

seems there should be some sort of assumption that if Americans discovered a foreigner was on the other end of that telephone, they would either hang up the telephone or otherwise lodge some sort of protest upon hearing that foreigner was in another country. The only way this bill would save jobs is if we assume Americans are so violently xenophobic we do not and would not tolerate even this modest level of international agreement.

Senator KERRY's legislation is indicative of the choice we face as a country. We can choose the path of freedom, where every individual and every company can do as he or she sees fit and trust that people are going to work hard on their own behalf, and in doing so promote the common good or we can choose a path of more Government, more Government mandates with less freedom, with less prosperity, and fewer jobs, one in which every time you call a company to see if they have an item in stock, the Federal Government will force you and the company to identify the exact longitude and latitude of the operator who is on the other end of that telephone call.

The reality is we compete today in a global economy. We cannot close our borders to the world. Some think we can retreat into economic isolationism, but we simply cannot. Times are different. We shouldn't. That, in many ways, given our world economy, would be a declaration of defeat.

We are the most innovative society in the world today. Our workers lead all others in the world in productivity. If we are allowed to compete on a fair playing field, United States manufacturers can and indeed will lead the world.

We had a chance last week to help U.S. manufacturers by repealing the Euro tax on our U.S. manufacturers. Unfortunately, we were met by obstruction on the other side. While I was disappointed at this outcome, recent history indicates that should not have been much of a surprise. If there has been one thing consistent over the last several months, it has been the Democrats' steadfast refusal toward legislation that would help reduce the cost of manufacturing in the United States. Every time we attempt to move legislation forward that addresses the concerns of manufacturing, we have been met by obstruction. With class action, with energy, with medical liability, to Workforce Investment Act, we have been blocked. It is either by filibuster or by objections going to conference.

Next month we are going to be addressing issues that I hope will bring some fairness and justice to certain challenges that we have today.

I have pointed out that we would like to address the issue of asbestos litigation reform. I look forward to hopefully being able to address that in a bipartisan way.

The loss of a few hundred thousand jobs per year to offshoring is a small part of the constant pace of job cre-

ation and destruction that goes on in the U.S. labor market. We need to address dislocation. We can do that with aggressive education and training.

But it is precisely because each job loss is painful that we need to focus on ways to stimulate employment generally rather than focusing on legislation to address a tiny percent of the population.

In closing, we need to keep our focus on proposals that look to the future to help companies create and keep new jobs. We cannot be focused on the past but really the present. We need to be looking ahead all the time.

As Federal Reserve Board Chairman Alan Greenspan stated earlier this month:

Time and again through our history, we have discovered that attempting merely to preserve the comfortable features of the present, rather than reaching for new levels of prosperity, is a sure path to stagnation.

We only need to look across the Atlantic to see the results of those policies of stagnation. Instead, Republicans will keep working for policies of growth and for innovation to help America compete and win in the 21st century.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### SENATE SCHEDULE

Mr. DASCHLE. Mr. President, I appreciate very much the desire of the majority leader and our friends on the other side of the aisle in addressing many of these issues. He mentioned the JOBS bill, welfare reform reauthorization, and the importance of reaching some agreement on energy. I have indicated on several occasions that we are more than prepared to work through each one of these bills. We simply want to be heard on amendments about which we care a great deal.

I will not ask consent to do it this morning, but I would entertain a unanimous consent agreement to go to the energy bill today and work through the amendments. I think there would be a good debate. Ultimately, there could be a conclusive debate about the energy bill.

We will see what happens in our work with the House, which we have had to do now on several occasions. The same is true with the FSC/ETI bill. We would be prepared to go to the floor with a number of amendments.

People on the other side of the aisle, for whatever reason, have refused to allow us an opportunity to have an up-or-down vote on protecting worker's overtime, on minimum wage, and on unemployment compensation.

There are other outsourcing amendments that we think ought to be debated. What better place to debate

them than on a bill that relates to international commerce.

It isn't our unwillingness to have a good debate; it is our unwillingness to be locked out of the process. Whether it is in conference or whether it is on the floor, we have been prevented closure on each of these bills. I am hopeful that over the course of the next 2 days we can reach some accommodation.

I have indicated that I thought we could finish the welfare bill by the end of next week. We will work to see that happens. But unfortunately, we are not at a point where any kind of procedural agreement has been reached to allow that to happen, either. I will continue to talk with the distinguished majority leader about ways in which to accommodate our concerns and his very understandable concerns about completing the work.

#### TRANSPORTATION

Mr. DASCHLE. Mr. President, the House was scheduled to take up its version of the transportation bill yesterday.

At the eleventh hour—or rather at 7 a.m. this morning—the Rules Committee met and appears to have finally found a way to bring the bill to the House floor and allow for debate, although they will not allow a clear vote on a key amendment that would raise the level of investment in the bill.

Let me just say, this is astounding.

We have already gone 184 days with one temporary extension after another. These unnecessary delays have cost our Nation roughly 100,000 jobs.

State and local governments could not begin the contracting process, and employers couldn't plan ahead. As a result, there are 100,000 fewer Americans working today than there should be.

Unless we agree on a transportation bill before the end of April, when the current extension expires, tens of thousands more jobs will be lost.

Let us put this delay in perspective.

First, let us all remember who controls not only the House and Senate but the executive branch of our government—one party controls all three.

The President has claimed he was going to change the way government works. Well, he has everything he needs—control of the U.S. House of Representatives and the U.S. Senate.

And how has he done on changing the way government works? In the instance of our Nation's transportation infrastructure, he has steered us toward a real-life work stoppage.

It was 184 days ago that the law that governs our Nation's transportation infrastructure and all of the programs that deal with transportation expired.

We have been operating on temporary extensions to the law for 184 days.

Is the delay because Democrats have blocked a bill or used parliamentary tactics? No.

In fact, it wasn't until November that a bill was even reported by a Senate committee and not until February when we passed the bill in the Senate.

That was a good bill and Chairman INHOFE and Ranking Member JEFFORDS and others—including Senators FRIST, BOND and REID—deserve high praise for finally getting the bill finished.

That bill garnered 76 bipartisan votes.

The delay that occurred in the House was certainly not due to Democrats.

A bill that was introduced and appeared to have a majority of support was scrapped by the Republican leadership at the behest of President Bush and slashed by \$100 billion.

And the new reduced bill wasn't passed by the House committee until last week.

One-hundred and eighty-four days behind schedule as we continue to inch toward actually shutting down the Department of Transportation.

I have hopes that we will get a bill approved by the House this week so we can begin to pre-conference the two bills and get a bill to the President before the most recent short-term extension expires at the end of April.

But as recently as this morning, it is still unclear if the House will complete their work before they leave town for 2 weeks.

One-hundred and eighty-four days without passing a transportation bill. Simply amazing on a bill that is critical to our Nation.

Why the delay? One reason. The opposition of President Bush himself.

A veto has threatened the Senate bill—a bill that, as I said, was approved with Republicans and Democrats alike.

The President opposed the original House bill, and now, to the dismay of almost the entire transportation community—including many groups such as the Chamber of Commerce who have long supported the President—the administration is even threatening a veto by President Bush of the scaled back \$275 billion bill that the House is set to consider.

It appears the President would rather not have a transportation bill that would create 1.7 million jobs—this in light of the 3 million private sector jobs already lost under this administration's watch.

Let us be clear. It has been 184 days since those who control the House and Senate and the Presidency have not been able to move a transportation bill onto the President's desk—and it has not been as a result of Democrats in any way.

There are some serious politics being played here with peoples lives, and I, for one, don't want to be a part of it.

This inaction has made it nearly impossible for us to even think about approving another short-term extension—because that may be the only thing that places pressure on Congress to approve the longer-term bill.

It has been 184 days and there is still a month to go before the Republicans let the law lapse and shut down the Department.

There is still time before the extension runs out to move a good bill. But,

I will not be a part of another extension that encourages further inaction and shortchanges our transportation infrastructure and denies Americans the jobs that they so desperately need and deserve.

One-hundred and eighty-four days so far. We will keep counting.

But let us all know what is going on here. The delays are due to the President's opposition to approving a thoughtful transportation bill.

This, despite the majority in Congress who want to address this fundamental issue.

Why is the majority so strong for a transportation bill and the administration so out of step?

There are many reasons, but to make it simple, the Bush administration is focused like a laser beam on tax cuts for the most affluent—the privileged few—and they do not have time or want to bother with investments in our Nation's infrastructure.

The transportation investment proposal that the Bush administration put forward was dead on arrival in the Congress because it wouldn't even keep up with inflation.

At a time when 9 million Americans are out of work and job creation is virtually nonexistent, any more delays are unconscionable. And if it were not for the President, we could avoid that.

In many States, such as my home State of South Dakota, the construction season is short—sometimes only 6 months.

If contracts are not entered into in April, it will be nearly impossible to plan and get the work completed before the construction season comes to an end early next fall.

Another year could be lost.

It is time for Congress and the administration to get together and approve a bill that brings new investments to our decaying transportation infrastructure and new jobs to the American economy.

The Senate's transportation bill would create 1.7 million jobs this coming year. It would bring welcome relief from the longest jobs slump our Nation has endured since the Depression. So in addition to repairing America's transportation infrastructure, this legislation will reinvigorate the economy.

In States such as Texas, California, and Florida, the Senate bill increases transportation investment by roughly 40 percent—four times the increase proposed by the House, the House level the President opposes.

We are not just talking about numbers on a budget spreadsheet; the additional investment in the Senate bill translates into hundreds of thousands of jobs for Americans.

In Florida, for example, the Senate bill would create 44,000 jobs, while the House bill would create 13,000. In Texas, the Senate bill would create 80,000 jobs; the House bill 13,000. In Missouri, 22,000 versus 6,000; Illinois, 45,000, versus 10,000; California, 90,000 versus 25,000; Tennessee, 20,000 versus 6,000;

and in my State of South Dakota, 6,500 versus 1,500.

In all, the House bill falls 500,000 jobs short of the Senate bill. We have all heard from the administration, and all we have heard they oppose both the Senate and House versions of the bill. For the Bush administration, it appears it is their way or—if you might pardon the pun—the highway, or, in this case, no highway funding.

We cannot afford to let our transportation investments fall victim to this kind of rigid partisanship. Every day we fail to make investments in our transportation infrastructure, every hour Americans lose in traffic, every delay in the shipment of goods, carries a cost to the American economy and slows job growth.

There is a broad coalition of groups and industries—including the Chamber of Commerce, the Association of General Contractors, the American Public Transportation Association, and the International Union of Operating Engineers—who are united in their support of the Senate level of \$318 billion.

They recently delivered a letter that was unequivocal. They wrote:

As business and labor organizations, we cannot support any legislation below the Senate investment level for a six-year bill.

Time is running short, but, as I said, we can still deliver real relief to the American economy. If the House passes a bill this week, and staff and Members would start working immediately, there is absolutely no reason we should not be able to complete this bill in April. We can avoid letting the President and the Republican House leadership singlehandedly shut down the Department of Transportation.

It has been 184 days since the Republican Congress and President Bush began failing our Nation's transportation system and all who rely upon it. I know we can do better than this, put aside partisan politics, and begin to focus on the important work that is before us all. I hope that can be done in the next day.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. I am happy to yield.

Mr. REID. Is the distinguished Democratic leader aware that the work done in the Senate bill—\$318 billion for transit and highways—was done on a bipartisan basis? I have been chairman of that full committee on two occasions. I understand it. I understand the committee very well. But there was co-operation such as I have never seen. With Senator INHOFE, Senator BOND, Senator JEFFORDS, and me being ranking member on the subcommittee now, there was no partisanship.

Is the Senator—I am sure—also aware this bill does not increase taxes at all, it is paid for with existing dollars, plus trust fund moneys? So anyone who thinks this is breaking the bank simply is mistaken. This is no new taxes, totally funded, no deficit spending. Is the Senator aware of that?

Mr. DASCHLE. Mr. President, I answer the distinguished assistant Democratic leader by saying that is exactly the case. We had an extraordinarily effective demonstration of bipartisanship in taking up the highway bill. I worked closely with Senator FRIST. I say to the Senator, you worked closely with Senator INHOFE. We got the job done on time and, as you say, on budget.

This does not represent 1 dollar of additional deficit spending. It is a commitment to jobs. It is a commitment to infrastructure. It is a commitment to our fiscal soundness that I think is one of the best moments we have experienced in this Congress to date. It demonstrated again Democrats and Republicans can truly work together.

I only hope we could do the same in the House, and we will certainly do the same as we try to resolve whatever differences there will be with the House, including the amount committed to infrastructure in the coming days.

I thank the Senator for his excellent question.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leader time is served.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee, and the final 30 minutes under the control of the majority leader or his designee.

The Senator from Nevada.

#### DEBATE IN THE SENATE

Mr. REID. Mr. President, I will yield very quickly. I want to say this. I understand the procedures here in the Senate. I certainly understand the majority has the right of first recognition. If the majority decides they do not want us to participate in debate, it is difficult for us to be part of the debate.

But I want the RECORD to be spread with the fact today we have heard—and I hope it is wrong—when we complete action today on the underlying bill, that is, the welfare bill, the majority is going to go to the floor and prevent us from being part of the debate; they are going to talk about what Democrats are doing is wrong and what they are doing is right, and not allow us to have recognition. Now I say, as the Chair is aware, that we heard once before, not long ago, the majority was going to do this, and you will recall at that time I got the floor and kept the floor for a long time. That did not set a good tone, that the majority was, in effect, trying to force us out of the debate. The Senate is a debating body, and we should be part of that.

I say for the second time this morning, we know the majority can keep us from being recognized. It would set a very bad tone. I do not think it would be appropriate or fair, and we would do whatever we could to protect our right, and everyone should understand that.

Mr. President, I yield, on the time we have remaining, 20 minutes to the Senator from New York.

The PRESIDING OFFICER (Mr. TALENT). The Senator from New York is recognized for 20 minutes.

Mrs. CLINTON. Mr. President, I thank my leader from Nevada.

#### APRIL FOOLS' ON US

Mrs. CLINTON. Mr. President, many years ago when I was a schoolgirl, on this day someone might come up to me in the hallway and say: Hillary, your skirt is ripped. I would turn around in panic, and they would say: April Fools'. Or maybe somebody would stop me after class and say: Hillary, I heard Janie is really mad at you, and I don't know what you did to her, but you'd better talk to her. I would feel terrible. Before I could do anything about it, someone would say: April Fools'.

Well, today is April 1, and there is a long tradition of people playing jokes on each other, pulling stunts, and then causing someone to be upset or worried or anxious or maybe even happy that they have been told something is going to happen, only to have the rug pulled out from under them when someone says, either jokingly or sometimes a little cruelly: April Fools'.

Thankfully, that day only came once a year, so you only had to endure your friends or maybe your not-so-friendly classmates' jokes and stunts for 24 hours. But I sometimes feel that it is April Fools' Day every single day here on Capitol Hill, on the other end of Pennsylvania Avenue in the White House, because on issue after issue of profound importance to the American people, our Government is basically saying: April Fools'.

Do you remember when they introduced their budget in 2001 and said: "If you drastically cut taxes on the wealthiest of Americans, why, my goodness, revenues will increase in the budget. You don't have to worry about all the expenses that we have keeping this great country going because this will work"? Well, 3 years later, we are facing a \$500 billion deficit. Guess what. April Fools' on us.

Do you remember when they said: "Our policies are going to generate jobs"? Well, we saw during the 1990s 22 million new jobs created in America. What a difference that made in so many people's lives. What have been the results of this administration's economic policies? The loss of nearly 3 million jobs.

So for all those Americans who believed this administration's policies would work to create jobs and economic opportunity, guess what. April Fools' on you.

When it comes to the Medicare prescription drug benefit, the administration knew there was an estimate by the man responsible for calculating how much Medicare will cost that was much higher than what had been discussed in the debate over the bill. Here in this Chamber we were told the bill would cost \$400 billion. That is a lot of money. It was a lot of money for what, frankly, our seniors are going to get, which is going to be a lot of confusion because so much of the money is going to drug companies and insurance companies. But, lo and behold, we wake up and find out that it was not a \$400 billion bill; it was a \$534 billion bill. And the actuary, the civil servant at Medicare—he is not political; he works year in and year out for whoever is in office—was ordered not to tell the truth to the American Congress or the people about the cost of the Medicare prescription drug benefit or he would be fired.

So we passed the bill. I didn't vote for it but a majority did. We passed it. The President signed it. Guess what. April Fools': It is not going to cost \$400 billion, it is going to cost \$534 billion.

Then, of course, we have No Child Left Behind, which many of us so hoped would make a difference in the education of our children. But we conditioned our support for this education reform on the promise by the President that it would be fully funded, that the money our teachers and principals and superintendents and school boards, but particularly our children, would need would be there.

Well, no longer is that promise even credible. The President signed the bill and then presented a budget which didn't provide the money required to fully implement No Child Left Behind. Once again, April Fools' on us.

Americans have been fooled time and time again by this administration, fooled by promises and fooled by predictions. Indeed, for 3½ years, this administration has said one thing and done something else. The list is far longer than what I have even mentioned. This was an administration that said: We are going to do something about global climate change and carbon dioxide in the atmosphere that is warming our climate. We just received a report from the Pentagon talking about what that means to our national security. So the President gave speeches when he was running for office saying we are going to deal with that. Lo and behold, he gets into office, and forget it. April Fools': climate change, no such thing is going forward under this President.

We have just seen some recent examples with respect to rising gas prices. That is a big concern. It is a concern in my State and around the country. We are seeing OPEC cutting production which will cause even higher prices for gasoline. When the President was running for office, he said: Why doesn't anyone do anything to get these gas prices down? When I am elected, I will