

News; Domestic

Ukrainian And Russian Delegations Meet In Istanbul; Ukraine And Russia Could Resume Talks In Next Two Weeks; White House Clarifies Biden Comment On Ukrainian Troops; \$5.8 Trillion Proposal Details; Breaking Down Biden Budget Proposal; Lawmakers Draw Battle Lines Over Biden Budget Request; Breaking Down Joe Biden Budget Proposal; Migrant Surge Expected With COVID Rule Change; Officials In Poland Asking For Better Planning In Dealing With Refugee Crisis From Ukraine; House Select Committee On January 6th Looking Into Gap In White House Phone Logs For Then President Trump's Calls; Florida Passes Law Restricting Teaching Of Sexual Orientation And Gender Identity To Children In Kindergarten Through Third Grade; Peace Talks Between Ukraine And Russia Continue; Some Speculate Russian Promises To Withdraw Military For Kyiv As Part Of Peace Talk Maneuver To Redeploy Troops

Bret Baier, Jeff Paul, Jacqui Heinrich, Peter Doocy, Bill Melugin, Aishah Hasnie, Chad Pergram, Phil Keating, Harold Ford Jr. <Guest: Jared Bernstein, Douglas Holtz-Eakin, Amy Walter, Marc Thiessen

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Fox News: Special Report with Brett Baier

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English

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JEANINE PIRRO, FOX NEWS CHANNEL HOST (on camera): He doesn't live in Vermont, he's only 14.

JESSE WATTERS, FOX NEWS CHANNEL HOST (on camera): What?

PIRRO: But the law allows him to.

WATTERS: What?

GREG GUTFELD, FOX NEWS CHANNEL HOST (on camera): There you go.

WATTERS: He has my vote.

DANA PERINO, FOX NEWS CHANNEL HOST (on camera): Donate.

GUTFELD: I know. And now what? And I like -- I like the plant in the back too.

All right, that's it for us. Coming up, SPECIAL REPORT. Hey, Bret.

BRET BAIER, FOX NEWS CHANNEL ANCHOR (on camera): Nice steps by Jesse Jr.

WATTERS: Thank you. I told him everything he knows.

BAIER: Congratulations. You look good, like Greg on Saturday night.

WATTERS: Thank you.

BAIER: All right. Have a good one. Good evening. Welcome to Washington. I'm Bret Baier.

"BREAKING TONIGHT", Russia's military says it's fundamentally cutting back operations near Ukraine's capital, and one northern city. President Biden's skeptical, saying, we'll see.

Pentagon officials saying it's a repositioning, not a withdrawal from that area. The announcement comes as Russia's troops remain bogged down and peace talks continue in Turkey.

Today, Ukraine outlined a framework under which it would declare neutrality in exchange for security guarantees. Correspondent Jeff Paul is in Lviv tonight.

Good evening, Jeff.

JEFF PAUL, FOX NEWS CHANNEL CORRESPONDENT (on camera): Bret, there is a sliver of hope tonight here in Ukraine regarding the peace talks and the first steps towards possible peace.

And while this could be viewed as just talk, the real question remains could it lead to action?

PAUL (voice-over): The first round of talks between delegates from Russia and Ukraine in nearly three weeks is being met with cautious optimism.

(BEGIN VIDEOTAPE)

ALEXANDER FOMIN, DEPUTY MINISTER OF DEFENSE OF RUSSIA (through translator): We decided to fundamentally cut back military activity in the direction of Kyiv and Chernihiv to increase mutual trust and create the necessary conditions for further negotiations.

DAVID ARAKHAMIA, PEOPLE'S DEPUTY OF UKRAINE (through translator): In order for this agreement to be valid, and for all sides to agree on it, there has to be full peace on Ukraine's territory. No foreign troops. All have to leave.

PAUL: There are signs of change in and around Kyiv, where Ukrainian forces continue to hold their ground.

REAR ADM. JOHN KIRBY (RET.), PENTAGON PRESS SECRETARY: No amount of spin can mask what the world has witnessed over the past month, and that's the courage and the military prowess of Ukraine's armed forces and its people, which are proving to be more than what Russia bargained for.

PAUL: Ukrainian forces say they have taken back key areas like the city of Irpin, claiming total liberation.

COL. GEN. OLEKSANDR SYRSKYI, UKRAINIAN GROUND FORCES COMMANDER: We defend our motherland because we want to win.

PAUL: However, a U.S. official tells Fox News, no one should be fooled by Russia and any movement is a redeployment. Not a withdrawal of a military, the official says can still inflict "massive brutality" to Ukraine.

That was evident in Mykolaiv, where an attack destroyed this government building, killing at least seven people.

UNIDENTIFIED FEMALE (through translator): There is a girl who died on my floor. What can I say?

PAUL: In Mariupol, the city's mayor estimates as many as 5,000 have been killed since the start of the war. With zero humanitarian corridors operating in the area, the more than 100,000 left of little resources to stay alive.

But some relief surrounding the Snake Island soldier, whose explicit response to Russian forces seeking his surrender that became a Ukrainian rallying cry was freed from captivity.

ROMAN GRIBOV, UKRAINIAN BORDER GUARD (through translator): The truth and the strength are with us. We will win together. Glory to Ukraine.

(END VIDEOTAPE)

PAUL (on camera): Now, whatever the future holds, a top U.S. commander told Congress that they will need more troops on the ground in Europe. Ukrainian President Volodymyr Zelenskyy, called the talks promising, but says it will not silence the sounds of shells from Russian forces. Bret.

BAIER: Jeff Paul, live in Lviv. Jeff, thank you.

President Biden has seemingly crossed signals with his top advisors once again when it comes to the Ukraine war. New comments come amid the continuing fallout over the president's statement that Russian leader Vladimir Putin cannot remain in office.

White House correspondent Jacqui Heinrich has the latest tonight on this. Good evening, Jacqui.

JACQUI HEINRICH, FOX NEWS CHANNEL CORRESPONDENT (on camera): Good evening to you, Bret.

Trying to clean up fallout from a prior cleanup effort, the president inadvertently created another mess, prompting questions about the role of U.S. troops in Poland.

The White House is framing the previously unknown details as nothing new.

HEINRICH (voice-over): No news here, according to the White House.

HEINRICH (on camera): Did the president accidentally reveal a previously unknown effort for the U.S. to be training Ukrainian forces in Poland?

(BEGIN VIDEO CLIP)

KATE BEDINGFIELD, WHITE HOUSE COMMUNICATIONS DIRECTOR: No, the troops that he met with in Poland routinely interact with Ukrainians. That is something that's known. That is in no way revealing compromised information.

HEINRICH (voice-over): That's not what national security adviser Jake Sullivan said just a week ago.

JAKE SULLIVAN NATIONAL SECURITY ADVISER: We do not have U.S. troops currently training Ukrainians.

HEINRICH: What's now being described as regular interaction between Ukrainian troops and the U.S. military was revealed by the president himself. When asked to clarify yet another unclear statement he made in Poland, indicating American troops maybe going into Ukraine.

JOE BIDEN, PRESIDENT OF THE UNITED STATES: We are talking about helping train the troops in -- that are -- the Ukrainian troops that are in Poland.

HEINRICH: And it came in a press conference, managing fallout from a prior White House statement, claiming Biden was not, in fact, calling for a regime change, when he said Vladimir Putin cannot remain in power. The Pentagon now facing questions about the details.

KIRBY: There is some liaising going on, as Ukrainians go into Poland, for instance. And they are transposing shipments of material to them. And so, there's some -- there's some general liaising going on in that regarding. And that -- and that's what the president was referring to.

HEINRICH: Lawmakers on Capitol Hill want answers too.

GEN. TOD WOLTERS, NATO'S SUPREME ALLIED COMMANDER EUROPE: I do not believe that we are in the process of currently training military forces from Ukraine and Poland, there are liaisons that are there. They're being given advice. And that's different than I think you're referring to with respect to training.

(END VIDEOTAPE)

HEINRICH (on camera): The president just signed an anti-lynching bill in the Rose Garden, but he didn't take any questions. And that's the last we'll see of him today.

So, follow up questions, we'll have to wait, Bret.

BAIER: Jacqui Heinrich live in the North Lawn. Jacqui, thank you.

Tonight, we take a closer look at reaction to President Biden's budget proposal, the newest one he laid out this week. It calls for increased taxes on the wealthy and major spending hikes.

Here is White House correspondent Peter Doocy.

(BEGIN VIDEOTAPE)

BIDEN: We can also restore fiscal responsibility.

PETER DOOCY, FOX NEWS CHANNEL WHITE HOUSE CORRESPONDENT: Fiscal responsibility for this president? a budget proposal packed with progressive priorities.

SEN. CHUCK SCHUMER (D-NY): More support for our schools, increased funding for child care and health care services, stronger investments in clean energy and climate change mitigation.

DOOCY: The \$5.8 trillion package includes new funding for police and the Pentagon

BIDEN: And this will be among the largest investments in our national security in history.

DOOCY: The president proposes a four percent boost at DoD. Republicans wanted five percent.

REP. MIKE GALLAGHER (R-WI): We need to invest in our defense before it's too late. And the latest Biden defense budget does the opposite. It doesn't even keep pace with inflation.

DOOCY: White House claims a Putin price hike is the reason many costs are rising.

CECILIA ROUSE: CHAIR, COUNCIL OF ECONOMIC ADVISERS: This may well put upward pressure on energy and food prices. That, in turn, could reinforce inflation.

DOOCY: Only six percent by that spin in a new NBC poll. Many more, 38 percent blame the president and his policies.

MAYA MACGUINEAS, PRESIDENT, COMMITTEE FOR RESPONSIBLE FEDERAL BUDGET: all of their economic assumptions are massively outdated, meaning, they don't reflect the high levels of inflation.

DOOCY: And the White House wants to pay for some of it with a new 20 percent tax on households worth more than \$100 million

BIDEN: A firefighter and teacher pay more than double, double the tax rate than a billionaire pays.

That's not right. That's not fair.

(END VIDEOTAPE)

DOOCY: Officials here are betting that raising taxes on billionaires and corporations will be the best way to make prices go down. Bret?

BAIER: Peter Doocy in the White House Briefing Room. Peter, thank you.

Stock surge today. The Dow was up 338. The S&P 500 gained 56. The NASDAQ rose 265.

Let's bring in Jared Bernstein, a member of the Council of Economic Advisors to the president. Jared, thanks for joining us.

JARED BERNSTEIN, MEMBER, COUNCIL OF ECONOMIC ADVISERS FOR PRESIDENT BIDEN: My pleasure.

BAIER: I want to start with the taxes in this plan as the budget lays out. Americans for Tax Reform breaks it this way. "Biden budget calls for 36 tax hikes, totaling \$2.5 trillion, includes 11 tax increases on oil and gas industry at a time when the price of gasoline is at record highs.

What's the elevator pitch for this?

BERNSTEIN: Well, this is a budget that incorporates and elevates three of the president's top values. And really, when you get away from the 1,000s of pages and hundreds of numbers and tables, the values here are fiscal responsibility, which, in this case, means serious deficit reduction.

It means safety and security, both here, home, and abroad. I heard you talking about the defense number. And it means investing in American families.

And this budget does that. And one of the ways that accomplishes that is by raising revenues in the most -- on some of the highest income, highest net worth individuals who are as you -- as you just played the president is saying, paying an average tax rate of eight percent. Billionaires paying eight percent. That's a problem for this president, and I think a problem for most Americans.

BAIER: You know, this is close to a wealth tax, but it's not really. There's a real question about the constitutionality of all of this, isn't there, Jared?

BERNSTEIN: We think that this tax is designed to pass constitutional muster. What it is, is very much a tax on wealth. And that's why it's so historic, because it tax the appreciation and assets that you haven't, "realized or sold".

And that is why the tax rate on these 100 million, 200 million, and billionaires is so low. Why it's below 10 percent, why it's below that of a firefighter or a teacher?

Because it their net worth accumulates without taxation. And so, this does tax unrealized gains, but it puts those resources in a prepayment fund.

So, once they do sell the capital gains or death as a realization here. That fund helps offset the capital gains tax, they would incur at that time.

BAIER: You know, Jared, the Wall Street Journal points out that the -- right now, the tax is flowing in. That there's a lot of revenue that's flowing into the government. And I'll just read a piece of this.

"Washington's Record Tax Windfall: In the first five months of fiscal 2022 through February, federal receipts climbed to a remarkable 26 percent from a year earlier. \$371 billion more to \$1.8 trillion in five months. Individual income taxes rose \$271 billion, or 38 percent. \$975 billion. Corporate in tax -- income tax is rose 31 percent.

We belabor all of these numbers to show that Washington is doing fine, thank you. The current tax system is throwing off revenue to spend if politicians would show a modicum of restraint. Yet the Biden administration is proposing \$2.5 trillion in tax increases over 10 years. That would take the tax share of GDP to new records, and it's the last thing taxpayers or the economy need."

Your reaction to that.

BERNSTEIN: Well, I think some of those numbers actually get right into some of the accomplishments that President Biden has made since he's gotten here, because that revenue flow is very much a function of the strongest GDP growth rate in 40 years.

The lowest unemployment rates since pre pandemic and the strongest job market in generations. And when you get to an economy that's growing at that clip, you start to pull in revenues.

Now, I mentioned deficit reduction is one of the primary values of this president -- in this budget.

In fiscal year 22, the current year we're in, the deficit is projected to fall \$1.3 trillion. Now part of that is very much based on the revenues you just reported.

Now, you can't just go five months here, five months there, obviously, in 2020, when we had a deep recession, revenues tanks, so you kind of have to smooth that over a few years.

BAIER: Yes.

BERNSTEIN: And what you would find is that the growth that the American Rescue Plan helped to generate is complementing this deficit reduction, helping to get this fiscal responsibility on track.

BAIER: Yes, very quickly. This is a blueprint. It's a sort of budget is. But you have to have buy in up on Capitol Hill.

Do you have Joe Manchin? Do you have Kyrsten Sinema on this deal?

BERNSTEIN: I think when you look at the values that are embedded in this budget, whether it's fiscal responsibility, very important to some of the senators whose names you just mentioned, whether it's the safety and security, obviously very much should be a bipartisan issue, whether it's investing in American families, helping to bring costs down for family budgets, prescription drugs, health care premiums, the cost of education, child care, these are issues that are very much embraced across the Democratic caucus. And in many cases, we talked about defense spending in a bipartisan fashion.

BAIER: Yes. And then, some of that, Build Back Better is in this budget. Jared, we always appreciate your time. Thanks for coming on.

BERNSTEIN: Thank you, Bret.

BAIER: Joining us now, former Congressional Budget Office Director Doug Holtz-Eakin. You just heard Jared, your response to what the administration saying about this.

DOUGLAS HOLTZ-EAKIN, FORMER DIRECTOR, CONGRESSIONAL BUDGET OFFICE: Well, they're making a great play out of fiscal responsibility. It's hard for me to see that.

There's \$14 trillion of deficits, when all is said and done. Deficits are above trillion dollars for the next 10 years. They're rising by the end of this, the debt relative to GDP is rising, goes up to 107 percent. None of that is good news. Neither does it look fiscally responsible.

And there's another way to look the fiscal responsibility, which is why do you care about fiscal responsibility? You don't want the government encroaching on the vitality, the innovation and the growth of the private sector.

I think \$2-1/2 trillion dollars of tax increases and \$1.5 trillion on new spending programs, probably encroaches a little bit. That doesn't look too responsible to me.

BAIER: Republicans don't have a lot of stand on, on fiscal responsibility up on Capitol Hill in recent years.

(CROSSTALK)

HOLTZ-EAKIN: Agree, agree.

BAIER: Fair?

HOLTZ-EAKIN: Yes, more than fair.

BAIER: COVID did take a chunk out of our economy, and we are bouncing back from that. Can they make an argument that this is what's needed to lift up the economy, as Jared was saying they are on various different platforms?

HOLTZ-EAKIN: So, the lifting up of the economy is happening. That's why we're getting the reduction in the deficit. That happens automatically. And I think, Jared, I've known a long time, he talks a good game, but there is no real evidence that somehow they generated the growth that produced this revenue.

That's the private sector -- the vitality of the private sector. It's time to get out of all these government interventions, let the private sector do its job, go grow. Stay out of the way. They gotten away with the inflation that needs to be tamed. And certainly, I think if you look at the tax proposals in here, they're not the right thing for this time. They're not what they're advertised to be, and they're not particularly good tax policy.

So, this billionaire tax, they're pretending that we can just carve out five or six people, make them pay a ton of taxes, and it's not going to affect the economy. Why are we looking at those five or six people because they have a large amount of investable capital. That's capital that is all through the economy. They are taxing all of the economy, not just those five people.

BRET BAIER, FOX NEWS CHANNEL HOST: Well, what about the constitutionality question I asked Jared? The Washington Post writes it this way, wealth taxes often failed in Europe, they wouldn't hear. European governments made wrong choices, letting tax avoidance fester. First, Europe tolerates tax competition, Europeans also tolerated tax evasion to a foolish degree, European wealth taxes also included myriad exemptions, deductions and other breaks, making the argument that this could actually work. But there aren't there questions about whether you can do it.

HOLTZ-EAKIN: Yes, let's take you in order. Number one, you have no chance of being liable for this tax unless you are worth \$100 million. That's a wealth test. So, it's about wealth. There's no way around it. A plain reading of the proposal says it is contingent on the amount of wealth someone has. So, it's a wealth tax. I don't see how they can get around that.

And I think the workability is really in question. You know, Jared, waxed poetic about a tax fund, you're going to pay into a prepayment fund and years later, when you realize your capital gains that will be there. That means that your tax liability 30 years now, it's going to depend on three decades worth of tax returns, three decades worth of IRS accounting, and three decades worth of changes Congress might have made. That's not workable. This isn't a realistic proposal.

BAIER: But politically, is it workable for the midterms for Democrats to say, hey --

HOLTZ-EAKIN: They're hoping so.

BAIER: -- fair share, that's what we hear, right?

HOLTZ-EAKIN: Sure. I mean, they're trying to make the case that they're on the right side of the economics. Their track record is not great. They're hoping their proposals will save them.

BAIER: Last thing, it also includes a tax increase on businesses that will give the U.S. a higher corporate tax rate than China than other foreign rivals. If you look at the rates around the world, the proposal is 28 percent, China is at 25 percent. What does that mean for business?

HOLTZ-EAKIN: In the years leading up to the 2017 tax reform, we lost about 10 headquarters every year. And we went through these pitched battles over these "Benedict Arnold terms" and why they were not staying in the U.S. They weren't staying in the U.S. because the tax code was broken.

After 2017, nobody left. Indeed, one firm that was planning to leave came back. We solved the problem and now they're undoing the solution. I don't see why.

BAIER: Doug, we appreciate your time.

HOLTZ-EAKIN: Thank you.

BAIER: Fair and balanced.

Up next, bracing for a new surge of illegal immigration along the southern border.

And later, why are relief organizations having such a hard time getting assistance to Ukrainian refugees.

(COMMERCIAL BREAK)

BAIER: Federal regulators have authorized another COVID-19 booster for people age 50 and older. Food and Drug Administration decision opens a fourth dose of Pfizer or Moderna vaccines to those people at least four months after their previous booster.

Until now, the FDA had cleared fourth doses only for people 12 and older who have severely weakened immune systems. The agency says this especially fragile group can get an additional booster which would be a fifth shot.

A stretch of an interstate highway in Pennsylvania remain close today following the deaths of at least three people in a massive pile up we brought you yesterday.

Officials say more than a dozen others were injured when tractor trailers and other vehicles lost control slamming into each other during a snow squall.

Reports say between 40 and 60 vehicles were involved.

Now, to the border. Border officials are bracing for another massive surge of illegal immigration. This comes amid a possible change in the COVID-19 policies for immigrants.

Correspondent Bill Melugin reports tonight from Eagle Pass, Texas.

(BEGIN VIDEO CLIP)

BILL MELUGIN, FOX NEWS CHANNEL CORRESPONDENT (voice over): Two Venezuelan men celebrate reaching the United States after they crossed illegally into Eagle Pass, Texas this morning. Just moments before, we saw them both struggling to cross the river and its currents.

There were more than 2,500 migrant apprehensions here in Del Rio sector over the weekend. And DHS sources tell Fox News, buckle up because Title 42 is expected to be dropped in a matter of days. That would mean Border Patrol can no longer quickly expel migrants back to Mexico on the basis of public health.

Instead, every illegal immigrant encountered would have to be brought into federal facilities to be processed via Title 8. A situation agents tell us would lead to total chaos given the numbers they are dealing with.

DHS has also suddenly announced that all migrants who go into federal custody will have to start being vaccinated for COVID-19, a decision DHS tells Fox News as "a public health best practice".

And with local Border Patrol stations now well over capacity and Title 42 possibly soon dropping, DHS has started mass releasing migrants into small Del Rio sector communities to ease the pressure, that includes the small city of Uvalde where the mayor says he's fed up.

DON MCLAUGHLIN JR., MAYOR OF UVALDE, TEXAS: The last thing I need to be handling is an immigration issue that the federal government should be handling instead of dumping it into a community like ours.

(END VIDEO CLIP)

MELUGIN (on camera): And Bret, DHS's decision to require migrants get vaccinated while in federal custody is effective starting today and it's happening right as we're hearing Title 42 is imminently going to be dropped.

Also, at the same time, the U.S. Border Patrol chief said earlier today that any day now, we are on track to hit one million migrant encounters in just the last six months and the busiest months are still ahead of us. We'll send it back to you.

BAIER: Bill Melugin live along the border in Texas. Bill, thanks.

Up next, the struggle to get humanitarian assistance to Ukrainian refugees.

First, Beyond our Borders tonight, Secretary of State Antony Blinken meets with Abu Dhabi Crown Prince Sheikh Mohammed bin Zayed to try to ease tensions over a possible resurrection of the Iran nuclear deal.

The UAE and Saudi Arabia have been engaging with Tehran directly due to concerns the U.S. backed deal will not tackle Iran's missile development or its role in regional proxies.

South Korea is dismissing claims from North Korea over a recent missile test in which Pyong Yang says it launched its longest range missile yet.

South Korea's defense ministry says the missile was a less powerful model and had -- has previously been tested in 2017.

And this is a lot look at London. One of the big stories there tonight, the darkness, Senior Royals honor the late Prince Philip at Westminster Abbey, Queen Elizabeth attended the ceremony after a recent recovery from COVID- 19. About 1,800 family members and guests were there.

Just some of the other stories Beyond our Borders tonight. We'll be right back.

(COMMERCIAL BREAK)

BAIER: A gunman on a motorcycle opened fire in a crowded city in central Israel today. At least five people were killed along with the shooter. It's the second mass shooting rampage there in a week. It appears to be part of a string of attacks ahead of the Muslim holy month of Ramadan. Israeli media say the attacker was a Palestinian from the West Bank.

Staying overseas, there are growing concerns tonight that the relief agencies are unable to get assistance to Ukrainian refugees. The mayor in Warsaw, Poland, for example, is urging NATO to come up with a better plan to deal with the crisis. Aishah Hasnie has our story from Warsaw tonight.

(BEGIN VIDEO TAPE)

RAFAL TRZASKOWSKI, WARSAW, POLAND, MAYOR: We need a strategy, because if a second wave comes, we are going to be overwhelmed.

AISHAH HASNIE, FOX NEWS CORRESPONDENT: The mayor of Warsaw with an urgent plea tonight as his city as well as with refugees. In the last four weeks, Poland's capital took in more than 300,000 people fleeing Ukraine. Last week, President Biden pledged the U.S. would accept 100,000 refugees. And while the mayor is grateful for that, he says there has been a lack of a global strategy to relocate refugees out of Poland.

TRZASKOWSKI: Just 10 days ago, I was calling other mayors in Poland and in other cities in Europe to send us a few busses to help us out. We cannot improvise anymore. We need to show to Putin that we're strong, that we're united, that he's not going to destabilize us with another wave of refugees.

HASNIE: The Biden administration has also pledged \$1 billion in humanitarian aid, but nonprofits are struggling to deliver what they already have to those inside Ukraine. American trauma medic Jason Vose tells FOX volunteers need help from the State Department to expedite the delivery of medical narcotics into Ukraine for the treatment of war injuries.

JASON VOSE, TRAUMA MEDIC: Ketamine, any type of opioid, analgesics, painkillers. It's very difficult for us to get that across the border because we are shipping narcotics across the border. We didn't can't just walk across without all the paperwork. Things are going to get probably worse before they get better. And the things that we can't get across the line because of the bureaucracy involved.

(END VIDEO TAPE)

HASNIE (on camera): And Bret, the bottom line is this crisis is far from over. The mayor of Przemysl, a border town in Poland, tells me his town is still welcoming anywhere between 6,000 to 7,000 refugees a day before they are relocated to cities like Warsaw. Bret?

BAIER: Aishah Hasnie in Warsaw tonight. Aishah, thank you.

The full House here in Washington, D.C., is expected to vote later this week on criminal contempt charges against two former Trump aides for refusing to comply with subpoenas. The committee investigating last January's Capitol riot voted unanimously to make that recommendation. That panel is also looking into a gap in White House phone logs of then President Trump's calls on that day. Here is congressional correspondent Chad Pergram.

(BEGIN VIDEO TAPE)

CHAD PERGRAM, FOX NEWS CORRESPONDENT: Whom did the president call and what did they talk about between 11:17 a.m. and 6:54 p.m. on January 6th as rioters stormed the Capitol.

REP. HAKEEM JEFFRIES, (D-NY) HOUSE DEMOCRATIC CAUCUS CHAIR: It appears that the conspiracy to perpetrate the big lie not only goes all the way to the top but could involve people in high levels of government.

DONALD TRUMP, FORMER U.S. PRESIDENT: We fight like hell.

PERGRAM: At a January 6th midday rally the president whipped up his supporters. But it's unclear who the president talked to after that. It's known that at 2:26 Mr. Trump tried to phone Alabama Senator Tommy Tuberville, mistakenly reaching Senator Mike Lee. Also AWOL from the records, a screaming match between the president and House Minority Leader Kevin McCarthy. McCarthy beseeched the president to convince the rioters to stand down.

The 1/6 committee also prepped contempt of Congress citations for former Trump aides Peter Navarro and Dan Scavino for not cooperating. The panel now wants Ginni Thomas, wife of Supreme Court Justice Clarence Thomas, to voluntarily testify about her texts with former White House chief of staff Mark Meadows.

SEN. CHUCK SCHUMER, (D-NY) SENATE MAJORITY LEADER: The information we know right now raises serious questions about how close Justice Thomas and his wife were to the planning and execution of the insurrection.

PERGRAM: Republicans think it's unfair for Democrats to attack Ginni Thomas.

SEN. JOSH HAWLEY, (R-MO): All of these calls for her husband to be, what, like minding her better? Frankly, I think it's kind of misogynistic.

(END VIDEO TAPE)

PERGRAM (on camera): Also, the Biden White House says it won't exercise executive privilege over Jared Kushner and Ivanka Trump. Kushner is scheduled to appear before the 1/6 committee Thursday. Bret?

BAIER: We'll continue to follow it. Chad Pergram live on Capitol Hill. Chad, thank you.

When we come back, a growing controversy over Florida's new law banning instruction on gender identity and sexual orientation to young school children. What's really in that law and what is not?

And as we go to break, the body of late Alaska Congressman Don Young lied in state at the Capitol today. Young was the longest serving Republican in the history of the House. President Biden was among those paying respects. Young died on a flight to Alaska earlier this month. Congressman Don Young was 88 years old.

(COMMERCIAL BREAK)

BAIER: Actor Will Smith is apologizing to Chris Rock for slapping him during Sunday's Academy Awards. Smith calls his actions unacceptable and inexcusable, quote, "I would like to publicly apologize to you, Chris. I was out of line, and I was wrong. I'm embarrassed and my actions were not indicative of the man I want to be. There is no place for violence in a world of love and kindness. I am a work in kindness." Smith hit Rock after the comedian made a joke about Smith's wife, actress Jada Pinkett Smith. Today on Instagram the actress said, quote, "This is a season for healing and I'm here for it." The Motion Picture Academy says it has launched a formal review of the incident. Later in the evening Will Smith won the best actor award for his performance in the film "King Richard."

There's significant backlash on the left in particular tonight for a new -- to a new Florida law limiting public school instruction on sexual orientation. As correspondent Phil Keating reports, other states could soon follow suit on what critics call the "don't say gay" law. But what is in the law and what is not?

(BEGIN VIDEO TAPE)

GOV. RON DESANTIS, (R) FLORIDA: We will make sure that parents can send their kids to school to get an education, not an indoctrination.

PHIL KEATING, FOX NEWS CORRESPONDENT: The new controversial law just signed by Republican Florida Governor Ron DeSantis Monday is officially called the Parental Rights in Education Law. But it has become nationally known and derided as the "don't say gay" law. Republicans say it gives parents more input on what their children are taught. Democrats say it stigmatizes LGBTQ people. Specifically, the law's main section says "Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade three or in a manner that is not age-appropriate or developmentally appropriate for students in accordance with state standards."

Critics say it is overly broad and could subject any school district or individual teacher to lawsuits by parents. But its backers say it imposes necessary restrictions. DeSantis showed a poster that he said was being used in Florida schools and elsewhere, the "gender bread person," developed by a gay rights advocacy group to help students learn by gender identity and expression.

Florida's law has triggered nationwide reaction. At least a dozen red states may follow suit, but the Biden administration is opposed. Disney, which has a huge economic footprint in Orlando, also weighed in. "Our
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goal as a company is for this law to be repealed by the legislature or struck down in the courts." Governor DeSantis responded, Disney is being hypocritical.

DESANTIS: If we would have put in the bill that you were not allowed to have curriculum that discussed the oppression of the Uyghurs in China, Disney would have endorsed that in a second.

KEATING: But the law's critics say vulnerable students could be harmed.

MICHAEL RIORDAN, COMPASS COMMUNITY CENTER: These types of bills will really damage. They are going to be kids that are going to die because of this.

(END VIDEO TAPE)

KEATING (on camera): Despite the critics, the seven-page law never uses the word "gay." It also gives parents the right to sue the school district if they think a teacher is violating the law. Bret?

BAIER: Phil Keating in Miami. Phil, thank you.

Up next, the panel on the latest developments in Ukraine and reaction to the president's budget plan.

First, here is what some of our FOX affiliates around the country are covering tonight. FOX 12 in Portland, Oregon where the state has ended its residency rule for medically assisted suicides. A lawsuit challenged the requirement as unconstitutional. Oregon health officials settled in U.S. district court agreeing to end the rule. The law allows terminally ill people to receive lethal medication.

FOX 5 in New York where the United Firefighters Association is demanding city officials apply its coronavirus vaccine exemption to all New Yorkers. New York Mayor Eric Adams announced a carveout for athletes and performers last week. Fired union officials say the move was a slap in the face to essential workers.

And this is a live look at Tampa from our affiliate, FOX 13. One of the big stories down there tonight, a great horn bill gets a second chance at life and a new beak. When a surgery to remove skin cancer on the crescent's beak left her sinuses exposed, veterinarians at the Zoo Tampa created a prosthetic using a 3-d printer. Zoo officials say crescent is doing well and has full use of her beak now. Good news.

That's tonight's live look outside the beltway from SPECIAL REPORT. We'll be right back.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIP)

JOE BIDEN, (D) PRESIDENT OF THE UNITED STATES: We're going to continue to keep strong, the sanctions. We're going to continue to provide the Ukrainian military with the capacity to defend themselves.

SEN. ROGER WICKER, (R-MS): Is there an intelligence gap in our capability that made us overestimate the Russians and underestimate the defensive capability of the Ukrainians?

GEN. TOD WOLTERS, SUPREME ALLIED COMMANDER EUROPE: Senator, there could be. And as we have always done in the past, when this conflict is over with, we will accomplish a comprehensive after action review.

(END VIDEO CLIP)

BAIER: Peace talks continue between the Ukrainians and the Russians seeing some level of progress. But the Russians promised to draw down or to slow down in Kyiv and a couple of other cities in the north has people skeptical. Here is how Reuters writes it, "U.S. official warns any Russian movement not a withdrawal. Any movement of Russian forces around Kyiv would constitute a redeployment, not a withdrawal, U.S. officials say Tuesday after Russia promised to scale down military operations near the Ukrainian capital. They are shifting gears. No one can mistake that for Russia ending the conflict."

Let's bring in our panel, Harold Ford Jr., former Tennessee Congressman, co-host of THE FIVE, Amy Walter, publisher and editor in chief of the "Cook Political Report," and "Washington Post" columnist Marc Thiessen. Marc, do you see prospect, do you see prospect, optimism in these talks between the Ukrainians and the Russians?

MARC THIESSEN, COLUMNIST, "WASHINGTON POST": Oh, I don't see prospects for peace immediately, no. I think the Russians are pulling back not because they are trying to give the talks a chance to succeed. They are pulling back because they're losing, because the Ukrainians are winning.

Keep in mind, their strategy was to march on Kyiv, decapitate the regime, and install a puppet regime in its place. And they have utterly failed to do that. The problem is our strategy has not caught up with that reality. Everybody has been talking about the nine words in the Biden speech in Warsaw. I'm more concerned about the four words that were missing, "Ukraine wins" and "Russia loses." To this day, five weeks into the war, Joe Biden has never actually said that our objective is to help Ukraine prevail over the Russians. He said our goal is to punish Russia. Our goal is to help Ukraine defend itself. But he never says that our goal is to defeat them.

And the problem is now the Ukrainians have done such a good job that victory is actually a prospect, and we should have a strategy of arming them in order to achieve that victory rather than forcing them to partition their country with Russia in some sort of failed peace talk.

BAIER: Amy, the nine words Marc references talk are obviously President Biden talk about how Vladimir Putin should not remain in power. We have been back and forth with this over the past few days. But there are other mixed messages coming out from the president on a number of fronts. Here is one of them about troops.

(BEGIN VIDEO CLIP)

JOE BIDEN, (D) PRESIDENT OF THE UNITED STATES: We are talking about helping train the troops in -- that are -- the Ukrainian troops that are in Poland.

GEN. TOD WOLTERS, SUPREME ALLIED COMMANDER EUROPE: I do not believe that we are in the process of currently training military forces from Ukraine in Poland. There are liaisons that are there that are being given advice, and that's different than I think you are referring to with respect to training.

(END VIDEO CLIP)

BAIER: And they have had White House officials come out and trying to walk back and then de-walk back the walk back. Amy, it's been interesting to watch.

AMY WALTER, NATIONAL EDITOR, "COOK POLITICAL REPORT": Well, it's been a tight rope in part because, look, every interaction with Russia has to be met with the reality that the person that is in charge of this in Putin is not, obviously, not somebody who is going to operate in good faith and is not someone that can be trusted. I agree with Marc that this idea that they are pulling back or pulling out is met with skepticism in part because we know the history of Putin's time in power where he has said, well, it's either a ceasefire, or using the opportunity of a ceasefire to actually regroup and then retaliate.

But I think for the president, look, he is looking also at where American voters are right now. And this is what Americans are saying, is similar to this sort of back and forth here, saying, like Marc, we want to see more done to help the Ukrainians. We want to see more done to hurt Putin. At the same time, we don't want to do something that could risk us going in to war. We don't want to send American troops. We are happy to take more Ukrainian refugees. But we also don't want to find ourselves in Europe in a land war. And that is this -- as I said, this tight rope and this tension that I think is going to be here as long as the fighting continues in Ukraine.

BAIER: Yes. And as this continues, there is a kind of reanalysis about defense spending and what that means in the U.S. Here are two Republicans looking at the budget, saying what's being proposed is not good.

(BEGIN VIDEO CLIP)

SEN. JAMES INHOFE, (R-OK) SENATE ARMED SERVICES COMMITTEE: Deterrence failed in Ukraine. We must ensure it does not fail anywhere else. The cost of wars are far greater than the cost of preventing war.

SEN. MITCH MCCONNELL, (R-KY) SENATE MINORITY LEADER: Putin and Xi will sleep more soundly at night if the Biden administration gets its way on defense funding than if Republicans get ours.

(END VIDEO CLIP)

BAIER: Harold, we explained earlier a budget is kind of a blueprint but it still needs to go through the process on Capitol Hill. It seems like this is an uphill battle with this one.

HAROLD FORD JR., FORMER TENNESSEE REPRESENTATIVE: Well, first, thanks for having me. Just sort of in response to Senators McConnell and the chairman there, this is an \$800 billion proposal. Perhaps they should go up in the spending. But I hope they are focused, all of them are focused on spending the right things. I think the Air Force general, I think that was responding in one of the earlier clips, who said we will do

a reassessment after this effort, we should assess the kind of A.I. and cyber needs that we have, the surveillance needs that we have. Perhaps we shouldn't be spending on things that are, frankly, obsolete.

I do think that Marc is largely right in what he has shared in terms of this war. I think we both underestimated the Ukrainians, the Russians underestimated them and we underestimated the Ukrainian resolve. And I would rather be on our side of that miscalculation than the Russians.

Two, Vladimir Putin underestimated -- or overestimated the preparedness of his own military and really underestimated how much NATO would remain together. Have there been some flubs here and some, perhaps, things that were said that should not have been said? Of course. But I think that like it is in any war, in any war effort, I remember in 9/11 we made mistakes as we were leading up to things and even in the process of prosecuting.

But I give this administration a lot of high marks. I do think one of the considerations they have to have is after this effort, Marc is right, we should be talking about Ukraine winning, but we should also be thinking about what does it mean for countries that are going to say I want a nuclear weapon to deter the kind of invasion that the Ukrainians have had to endure with Russia? I think these are the kind of things on the mind of many of our policymakers and planners going forward, or should be at least.

BAIER: Marc, quickly, I want to put up this graphic, and this is about taxes, the share of total federal income taxes paid, top one percent, 39 percent, 10 percent, 71 percent, top 50 percent, 97 percent. A lot of people forget this tax structure as proposed. It's going to have a tough time.

THIESSEN: Oh, absolutely. This is not a tax proposal that's intended to get enacted into law. It's designed to energize his dispirited base. Joe Manchin said in December that he is not for attacks on unearned income. Kyrsten Sinema opposed the Build Back Better because of the taxes. So this is not serious legislating.

BAIER: All right, panel, thanks so much.

OK, it's time for "Tuesday Tweets." Peejay asks, "Are members of your panel given a specific amount of time to make their point? If so, how much time. When do you rein them in when they run on as some do?" It's tougher in the Hollywood Squares kind of thing. But I used to have -- put my arm out, and that meant 30 seconds. So I do that now, they just can't see it. We're going to try that.

Up next, Nicholas wants to know "Whatever happened to your "Whatever Happened To" segment? Can you bring it back?" Yes, it's coming back Friday. William La Jeunesse has a "Whatever Happened To." It's not lost. We just had a lot of breaking news.

And Dwight wants to know about this image, my thoughts. This is a Tiger tracker. It tracked Tiger's plane going to Augusta National. We are told he did play a practice round today. Who knows, Tiger playing the Masters?

Tomorrow on SPECIAL REPORT, we'll look at the shadowy Russian private military group operating in Ukraine.

That's it for us tonight, fair, balance, and still unafraid. "JESSE WATTERS PRIMETIME" is up now. Tiger playing the Masters, come on.

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