

it merely adds impetus to the need for amendments to the 1994 act, particularly to ensure through legislative language that the Interior Department would be required to consult and work with the affected beneficiaries on any reforms or changes to its management. Court requirements may now compel the Interior Department to once again develop its own management reforms without the consultation or agreement of the affected beneficiaries.

The sponsors of S. 2212 were told that we shouldn't act on this legislation in this session because of the lack of agreement between the tribes and the Department of the Interior. At the same time, several efforts ensued by the Department and some tribal representatives to add legislative riders to appropriations bills or other must-pass legislation. These were efforts I could not support as I continue to abide by the principle of legislating through the open processes of the Congress.

It is certainly true that no one fully agreed with everything in S. 2212. That fact suggests to me that the bill deserved our full and fair consideration because it represented a balanced approach. S. 2212 was intended to foster a process of further reform in the years ahead and not to impose some sort of "quick fix" or "final remedy" that is not fully embraced by all interested and affected parties.

Senators DASCHLE, JOHNSON, and I worked very hard to achieve consensus on S. 2212 and while we garnered significant tribal support for this legislative remedy, we abided by the wishes of the tribal task force leadership to withhold from further action on the bill. Without legislative reform this year, I am very much concerned that trust duties will effectively be redefined and reassigned by the courts and the Department without the input or approval of the Congress and the affected beneficiaries.

I have no doubt that the Congress will be urged to act again in the 108th Congress as the matter of trust fund management will continue to require legislative review and reform. I believe a significant opportunity may have been lost by not enacting S. 2212, but I remain committed to ensure that the Federal Government's responsibility to the individual and tribal beneficiaries will be fulfilled.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 16, 2002 in Atlanta, GA. According to police, Michael Keith Barger on intentionally hit

Keishuna Young, 15, with his car because she is black. Barger on yelled racial slurs at Keishuna and her friend as he drove by in his car. Seconds later, he turned around and tried to ram her with his car. Keishuna sustained multiple injuries when she rolled off the car onto the pavement.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO SENATOR PAUL WELLSTONE

Mr. AKAKA. Mr. President, as the 107th Congress nears its conclusion, I rise to join my colleagues in remembering our beloved colleague, Senator Paul Wellstone. Our thoughts and prayers are with the Wellstone family, Paul's staff, and the people of Minnesota. We are all saddened by the tragic deaths of Paul and Sheila Wellstone, their daughter, Marcia Wellstone Markuson, and the Wellstone staffers and pilots.

America will sorely miss Paul Wellstone and his passionate advocacy on behalf of those in our communities and our country who too often feel that no one in Washington hears their voice. Paul Wellstone was their voice, he was their champion, driven by his unwavering conviction that government can and should be a force for good in people's lives. Paul was a caring, persistent, and passionate advocate for veterans, children, the mentally ill, and working families. He was committed to ensuring that all Americans had the opportunity to make a better life for themselves and their families, and that wherever possible, government act as a positive instrument to advance opportunity and equality for all Americans in education, job training, access to health care, and the availability of quality health care. He was driven by his commitment to civil rights and equal justice. Whether speaking on the Senate floor or to a workers' rally, retracing Robert F. Kennedy's tour of America's poorest communities, or visiting veterans hospitalized in Minnesota, Paul lived his convictions and values. Whether you agreed or disagreed with Paul Wellstone on an issue, there was never any doubt about his integrity, the passion and commitment he brought to his work, and the deep pride he felt in serving the people of Minnesota in the Senate.

Paul and I were both first elected to the Senate in November 1990. I had been appointed to the Senate a few months earlier, but we were both the new kids on the block. From the outset, with his incandescent personality, exacting integrity, commitment to the values he espoused and the ability to

speak passionately and eloquently about the issues he cared so deeply about Paul distinguished himself as an exceptional Senator and an extraordinary human being.

Over the course of his tenure in the Senate, Paul became a dear friend. Because of the chronic discomfort he experienced as a consequence of his lifetime love of the sport of wrestling, he was interested in my experiences with hip replacement surgery. At the start of the 107th Congress, our offices were next to one another. His boundless energy, enthusiasm, and good spirits were always welcome and brightened the day for everyone he greeted on his way to and from his office. I remember one conversation on a long bus ride back from a Democratic retreat in Pennsylvania. My eldest son, Danny, had joined Millie and me for the weekend, and he struck up a quick friendship with Paul and Sheila. Over the course of ride back to Washington, we discussed philosophy and politics, the upcoming midterm elections, destiny, and the power of living in consonance with your values and beliefs. I listened as Paul and my son agreed on the importance of living life to the fullest and living every day as if it is your last. That day stays with me because that is precisely the way Paul Wellstone lived his life. He celebrated life. He loved his job and his constituents. He adored Sheila and his children and grandchildren. He always made the time to greet, talk to, or offer words of encouragement to everyone he encountered as he went about his day. To me, this is Paul's greatest legacy, the lives he touched, the people he inspired, the spirits he lifted with his message of hope and justice.

Paul had hoped to visit Hawaii after the November election and had spoken to my son Danny about bringing his entire family for some well-deserved rest and relaxation. Paul and Sheila never had the opportunity to visit Hawaii with their children and grandchildren as we talked about, but they truly lived aloha. For aloha is love. And love is the spirit that brings people together in harmony. In its true sense, aloha has to be transmitted to others, especially to each other, and aloha really is in the giving, not the taking. When you give, you are sharing aloha. This is how Paul and Sheila Wellstone lived their lives and it is why we in the Senate family miss Paul and Sheila terribly. I want to bid Paul and Sheila Wellstone a fond aloha. May God bless them and the Wellstone family. Na Iehowa 'oe e ho'omaika'i mai, a e malama mai—The Lord bless you and keep you.

Mrs. LINCOLN. Mr. President, I appreciate this opportunity to add my voice to those who have spoken in honor of our late colleague Senator Paul Wellstone.

In the 4 years we served together, Paul and I didn't always vote the same way. But we shared the most important value of all: We wanted to do best for the people who sent us to the Senate to represent them. On a full range

of issues, from education to health care to veterans affairs, Paul fought tirelessly for what he believed was best for the people of Minnesota and the United States.

I admired Paul's conviction and passion in presenting his viewpoints and arguing his case. I admired his honesty and conscientiousness in standing up for what he believed. Most of all, I admired the goodwill and sense of fairness that he brought to this body. I hope that even though we won't always agree in our debates here, we can always keep alive that same spirit of goodwill, fairness, and openness.

Paul Wellstone wasn't from the South, but he possessed all the qualities of a Southern gentleman. He was never rude or mean-spirited toward those who disagreed with him, and he was unfailingly civil to both his allies and his adversaries. I feel fortunate to have had him as a colleague and blessed to have had him as a friend. He will be sorely missed.

I would like to pay tribute also to the two members of Paul's family—his wife Sheila and his daughter Marcia—who perished with him on October 25. Furthermore, three members of Paul's campaign staff—Will McLaughlin, Tom Lopic, and Mary McEvoy—and two pilots—Richard Conroy and Michael Guess—lost their lives in that accident. My deepest sympathies and my prayers go out to their families and friends in this time of loss.

ENHANCED PROTECTION OF OUR CULTURAL HERITAGE ACT

Mr. LEAHY. I am pleased that the Senate late last night passed S. 2598, the Enhanced Protection of Our Cultural Heritage, EPOCH, Act of 2002, which I introduced earlier this year with Senators INOUE, CLINTON, BINGAMAN, and BOXER. This legislation increases the maximum penalties for violations of three existing statutes that protect the cultural and archaeological history of the American people, particularly Native Americans. The U.S. Sentencing Commission recommended the statutory changes contained in this bill, which would complement the Commission's strengthening of Federal sentencing guidelines to ensure more stringent penalties for criminals who steal from our public lands.

This bill increases the maximum penalties for the Archaeological Resources Protection Act, ARPA, 16 U.S.C. §470ee, the Native American Graves Protection and Repatriation Act, NAGPRA, 18 U.S.C. §1170, and for 18 U.S.C. §1163, which prohibits theft from Indian tribal organizations. All three statutes currently impose a 5-year maximum sentence, and each includes a lower maximum for a first offense of the statute and/or a violation of the statute involving property of less than a specified value. The bill would create a 10-year maximum sentence for each statute, while eliminating the lower maximums under ARPA and NAGPRA for first offenses.

Such maximum sentences would be consistent with similar Federal statutes. For example, the 1994 law proscribing museum theft carries a 10-year maximum sentence, as do the general statutes punishing theft and the destruction of Government property. Moreover, increasing the maximum sentences will give judges and the Sentencing Commission greater discretion to impose punishments appropriate to the amount of destruction a defendant has done.

Making these changes will also enable the Sentencing Commission's recent sentencing guidelines to be fully implemented. The Commission has increased sentencing guidelines for cultural heritage crimes, but the statutory maximum penalties contained in current law will prevent judges from issuing sentences in the upper range of the new guidelines. Those new guidelines have the enthusiastic support of the Justice and Interior Departments, the Society for American Archaeology, the National Trust for Historic Preservation, numerous Native American nations, and many others.

Two of the three laws this legislation amends protect Native American lands and property. The third, ARPA, protects both public and Indian lands, and provides significant protection to my State of Vermont. For example, ARPA can be used to prosecute those who would steal artifacts from the wrecked military vessels at the bottom of Lake Champlain that date to the Revolutionary War and the War of 1812. U.S. attorneys can also use ARPA to prosecute criminals who take items that are at least 100 years old from a protected site on Vermont State property without a permit, and then transport those goods into another State. In addition, ARPA protects artifacts found on the approximately 5 percent of Vermont land that is Federal property, land that includes many "ghost towns" that have long been abandoned but are an important part of our history.

Those who would pillage the rich cultural heritage of this Nation and its people are committing serious crimes. These artifacts are the legacy of all Americans and should not be degraded as garage sale commodities or as fodder for private enrichment.

ACCURACY IN STATISTICS AND THE DEBATE OVER BIPARTISAN TAX RELIEF

Mr. GRASSLEY. Mr. President, I rise today to discuss the importance of accuracy in the debate over bipartisan tax relief.

I was very pleased to work with over one-fourth of the Senate Democratic Caucus in passing the largest tax cut in a generation. That legislation has been the subject of a coordinated attack by the Democratic leadership and some of its allies in the media. For almost a year and a half, I have responded to these attacks in committee, on the Senate floor, and in the media.

The basic premise of my responses has been that participants ought to be intellectually honest in the data used in the debate. Reasonable folks can differ on whether bipartisan tax relief is a good idea or not. We ought to conduct that debate in a fair and open manner.

Apparently, my responses caught the eye of a key opinion maker, Mr. Paul Krugman of the New York Times. Mr. Krugman is a regular columnist and focuses mainly on economic policy. Mr. Krugman took aim at me and my statements in a column, dated October 18, 2002. I ask unanimous consent that a copy of that op-ed be included in the RECORD.

Mr. Krugman defended the often-mentioned but seldom-sourced statistic on distribution of the benefits of the tax relief package. It's the statistic we hear over and over again. The statistic claims that 40 percent of the benefits of the tax relief package go to the top 1 percent of taxpayers.

Mr. Krugman claims that I did not have an alternative answer to the 40 percent statistics.

I responded in a letter to the editor, dated October 24, 2002.

My letter sources data from the unbiased, official scorekeeper of tax policy for Congress, the Joint Committee on Taxation. This data had been placed in the record in the statements Mr. Krugman criticized. That data, updated for the last year the tax cut is distributed, 2006, shows that the top 1 percent of taxpayers will receive a lower share of the benefits of the tax cut, 27 percent, than their burden, 33 percent. The remaining difference of 6 percent is distributed to taxpayers within comes below \$100,000. That's why Joint Tax concludes that the bipartisan tax relief makes the Tax Code more progressive.

By the way, this fact is not incidental. It reveals a key ingredient to our bipartisan success in 2001.

My Democratic partners in the bipartisan bill insisted that we make the Tax Code more progressive as a condition for their support. That was a condition that I shared with them. We would not have produced the bill in the Senate without their support.

Mr. Krugman struck back at me again in a column dated October 29, 2002. He claimed my letter was "misleading" because I did not include the benefits of death tax relief in the analysis. I ask unanimous consent that a copy of that op-ed be included in the RECORD.

I prepared a response to Mr. Krugman and submitted it to the New York Times editor. Unfortunately, the Times policy only permits two responses per person per year. So, Mr. Krugman can attack me every week if he wants to and my responses are limited. So, Mr. Krugman and the Times policy left me with the recourse of responding on the Senate floor. Otherwise, his charge would stand unanswered. That would be wrong.

Joint Tax does not distribute the death tax benefit because the analysis