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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, April 20, 2004, at 2 p.m.

Senate

TUESDAY, APRIL 6, 2004

The Senate met at 10 a.m. and was called to order by the Honorable JOHN CORNYN, a Senator from the State of Texas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, who remains the same though all else fades, in this season that is holy for so many we pause to thank You for loving us, even when we wander from Your purposes. Incline our hearts to respond to Your amazing grace and to cling to You, who alone can give us rest and joy.

We pray for our Senators. May they follow in the footsteps of their noble forebears who risked all for freedom. Help them through the decisions they make to build monuments of moral excellence and courage for generations to behold. Open their eyes to Your wisdom and may they hear the distant triumph songs of Your throne. Lord, uphold this great Nation with Your strong right hand. We pray this in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN CORNYN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 6, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN CORNYN, a Senator from the State of Texas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. CORNYN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning there will be a period of morning business until 11 a.m. Following morning business, the Senate will then resume consideration of the motion to proceed to S. 2207, the Pregnancy and Trauma Care Access Protection Act of 2004.

I remind my colleagues, on Friday of this past week I asked for consent to proceed to S. 2207 to allow us to begin debate on this important medical liability issue, an issue which addresses a crisis which affects us all. There was an objection from the other side and it was necessary to file a cloture motion

on the motion to proceed to the pregnancy and trauma care bill. Under the order, that vote will occur at 2:15 tomorrow afternoon. Members will debate that motion and the merits of this underlying medical liability legislation throughout the day today. I do hope we are able to invoke cloture Wednesday afternoon so we may proceed to this very important measure.

I also remind Senators yesterday it became necessary for me to file a second cloture motion with respect to the JOBS bill, the bill known as the FSC/ETI, or the Jumpstart JOBS bill. Consideration of this timely measure—timely because sanctions right now are in effect and the sanctions are affecting U.S. companies every day—consideration of this timely measure has been slowed because of unrelated amendments, amendments that have nothing to do with these manufacturing jobs and trade issues.

I have had a number of discussions with the two managers of the bill in an effort to finish the bill in a reasonable amount of time with a reasonable number of amendments, but we have been unable to reach an agreement today. Due to the desire to offer these unrelated amendments not relevant to the bill, and with no end to the number of amendments in sight, it became necessary for this second cloture vote.

I now ask consent that the vote on cloture on the motion to recommit occur tomorrow afternoon following the 2:15 vote, regardless of the provisions of rule XXII.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mr. FRIST. Yesterday, I also mentioned the need to act on the pension equity conference report. We would like to lock in agreement for a short period of debate and a vote on the conference report prior to the end of this week. An important piece of legislation, the pension bill had gone to conference; it has come out of conference; it is ready for floor action. I know there are objections to this on the Democratic side at this time. However, I hope we will be able to reach a time agreement this week on this timely conference report as well.

Mr. President, as we look at the medical malpractice and medical liability bill, as we look at FSC/ETI or the JOBS bill, as we look at the pension equity conference report, we have a lot to do over the next 4 days. We have a short amount of time to do it. It is important we stay focused on these important bills for the American people.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 11 a.m., with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Utah.

FEAR AND PESSIMISM IN CAMPAIGN POLITICS

Mr. BENNETT. Mr. President, on the 5th of April, the senior Senator from Massachusetts, Senator KENNEDY, appearing before the Brookings Institute, delivered what Larry King described as a blistering attack on the Bush administration. Last night, Larry King and Senator KENNEDY had a conversation about the speech and Senator KENNEDY's comments that is worthy of comment and reaction in the Senate.

First, let me make this observation. Senator KENNEDY earlier in this campaign made personal attacks on the President which I felt compelled to respond to in the Senate.

I am happy to report in his conversations with Larry King, Senator KENNEDY backed away from that degree of personal attack on the President, and I salute him for that. I think it important for us to recognize how much we can get carried away with election-year rhetoric and how personal we can get in our attacks sometimes. I salute Senator KENNEDY, in spite of the vigorousness of his attack on the administration, for his decision to back away from personal attacks on the Presi-

dent. I would hope other members of his party would follow his lead.

We have seen the former Vice President of the United States attack the President of the United States in language reminiscent of that which Joe McCarthy used to use to attack Harry Truman. We should back away from that kind of personal hatred, even though historically it has been part of our election tradition.

There has probably not been a President more personally hated than Franklin Roosevelt in my lifetime. I remember the things that were said about him. I remember the things that were said about Harry Truman. I remember some of the things that were said about Richard Nixon, about Bill Clinton. We should back away from those kinds of personal attacks. Unfortunately, this election year has seen them come back to the point where one could almost say the basis of the campaign against the President is, in fact, personal hatred.

Former Governor Dean certainly went into that direction in his attacks against the President. We have seen Senator KERRY, in an unguarded moment, refer to his opponents as a bunch of lying crooks. I would hope we could back down from hatred as the primary theme of this campaign.

But there is another theme in this campaign which did come out in Senator KENNEDY's speech I would like to respond to and comment on. It is the theme of fear. There is an underlying sense of fear that pervades the rhetoric of the President's opponents here. It is interesting to me, because the founder of the modern Democratic Party, Franklin D. Roosevelt, is perhaps best remembered for his statement in his first inaugural when he said: We have nothing to fear but fear itself.

It would seem in this campaign there are those who have nothing to offer but fear itself—fear and its handmaiden, indeed, its standard derivative, which is pessimism. We have great fear, and we are convinced nothing is going to work. That, if I may, Mr. President, is what pervaded Senator KENNEDY's speech before the Brookings Institute, a conviction that nothing is going to work, that nothing is going to save this country except the personal replacement of the President. But none of the policies the President has put in place can possibly work, and we are in such a terrible morass and difficulty that we live in fear.

I was tempted to go through Senator KENNEDY's speech point by point and rebut it one at a time. I believe I could do that. It would take a great deal of time, and it would probably bore everybody. It is the kind of thing lawyers do in courtrooms where it is essential to build a record. But, as you know, Mr. President, I am unburdened with a legal education. I would like to step back from the point-by-point kind of refutation that would be called for in a courtroom and have an overall view of what Senator KENNEDY was saying. I

refer to him personally, but I think this speech, in fact, is a distillation of the position the Democratic Party will take in the upcoming election. So I think we should step back from the point-by-point situation and look at the overall message of what they are trying to tell us. That is what I would like to address today.

Basically, as I say, it is rooted in fear and its derivative, pessimism. That is what they are offering the American people: fear and pessimism. This is the fundamental position Senator KENNEDY's speech takes: If it is bad, and it happened on President Bush's watch, he is responsible for it. If it is good, and it happened on President Bush's watch, it was coincidence or anybody could have done it, and he does not deserve any of the credit.

Let's go down the history of what has happened on President Bush's watch and see if, in fact, that pattern I have just described did play itself out.

Turn to today's headline where we have a Commission examining what happened prior to 9/11 in the year 2001. Well, we are being told repeatedly it was Bush's fault. He is responsible for 9/11 because he did not do enough to prevent it. 9/11 was his fault. Then the Commission goes on to detail what he did. Basically what he did was what the Clinton administration did. They kept track of al-Qaida. They monitored what was happening. They did their best to find out what was happening, but they did not do enough. In other words, they did not invade Afghanistan.

It is interesting to me that the people who are now saying President Bush did not do enough prior to 9/11 are the same people who are saying he did too much in Iraq. He acted before Iraq became a threat. That is in Senator KENNEDY's speech—he should have waited until Iraq became a threat. But, of course, the same critics are saying he should have acted before al-Qaida became a threat. You cannot have it both ways. Either he was prudent in doing what the Clinton administration did prior to 9/11, and watched the situation carefully to see how it would play out, or he was too timid. And if he was too timid and should have taken more forceful action prior to 9/11, he learned that lesson and took more forceful action with respect to Iraq. You cannot attack him for doing the one in the one situation and then the other in the other; you must be consistent. But the President's critics are not.

As I say, he is responsible for 9/11, according to his critics, because he did basically what the Clinton administration did, but he should have seen it coming and done more. Then when he did do more—that is, when the President led us into Afghanistan—the President's critics were outraged. What did we hear over and over again? Maybe the media has short memories, but I do not. We heard lessons from history: The British went into Afghanistan, they got bogged down, and they