment to the Constitution, establishing Congressional authority to prohibit the desecration of the flag of the United States. This resolution initiates the process to amend the Constitution, which must be agreed to by two-thirds of both houses of Congress, and ratified by three-fourths of the States. A high bar to meet, similar legislation passed the House of Representatives in 2006, and fell short of passage in the Senate by only one vote.

My resolution provides Congress with the authority that the Supreme Court decided it lacked in *Texas v. Johnson* and *United States v. Eichman*. This should remove any doubt in the mind of the Supreme Court on the Constitutionality of acts of flag desecration. A matter which has been long settled in the Court of public opinion.

S.J. RES. 46

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), 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 7 years after the date of its submission by the Congress:*

"ARTICLE—

"The Congress shall have power to prohibit the physical desecration of the flag of the United States."

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 235. Mr. COTTON submitted an amendment intended to be proposed by him to the bill S. 722, to impose sanctions with respect to Iran in relation to Iran's ballistic missile program, support for acts of international terrorism, and violations of human rights, and for other purposes; which was ordered to lie on the table.

SA 236. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 237. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 238. Mr. RUBIO (for himself, Mr. PORTMAN, Mrs. FISCHER, Mr. MARKEY, Mr. GRAHAM, Mr. NELSON, Mr. YOUNG, Mr. WICKER, Mr. COONS, Mr. BLUMENTHAL, Mrs. CAPIRO, Mr. MORAN, and Mr. HELLER) submitted an amendment intended to be pro-

posed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 239. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 240. Mr. GRAHAM (for himself, Mr. BROWN, Mr. MCCAIN, Mr. BLUMENTHAL, Mr. RUBIO, Mr. REED, Mr. TILLIS, Ms. BALDWIN, Mr. CASEY, Mr. INHOFE, Mr. COONS, Mr. PORTMAN, Mr. CORKER, Mr. WHITEHOUSE, Mr. COCHRAN, Mr. BENNET, Mr. YOUNG, Mr. FRANKEN, Mr. WICKER, Mrs. SHAHEEN, Mr. BARRASSO, Ms. KLOBUCHAR, Mr. WARNER, Mrs. GILLIBRAND, Mr. KAINE, Mr. MURPHY, Mr. MARKEY, Ms. WARREN, Mr. CARPER, Mr. BLUNT, Mr. SULLIVAN, and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 722, supra.

SA 241. Mr. CARDIN (for himself, Mr. PORTMAN, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 242. Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 722, supra; which was ordered to lie on the table.

SA 243. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 244. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 245. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 246. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 247. Mr. GARDNER (for himself, Mr. COONS, and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 248. Mr. PERDUE (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 249. Mr. GARDNER submitted an amendment intended to be proposed to amendment SA 232 proposed by Mr. MCCONNELL (for Mr. CRAPO (for himself, Mr. BROWN, Mr. CORKER, and Mr. CARDIN) to the bill S. 722, supra; which was ordered to lie on the table.

SA 250. Mr. GARDNER (for himself, Mr. SHELBY, Mr. STRANGE, Mr. NELSON, Mr. WARNER, Mr. BENNET, and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill S. 722, supra.

SA 251. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 252. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 232 proposed by Mr. MCCONNELL (for Mr. CRAPO (for himself, Mr. BROWN, Mr. CORKER, and Mr. CARDIN) to the bill S. 722, supra; which was ordered to lie on the table.

SA 253. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

SA 254. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 722, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

SA 235. Mr. COTTON submitted an amendment intended to be proposed by