

caused by shocks that are outside our control.

Or the second general category: They are caused by a series of mistakes, mistakes that business men and women make. They make decisions about purchasing stock and then discover they have too much inventory. They make decisions about going into a market and discover that the market will not work, and they have to lay people off. They make decisions about the future of their product and then discover the product will not sell, so they have to cut back.

When the number of decisions that are wrong exceeds the number of decisions that are right, in an \$11 trillion economy, you get a recession. The recession is the way those mistakes are paid for. The recession is the way the impact of those mistakes are corrected.

Perhaps the most dramatic one I can think of was the recession of 1958 where the automobile industry collectively made a series of major mistakes. They assumed the boom they had in previous years—1955 model year, 1956 model year, 1957 model year—was going to go forward, and then suddenly they discovered they had huge amounts of inventory on their hands, as people did not buy cars at the same level they had projected. As a consequence, the automobile industry started to shut down until the inventory got sold off. That meant the steel industry, the aluminum industry, the glass industry, the rubber industry, all had to shut down because they were not building cars, and we had one of the most difficult recessions we have had in the postwar period in 1958. The recession was the way you corrected those mistakes. It did not have anything to do with who was elected President or who was elected to the Congress; it was caused by a series of bad business decisions on the part of people in the automobile industry.

Look at the recession we have just gone through. What did it come on the heels of? Yes, 9/11 was there. Yes, there were some outside shocks. But it came after what we called the dot-com bubble. A lot of jobs were created in companies that were not earning anything. They had no income other than selling stock on the stock market. People got caught up in the froth of the dot-com bubble: This is going to be a great future; we are going to buy the stock, and we are going to get rich.

Somewhere along the line somebody said: But where are the earnings? When it dawned on people these companies with these brilliant projections and plans had no earnings, shareholders decided they did not want to hold those stocks anymore. The dot-com bubble burst. The stock market collapsed, and we were on our way toward a correction or, if you will, recession. It had nothing to do with who got elected.

But this point I want to make: Maybe we in government can't create economic growth. Maybe it doesn't

matter who gets elected in terms of economic power. But we can certainly do dumb things that can hurt it. The Federal Government can't create jobs, but the Federal Government can mess up the economy in such a way that jobs are destroyed.

How do we do it? One of the ways that we disrupt the economy, and we do it regularly, is by our tax policy. We can create an atmosphere where it is easier for the economy to grow, or we can create an atmosphere where there are penalties in the form of taxes when the economy grows.

I have told this story before about my own experience founding a company and making it grow in what some have called the decade of greed. When Ronald Reagan was President and the Congress created a situation where the top marginal tax rate was 28 percent, oh, what a tremendous windfall for the rich to have the top marginal tax rate at 28 percent. What they don't realize, those who talk about how terrible this was, is that the enormous economic growth we had in the 1980s, and indeed on into the 1990s, in my view, was spurred by the fact that a company like ours, starting with four employees and growing ultimately to 4,000, was able to finance that growth because we were able to keep 72 cents out of every dollar we earned.

When the Clinton administration came in, and the Congress responded to his call, the top marginal tax rate went effectively to over 40 percent, which meant a starting business was able to keep only 60 cents out of every dollar that it earned and had to go someplace else to finance its growth rather than from internal funds.

I have made these points before. I have learned in the Senate there is no such thing as repetition because on the other side of the aisle we get the repetition day after day about how terrible the economy is.

I say again, in conclusion, the next President, whoever he is, will preside over a strong and robust economy. The groundwork for that reality has been laid during the last 4 years. Whoever takes credit for it in the next 4 years will be taking credit for work that was done prior to his taking office.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

VENUE SHOPPING

Mr. THOMAS. Madam President, I appreciate the comments of the Senator from Utah. Certainly, the impact of the economy on all these things is a little hard to determine and easy to make political. I hope we can understand and stick with some of the economic elements that are there and then deal with the political ones that go with it.

First, let me say I am a little disappointed in the way we are moving in the Senate, frankly. We don't have many days left to deal with a number

of issues. Frankly, I think we have about four or five issues that we ought to be dealing with. One, of course, is the difficult one called the budget.

Some people out there say: Why do you fool with it? You don't pay any attention to it anyway.

That is not true. It is a way to protect spending within the limits of the budget. If you don't have one, that makes it difficult.

Appropriations, of course, must be done by the end of September in order to continue to deal with the things we must do.

I believe our energy policy, where we are going in the future, ought to be laid out. That is one of the most important issues we have before us.

And as the Democratic leader said this morning, the highway bill has the most direct impact on the creation of jobs of anything we could do, and we have completed all the efforts on that for some time.

I am certainly hoping that we can move forward. Unfortunately, we have been held up by this idea of having unrelated amendments to every bill. We ought to fix that issue. When we are on an issue, we ought to stick with that issue and have only amendments that are pertinent. But that is not the case, of course. We use every bill as an opportunity to bring up something totally unrelated, and that has been a problem.

In any event, I will discuss a little while this morning something that is related to what we are talking about on the Senate floor. It isn't part of the bill, nor do I expect to put it in as an amendment, but I think it is something that is quite important to the legal system, particularly as it affects decisions vis-a-vis public lands. Of course, being from Wyoming—the Presiding Officer being from Alaska—a large percentage of our States is public lands. So how decisions are made with respect to those is very important.

Furthermore, we find ourselves with an increasing number of lawsuits. Unfortunately, we almost have ourselves in a position of managing through lawsuits as opposed to managing based on good decisions.

I would like to talk a moment about venue shopping. We have been steamrolled in Federal land issues by judges who are thousands of miles away from the area where the question is raised. Specifically, these courts have systematically denied access to Yellowstone and Grand Teton National Parks. We have national parks to protect them, and at the same time, so that people can enjoy them and have access to them. Those are the important things.

Special interest groups that have different feelings about it like to search out over the country for a venue where they think they can go that will give them the best opportunity to succeed in the lawsuits that they have filed. Environmentalists tend to go to a venue in Washington, DC, for a more sympathetic court than those courts

they are closest to and deal with the issues that are there. This action, of course, is contrary to the system of circuit courts, judges thousands of miles away from disputes involving certain impacted areas. Those lawsuits should be tried in the courts of primary jurisdiction because they are the courts that are there.

We have had a real problem in Yellowstone National Park. The district court judge here in Washington decided to move back again on something that we thought was resolved. The Park Service had asked for relief from Judge Sullivan's December order because it would have left an impossible decision. It then moved back to a Wyoming court where it belonged, a Federal circuit court, of course. So now we find ourselves with 2 years of indecisiveness which means we have not made a decision. People don't know whether they can go into Yellowstone Park in the winter.

I have introduced legislation that would limit the ability of individuals to venue shop. Federal land issues arising in a particular State ought to go to that circuit court in which the Federal judges there are involved. These Federal judges have the same qualifications as anywhere else, and that is what Federal courts are for. That is why we have different venues. So it is important. Access to public lands is very important to our State and certainly we need to exercise the system that has been set up.

The Federal judiciary is a system of circuits. Wyoming is in the Tenth Circuit. Unfortunately, this system now allows people to go around the Tenth Circuit and go to another place where they think they will have better success.

My friend from Montana is here. I hope and I am pushing for a bill that says you ought to go to the circuit in which the problem arises for the Federal court jurisdiction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

A ROCKY START

Mr. BURNS. Madam President, we all came back from our States after the Fourth of July break knowing that we would be working on a short timeline. Lots of legislation and policy has to be done before we end this Congress and all go home and campaign for election and reelection. We are off to kind of a rocky start. Not only do we not have a budget and the rules that we must abide by within a budget in order to proceed to appropriations and to make any sense out of the appropriations process, but we also do not have our appropriations process as being sort of supplanted, that we may have to take another tack in order to pass them and keep the Nation's Government in business.

This week, we have witnessed that we are not really ready to pass any leg-

islation in this body. We, as 100 Senators, are concentrating on votes and issues that lean to doing the business of a political party rather than doing the people's business, which we were sent here to do. This is the people's forum. All people in this country expect us to get our work done. We have issues that are held up, yes, in policy, but the business of financing this Government in a direction that faces the challenges that we do at this time is also being held up.

I am sorry we could not move on to the class action legislation. It was not the intent of this Senate to do that, as objections were thrown out that blocked the legislation no matter what the conditions were, let alone amendments—no agreement on them or a timeframe in which to finish the legislation.

This is important for small business. Class action is important for a State such as mine, because we are a State of small businesses. We don't have any large corporations in the State of Montana. Lawsuits—and frivolous lawsuits—are just sapping the life out of the people who perform the services and deliver the goods for the rest of the citizenry in the State of Montana. That is not being allowed to move forward. Under any condition, there is an objection. Are we heading toward the small end of the tunnel whenever we get down to the end of the session, and then everything breaks loose—issues, bills, and articles are moved much faster. Sometimes they move so fast there are some unintended consequences.

I am disappointed that we don't finish our business. This is the people's house. Issues are on the line. We are just wasting our time. In fact, we are doing it to the point where we might as well be home, working at home, and whenever we decide we want to do business, then we will come back to town and complete the Nation's work.

It is incumbent upon all of us who share the same responsibility, not only to our States but to this country, to complete the work at hand, providing economic opportunities for more people, which we have done.

Look at the statistics. More people own homes now in the United States than ever before in the history of this country, and the same is true about Montana. More people are working today than any other time in Montana history. We gained jobs in the last 4 years, when the rest of the country was struggling. We want to keep that trend going, expanding. Yet we are held up here on issues that are very important in order to make sure that the expansion continues.

I appeal to my colleagues on both sides of the aisle. It is time to move from the frivolous discourse that we have heard in the last couple of weeks and this week, and get on with the business at hand and vote. Let the will of the American people be heard and done. It is our responsibility. It falls on each and every one of our shoulders,

and if we are part of an obstructionist move, we must reassess our position and understand what is at stake.

I appeal to my colleagues. It is time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Is this Senator allotted a certain amount of time?

The PRESIDING OFFICER. Fifteen minutes.

CIA AGENT REVEALED

Mr. HARKIN. Madam President, yesterday I stood before the Senate and noted that it had been almost a full year since the identity of a covert CIA agent was revealed in print by the columnist Robert Novak. It has been 360 days and counting. Next Wednesday, it will be 1 full year. It is time to ask, Why hasn't the White House cleared this up?

Madam President, 360 days have gone by since a CIA agent's name was revealed by top White House officials. We know how agent Valerie Plame's coverage was blown. Back in September, the Washington Post reported that two senior White House officials called at least six Washington journalists and disclosed the identity of a covert CIA agent.

It has also become fairly clear why the agent's cover was blown. It was part of an ongoing effort to discredit and retaliate against critics of this administration, especially those who revealed that intelligence used to justify the war in Iraq was flawed or fabricated. Now Ms. Plame, as we know now, is married to former Ambassador Joseph Wilson. Ambassador Wilson was sent on a factfinding mission to Niger to examine claims that Saddam Hussein had sought to purchase uranium from that nation. He found no evidence to support the claim. But President Bush, nonetheless, made that claim in his State of the Union Address.

How those famous 16 words read by the President to the listening Nation about the efforts by Saddam Hussein to purchase uranium from Niger made it into the State of the Union Address remains a great literary mystery. Who lied in President Bush's State of the Union speech? We still don't know. We do know that Ambassador Wilson published an article disputing the uranium claim in the New York Times. Apparently to discredit and punish Mr. Wilson, senior White House officials leaked the identity of Wilson's wife and the fact that she was a CIA operative.

One day Ms. Plame was a valued human intelligence asset; the next day she was political cannon fodder. What we still don't know almost 1 year later is who the senior White House officials responsible for this destructive leak were. We still don't know who it was that gave this classified information to the White House, to the leakers. Was it someone at the NSC? Was it someone at the CIA? Was it the same person who made the decision to include the