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WASHINGTON, MONDAY, OCTOBER 28, 2002

No. 140

House of Representatives

The House met at 11 a.m.

The Reverend Emmett J. Gavin, Prior, Whitefriars Hall, Washington, DC, offered the following prayer:

Gracious and loving God, Author of all creation and Source of all wisdom, we once again come to You this day to seek the grace and guidance we need to be a faithful people. Help us to use wisely the many gifts and blessings You have given us as a Nation. Loving God, may we always be grateful for Your goodness and generosity to us and always use the blessings You have showered upon us to help bring peace, unity, and prosperity to all Your people throughout the world.

It is with deep gratitude that we recognize Your saving hand in the restoration of peace and security in this region surrounding our Nation's Capitol. We continue to mourn the loss of the men and women who lost their lives in the senseless rampage of killing that held our people hostage in these recent days. We offer our prayers and our support to their loved ones who have been left to bear the heavy burden of their loss.

We also recognize with profound sorrow the loss of the distinguished Senator from Minnesota, and his wife and daughter and staff. Our hearts go out to those who mourn their untimely passing.

It serves to remind us, Lord, that we live in a world where terror and danger in many forms threaten the peace and the security of Your children every-

where. Let us always have the courage and wisdom to lead the way in eradicating this scourge upon the human family. Bring men and women of good will together in all corners of our world so that we might in our own ways and in our own traditions worship and serve You, our one true God.

We make these prayers, Lord, confident that You will hear and answer them today and always. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will lead the House in the Pledge of Allegiance.

The Speaker led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT TO THURSDAY, OCTOBER 31, 2002

The SPEAKER. Without objection, when the House adjourns today, it shall stand adjourned until 11 a.m. on Thursday, October 31, 2002; and further, when the House adjourns on that day, it shall stand adjourned until 11 a.m. on Monday, November 4, 2002.

There was no objection.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on October 25, 2002 he pre-

sented to the President of the United States, for his approval, the following bills.

H.R. 5651. To amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

ADJOURNMENT

The SPEAKER. Without objection, the House stands adjourned until 11 a.m. on Thursday, October 31, 2002, in respect of the memory of the late Honorable PAUL D. WELLSTONE of Minnesota.

There was no objection.

Accordingly (at 11 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Thursday, October 31, 2002, at 11 a.m. in memory of the late Honorable PAUL D. WELLSTONE of Minnesota.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9753. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Codification of Poultry Substitution and Modification of Commodity Inventory Controls for Recipient Agencies (RIN: 0584-AD08) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

NOTICE

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Michael F. DiMario, *Public Printer*

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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9754. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Cold Treatment of Fruits [Docket No. 02-071-1] received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9755. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Interim Final Rule Relating to Notice of Blackout Periods to Participants and Beneficiaries (RIN: 1210-AA90) received October 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9756. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Compliance Alternatives for Provision of Uncompensated Services (RIN: 0906-AA52) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9757. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Protection of Human Research Subjects (RIN: 0925-AA14) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9758. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicaid Program; Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities Providing Psychiatric Services to Individuals Under Age 21 [HCFA-2065-IFC] (RIN: 0938-AJ96) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9759. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — White Chocolate; Establishment of a Standard of Identity [Docket Nos. 86P-0297 and 93P-0091] received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

9760. A communication from the President of the United States, transmitting the bi-monthly report on progress toward a negotiated settlement of the Cyprus question covering the period August 1, 2002 through September 30, 2002, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

9761. A letter from the Chief Judge, United States Claims Court, transmitting certified copies of the Court's reports regarding the Alabama-Coushatta Tribe of Texas, et al; to the Committee on the Judiciary.

9762. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Great Lakes Maritime Academy — Eligibility of Certain Graduates for Unrestricted Third-Mate Licenses [USCG-2002-13213] (RIN: 2115-AG43) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9763. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; Passaic River, NJ [CGD01-02-116] (RIN: 2115-AE47) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9764. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Port of Port Lavaca-Point Comfort, Point Comfort,

TX; Port of Corpus Christi Inner Harbor, Corpus Christi, TX [COTF Corpus Christi-02-003] (RIN: 2115-AA97) received October 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9765. A letter from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Natural Resource Damage Assessments [Docket No. 990608154-2213-02] (RIN: 0648-AM80) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9766. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Part A Premium for 2003 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement [CMS-8015-N] (RIN: 0938-AL69) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9767. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Impatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2003 [CMS-8013-N] (RIN: 0938-AL56) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9768. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Shelter Disclosure Statements [TD 9017] (RIN: 1545-BB32) received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9769. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Requirement to Maintain a List of Investors in Potentially Abusive Tax Shelters [TD 9018] (RIN: 1545-BB33) received October 23, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9770. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Negotiated Rulemaking: Coverage and Administrative Policies for Clinical Diagnostic Laboratory Services [CMS-3250-F] (RIN: 0938-AL03) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9771. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rate Beginning January 1, 2003 [CMS-8014-N] (RIN: 0938-AL63) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

9772. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Hospital Conditions of Participation: Anesthesia Services [HCFA-3049-F] (RIN: 0938-AK08) received October 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. Problems with the Presidential Gifts System (Rept. 107-768). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CRANE (for himself and Mr. ROHRBACHER):

H.R. 5702. A bill to provide for the privatization of the United States Postal Service; to the Committee on Government Reform.

By Ms. ROYBAL-ALLARD (for herself, Mr. SERRANO, Mr. FROST, Ms. MILLENDER-McDONALD, Mr. SANDERS, Ms. SOLIS, Ms. NORTON, Mr. WAXMAN, Ms. MCCOLLUM, Mr. PAYNE, Mr. OWENS, Ms. LEE, Mr. CROWLEY, Mr. McDERMOTT, Ms. DELAURO, Mr. WEXLER, Mr. MENENDEZ, and Mrs. NAPOLITANO):

H.R. 5703. A bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, and for other purposes; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

372. The SPEAKER presented a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 15 memorializing the United States Congress to urge Utah public school districts to ensure that school curriculums promote financial literacy among students; to the Committee on Education and the Workforce.

373. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 22 memorializing the United States Congress to urge school and recreational sports officials, parents, and participants to work together to curb the escalating incidences of violence against sports officials; to the Committee on Education and the Workforce.

374. Also, a memorial of the Legislature of the State of Utah, relative to Senate Resolution No. 4 memorializing the United States Congress that this act designates the second week of September 2002 as Adult Lifelong Learning and Literacy week in the state of Utah; to the Committee on Education and the Workforce.

375. Also, a memorial of the Legislature of the State of Utah, relative to Senate Concurrent Resolution No. 2 memorializing the United States Congress to urge the Federal Bureau of Land Management to allow broad-based vegetation management practices on Bureau of Land Management lands; to the Committee on Resources.

376. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 27 memorializing the United States Congress to approve the settlement agreement to be reached between the state of Utah, through the Department of Natural Resources, and the United States Department of the Interior, through the Fish and Wildlife Service, regarding the disposition of lands in question within the boundaries of the Bear River Migratory Bird Refuge; to the Committee on Resources.

377. Also, a memorial of the Legislature of the State of Utah, relative to House Resolution No. 3 memorializing the United States

Congress that this resolution modifies House Rules eliminating the requirement of standing committee review for certain bills; to the Committee on Rules.

378. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 9 memorializing the United States Congress that this act modifies interim committee responsibilities relating to legislative audits, clarifies the germaneness rule, modifies rules relating to reservation of bill numbers, and modifies rules governing legislative expenses for the Olympics recess; to the Committee on Rules.

379. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 15 memorializing the United States Congress that the Legislative Management Committee assign to the appropriate interim committee the duty to study and make recommendations for legislative action it considers necessary to the 55th Legislature prior to the 2003 Annual General Session; to the Committee on Rules.

380. Also, a memorial of the Legislature of the State of Utah, relative to Senate Joint Resolution No. 1 memorializing the United States Congress that this act modifies the Senate Rules changing standing committee names to bring them into greater coordination with the interim structure; to the Committee on Rules.

381. Also, a memorial of the Legislature of the State of Utah, relative to House Resolution No. 1 memorializing the United States Congress that this resolution modifies House

Rules changing standing committee names to bring them into compliance with the current structure; to the Committee on Rules.

382. Also, a memorial of the Legislature of the State of Utah, relative to House Resolution No. 2 memorializing the United States Congress that this act modifies the powers of the House Rules Committee, provides standards and requirements for the motion to lift a bill from committee, and makes technical corrections; to the Committee on Rules.

383. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 2 memorializing the United States Congress that this joint resolution of the Legislature revises joint rules by more precisely defining which committees qualify to have their recommendations printed on bills as committee notes; to the Committee on Rules.

384. Also, a memorial of the Legislature of the State of Utah, relative to House Joint Resolution No. 7 memorializing the United States Congress that this resolution modifies joint rules by amending the name of an appropriations subcommittee; to the Committee on Rules.

385. Also, a memorial of the Legislature of the State of Utah, relative to Senate Resolution No. 2 memorializing the United States Congress that this act modifies Senate Rules by modifying requirements governing standing committee review of bills; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 198: Mr. HOSTETTLER.
 H.R. 303: Mr. PORTMAN.
 H.R. 408: Mr. RANGEL and Ms. WOOLSEY.
 H.R. 536: Mr. KENNEDY of Rhode Island.
 H.R. 975: Ms. MCCOLLUM.
 H.R. 1307: Mr. CROWLEY.
 H.R. 2908: Ms. MILLENDER-MCDONALD.
 H.R. 3337: Mr. MCINTYRE.
 H.R. 4646: Mr. SHOWS.
 H.R. 4720: Mr. COMBEST, Mr. CUNNINGHAM, and Mrs. BONO.
 H.R. 4728: Mr. QUINN.
 H.R. 4803: Mr. STUPAK.
 H.R. 5089: Mr. LARSEN of Washington.
 H.R. 5250: Mr. SCHAFFER.
 H.R. 5359: Mr. CROWLEY.
 H.R. 5383: Mr. STRICKLAND.
 H.R. 5458: Mr. ENGLISH, Mr. UPTON, Mr. PETERSON of Minnesota, Mr. HOLDEN, Mr. OLVER, Mr. QUINN, Mr. FRANK, Mr. CARSON of Oklahoma, and Mr. LARSEN of Washington.
 H.R. 5491: Mr. VISCLOSKY.
 H.R. 5613: Mr. FROST and Mr. KENNEDY of Rhode Island.
 H.R. 5662: Mr. INSLEE.
 H. Con. Res. 164: Mr. LANTOS.
 H. Con. Res. 495: Ms. LOFGREN, Mr. MCNULTY, Mr. FROST, Mr. RYUN of Kansas, Mr. COSTELLO, Mr. KIND, Mr. HONDA, Ms. NORTON, and Mrs. MCCARTHY of New York.



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WASHINGTON, MONDAY, OCTOBER 28, 2002

No. 140

Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable CHRISTOPHER J. DODD, a Senator from the State of Connecticut.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father M. John Farrelly, a Benedictine monk from St. Anselm's Abbey in Washington, DC. Father Farrelly.

PRAYER

Let us pray.

As we gather together at the beginning of this day may we, by Your grace, Lord, so live that we will stand before You confident in Your mercy, as we have shown mercy to those in need. Almighty and merciful God, we commend to You Senator PAUL WELLSTONE who was taken away, along with his wife and his daughter, so unexpectedly and suddenly from us, and who has left many colleagues and others stunned and deeply saddened by their loss of a highly valued coworker and friend.

May his legacy of voting according to his conscience and his concern for the ordinary citizen and the underprivileged endure in this Chamber. May the manner of his death remind all of us that the control we have of our lives is fragile and uncertain, and that our lives can be called from us at any moment.

May PAUL WELLSTONE dwell in Your house, Lord, forever and ever, and may You comfort his remaining family and the many friends, supporters, and the entire Senate family who are bereaved. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER J. DODD led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., October 28, 2002.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER J. DODD, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DODD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

DEATH OF PAUL WELLSTONE, A SENATOR FROM THE STATE OF MINNESOTA

Mr. DAYTON. Mr. President, on behalf of the majority leader, the Republican leader, all the Members of the Senate, and myself, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 354, submitted earlier today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 354) relative to the death of PAUL WELLSTONE, a Senator from the State of Minnesota:

S. RES. 354

Whereas the Honorable Paul Wellstone taught at Carleton College in Northfield, Minnesota, for more than 20 years in the service of the youth of our Nation;

Whereas the Honorable Paul Wellstone served Minnesota in the United States Senate with devotion and distinction for more than a decade;

Whereas the Honorable Paul Wellstone worked tirelessly on behalf of America's Veterans and the less fortunate, particularly children and families living in poverty and those with mental illness;

Whereas the Honorable Paul Wellstone never wavered from the principles that guided his life and career;

Whereas his efforts on behalf of the people of Minnesota and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker: Now, therefore, be it

Resolved, That the Senate expresses profound sorrow and deep regret on the deaths

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Michael F. DiMario, *Public Printer*

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of the Honorable Paul Wellstone, late a Senator from the State of Minnesota, his wife Sheila, their daughter Marcia, aides Mary McEvoy, Tom Lopic, and Will McLaughlin, and pilots Richard Conroy and Michael Guess.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased Senator, and the families of all the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

Mr. DAYTON. Mr. President, I ask that the Senate observe a moment of silence in tribute to Senator WELLSTONE and his family.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. DAYTON. Mr. President, it is with a profoundly heavy heart that I rise today to present this resolution honoring my colleague, PAUL WELLSTONE. This is not the occasion in this brief session for eulogies. There will be other opportunities on the Senate floor for all of us to share our memories and our perspectives.

For myself, I cannot begin to do PAUL justice in a few minutes or even a few hours. He was such an extraordinary, such a remarkable man, and he brought so much life and enthusiasm and passion and commitment to the public life he lived, and he touched so many thousands of Minnesotans and others across this country who mourn his loss as we do here today.

He died fearlessly, as he lived his life. In the resolution that was just read, the words "never wavered from the principles" will be words that I will always associate with PAUL WELLSTONE. He never ever blinked in the face of adversity. Courageous, difficult, perhaps at times unpopular positions were articles of faith for PAUL because he believed in them.

It was not about polls. It was not about pundits. It was about the conviction he had about what was right for people, for his fellow citizens.

He was unpretentious, unassuming, just himself. He was no different as a Senator than as a man, than as a political activist all in one, he was extraordinary and he will never be replaced. In the hearts and minds of Minnesotans, he will never be forgotten.

Yet, Mr. President, he loved this institution. He respected enormously the traditions, the men and women who served here. They came to respect him for the courage of his convictions. I could see in the course of the 2 years I have shared with him in the Senate that he was respected by people who did not agree with him because they knew he was speaking from his heart, that he was speaking from his soul, that he was speaking what he truly believed.

One could ask for no more, no less from any of us than the strength of our convictions and our willingness to speak out about them regardless of political cost.

PAUL and his wife, Sheila, at his side for 39 years, died last Friday together, as they would have wanted it to be, not with their daughter Marcia who also was on that flight and three of their devoted aides and two pilots. It is an unspeakable tragedy and horror for all of us in Minnesota, but it will be for all of us, on behalf of PAUL, to take a deep breath and carry on in behalf of our convictions and our causes—as he would want us to do.

I thank the Senate for this resolution on behalf of PAUL. And for his two surviving sons, David and Mark, and their families I know it will be of solace to them in their hours of terrible grief.

Mr. President, I yield to my colleague, the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

Senator DAYTON, your remarks were beautiful and PAUL would have been so pleased to hear your tone and your spirit. And I can tell you, Senator DAYTON, how much he loved you, how proud he was to have you here by his side.

Mr. President, I have flown in from California to be here on the Senate floor today to make just a few remarks about our dear friend and colleague, Senator PAUL WELLSTONE. I want to start by reading two paragraphs written by his loyal and hardworking staff. After his plane went down, and they learned the worst, they wrote the following:

Paul Wellstone was one of a kind. He was a man of principle and conviction, in a world that has too little of either. He was dedicated to helping the little guy, in a business dominated by the big guys. We who had the privilege of working with him hope that he will be remembered as he lived every day: as a champion for people.

His family was the center of his life and it breaks our hearts that his wife of 39 years and his daughter Marcia were with him. Our prayers are with Mark and David and the grandchildren he and Sheila cherished so much.

That was posted on the Wellstone Web site by Senator WELLSTONE's staff.

Mr. President, Senator DAYTON, for me, the loss of PAUL WELLSTONE cuts very deep. Kind, compassionate, self-deprecating, a passionate voice for those without a voice, enthusiastic, a bundle of energy—this was a unique man of the people.

When we learned that the tragedy of PAUL's death was magnified by the death of the two women he cherished so much—his wife Sheila and his daughter Marcia—the wounds in our hearts cut deeper still, plus the loss of three staffers—Tom Lopic, Will McLaughlin, and Mary McEvoy—and the two pilots—Captains Richard Conroy and Michael Guess.

Mr. President, no words—no words—can possibly ease the pain of all the family members who were touched by this tragedy. No words can ease the pain of David and Mark, PAUL's two sons, and their families. All we can do

is let them know that we pray that they have the strength to endure this time for the sake of the Wellstone grandchildren: Cari, Keith, Joshua, Acacia, Sydney, and Matt. Let the record show that your grandchildren brought endless joy to you. And we say to the grandchildren, thank you for the joy that you gave to grandma and grandpa.

I want to say to the people of Minnesota, thank you, thank you for sending PAUL to us, for sharing PAUL with us these past 12 years. He loved the people of his State: the farmers, the workers, the children, the elderly, the sick, the disabled, the families. He fought for you all, so long and so hard, without stopping, in committees and subcommittees, in the Democratic caucus meetings, when he would get up and say: Just give me 30 seconds—just 30 seconds—to make my point about the people of Minnesota. He stood up at press conferences. He would grab Senators, one by one, and fight for you, the people of Minnesota, who were always in his thoughts and on his mind. And I know he is now in your thoughts and on your minds.

In my own State of California—so many thousands of miles away from Minnesota—there are memorial services being set up for PAUL. You see, his compassionate voice reached thousands of miles, and many people in my State are sending me condolence notes and flowers because they know how much I will miss working with PAUL WELLSTONE, and so will all Senators on both sides of the aisle.

As Mark said, PAUL was never afraid to speak out when it might be unpopular, nor was he afraid to be on the losing side of a Senate vote. He had courage. And when you told him that, when you said: "PAUL, you have courage," he shrugged it off. He would say something like: "What else could I do? It's just not right!" He would say that—determined, brave.

You see, PAUL WELLSTONE could not vote against his conscience or for something he did not believe was in the best interest of the people he represented. He couldn't; he wouldn't—no matter what the consequences.

He cared about the underdog always. He cared about the victim always. He cared about peace always. And PAUL, blessed are the peacemakers. PAUL, blessed are the peacemakers.

PAUL was a humble man. When his longtime staffer, Mike Epstein, died—and many of us knew Mike—PAUL took to the Senate floor, and this is what he said, in part:

Mike, I know you will not like me saying this, but I'm going to say it anyway because it's true. I believe from the bottom of my heart that everything I've been able to do as a Senator that has been good for Minnesota and the country is because, Mike, you have been right by my side, 1 inch away from me.

And he said:

Mike was my tutor. He was my teacher. He was teaching me.

That was PAUL WELLSTONE. He never bragged about himself. He loved his

family so much. He loved his staff. He took time for all the Senate employees: the young people who work with us, the officers who protect us, the food service people, the elevator operators—all the Senate family, no matter what their status.

Mr. President, he wanted to give everyone—everyone he touched—his sense of optimism, his energy, his strength.

When PAUL learned he had multiple sclerosis, I worried and I said to him: Are you OK? He said: I probably had it for a long time. I'm just not going to think about it. And off he went in his usual rush. There was so much to do. Off he went to his desk in the Senate, his desk now incredibly shrouded in black.

PAUL loved that aisle desk. It gave him a bird's eye view of the Senate that he loved. And when he spoke from his desk, he could come out from behind it. He could leave his notes behind—arms gesturing, voice determined—and talk from his heart. He would say something like: I don't represent big business or big anything. He would say: I represent the people of Minnesota. And that he did every minute of his all-too-short life.

As our session wound down, PAUL wanted to finish our business and go home. He told us all: I want to be with my people. I need to touch them. I need to look them in the eye. I can't wait to get home.

PAUL was a powerful man. His power did not come from his physical stature. He was strong but he was slight of build. His power did not come from generations of family wealth. He was not a man of moneyed wealth. His parents were immigrants: Leon and Minnie Wellstone. His power did not come from political connections. His connections were with regular people.

Let me tell you from where his power came. It came from a fierce dedication to justice and truth and honesty and righteousness. He gave comfort and he gave hope to those he touched. And he gave them some of his power—the power to see the possibilities of their own lives. PAUL died on his way to give comfort and hope to those facing death. He was flying to a funeral service.

Today we say to PAUL: We will give comfort and hope to those you have left behind by doing all that we can to continue your legacy and your dream. Together, we can build an America of fairness, of justice, of prosperity, a world of tolerance and a world of peace. And, PAUL, may you and yours rest in peace forever.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the Senator from Minnesota and the Senator from California for their words. I know and respect both the Senator from Minnesota, Senator DAYTON, and the Senator from California, Senator BOXER. I know them well

enough to know this was a very painful moment for both of them—just as it is for the distinguished Presiding Officer and as it is for the Senator from Vermont.

Mr. President, you and I have been here a long time in the Senate. With the Senator from Minnesota, who is now—not at his choice—the senior Senator from Minnesota, and the Senator from California, I think we can all say that there is no sadder sight than coming on the floor and seeing a black drape on a Senator's desk. The distinguished Presiding Officer and I have unfortunately seen that many times in our careers, for Senators on both sides of the aisle. In every instance when we have entered the chamber and seen the black drape we know that there has been a death in the family.

We are privileged in this body, 100 men and women—now 99 men and women—to represent the greatest nation on Earth, a nation of a quarter of a billion people. But because there are only 100 of us, no matter our political differences, when one is lost we all feel it. When I heard the news in Vermont, I was at a restaurant in Burlington with my son, Kevin. It was a small restaurant. There was a TV going but with no sound. My back was to it. I saw the look of shock on Kevin's face. He spun me around and I saw the news. We both left that restaurant in tears. The news spread quickly and as I walked down the street people—many of them I never met before—just came up and hugged me, because they, too, lost somebody.

PAUL WELLSTONE had come to Vermont and was greeted with great warmth. I vividly remember the evening he came to speak. Everybody came up to him. They didn't want him to leave. PAUL WELLSTONE, like one of his predecessors, my dear friend, Hubert Humphrey, was a happy warrior. If people wanted to talk with him he did not mind and would stay, the same way Hubert would have.

There is an affinity, I believe, between our State of Vermont and Minnesota. That is why there was a bond Vermonters felt with PAUL WELLSTONE. PAUL could sense it. And, we worked on many important issues as a team. During the recent farm bill debate he met with Vermont farmers and together we drafted a dairy provision that was beneficial to both of our States. I remember when he and JIM JEFFORDS and BERNIE SANDERS and I joined together to have a milk toast. We were joking around. PAUL was not a tall man. I playfully stood blocking him from the cameras. And he said: "Hey, remember, I'm a wrestler," at which point I quickly moved aside. Of course PAUL was far more than a wrestler—but it is easy to make the correlation to the way he wrestled with issues here on the floor. He wrestled them down. I thought to myself: What a man to have on your side. What a man to be a friend.

PAUL WELLSTONE served with powerful people but he was not intimidated

by that. And, he never took on the airs of one who was powerful. He would introduce himself to people: Hi, I'm PAUL WELLSTONE. And someone else would have to say: That's a U.S. Senator.

I never went on an elevator with PAUL without him calling the elevator operator by name. He would talk with the pages and give them tutorials. He knew everybody in the Senate and they knew and loved him.

It is impossible to talk about our colleague PAUL WELLSTONE without mentioning Sheila Wellstone. They were inseparable. Whenever the Senate would have a late night session Sheila would be in the galleries, waiting for PAUL to leave.

Of all my memories of PAUL WELLSTONE, the one I may remember the most is the last time I saw the two of them. It was a late night session. You know these gorgeous halls we have, with the chandeliers and everything else, and here is this couple walking hand in hand down one of the halls about midnight—PAUL and Sheila WELLSTONE. I came around the corner and I said: "Hey, you teenagers," and they laughed and hugged each other. I saw them go out, down the steps into the night, hand in hand.

Let us hope that they have gone hand and hand into the light and that they are now together.

Marcella and I also extend our thoughts and prayers to Marcia, PAUL and Sheila's daughter, and her family. And, as the Senate noted in the resolution that was just passed a few moments ago, we all grieve for the Wellstone staff who were on board the plane: Tom Lapic, Mary McEvoy and Will McLaughlin. Our thoughts and prayer are with their families in these trying times. Our condolences also go out to the families of the pilots on the plane, Richard Conry and Michael Guess.

The PRESIDING OFFICER (Mrs. BOXER). The Senator from Connecticut.

Mr. DODD. Madam President, first let me express my thanks to our colleague from Minnesota, Senator DAYTON, and express our sympathies to him and through him to the people of Minnesota and to the Wellstone family, the extended family, for all that they are suffering in this particular time, and to express my gratitude as well to my colleague from California, Senator BOXER, and my colleague from Vermont, Senator LEAHY, for their very moving and emotional remarks. I think they captured to a large extent the sentiments of all of us.

This is a difficult time. I suppose the American people see we are in session and wonder why only a few of us are here. Obviously, with a week to go before the congressional elections, not many are here in Washington. But suffice it to say, were 96 or 97 other Senators here today, you would here much the same sentiments that have been expressed already by the now-senior Senator from Minnesota, the Senator from California, and the Senator from Vermont.

So I join my colleagues, and all Americans, in mourning the very tragic and sudden loss of our dear friend and colleague, Senator PAUL WELLSTONE, who will be forever remembered as a friend and patriot and true public servant, who fought each and every day of his public life—in fact, of his life—to the improve the lives of average Americans. We got to know him here over the last 10 or 11 years as a Member of the U.S. Senate, but the people of Minnesota and the people of Carleton College, students who had him as a professor, people who knew him beforehand, they knew that PAUL WELLSTONE didn't just become a fighter when he arrived in the Senate of the United States. He dedicated his life to it. It is what his parents taught him. It is what he believed in passionately as an American. We became witnesses to that sense of passion and outrage about wrongs in this country and around the world as we served with our colleague, PAUL WELLSTONE, for the last decade.

So, like my colleagues, I was stunned and deeply saddened by the enormous scope and tragedy of this loss. Obviously, the entire Wellstone family has suffered an unfathomable loss, as have the families of other victims of this horrendous accident. His wife Sheila—I join my colleagues in expressing our deep sense of loss. Sometimes, although we get to know Members, we don't get to know the spouses of our colleagues very well, but Sheila Wellstone really became a member of the Senate family aside from being a spouse. She was an unpaid volunteer in her husband's office.

If there are women today who are suffering less because of domestic violence—and they are many who are not, but many who are—you can thank some colleagues here. But I suspect one of the reasons they became so motivated about the issue was because there was a person by the name of Sheila Wellstone who arrived here a decade ago and wanted to make this a matter of the business of the U.S. Senate.

So they became partners, not just over the almost 40 years of love and affection for each other, but partners in their sense of idealism, sense of values, and sense of purpose.

Marcia I did not know very well but certainly heard PAUL and Sheila talk about her with great admiration and affection. In the loss suffered by her family, with young children, it is just difficult to even come up with the words to express the sense of grief that I feel for her and her family. And obviously the staff: Will McLaughlin, Tom Lopic, and Mary McEvoy, along with the pilots who have been mentioned already: Richard Conry and Michael Guess, we didn't know, but I suspect on that flight up there they had gotten to know the Wellstone family and the staff. And so we want to express our deep sense of loss to their families.

I ask unanimous consent to have printed at the end of my remarks a

wonderful editorial by David Rosenbaum in the New York Times on Saturday which I thought captured perfectly the image of PAUL WELLSTONE, who he was and what he tried to do, better than any words I could possibly express here today.

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

(See exhibit 1.)

Mr. DODD, Madam President, William Shakespeare once wrote, "No legacy is so rich as honesty." I have never met, let alone worked with, a more honest or noble man than PAUL WELLSTONE.

His rich, rich legacy will be that of an honest, passionate and tireless fighter on behalf of justice and fairness for all Americans, especially those less fortunate than himself.

PAUL suffered a lot. He had this bad back. He would hobble around. He had this gait that if you didn't know he was hurting was almost an affectionate gait. He sort of limped around at various times; he would stand a lot at times in meetings because sitting would be so painful for him as a result of injuries he suffered. He had MS which he sort of shrugged off, as my colleague from California said. He grew up in a situation where his family were immigrants who came from Russia. They grew up actually in Arlington, VA, a short distance from here. A former staff member of mine was a neighbor of theirs. He knew PAUL as a child growing up. They had their own burdens to bear aside from being immigrants, problems of those newly arriving, with the language barriers. Trying to get acclimated to a new society such as ours is not easy. So PAUL understood the issues of those who suffered more than in just an intellectual effort. This was something he deeply felt and had grown up with and appreciated immensely.

When he came to this body and we got to know him as someone who would fight tirelessly on behalf of those who did not have lawyers, lobbyists, and others to express their concerns, to bring their issues to the debate of the Senate, we found in this individual just a remarkable voice and a remarkable fight. Like many of my colleagues, I might be home or completed the evening and turned on the television and the Senate would still be in session, and there would be PAUL WELLSTONE, standing at that desk in the rear of this Chamber, speaking to an empty place except for the millions of Americans tuned in to C-SPAN who would hear someone talking about subjects that were affecting their lives.

Single moms, working families, children without health care, the homeless, international victims of torture—these were among Senator PAUL WELLSTONE's core constituencies, and they could not have had a better spokesperson.

A lot of times we spend days here talking about issues that might seem terribly arcane to the average citizen

in this country, matters that don't seem terribly relevant to their daily lives, and yet PAUL WELLSTONE never let a day go by that he didn't give voice to the concerns of average Americans or those who are, as Hubert Humphrey would talk about, in the shadows of life or the dawn of life or the dusk of life—PAUL WELLSTONE giving voice, that great Minnesota voice to those who needed to have their concerns raised in chambers such as this. And so for all of those people who are wondering today whether or not their concerns, their hopes, their fears will find expression, it is hard to find any silver lining with the passage of someone you care about so much, but I suspect as we reconvene here on November 12 and again with a new Congress coming in in January we will hear the words of PAUL WELLSTONE repeated quite frequently. We will hear the passion that he brought to the issues raised maybe more frequently than they otherwise might be. That's because we will remember an individual we had the privilege and honor of serving with who reminded this institution of what its role ought to be, not just to those who are well heeled, those who can afford to acquire the access, but those who need to have their issues raised—that their concerns and their worries, their hopes, their dreams for this country and their own families will be once again a part of the mainstream of debate in the Senate.

PAUL WELLSTONE fought some awfully tough battles. He fought a tough battle to get here, a man who was told he could not possibly get elected to the Senate, who was being outspent by overwhelming odds.

I rode with him in that bus—I am sure my colleague from Minnesota, maybe my colleagues from California and Vermont remember—that rattly old green bus, in the freezing cold, bitter cold, cold months of Minnesota. I remember going with him to some big fair or festival that he was holding on behalf of poor farmers and family farmers in Minnesota. Just a few weeks ago, Madam President, I campaigned with him in Minnesota, with some of the medical device companies around Minneapolis and St. Paul. This was supposed to be about a 20-minute meeting we were going to have at one of these firms to talk about the medical devices that PAUL played a major role in working to see to it that they were going to become a reality for people who would use them. We were supposed to leave in 15 or 20 minutes but the room was packed; the people wanted to talk about other things. And PAUL WELLSTONE stayed for about 1½ hours just engaging with the people in this room. They went far beyond the medical device issues. The people in that room wanted to talk about health care; they wanted to talk about education; they wanted to talk about the environment; they wanted to talk about prescription drugs and the elderly; they wanted to talk about issues affecting

Native Americans and minority groups; they wanted to talk about foreign policy. And he engaged, engaged and engaged for an hour and a half. He would have stayed longer. Staff had to almost drag him out of the room. But it was so reflective, standing in the back of the room watching PAUL WELLSTONE with great passion and clarity expressing where he stood.

He didn't sit there and try to figure out where the question was coming from based on the tilt of their rhetoric. He answered them how he felt as their Senator, their representative, so they would know where he stood.

Madam President, I apologize for sort of meandering here, but it is how I feel. I have a great sense of loss and also a sense of joy. PAUL WELLSTONE had a great sense of humor. He cared deeply about issues but he also had the wonderful ability to laugh at himself, to appreciate the humor that only this institution can provide in some of the more bizarre moments, a wonderful relationship with virtually everyone here. It didn't happen automatically or initially. PAUL came here determined to change the world; if not the world, change the United States; if not that, maybe his Minnesota. Along the way and in the process he probably rubbed some people the wrong way, but those very people became the people who cared most about him in many ways in the final analysis because they realized that everything he said and everything he did was not about himself but about the people he wanted to represent. And so I know there are Members who are not here today because of other obligations, but who, when the opportunity comes, will express their own thoughts and feelings, but don't be surprised—Madam President, I know you will not be, nor my colleagues from Minnesota or Vermont—that some of the heartfelt remarks about PAUL will come from people who disagreed with him vehemently on substantive matters, but appreciated immensely his sense of conviction, something we can do a lot more of in politics in America today.

Frederick Douglass once said, "The life of a nation is secure only while the nation is honest, truthful, and virtuous." For 58 years, PAUL WELLSTONE lived a life that was honest, truthful, and virtuous. For 12 years, he personally lent those characteristics to the heart of the United States government.

America, Minnesota, and this institution have suffered a terrible loss at the death of PAUL WELLSTONE but there is a silver lining in all of this; that as a result of his service this country is a better place, there are people who are living better lives; this world with all of its difficulties has been a better world because PAUL WELLSTONE was a part of it.

I am confident as I stand before you today, Madam President, that in the weeks, months, and years ahead, his memory and legacy will live on in the debates, the discussions, and actions we take in this body.

For that, PAUL WELLSTONE, you ought to know that your service continues and your words and your actions will have a legacy borne out by those who come after you in the service of your State and the thousands of young people you motivated.

Madam President, if you could only see, as many have, the hundreds of young people throughout Minnesota who PAUL WELLSTONE energized and brought to the public life of this country, people who otherwise would not have paid any attention. PAUL WELLSTONE said: You ought to be involved; there is a reason to be involved.

His ability to attract people to come to a cause and to fight for the good cause will live on. I suspect one day this Chamber will have people who will serve in it who cut their teeth in politics working on a Wellstone campaign.

PAUL, the campaign goes on. Your battles will go on, and we are going to miss you. I yield the floor.

EXHIBIT 1

[From the New York Times, Oct. 26, 2002]

A DEATH IN THE SENATE: PAUL WELLSTONE,
58, ICON OF LIBERALISM IN SENATE

(By David E. Rosenbaum)

WASHINGTON, Oct. 25.—Paul Wellstone often seemed out of step. He called himself a liberal when many used that word as a slur. He voted against the Persian Gulf war in his first year in the Senate, and this month opposed using force against Iraq.

Senator Wellstone, 58, who died in a plane crash today while campaigning for re-election, fought for bills favored by unions and advocates of family farmers and the poor, and against those favored by banks, agribusiness and large corporations. This year he was the principal opponent of legislation supported by large majorities of Democrats and Republicans that would make it more difficult for people to declare bankruptcy. He argued that the measure would enrich creditors at the expense of people "in brutal economic circumstances." He advocated causes like national health insurance that even many of his fellow liberals abandoned as futile.

Mr. Wellstone was a rumpled, unfailingly modest man who, unlike many of his colleagues, lived on his Senate salary. He was married to the former Sheila Ison for 39 years, having married at 19 when he was in college. His wife and their 33-year-old daughter, Marcia, also died today in the crash.

When Mr. Wellstone arrived in the Senate in 1991, he was a firebrand who thought little of breaking the Senate tradition of comity and personally attacking his colleagues. He told an interviewer soon after he was elected that Senator Jesse Helms, the conservative North Carolina Republican, "represents everything to me that is ugly and wrong and awful about politics."

But as the years passed, Mr. Wellstone moderated his personality if not his politics and became well liked by Republicans as well as Democrats. Bob Dole, the former Senate Republican leader who often tangled with Mr. Wellstone on legislation, choked up today when he told a television interviewer that Mr. Wellstone was "a decent, genuine guy who had a different philosophy from almost everyone else in the Senate."

Mr. Wellstone was also an accomplished campaigner. Though he had never held elected office, he pulled off a major upset in 1990 when, running on a shoestring budget, he defeated the incumbent Republican senator,

Rudy Boschwitz. He beat Mr. Boschwitz in a rematch in 1996. This year, he reneged on a promise to limit himself to two terms, ran for re-election and seemed in the most recent public polls to have pulled slightly ahead of his Republican challenger, former Mayor Norm Coleman of St. Paul.

His opponents always portrayed him as a left-wing extremist. Mr. Boschwitz's television commercials in 1996 called Mr. Wellstone "embarrassingly liberal and out of touch." This year, Mr. Coleman said the senator was "so far out of the mainstream, so extreme, that he can't deliver for Minnesotans."

But on the campaign trail, Mr. Wellstone appeared to be so happy, so comfortable, so unthreatening that he was able to ward off the attacks.

For years, he had walked with a pronounced limp that he attributed to an old wrestling injury. In February, he announced at a news conference that he had learned he had multiple sclerosis, but he said the illness would not affect his campaigning or his ability to sit in the Senate. "I have a strong mind—although there are some that might disagree about that—I have a strong body, I have a strong heart, I have a strong soul," he told reporters.

Paul David Wellstone was born in Washington on July 21, 1944, and grew up in Arlington, Va. His father, Leon, left Russia as a child to escape the persecution of Jews, and worked as a writer for the United States Information Agency. His mother, Minnie, the daughter of immigrants from Russia, worked in a junior high school cafeteria.

Growing up, he was more interested in wrestling than politics, and he had some difficulty in school because of what he later found out was a learning disability. He scored lower than 800, out of a total of 1,600, on his College Boards, and this led him as a senator to oppose measures that emphasized standardized test scores. In an interview, he once said that even as an adult he had difficulty interpreting charts and graphs quickly but that he had learned to overcome his disability by studying harder and taking more time to absorb information.

Partly because of his wrestling ability—he was a conference champion at 126 pounds—he was admitted to the University of North Carolina and, galvanized by the civil rights movement, he turned from wrestling to politics. He graduated in 1965 and stayed in Chapel Hill for a doctorate in political science. He wrote his thesis on the roots of black militancy.

Married with children, he once said he did not have time to participate in the student uprisings in the 1960's. He is survived by two grown sons, David and Mark, of St. Paul, and six grandchildren.

But while he was not a student rebel, Mr. Wellstone did not fit in from the day in 1969 when he began teaching political science at Carleton College, a small liberal arts campus in rural Northfield, Minn.

He was more interested in leading his students in protests than he was in publishing in academic journals, and he was often at odds with his colleagues and Carleton administrators. He fought the college's investments in companies doing business in South Africa, battled local banks that foreclosed on farms, picketed with strikers at a meat-packing plant and taught classes off campus rather than cross a picket line when Carleton's custodians were on strike.

In 1974, the college told him his contract would not be renewed. But with strong support from students, the student newspaper and local activists, he appealed the dismissal, and it was reversed.

In 1982, Mr. Wellstone dipped his toe into the political waters for the first time and

ran for state auditor. He lost. But he had made contacts in the Minnesota Democratic-Farmer-Labor Party, and he stayed active in politics. In 1988, he was the state co-chairman of the Rev. Jesse Jackson's campaign in the president primary, and in the general election, he was co-chairman of the campaign of Michael S. Dukakis, the Democratic presidential nominee.

Few thought he had a chance when he announced that he would run for the Senate against Mr. Boschwitz, Russell D. Feingold, now a like-minded liberal Democratic senator from Wisconsin, today had this recollection of dropping by to meet Mr. Wellstone in 1989:

"He opened the door, and there he was with his socks off, 15 books open that he was reading, and he was on the phone arguing with somebody about Cuba. He gave me coffee, and we laughed uproariously at the idea that either of us would ever be elected. But he pulled it off in 1990 and gave me the heart to do it in Wisconsin."

Mr. Feingold was elected in 1992, also with a tiny treasury.

Mr. Boschwitz spent \$7 million on his campaign, seven times Mr. Wellstone's budget. To counteract the Boschwitz attacks, Mr. Wellstone ran witty, even endearing television commercials produced without charge by a group led by a former student. In one ad, the video and audio were speeded up, and Mr. Wellstone said he had to talk fast because "I don't have \$6 million to spend."

Mr. Wellstone toured the state in a battered green school bus, and in the end, he won 50.4 percent of the vote and was the only challenger in 1990 to defeat an incumbent senator.

He arrived in Washington as something of a rube. On one of his first days in town before he was sworn in, he called a reporter for the name of a restaurant where he could get a cheap dinner. When the reporter replied that he knew a place where a good meal was only \$15, Mr. Wellstone said \$15 was many times what he was prepared to spend.

He also made what he later conceded were "rookie mistakes." At one point, for instance, he used the Vietnam Veterans Memorial as a backdrop for a news conference to oppose the war against Iraq. Veterans' groups denounced him, and he later apologized.

But he soon warmed to the ways of the Senate and became especially adept at the unusual custom of giving long speeches to an empty chamber. Probably no one in the Senate over the last dozen years gave more speeches at night after nearly all the other senators had gone home.

His strength was not in getting legislation enacted. One successful measure he sponsored in 1996 with Senator Pete V. Domenici, Republican of New Mexico, requires insurance companies in some circumstances to give coverage to people with mental illness, but he failed this year in an effort to strengthen the law.

In a book he published last year, "The Conscience of a Liberal" (Random House), Mr. Wellstone wrote, "I feel as if 80 percent of my work as a senator has been playing defense, cutting the extremist enthusiasms of the conservative agenda (much of which originates in the House) rather than moving forward on a progressive agenda."

In a speech in the Senate this month explaining his opposition to the resolution authorizing the use of force in Iraq, Mr. Wellstone stressed that Saddam Hussein was "a brutal, ruthless dictator who has repressed his own people."

But Mr. Wellstone went on to say: "Despite a desire to support our president, I believe many Americans still have profound questions about the wisdom of relying too heavily on a preemptive go-it-alone military approach. Acting now on our own might be a sign of our power. Acting sensibly and in a

measured way, in concert with our allies, with bipartisan Congressional support, would be a sign of our strength."

Later, Mr. Wellstone told a reporter that he did not believe his stance would hurt him politically. "What would really hurt," he said, "is if I was giving speeches and I didn't even believe what I was saying. Probably what would hurt is if people thought I was doing something just for political reasons."

Mr. Wellstone briefly considered running for president in 2000, but he called off the campaign because, he said, the doctors who had been treating him for a ruptured disk told him that his back could not stand the travel that would be required.

Often, Mr. Wellstone was the only senator voting against a measure, or one of only a few. He was, for instance, one of three senators in 1999 to support compromise missile defense legislation. He was the only one that year to vote against an education bill involving standardized tests, and the only Democrat who opposed his party's version of lowering the estate tax.

Mr. Wellstone was one of the few senators who made the effort to meet and remember the names of elevator operators, waiters, police officers and other workers in the Capitol.

James W. Ziglar, a Republican who was sergeant at arms of the Senate from 1998 to 2001 and who is now commissioner of the Immigration and Naturalization Service, remembered today "the evening when he came back to the Capitol well past midnight to visit with the cleaning staff and tell them how much he appreciated their efforts."

"Most of the staff had never seen a senator and certainly had never had one make such a meaningful effort to express his or her appreciation," Mr. Ziglar said. "That was the measure of the man."

THE PRESIDING OFFICER. Without objection, the resolution and preamble are agreed to.

The resolution (S. Res. 354) was agreed to.

The preamble was agreed to.

ADDITIONAL STATEMENTS

PROTECT ACT

• **Mr. LEAHY.** Mr. President, I came to the Senate floor and joined Senator HATCH in introducing S. 2520, the PROTECT Act in April, after the Supreme Court's decision in *Ashcroft v. Free Speech Coalition*, *Free Speech*. Although there were some others who raised constitutional concerns about specific provisions in that bill, I believed—and still believe—that unlike the Administration proposal it was a good faith effort to work within the First Amendment.

It is important that we respond to the Supreme Court decision but it is just as important that we avoid repeating our past mistakes. Unlike the 1996 Child Pornography Prevention Act, CPPA, this time we should respond with a law that passes constitutional muster. Our children deserve more than a press conference in on this issue. They deserve a law that will stick.

After joining Senator HATCH in introducing the PROTECT Act, I convened a Judiciary Committee hearing on the legislation. We heard from the Administration, from the Center for Missing and Exploited Children, CMEC, and from experts who came and told us

that our bill, as introduced, would pass constitutional muster, but the House-passed bill would not.

I also placed S. 2520 on the Judiciary Committee's calendar for the October 8, 2002 business meeting. I continued to work with Senator HATCH to improve the bill so that it could be quickly enacted. Senator HATCH circulated a Hatch-Leahy proposed Judiciary Committee substitute that improved the bill before our October 8 business meeting. Unfortunately, the committee was unable to consider it because of procedural maneuvering that had nothing to do with this important legislation, including the refusal of committee members on the other side of the aisle to consider any pending legislation on the committee's agenda.

I still wanted to get this bill done. That is why for a week I have been working to clear and have the Senate pass a substitute to S. 2520 that tracks the Hatch-Leahy proposed committee substitute in every area but also made one improvement to the affirmative defense. That one improvement related to the ability of defendants to assert an affirmative defense to a charge of child pornography if they could actually prove that only adults, and no children—virtual or not—were used in making the material in question. Other than that, it was identical to the Hatch-Leahy proposed committee substitute in every way. It did not change the definition of child pornography from the PROTECT Act and it also did not change the tools provided to prosecutors. All these provisions remained unchanged. Indeed, the substitute I offered even adopted parts of the House bill which would help the CMEC to work with local and state law enforcement on these cases.

As I stated many days ago on the Senate floor, every single Democratic Senator cleared that measure. I then urged Republicans to work on their side of the aisle to clear this measure—so similar to the joint Hatch-Leahy substitute—so that we could swiftly enact a law that would pass constitutional muster.

Instead of working to clear that bipartisan, constitutional measure, however, my colleagues on the other side of the aisle have opted to use this issue to play politics. They have redrafted the bill, changed crucial definitions, and are now offering a totally new version. Worse yet, the new version is not likely to pass Constitutional muster. Instead, if passed, it will lead to six more years of appellate litigation and yet another law struck down by the Supreme Court. That will help no one and certainly not help the children that these laws are intended to help.

Senator HATCH is offering a new version of the bill that experts have told us is plainly unconstitutional and does not respect or heed the parameters laid down by the Supreme Court

as does the original Hatch-Leahy bill and the Hatch-Leahy substitute circulated to the Judiciary Committee.

First, the new Hatch proposal outlaws precisely the thing that Justice Kennedy and at least 5 other members of the Supreme Court said could not be banned—wholly computer generated child pornography where no real children are involved in the making of the material. The Hatch proposal, in section 5, adds a totally new definition of “child pornography” that covers non-obscene “computer generated images” not at all related to any real person, if they are “virtually indistinguishable” from an actual minor. That is the same approach as the House bill, that we heard so roundly criticized both at our Committee hearing and by other experts. At best, it addresses the concerns of only Justice O’Connor—but she was not the deciding vote in the Free Speech case.

Second, this new definition is particularly problematic because the bill does not allow any affirmative defense for defendants who can show that no children at all were used in the making of the non-obscene image. Thus, even a defendant who can produce an actual 25-year-old in court to prove that the material is not child pornography can be sent to jail under this new provision. So too can the person who can prove in court that the image did not involve real people at all, but only totally computer generated images. Again, that is precisely the problem that Justice Kennedy and even Justice Thomas expressed concern about in the Free Speech case in considering the affirmative defense in the CPPA.

Third, the new Hatch proposal significantly changes the definition of the new crime of “pandering” from the original version of S. 2520 that Senator HATCH and I introduced. First, it removes the link to the long-standing obscenity test despite the fact that constitutional experts tell us that this link is necessary for the pandering crime to be constitutional. This changed definition does not address Justice Kennedy’s concern that child pornography should be linked to obscenity. We do not want a situation where people who present such movies as *Traffic*, *American Beauty*, and *Romeo and Juliet* could be subjected to criminal prosecution, and this new pandering crime does that.

Second, the new provision compounds the constitutional problems by extending the provision to “purported material” in addition to actual material. Thus, not only need the pandering not relate to “obscene” material, it need not relate to any material at all.

From a provision that criminalized primarily commercial speech relating to obscene material, the new proposal has changed to criminalize pure “chat,” including over the Internet, about non-obscene child pornography. That is protected speech. I have a letter from Professor Fred Schauer, a nationally recognized First Amendment

scholar who testified at our hearing, that I will place in the record that confirms that this change would render the provision pandering unconstitutional.

These are only some of the problems with the new Hatch language. I am disappointed that we could not work together to clear the prior substitute that I have been trying to clear through the Senate for almost a week. That proposal was virtually identical to the proposed Hatch-Leahy committee substitute, and was approved by every single Democratic Senator. If my colleagues would have been willing to do that, we would have had quick action on a law that would stick. Instead, we are being asked to consider a brand new version of S. 2520 with considerable constitutional problems. That is not the way to pass legislation quickly in the Senate.

Unlike Senator HATCH’s prior proposals that I cosponsored, this provision will only offer the illusion of action. We need a law with teeth, not one with false teeth. In the end, this provision will be struck down just as was the 1996 CPPA and we will have wasted 6 more years without providing prosecutors the tools they need to fight child pornography and put in jeopardy any convictions obtained under a law that in the end is struck down as unconstitutional. I had hoped that we could work together to get a law that will clearly pass constitutional muster. This issue is too important for politics.

I ask that a letter from Frederick Schauer, Frank Stanton Professor of the First Amendment, be printed in the RECORD.

The material follows:

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

HARVARD UNIVERSITY,
Cambridge, MA, October 3, 2002.

Re S. 2520.

HON. PATRICK LEAHY,
U.S. Senate, Committee on the Judiciary,
Washington, DC.

DEAR SENATOR LEAHY: Following up on my written statement and on my oral testimony before the Committee on Wednesday, October 2, 2002, the staff of the committee has asked me to comment on the constitutional implications of changing the current version of S. 2520 to change the word “material” in Section 2 of the bill (page 2, lines 17 and 19) to “purported material.”

In my opinion the change would push well over the constitutional edge a provision that is now right up against that edge, but probably barely on the constitutional side it.

As I explained in my statement and orally, the Supreme Court has from the Ginzburg decision in 1966 to the Hamling decision in 1973 to the Free Speech Coalition decision in 2002 consistently refused to accept that “pandering” may be an independent offense, as opposed to being evidence of the offense of obscenity (and, by implication, child pornography). The basic premise of the pandering prohibition S. 2520 is thus in some tension with more than thirty-five years of Supreme Court doctrine. What may save the provision, however, is the fact that pandering may also be seen as commercial advertisement, and the commercial advertisement of

an unlawful product or service is not protected by the Supreme Court’s commercial speech doctrine, as the Court made clear in both *Virginia Pharmacy* and also in *Pittsburgh Press v. Human Relations Commission*, 413 U.S. 376 (1973). It is important to recognize, however, that this feature of commercial speech doctrine does not apply to non-commercial speech, where the description or advocacy of illegal acts is fully protected unless under the narrow circumstances, not applicable here, of immediate incitement.

The implication of this is that moving away from communication that could be described as an actual commercial advertisement decreases the availability of this approach to defending Section 2 of S. 2520. Although it may appear as if advertising “material” that does not exist at all (“purported material”) makes little difference, there is a substantial risk that the change moves the entire section away from the straight commercial speech category into more general description, conversation, and perhaps even advocacy. Because the existing arguments for the constitutionality of this provision are already difficult ones after Free Speech Coalition, anything that makes this provision less like a straight offer to engage in a commercial transaction increases the degree of constitutional jeopardy. By including “purported” in the relevant section, the pandering locks less commercial, and thus less like commercial speech, and thus less open to the constitutional defense I outlines in my written statement and oral testimony.

I hope that this is helpful.

Yours sincerely,

FREDERICK SCHAUER,
Frank Stanton Professor
of the First Amendment.●

VETERANS LONG-TERM CARE AND MEDICAL PROGRAMS ENHANCEMENT ACT OF 2002

● Mr. ROCKEFELLER. Mr. President, I am sincerely disappointed about the placing of an anonymous hold on S. 2043, the “Veterans Long-Term Care and Medical Programs Enhancement Act of 2002.”

There is no apparent reason why this important piece of legislation should be held up at this time. It was developed in a bipartisan manner and encompasses many vital pieces of legislation from both sides of the aisle. It is my sincere hope that the Senator responsible for this hold will realize that this is certainly not the time to be playing politics with legislation that affects our Nation’s veterans.

I would like to share with my colleagues some of the key provisions of S. 2043 that seek to improve the accessibility and quality of the VA health care system.

The centerpiece of this bill is an effort to make VA’s prescription drug copayment policy a bit more equitable for lower-income veterans. Mr. President, currently, veterans with incomes of less than \$24,000 a year are exempt from copayments for most VA health care services. However, when it comes to prescription drugs, the income threshold for exemption is about \$9,000 a year. This bill would raise the exemption level for prescription copayments to make them the same as other VA health care copayments.

Veterans earning just over \$9,000—which is well below the poverty threshold, are required to make prescription copayments. These copayments place an enormous financial burden on our poorest veterans. To compound this problem, earlier this year, the Department of Veterans Affairs increased the copayment for prescription drugs from \$2 to \$7 per 30-day prescription.

Most of the veterans who will benefit from this provision are older, are on fixed incomes, and are on many different medications, each requiring a separate copayment. Most of them have no health insurance except for Medicare and so they must depend upon the VA for their medications. With the lack of a Medicare drug benefit, these veterans are now faced with a 350 percent increase in what they must pay for life-sustaining medications.

Imagine the situation of a veteran with an income of about \$10,000 a year who takes ten medications a month and it is not at all unusual for an elderly person to take that many medications. With the increase in the prescription copayment rate, that veteran now has to allocate over 8 percent of this annual income just to pay for prescription drugs. And although the \$7 per prescription charge may seem like an insignificant amount to some, I can assure my colleagues that to the veteran and his family living on a very limited income, it is quite significant.

Of particular note, S. 2043 also contains mental health care provisions—a key element of caring for those who have served on the battlefield—that would ensure currently successful programs across the country continue to get necessary funding. Congress previously enacted a provision to designate \$15 million in VA funding specifically to help medical facilities improve care for veterans with substance abuse disorders and PTSD. The funds for these mental health grant programs, mandated by the Veterans Millennium Benefits and Health Care Act of 1999, will soon revert to a general fund.

Despite the slow start, this funding has already increased the PTSD and substance abuse disorder treatment programs available to veterans. More than 100 staff have been hired in 18 of VA's 21 service networks to treat substance abuse disorders. Nine new programs—in Baltimore, Maryland; Atlanta, Georgia; San Francisco, California; and Dayton, Ohio among others—have initiated or intensified opioid substitution programs for veterans who have not responded well to drug-free treatment regimens. Other new programs, such as those in Tampa, FL; Cincinnati, OH; Columbia, MO; and Loma Linda, CA put special emphasis on treating veterans with more complex conditions that include PTSD and substance abuse. The additional funding has enabled VA to develop better outpatient substance abuse and PTSD treatment programs, outpatient dual-

diagnosis programs, more PTSD community clinical teams, and more residential substance abuse disorder rehabilitation programs. The legislation being blocked in the Senate would ensure that this funding remained “protected” for three more years, and would increase the total amount of funding identified specifically for treatment of substance abuse disorders and PTSD from \$15 million to \$25 million.

Additionally, the bill contains authorization for four construction projects. Two of these projects are much-needed seismic corrections for VA Medical Centers in the state of California. I think all of my colleagues would agree that no veteran should ever be endangered by aging infrastructure while in the care of VA should a natural disaster, such as an earthquake, occur. I thank Senator BOXER for her leadership on the construction issue. The remaining two construction projects in S. 2043 are for nursing homes. One of these homes is in Beckley, WV, of which the design plans have already been made. I am proud to be involved in helping to bring a long-term care facility to the veterans of my home State who have been in need of such a home for quite some time now. The other nursing home project is in Lebanon, PA.

S. 2043 would also fix a longstanding problem faced by VA's retired nurses. Last December, Congress passed the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001. Enacted as Public Law 107-135, this legislation gave VA several tools to respond to the looming nurse crisis. In addition, it altered how part-time service performed by certain title 38 employees would be considered when granting retirement credit.

Previously, the law required that title 38 employees' part-time services prior to April 7, 1986, be prorated when calculating retirement annuities, resulting in lower annuities for these employees. Section 132 of the VA Health Programs Enhancement Act was intended to exempt all previously retired registered nurses, physician assistants, and expanded-function dental auxiliaries from this requirement. However, the Office of Personnel Management has interpreted this provision to only apply to those health care professionals who retire after its enactment date.

The legislation being blocked in the Senate would require OPM to comply with the original intent of the VA Health Programs Enhancement Act, and therefore to recalculate the annuities for these retired health care professionals. This clarification would not extend retirement benefits retroactively to the date of retirement, but would ensure that annuities are calculated fairly from now on for eligible employees who retired between April 7, 1986, and January 23, 2002.

Mr. President, the legislation would also provide transfer rights for hourly

rate Veterans Canteen Service, VCS, employees to title 5 VA positions through internal competitive procedures. VCS hourly employees are federal employees hired under the authority of 38 U.S.C. 7802. While this authority provides many of the same benefits that title 5 federal employees enjoy, (i.e., workers compensation, health benefits, retirement, and veterans preference) there are benefits to which they are not entitled. For example, VCS hourly employees do not have the same transfer rights to other VA positions that VCS managers have.

As a result, VCS hourly employees applying for VA food service positions, VA housekeeping positions, and other VA positions—positions for which they are well qualified—are not treated as internal competitive service candidates. Their years of service are irrelevant, as they cannot easily transfer to another job at VA without first going through civil service competitions. This legislation would change that and allow them to compete equally with other VA candidates. I wish to thank the American Federation of Government Employees for bringing this issue to my attention and for the assistance and leadership that they provided.

S. 2043 will help thousands of veterans across America, in a variety of ways. We cannot turn our backs on those who have sacrificed so much for this country. I strongly urge my colleagues to support this legislation.●

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on October 23, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 1210. An act to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

S. 1227. An act to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

S. 1270. An act to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the “Wayne Lyman Morse United States Courthouse.”

S. 1533. An act to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes.

S. 1646. An act to identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

S. 2690. An act to reaffirm the references to one Nation under God in the Pledge of Allegiance.

H.R. 2215. An act to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes.

H.R. 2486. An act to authorize the National Oceanic and Atmospheric Administration, through the United States Weather Research Program, to conduct research and development, training, and outreach activities relating to inland flood forecasting improvement, and for other purposes.

H.R. 3253. An act to amend title 38, United States Code, to enhance emergency preparedness of the Department of Veterans Affairs, and for other purposes.

H.R. 4015. An act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

H.R. 4967. An act to establish new non-immigrant classes for border commuter students.

H.R. 5542. An act to consolidate all black lung benefit responsibility under a single official, and for other purposes.

H.R. 5596. An act to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local party committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes.

H.R. 5647. An act to authorize the duration of the base contract of the Navy-Marine Corps Intranet contract to be more than five years but not more than seven years.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on October 23, 2002.

ENROLLED BILLS SIGNED

Under the authority of the Order of the Senate of January 3, 2001, the Secretary of the Senate, on October 25, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 669. An act to designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the "Alphonse F. Auclair Post Office Building."

H.R. 670. An act to designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the "Bruce F. Cotta Post Office Building."

H.R. 2245. An act for relief of Anisha Goveas Foti.

H.R. 2733. An act to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration.

H.R. 3034. An act to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building."

H.R. 3656. An act to amend the International Organizations Immunities Act to provide for the applicability of that Act to the European Central Bank.

H.R. 3738. An act to designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the "Herbert Arlene Post Office Building."

H.R. 3739. An act to designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the "Rev. Leon Sullivan Post Office Building."

H.R. 3740. An act to designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the "William V. Cibotti Post Office Building."

H.R. 3801. An act to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes.

H.R. 4013. An act to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

H.R. 4014. An act to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases.

H.R. 4102. An act to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the "Rollan D. Melton Post Office Building."

H.R. 4685. An act to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements.

H.R. 4717. An act to designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the "Jim Fonteno Post Office Building."

H.R. 4755. An act to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the "Clarence Miller Post Office Building."

H.R. 4794. An act to designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California as the "Ronald C. Packard Post Office Building."

H.R. 4797. An act to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Nat King Cole Post Office."

H.R. 4851. An act to redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the "Robert Wayne Jenkins Station."

H.R. 5200. An act to establish wilderness areas, promote conservation, improve public land, and provide for high quality development in Clark County, Nevada, and for other purposes.

H.R. 5205. An act to amend the District of Columbia Retirement Protection Act of 1997 to permit the Secretary of the Treasury to use estimated amounts in determining the service longevity component of the Federal benefit payment required to be paid under such Act to certain retirees of the Metropolitan Police Department of the District of Columbia.

H.R. 5308. An act to designate the facility of the United States Postal Service located at 301 South Howes Street in Fort Collins, Colorado, as the "Barney Apodaca Post Office."

H.R. 5333. An act to designate the facility of the United States Postal Service located at 4 East Central Street in Worcester, Massachusetts, as the "Joseph D. Early Post Office Building."

H.R. 5336. An act to designate the facility of the United States Postal Service located at 380 Main Street in Farmingdale, New York, as the "Peter J. Ganci, Jr. Post Office Building."

H.R. 5340. An act to designate the facility of the United States Postal Service located at 5805 White Oak Avenue in Encino, Cali-

fornia, as the "Francis Dayle 'Chick' Hearn Post Office."

H.R. 5574. An act to designate the facility of the United States Postal Service located at 206 South Main Street in Glennville, Georgia, as the "Michael Lee Woodcock Post Office."

H.R. 5651. An act to amend the Federal Food, Drug, and Cosmetic Act to make improvements in the regulation of medical devices, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on October 25, 2002.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 23, 2002, she had presented to the President of the United States the following enrolled bills:

S. 1227. An act to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Niagara Falls National Heritage Area in the State of New York, and for other purposes.

S. 1270. An act to designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the "Wayne Lyman Morse United States Courthouse."

S. 1533. An act to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes.

S. 1646. An act to identify certain routes in the State of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated.

By Mr. DAYTON (for himself, Mr. DASCHLE, Mr. LOTT, Mr. REID, Mr. NICKLES, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr.

KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 354. A resolution relative to the death of Paul Wellstone, a Senator from the State of Minnesota; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1828

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1828, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 2581

At the request of Mr. MILLER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 2581, a bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool.

S. 3058

At the request of Mr. BINGAMAN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 3058, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide benefits for contractor employ-

ees of the Department of Energy who were exposed to toxic substances at Department of Energy facilities, to provide coverage under subtitle B of that Act for certain additional individuals, to establish an ombudsman and otherwise reform the assistance provided to claimants under that Act, and for other purposes.

SENATE RESOLUTION 354—RELATIVE TO THE DEATH OF PAUL WELLSTONE, A SENATOR FROM THE STATE OF MINNESOTA

Mr. DAYTON (for himself, Mr. DASCHLE, Mr. LOTT, Mr. REID, Mr. NICKLES, Mr. AKAKA, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BYRD, Mr. CAMPBELL, Ms. CANTWELL, Mrs. CARNAHAN, Mr. CARPER, Mr. CHAFEE, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. FRIST, Mr. GRAHAM, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mr. HELMS, Mr. HOLLINGS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MILLER, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. THURMOND, Mr. TORRICELLI, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) sub-

mitted the following resolution; which was considered and agreed to:

S. RES. 354

Whereas the Honorable Paul Wellstone taught at Carleton College in Northfield, Minnesota, for more than 20 years in the service of the youth of our Nation;

Whereas the Honorable Paul Wellstone served Minnesota in the United States Senate with devotion and distinction for more than a decade;

Whereas the Honorable Paul Wellstone worked tirelessly on behalf of America's Veterans and the less fortunate, particularly children and families living in poverty and those with mental illness;

Whereas his efforts on behalf of the people of Minnesota and all Americans earned him the esteem and high regard of his colleagues; and

Whereas his tragic and untimely death has deprived his State and Nation of an outstanding lawmaker: Now, therefore, be it

Resolved, That the Senate expresses profound sorrow and deep regret on the deaths of the Honorable Paul Wellstone, late a Senator from the State of Minnesota, his wife Sheila, their daughter Marcia, aides Mary McEvoy, Tom Lopic, and Will McLaughlin, and pilots Richard Conry and Michael Guess.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit and enrolled copy thereof to the family of the deceased Senator, and the families of all the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

ADJOURNMENT UNTIL 10:30 A.M.,
THURSDAY, OCTOBER 31, 2002

The PRESIDING OFFICER. Under the previous order, and as a further mark of respect to PAUL WELLSTONE, the Senate stands adjourned in his memory until the hour of 10:30 a.m. on Thursday, October 31, 2002.

Thereupon, the Senate, at 11:11 a.m., adjourned until Thursday, October 31, 2002, at 10:30 a.m.

EXTENSIONS OF REMARKS

NO CORRELATION BETWEEN EDUCATION SPENDING AND RESULTS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to urge my colleagues to take a look at the facts about education spending and results. The teachers' unions and other alliances promoting bureaucracy are constantly pressuring Congress to expand federal education spending by billions of dollars. But, what do the numbers show us about the effectiveness of simply spending more money on education?

A recent scholarly article by Cal Thomas pokes holes in the mantra that more education funding will help improve students' education. I have submitted the article for the RECORD. In the article, Mr. Thomas cites statistics from the Department of Education to back his claims. While the federal government has increased education spending 132 percent between 1996 and the current fiscal year, test scores have remained stagnant. The Department of Education reports 32 percent of public school fourth-graders are proficient in reading, while only 26 percent are proficient in mathematics. These figures are a dismal commentary on the state of education in the United States.

In his article, Thomas cites a study by the bi-partisan American Legislative Exchange Council (ALEC), further revealing the lack of correlation between education spending and better academic results. "Particularly troubling is the finding that of the 10 states that increased per-pupil expenditures the most over the past two decades, none ranked in the top 10 in academic achievement. Additionally, of the top 10 that experienced the greatest decreases in pupil-to-teacher ratios over the past two decades, none ranked in the top 10 in academic achievement."

As the House works out appropriation levels for federal education funding over the next several weeks, I strongly urge it to take a look at the statistics. More money does not mean better student results.

Instead, I commend the House to follow Cal Thomas' advice regarding how to improve academic performance. Thomas states: "Allowing parents to have the power to choose where they believe their children can best be educated is the way to get higher test scores and better learning."

Mr. Speaker, I have introduced an education tax deduction bill that is currently reported to the House floor. It would empower parents with the ability to select the best education options for their children. Rather than spending more money on bureaucratic federal programs, I recommend my colleagues pass the Back to School Tax Relief Act, H.R. 5193, and begin sending money back to the parents to spend as they deem appropriate. Only when we empower parents will we begin to see a reversal in the negative test score trends.

[From Pioneer Press, Oct. 18, 2002]

MORE SPENDING DOESN'T ALWAYS TRANSLATE INTO IMPROVED EDUCATIONAL PERFORMANCE

(By Cal Thomas)

Democrats lament that the presumptive war with Iraq has kept them from focusing the public's attention on domestic issues.

OK, let's talk about one of their favorite domestic issues: education. Most Democratic candidates (and sometimes a few Republicans) promise that if elected, or re-elected, they will fight to spend more money for education. They imply a relationship between increased spending and better academic performance. The public has mostly accepted this line of thinking.

The federal government has spent \$321 billion on education since 1965. The worthless Department of Education, which was established in 1979 as President Jimmy Carter's payoff to the teachers' unions, has an annual budget of \$55 billion.

Yet on the DOE's own Web page, there are some embarrassing facts. Promoting its "No Child Left Behind" agenda (www.nochildleftbehind.gov/next/stats/index.html), DOE notes that education spending has increased 132 percent between 1996 and the current fiscal year. As the watchdog group Citizens Against Government Waste notes, that compares to a 96 percent budget hike for the Department of Health and Human Services and a 48 percent boost for defense over the same period.

What are our children and their parents getting for this extra money? Not much. The DOE reports just 32 percent of public school fourth-graders are proficient in math. Of those who can't read well, 68 percent are minority children, even though sharp increases in Title One spending (\$10 billion in the current budget) directed at improving basic skills among black, Hispanic and American Indian children have failed to achieve those goals.

If the federal government's own figures are not persuasive enough, a new study by the American Legislative Exchange Council are. In the ninth edition of "Report Card on American Education: A State-by-State Analysis," the study of two generations of students from 1976 to 2001 graded each state, using more than 100 measures of educational resources and achievement. ALEC is the nation's largest bipartisan, individual membership organization of state legislators.

In a news release, the ALEC says, "A key finding of the report shows there is no immediate evident correlation between conventional measures of education inputs, such as expenditures per pupil and teacher salaries, and educational outputs, such as average scores on standardized tests." Particularly troubling is the finding that of the 10 states that increased per-pupil expenditures the most over the past two decades, none ranked in the top 10 in academic achievement. Additionally, of the top 10 that experienced the greatest decreases in pupil-to-teacher ratios over the past two decades, none ranked in the top 10 in academic achievement.

The teachers' unions and the rest of the government education monopoly regularly tell us that more spending and smaller classrooms are the answer to improved test scores. But the ALEC study, along with the DOE statistics, proves that is not the case. (For a state-by-state breakdown go to www.ALEC.org.)

Allowing parents to have the power to choose where they believe their children can best be educated is the way to get higher test scores and better learning. If competition improves the products we buy, it can improve the quality of education our children receive—or, in this case, are not receiving. How much more money will it take before the public awakens to the unnecessary and ineffective education spending?

That would be one good question for the campaign trail in any debate about domestic issues.

TRIBUTE TO CATHERINE HARRIS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor the lifelong service of Catherine Harris. A dedicated civil service employee, Mrs. Harris has worked with the City of Philadelphia Department of Public Health for the past 40 years.

Mrs. Harris began her exemplary service as a Clerk-Typist in the Pharmacy Department. She eventually went on to become the only Mortality Coder for the entire health department. As a supervisor, she helped other staff learn the methods and principles used to rank importance of the cause of death for statistical purposes.

Mrs. Harris retired from the City of Philadelphia Department of Public Health on October 4, 2002. In recognition of her years of service to the Philadelphia community, I ask that you and my other distinguished colleagues rise to congratulate her on retirement.

SMALL BUSINESS ADMINISTRATION LOAN PROGRAMS SUBSIDY RATE MISCALCULATION

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. ROTHMAN. Mr. Speaker, small businesses are reeling from the downturn in the economy and are struggling to acquire the capital needed to establish or expand their businesses. These same small businesses are the backbone of our economy, and provide much of the innovation and inventions of new concepts and products that large corporations are unable to develop. The Small Business Administration plays an important role in supporting and assisting small businesses in our country by offering a variety of loan programs, as well as counseling and training for all types of firms.

The Small Business Administration and its affiliates, including Certified Development Company, not to mention small businesses in general, have been struggling in recent years with user fees on loan programs and decreased assistance from Congress. Specifically, the Administration and the Office of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Management and Budget have been miscalculating the anticipated cost of loan programs to the taxpayer, or the subsidy rates for loan programs.

The Administration's subsidy rate estimates for the Small Business Administration's 7(a) loan program and the 504 guaranteed loan program have regularly been miscalculated, leading to unnecessarily high fees charged to the borrowers who use the Small Business Administration's loan programs. This is, in effect, a tax on small businesses, and must be rectified.

The Administration and the Office of Management and Budget must re-estimate the subsidy rate calculations to ensure that the 7(a) loan program as well as the 504 guaranteed loan program are not threatened, and to reduce the tax burden on our nation's small businesses.

125TH ANNIVERSARY OF REGIS
UNIVERSITY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the 125th anniversary of Regis University, a highly acclaimed Jesuit institution in Denver, Colorado.

Founded in 1877 as Las Vegas College in Las Vegas, New Mexico, Regis University has undergone three name changes, two moves and significant growth since its inception one hundred twenty-five years ago. The university now enrolls more than 13,500 students in three constituent schools: Regis College, for traditional liberal arts; School for Professional Studies, with programs designed for working adults; and School for Health Care Professionals, which houses Regis' doctoral program in physical therapy. An additional 15,000 students attend the university's five branch campuses in Colorado and one in Las Vegas, Nevada.

As 1 of 28 Jesuit institutions of higher education in the country, Regis University has developed a reputation for academic excellence and a commitment to the Jesuit mission of developing leaders committed to the service of others. For seven consecutive years, U.S. News and World Report has ranked Regis University to be among its top tier of colleges and universities in the Western United States. The University has also been recognized for its leadership in the field of student character development. The university was 1 of 100 colleges and universities honored in the "Templeton Guide: Colleges that Encourage Character Development."

As a U.S. Representative from Colorado, I know my Colorado colleagues join me in expressing appreciation to Regis University for its significant contributions to the state, country and world at large. It has hosted numerous world leaders to its Colorado campus, including, ten Nobel Prize winners, Mother Theresa and the historic meeting between Pope John Paul II and the President in 1993. The school has also produced an American Rhodes Scholar, two Fulbright professors and two athletes named to USA Today's College All-Academic Team.

Mr. Speaker and Members of the House, please join me in honoring Regis University as

it celebrates 125 years of dedicated service to the academic enrichment and development of thousands of college graduates. The university and all of its faculty and staff are to be congratulated on this momentous occasion.

DOMESTIC VIOLENCE AWARENESS
MONTH

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to recognize October as Domestic Violence Prevention Month and add my strong support to the struggle against domestic abuse.

Domestic Violence Awareness Month is an opportunity for us to remember those who have been victims of abuse, to support those who are survivors, to educate ourselves about the barriers and hardships domestic violence victims face, and to find effective and lasting solutions to this horrific crime.

I would like to share a story with you about a domestic violence survivor named Anna. Anna is married to an abusive man, who regularly harasses, threatens, and hits her. One evening, he flew into a rage and brutally beat her, because she was considering leaving him.

Anna came into work the next day and confided to her supervisor that her injuries were the result of domestic violence. Her boss referred her to the Human Resources office where the staff had training in working with employees who are victims of domestic violence. Human Resources helped Anna contact a local domestic violence service provider.

The employer gave Anna the rest of the day off to meet with a counselor and figure out other precautionary steps. When made aware that she would need several days off to get a restraining order and move into a shelter, Anna called her boss who gave her additional time off.

Before returning to work, Anna was able to develop a safety plan with her boss and counselor that included one afternoon off per week to attend group counseling sessions at the local service provider.

Anna's ability to get help and support from her employer had a significant positive impact on her life. Anna found a safe place to live and remained economically independent. Anna's boss also gained significantly by retaining a productive and contributing employee. Further saving the company time and money in not having to recruit and retrain a new employee.

Mr. Speaker, I use this story to underscore the benefits of having a supportive system in place to help domestic violence victims break the vicious cycle of violence. Sadly, however, this story is fiction rather than fact. Anna's story is a far cry from what most domestic violence victims currently encounter when they seek help from their employers. Federal law does not specifically allow women to take leave from work to effectively deal with abuse. Nor do most states allow women who leave work as a result of domestic violence to collect unemployment compensation.

Instead, victims of abuse live with the added fear of losing their job and falling into poverty if they take time off to go to a shelter or seek

a protective order. In addition employers also lose out. It is estimated that it costs employers \$100 million a year as a result of higher turnover, lower productivity, absenteeism and health and safety expenses.

To address the inadequacy of our current laws, I have introduced the Victim's Economic Security and Safety Act also known as VESSA. This bill ensures that victims of domestic violence are allowed to take time off from work to make necessary court appearances, seek legal assistance, contact law enforcement officials or make alternative housing arrangements, without the fear of being fired or demoted. Further, to make sure victims can retain financial independence VESSA requires states to provide unemployment benefits to women who are forced to leave work as a result of domestic violence. In addition, VESSA creates a workplace safety program tax credit for 40 percent of the costs incurred or paid by an employer who implements a domestic violence workplace safety and education program.

Mr. Speaker, Anna's story, although fiction, clearly illustrates how a comprehensive support system can help to break the cycle of violence as well as, benefit business and society as a whole. I am extremely pleased to announce that VESSA has already garnered the support of 115 of my colleagues in the House of Representatives. I'm hopeful that with the increased support of my colleagues in Congress VESSA will soon become law, and help turn victims of domestic abuse into survivors.

TRIBUTE TO MRS. MARIA LOUISE
BROOKS JONES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor and celebrate the accomplishments of Mrs. Maria Louise Brooks Jones, a resident of Philadelphia for more than fifty years. "Mom Jones" as she is affectionately called, has been a blessing to many in the great city of brotherly love. She is a wife, mother of nine children, grandmother of twenty-six, great-grandmother of seventeen, and an adopted "mother" to a host of children and grandchildren that have claimed her throughout many years. Mom Jones gained some of these "children" because encouraging others is her way of life. The people in her community know that they can get assistance from her in the form of prayer, clothing, or shelter.

Mrs. Jones joined the church at an early age, and from Richmond, VA via Baltimore, MD joined Second Pilgrim Baptist Church in Philadelphia under the pastorate of the late Rev. R. L. Thomas. At Second Pilgrim Baptist Church, she has actively served as a member of the Combined Mass Choir and held various offices on the Jones Gospel Chorus, Senior Choir, Hospitality Ministry, Nurses Ministry, Widows' Ministry, Youth Supervisor, and the Delaware Valley Hospitality Circle.

Mom Jones is an activist and leader in the education of children both in and around her community and church. She worked in the public and private schools of Philadelphia for over fifty years, and remains active in the private sector to this day. As far as she is concerned, she'll help educate children as long as children need to be educated.

Mrs. Jones is a true lady, full of grace, honor, and respect. She has lived a life of honor and service. Along with her family, friends, and community, I ask that you and my other distinguished colleagues to join me in wishing Mrs. Jones a happy 77th birthday and commending her on her multiple accomplishments.

TRIBUTE TO OFFICER BILL
CLEVELAND

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to honor Officer Bill Cleveland of the United States Capitol Police. During my service in Congress, Officer Cleveland has made a lasting, impression on me as a motivated public servant.

Often referred to as "Officer Fantastic," Bill greets Members, staff and visitors at his Cannon House Office Building post each morning with a smile and pleasant greeting. Every time an individual responds and asks how he is doing, Officer Cleveland replies, "Fantastic!" Although he works high intensity, twelve-hour days securing the building's entrances and consistently directing visitors around the maze of hallways, Bill always remains upbeat and friendly.

The more remarkable traits of Officer Cleveland's public duties reach beyond the halls of Congress. In 1988 Bill Cleveland became the first black Republican since Reconstruction to be elected to the City Council in Alexandria, Virginia. Furthermore, he currently serves as the Vice Mayor of Alexandria and is running for mayor in May 2003. If elected, Bill would be the first black mayor of Alexandria.

When I first met Officer Cleveland, I witnessed his motivating spirit and humble service. After countless encounters I have learned Bill's actions are inspired by his deep Christian faith. At work he not only serves the people, but he does so because of his fervor for the Lord. Officer Cleveland's leadership, enthusiasm, and sense of duty have been extraordinary examples for my staff and me. Each day be is a welcoming reminder of how truly great it is to serve in Congress.

Mr. Speaker, Officer Bill Cleveland is a great American and I ask the House of Representatives to join me in thanking him for such outstanding service.

TRIBUTE TO THANKSGIVING

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the national holiday of Thanksgiving to be held this year on the 28th of November.

This traditional holiday, bringing together families and celebrating what we are blessed with as individuals and as a country, takes on an ever more important meaning now as Americans confront terrorism. For the nation to give thanks to God is a hallowed custom, one which is truly American.

Initially celebrated by our forefathers, this holiday became a tradition of thanks for a bountiful harvest, which provided colonists with enough food to last through the winter. The observation was also a time to pray and give thanks for peace with their Native American neighbors. In 1863, President Abraham Lincoln officially appointed a national day of Thanksgiving. Since then, each president has issued a Thanksgiving Day proclamation, designating the fourth Thursday of each November as the official holiday.

As we take the time out of our busy lives to stop and give thanks for the food on our table, our loved ones, the homes we live in and our magnificent nation, let us also remember our forefathers and the sacrifices they made to build our great country and the freedoms by which we may celebrate and express our thanks.

TRIBUTE TO THE HONORABLE
BILL OWENS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to express gratitude and congratulations to the Honorable Bill Owens, Governor of Colorado. Four years ago, Gov. Owens promised to improve education for Colorado's children, reduce the tax burden on families, and make transportation a top priority. Gov. Owens has not only kept his promises to Colorado, but has managed to accomplish much more in his tenure as Governor.

On education, Governor Owens has made schools more accountable for the academic achievements of children. He has expanded assessment testing to better measure the success of children and has pushed for accountability reports that detail the safety and academic performance of Colorado schools. For the first time in a decade, the state is fully funding public education. Gov. Owens has also managed to create smaller class sizes for children in kindergarten through third grade and many full-day kindergarten programs. Other impacts of the education reform include a Read to Achieve grant to provide new programs and new textbooks for many Colorado classrooms.

Governor Owens has also made history by pushing the state's largest tax-relief package. That effort has amounted to \$1 billion in rate cuts of personal income, sales, and capital gains taxes. He also has eliminated the marriage penalty tax. More over, Owens has managed to keep the budget balanced by making responsible decisions to veto \$47 million in line items. He then called on state agencies to cut an additional 4 percent from their budgets.

As governor, Owens has paid special attention to Colorado's long-neglected transportation system. Under Owens' leadership, the state will invest more than \$15 billion in Colorado's highway system in the next 20 years. Although this plan funds projects through the state, Owens constructed it without raising taxes. Colorado will now have better, cleaner, and safer roads for years to come.

Governor Owens has managed to accomplish all this under the pressure of other challenges facing the state and nation demanding

his action. These calls to action include school violence, drought, wildfires, economic slowdown, terrorism, and much more.

Owens' leadership skills are unmatched, and his ability to work in a bipartisan manner earns him daily praise. More importantly, Gov. Owens is firmly committed to making Colorado a better place to live for present and future generations of Coloradans. I ask the House to extend its congratulations and sincere thanks to Governor Bill Owens for his success and accomplishment as Colorado's Governor.

CHANGING LIVES CHARACTER
EDUCATION PROGRAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the Changing Lives character education program, an exceptional curriculum being used throughout the country with proven results to improve individual lives and schools.

The development of character among our young people today is critical to the stability and success of our nation and society. John Adams, the second President of the United States, recognized the immense importance of character and morality to our nation. "Our Constitution was made only for a moral and religious people," he said in an address to the military. "It is wholly inadequate to the government of any other."

Unfortunately, Mr. Speaker, there is a real vacuum of values in our culture today. Too many of our youth are growing up without the guidance and modeling of basic, time-honored character traits, which at one time were reinforced by one's family, church, school and community.

Two well-respected teachers and coaches have joined together to respond to this need for character development among elementary and secondary students. Dennis Parker and D.W. Rutledge, in conjunction with Zig Ziglar, have created a character curriculum called "Changing Lives." The curriculum involves several innovative components, including "Word of the Week" character concepts, a mission statement for the school, banners and posters in the halls about character education, books and readings, journal writing, and focused activities facilitating student, parent, teachers and community involvement in the character education process.

While there are many character education programs on the market, the Changing Lives curriculum is the only one I know which has received extensive study and evaluation. Two psychologists at the University of Dayton recently conducted a scientifically based study of the Changing Lives program. They found that schools with the Changing Lives curriculum demonstrated positive behavior changes and results among the student body in comparison with schools that did not incorporate the curriculum into the classroom. Teachers reported less frequent negative student behaviors and fewer disciplinary actions. Students reported fewer unruly behaviors and a greater expectation from teachers for them to behave in positive ways. Parents were also more likely to attend school activities and rated the schools more positively.

Mr. Speaker, thank you for this opportunity to discuss the merits and benefits of the Changing Lives character education program. I would urge all school districts to consider using this program as they apply for the Character Education grants distributed by the Department of Education. It is a proven program with results that attest to its effectiveness in changing student behaviors and transforming school environments.

RECOGNIZING JOHN MICHAEL
ROSE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize a true friend of Colorado's Arkansas Valley. John Rose is a good neighbor, and he typifies the Western values I hold dear.

John Michael Rose and his wife, Jolly, moved to the Lower Arkansas Valley in February of 1995. They settled near the town of Fowler, Colorado. John said, "We came down here to escape the metropolitan lifestyle, and to enjoy the peace and quiet associated with living a rural lifestyle." The Rose's have raised corn and alfalfa on their eighty-acre farm for two years. John switched the operation from farming to ranching in 1997 and went into a cow-calf operation. They enjoyed living on the land and learning about farming and ranching.

In October of 1998 John received a call from the local Soil Conservation District with an offer to fill a vacant chair on the Board of Directors. John said, "That was just the beginning of my reentry into public service." In December of 1999 the City of Aurora announced its intentions to purchase the remaining shares of the Rocky Ford Ditch. John encouraged the Soil Conservation Board to become proactive and get involved with the process of objecting to the sale and monitoring what would happen to the land when Aurora took the water and dried up the land. The board held a water forum and John served as the moderator. John says this thrust him into the spotlight and thus began his involvement in water issues in the Lower Arkansas Valley. The Otero County Commissioners created the Water Works Committee and asked John to be the coordinator. This led to the creation of the Arkansas Valley Preservation Land Trust; the revival of Arkansas Valley Conduit project, and the Arkansas Valley Water Preservation Group. John is a frequent speaker throughout the valley to community groups, service clubs, and to other governmental agencies.

John serves on the Board of Directors of Big Brothers-Big Sisters. He is active in the Masonic Lodge and continues to serve on West Otero Timpas Conservation District. He is a valuable member of his community, and I am proud to have represented such a vigorous conservator in the Congress. John is a man of integrity who does the right thing even when it isn't the easiest thing to do.

TRIBUTE TO MR. FREDERIC PAUL
GRESKY

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to Mr. Frederic Paul Gresky, Colorado, one of Colorado's most outstanding citizens. Paul, a Colorado resident for over 30 years, is an individual who has made a positive and lasting difference in the lives of others.

In 1971, he and his wife Carol moved to Colorado and have raised two wonderful children, Ellen and Michael. His call to civic duty began in 1974 when a neighbor of Mr. Gresky's left a loaded shotgun unattended and the neighbor's son injured another boy. The injured boy happened to be the son of Paul's co-worker. We all have pivotal events that affect our lives, Mr. Speaker, and this was definitely Paul Gresky's. Instead of reacting irrationally, Paul set out to make a difference.

Since 1974, Paul Gresky has served as a volunteer hunter education instructor, teaching the values of safe firearm handling and responsible human-to-wildlife interaction. Mr. Gresky has earned the title of Division of Wildlife Master Instructor in 1983 and instructed an astonishing 11,000 students. In 1985, he was named Colorado Instructor of the Year and in both 1987 and 1989 he was the Colorado Candidate for Winchester's Instructor of the Year. Paul is a Certified Instructor for the Boy Scouts of America and has been called on by the Poudre Valley School District to teach Home Safety for Firearms.

Paul Gresky's commitment to wildlife has been equally impressive. When the Kodak Company wanted to develop a watchable wildlife site, they called on Mr. Gresky. His expertise resulted in one of only two watchable sites in Colorado, the only location where observers can walk through 41 acres and view natural wildlife habits.

The values that Paul Gresky holds should never be ignored. If you have the privilege of attending one of his classes, you will hear him quote Victor Hugo saying, "Common sense is developed without regard to education, not as a result of it." The young children in his courses go home with a life-changing regard to firearms, our country's heritage, and the value of wildlife.

Mr. Speaker, Paul Gresky's service and dedication to teaching and serving his country remind us of all that is good in America. Paul is truly a shining example for all Americans.

As a constituent of Colorado's Fourth Congressional District, Paul Gresky not only makes his community proud, but also his state and country. It is a true honor to have such an extraordinary citizen in Colorado and we owe him a debt of gratitude for his service and dedication to the community. I ask the House to join me in extending wholehearted congratulations to Mr. Frederic Paul Gresky.

TRIBUTE TO MR. ALAN FOUTZ

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to express gratitude and congratulations to one of Colorado's outstanding citizens, Mr. Alan Foutz of Akron, Colorado. Mr. Foutz, a graduate of the Colorado State University's department of Soil and Crop Sciences, was recently honored for his leadership and contributions to agriculture.

Mr. Foutz received his bachelor's and master's degrees in agronomy from Colorado State in 1968 and 1970. Since owning Foutz Farms in Akron, Alan has been an advocate for relationships between Colorado State and rural communities. Always working for the future of agriculture, Mr. Foutz has pushed for more student scholarships and awards for faculty members deserving recognition. His influence in the agricultural industry has spanned many groups, including serving as president of the Colorado Farm Bureau and Colorado Farm Bureau Mutual Insurance. Additionally, Mr. Foutz has served on the board of directors for Western Farm Bureau Insurance, the American Farm Bureau Federation Wheat Advisory Committee and the National Sunflower Board. Mr. Foutz also serves on the Colorado State College of Agricultural Sciences advisory board and has been a university commencement speaker.

While his service with formal organizations has been impressive, Alan's own peers recognize his valuable contributions. Mr. Jim Quick, the Soil and Crop Sciences Department Head recently commented that Alan has made "many valuable contributions to science and to the crop industry."

As a constituent of Colorado's Fourth Congressional District, Alan Foutz not only makes his community proud, but also his state and country. It is a true honor to have such an extraordinary citizen in Colorado and we owe him a debt of gratitude for his service and dedication to the community. I ask the House to join me in extending wholehearted congratulations to Mr. Alan Foutz.

APPRECIATION FOR EDUCATION
REFORM GROUPS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 28, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize the valuable contribution and tireless assistance of more than 30 organizations committed to helping all children achieve academic excellence through educational choice. Over the past year, these groups have demonstrated a remarkable dedication—often under difficult circumstances—to advancing education tax credit legislation.

During my time in Congress, no issue has captivated my time and attention more than education reform through school choice. Several years ago, a handful of my colleagues and I began meeting to work on a serious parental choice legislative effort. The result of our work was several education tax-related

bills, including the Education Freedom Act (H.R. 5192) and the Back to School Tax Relief Act (H.R. 5193), which I introduced earlier this year.

As the 107th Congress draws to a close, I am struck by the historic progress we made toward advancing education tax credits. Dozens of education tax-related bills were introduced during the 107th Congress, and one bill, H.R. 5193, passed the Ways and Means Committee and is currently awaiting floor action in the House. Our President, George W. Bush, offered his endorsement of education tax credits and established a placeholder in his budget for such legislation.

Mr. Speaker, let me be the first to say, none of this progress could have been made without the relentless support of numerous individuals and organizations. Several of them de-

serve mention here in the House: Agudath Israel, Alexis de Tocqueville Institution, American Association of Christian Schools, American Conservative Union, Americans for Tax Reform, American Legislative Exchange Council, Association of Christian Schools International, Catholic Vote, CATO Institute, Children First America, Concerned Women for America, Center of the American Experiment, Council for American Private Education, Council for Urban Renewal, Education Leaders Council, Empower America, Family Research Council, Heritage Foundation, Institute for Policy Innovation, Latino Coalition, Lexington Institute, Maryland Catholic Conference, Minnesota Catholic Conference, National Association of Private Special Education Centers, National Catholic Education Association, National

Center for Home Education, North Carolina Education Reform Foundation, People Advancing Christian Education, REACH Alliance, Union of Orthodox Jewish Congregations of America, United States Conference of Catholic Bishops, United New Yorkers for Choice in Education, Washington Scholarship Fund.

Mr. Speaker and Members of the House, please Join me in commending these organizations for their fine work and dedication to improving the education of all children in America. The battle for education freedom will not be easy, but it will be won someday soon with the sustained efforts of these committed organizations. For me, it has been a true privilege to work alongside these fine organizations and the people they represent. May God bless them all.

Monday, October 28, 2002

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S10791–S10800

Measures Introduced: One resolution was submitted, as follows: S. Res. 354. **Pages S10799–S10800**

Measures Passed:

Relative to the Death of Senator Wellstone: Senate agreed to S. Res. 354, relative to the death of Paul Wellstone, a Senator from the State of Minnesota. **Pages S10791–96**

Messages From the House: **Page S10798–99**

Enrolled Bills Presented: **Page S10799**

Additional Cosponsors: **Page S10800**

Additional Statements: **Page S10796–98**

Adjournment: Senate met at 10:30 a.m., and as a further mark of respect to the memory of the late Senator Paul Wellstone, of Minnesota, in accordance with S. Res. 354, adjourned at 11:11 a.m. until 10:30 a.m., on Thursday, October 31, 2002 in pro forma session.

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Measures Introduced: 2 public bills, H.R. 5702–5703, were introduced. **Page H8044**

Reports Filed: The following report was filed today. Problems with the Presidential Gifts System (H. Rept. 107–768). **Page H8044**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Emmett J. Gavin, Prior, Whitefriars Hall, of Washington, D.C. **Page H8043**

Meeting Hours—Thursday, Oct. 31 and Monday, Nov. 4: Agreed that when the House adjourns today, it stand adjourned until 11 a.m. on Thursday, Oct. 31 and that when the House adjourns on Thursday, it stand adjourned until 11 a.m. on Monday, Nov. 4. **Page H8043**

Quorum Calls—Votes: There were no quorum calls or recorded votes during the proceedings of the House today.

Adjournment: The House met at 11 a.m. and adjourned at 11:03 a.m. in respect of the memory of the late Honorable Paul D. Wellstone, a Senator from Minnesota.

Committee Meetings

No Committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, of October 24, 2002, p. D1109)

H.R. 2121, to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society and independent media in that country. Signed on October 23, 2002. (Public Law 107–246)

H.R. 4085, to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans. Signed on October 23, 2002. (Public Law 107–247)

H.R. 5010, making appropriations for the Department of Defense for the fiscal year ending September 30, 2003. Signed on October 23, 2002. (Public Law 107–248)

H.R. 5011, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2003. Signed on October 23, 2002. (Public Law 107-249)

**COMMITTEE MEETINGS FOR TUESDAY,
OCTOBER 29, 2002**

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

No Committee meetings are scheduled.

Next Meeting of the SENATE

10:30 a.m., Thursday, October 31

Next Meeting of the HOUSE OF REPRESENTATIVES

11 a.m., Thursday, October 31

Senate Chamber

House Chamber

Program for Thursday: Senate will meet in pro forma session.

Program for Thursday: Pro forma session.

Extensions of Remarks, as inserted in this issue

HOUSE

Brady, Robert A., Pa., E1961, E1962
 Rothman, Steven R., N.J., E1961
 Roybal-Allard, Lucille, Calif., E1962
 Schaffer, Bob, Colo., E1961, E1962, E1963, E1963, E1963,
 E1963, E1964, E1964, E1964, E1964



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