

that is not so and I will bet you most of them will say, well, sure that is so. And some would point out that is in the First Amendment.

Wrong. Read it. It says:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

Where is the word "separate"? Where are the words "church" and "state"? They are not there; never have been, never intended to be. Read the CONGRESSIONAL RECORD during the 4-month period in 1789 when the amendment was being framed in Congress. Clearly their intent was to prohibit a single denomination in exclusion of all others, whether it was anglican or Catholic or some other.

I highly recommend a great book entitled *Original Intent* by David Barton.

It really gets into how the actual Members of Congress, who drafted the First Amendment, expected basic Biblical principles and values to be present throughout public life and society, not separate from it.

It was Alexander Hamilton who pointed out that "judges should be bound down by strict rules and precedents, which serve to define and point out their duty."

"Bound down." That is exactly what is needed to be done. There was not a single precedent cited when school prayer was struck down in 1962.

These judges who legislate instead of adjudicate do it without being responsible to one single solitary voter for their actions.

Among the signers of the Declaration of Independence was a brilliant young physician from Pennsylvania named Benjamin Rush.

When Rush was elected to that First Continental Congress, his close friend Benjamin Franklin told him "We need you . . . we have a great task before us, assigned to us by Providence."

Today, 228 years later there is still a great task before us assigned to us by Providence. Our Founding Fathers did not shirk their duty and we can do no less.

By the way, Benjamin Rush was once asked a question that has long interested this Senator from Georgia in particular. Dr. Rush was asked, Are you a democrat or an aristocrat? And the good doctor answered, "I am neither". "I am a Christocrat. I believe He, alone, who created and redeemed man is qualified to govern him."

That reply of Benjamin Rush is just as true today in the year of our Lord 2004 as it was in the year of our Lord 1776.

So, if I am asked why—with all the pressing problems this Nation faces today—why am I pushing these social issues and taking the Senate's valuable time, I will answer: Because, it is of the highest importance. Yes, there is a deficit to be concerned about in this country, a deficit of decency.

So, as the sand empties through my hourglass at warp speed—and with my time running out in this Senate and on

this Earth—I feel compelled to speak out for I truly believe that at times like this, silence is not golden. It is yellow.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment the Senator from Georgia, Senator MILLER, for his statement and for his outrage over some of the decline in morality which was evidenced by not only by Super Bowl halftime but also by the Supreme Court decision just made in the State of Massachusetts where basically four individuals tried to legalize same-sex marriage. It was not a vote of the people.

#### IMMIGRATION REFORM, GUEST WORKERS, AND AgJOBS

Mr. CRAIG. Mr. President, this afternoon the Judiciary Committee's Immigration and Border Security Subcommittee, on which I serve, held an important hearing on immigration and guest worker reform. The hearing focused on broad issues related to temporary guest worker, and especially on the framework for reform proposed recently by the President of the United States. Our chairman, the Senator from Georgia, Mr. CHAMBLISS, also welcomed statements from several Senators who have introduced bills in this area.

Before this President came into office, the Federal Government led the way as our Nation remained in denial, ignoring both the rapidly growing number of undocumented persons in this country and the increasing dependence of critical sectors of our economy on undocumented workers. Some would say, with justification, that the Nation actually spent the last four decades looking the other way.

Then, a real wake-up call came on September 11, 2001, on the need to manage our borders effectively, and of the failure to do so for many years before.

In the last 2½ years, we have made progress. President Bush has demonstrated tireless leadership on and since September 11. The new Department of Homeland Security has been established to bring rationality to our border, immigration, and homeland security efforts. With the hard work of the administration, our men and women in uniform, and the Congress, our borders are more secure and our homeland is safer.

However, a lot of work remains to be done, as recognized at this hearing.

The President has proposed a framework for guest worker reform. I applaud the administration's repeated assurance that it is not taking any position on any one bill and has no intention to preclude any bill. The President has said he wants to work out the details with Congress, and we are ready to work with him.

I also appreciated the opportunity to highlight the fact that one bill already introduced in Congress is ready to

move. We have a vehicle ready to road-test key principles in the President's framework. I also believe this bill is consistent with the broad goals and principles of several of our other colleagues who have introduced broad reform bills.

That bill is AgJOBS—the Agricultural Job Opportunity, Benefits, and Security Act, introduced as S. 1645 and HR 3142. The ranking member of the Immigration Subcommittee, the Senator from Massachusetts, Mr. KENNEDY, is the bill's other principal sponsor in the Senate. The principal difference from other bills is that AgJOBS deals with one industry—agriculture.

AgJOBS is a thoroughly-developed product, fitted for the unique needs of agriculture. It represents more than 7 years of work on these issues. It reflects 4 years of tough, bipartisan negotiations. A majority of the Senate are now cosponsors.

This bill gives us the opportunity to use reform in agriculture as the demonstration program that will help us work out the details, anticipate challenges, prevent problems, and fine-tune the mechanics of an economy-wide reform package down the road.

Agriculture also has a unique history of guest worker programs and migrant employment. We have the necessary data and experience to draw on. There is no doubt in the minds of most of us that there really are few American citizens today who want to work, on a seasonal and migrant basis, at the hard physical labor of agriculture. In contrast, in some other industries, there remains the controversy over the availability of willing and qualified domestic workers and concern about their displacement by guest workers.

Agriculture is the industry most impacted by dependence on undocumented workers—not by anyone's design, but by circumstance and necessity. The government's own data—based, incredibly, on self-disclosure by workers, themselves—indicates that more than half of the agricultural work force is undocumented. Responsible private estimates run as high 75 to 85 percent. Farmers are going out of business today because they cannot find legal workers at the times they are needed.

With AgJOBS, we could begin immediately to improve our homeland security—and especially ensure the safety and security of our food supply—by knowing who is planting and harvesting our crops, where they came from, and where they are working.

With AgJOBS, we do not need to wait to start putting an end to the inhumane risks and exploitation suffered by these most vulnerable of workers. Every year, more than 300 persons die in the desert, or in boxcars, or being smuggled in other hazardous transportation. That is not tolerable in a humane society.

AgJOBS takes the same long-term approach consistent with the President's framework and other bills—an

improved guest worker program. It also addresses the need for a transition program in the immediate term, by allowing workers the earned adjustment to legal status. This is not amnesty.

This letter brings together employers and workers—from the American Farm Bureau and the U.S. Chamber of Commerce to the United Farm Workers and the AFL-CIO. Cosigners include the National Association of State Departments of Agriculture, worker and legal-service advocates, large and small employers, Latino groups, religious groups, social service organizations, agriculture and other sectors of the economy, immigration issue advocates, and others. Legislation involving major labor and immigration issues simply does not become law, unless it achieves this kind of bipartisan and broad-based consensus.

I continue to invite all my colleagues to become cosponsors of AgJOBS and look forward to working with them to move this bill forward this year.

I ask unanimous consent to print into the RECORD a letter of support that Senator KENNEDY and I have just received from some 420 organizations—national, state, and local organizations—asking Congress to enact AgJOBS into law expeditiously.

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

FEBRUARY 12, 2004.

DEAR MEMBER OF CONGRESS: The undersigned organizations representing a broad cross-section of America join together to support enactment of S. 1645 and H.R. 3142, the Agricultural Job, Opportunity, Benefits and Security Act (AgJOBS). This landmark bipartisan legislation would achieve historic reforms to our nation's labor and immigration laws as they pertain to agriculture. The legislation reflects years of negotiations on complex and contentious issues among employer and worker representatives, and leaders in Congress.

A growing number of our leaders in Congress, as well as the President, recognize that our nation's immigration policy is flawed and that, from virtually every perspective, the status quo is untenable. Nowhere is the status quo more untenable than in agriculture. America needs reforms that are compassionate, realistic and economically sensible—reforms that also enhance the rule of law and contribute to national security. AgJOBS represents the coming together of historic adversaries in a rare opportunity to achieve reforms supportive of these goals, as well as our nation's agricultural productivity and food security.

AgJOBS represents a balanced solution for American agriculture, a critical element of a comprehensive solution, and one that can be enacted now with broad bipartisan support. For these reasons, we join together to encourage the Congress to enact S. 1645 and H.R. 3142, the Agricultural Job Opportunity, Benefits, and Security Act of 2003, before the 2004 Congressional April Recess.

Sincerely,

Agriculture Coalition for Immigration Reform; American Farm Bureau Federation; National Council of Agricultural Employers, AFL-CIO; U.S. Chamber of Commerce; U.S. Hispanic Chamber of Commerce; National Council of La Raza (NCLR); Mexican American Legal Defense and Education Fund (MALDEF); League of United Latin American Citizens (LULAC); William C. Velasquez Institute; United Farm Workers (UFW); National Cattlemen's

Beef Association; National Association of State Departments of Agriculture; Catholic Charities USA; The Episcopal Church, USA; Farmworker Justice Fund (FJF); American Nursery & Landscape Association; Association of Farmworker Opportunity Programs (AFOP); National Migrant and Seasonal Head Start Association; Gulf Citrus Growers Association; Gulf Harvesting, Inc.; Labor Council for Latin American Advancement (LCLAA); Leadership Conference on Civil Rights (LCCR); Moark LLC; Turfgrass Producers International; Society of American Florists; MAFO; Monrovia Growers (CA, OR, GA, NC); National Asian Pacific American Legal Consortium (NAPALC); National Employment Law Project; Arab American Institute (AAI); National Farm Worker Ministry; National Korean American Service & Education Consortium (NAKASEC); Northeast Farm Credit Regional Council;

OFA—An Association of Floriculture Professionals; Pan American Recruiting; Northwoods Agri Women; Salvadoran American National Network; People for the American Way; Perennial Plant Association; Polish American Congress; Pacific Egg and Poultry Association; Southern Nursery Association; Together in America; Western Carolinas Horticultural Alliance; Yankee Farm Credit; Telamon Corporation; Southern Poverty Law Center; Catholic Migrant Farmworker Network; Housing Assistance Council; Alabama Nursery & Landscape Association; Amanecer (AZ); Arizona Nursery Association; Arkansas Green Industry Association;

Allied Grape Growers (CA); Almond Hullers and Processors (CA); California Association of Nurseries and Garden Centers; California Association of Winegrape Growers; Catholic Charities of the Diocese of Santa Rosa (CA); California Apple Commission; California Association of Winegrape Growers; Birds Eye Foods; Deere & Company;

Tyson Foods Inc.; Union of Needletrades, Industrial and Textile Employees (UNITE); United Egg Producers; National Christmas Tree Association; United Food and Commercial Workers Union (UFCW); United Fresh Fruit & Vegetable Association; U.S. Apple Association; U.S. Custom Harvesters, Inc.; Western Growers Association; Western Range Association; Western United Dairymen, Essential Worker Immigration Coalition; Services Employees International Union (SEIU); A. Duda & Sons; Evangelical Lutheran Church in America; American Horse Council; General Board of Church and Society, the United Methodist Church; Agricultural Affiliates; Agri-Placements International; Al French, Former USDA Director of Ag Labor Relations;

National Immigration Forum; National Potato Council; New England Apple Council; Cobank; First Pioneer Farm credit; Farm Labor Organizing Committee, AFL-CIO (FLOC); National Association of Elected and Appointed Latino Officials (NALEO); American Immigration Lawyers Association (AILA); National Chicken Council; National Council of Churches; National Milk Producers Federation; South East Dairy Farmers Association; North East Dairy Producers Association; Northwest Horticultural Council; Wineamerica, the National Association of American Wineries; Winegrape Growers of America; American Jewish

Committee (AJA); American Mushroom Institute; Campaign for Labor Rights; Cooperative Producers, Inc.;

Cooperative Three, Inc.; Council of Northeast Farmer Cooperatives; DairyLea Cooperative; American Frozen Food Institute;

cil; California Farm Bureau Federation; California Grain and Feed Association; California Grape & Tree Fruit League; California Institute for Rural Studies; California Landscape Contractors Association, Inc.; California Rural Legal Assistance Foundation (CRLAF); California Seed Association; California Strawberry Commission; California Women for Agriculture; Catholic Charities, San Diego; Central American Resource Center (CA); La Clinica de la Raza (CA);

Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA); Franciscan Friars of St. Barbara Province (CA); Harry Singh & Sons (CA); Imperial Valley Vegetable Growers Association; John Harris Farms Inc. (CA); Korean Resource Center, Los Angeles; Lassen Canyon Nursery, Inc. (CA); Los Angeles Coalition to End Hunger & Homelessness; Marin Interfaith Task Force for the Americas; NISEI Farmers League (CA); Northern California Growers Association; Nursery Growers of Southern California; Our Lady of Victory Missionary Sisters (CA); Raisin Bargaining Association (CA); Ventura County (CA) Farm Bureau; Southern California Ecumenical Council; United Food and Commercial Workers Union (UFCW) Local 1442 (CA); Universal Immigration Service (CA); Colorado Nursery Association;

Colorado Sugar Beet Growers Association; Estes Valley Multicultural Connections (CO); Northern Colorado Union Association; Sisters of Loretto (CO); Connecticut Farm Bureau; Connecticut Nursery & Landscape Association; Connleaf, Inc. (CT); H.F. Brown Inc. (CT); The Lyman Farm, Inc. (CT); Delaware Nursery & Landscape Association; Latin American Community Center (DE); Latin American Youth Center (DC); Migrant Legal Action Program (DC); Big Cypress Housing Corporation (FL); Centro Campesino (FL); Carlos Rosario Int'l Career Center and Public Charter School; Caribbean Immigrant Services Inc. (FL); Catholic Charities of Orlando, Inc.; Coalition of Florida Farmworker Organizations; Everglades Community Association, Inc.;

Everglades Hammock, Incorporated; Fair Food America (FL); Farmworker Association of Florida, Inc.; Farmworkers Self-Help (FL); The Fellsme Community Enrichment Program (FL); Florida Catholic Conference; Florida Citrus Mutual; Florida Citrus Packers, Inc.; Florida Farm Bureau Federation; Florida Immigrant Advocacy Center; Florida Impact; Florida Fruit and Vegetable Association; Florida Nurserymen & Growers Association; Florida Strawberry Growers Association; Fundacion Salvadorense de la Florida; Guatemalan Unity Information Center (FL); Immokalee Multicultural Multipurpose Community Action Agency, Inc. (FL); Indian River Citrus League (FL); Legal Aid Service of Broward County, Inc. (FL); Live Oak Villas, LLC (FL);

Little Manatee Housing Corporation (FL); Migrant Farmworker Justice Project, Florida Legal Services, Inc.; Mujer (FL); Pinellas Support Committee (FL); Ranch One Cooperative, Inc. (FL); Redlands Christian Migrant

Association (FL); Retail Systems Consulting (FL); Sarasota/Manatee Farmworker Supporters; Sisters of the Humility of Mary—Indian River (FL); Skinner Nurseries (FL); Sugar Cane Growers Co-op of Florida; Unite for Dignity, Inc. (FL); Center for Pan Asian Community Services (GA); Georgia Green Industry Association; Georgia Rural Urban Summit; Idaho Commission on Hispanic Affairs; Idaho Community Action Network; Idaho Farm Bureau; Idaho Food Producers; Idaho Grain Producers Association; Idaho Migrant Council; Idaho Nursery & Landscape Association; Potato Growers of Idaho; Snake River Farmers Association (ID/MT); Centro Romero (IL); Chicago Jobs With Justice; Conguate (IL); Disciples Justice Action Network (Disciples of Christ) (IL); Heartland Alliance for Human Needs & Human Rights (IL); Hispanic Lawyer's Association of Illinois; Illinois Coalition for Immigrant and Refugee Rights; Illinois Landscape Contractors Association; Illinois Migrant Council; Illinois Nurserymen's Association; Immigration Project (IL); Instituto Del Progreso Latino (IL); Korean American Resource & Cultural Center (KRCC), Chicago; Law Office of Shirley Sadjadi (IL); Law Office of Douglas W. Worrell, Chtd. (IL); The Midwest Immigrant & Human Rights Center (IL); Project Irene (IL); The Resurrection Project in Chicago; Central Indiana Jobs With Justice; Indiana Nursery & Landscape Association; Immigration Outreach Office, Catholic Charities/Archdiocese of Dubuque; Immigrant Rights Network of Iowa and Nebraska; Iowa Nursery & Landscape Association; Iowa Project; Sisters of Charity (IA); El Centro, Inc.—Kansas; Kansas Farm Bureau; Kansas Nursery & Landscape Association; Kentucky Nursery & Landscape Association; Catholic Charities Archdiocese of New Orleans; Farm Credit of Maine; Maine Nursery & Landscape Association; Angelica Nurseries (MD); Bell Nursery (MD); CASA of Maryland; Centro de la Comunidad, Inc. (MD); John Shorb Landscaping, Inc. (MD); Maryland Aquatic Nurseries, Inc.; Maryland Nursery & Landscape Association; Migrant and Refugee Cultural Support, Inc. (MIRECS) (MD); Quinn's Kingsville Farms (MD); Robin Hill Farm Nursery (MD); Speakman Nurseries, Inc. (MD); Centro Presente (MA); Irish Immigration Center (MA); Massachusetts Farm Bureau; Massachusetts Immigrant and Refugee Advocacy Coalition; Massachusetts Nursery & Landscape Association; Eastern Michigan University's Bilingual Bicultural Education; Teacher Training Program; Michigan Farm Bureau; Michigan Migrant Legal Assistance Project; Michigan Nursery & Landscape Association; Leitz Farms LLC (MI); Zelenka Nursery, LLC (MI); Jewish Community Action (MN); Minnesota Nursery & Landscape Association; St. Joseph The Worker Church (MN); Centro San Martin Deporres (MS); Mississippi Immigrant Rights Alliance (MIRA!) Office of Hispanic Ministry, Catholic Diocese of Jackson (MS); Rich Smith, Pastor of St. Ann Catholic Church, Paulding (MS); The Social Concerns Committee of the Catholic Community of St. Francis of Assisi (MS); Daughters of Charity in St. Louis (MO); Human Rights Action Service, St. Louis (MO); Latin American Action Team, Giddings-Lovejoy

Presbytery (MO); Mission Effectiveness, School Sisters of Notre Dame, St. Louis; Missouri Nursery & Landscape Association; Montana Nursery & Landscape Association; Nebraska Appleseed Center for Law in the Public Interest; Nebraska Nursery & Landscape Association; Culinary Workers Union, Local 226—Nevada; Nevada Landscape Association; Comité de Apoyo a Los Trabajadores Agrícolas (NJ); Irrigation Association of New Jersey; Mexican American Association of Southern New Jersey; Migration and Refugee Services Diocese of Trenton; New Jersey Farm Bureau Federation; New Jersey Immigration Policy Network, Inc.; New Jersey Nursery & Landscape Association; Rural Housing Incorporated (NM); Brennan Center for Justice at New York University School of Law; Cabrini Immigrant Services (NY); Cayuga Marketing, LLC (NY); Centro Hispano Cuzcatlan (NY); Centro Independiente de Trabajadores Agrícolas (CITA)—(NY); Centro Salvadoreño, Inc. (NY); Christian Brothers (NY); mission on Peace and Justice of the Roman Catholic Diocese of Albany, NY; Empire State Council of Agricultural Organizations (NY); Farm Credit of Western New York; Farmworkers Legal Services of New York; Lake Placid Groves LLC (NY); New York Association for New Americans; New York Farm Bureau; New York State Horticultural Society; New York State Apple Growers Association; New York State Cherry Growers Association; New York State Nursery & Landscape Association; New York State Vegetable Growers Association; PRO-FAC Cooperative (NY); Public Policy Committee, Roman Catholic Diocese of Rochester, NY; Rural and Migrant Ministry (NY); Torrey Farms (NY); Willet Dairy (NY); Workplace Project (NY); YKASEC—Empowering the Korean American Community (NY); El Pueblo, Inc. (NC); Episcopal Farmworkers Ministry (NC); High County Amigos Inc. (NC); Immaculate Concepcion Church (NC); Latino Community Credit Union (NC); Nash Produce Company, Inc. (NC); North Carolina Association of Nurserymen; North Carolina Farm Bureau; North Carolina Justice and Community Development Center; North Carolina Landscape Association; Student Action With Farmworkers (NC); Triangle Friends of the United Farmworkers (NC); Vitalink (NC); Zelenka Nursery, LLC (NC); Advocates for Basic Legal Equality (OH); En Camino, Migrant and Immigrant Outreach, Diocese of Toledo; High Stakes Farms (OH); Immigrant Worker Project (OH); Northern Ohio Growers Association; Office of Hispanic Ministry, Catholic Diocese of Cleveland; Ohio Farm Bureau Federation, Inc.; Ohio Fruit Growers Society; Ohio Landscapers Association; Ohio Nursery & Landscape Association; Ohio Vegetable & Potato Growers Association; United Church of Christ Justice and Witness Ministries (OH); Vlasic Pickle Growers (OH); Asian American Community Service Association, Inc.; Oklahoma Nursery & Landscape Association; Venezuelan American Association of Oklahoma; CASA of Oregon; Farmworker Housing Development Corporation (OR); Hood River Grower-Shipper Association (OR); Northwest Workers' Justice Project (OR); Oregon Associa-

tion of Nurseries; Oregon Farm Bureau; Oregon Farm Worker Ministry; Oregon Law Center; Pineros y Campesinos Unidos del Noroeste (PCUN), Oregon; El Vista Orchards (Wexford, PA); Five Forks Fruit (Waynesboro, PA); Friends of Farmworkers (PA); Hollabaugh Brothers, Inc. (Biglerville, PA); Pennsylvania Farm Bureau; Pennsylvania Immigration and Citizenship Coalition; Pennsylvania Landscape & Nursery Association; Peter Orchards (Gardners, PA); Sisters of the Humility of Mary—Villa Maria, Pennsylvania—(Sister Ruth Mary Powers); State Horticultural Association of Pennsylvania; Feinstein Center for Citizenship & Immigration Services (RI); Rhode Island Nursery & Landscape Assn, Inc.; South Carolina Greenhouse Growers Association; South Carolina Nursery & Landscape Association; South Carolina Upstate Tree Growers Association; Catholic Hispanic Ministry, Diocese of Knoxville (TN); Mid-South Interfaith Network for Economic Justice (TN); Tennessee Immigrant and Refugee Rights Coalition; Tennessee Nursery & Landscape Association; Centro de Salud Familiar le Fe (TX); Ellison's (TX); El Paso Central Labor Union; Equal Justice Center (TX); Houston Community Services; Jovenes Immigrantes por un Futuro Mejor (TX); Midland Community Development Corp. (TX); Migrant Clinicians Network, Inc. (TX); Rio Grande Valley Sugar Growers, Inc. (TX); Texas Agricultural Cooperative Council; Texas Nursery & Landscape Association; Texas Poultry Federation; Texas Egg Council; Texas Broiler Council; Texas Poultry Improvement Association; Texas Produce Association; Texas Seed Trade Association; Texas State Florist's Association; Texas Turkey Federation; Texas Vegetable Association; Turfgrass Producers of Texas; Utah Farm Bureau; Utah Nursery & Landscape Association; Catholic Diocese of Richmond, Virginia; Hampton Roads Coalition for Workers' Justice; Hispanic Committee of Virginia; Refugee and Immigration Services, Catholic Diocese of Richmond; Southwest Virginia Nursery and Landscape Association; Virginia Green Industry Council; Virginia Council of Churches; Virginia Justice Center for Farm and Immigrant Workers; Virginia Nursery & Landscape Association; El Centro de la Raza (WA); Grupo Mexico of Washington State; Lutheran Public Policy Office of Washington State; Marsing Agricultural Labor Sponsor Committee (WA); Underwood Fruit and Warehouse Company (WA); Washington Association of Churches (WA); Washington Growers Clearing House Association; Washington Growers League; Washington Potato & Onion Association; Washington State Commission on Hispanic Affairs; Washington State Nursery & Landscape Association; Washington Sustainable Food & Farming Network; Commercial Flower Growers of Wisconsin; Gardens Beautiful Garden Centers (WI); Grounds Management Association of Wisconsin; Northern Christmas Tree Growers & Nursery (WI); Office of International Student Services, University of Wisconsin-Platteville; South Central Federation of Labor, AFL-CIO (WI); UMOS (WI); Wisconsin Council of Churches; Wisconsin Landscape Contractors Association; Wisconsin Landscape Federation;

Wisconsin Nursery Association; Wisconsin Sod Producers; Ivan Kohar Parra, Executive Director, Latino Community Development Center.

#### TRIBUTE TO ARTHUR JERRY PONTIUS

Mr. DASCHLE. Mr. President, I would like to take this opportunity to recognize Mr. Arthur Jerry Pontius of Deadwood, SD, with a Congressional Fire Caucus Certificate of Award. Jerry has served the Deadwood Volunteer Fire Department for over 40 years, and has been an exemplary citizen through his selflessness and dedication to community safety and well-being. I am pleased and honored to say that this award could not go to a more qualified or deserving person.

Jerry graduated second in his class from the Deadwood Public High School system in 1957, and went on to earn a B.S. in mechanical engineering from the South Dakota School of Mines and Technology. After working for Pratt & Whitney Aircraft, Jerry came home to Deadwood, where he eventually became the mechanical engineer for the Homestake Mining Company. He stayed with Homestake for 25 years, serving in various capacities, most recently as the chief plant engineer. He left Homestake in 1990 and retired in 1998.

Over the years, despite his busy work life, Jerry has found time to serve his country and his community in countless ways. He first joined the Deadwood Volunteer Fire Department in 1963, and has been an integral part of the department ever since. In addition to serving in various positions within the department, including fire chief, certified instructor, and member of the Board of Trustees, Jerry has served as the president of the South Dakota Firemen's Association and on the Governor's Commission on Fire Service Training. During his tenure as president of the South Dakota Fireman's Association, the bylaws were changed to admit women, representing the best of American values of social equality. Most recently, Jerry received the "Outstanding Service Award for Service as assistant chief during the Grizzly Gulch Fire" in 2002.

It is hard to imagine someone doing more for his or her community's safety during their lifetime. As are so many South Dakotans, I am thankful for Jerry's commitment and work to ensure that not only the community of Deadwood, but all South Dakota communities are safe and secure from fires. It is only fitting that Jerry receive this award, as tribute to his incredible contributions to fire safety efforts in South Dakota.

#### SCHOOL VIOLENCE AND COPS FUNDING

Mr. LEVIN. Mr. President, 2 weeks ago a 17-year-old student was shot and killed at Ballou High School in Wash-

ington, DC. This shooting was the second in a 4-month period at the school. Earlier this week, in Albany, NY, another school shooting took place, and while only minor injuries resulted, the incident is another example of the impact of gun violence on students.

School violence, or even the threat of school violence, instills fear in our students, and limits their ability to learn. It also threatens and intimidates teachers and makes instruction more difficult. Violence in our schools puts the learning environment in jeopardy.

That is one reason why I am troubled by President Bush's fiscal year 2005 budget. The President's budget proposes a total elimination of funding for the COPS in Schools Program. As my colleagues know, the COPS in Schools program is designed to help law enforcement agencies hire school resource officers to engage in community policing in and around primary and secondary schools. COPS in Schools provides an incentive for law enforcement agencies to build collaborative partnerships with the school community and to use community policing efforts to combat school violence.

Since 1994, in my home State of Michigan, police departments have received more than \$210 million, hired more than 3,300 officers, and the COPS in Schools program has added 143 school resource officers, but with the President's cuts to the COPS program, additional Federal assistance would not be on the way. The President's \$900 million in cuts to COPS funding would require local police departments around the country to stretch even further the limited number of dollars they have to protect our schools and communities.

I urge my colleagues to support efforts to reinstate COPS funding so that we might ensure a safer environment for our children to learn.

#### LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

One such crime occurred in Santa Rosa, CA, on September 20, 1999. Four youths allegedly fired shots from a pellet gun toward a woman whose car had gay pride, diversity, and rainbow stickers on it. The youths also allegedly yelled derogatory comments regarding the woman's sexual orientation.

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

#### THE JOBS FOR AMERICA ACT

Mr. KENNEDY. Mr. President, millions of Americans have seen corporations move their jobs overseas. Americans are losing jobs in every sector of our economy—not only in manufacturing, but also in computer technology, the service sector, and health care. Positions like call center technician, information technology specialist, and even health care worker are evaporating at an amazing clip.

Experts estimate that 40 percent of Fortune 1000 companies are currently using some form of overseas outsourcing. As many as 3.3 million jobs may be offshored in the next 15 years, causing American workers to lose \$136 billion in wages. Worst of all, we are losing jobs in sectors that once provided our economy with its greatest growth like the information technology sector. As many as 500,000 information technology jobs could go overseas in coming years.

The tragedy of our disappearing jobs is about more than just numbers. This week, a Wisconsin auto parts manufacturer announced that it was moving 500 jobs overseas, putting an equivalent number of workers out on the street. IBM has announced plans to displace thousands of computer programmers by moving their work to other countries. These workers represent the human cost of offshore outsourcing.

This cost—all too real for most Americans—is ignored by the Bush administration, whose chief economic advisor stated this week that outsourcing is "a plus for the economy in the long run."

Tell that to the 15 million Americans who are out of work today. Tell that to the millions more who had to settle for new jobs at lower pay. Tell that to the millions of Americans struggling every day to provide for their families, pay the bills, and cope with rising health care and college costs.

What we are seeing is a President out of touch with the needs of working Americans. He thinks it is good to deny overtime pay to workers. He opposes an increase in the minimum wage. He opposes unemployment coverage for workers looking for new jobs. And now he wants to ship your jobs overseas.

Exporting American jobs may help the bottom line on Wall Street, but it hurts the bottom lines of America's families.

Today, we are saying enough is enough. If President Bush and his corporate pals want to send your job overseas, then they will be held accountable.

The Jobs for America Act amends the Worker Adjustment and Retraining Notification, WARN, Act to require companies to report whenever they lay off workers to send jobs overseas. When company plans to lay off workers and send those jobs overseas, they need to tell workers in advance. And they need to inform the Department of Labor, and local government officials. They