

and the reality is 1,000 jobs. Who are we kidding? The American people are getting used to the fact that there is a lot of rhetoric on the one hand and no followup on the other. That was true in the No Child Left Behind Act, and it is apparently true about our trip to Mars.

Did you see the rollout of the President talking about going to Mars, and there was no mention of it in the State of the Union Address. The best estimates are it will cost a trillion dollars and they are allocating \$5 billion. Get the political hit and then forget about it. That is also what happened with No Child Left Behind. That we cannot get an extension on unemployment compensation, when the economy is creating only 1,000 jobs, and they estimated over 300,000, makes the point. Those hard-working Americans who paid into the unemployment compensation fund, which is in surplus at the present time, should be able to get the extension of 13 weeks.

Third is the overtime issue. We have seen who that affects. It affects basically the policemen and firefighters and nurses—some 8 million Americans. And included in the recommendations, as I pointed out, for the first time, it will say if a veteran had certain kinds of training in the military, which may very well have been the reason he went into the service—obviously, the underlying reason is because he or she wanted to serve their country. But the idea that you are going to get a skill is attractive, too. You can get education benefits, which is attractive, too. That makes a difference in recruitment. We have seen it. I know about it. I am on the Armed Services Committee. We know we are falling further behind and not meeting our recruiting goals in the National Guard by 10,000 this year. We know we are offering any of the soldiers over in Iraq a bonus of \$10,000 if they reenlist over there. So we know we have these challenges.

Now for the first time they are prohibiting overtime, not only for those I just mentioned, but the rule, as I read into the RECORD, includes—these are the exact words, Mr. President:

Under the Bush plan, veterans who have received training in the military that is equivalent to a specialized 4-year degree could be classified as exempt "professional employees" and lose their overtime protection.

There is a whole list of training programs. Obviously, we have new technology. Our military is the best in the world. We have new technology, new training programs. People go into the military and get the training. They serve our country and risk their lives to protect our Nation. They come back from Iraq and get a job, but no, no, you don't get overtime.

Why did they put in that provision? It is interesting. In looking over the comments of different groups about overtime, there is one particular company, a major defense company, which commented on the Bush proposal saying that their company observes that many of its most skilled technical

workers received a significant portion of their knowledge and training outside the university classroom, typically in a branch of the military service.

There you go. So they add, we will include the American military veterans in banning them from receiving overtime. People wonder why workers are discouraged, overworked, they can't get decent pay, they can't get benefits. They have seen their jobs outsourced. They are seeing their jobs sent overseas. Their pension programs are in jeopardy. Their security in the job place is very much threatened.

We ought to be thinking about what we can do for families. There are a series of steps we can take. Certainly increasing the minimum wage, extending unemployment compensation, and making sure these workers receive overtime is just a bare minimum.

I look forward to the debate on those issues. This is really a part of a whole concept, and that is the condition of workers in this country. We didn't even begin to get into the workers' payment of prescription drugs, which has been escalating out of sight. The bill that passed some weeks ago, and the prohibition written into that bill, again behind closed doors, prohibits Medicare from bargaining for bulk-rate purchasing of prescription drugs that would give some advantage and protection for our seniors. That has affected the quality of life for working family members who retire and are on Social Security and pay much higher prescription drug prices.

I didn't mention that impact and what is happening to working families. I haven't mentioned the extraordinary escalation of the cost of health care. I was rolling over in my mind the answer by the administration to the escalation of health care costs. The one answer that was given in the State of the Union Address was malpractice insurance is going to solve this problem. Come on.

We are at the present time spending close to 15 percent of our gross national product on health care, more than \$5,000 for every man, woman, and child. Thirty cents out of every dollar is a nonclinical dollar. Most industries are down 17, 18 percent. If we reduce the 30 cents to 27 cents, we save \$50 billion a year. If we reduce it to 20 cents, we save \$100 billion a year. We can do a lot with \$100 billion. There are ways of doing that. Do you think we can do that?

We will have an opportunity to debate those issues. I welcome the fact the majority leader says health care and health insurance will be on the floor because we will have an opportunity to get a meaningful result. It may not be the kind of program the pharmaceutical industry supports, and it may not be the program the insurance industry supports, but, by God, it will be a program the average family and the working families of this country will support, and it will make a difference in their lives and in their families' lives.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### RESERVISTS AND NATIONAL GUARD

Mr. KENNEDY. Mr. President, in a CNN program last night they asked the question: "Do you believe reservists and members of the National Guard are treated fairly by the Army?" This was just about the time I turned on the CNN program. You could indicate before the end of the program what your vote would be.

It is extraordinary. This is a CNN quick vote. It is not guaranteed science, but it is a reaction, certainly by those who watch CNN: "Do you believe reservists and members of the National Guard are being treated fairly by the Army?"

Yes, 15 percent; no, 85 percent. No, 85 percent. It seems to me we have a lot with which to be concerned. We talk about our state of the Union. We talk about our National Guard. We talk about working families. The National Guard are the working families, and the reservists are the working families. They are patriotic men and women.

I am so proud of those from my own State. I have met with them frequently. We have lost 18 servicemen from Massachusetts. We value every one in their service to our country, their bravery, heroism, and devotion. The Guard ought to be treated fairly by this country and the military.

We have a lot of work to do in this session.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### PENSION FUNDING EQUITY ACT

Mr. ENZI. Mr. President, I do want to talk a little bit this morning about the pension bill, which is the current bill we are considering. I am sure all of us can remember our first jobs when we came home with our first paycheck, anxious to spend it, and if our parents happened to be around they gave some advice and suggestions for us. First, they probably suggested we figure out where we were going and, secondly, that we put something away. If it was

before college, it was probably for college. If it was after college, it was probably a suggestion that we start thinking about when we retire.

The pension funding laws that we are considering today have that same objective. We have reached a major crossroads in the private pension system that affects the retirement security of millions of American workers. The funding requirements for defined benefit plans contained in the Employer Retirement Income Security Act—ERISA is what it is usually referred to—and the Internal Revenue Code are very complex. Yet their goal is clear, and that is to make sure a plan has sufficient assets to pay the future benefits when workers retire.

I am not sure there has been much explanation on the difference between defined benefits and defined contributions. The ones we are talking about are defined benefits. There is a transition happening in this country. As fast as companies can, they are going to define contributions. That is where they say how much they will put away for future retirement, as opposed to this crisis area which is defined benefits. Defined benefits means you are guaranteed something when you retire; based on the length of time you have worked and maybe how much money you have made, it is a defined benefit. It is what you are going to receive.

So there can be a lot of complexities to calculating how to have enough money so that at the time you retire there is money in the bank to pay the annuity that you deserve at that point in time.

So we can see why there would be kind of a rush to the defined contribution, which is where the company at that point in time knows exactly what they have to pay in each year and they are willing to do that, but they are not telling you that you are going to have a specific amount when you do happen to retire. There will be money there, but it will not be a specific plan of receipt at that point in time.

All we are talking about in this particular pension bill are the defined benefit plans. That was set up under law so that when a company says you will have these benefits, you know that the Federal Government is providing some oversight to make sure those benefits will be available when the time for you to retire happens.

So companies are forced to show they have the resources on hand to make these future benefit payments when they come due. Pension law must be finely tuned to accurately reflect the plan's ability so that the appropriate funding levels can be determined.

Unfortunately, the current system is off key. We have had some different things happen than we have had to worry about in this system for a long time. The outdated 30-year Treasury rate, which is what is used to calculate a plan's current liability, has distorted the funding levels. Simply put, a lower interest rate means employers have to

put more cash into their plans to satisfy the pension funding requirements, and continued use of this artificially low interest rate places the worker's retirement, the pension plan, and the employer's business at risk. If all of the money for the retirement plans was actually being held in 30-year Treasuries, then that would be an accurate calculation, but it is not. It has not been for quite awhile.

We have not changed the way that it is calculated. So continued use of this artificially low interest rate does place the retirement plan, the worker's retirement, and the business itself at risk, particularly if we expect them to make up differences that occur for a number of reasons in a very short period of time.

Pension plans are built over a long period of time, and it has always been the intent that they be built over a long period of time, so that when the person retires the money is there, and what we are trying to do in this bill is to make sure all of those things happen. A business that goes out of business no longer provides the security for the employee, and too steep of a curve for putting money in there keeps them from doing the business they are designed to do, which over even a short period of time can eliminate that business. A bankrupt business does not provide the kind of security that is needed for the retirement system. Under the current system, with the 30-year Treasury rate, businesses will have to divert billions of dollars from development and job creation to satisfy the misguided funding rules of the 30-year Treasury. Again, if that is where all the money was—it is where very little of the money is—then that would be an accurate way to do it.

The number of defined benefit pension plans in this country is steadily declining. I have given you a little bit of the reason why that is, but it is due in large part to the complex and restrictive pension laws. In 1983, there were 175,000 defined benefit pension plans. Today there are fewer than 35,000. Many more companies may choose to freeze or discontinue their plans when faced with artificially inflated funding payments. We must act now to prevent further deterioration of the pension system and to protect our economic recovery. But we must not act in haste to pass long-term sweeping changes that might undermine the retirement security of American workers.

A use of the obsolete 30-year Treasury rate has combined with recent stock market losses and economic conditions to create what we are all referring to as "the perfect storm" for the pension fund environment. Last year the Pension Benefit Guarantee Corporation had a record \$11.2 billion deficit. The amendment offered today will provide temporary relief to recover from this perfect storm, while Congress considers comprehensive pension funding reform—comprehensive reform, but

not just done in a hurry so it is just an overreaction.

The amendment provides the following temporary relief. I am very pleased this is supported in a very bipartisan way. There were agreements to limit the number of amendments, to make sure the second-degree amendments were germane to the main amendment, so that we can get this wrapped up in a hurry and get some temporary relief in place.

What the bill does, it replaces the 30-year Treasury bond rate with a conservative long-term corporate composite rate. This is done for a period of 2 years. It also defers a portion of accelerated deficit reduction contributions by airlines and steel companies for 2 years. That is the accelerated deficit reduction, accelerated because of this perfect storm. That is just for a period of 2 years. It also defers the amortization of recent investment losses by multiemployer plans for 2 years, which allows these collectively bargained plans time to return to the bargaining table.

I stress this relief is temporary. It does not forgive a pension plan's debt. It contains the important safeguards to prevent further decline in the financial health of a plan. It gives the plans time to recover their footing—and this may be just as important—and gives Congress time to carefully consider the best way to improve the troubled pension funding system.

It is often the case here that if something is worth reacting to, it is worth overreacting to. We have to be careful not to overreact to the pension system's current funding troubles. Replacing the 30-year Treasury rate along with improving economic and market conditions should improve the temporary funding deficiencies created by this perfect storm. But we have to look beneath the clouds of recent unique circumstances to see the true health of the pension funding system and identify where reform is needed. We must learn from the lessons of the perfect storm to reduce the volatility, to bring pension accounting closer to reality, to increase the transparency and disclosure of pension information to participants. They deserve to, and have to, know where their fund is at all times.

With this legislation, we give ourselves time to ensure that we make the right decisions to strengthen the pension system and improve retirement security. These decisions will be very difficult but we have to make them. Anything less is unacceptable. We cannot pass the burden of a broken pension system on to future generations.

Of course, while we are doing that we need to make sure we are also taking a look at Social Security, because Social Security is a defined benefit plan and it is underfunded. We have a chance to fix that. The earlier we work on it, the better it can be fixed with the least pain. Of course, part of that process has to be to ensure that those who are entering the job market continue to pay into Social Security.

In another 25 or 30 years there will not be anybody here who is here now. It will be the generation coming into the job market right now, the ones who are going to discover that 15 percent of their paycheck is going into a defined benefit plan, Social Security, and that the money isn't going to be there when they get out, when they are ready to take advantage of it because what goes in today gets paid out today, essentially. They could end that defined benefit system because they will say we don't owe anything to those people, just ourselves.

I am hoping that is not the attitude in this country. But it is something we have to worry about as well. But the more immediate need, the one that is having difficulties right now with the funding process, and unlike the Social Security system, is funded—it is funded and we are having a crisis with it—that is the one we want to take care of. But we need the time to do it right and this bill will give us time to do it right.

I ask people to pay careful attention to the amendments, work in a very bipartisan way to get this 2-year solution, so we can come up with the overall solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I thank the Chair.

#### TRAFFIC SAFETY

Mr. DEWINE. Mr. President, the No. 1 killer of those between the age of 4 and 34 in this country today is auto fatalities. If you look at those between the age of, say, 16 and 25, the figures are even more exaggerated. We all know that in this country over 42,000 Americans lose their lives every year. That figure stays fairly constant. The last year we have figures for is 2002, and 42,815 of our fellow citizens lost their lives.

In fact, in the next 12 minutes, to be precise, at least one person will be killed in an automobile accident in this country, while nearly six people will be injured in just the next 60 seconds.

This is a tragedy that we as a society are much too willing to tolerate. If a foreign enemy were doing this to us, we would not tolerate it. We would be up in arms. Someone said it is the equivalent of a 747 going down every 2 days in this country. If that were happening, of course, it would be on CNN; we would be demanding an explanation. Yet these auto fatalities that occur, hour by hour, day by day, just go on and for some reason we have become immune to it, hardened to it. They just continue.

I come to the floor this morning to discuss five bills, five bills that my staff and I have been working on for about the last year, five bills that I will be introducing but that I hope will be incorporated in the highway safety bill we will be considering in the next several weeks. These bills are common-

sense, practical ways to save lives. Each bill is built on solid evidence of what will, in fact, make a difference.

They don't cost a lot. It is a commonsense, good way to make a difference. I guarantee you one thing. If we pass them, they will save a lot of lives.

The first bill we call "Stars on Cars." It is kind of a cute name. It is kind of basic stuff.

When you go buy a new car, we all know what the sticker looks like. But what we may not know is most of the sticker is mandated by the Federal Government. The mileage per gallon has been on there for a number of years. The Federal Government says that your city mileage has to be on there and what you are going to get on the highway when you take it out on the highway. It has to tell you whether it has air-conditioning. It has to tell you whether it has a stereo. It has to tell you a whole bunch of other stuff.

One piece of information is not on there—highway safety.

The funny thing is you have already paid to have the Federal Government spend millions of dollars to test that very car. The Federal Government knows information about that car. In fact, the Federal Government has put that information up on the Internet. When you go in to buy that car, that information is not available to you. It is not available to the American consumer in the one place where it would make a difference—where you buy the car.

This is a mockup. We simply show how it would work under our bill. It wouldn't cost the taxpayers a dime. The car companies are already printing the stickers. Where are they doing the tests? All we do is put the information here. Under this mockup, this is a Silverado pickup. We would add what is below my hand: "Government Safety Information." For this particular pickup, on frontal impact crash data, this is what it would show. This is true information.

For the driver side, here is what the Government says. Out of five stars, this particular vehicle got three out of five. For the passenger side, it got four stars out of five.

Over here on the side impact crash test, it was not tested. Over here on the rear seat, it was not tested either.

On the rollover resistance test that particular vehicle was not tested. If it was tested, it would be there. If it was not tested, it wouldn't be there.

In the year 2000, that particular vehicle was not tested. But most of the common cars you and I and the average American would buy have, in fact, been tested. All of that data on the frontal impact crash test, the side impact crash test, and the rollover resistance test would be there. We would have it based on the star. It is really easy to understand. That data would be there. It is already on the Internet. Now it would be available if you go look and compare. What impact would this have?

I happen to believe the consumer is better off with more information than less information on whatever we are talking about. The consumer ought to know what the Government does. The consumer ought to know that type of information. I think the consumer would make better choices. Most consumers care about safety. They will make better choices, and in all likelihood, they are going to choose more safe vehicles and more lives will, in fact, be saved. It just makes good common sense to do this.

The second bill we call "Safe Kids, Safe Cars." Cars kill kids at unbelievable rates. This is the top 10 leading cause of death in the United States for the year 2001 by age group, ranked 1 through 10 for the leading cause of death.

In the orange is traffic crashes as a cause of death. Starting over here, you see ages 1 through 3, 4 through 7, and 8 through 15. When you start over here and pick up at age 4 through 7, and moving on clear over here to age 34, the leading cause of death is traffic crashes, traffic crashes, traffic crashes, traffic crashes—all of these age groups all the way from 4 through 34.

That is what is killing the young people—more than cancer, more than homicide, more than fire, more than drowning, more than anything else. So we have a problem. Anything we can do to make a car safer for our kids, we should be doing it.

We know a lot of kids and a lot of adults are killed when cars roll over. The Government is doing tests to see how likely a vehicle is to roll over. But it might come as a surprise to my colleagues and to the public to know that the Government is not doing any testing today to determine what happens inside the vehicle once the car begins to roll over. We test to see if it is going to roll over. What we don't test to see is what happens when it starts to roll over and when it does roll over. Our bill provides for the use of child-size dummies and the use of adult dummies to see what impact that rollover has on them.

What are you going to do if you get that information? It is going to tell us, I assume, how well those airbags in that particular vehicle deploy, how well they protect the adult, and how well they protect the child. It may be different. How well is the structure of that vehicle put together for a rollover? Does it crush on the side of the child or the adult? How well was the structure built? We don't know. We don't know it because we are not testing for it today. Our bill provides that we do that.

Child-size dummies—NHTSA needs to look at its testing and ask where we need to use them. My bill says they need to incorporate these child dummies. We are doing so to improve safety for children.

Another area where kids are dying in cars is power windows.

NHTSA started a rulemaking to require child-safe window switches in