

Nevada Mountains. He truly is an American hero. You should be extremely proud of your husband, and I want you to know that citizens in Nevada and across this great nation appreciate his selfless service. Your daughter Gabriella and your unborn son, Jason Christian, will forever know the dedication and patriotism of their father.

Mr. President, I am very proud of Jason's patriotism and devotion to duty. I am also extremely grateful for his exemplary service to our country. I know all Nevadans feel the same way. My thoughts and prayers are with you and your family throughout these difficult times.

#### THE UNTOLD STORY OF MURDER-SUICIDE IN THE UNITED STATES

Mr. LEVIN. Mr. President, according to a report on murder-suicides released last month by the Violence Policy Center, a firearm is the weapon most frequently used to murder the victims, with the offenders then taking their own lives. The study notes that easy access to a gun was the decisive component for almost all of the murder-suicides. Of the 54 murder-suicides reviewed in this study, 52 were firearm-related. If these people had not had access to a firearm, some of these deaths may not have occurred.

There is a piece of legislation in the Senate I believe would help prevent easy access to firearms by felons, those determined to be mentally ill by a court, those individuals with domestic violence misdemeanors and restraining orders, and others prohibited by law from owning a firearm. In April of last year, Senator JACK REED introduced the Gun Show Background Check Act. The Reed bill, which is supported by the International Association of Chiefs of Police, extends the Brady bill background check requirement to all sellers of firearms at gun shows. I cosponsored that bill because I believe it is critical that we do all we can to prevent guns from getting into the wrong hands.

Mr. President, I believe this piece of legislation would be one of many things we can do to address the problem of easy access to guns.

#### THE HOME HEALTH MODERNIZATION ACT OF 2002

Mr. HUTCHINSON. Mr. President, I rise today, as an original cosponsor of the Home Health Modernization Act of 2002, to express my strong support for a clarification of the definition of "homebound" with respect to eligibility for home health services under the Medicare program.

I want to tell you about Ms. Pamela Wolfenbarger of Fayetteville, AR. Ms. Wolfenbarger is a quadriplegic as the result of an accident and has devoted the last twenty years to raising her son. Now that her son is grown, she would like to return to school so that she might become more self-sufficient

financially. Due the current Medicare homebound policy, Ms. Wolfenbarger is unable to do so, nor can she leave her home to go clothes or food shopping, despite offers of assistance from a tremendous support group in her community. Ms. Wolfenbarger needs the services of a home health nurse to assist her in personal care, dressing, and transferring from her bed to her wheelchair.

The current Medicare statute states: "While an individual does not have to be bedridden to be considered to be confined to the home, the condition of the individual should be such that there exists a normal inability to leave home, that leaving home requires a considerable and taxing effort by the individual, and that absences from the home are infrequent or of relatively short duration, or are attributable to the need to receive medical treatment".

Problems have arisen because the terms "infrequently" and for periods of "relatively short duration" are comparative terms with no point of comparison, which has led the Centers for Medicare and Medicaid Services to interpret the statutory coverage criteria for home health as requiring patients to remain in their homes virtually at all times, except those times specifically excluded in the statute, in order to remain eligible for coverage of home health services. As a consequence, many beneficiaries who are dependent upon Medicare home services and medical equipment for survival, including Ms. Wolfenbarger, are being unnecessarily restricted to their homes out of fear that they will lose their home health benefits.

I believe we need to correct this problem for people like Ms. Wolfenbarger, and that is why I have joined Senators COLLINS, BOND and CLELAND in introducing S. 2085, to clarify the homebound definition. Under this important legislation, the current requirement that beneficiaries be allowed "only infrequent absences of short duration" would be eliminated. By doing so, reasonable absences from the home will be allowed and we will bring the home health benefit into the 21st century. I urge my Senate colleagues to support the Home Health Modernization Act of 2002.

#### 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 on May 19, 2001 in Fargo, ND. Two black men were assaulted late at night outside of their apartment. Just prior to the assault,

the assailants used racial epithets directed at the victims. Angela Schussler, Thomas Schussler, and Robert Schussler were arrested in connection with the incident, which police described as being "racially motivated."

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.

#### EARLY MILLER: BIRTH OF A PLAYWRIGHT

Mr. KENNEDY. Mr. President, I would like to commend to my colleagues an article from the New York Times reviewing a new production of Arthur Miller's play, "The Man Who Had All the Luck."

Produced by the Williamstown Theater Festival last summer, this revival has earned acclaim for its extraordinary adaptation of this work by one of America's finest playwrights.

The critic has offered special praise for the lead actors, Chris O'Donnell and Samantha Mathis as well as Sam Robards.

The Williamstown Theater Festival is a tremendous organization which brings great drama to the Berkshires every summer, with some of the most talented performers and directors in the country. This production is now brilliantly staged on Broadway and I know that audiences will enjoy this timeless and poignant American story.

I ask unanimous consent that the article from the New York Times be printed in the RECORD.

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

[From the New York Times, May 2, 2002]

EARLY MILLER: BIRTH OF A PLAYWRIGHT

(By Bruce Weber)

Unthreateningly handsome, with cornfed brawn, a polite-to-old-ladies manner and an earnest bleat in the voice, the young actor Chris O'Donnell certainly has the traditional mien of the All-American boy. He's a natural for the lead role in "The Man Who Had All the Luck," Arthur Miller's 1940 play, subtitled "A Fable," about America and the burdens of unmitigated good fortune, which opened in a stirring and rich revival last night on Broadway at the American Airlines Theater. I mean, he's really a natural. Known for playing sidekicks in popular films—he was Robin in two of the "Batman" movies, and he starred with Al Pacino in "Scent of a Woman"—Mr. O'Donnell had never appeared onstage before. "The Man Who Had All the Luck" was produced last summer at the Williamstown Theater Festival.

Mr. O'Donnell played the title character, David Beeves, a young Midwesterner who, with seemingly unearned fate, gets the girl, the business, the land and the legacy, while all of those around him fall victim to life's vicissitudes and suffer enormous disappointments. His performance then made it clear that some gifts—like effortless charisma and

physical certainty—do indeed descend on some people as if ordained.

And now, as he leads a splendid cast in a production directed by Scott Ellis that the Roundabout Theater has imported largely intact from Williamstown, Mr. O'Donnell appears, if anything, more in control of a character who is blessed (and cursed) with being preternaturally in control. It's a remarkably complex and counterintuitive performance. You can't be naive and play naïveté so well; nor can you be conscience stricken and play ambivalence with such conviction.

The play, written by Mr. Miller when he was 25, was his first to appear on Broadway, where, in 1944, it closed after four performances. And from the current production you can understand why producers would take a chance on a youthful playwright and why audiences and critics were not so eager to join them. It is a serious, ambitious work by a precocious and perhaps over-reaching young writer, populated by characters with blunt purpose; a little slow moving, particularly in the opening act; and a little pedantic, particularly in the third (and closing) act. Reviewing the original production in *The New York Times*, Lewis Nichols said, with a yawn: "The Man Who Had All the Luck" lacks either the final care or the luck to make it a good play. But it has tried, and that is something."

What no one could have known of course is what Mr. Miller would go on to accomplish ("Death of a Salesman" was only five years away) and I can think of no other revival that is so enriched by retrospective knowledge. Anyone interested in Mr. Miller's career, which has had an extraordinary reconsideration in recent seasons, will be fascinated by the strong roots he planted in this early play.

Indeed, those who have seen any of the fine revivals of recent vintage on Broadway—including "Salesman," "The Price," "A View From the Bridge," "The Ride Down Mount Morgan" and "The Crucible," which is currently at the Virginia Theater—are likely to find their appreciation of those plays enhanced by a viewing of this one. Here are the issues of brotherly competition and fatherly betrayal that Mr. Miller explored again and again. (The scene in "Salesman" in which Willy Loman's egregious betrayal of his family is revealed to his elder son, Biff, has a clear antecedent here.)

Here are the admonitions against succumbing wholeheartedly to the lures of capitalism and against the sanctimony of ugly-Americanism. Here is the pained ambivalence of Mr. Miller toward the so-called American dream and the agony of a citizen playwright over a wayward national conscience.

All of these things were excitingly evident when I saw the production last summer, but a couple of other contextual elements weren't. One is the recent opening, 10 blocks north, of "Oklahoma!," the revived 1943 musical in which Rodgers and Hammerstein presented a far different picture of American than Arthur Miller ever has. The director of that show, Trevor Nunn (who is British) and the choreographer, Susan Stroman, have uncovered in it the more ominous underpinnings of the national character. But even so, "Oklahoma!" ends with a frontier trial that explicitly vindicates our hero, the symbolic and joyous triumph of expanding democracy.

Contrarily, at the conclusion of "The Man Who Had All the Luck," David Beeves, a man who has made a great life the way the founding fathers made a great nation, simply by landing in the right place and seizing the awesome opportunity, remains a self-doubter. He has just dodged one more bullet, and future prosperity, embodied by his newborn son, seems assured to everyone except himself.

In the aftermath of Sept. 11, David's uncertainty seems especially poignant and prescient, and especially opposed to the bull-headed optimism of "Oklahoma!," whose most comic character is a lovable peddler (American enterprise at work!) who happens to be from the Middle East.

In other words, this production of "Luck" has a fair amount of luck itself, at least in its remarkable timeliness. The rest of its appeal can be attributed to skill.

To begin with, the play is presented on Allen Moyer's handsome sets—the garage that houses David's auto-repair business and the home he takes over with his new wife after the death of her father—that share a vaulting back wall that suggests the unadorned roominess of the American plains. (The props include a magnificent automobile, a 1930 Marmont.)

And the play itself evinces the staunchness that has always characterized the construction of Mr. Miller's work. This is a drama with a fully thought-through dramatic arc and nine large roles, even though, like an apprentice carpenter, Mr. Miller banged in a few crooked nails. When the villainous father of David's fiancée is run over by a car, even the man's daughter shrugs and moves on without a sign. And the play's structure is long on fundamental theme-fulfilling and short on subtlety.

Several characters, for example, exist to make a single point, that most people succumb to a fateful flaw: J.B. Feller (Richard Riehle), a successful local businessman who invests in David's future, undermines his wish for a son with his drinking. Shory (Dan Moran), a wheelchair-bound veteran, curtailed his own sowing of wild oats with his penchant for whoremongering. Dan Dibble (Mason Adams), an elderly farmer who made a fortune raising mink, foreshadows his own personal calamity with a speech about the necessity of looking after your interests with unrelenting vigilance.

All the actors are fine, and they've been welded into a nifty down-home-feeling ensemble by Mr. Ellis. Mr. Adams is marvelously crotchety and self-absorbed in the part, never more so than when he delivers this speech, which defends the principles of capitalism and mink farming. It's a set piece, much like the scene in which a baseball scout, played with the blunt and entertaining élan of caricature by David Wohl, explains his search for the source of a ball-player's incurable flaw. It's a grand character turn, and a fine use of the sport as a metaphor for the American soul.

Sam Robards, who plays Gustav Ebersson, an Austrian immigrant whose expertise and dreams become subservient to David's naturally endowed privileges, hits just the right notes of modesty and gratitude of someone who has bought into the fabled promise of our country. The early scene in which he enters David's garage and helps him repair the Marmont is a finely, sweetly evoked illustration of the forging of a lifelong bond.

The one new cast member is Samantha Mathis, who plays Hester Falk, David's fiancée and then wife. This is the play's only significant female role, which tells us something, I think, about the playwright's youth. Wisely, Ms. Mathis plays the part with the undemonstrative but cheering support of midcentury wifeliness, and as a couple she and Mr. O'Donnell are the image of a small town's favorite sweethearts.

The two of them, like the play itself, evoke another era altogether. As David's persistent fortune makes him ever more paranoid—he's convinced it's only a matter of time until fate cruelly catches up with him—she grows desperately helpless. In the middle of the 20th century it was crazy to think that a good-looking young American didn't deserve a golden existence, or that America was living under the sword of Damocles.

Wasn't it?

#### CLERGY HOUSING ALLOWANCE CLARIFICATION ACT

Mr. HUTCHINSON. Mr. President, I rise today to express my strong support for the passage of the Clergy Housing Allowance Clarification Act. This important legislation, of which I am a proud cosponsor, will affect the thousands of clergy throughout this country who tirelessly work for so many of us with little regard for their own financial well-being.

I have heard from countless Arkansans who are very concerned that if this legislation is not enacted, the 81-year-old housing tax exclusion for members of the clergy could be eliminated. This in turn would force a devastating tax increase on the many American clergy who can little afford to take on such a large financial burden.

I believe that this legislation needs to be passed today to ensure that clergy of all faiths and denominations can continue to receive the parsonage housing allowance exclusion. This bipartisan legislation was passed overwhelmingly in the House by a vote of 408 to 0, and I applaud my colleagues in the Senate for seeing fit to pass this bill with equal support today.

#### ADDITIONAL STATEMENTS

##### RETIREMENT OF DEPUTY COMMISSIONER OF CUSTOMS CHARLES W. WINWOOD

• Mr. DORGAN. Mr. President, on May 3rd the Federal law enforcement community will lose one of its finest civil servants. Charles W. Winwood, Deputy Commissioner of the United States Customs Service, will retire after a very distinguished 30-year career.

Mr. Winwood served as Acting Commissioner from January to September 2001. During that time he continued his longstanding and persuasive advocacy of the need to modernize Customs automated systems through the creation of the Automated Commercial Environment, often referred to as ACE. I share his strong view that ACE is critical to enforcement and trade facilitation needs. Therefore, I was especially pleased almost one year ago when Mr. Winwood announced the selection of the contractor team that will make ACE a reality.

While he was Acting Commissioner, Mr. Winwood also had the difficult task of managing Customs through the critical days immediately following the attacks of last September 11th. He immediately put the agency on Level One Alert and set the course for the commendable job that Customs is doing today on anti-terrorism and homeland security efforts.

Mr. Winwood is a graduate of Indiana University of Pennsylvania and earned