

PROVIDING FOR CONSIDERATION OF H.J. RES. 10, 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

JUNE 20, 2005.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 330]

The Committee on Rules, having had under consideration House Resolution 330, by a nonrecord vote, 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 10, 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, under a structured 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 the amendment in the nature of a substitute printed in this report, if offered by Representative Watt or his designee, which shall be separately debatable for one hour equally divided between the proponent and an opponent. The rule waives all points of order against the amendment printed in this report. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to a time designated by the Speaker. Finally, the rule provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The Committee on Rules is not aware of any points of order against consideration of the bill. The waivers of all points of order are prophylactic in nature.

SUMMARY OF AMENDMENT IN THE NATURE OF A SUBSTITUTE MADE IN
ORDER

(Summary derived from information provided by the amendment sponsor.)

Watt: Amendment in the Nature of a Substitute. Requires that any statute enacted by the Congress pursuant to the proposed Constitutional Amendment must be consistent with the First Amendment to the U.S. Constitution.

TEXT OF THE AMENDMENT IN THE NATURE OF A
SUBSTITUTE

Strike all after the resolving clause and insert the following:

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 seven years after the date of its submission for ratification:

“ARTICLE —

“Not inconsistent with the first article of amendment to this Constitution, the Congress shall have power to prohibit the physical desecration of the flag of the United States.”.