

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

for so long to have his confirmation heard on the Senate floor, finally had to give up and go about his daily life because of this unprecedented obstruction.

The worst part of this is that it has not only been about blocking President Bush's highly qualified judicial nominees and other people who he has proposed for various boards and commissions serving the American people, this, unfortunately, has also involved a character assassination as well. Judicial nominees have been called names by Senators on the other side of the aisle that are really unbecoming of the dignity of this body, names such as "kooks," "Neanderthals," "turkeys," and other names that are just entirely inappropriate to the civil discourse and debate that people have come to expect and deserve a right to hear from Members of the Senate.

We can disagree about policy matters. We can have a different proposal for the American people about which direction this country should go on a number of these issues. But surely—surely—the Senate should continue to conduct its discussions in a civil way and one that allows majorities to govern, not that allows obstinate minorities led by the Democratic leadership to block vote after vote on matters that are important to the people of the United States.

The problem we now hear is they are objecting to proceeding on any nominees because President Bush has used the authority given to him under the Constitution to make recess appointments. They act as if this has never been heard of, that it is unprecedented in U.S. history. The fact is, there have been more than 300 recess appointments made during the course of this Nation's history, including by President Clinton, before President George W. Bush, and others. Indeed, this is a constitutional response to unconstitutional filibusters.

Unfortunately, we know the nature of this process is such that if the Democrat obstructionists get away with blocking President Bush's nominees, not from voting against them but by preventing a vote on them at all, this is a tactic once determined to be successful that will likely be employed by others when the shoe is on the other foot.

When the next Democrat is President of the United States and Republicans are in the minority in the Senate, how is it we are going to explain to our Republican colleagues that, no, you should not use this tactic which, up until now, has been out of bounds but which has now been employed successfully against the Democratic minority against this President?

We ask for an up-or-down vote today on President Bush's judicial nominees, and we would ask that rather than answering "stop" to all of the Republican agenda on behalf of the American people, we could at least get an up-or-down vote.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Texas has expired. Who seeks recognition?

The Senator from Nevada is recognized for 5 minutes under the previous order.

MEDICAL LIABILITY REFORM

Mr. ENSIGN. Mr. President, the theme we are talking about this morning is obstructionism. We have heard about judges. Later on we are going to hear about the Democrats obstructing legislation that would create jobs in the United States. It is called the FSC/ETI bill. It really is a jobs bill. This is legislation that will actually bring hundreds of thousands, if not millions, of jobs back home to the United States. Democrats have been blocking, as far as jobs are concerned, asbestos reform, bankruptcy reform, class action litigation reform—all of those items make American companies less competitive and make it tougher to have new job growth in the United States.

Outsourcing is a big issue. As we hear more and more about this issue, we have to understand some of the reasons surrounding it. Right now the other side of the aisle is blocking a lot of the legislation that would allow companies to bring new jobs to this country to make our country more competitive.

What I want to talk about this morning very briefly is the answer to what has caused a severe access to care crisis in many States, and that is the issue of the medical liability reform. My home State, the State of Nevada, is one of those 19 States that are truly in crisis. In fact, only five States across the United States are showing no signs of a crisis. Unfortunately, the rest of the states are all headed in Nevada's direction, and it is only going to continue to get worse unless we fix the problem right here in Washington, DC. This is a national problem and it requires an immediate national solution.

One of the main reasons we need a national solution is because the Federal Government now pays 60 percent—60, 6-0 percent—of all the medical bills in the United States with regard to Medicare, Medicaid, and the Veterans Administration. There is a huge amount of money the Federal Government pays in taxpayer dollars that goes toward paying medical bills in this country.

For this and many other reasons this is a national problem that requires a national solution. We are losing doctors and other medical professionals at an alarming rate all over America. They are not going into the specialty and high-risk fields, especially in the numbers that we need in this country. There used to be a huge demand for many of these residencies. Now, some of our schools cannot even fill their residency programs. Unbelievably, often times they are not even getting any applications for these residencies.

A few weeks ago I heard about the problems in Utah. There are tremen-

dous medical facilities there. They are having problems getting doctors to go into some of the fields we want our best and our brightest to go into—those fields that require the most technically brilliant people—because of the fear that when they get out of medical school they will not be able to afford to practice because the medical liability premiums are too high.

Why are the medical liability premiums too high? Well, it is pretty simple. It is because we have an overly-litigious society where unscrupulous trial lawyers basically say bring your Rolodex and we will find out who we can sue. More and more, this practice has spread into the medical profession where hard-working and honest professionals are being subjected to frivolous lawsuits.

I am a veterinarian, and I know medicine is not an exact science. Mistakes are made. If there is medical malpractice, the patient deserves to get compensated, no questions asked, and our civil justice system has the ability to do that. But because the courts are so filled up with frivolous lawsuits these days, and some of the jury awards are so incredibly high, it motivates people to basically say let's go hit the lawsuit lottery because the system is broken. It is a situation where because of the backlog, the people who are really injured die before they ever get compensation. It can take 6, 7, 8, 9, 10 years in the courts before their case actually has a final resolution, and that is unacceptable for those patients who are injured. That is one of the major reasons we need to have medical liability reform. Unfortunately, the other side continues to obstruct our efforts in this area.

If opponents want to debate differences, if they want to amend the bill, fine, but they will not even let us go to a vote on a bill. In fact, they keep obstructing us even moving to debate a bill. They are filibustering, just as they are doing on judges and many other things. It is a shame because it is a crisis. It is a crisis with OB/GYNs—arguably the most dire of circumstances with regard to access to care—but it is also a crisis with trauma doctors, neurosurgeons, and even with general surgeons.

Some of the best people who practice medicine in my State are either leaving practice or now, unfortunately, not going into those high-risk specialties. We need to enact reform to protect every American's access to quality care, and to keep the best and the brightest practicing and entering into the medical profession. In order to so, this obstructionism by our opponents must stop, and it must stop right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada has yielded the floor. Who seeks recognition?

The Senator from Nevada.