

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 4, CONSTITUTIONAL AMENDMENT AUTHORIZING THE CONGRESS TO PROHIBIT THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

---

JUNE 2, 2003.—Referred to the House Calendar and ordered to be printed

---

Mr. LINDER, from the Committee on Rules,  
submitted the following

R E P O R T

[To accompany H. Res. 255]

The Committee on Rules, having had under consideration House Resolution 255, by a record vote of 5 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of House Joint Resolution 4, a Constitutional Amendment Authorizing the Congress to Prohibit the Physical Desecration of the Flag of the United States, under a modified closed rule. The rule provides two hours of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the joint resolution.

The rule makes in order an amendment in the nature of a substitute, if offered by Representative Conyers or his designee, which shall be separately debatable for one hour equally divided between the proponent and an opponent. Finally, the rule provides one motion to recommit with or without instructions.

The waiver of all points of order against consideration of the bill in the rule includes a waiver of clause 4(a) of rule XIII (requiring a three-day layover of the committee report), which is necessary because the committee report (H. Rept. 108-131) was not filed until Monday, June 2, 2003, and the bill may be considered by the House as early as Tuesday, June 3, 2003.

## COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

*Rules Committee Record Vote No. 97*

Date: June 2, 2003.

Measure: H.J. Res. 4—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.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and grant the appropriate waivers for the amendment offered by Representative Cooper, which imposes fines and prison time for burning or desecrating a U.S. flag in any way that is intended to incite violence or cause a breach of peace.

Results: Defeated 4–5.

Vote by Members: Goss—Nay; Linder—Nay; Diaz-Balart—Nay; Hastings (WA)—Nay; Frost—Yea; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

*Rules Committee Record Vote No. 98*

Date: June 2, 2003.

Measure: H.J. Res. 4—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.

Motion by: Mr. Goss.

Summary of motion: To report the rule.

Results: Agreed to 5–4.

Vote by Members: Goss—Yea; Linder—Yea; Diaz-Balart—Yea; Hastings (WA)—Yea; Frost—Nay; Slaughter—Nay; McGovern—Nay; Hastings (FL)—Nay; Dreier—Yea.