

displayed this cartoon that was the topic of discussion at yesterday's Judiciary Committee hearing on the supreme court justice of California, Justice Rogers Brown.

She had a hearing yesterday before the committee and was greeted with this cartoon that was displayed on a Web site. The Web site of blackcommentator.com. The cartoon has President Bush and Justice Rogers Brown walking into a room and the President is saying:

Welcome to the Federal bench, Ms. Clarence—I mean Ms. Rogers Brown, you'll fit right in.

And then in the background are Justice Thomas, Colin Powell, and Condoleezza Rice. The bottom says:

News item: Bush nominates Clarence-like conservative to the bench.

On the Web site, it says:

This cartoon can be found in the following commentary: A female Clarence Thomas for the DC Federal Court? A statement by People for the American Way and the NAACP.

I don't know from this Web site and I don't know from any other commentary I have seen what the relationship between this cartoon is and the People for the American Way and the NAACP, but I think it behooves both of those organizations to clarify their position on this cartoon which can be found in the following commentary by these two organizations.

The stereotyping that goes on in this cartoon and the blatant racism that is displayed is overwhelming. To look at the depiction of Justice Brown, the picture speaks for itself.

Let me show you a picture of what Justice Brown looks like. I would suggest the cartoon does not at all comport with what Justice Brown looks like. It is a purely slanderous depiction, stereotyping at its worst. That is the tone and substance of the debate we have now degraded ourselves into as a result of the obstructionism that is occurring for extreme political purposes in the Senate.

Justice Brown was asked about this at her hearing yesterday. I quote what she said:

The first thing that happened was I talked to my judicial assistant yesterday. Her voice sounded very strange, and I said to her, "What's wrong? What's happening?"

And I realized she sounded strange, because she was choking back tears. When I asked her what was wrong, she really started to cry. She's a very composed, very calm woman. And she started to cry.

And she said, "Oh judge, these horrible things—you haven't seen what they've done."

I, of course, was not there to comfort her. I've been here meeting with anybody who would meet with me.

But while I've been having those meetings, people have said to me: "Well, you know, it's not personal, it's just politics, it's not personal."

And I just want to say to you that it is personal, it's very personal—to the nominees, and to the people who care about them.

She speaks not only for herself but she speaks to the hatchet job being done on Attorney General Pryor, being

done to Judge Pickering, that was done to Miguel Estrada, is in the process of being done to Carolyn Kuhl and God knows how many more nominees who are being slandered and dragged through the mud, people of stellar reputations, a supreme court justice in California, reelected with 76 percent of the vote, a stellar educational record, and she is being treated in such a demeaning and degrading fashion.

We had the attorney general of the State of Alabama who was questioned on his deeply held beliefs because he happens to be a conservative Catholic. Where are we going, folks? What are we turning this process into, that we will demean and degrade and tear down people for some extreme ideological agenda who have served this country, served their States, served their communities?

This is wrong. We should stop this.

If we don't stop it, it will go on and it will expand and grow like a cancer. That side is doing it now. If they keep it up, one day we may be doing it to them because, of course, we have to get them back for what they did to us. This is wrong. It has never been done before.

Stop this insanity of degrading people, of coarsening the debate, of creating a chilling effect on those who would like to be Federal judges. It is wrong and it must stop now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, my understanding is that on the Democratic side we have 4½ minutes remaining; is that right?

The PRESIDING OFFICER. That is right.

Mr. REID. Madam President, I say to my friend from Pennsylvania, I don't understand what he is talking about, "the degradation." That may be something I am not aware of relative to judicial nominees.

I don't know the exact count, but I do know that during this President's tenure of office we have approved 174 judges or thereabout. We have only had problems with three of them. It seems to me that is a pretty good record.

We have worked hard to approve the President's judges. They have not all been people we would have selected if we had a Democratic President. But we have a Republican President; we have recognized that he has the ability to choose those nominees he believes are appropriate. As a result of that, we have given him nearly carte blanche to send us judges. Three have not been approved.

So the record of 173 sounds like a pretty good record. I hope we will let the certainty of the process go forward. It seems to me it is a pretty good process that has worked for more than 200 years. President Bush is getting virtually every one of his nominees. I don't think it would be a good system if we simply said you can have whoever you want. We have a duty to advise and

consent the President on his nominations.

I yield the time left under the Democrat control to the Senator from New Mexico, Mr. BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

HEALTHY FORESTS

Mr. BINGAMAN. Madam President, in response to the comments the Senator from Idaho made earlier this morning on the Healthy Forests legislation, the history of that legislation is that the bill did get referred to the Agriculture Committee. I thought that was a mistake, since the Energy and Natural Resources Committee has always had primary jurisdiction over most of the issues dealt with in that bill. But a bill was reported out of that committee.

Following that, a group of Senators—the Senator from Idaho included—got together on a bipartisan basis to develop their own alternative, or their own proposal. That is what is intended to be brought to the Senate floor. My staff, the staff of the Democratic side of the Energy and Natural Resources Committee, was not included in those negotiations. I complained about that. They were told they could observe but not participate in a meaningful way. They did that to some extent.

I believe it is important that we have a full opportunity for amendment to this bill. I do not object to the bill coming up. I do not object to us proceeding with an agreement to limit what we do to the amendments related to that bill. I think that would be an appropriate way to proceed. It is an important issue. We ought to deal with it before Congress adjourns this fall.

I will have several amendments. I think there are problems with the bill as I understand it. I also have a great many questions I would like to have answers to about the meaning of some of the language in the bill. Those are legitimate issues. I believe we can have a full and fair debate and a full and fair opportunity for Senators to offer amendments.

I know the assistant Democratic leader, Senator REID, did suggest we proceed to bring the bill up. There would be no objection to that. Certainly, I think that would be an appropriate way to proceed. With that, I appreciate the chance to explain my own point of view and position.

I yield the floor.

COSPONSORSHIP—S. 877

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I request unanimous consent to add the Senator from Illinois, Mr. FITZGERALD, as a cosponsor of S. 877, the CAN SPAM Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, we yield back any time left on the minority side.

CONCLUSION OF MORNING
BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

TRANSPORTATION, TREASURY,
AND INDEPENDENT AGENCIES
APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 2989, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2989) making appropriations for the Department of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I send a substitute amendment to the desk at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY] proposes an amendment numbered 1899.

(The text of the amendment is printed in the RECORD under "Amendments Submitted.")

Mr. SHELBY. Madam President, I am pleased to present to the Senate the Transportation, Treasury, and general government appropriations bill for the fiscal year 2004.

The reorganization of the Appropriations Committee earlier this year substantially changed the jurisdiction of this subcommittee. While the jurisdiction of this subcommittee is not as wholly different as the new Appropriations Subcommittee on Homeland Security, the bill before the Senate is quite different from the bill the Senate has considered in the past.

For the first time, programs outside the Department of Transportation have to directly compete against certain Transportation programs. This bill is within the subcommittee's 302(b) allocation. Despite being \$300 million below the President's request, I believe we have included adequate resources to meet our responsibilities in a balanced and responsible manner.

The goal of the subcommittee is to allocate scarce resources to the administration and our Members' highest priorities, to glean out savings where possible, and to apply those savings to programs that save lives, improve America's competitiveness, and programs that create jobs. I am pleased to report that the bill before the Senate does just that.

I wish to provide a brief overview of the highlights of the bill. The budget request proposes an 8-percent raise. I

am proud to report that the bill rejects the proposal and has included a historically high \$33.8 billion for highway infrastructure investment.

It will come as no surprise to anybody that my highest priority for the Transportation portion of this bill is to provide adequate investment in our highway system. Highway investment creates jobs through infrastructure development, fuels economic growth by reducing the transportation costs associated with American goods and services, and improves the quality of life of our citizens and enhances their ability to move around this country easily.

The bill before us also includes \$20 million for AMBER Alert grants to expand and improve the Nation's ability to quickly recover missing children. We know the alert system has worked in Texas. This investment will provide additional infrastructure across the country to notify the public to immediately begin looking for missing children and suspects.

While many of Treasury's law enforcement functions were transferred to the Department of Homeland Security, Treasury continues its important responsibility for combating terrorist financing and other financial crimes both domestically and abroad. The bill includes funding to establish the Office of Terrorist and Financial Crimes.

We have also included additional resources to support Treasury's policy responsibilities pertaining to counter-terrorist financing and financial crimes. I believe these are essential functions in our Nation's war against this fight on terrorism.

The bill includes an additional \$20 million for the HIDA Program. Over the years, the HIDA Program has been effective in coordinating Federal, State, and local law enforcement to disrupt drug trafficking. We have also included language to, once again, make the National Youth Antidrug Media Campaign an effective investment for the Federal Government.

While a few of my colleagues may disagree with the direction the bill proposes to take in regard to the media campaign, there are many more who believe a more stringent approach is necessary. I believe this bill strikes the appropriate balance between responsible congressional oversight of the campaign and allowing it to move forward in an attempt to effect change among our Nation's youth. Further delay in the courthouse construction process would only hamper the effort to meet the growing caseload demands on the Federal judiciary.

The bill includes \$500 million to fund the Help America Vote Act. This funding, in addition to the \$830 million appropriated in fiscal year 2003, will allow more than \$1.3 billion to be distributed to States in fiscal year 2004. I am pleased the administration has finally sent up its nominations for the commissioner of the Election Assistance Commission.

It is my understanding the Rules Committee plans to hold a hearing on

these nominees next Tuesday. I believe it is important that the Senate expedite this process so the resources we appropriate can be distributed to the States in a reasonable manner.

The recommendation also includes funding to continue the student and parent mock elections. I know many of my colleagues are very interested in this important program and truly believe in the merits of this valuable hands-on civic lesson. That is precisely why we have included the money.

The bill retains the so-called pay parity provision for Federal employees and uniform personnel and sets the adjustment at 4.1 percent.

Finally, the bill includes \$1.3 billion for Amtrak. I reiterate what I said during the committee consideration. I am deeply concerned about the offsets that have been included in this bill to pay for the additional \$400 million above the budget request. We are barely keeping up with the demand for transit, highway, and airport infrastructure investment and maintenance. Amtrak, on the other hand, can hardly keep up passenger demand for its current routes. That is not just rhetoric. Amtrak provides roughly the same number of passenger trips as it did 20 years ago, while all other modes of transportation have more than tripled.

I hope we can move this legislation quickly through the Senate and into the conference with the House. I look forward to working with the Senator from Washington, the former chairman of the committee, and also the chairman and ranking member of the Committee on Appropriations, and with interested Members, to consider and pass this important legislation.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in support of the Senate amendments to H.R. 2989, the Department of Transportation, Treasury and General Government Appropriations bill for fiscal year 2004. This is the first time that the Senate will debate an appropriations bill that combines these critically important Government functions.

As my colleagues know, at the beginning of this year, the Appropriations Committee combined the Transportation Subcommittee with the former Treasury, Postal and General Government Subcommittee. We were particularly fortunate to have Senator SHELBY as our chairman, especially since he is perhaps the only Senator who has chaired both the Transportation Subcommittee and Treasury Postal Subcommittee at different times.

Ever since the Senate adopted this year's final budget resolution, I have worried that the Appropriations Committee would not have sufficient resources to meet our needs and to make the investments we must make to improve our country. Today it is clear that my concerns were well-founded, not only with this appropriations bill, but with others the Senate has debated this year. However, despite the limited