

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

or entity established to foster the start-up of businesses or accelerate the growth of fledgling companies by providing entrepreneurs with resources and services to produce viable businesses that can help create jobs and restore vitality to distressed areas.

“(2) EXCLUSION.—The term ‘business incubator’ does not include an organization or entity that is organized primarily as a for-profit venture.

“(b) DEVELOPMENT OF PLANS FOR CREATION OR EXPANSION OF BUSINESS INCUBATORS.—On receipt of an application from an eligible recipient (as determined by the Secretary in accordance with subsection (d)), the Secretary may provide grants to an eligible recipient for—

“(1) the development of feasibility studies and plans for the creation of new, or expansion of existing, business incubators;

“(2) the implementation of those studies and plans by supporting the creation of new, or expansion of existing, business incubators and related programmatic and technical assistance, which may include—

“(A) making investments in an early-stage business;

“(B) providing training, counseling, and other assistance to an early-stage business to support the development of the business;

“(C) carrying out due diligence activities to analyze and assess the desirability, value, and potential of an opportunity to provide assistance; or

“(D) meeting operational expenses of the business incubator; and

“(3) the temporary support of operations of business incubators, to the extent that the Secretary determines that the support is essential to assist a business incubator in becoming self-sustainable.

“(c) LIMITATION ON AMOUNT OF GRANTS.—The amount of a grant provided to an eligible recipient under this section may not exceed—

“(1) \$750,000, if the grant is to be used for feasibility studies and plans; or

“(2) \$3,000,000, if the grant is to be used for implementation of those studies and plans.

“(d) PROCEDURE FOR PROVIDING GRANTS.—

“(1) COMPETITIVE PROCESS REQUIRED.—The Secretary shall provide each grant under this section to an eligible recipient selected pursuant to a competitive process.

“(2) SELECTION CRITERIA.—The Secretary shall publish the criteria to be used in any competition under this paragraph for the selection of eligible recipients of grants under this section, including requirements relating to—

“(A) the projected number of jobs required to be created at a new or expanded business incubator for each of the first 6 years after the date of receipt of the grant;

“(B) the funding to be required to create or expand a business incubator during the first 5 years after the date of receipt of the grant;

“(C) the types of businesses and research entities expected in the business incubator and surrounding community;

“(D) letters of intent or support by businesses and research entities to establish a location in the business incubator;

“(E) the capability to attract a well-trained workforce to the business incubator;

“(F) the management of the business incubator; and

“(G) such other factors as the Secretary determines to be appropriate.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2012 and each fiscal year thereafter.

“(2) AVAILABILITY.—Amounts made available pursuant to paragraph (1) shall remain available until expended.”

(b) TECHNICAL AMENDMENT.—The table of contents of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended by adding after section 207 the following:

“Sec. 208. Business incubators.”

**SA 471.** Mr. NELSON of Florida 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 5, after line 24, insert the following:

**SEC. \_\_\_\_ GRANTS FOR PUBLIC WORKS, ECONOMIC DEVELOPMENT, AND ECONOMIC ADJUSTMENT.**

Section 201(b)(1)(B) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(b)(1)(B)) is amended by inserting “high-technology” before “employment”.

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

(3) in paragraph (4), by striking “or” after the semicolon at the end; and

(4) by striking paragraph (5) and inserting the following:

“(5) the loss of information technology, aerospace, manufacturing, natural resource-based, agricultural, or service sector jobs, for reinvesting in and diversifying the economies of the communities; or

“(6) termination of a major civilian Federal program with commercial and industrial applications, for help in reinvesting and diversifying the economies of the communities and retaining the workforce necessary for technology-focused jobs.”

On page 19, after the matter following line 2 and before line 3, insert the following:

**SEC. \_\_\_\_ ELIGIBILITY OF AREAS.**

Section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)) is amended by adding at the end the following:

“(4) CAPITAL INFRASTRUCTURE AND SKILLED WORKFORCE; CAPACITY TO USE ASSISTANCE.—The area has—

“(A) a well-developed capital infrastructure and a skilled workforce; and

“(B) the capacity to effectively use Federal assistance to increase employment in a technology-focused or manufacturing sector.”

On page 20, between lines 2 and 3, insert the following:

**SEC. \_\_\_\_ ECONOMIC DEVELOPMENT STRATEGIES OF ECONOMIC DEVELOPMENT DISTRICTS.**

Section 401(a)(3) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171(a)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B) (as redesignated by paragraph (1)) the following:

“(A) contains a specific plan to increase employment in manufacturing or a field with commercial, industrial, and military applications;”

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 14, 2011, at 10 a.m.

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

**COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 14, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

**COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 14, 2011, at 10 a.m. in room 366 of the Dirksen Senate Office Building.

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

**SELECT COMMITTEE ON INTELLIGENCE**

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 14, 2011, at 2:30 p.m.

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

**SUBCOMMITTEE ON AIRLAND**

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on June 14, 2011, at 9 a.m.

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

**SUBCOMMITTEE ON PERSONNEL**

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on June 14, 2011, at 5 p.m.

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

**SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT**

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on June 14, 2011, at 3:30 p.m.

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

**SUBCOMMITTEE ON SEAPOWER**

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on June 14, 2011, at 2 p.m.

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

**SUBCOMMITTEE ON STRATEGIC FORCES**

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on June 14, 2011, at 10:30 a.m.