

This amendment restores balanced protection to the flag by allowing Congress to prohibit only the physical desecration of the flag, while retaining the full existing freedoms for oral and written speech.

Thus, a would-be flag burner would still be able to convey his particular message by speaking at a rally, writing to a newspaper, and voting at the ballot box. He would not, however, be able to burn a flag or to stuff a flag into a toilet, as has been done since the Johnson and Eichman decisions.

Nearly 80 percent of the American people and 49 state legislatures support the constitutional amendment to restore balanced protection to the American flag. By sending this amendment to the States for ratification, Congress would help restore traditional balanced protection for the flag while protecting the robust freedom of expression that Americans enjoyed when the Marines raised the flag over Iwo Jima and when Congress created Flag Day.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during consideration of S. 1186, the fiscal year 2000 energy and water development appropriations bill, Bob Perret, a fellow in my office, and Sue Fry, a detailee from the U.S. Army Corps of Engineers serving with the Energy and Water Development Subcommittee, be provided floor privileges.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2000

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1186, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1186) making appropriations for energy and water development for the fiscal year ending September 30, 2000, and for other purposes.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, I ask unanimous consent that all first-degree amendments in order to S. 1186 must be filed at the desk by 5 this evening.

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

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator is recognized.

Mr. DOMENICI. Mr. President, I have a parliamentary inquiry: What is the subject matter before the Senate?

The PRESIDING OFFICER. The Senate is considering S. 1186.

Mr. DOMENICI. That is the energy and water appropriations bill.

Mr. President, I understand—is this correct—Senator REID has procured a unanimous consent agreement that all amendments will be filed to this bill by 5 this afternoon?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I thank the Chair.

Let me thank Senator REID very much for doing that. We have all been working to try to make sure that as this week fills up with other kinds of votes, on everything from Y2K to the lockbox and other things, we be given ample opportunity to get this bill passed.

We worked very hard under the leadership and direction of our chairman, Senator TED STEVENS, chairman of the full committee, to get this bill ready and to get it out here as soon as possible. This will be the second full Appropriations Committee bill that will be before the Senate. If it passes in the next few days, we will be on some kind of a record in terms of our ability to get a large number of the appropriation bills done in a very timely manner.

For that, I am grateful to the chairman and ranking member of the full committee for the amount of resources that were given to this committee. I will begin with an explanation of how we tried to respond to the allocation of resources.

First of all, this is an interesting bill, interesting in the sense that it is not very rational in that you have two things mixed that are about as far apart in the spectrum of prioritizing and need as you could get. All of the nuclear weapons research and development for all of our bombs and all of our safeguards and all of our great research is in this bill. That has been and is still defense work. It is work for the defense of our country. We get money for this because it is a defense function. When we had the walls up wherein you could not spend defense money for anything else, the money that came into this bill

for that purpose came right out of the defense total.

There is another piece of this bill that has to do with water and water resources, not as they relate to anything nuclear, just water and water resources, various inland waterways, various dams, various dikes, Corps of Engineers, Bureau of Reclamation, those kinds of activities, and a myriad of flood protection projects, because the Federal Government, over time, has been a major player with the States in a matching program with reference to flood protection.

Then sitting kind of in the middle but aligned with those water projects are things that the Department of Energy does that are not defense oriented. We call those the nondefense energy projects, research of various types that is not necessarily or even required to be related to the defense activities I have just described.

So in a very real sense, it is kind of comprehensive and a mix of various funding requirements of our country that do not mesh.

We started from the beginning saying there are certain resources that come to this committee from the full Appropriations Committee that are clearly for the purposes of the defense of our Nation. We have taken those resources and said that all of the resources we are getting from the Appropriations Committee which have historically been for defense will be used for defense only. To the best of our ability, we have not used any defense money; that is, defense nuclear money, and defense having safe weapons, the nuclear stockpile, the stewardship stockpile—we have used defense money for that—we have not in any case taken some of that money or any of that money and used it for water projects or used it for nondefense Department of Energy work.

I would like to keep it that way. I have no power of the Budget Committee or points of order to keep it that way, because we, in compromising, when we put the 5-year Balanced Budget Act together, bipartisan, and executive branch with the President, had walls between defense and nondefense for 3 years, and then it was discretionary for the last 2. We are in the last 2 now.

I have, nonetheless, with the assistance of my ranking member, kept defense money for defense programs and not put it into nondefense domestic energy programs or in water projects.

On nondefense energy projects—I will just mention one—there is an amendment pending to do more with solar and renewable energy. That is not a defense activity. We have done the best we could, but we have not used any defense money for that. I hope when we see the amendment, since one is going to be forthcoming, that they followed that pattern and have not taken it out of the defense activities, because with what we know about the world, with what we know about Russia and the