

to stopping—I would say obstructing—Democrats from offering these amendments.

I am hopeful that once we get beyond this cloture vote, we can lay the bill down and we can work through these amendments. I will work with the majority leader to ensure we have adequate cooperation on this side, as I have offered from the very beginning.

#### MEDICAL MALPRACTICE

Mr. DASCHLE. Mr. President, the second issue, that I just mention briefly, has to do with the cloture vote on the medical malpractice issue that will come before the Senate this afternoon.

This bill actually differentiates between those who walk in the front door of a hospital and those who get emergency care. We objected last time we voted on this because it differentiated between men and women. Men and women would be treated differently under the bill that cloture was voted on a few weeks ago. Now our Republican colleagues add to that people who walk into a hospital or are taken into a hospital via an emergency room.

This draws a distinction that I think is inexplicable. If you are injured in an emergency room, under this legislation, you have virtually no legal recourse. If you are injured by walking through the front door of a hospital, you still have all the recourses that are allowed under Federal law. Drawing that distinction, to me, is not an improvement. That is not reform. Yet that is what some of our Republican colleagues have said.

On more than one occasion, Senator LINDSEY GRAHAM and Senator DICK DURBIN have said they are prepared to work, in a bipartisan way, to allow us the opportunity to address meaningful malpractice reform, including the high cost of malpractice insurance. But that is what it is going to take.

Having cloture votes on bills that draw a distinction between two circumstances that have nothing to do with punitive damages, or with economic damages for that matter, is something I think will get us nowhere. This vote, as all the other votes, will not be accepted. It again reminds us how important it is that we work together to find a real solution to malpractice, as Senators GRAHAM and DURBIN are doing.

#### CONFERENCE PROCEDURES

Mr. DASCHLE. Finally, Mr. President, let me just add one other troubling aspect to this discussion this morning, and that is the pension bill.

Our caucus will be discussing this matter this afternoon. I am hopeful we can find some way to address the issue of pensions in a meaningful way. I have indicated to Senator FRIST how concerned we are with the way pensions have once again been addressed in conference. We used this conference as a test to see whether Senators, in a bi-

partisan way, can work together, but once again Democrats were locked out of the discussions in a way that brought about a very questionable result.

The Senate voted 85 to 14 to support multiemployer and single-employer pension plans. We went to conference. We had a tentative agreement that at least 20 percent of the multiemployer pension plans would be addressed. We felt that was a sufficient effort to address some of the real plans in crisis.

Unfortunately, the White House told the conferees that that was unacceptable to them and, without consultation and without any effort to resolve the matter in some form of bipartisan compromise, Democrats once again, as we saw last year with the Omnibus legislation, with the Medicare prescription drug benefit, and with other bills, got the same result. It is no wonder our colleagues are so reluctant to go to conference. Once again, as the pension bill proved, the conferences are not working as they should.

It is for that reason many of us are very concerned about what now to do with the pension bill as it is presented. We will have a good discussion about that in caucus today and make some decision as we go forward.

This is not the way conferences should work. It is deeply troubling to many of us that again we find ourselves in exactly the situation that I warned would cause further problems were it to happen again. It has. I regrettably feel as if conferences in the future are going to be very difficult, if not impossible.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period for the transaction of morning business for 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Oregon.

#### OPEC

Mr. WYDEN. Mr. President, in the last few days, the Foreign Minister of Saudi Arabia has said—and it has been widely reported by our country's two largest wire services—that Saudi Arabia was not contacted by the Bush administration over OPEC's recent decision to cut oil production by 1 million barrels per day. I was very troubled by these comments by the Foreign Minister of Saudi Arabia. I want to read

specifically what the Saudi Foreign Minister said when he was asked whether the United States had expressed its disappointment over OPEC's cut in oil production. The Foreign Minister of Saudi Arabia said:

I didn't hear from the Bush administration. I'm hearing it from you that they are disappointed.

This ought to be troubling to every Member of the Senate. Up and down the west coast of the United States, our constituents are getting mugged by high gasoline prices. In community after community, citizens are paying more than \$1.90 a gallon. The high driving season is just upon us, and escalating gasoline prices are going to be devastating to consumers and to our economy overall. We all understand consumer spending is a major driver of our economy today, and it is going to be harder and harder to grow the economy and create private sector jobs if these gasoline prices continue to skyrocket.

I am hopeful my colleagues on both sides of the aisle will support the resolution I have introduced urging that OPEC increase production. The reason I am hopeful for bipartisan support is that this resolution, in terms of its substance, is identical to one introduced on February 28, 2000, with our current Secretary of Energy, our friend, Spence Abraham, as one of the principal sponsors. Back then it was clear that our colleagues thought it was important, and we had a number of our colleagues who serve today, our friend Senator GRASSLEY, distinguished chairman of the Finance Committee, Senator SANTORUM, and others, all of whom said—and I share their view—that it is important for every administration to put the heat on OPEC in order to protect our consumers. It was important then to make it clear that it was the position of the U.S. Senate that OPEC boost oil production, and it is just as clear now.

At the time that resolution was adopted in March 2000, a resolution sponsored by then-Senators Abraham and Ashcroft, oil prices were in the \$25-per-barrel range with a high of \$27 per barrel in February of 2000. In recent weeks, oil prices have been in the range of \$35 per barrel, spiking up to \$38, a 13-year high, last month.

In 2000, then-candidate George W. Bush said it was important to put pressure on OPEC to boost oil production. I certainly share his sentiments. Yet with the comments of the Saudi Foreign Minister last week, it is clear that at best, there has not been a full court press in this administration on Saudi Arabia, on OPEC in order to increase gasoline production.

If ever there were an administration that had earned some bargaining chips to push Saudi Arabia to increase oil production, it is this administration. After 9/11, there was an effort to help the Saudis, a number of them, leave our country. When there was concern about charities and the role that charities had played in financing 9/11, it

was difficult to get key Government documents declassified.

The fact is that Saudi Arabia keeps getting a free pass again and again. On this issue with respect to oil production, if ever there were an administration that had some bargaining chips to play in trying to get OPEC and the Saudis to increase oil production, it is certainly this administration. Now the Saudi Foreign Minister has said, just after OPEC announced another million-barrel-per-day production cut, it was not even contacted by the Bush administration to keep oil production high.

There are other troubling signs which have led me to introduce this resolution. When Secretary Powell was in Saudi Arabia about 2 weeks ago, he also had a chance to talk about the oil crunch and how it is so harmful to the American consumer. The press release that came from the U.S. Information Agency—this is another document coming from our Government—indicated that the Secretary and the Crown Prince and Foreign Minister talked about a number of subjects—terrorism, governmental reforms, a variety of issues—but not the question of oil prices and keeping oil production high.

I have said that OPEC is going to stand up for OPEC. Anybody who thinks OPEC is going to stand up for the American consumer thinks Colonel Sanders is going to stand up for the chickens. OPEC is doing what they think is in their self-interest. If you think they are going to stand up for the consumer, it is a delusion; it is not going to happen. But it is the job of our administration, just as it was in 2000, to stick up for the consumer who is getting clobbered with these gasoline prices.

When the Saudi Foreign Minister says he hasn't even been contacted on this question of boosting oil production, I say that is not good enough. That is not good enough, given the harm it has done to our economy and our consumers by these gasoline price hikes. It is certainly not good enough for the people of Oregon, where consistently we have paid some of the highest gasoline prices in our country.

The American people are entitled to some answers. Certainly, they are entitled to an administration, just as they were in 2000, that does what then-Governor George W. Bush says was important, and that was to push OPEC, put the heat on OPEC, have a full court press on OPEC to increase oil production. Instead, what we have learned from the Saudi Foreign Minister in recent days is that the administration has essentially sat on its hands with respect to this oil production issue.

I will tell you, I think what is coming on this gasoline situation is a perfect storm. The combination of the shenanigans by OPEC—the fact that we are filling the Strategic Petroleum Reserve at the wrong time, swiping oil from the private market, squirreling it away in the reserve at a time when we

have enough for our national security needs; the fact that the Federal Trade Commission is not following up on anticompetitive practices—are the factors that are going to come together for a perfect storm with respect to this gasoline issue.

I think it is critically important this Senate go on record on an issue we can do something about, just as we did in 2000 when we were led by a number of our colleagues on the other side of the aisle in making an effort to boost oil production. We ought to do the same now and stand up for the American consumer.

I have introduced S. Res. 330, and I ask unanimous consent that Senator CARPER, Senator GRAHAM of Florida, and Senator DASCHLE be added as cosponsors.

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

Mr. WYDEN. Mr. President, I also want to make sure our colleagues understand the timetable that is behind my resolution. On February 28, 2000, then-Senators Ashcroft and Abraham introduced a resolution calling on President Clinton to pressure OPEC to boost oil production before an OPEC meeting. That resolution passed the Senate by unanimous consent.

On June 22, 2000, then-candidate George Bush said:

I would hope the administration would convince our friends at OPEC to open the spigots.

On February 10, 2004, our current Secretary of Energy said:

[It is] very clear we are not going to beg OPEC for oil.

On April 1 of this year, at a White House press briefing by Scott McClellan, he said:

Let me just continue to reiterate that we remain actively engaged in discussions with our friends at OPEC. . . . We continue to make our view known. The President certainly makes his views known when he meets with world leaders and when he talks with world leaders. High-level administration officials from Dr. Rice to Secretary Powell to Secretary Abraham are always in close contact with producers around the world to make our views known. And we continue to do so.

But given that timeline, on April 1 of this year—just a few days ago—the Foreign Minister of Saudi Arabia said he had not been contacted by the Bush administration over OPEC's decision to cut crude production by 1 million barrels a day. The Saudi Foreign Minister said:

I didn't hear from the Bush administration. I am hearing it from you that they are disappointed.

That is a direct quote from the Saudi Foreign Minister. We have to have an administration that puts the heat on OPEC, that pushes them to increase oil production and, just as the Senate said in 2000, we ought to say it in 2004.

So given what I have just outlined, I now ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of

S. Res. 330, a resolution expressing the sense of the Senate that the President should communicate to the members of OPEC and non-OPEC countries that participate in the cartel of crude oil-producing countries the position of the United States in favor of increasing world crude oil supplies so as to achieve stable crude oil prices; that the Senate proceed to its immediate consideration; that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Mr. President, reserving the right to object, this resolution has recently gone to the committee. It needs to go through the process. I certainly empathize with many of the things the Senator from Oregon has propounded. However, I must respectfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. WYDEN. Mr. President, what is troubling about the objection of our distinguished colleague from Texas is that this resolution is, in its substance, identical to the resolution that was offered by those on the other side of the aisle in 2000. It is interesting that when I came to the floor first to discuss this resolution, the distinguished Senator from Kentucky, our friend Senator MCCONNELL, said that certainly if we applied a set of principles to the Clinton administration, we can look at it as it relates to the Bush administration. That is exactly what I am doing.

I will tell you, I listened to all of the arguments for the Bush administration's position. We hear about "quiet diplomacy," for example. Maybe it is quiet diplomacy, but apparently the Bush administration's brand of diplomacy was inaudible to the Saudi royal family. So I cannot understand why there would be an objection from the other side with respect to this resolution.

We have the Saudi Foreign Minister saying he had not been contacted by the Bush administration. I outlined the specific timeline of events between 2000 and 2004 that makes the case, in my view, why every Member of the Senate should want to support this resolution, which in terms of its substance is identical to the one passed in 2000. So I think it is very unfortunate that there has been an objection. I note that there has. I hope we will be able to take it up as expeditiously as possible.

Mrs. HUTCHISON. Will the Senator yield for an answer to his question?

Mr. WYDEN. Of course.

Mrs. HUTCHISON. Mr. President, with all due respect, I do sympathize with much of what the Senator from Oregon has said, and I am frustrated as well. But I think it is important that the Senator recognize we do have a process; that this is 2004; it is not 2000; and it is not 2002.

Furthermore, I say to the Senator from Oregon that we have many ways

to increase the supply of oil in our country. Passing the Energy bill that has already passed the Senate, that went to conference and was held up by the Democratic side by two votes would give us the supply that we need to lower the cost of fuel in our country. We have at our disposal the capability to lower prices.

Mr. President, I think it is incumbent upon all of us not to just look at the cartel that is OPEC, but to look at our own resources and to control our own resources. We have the capability to do that and we are not because of the obstructionism on the Democratic side.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WYDEN. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WYDEN. Mr. President, first, the Energy bill would do absolutely nothing over the next few months to lower these gasoline prices. What will help to lower the prices is passing this resolution and pushing OPEC to increase crude oil production. In fact, Republicans have even asked, with respect to the Energy bill, what it would do to gasoline prices. There is no evidence that it will lower prices.

This resolution does something in conjunction with making sure we stop filling the Strategic Petroleum Reserve, making sure the Federal Trade Commission deals with these anti-competitive practices.

This resolution can make a difference by pushing OPEC to stand up for the consumer. It was good enough in 2000 when a number of our colleagues, led by current Secretary of Energy Abraham, said it made sense. I submit this is something, unlike the Energy bill, which can make a difference for the gasoline consumers getting hosed at the pump right now.

For that reason, I think it is unfortunate my colleagues have objected. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 15 minutes.

#### ECONOMIC SECURITY

Mr. CORZINE. Mr. President, I rise to speak on America's economic security—rather, I should say America's economic insecurity at the moment.

Before the Senator from Oregon leaves the floor, let me compliment him on bringing up one of those issues that absolutely must be addressed, one of those issues that is squeezing middle-class Americans: their gas prices—natural gas prices and gasoline prices.

The idea that we are unwilling, after we are committing so many resources to the Middle East, to try to bring stability and democracy in the Middle East and not use our diplomatic capital to accomplish what the Senator from

Oregon is speaking about, to bring forth a response from OPEC, is just unfathomable. It is absolutely an abject failure in the context of economic policy management and certainly on diplomatic efforts.

I compliment the Senator for his efforts. I hope he will include me as a cosponsor of his resolution.

As I said, I wish to speak about America's economic security. We have certainly heard in the last 48 to 72 hours a lot of celebration and victory laps being taken with regard to 1 month's economic report on employment in the United States.

All of us are pleased to see that jobs have been created in the United States. We are glad to see they finally met something that looked like the expectations that have been talked about for the 38 months this administration's stewardship of the economy has been in place. It is positive for those who have found jobs, but it is failing to take into account something that I think is very important in the reality of people's lives and something that is not being celebrated on the ground among working men and women in the United States, and that is an incredible squeeze on moderate and middle-class families in this country across the board.

It is great to celebrate big-picture statistics, but the last time I checked, statistics are not how people live their lives. The reality is we have almost 8.5 million unemployed Americans. That number actually grew last month by about 180,000. For those folks and for many people who feel as if they are at the edge of whether their job will continue, the situation is really quite serious. Those kitchen-table issues actually make a difference in people's lives.

I will be specific. Just last month, we closed the next to the last auto production facility in New Jersey. Mr. President, 1,500 manufacturing jobs were eliminated in New Jersey. By the way, we have one last plant, which is scheduled to close in May of 2005. Then we will have the auto industry completely eliminated from the State of New Jersey. We have already had the textile industry eliminated. We have seen AT&T and Lucent lose literally tens of thousands of jobs over the last 2 to 2½ years in my home State.

When people lose in these contracting industries, we see a decline in the real standard of living when people are reemployed. The statistics show that the average loss, since the last recession, for people who lose jobs at \$44,000 when they were working to their next job at \$35,000 was 21-percent decline in their real earnings. That is what happens when people are part of that growing job set but, unfortunately, they are losing their manufacturing jobs, they are losing their white-collar jobs, and they are moving into service sector jobs that are dramatically less valuable for their families and their own economic well-being. It is a big hurt, and I know it is a big

hurt on those folks I see and talk with in my home State.

Think about it: We have gone from 6.5 million unemployed to 8.4 million unemployed under this administration's stewardship of the economy. When people get jobs—it is good we see job growth—they come back at a lower earning capacity than before.

That is not the only place we are getting hurt. For most middle- and moderate-income families, they have to deal with trying to make ends meet with regard to health care costs and tuition that goes on in their State and, as we just heard very eloquently expressed by Senator WYDEN, increasing gas prices. These are items for which real dough is coming out of people's pockets. We have gone from earning \$44,000 a year on jobs lost to \$35,000 in jobs found, and we have income not keeping up with the cost of medical care.

We have seen an almost 15-percent increase in medical costs for individuals since 2001, while we are seeing less than 5 percent in real income growth. That is a huge gap. By the way, at the same time, there were 3.5 million, almost 4 million Americans who lost their insurance during that period of time, so these costs are actually real. They are coming right out of their pocketbooks. Those 3.5 million to 4 million people are having to pay those costs, and that is why I talk about economic insecurity. This is a reality in people's lives: lower income, higher costs, and they are having to deal with that around the kitchen tables across America.

We might have one great number out of 38 months of economic stewardship as far as job creation, but I do not think it is translating into reality in people's lives.

Let me use another example: increasing tuition costs. There has been a 14-percent increase in tuition costs last year alone. These numbers are up about 25 percent since the Bush administration came into office. We have seen Pell grants go from about 42 percent to about 35 percent. Income, relative to tuition costs for kids accessing the American promise through higher education, has just been a tragedy. We are seeing people not able to afford the kind of education that will allow them to grow their income.

The difference between having a college education and a high school education or high school dropout is a dramatic improvement in their real earnings. We are seeing incredible pressure being put on middle-class Americans in tuition, just as we are seeing in health care costs.

I could go through a whole laundry list of other expenses most Americans have to meet and discuss around the kitchen table. Property taxes in New Jersey have gone up 7 percent in the last 3 years. One of the reasons is we in Washington keep putting mandates on them, and all those mandates trickle down to the local level, the local