

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 vigorosity 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

could not accomplish anything. The Soviets went into Afghanistan; they got bogged down and ultimately humiliated. We are going to get bogged down, and we are going to get humiliated. And going into Afghanistan is a terrible mistake.

Then suddenly the battlefield situation changed, and now we hear the President's actions in Afghanistan were brilliantly planned and brilliantly executed. We see Afghanistan on the verge of a new constitution. We see women back in the Afghanistan economy, women going to school, women now being allowed rights they did not have under the Taliban. But we do not give President Bush any credit for that. No. As I say, the mantra is: If it is bad, and it happened on Bush's watch, he is responsible. But if something good comes out of what happened on President Bush's watch, that was coincidence, and he has no right to claim any credit for it.

I am interested in a comment Senator KENNEDY did make in his speech, and I will go to the speech for this one. He said, referring to our decision to go to war in Iraq:

... President Bush gave al Qaeda two years—two whole years—to regroup and recover in the border regions of Afghanistan.

I find that an incredible statement—credible in the true meaning of that word: incredible, not credible, not to be accepted.

Afghanistan, prior to the time we went in—Afghanistan, during the period of the Clinton administration—was a haven for al-Qaida. It was a training ground for al-Qaida. President Clinton ordered the lobbing of cruise missiles into some of those training grounds but did nothing more.

Now, in response to 9/11, President Bush led the world into cleaning out the al-Qaida training camps in Afghanistan. The al-Qaida leadership has been disrupted. A large percentage of their leadership has been either killed or arrested. Assets, totaling in the tens if not hundreds of millions of dollars, of al-Qaida have been discovered and frozen, and yet the Senator says: "President Bush gave al Qaeda two years . . . to regroup and recover in the border regions of Afghanistan."

Al-Qaida has been on the run. Al-Qaida has been disrupted. Al-Qaida has seen its assets destroyed in the 2 years we have been at war with al-Qaida and Afghanistan has been freed. Those are solid accomplishments for which the President's enemies give him no credit whatsoever.

Let's talk about Iraq. That is the core of most of the criticism of the President. There are those who suggest Iraq was created by George W. Bush; that is, the crisis was created by George W. Bush. There are those who suggest—and Senator KENNEDY comes very close to it—that George W. Bush was the first one to indicate there might have been weapons of mass destruction in Iraq. Again, the media may not have any memory on these

issues, but I have a clear memory. Sitting in this body, I remember who it was who first convinced me al-Qaida had weapons of mass destruction. That was Madeleine Albright, President Clinton's Secretary of State.

We all went to 407, the room in the Capitol where we receive briefings on confidential and top secret information, classified information. Madeleine Albright laid out in chilling fashion all of the evidence to tell us there were weapons of mass destruction in Iraq. In response to that evidence, President Clinton went to war against Iraq. We forget that. We pretend that never happened. President Clinton, using his powers as Commander in Chief and acting under the authority of the U.N. resolutions that had condemned Iraq following the first gulf war, launched a heavy bombing attack upon Iraq for the sole purpose of destroying their weapons of mass destruction. And to his credit, during the current political debate, President Clinton has made it clear we did not know whether or not that bombing attack destroyed all of Iraq's weapons of mass destruction. President Clinton has made it clear we had no way of knowing how successful that bombing attack was.

Yes, the difference between President Bush and President Clinton is President Clinton bombed. He carried on the war from the air. President Bush decided to carry on the war at ground level. I do not suggest that is a trivial difference. It is a very significant difference. But if we are going to talk about who went to war in Iraq over the issue of weapons of mass destruction, we have to say the answer is President Clinton. If we are going to talk about Secretaries of State who informed the Congress about Iraq's program of weapons of mass destruction, we have to say the first one who did it was Madeleine Albright.

I am one who believed Madeleine Albright. I am one who believed and supported President Clinton. I find it a little disheartening to have those who agreed with us then now suggesting it was President Bush who first brought up the issue of weapons of mass destruction, and it was President Bush who first said we had to deal with those weapons by acts of war. Memories should be longer than that.

When President Bush decided to go ahead in Iraq, what did his critics have to say? It will never work—fear, pessimism; we can't succeed. On the floor of this Senate, we heard over and over again: There will be thousands and thousands of body bags coming back as Saddam Hussein uses chemical weapons against our troops. We cannot send our troops there to be exposed to these weapons.

These are the same voices now who are saying: There were no weapons. But certainly they believed there were, as they warned us that our troops would be gassed, that they would be killed with chemical weapons, and we could not run that risk.

Then when the action started, these same voices said: Bogged down on the road; held down by the resistance of the Iraqis. We are in a quagmire; we will never succeed.

Then when Baghdad fell within a matter of weeks from those prophecies and predictions, now we are being told: Anybody could have done it. No big deal. We can't give Bush any credit for having gone into Iraq and winning the war. It was a piece of cake.

Before the fact, fear and pessimism; after the fact, blame, no credit for success, determination that it is not going to work in the long term.

I could go on about Iraq in that regard, but there will be many more debates. Let me go into the other substance of Senator KENNEDY's speech and demonstrate the same pattern: fear and pessimism.

The Senator talks about education, talks about No Child Left Behind. He takes credit for having helped write No Child Left Behind, appropriately. One of the reasons I voted against No Child Left Behind is because I thought the things the Senator from Massachusetts succeeded in getting into that bill would be too heavy handed in terms of the Federal pressure on State boards of education. In that, I feel vindicated because State board after State board has complained that this represents entirely too much Federal control on education.

Now Senator KENNEDY says: No money for education; lots of promises out of the administration but no money.

The facts are that under President Bush's leadership, this Congress has increased Federal spending on education to higher actual levels and at a higher percentage increase than any other administration in history. This administration has spent more on education than the Clinton administration did and has accelerated that spending at a higher rate than the Clinton administration did.

Yet we are being told: No, they are holding back on education spending. They are being too stingy on education spending—as they spend more than any other administration and Congress in history.

In advance, can't work; after the fact, pessimism that we can't get there—fear and pessimism.

The Senator talks about cost estimates with respect to the Medicare bill. Here we have to get into a little inside baseball so people can understand exactly what happened. Senator KENNEDY quotes the fact that we used the figure in the Senate of \$400 billion as the cost of this bill and that an official in the Department of Health and Human Services said it is going to be closer to 500, that it is going to be over 500. And he was told not to make that estimate public. Senator KENNEDY berates the administration for selling the \$400 billion number when it knew \$500 billion was the correct one.

Now let's get into the facts. A number of us on this side of the aisle were

equally disturbed by this gap between numbers. We assaulted the chairman of the Budget Committee, Senator NICKLES, to ask him: How did this happen? How did we get trapped with a low estimate when there was a higher estimate out there?

He pointed out this fact that doesn't get into the public consciousness and that the media does not take the time to understand and explain: By law, we in the Congress, as we are adopting a budget, can use only one source for our estimate of costs. By law we have to take the estimate or score—to use the word we all understand around here—of the Congressional Budget Office.

As Senator NICKLES pointed out to us, during the debate, the Congressional Budget Office said: This will cost \$400 billion.

That is where it was scored. After the estimate came out of the administration that it was going to be higher, the Congressional Budget Office said: The number is still \$400 billion, according to our estimates.

By law, we could not have used the higher estimate in writing the budget because it came from a source outside of the Congressional Budget Office. Now, the one thing I know about the \$400 billion number offered by the CBO and the \$500 billion-plus number offered by OMB is that both of them are wrong. I cannot tell you whether either one of them are too high or too low. I can only make my own estimate.

But stop and think about it for a moment. We are talking about a program, spread over 5 years, that is not working yet, and we are making guesses as to what it would cost. You feed into your computer certain assumptions and you get a number; you change the assumptions in the computer and it will give you another number. The question is not, Is the number correct? The question is, Are the assumptions correct? The answer is, all of the assumptions are guesses—whether CBO is making the guess or whether HHS is making the guess or whether it is OMB. Everybody is making the guess.

But in terms of the debate on the floor of the Senate, we had no choice but to accept the CBO number as the controlling number. That is the law. So Senator KENNEDY is attacking the Republicans and the decisions in this Senate with respect to the budget for following the law. He is attacking us for not accepting estimates which, by law, we cannot use. I think it is important to understand that as we go through this debate, and talk about what is going to happen in the election.

In summary, as we look ahead to the election, I think we should pay attention to the details, but we should also understand the overall thrust of the two campaigns. I do believe that the campaign mounted on the Democratic side of the aisle has begun out of personal hatred of President Bush, and now more into a litany of fear and pessimism. They are afraid the economy is not coming back. They tell us pessi-

mistically that we are never going to get any jobs.

Once again, before this last Friday, we were told, well, the unemployment rate might be coming down, but that isn't the rate we should look at; we should look at the number of jobs created. On Friday, it was announced that 308,000 jobs were created in March. Now we are told, no, don't look at that, look at the unemployment figure; it is not coming down fast enough. Don't pay attention to the number of jobs created.

We are told this is the worst economy in 50 years. I have heard that rhetoric on the floor. According to the blue-chip economists who are looking at this recovery, they are projecting for 2004—another guess, I make that clear—the highest growth rates in 40 years. If that is the example of the kind of economy we are getting from George W. Bush, I say give us more. The highest growth rate in 40 years is what the experts on Wall Street are projecting.

And the pessimists are complaining about that. The pessimists are telling us we cannot get there. Look at Iraq. Of course, things are bad in the Sunni Triangle in Iraq. The deaths of Americans and the deaths of Iraqis are tragic, and we should mourn them and do everything we can to try to prevent them, but let us not focus solely on those deaths.

Let us look at the fact that Iraq is on its way—however haltingly or however slowly, and with whatever difficulty—toward establishing a constitution and, one hopes, a democracy. The pessimists say we can never get there. The pessimists are filled with fear and are saying we will fail and when we fail al-Qaida will destroy our cities. But George W. Bush is not a pessimist. He is an optimist and he does not peddle fear.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. BENNETT. I ask unanimous consent that I be allowed to continue for an additional 4 minutes.

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

Mr. BENNETT. That is the core of this election. Do we face the future with fear and pessimism and a conviction that we cannot do it or do we face the future with a clear, realistic understanding of how difficult it will be, but with a confidence and an optimism that we can do it, that we can succeed in implanting a democracy in Iraq, in bringing freedom into that part of the world in a way that it has never known before?

We see signs that we are succeeding already. We see India and Pakistan, two nuclear powers that have been on the verge of war, now looking out over the world of George W. Bush and American resolve and saying maybe we should talk and try to resolve our differences short of war. We see Qadhafi

in Libya saying: Maybe it is not a good idea to have weapons of mass destruction and I will voluntarily surrender them and dismantle them in this new situation that George W. Bush has created.

I believe the American people will respond more actively to hope and optimism than they will to fear and pessimism. For that reason, I look forward to this election season with some relish about debating the details of the issues raised by the Senator from Massachusetts and, at the same time, some confidence in the wisdom of the American people and their willingness to embrace hope and optimism and put aside the fears and pessimism that are being peddled by the President's opponents.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. I ask unanimous consent that I be allowed to proceed for 10 minutes as in morning business.

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

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#### MEDICAL MALPRACTICE

Mr. GREGG. Mr. President, later on, we are going to move to the medical malpractice bill, which is an important piece of legislation. It will allow women, especially, to have access to OB/GYN doctors, some of whom are giving up their practices of delivering babies because of the cost of medical liability insurance. It will also address the issue of doctors in emergency rooms and make sure those doctors are able to practice in emergency rooms so people, when they are seriously injured and they go to an emergency room, will have doctors. We will be on that bill at 11 o'clock.

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#### JOBS

Mr. GREGG. Mr. President, I want to talk about the approach being taken by the other side of the aisle toward a lot of issues in the Senate but specifically two dealing with jobs; that is, this attitude of obstruction for the purpose of basically stopping legislation and not allowing this body to move forward and do the business of the people.

There are two bills pending in this body. One is the JOBS bill, which deals with correcting the tax structure of the United States so we are no longer out of compliance with a ruling made by the WTO, which ruling, if it is allowed to stand, will have the practical effect of raising duties on American products sold overseas rather significantly. In fact, they could raise as high as 18 percent, as I understand it.

The effect of those duties, of course, which have now been ruled legal under this international tribunal that we subscribe to as a member state, will be that those American goods are not as competitive as they should be, and therefore those American goods will not be able to be effectively sold into