United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

Vol. 148 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 confidant 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

NOTICE

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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 Lapic, and Will McLaughlin, and pilots Richard Conry 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 Lapic, 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 abut 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 Lapic, 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 meatpacking 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 necessity 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 nonimmigrant classes for border commuter students.

H.R. 5542. An act to consolidate all black lung benefit responsibility under a single offical, 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, Untied 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, California, 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. INOUYE, 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 employees 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. INOUYE, 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) submitted 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 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 of the Honorable Paul Wellstone, late a Senator from the State of Minnesota, his wife Sheila, their daughter Marcia, aides Mary McEvoy, Tom Lapic, 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.

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.