

Delaware is a small State, but we are building a growing record of achievement in public school education. State-wide, scores have again increased in all grades and across the board in reading and math, as we begin to close the achievement gap.

Much of what we have accomplished in Delaware, and at the Cab Calloway School of the Arts, serves as a model for our Nation.

I thank the staff and students of the school, both past and present, for their efforts to create a more meaningful experience for our students, and I wish Cab Calloway School of the Arts a very happy 10th anniversary.

I rise today to offer my full support to future generations of students and educators at Cab Calloway School of the Arts and congratulate this extraordinary school on a remarkable decade of success.●

#### HONORING NATHANIEL BANKSTON UPON HIS RETIREMENT

● Mr. DASCHLE. Mr. President, today I want to share with my colleagues the dedication and public service rendered by Nathaniel Bankston, Registrar of Voters in East Baton Rouge Parish. He is retiring from public service today, and as he enters a new phase in his life, I look back and remember his accomplishments.

Mr. Bankston has served as the Registrar of Voters of East Baton Rouge Parish since 1969. His dedication to "getting the job done" causes him to reach out to both all parties, regardless of affiliation. He is a respected member of the community, having served as president of the Louisiana Registrars of Voters Associations, member on the Board of Trustees of the Louisiana Registrars of Voters Retirement System, and president of the East Baton Rouge Parish Board of Election Supervisors. He is a lifelong resident of Louisiana, having graduated from southeastern Louisiana University in Hammond, LA, in 1972.

He has spent his entire life striving to make Louisiana a better place, and it is with a heavy heart that I see him retire. Mr. Bankston is an upstanding citizen and it is my hope that his future holds all that he desires.●

#### HONORING THE LIFE OF ARNI COHEN

● Mr. BAYH. Mr. President, I rise to pay tribute to a fellow Hoosier, whose life embodied American ideals of entrepreneurship, community, and service.

In Indiana, we mourn Arni Cohen's death. Mr. Cohen began a pizza business by purchasing his first Arni's restaurant in 1965. Through a mixture of expansions and franchising, Mr. Cohen embodied the principle of free enterprise by populating 13 different cities in Indiana with nearly two dozen of his restaurants. Mr. Cohen's undying love for his community and baseball prompted him to create a softball

league for the community of West Lafayette, where he played with and managed the team. Always a community-minded individual, Arni Cohen also offered his restaurants to upstart musicians and comedians, allowing them to pave their way into show business. Mr. Cohen's years in the Army and his years as a city council member illustrate his commitment to serving his country and community.

Family and friends remember Arni Cohen as a charitable person, always smiling, and eager to offer a kind word to everyone. Mr. Cohen loved his community, honorably serving it for 37 years. His dedication and kindness to his community are a credit to his family and to the State of Indiana.

It is my privilege to pay tribute to Arni Cohen for his commitment and service by honoring him in the official record of the Senate. I send my heartfelt condolences to his family, friends, and the community of West Lafayette.

When I reflect upon the lives of men such as Arni Cohen, who dedicated his life to serving others, I am reminded of the principles of public service.●

#### RETIREMENT OF RON KING

● Mr. CRAPO. Mr. President, I rise today to acknowledge the upcoming retirement of Ron King, Director of Communications at the Department of Energy's Idaho Operations Office. The DOE Idaho Operations Office oversees management of the Idaho National Engineering and Environmental Laboratory, INEEL, and for almost 10 years Ron has served, with distinction, as the director of communications.

Ron's service to his country began with a career in United States Navy, which included various intelligence and administrative positions. After retiring from the U.S. Navy in 1979, Ron continued to work with the Navy as a Government and contractor employee. Ron's public service culminated with his service to the Department of Energy with posting in Montana and Idaho.

As Director of Communications, Ron served as the interface between the DOE and various stakeholders such as State of Idaho officials, the Idaho congressional delegation, tribal governments, community groups, academic institutions and media outlets. In each of these groups, Ron is well-known and respected and the DOE has benefited from Ron's representation.

Public service involves personal sacrifice, commitment to duty and hard work. Ron King exemplified these values during his service in the Idaho Operations Office. Ron will leave big shoes to be filled and his service will not be forgotten.

I want to wish Ron and his wife Cindy all of the best as Ron leaves Government service.●

#### EFFECTIVE DATE PROVISION OF INVOLUNTARY BANKRUPTCY CLARIFICATION

● Mr. BAUCUS. Mr. President, we are all aware that last Thursday the House failed to pass the conference report on H.R. 333, the bankruptcy reform measure. Further, failing to pass H.R. 333, the version of bankruptcy reform that the House did pass last Friday was not taken up for Senate consideration this past week for several reasons. However there are much needed reforms in the bankruptcy bill and one in particular that I would like to discuss today.

It is my understanding that the final bill passed by the House did contain a number of technical corrections that were agreed to on a bipartisan, bicameral basis after inadvertent drafting errors were discovered following the conclusion of the work of the conference committee on H.R. 333. One such error involved the effective date provision of section 1234. Section 1234 was not a new provision of law but a reiteration of current law. This section made clear that a claim that is in bona fide dispute over the existence of liability, or the amount of that liability, cannot be used as the basis for bringing an involuntary bankruptcy action. This clarification is consistent with the 1984 legislative history of this portion of Section 303 of the Bankruptcy Code. It also tracks the decisions of all five Courts of Appeal that have ruled on the bona fide dispute bar to the bringing of involuntary bankruptcy actions.

Section 1234 restated and strengthened congressional intent that an involuntary bankruptcy action should not be employed by litigants seeking to gain more leverage than they would have if they disputed contract performance in the proper judicial forum. The respondent in a bona fide dispute over liability for a claim or the amount thereof should not be disadvantaged by the stigma and expense of an involuntary bankruptcy proceeding, nor should our overcrowded bankruptcy courts be burdened with such disputes. In as much as section 1234 restated existing law, it was given immediate effect upon enactment—but, due to a drafting error, it would not have applied to cases now pending before the bankruptcy courts. This mistake would have had a particularly perverse effect in the five Federal circuits that have correctly ruled that bona fide dispute standard applies to both liability and the amount thereof; no circuit court has reached a contrary conclusion.

As soon as the conferees became aware of this mistake, they worked to fashion a correction contained in a concurrent resolution to be adopted simultaneously with the conference report. That and other enrolling changes were incorporated in the bankruptcy bill passed by the House last Friday. The involuntary bankruptcy provision was contained in section 1233 of that measure, which stated that "This section and the amendments made by this

section shall take effect on the date of enactment of this Act and shall apply with respect to cases commenced under Title 11 of the United States Code before, on, and after such a date.”

As the author of both the 1984 amendment that established the bona fide dispute proviso of section 303 of the Code and 2001 Senate amendment that became section 1234 of the conference report and section 1233 of the House-passed bill, I intend to seek to secure the same clarification and reiteration of current law in the 108th Congress.●

#### TRIBUTE TO DR. LEON Y. SADLER, III

●Mr. SESSIONS. Mr. President, I rise today to express my congratulations to Dr. Leon Y. Sadler, III, originally of Camden, AL, now of Tuscaloosa, Alabama, for his receipt of the Outstanding Commitment to Teaching Award given by the University of Alabama.

Dr. Sadler comes from a well respected Wilcox County family who for generations have provided the area with leadership. His grandfather, Mr. “Duck” Sadler was a superb businessman, and farmer. Indeed, my father purchased his International Harvester dealership from him in the late 1950s. Dr. Sadler’s father was a brilliant lawyer who did superb legal work for over a half century, operating from his modest office in Camden. Dr. Sadler’s brother, Tom, graduated one year ahead of me at Wilcox County High School, obtained his engineering degree from Massachusetts of Technology and, likewise, excelled in engineering.

Leon earned a B.S. in Engineering from Georgia Institute of Technology, and his master’s degree and Ph.D. at the University of Alabama. He joined the Department of Chemical Engineering at the University of Alabama in 1978 after working for Olin Chemical Corporation and the United States Bureau of Mines. His publications are numerous and his research has led to his being rewarded three patents. He is also the recipient of numerous awards including Reichold-Shumaker Professorship of Chemical Engineering; Department of Engineering 140th Anniversary Outstanding Fellow Award; Rau Beta Pi Outstanding College of Engineering Faculty Award and Alabama Society of Professional Engineers State of Alabama Engineering Educator of the Year for 2001, to name a few. His excellence as a teacher of chemical engineering is best enunciated by one of his students who said about Leon:

Not only does he use his great technical skills to educate his students to be better suited for industry, but he also employs his personal skills to illustrate to students how to be better suited for the “real world.” He never fails to provide students with the means to learn, as well as the tools to succeed in a competitive field.

I knew Leon as a student in the public schools of Wilcox County. He graduated several years ahead of me. While

a terrific student, Leon was also a good basketball player. On one occasion, he undertook to coach a group of us who attended the Methodist Youth Fellowship in a basketball league. In fact, we had an ecumenical Methodist Youth Fellowship, with Presbyterians and other church members attending. We thought he was a wonderful coach and that we would be a successful team. Unfortunately, he had chosen by far the shortest team in the league and though we learned much about the game, a winning season we did not have.

Leon married his high school classmate, Dana McNeil, a wonderful and sparkling person who maintained a successful career in real estate. She has been his loving partner throughout their marriage of many years. They have two wonderful sons, Leon IV and Cobb.

In recent years, I had the chance to reestablish a close relationship with Leon and Dana. Spending time with them has been a most pleasant experience. He and Dana have had me stay with them in their fine home in Tuscaloosa and treated me with genuine hospitality. I have cherished those visits and our talks about friends and family and our roots. In this highly mobile world, it is important that we stay close to our friends and to our heritage.

Everyone has such a great love and affection for Leon. Though brilliant and dedicated, he never lost his humility and humanity. People love him and love being with him. His friends are many and very, very loyal—just as he is to them.

Leon is now suffering an erosion of his physical abilities as the result of the progression of Lou Gehrig’s disease. I visited him, Dana and Jim Wilburn recently and enjoyed it greatly. Among other things, we talked of my re-election effort which was just a few weeks off. Leon, now unable to speak, with a smile on his face, wrote on his small erasable board the words, “You’re going to win.” That was an encouraging comment and, as it turned out, he was correct.

Leon Y. Sadler, III has achieved excellence in a rigorous and demanding specialty, Assistant Professor of Chemical Engineering. He has been a blessing to his fellow man. He has remembered his roots and friends from Wilcox County. He loves his wife and family and is proud of all their accomplishments. To an unusual degree, he loves America, understands her greatness, keeps up with current affairs, and does all he can to keep her on the right path.

Teachers are important people. In addition to their professional excellence, teachers help young people learn how to live—in the words of his student, “. . . how to be better suited for the ‘real world’”. Indeed, I extend my congratulations to Dr. Sadler for this important teaching award, presented by one of the great universities in the

world, the University of Alabama. The presentation of the award on September 18, 2002, brought credit on both Dr. Sadler and the University.●

#### HONORING REVEREND HAROLD JONES

●Mr. JOHNSON. Mr. President, I am saddened to report the passing of one of South Dakota’s most exceptional spiritual leaders, Rev. Harold Jones.

Harold was the first Native American to serve as a bishop in a Christian denomination. He was a widely respected leader, and was greatly admired by his peers for his dedication to the people he served and guided. His tremendous contributions to the community and groundbreaking achievements set him apart from other outstanding spiritual leaders.

Born in 1909 and raised on the Santee Reservation in Nebraska, Harold lost his parents at an early age and was raised by his grandparents, who brought him up as a Christian. He attended school at Seabury-Western Seminary in Illinois. After graduating, Harold spent 13 years at the Pine Ridge Mission and 12 years at Holy Trinity Parish in Wahpeton, ND. He also served at the Cheyenne River Agency, Gettysburg, Dupree, Pine Ridge, and Rapid City, SD and Fort Defiance, AZ. Harold was consecrated as a bishop suffragan of the Episcopal Diocese of South Dakota on January 11, 1972. The ecumenical ceremony was witnessed by 1,000 people in the Catholic Church’s St. Joseph Cathedral in Sioux Falls.

As a Native American, Harold’s entry into the church did not occur without controversy and prejudice. While at seminary school in Illinois, Harold earned money by giving talks about life on South Dakota Indian reservations to churches in the Chicago area. Outside these churches signs often read, “Come this Sunday and see a live Indian!” Never deterred from following his chosen path, Harold overcame the misconceptions and prejudices of others to become one of the most respected and revered bishops in the country.

Harold’s dedication to helping others serves as his greatest legacy. His work continues to inspire all those who knew him. Our Nation and South Dakota are far better places because of Harold’s life, and while we miss him very much, the best way to honor his life is to emulate the love and support he shared with others.●

#### THE LIFE OF JANET ADAMS VIGGIANI

●Mr. DODD. Mr. President, I rise today to pay tribute to the late Janet Adams Viggiani—a native of Connecticut. I have known the Viggiani family for many years as residents of our native State, as neighbors in East Haddam, and as friends. Janet became a strong advocate for the public interest, an accomplished attorney, and an educator,