

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

make sure OPEC doesn't raise gas prices on us.

Well, OPEC did it. They cut production. All the President said was how disappointed he was. That doesn't sound like much of a strong case being made on behalf of the American people. Again, what should we expect? It is the same story from this administration. Say one thing, do something differently; fool the people, not just one day a year but every single day.

It is as if words don't matter anymore with the administration—and, regrettably, with the Republican leadership in Congress. There are a lot of serious issues facing the people I represent. We are losing jobs. A lot of people are losing their health care benefits. The cost of education to send a child to college is going up. We have a lot of challenges we should be working together to meet.

On this side of the aisle we have tried to raise the minimum wage. Why have we done that? Because it has not been raised for about 8 years. There are a lot of decent, hard-working people who are falling further and further behind because their costs are going up, but their incomes sure are not.

We also want to do something about overtime because what this administration has done is to say: We want to change the rules which would take away overtime compensation from about 8 million Americans. Can you imagine what a horrible experience that would be for somebody working a shift as a police officer or a firefighter or a nurse to be told: Well, your Government, your President doesn't want you to be paid for the hours you have to work extra. April Fools' on you. You are going to work but not get paid for it.

We don't like that. Is that obstructionist, that we Democrats think it is not fair that people should have to work and not be paid for it? I don't think so. I think that is in the tradition of American fair play. But we can't get a vote on it here because the Republicans know that if they had to have a vote on it, it would actually pass. That would really embarrass the President and his administration. So they don't want us to vote on it.

Unemployment benefits, it is the same thing. A lot of people are not only out of work, but they can't find work because there are so few jobs being created in this economy. The administration doesn't want to help these people. They don't want to give them that extra unemployment benefit that can tide them over until maybe we can start seeing some jobs created that will put people back to work. So our friends on the other side of the aisle don't want to vote on that because the administration would be embarrassed, because they know if Republicans had to vote on it, they would actually vote for it. So they don't want that to happen.

Time and time again, we have seen the President and the majority say one thing and do something else. It is April

Fools' Day today, but that is no way to run a government. It is no way to run a great country.

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

Mrs. CLINTON. Certainly.

Mr. DURBIN. I would like to ask the Senator from New York, through the Chair, is there not also an important issue that affects families and businesses across the United States with the increase in gasoline prices? If I recall correctly, Governor Bush, when he was a candidate for President, said, in Manchester, NH, he thought in that circumstance, the President should use the power of his office to force the OPEC nations to try to expand their exports of oil so gasoline prices did not go up in America. Isn't it true at this point that this administration not only has failed to do what the President promised as a candidate he would do, but, in fact, OPEC has announced it is going to reduce their exports to the United States and force greater increases in gasoline prices which will hurt the American economy and American families?

Mrs. CLINTON. The Senator from Illinois is absolutely right. Not only did the President, when he was running for office, say that he would jawbone and fight back hard against OPEC if they tried to limit supply or raise prices, he even said he would use his connections in the oil industry to make sure that got done. We all know about his connections and the Vice President's connections. There has never been an administration in our history that is so closely connected to big oil and big gas and big coal and everything else.

So what happens? OPEC meets. Whatever they tried to do behind the scenes sure didn't work because they voted to cut production 4 percent. When that was announced, what did the President do? He said he was disappointed.

There has also never been a President or anyone in any administration who is closer or whose family is closer to many of the big oil-producing countries such as Saudi Arabia. They have connections and relationships and friendships going back decades. One would think that if any President could force OPEC not to take this damaging action against the American consumer, it would be this President.

But I see no signs of that. I see no real effort in that. Once again, it is say one thing, do something else. April Fools' on the American people.

Mr. DURBIN. If the Senator will further yield. I also believe, in Illinois, as I travel around and speak to families and businesses, there is one consuming issue, and that is the cost of health care, the cost of health insurance. Small businesses see these dramatic increases in health insurance premiums, and with these increases they are faced with the terrible prospect of either reducing or eliminating coverage for their employees; that has, unfortunately, led to more and more uninsured Americans.

Is it not true that, given the chance on the floor, with the prescription drug bill, where the Bush administration could have stepped forward and spoken for these families and businesses and said to pharmaceutical companies that you have to, as Canada has done, restrain drug price increases, is it not true that on this issue relating directly to the competitiveness of American products, the welfare of American families, and the future of businesses and jobs, that this administration has once again caved in to the special interest groups—the drug companies and HMOs in this case—at the expense of the American economy?

Mrs. CLINTON. Once again, the Senator from Illinois is absolutely correct. As he well remembers, the debate on the floor concerning prescription drugs benefited many opportunities to try to rein in the cost of prescription drugs, to try to give permission to Medicare to negotiate, as any big institutional buyer would have the right to do, and also to import the drugs that are American-made, American-approved, back from Canada so we could get the lower prices.

Again, this administration and the Republican majority steadfastly stood against the American public, against our seniors, and stood for the pharmaceutical industry. As a result, the cost is going to be much greater, and much of that increased cost is not going to help our seniors and lower drug costs so we can perhaps have even more prescription drugs available for our people. Instead, it will go right into the pockets of the pharmaceutical companies and insurance companies.

Mr. DURBIN. Is it not also the case that this administration took taxpayer dollars to buy advertising on television for their prescription drug program and, frankly, misrepresented what the program meant in terms of savings for seniors? It is bad enough that the bill itself didn't keep the cost of prescription drugs under control. The administration took taxpayer dollars and used them to basically put a message out that at least wasn't complete, and perhaps was distorted, misleading many seniors into believing that this prescription drug bill is going to be of some benefit?

Mrs. CLINTON. Well, the Senator from Illinois has raised another important issue because the administration is using taxpayer dollars to convey a misleading impression of the Medicare prescription drug benefit, and to do so as a way of boosting the President's reelection opportunity. So taxpayer dollars, instead of his campaign dollars, are being used to try to persuade the American people against the evidence that this massive bill, with so many benefits for the pharmaceutical industry and insurance companies, is good for them. It is regrettable. As the Senator knows, many of us tried to prevent that from happening and say let's do this right, in a bipartisan, unified manner, where we really provide a prescription drug benefit for our seniors.

As the Senator also is aware, in the last several weeks, the President's campaign has been accusing one of our colleagues, the Democratic nominee for President, of flip-flopping, saying one thing one day and saying something else at a later date. It is the pot calling the kettle black at the very least because it is this administration which, on every important issue to the American people, has either changed position or has persisted in providing a misleading and inaccurate argument on behalf of a position they have taken.

The long and distinguished career in public and military service of the Senator from Massachusetts, Senator KERRY, is one that needs no defense from me or anyone else. It stands on its own merits. It is regrettable that an administration, increasingly known for its two-sided approach and its talking out of both sides of its mouth at the same time, saying one thing and doing something else, would be accusing anyone of engaging in that kind of behavior.

Mr. President, it is April Fools' Day once a year. Thankfully, that is only once a year in most of our lives. Here in Washington, it is every single day, 365 days a year. The administration has engaged in April Fools' tricks on the people of this country repeatedly. But I think people are waking up and starting to say:

Wait a minute, where is that big surplus you promised if we did everything you said?

How come my taxes are going up as a middle income American while taxes on the richest are going down?

How come this is the first President in our Nation's history that has led us to war and cut taxes at the same time?

How come the White House didn't tell us the truth about the cost of the Medicare prescription drug?

How come the administration didn't fund No Child Left Behind the way it had been promised?

How come we are having a transportation bill that the President threatened to veto when it is the only jobs bill on the horizon that can put people to work and repair the infrastructure and modernize our transportation system in a way that will make us richer and stronger in the future?

Well, the April Fools' Day jokes are coming to an end. Fool me once, shame on you; fool me twice, shame on me. The American people are starting to ask the hard questions. They are not just questions coming from Democrats, but from independents and Republicans, and coming from longtime Government employees who don't have any partisan affiliation, like Richard Clarke, asking hard questions that deserve honest answers.

At the end of the day, what really matters is that the American people have trust in their Government and believe their President when he talks to them about matters of life and death. That is what we are talking about—life

and death. So let's hope that when this day ends, maybe we can have some good news from this administration in the form of admissions and some corrections that will put us back on the path of unity, that will create the tone the President promised that would be a positive tone in Washington, where we could deal with the real problems facing Americans.

I am not optimistic, but I am hopeful that we could see that happen because these are matters of profound importance. It is imperative that we as a Nation have faith in our leaders in these dangerous and difficult times.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada has approximately 8 minutes left. Who seeks recognition?

The Senator from Mississippi is recognized.

#### JUMPSTART OUR BUSINESS STRENGTH BILL

Mr. COCHRAN. Mr. President, one of the serious problems facing the Senate is the passage of the Jumpstart Our Business Strength, or JOBS, bill. The Senate needs to pass this bill now.

Since the World Trade Organization has ruled against the United States over our foreign sales corporation and extraterritorial income tax rules, we have had ample time to address this issue. The Senate Finance Committee reported legislation which would bring the United States into compliance with our trade obligations on October 1, 2003.

Today, the European Union's 5-percent tariff will increase to 6 percent, and every month it will increase another percent. This will make American agricultural and manufactured products increasingly less competitive in international markets.

Exports of U.S. agricultural products will approach \$60 billion this year. If we allow the EU to continue with these tariffs, we will continue to lose market share and export opportunities. When our farm exports are pressured, the truckers, rail lines, and shippers feel the ill effects.

The EU retaliation list includes about 400 agricultural, food, and forest product tariff lines of imports from the United States.

These are very serious threats to our American agricultural economy, and this is why. The values of our annual exports to the EU are live animals, \$23.7 million; meat and meat products, \$44.4 million; vegetables, \$35.6 million; oil seeds, \$64.6 million; rawhides and skins, \$41.3 million; wood products, \$140 million; sugar and confectionery products, \$21.2 million. The annual total of all these and other agricultural products amounts to more than \$691 million a year.

Let me also remind everyone that much of the food industry operates on very small profit margins. So the initial tariff increase of 5 percent, plus the additional 1 percent per month, can have a serious effect.

Also, the EU currency has been very strong against the U.S. dollar. This means it has been comparatively easier for our trading partners in Europe to buy our products, but the import tariff erodes that advantage and makes it easier for competitors—other countries—to take away our markets in the European area.

It is my hope that the Senate will complete action on the JOBS bill without any further delay so we can send that bill to the President, which he is prepared to sign immediately, so we can avert the lost sales, regain lost jobs in the agricultural sector, and restore hope in America's farms and factories.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, we appreciate Senator COCHRAN speaking when he did. We have 8 minutes remaining. I ask unanimous consent that the time be reserved. We had someone who was going to speak but has not shown up.

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

Who seeks recognition? The Senator from Texas is recognized for 5 minutes under the previous order.

#### DEMOCRATIC LEADERSHIP'S OBSTRUCTION

Mr. CORNYN. Mr. President, today is day 7 of the Democratic leadership's unprecedented obstruction of President Bush's nominees for various executive positions and judicial nominations. In fact, I have in my hand the Executive Calendar which reflects 46 of the President's nominees who stand ready to be confirmed by the Senate so they can get to work on behalf of the American people. But unfortunately, as appears to be a growing trend and one where our Democratic colleagues continue to dig in their heels, the answer to every entreaty we might offer, every suggestion we have in terms of creating jobs, in terms of putting people on the bench to decide cases that go unheard because judges are not being confirmed to these posts, we continue to get a consistent response on behalf of our Democratic colleagues of "no."

The answer they give to jobs and manufacturing, medical liability reform, a national energy policy, workforce investment, judges, small business, class action reform, and faith-based and charities legislation is "no."

Particularly on the judicial nominees, I point out, once again, that this obstructionism is unprecedented in the history of the Senate. Where we have a bipartisan majority in the Senate who stand ready to confirm highly qualified nominees, such as Justice Priscilla Owen of the Texas Supreme Court of my home State, people such as Janice Rogers Brown who serves on the California Supreme Court, or people such as Miguel Estrada who, after waiting