

have created a statutory prohibition against desecration of our flag. This part of his amendment was drafted to follow the guidance of the 2003 Supreme Court decision in *Virginia v. Black*, which upheld a Virginia law banning cross burning that is intended to intimidate. The Durbin amendment took a similar approach and prohibited desecration of the flag when it is intended to incite violence. The Durbin amendment also would have promoted respect for families of deceased members of the Armed Forces by prohibiting demonstrations at their funerals. The amendment was narrowly tailored to make these disrespectful demonstrations punishable.

In sum, debating a constitutional amendment on desecration of the flag, although politically popular, is not how the Senate should be spending its few remaining legislative weeks. But this is a campaign year, and the majority appears to want the Senate to spend time on topics which defer and deflect us from concentrating finding solutions to pressing issues facing our Nation: restoring fiscal discipline, creating safe and affordable housing for working families, securing our borders, expanding health insurance coverage to the uninsured, ensuring students have the skills and tools to compete in an ever-expanding global economy, and re-deploying our troops as quickly as possible out of Iraq. Unfortunately, the majority has provided limited time to debate most of these issues.

I hope that with the rapidly dwindling number of days left in this session we will work to address the very real concerns that impact American families every day. I fear, however, that this debate is only a harbinger of what is to come and very clearly signals why we need a new direction.

Mr. DORGAN. Mr. President, 17 years ago the U.S. Supreme Court, in a 5-to-4 decision, struck down a Texas flag protection statute. The Supreme Court ruled that burning an American flag was a form of "speech," and therefore protected under the first amendment of the Constitution.

I disagreed with the Court's decision then and I still do. I don't believe that the act of desecrating a flag is an act of speech. And I believe that our flag, as our national symbol, can and should be protected by law.

In the intervening years since the Supreme Court decision, I have supported Federal legislation that would make flag desecration illegal. Yet on several occasions, I have also voted against amendments to the Constitution to do the same.

I voted that way because, while I believe that flag desecration is despicable conduct that should be prohibited by law, I also believe that amending our Constitution is a step that should be taken only rarely, and then only as a last resort.

In the past year I have once again reviewed in detail nearly all of the legal opinions and written materials pub-

lished by constitutional scholars and courts on all sides of this issue.

After that review, I have concluded that there remains a way to protect our flag without having to alter the Constitution of the United States. That is why I have cosponsored S. 1370, a bipartisan piece of legislation introduced by Senator BENNETT of Utah.

S. 1370 protects the flag by criminalizing flag desecration when its intended purpose is to incite violence. This is the same standard which makes it illegal to falsely cry "fire" in a crowded theater. Reckless speech that is likely to cause violence is not protected under the "fighting words" standard, long recognized by the Supreme Court of the United States. The Congressional Research Service believes that this type of statute will be upheld by the U.S. Supreme Court.

Last night, I voted for an amendment offered by Senator DURBIN, which incorporates many of the provisions of S. 1370, the bipartisan bill of which I am a cosponsor. The Durbin amendment would also prohibit the disruption of military funerals by demonstrators. This amendment would protect the flag, but do so without altering the Constitution.

I know that supporters of a constitutional amendment will be disappointed by my decision to support this statutory remedy to protect the flag, rather than support an amendment to the U.S. Constitution. I know they are impatient to correct a decision by the Supreme Court that they and I believe was wrong.

I have wrestled with this issue for a long time, and I respect those who passionately believe that we must amend the Constitution to protect the flag.

More than 11,000 constitutional amendments have been proposed since our Constitution was ratified. However, since the ratification of the Bill of Rights in 1791, only 17 amendments have been enacted.

Protecting the American flag can be accomplished without amending the Constitution, and that is a critically important point. I believe that future generations, and our founding fathers, would agree that it is worthwhile for us to find a way to protect our flag without altering the Constitution.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On June 10, 2006, Queens, NY, three gay men were out walking when a group of eight men began shouting

antigay slurs at them. The group then surrounded and attacked them, striking one victim in the head with a baseball bat.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### HEALTHY FAMILIES ACT

Mr. KERRY. Mr. President, today I am proud to cosponsor the Healthy Families Act, S. 932 and S. 1085, introduced by my friend, Senator TED KENNEDY. This legislation will provide full-time employees with up to 7 paid sick days a year so that they can take care of their own medical needs or the medical needs of family members. Part-time employees would receive a prorata amount of paid sick leave. All employers—public and private—with at least 15 employees would be covered by the Healthy Families Act.

Today, 86 million workers in the United States do not have paid sick days. Thus, when faced with either a personal or family medical issue, they are forced to choose between caring for themselves or their loved ones and going to work to keep food on the table and a paycheck in the mail. This is not acceptable. People get sick every day. They should have the right to get medical treatment without jeopardizing their jobs or harming the people around them. The Healthy Families Act would guarantee them that right.

According to Harvard University's Global Working Families Project, 139 nations provide some sort of paid sick days; 177 of those nations guarantee at least a week of annual sick pay. The United States, however, has no such guarantee—the Federal Family and Medical Leave Act provides only unpaid sick leave for serious personal or family illnesses. This lack of paid sick leave puts our Nation's workforce, both present and future, at risk.

As ranking member of the Committee on Small Business and Entrepreneurship, I am extremely conscious of the regulatory burden that our businesses face particularly our small businesses. I believe that government should avoid weighing down small businesses with unnecessary regulations. However, the more I have examined this issue, the more obvious it becomes that this legislation benefits both employees and employers.

It does not take a rocket scientist to figure out that healthy employees are the key to a productive and vibrant economy. Healthy employees are more productive and often more efficient. But, without paid sick days, many employees will go to work rather than take time off to get regular preventative medical checkups or to recover from an attacking illness or to care for

a sick child. Thus, they will get sick more often, and their illnesses will spread. Employees who opt to come to work when sick can make their condition worse or even spread their illness to coworkers. For a business, it is far more costly to cope with a depleted staff or to search for a replacement when an employee is suffering from an extended illness than it is to provide just 7 sick days. Providing employees with a small number of paid sick days is a simple and commonsense fix that will save businesses time and money.

In addition, I have heard—my staff has reported—that small businesses often complain that they want to offer this benefit, but are unable to and need a level playing field. This legislation would offer them just that.

Mr. President, I hope that my colleagues will take a look at the Healthy Families Act and will join me in co-sponsoring it.

#### SERVICE MARKED BY INTEGRITY, COMPASSION AND DEDICATION

Mr. CRAPO. Mr. President, Ronald Reagan once said "I know in my heart that man is good. That what is right will always eventually triumph. And there's purpose and worth to each and every life." How appropriate that these words reflect the heart and persona of someone who used to work for the Reagans in the White House and who, for the past 2 years, has worked faithfully and tirelessly as my executive assistant.

Mary Klappa met the challenge of the job with excitement and expertise. She brought professionalism and trust to her position. We all depend on our executive assistant to make certain we get where we need to be on time and well prepared, a duty in which she excelled.

Effectively managing a Senator's time is not easy. Frankly, I am glad I don't have to do it. It requires a careful sense of timing and intuition and exacting attention to detail. It also requires someone who, regardless of the demands on their time, is pleasant and helpful to all who call or walk in, regardless of their personality or requests. Mary has been all of these things and more. She carried her phone and Blackberry with her constantly, and I always knew I could call her whenever I needed something. She worked diligently to make sure I met with Idahoans who came to Washington, and she coordinated my State scheduling as well. She has taken exceptional care of my family and was utterly selfless in her commitment to ensure that I conduct my job in the most efficient and responsible manner possible. Her vast knowledge of protocol and her understanding of the nuances and complexities of Washington politics on and off the Hill have been of immeasurable benefit to me.

I will miss her highly dependable and capable management and her kindness and honesty. Mary is a very special

person, and I am most honored and grateful for her tremendous service. She made my job easier and, in the process, made me more effective.

I end where I started, with another thought from her former boss, a great and wise man: "Government is the people's business and every man, woman and child becomes a shareholder with the first penny of tax paid." Mary believes this in her soul. She has a heart of service for our country and lives it out in her work and her life. And Idaho and I have been better off for it.

#### HONORING THE CONTRIBUTIONS OF SENATOR MALCOLM WALLOP

Mr. THOMAS. Mr. President, I rise today to pay tribute to a true patriot and tireless advocate of the great State of Wyoming, U.S. Senator Malcolm Wallop. I am pleased to be joined by Senator ENZI and Representative CUBIN in this tribute.

Malcolm hails from Big Horn, WY, born into a hard-working family with a long history of public service. Malcolm continued this family tradition by serving in the U.S. Army as a first lieutenant, then in the Wyoming State Legislature from 1969 to 1976. He followed this with a distinguished 18-year career representing the people of the State of Wyoming in the U.S. Senate.

Throughout his tenure in the Senate, Malcolm held true to his convictions—maintaining a strong national defense, a Federal Government that works best when it is smaller, individual liberties and freedoms are the core of our Nation, and States rights must be protected from encroachment by the Federal Government. His unwillingness to compromise his forthright beliefs earned him the respect of his Senate colleagues on both sides of the aisle. Senator LEVIN said about Malcolm:

While we disagreed, again, probably as often as we agreed, that did not stand in the way of my admiration for the quality, the characteristic that he had of letting you know precisely where he stood and why. And his patriotism is second to none in this body.

His depth of understanding and knowledge on defense policy was widely respected. In 1978, Senator Wallop became the first elected official to propose a space based missile defense system, a program that later became part of the Strategic Defense Initiative. Given the proliferation of new missiles today, it is remarkable how profound his ideas and observations were at the time.

Although Senator Wallop retired from the Senate in 1994, he remains engaged in the debate on key issues confronting our Nation. He is currently a senior fellow with the Heritage Foundation where he writes and speaks on issues of foreign policy and national defense. Malcolm also chairs the Frontiers of Freedom, a nonprofit organization he established upon retiring from the Senate. And he remains a strong and respected voice on individual property rights, Endangered Species Act re-

form, Social Security privatization and civil liberties.

Malcolm's contributions to Wyoming, and the Nation as a whole, are remarkable. The Wyoming State Legislature recently passed a joint resolution establishing July 8, 2006 as Malcolm Wallop Appreciation Day. With your permission, I will submit the resolution for the RECORD.

He remains an intelligent, articulate individual with incredible foresight. We are pleased to take this moment to express our gratitude to Senator Wallop for his service, and extremely proud to have such a distinguished and respected individual call Wyoming home.

Although many have tried to sum up the man, President Reagan may have said it best when he said, "Leadership, hard work, experience, loyalty to Wyoming—that's what Malcolm Wallop is all about."

Mr. President, I ask unanimous consent that the aforementioned resolution be printed in the RECORD.

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

A JOINT RESOLUTION OF THE MEMBERS OF THE FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING HONORING THE CONTRIBUTIONS OF UNITED STATES SENATOR MALCOLM WALLOP

A joint resolution to commemorate Senator Malcolm Wallop's service and dedication to the people of Wyoming and to proclaim July 8, 2006 as "Malcolm Wallop Appreciation Day."

Be it Resolved by the Fifty-Eighth Legislature of the State of Wyoming:

Whereas, this proud son of Sheridan County was born on February 27, 1933, the third generation of a Wyoming pioneer family; his grandfather was a young Englishman named Oliver Henry Wallop, the youngest son of the fifth Earl of Portsmouth, who headed out to the great American West after graduating from Oxford in 1883, buying the Canyon Ranch in Big Horn in 1895, which has remained in the family for four generations; and

Whereas, Malcolm's story ties together a family's commitment to public service across two nations; his grandfather was elected to the Wyoming Legislature in 1910 and helped draft the state's first game and conservation laws; when Oliver's elder brother died in England in 1925, he returned to assume the post of Earl of Portsmouth and served in the British House of Lords, but the Earl never abandoned his love of America, the West and Canyon Ranch, where he remained until his death in 1942; and

Whereas, Malcolm was educated at Big Horn School, Cate School in Carpinteria, California, and attended college at Yale University, earning a Bachelor of Arts degree in 1954; upon graduation from Yale, Malcolm served in the U.S. Army Artillery from 1955 to 1957, as a First Lieutenant; and

Whereas, he returned home to Big Horn after his service to his country and his extensive business career included management of his Wyoming ranch holdings, establishment of a feedlot, and development of oil and gas projects in Nebraska, Montana and Wyoming; in addition, Malcolm has been an active real estate developer and investor; and

Whereas, following in his grandfather's footsteps, Malcolm served in the Wyoming Legislature from 1969 to 1976, serving two terms in the Wyoming House of Representatives where he served on the House Livestock and Agriculture Committee; the House