

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

will have to tell the public how many jobs are affected, where the jobs are going, and why they are being offshored.

This act also requires the Department of Labor to compile much-needed statistics of offshored jobs and report them on an annual basis to the Congress and the public. Finally, it applies WARN Act protections to all cases where 50 or more workers are laid off.

The bill shines a spotlight on offshoring practices—not only in corporate boardrooms but at the White House. It is time for President Bush and Corporate America to let every American know whether they stand only for more profits or whether they stand with the American people.

Mrs. FEINSTEIN. Mr. President, I rise to join my colleagues, Senator SNOWE and Senator WYDEN, to support the bipartisan Medicare Enhancement for Needed Drugs Act. This legislation is an important step toward controlling the spiraling cost of prescription drugs for America's seniors.

Last November, I voted in favor of the Medicare Prescription Drug Improvement and Modernization Act because I believed it was the right step toward finally delivering on a promise Congress made to its seniors to modernize Medicare by providing prescription drug coverage in the nearly 40-year-old program.

I personally ran the numbers and looked at a variety of options to add a prescription drug benefit in Medicare, but I decided to support the final bill that was passed last November and signed into law in December because I felt it would make a genuine, positive difference for the seniors in my State, particularly those with low incomes or very high drug bills.

The key to the Medicare bill is that the prescription drug coverage is voluntary. No senior will be forced to enroll in drug coverage in Medicare, also called Medicare Part D. Those who do will receive assistance from the Federal Government for their drug bills up to \$2,250 in total drug costs and will only pay 5 percent of their drug costs above \$3,600 in out-of-pocket spending.

I have said several times on the floor of the Senate that I was dismayed at a provision in the bill that prohibits the Secretary of Health and Human Services from negotiating lower prescription drug prices. Similarly, I said that I would take action to remove this provision and work toward lowering costs of the program.

I feel strongly that savings to the Medicare Program can be achieved by provisions in the Medicare Enhancement for Needed Drugs Act. Now is the time to find solutions that reduce the cost of prescription drugs for our Nation's seniors and for the future of Medicare. I know seniors in my State who have had to make the terrible choice of paying for their prescription drugs and paying for rent and groceries. In the end, many skip or reduce their dosages putting their health at risk. That is simply unacceptable.

This bill represents a comprehensive approach to strengthening the drug coverage in the Medicare bill by addressing the skyrocketing drug costs.

First and foremost, the bill strikes language in the Medicare bill called the "noninterference" provision. That section bars the HHS Secretary from interfering with the negotiations between drug manufacturers and pharmacies and sponsors of prescription drug plans. I strongly believe that the Secretary should be given the authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs.

CBO estimates that the effect of striking the "noninterference" provision would have a "negligible effect" on Federal spending because the savings CBO predicts private plans will be able to obtain will be greater than what the Secretary will be able to achieve.

However, what if CBO's predictions are not the reality and private plans cannot achieve the lowest prices available? What if competition among private plans does not bring about greater cost savings? In that scenario, the HHS Secretary would not be able to step in and use the full force of the Federal Government's bulk purchasing power to lower prescription drug prices.

A 2001 inspector general's report from the Department of Health and Human Services found that the Department of Veterans' Affairs, VA, paid an average of 52 percent less for a list of two dozen drugs than did Medicare. The VA employs a number of cost-saving techniques such as using generics whenever available and substituting high-priced medications with just as effective ones for lower prices.

I strongly believe that the Federal Government should employ the cost-saving techniques for Medicare as the VA does for the acquisition of prescription drugs.

As an incentive to participating Medicare drug plans to negotiate the lowest possible drug prices, the bill allocates \$500 million from the Medicare Stabilization Fund to be used by the HHS Secretary for those plans to secure negotiated prices that are on average within 10 percent of VA or Department of Defense.

In order to ensure that seniors can make an "apples to apples" comparison when determining which drug plan suits them best, the bill requires that the Centers for Medicare and Medicaid Services, CMS, determine the negotiated savings received from each plan.

The bill makes a significant step toward increasing access to lower cost reimported prescription drugs by ensuring access to these markets. It prohibits any company that discriminates publicly, privately or otherwise against foreign retailers or wholesalers who pass along discounts to consumers living in the United States from taking advantage of the advertising deduction allowed under the U.S. Tax Code. The

purpose of this provision is to stop the practice of drug manufacturers limiting their shipments to foreign countries expressly to prevent reimportation by American consumers.

I have heard concerns raised by many of my constituents about the impact the Medicare bill will have on their medigap plans. This bill directs the HHS Secretary to work with the National Association of Insurance Commissioners to conduct a review of the changes to the medigap policies in the new drug benefit for the purpose of evaluate its impact on Medicare beneficiaries.

CBO projects that Americans over 65 will spend \$1.8 trillion on prescription drugs over the next 10 years. Recent studies of United States and Canadian drug price comparisons show that, on average, prices charged by manufacturers, wholesalers, and retailers were higher in the United States, most recently by about 70 percent.

If we do not address the exorbitant costs of prescription drugs in this country today, we threaten the viability of programs like Medicare for future generations. I am pleased to join Senators SNOWE and WYDEN in the fight for lower prescription drug prices for our seniors.

I urge my colleagues to join me in supporting this important legislation.

#### INFANT MORTALITY RATE INCREASES FOR THE FIRST TIME SINCE 1958

• Mr. BOND. Mr. President, I rise to today to discuss some disturbing news. According to a preliminary report released by the CDC's National Center for Health Statistics, infant mortality in the U.S. increased from 6.8 deaths per 1,000 live births in 2001 to a rate of 7.0 in 2002. This is the first time that the infant mortality rate has increased since 1958. Birth defects, preterm birth and low birthweight, and maternal complications of pregnancy were the major factors contributing to this increase.

During the last session of Congress we passed legislation that I introduced with Senator DODD to renew the Federal commitment to finding the causes of birth defects and preventing those for which we know the causes. I am very proud of the important work being conducted by the National Center on Birth Defects and Developmental Disabilities at the CDC in this area.

Congress has not yet addressed the problem of premature birth and low birthweight. In 2002, more than 480,000 babies were born prematurely in the U.S. 1 in 8 births. In my own State of Missouri, 12.7 percent of births are preterm, an increase of more than 11 percent over the last decade. Preterm labor can happen to any pregnant woman and the causes of nearly half of all preterm births are unknown.

In January of 2003, the March of Dimes launched a 5-year, \$75 million