

its financial problems. His privatization commission, which met a few years ago, did have some solutions to the financial solvency of Social Security. Generally, their preferred solution was to dramatically reduce future benefits, to change from wage indexing to price indexing, which means a young person who retires in 40 years would see generally a Social Security benefit reduced by 40 percent, far in excess of the predicted possible shortfalls that Social Security might have if we did nothing.

Now the President says he has not recommended that. He has not recommended dramatic reductions in benefits; it is just on the table. He has also said increasing the retirement age is on the table, and it is already programmed to go up to 67 by 2020. We are going to have people 70 years old logging in the Oregon forests and working other back-breaking jobs across America. But he says that is just on the table. He has not recommended that yet.

He did, in an encouraging manner, leave open the door a tiny bit to a fair solution, which would be lifting the cap on wages. Only people who earn less than \$90,000 a year pay Social Security taxes on all their income. He left that door open.

In fact, I have introduced a plan in the last 30 Congresses which would fully ensure the future of Social Security by lifting the cap, reducing taxes for those who earn less than \$94,000, and people who earn more than \$94,000 pay more in taxes. But that door was promptly slammed by the Republican leaders in Congress. No, they are not going to do that. That would benefit working people too much.

So we are back to the point where the Republicans do not have a plan to ensure the financial security of Social Security. They do have a plan to make it worse, to carve out resources, to redirect income from Social Security into a privatization plan.

Some people get excited when they hear privatization. They think: It is my money; I can do what I want with it. No. Here are the details. They are detailed in this proposal, very detailed. Wage earners can divert 4 percent, two-thirds of their contribution. They can divert it into government-chosen conservative, as the President says, index funds that will be managed by a company chosen by the government. You could not touch your money, could not borrow against it, like people in 401(k)s, or withdraw it early. The government would control the money until retirement, and then the government would compute a bill, and the bill would be how much your taxes would have earned in the Social Security trust fund plus inflation plus management fees, and they give you that bill.

If investments did not do well, the wage earners might end up writing a check to the Federal Government when they retired. No privatization account for them. Other people who did pretty

well will see they have to pay that money back to the government, and then the government will say your Social Security benefits are really low. This is the President's so-called privatization plan. The government would force, force people retiring to buy an annuity, to bring their Social Security benefit for their predicted lifetime up to the predicted poverty level. It would force people to do that. What a boon for the private insurance industry. Of course, these would not be guaranteed by anybody. You buy one of those plans. That insurance company goes broke. Sorry, you just lost everything.

So instead of an assured benefit under Social Security, taxpayers would be purchasing a very expensive annuity that does not have survivor's benefits, is not indexed for inflation, unlike Social Security, but then very few people maybe, according to a Wall Street Journal article a couple of weeks ago, none of the people in all probability, but maybe a few would do even better, and they could keep that extra money.

So we would undermine the guaranteed benefit indexed for cost of living with survivor's and disabilities benefits for all working Americans so maybe a few could do better, but the insurance companies could do a lot better. The brokers who manage the accounts could do a lot better, but other people would be left in the cold.

And what about survivor and disabilities benefits? They cannot talk about that, because it is impossible. You are 18 years old. You go into the so-called optional account. You save every penny you are allowed to invest. At 24, you are tragically hurt in an accident. You are not capable of working for the rest of your life, and you can withdraw your \$8,000 in your Social Security private account and live on that. No, you cannot.

We need to deal with disability benefits, survivor's benefits and financial problems of Social Security, and the President has not done that with his so-called privatization plan.

#### INCAPACITATED PERSONS LEGAL PROTECTION ACT

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Florida (Mr. WELDON) is recognized during morning hour debates for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise to speak on the legislation I have just introduced, the Incapacitated Persons Legal Protection Act, enrolled as H.R. 1151. This legislation's immediate intent is to deal with the issues surrounding Terry Schiavo.

I practiced medicine for 15 years prior to my election to the House of Representatives. I still see patients once a month, and I was involved in numerous cases involving situations like this.

Terry has been described in the press as being in a vegetative state, and I believe that she is not, absolutely that

she is not. The correct term to describe Terry Schiavo is brain-damaged, severely brain-damaged, but you can see her on videos. Now the judge will not let people such as myself go in there to see her even though the family would like me to be able to examine her. But according to the family, she is the same way. She is responsive. She will look at you, attempt to vocalize. She will attempt to kiss her parents.

The judge in the case, Judge Greer, has tried to dismiss these obvious behaviors indicating that she does have a higher level of functioning and she should not be described as vegetative, as primitive reflexes. And I would assert as a physician that it is extremely dangerous to walk down that kind of a path, where you have somebody with mental retardation, disability or any type of brain injury and you start ascribing obvious human-like behavior on the part of these individuals as being primitive reflexes and that these people are expendable.

Terry is under a court order to withdraw food and water. This is unprecedented in our legal history. Previous cases that received national notoriety, like the Karen Ann Quinlan case, involved family and physicians mutually recognizing that this person did not have a chance of surviving and wanting to withdraw, in the case of the Quinlan case, a respirator, and the court going along with it because the clinicians involved did not want to be prosecuted for manslaughter or murder.

In this case, there is a dispute. The husband wants to terminate food and water, and the family, in the form of the mother and father, vehemently being opposed to it.

The judge has stepped in, and I think he has made some clinical judgments that are not really founded in good clinical science. I am certain if doctors put an EEG on her, we would see extensive brain waves indicating activity in the visual cortex and in the speech centers, and she should not be defined as vegetative.

My bill, H.R. 1151, Incapacitated Persons Legal Protection Act, would simply extend to Terry Schiavo the same benefits currently afforded death row inmates, and she is under a death warrant, death by essential dehydration. It would allow her to receive legal representation, the same kind of legal representation that death row inmates receive. Currently, she does not have her own attorney. Her parents have an attorney. Her attorney has an attorney. Under this bill, she would get legal representation. It would allow for a more detailed review of the case.

As a clinician, she has gotten, to my knowledge, according to the family I have spoken to, no therapy since 1993. I know from having worked with stroke victims and therapists, you can sometimes give these people thicken liquids, and they are able to swallow. Evidently, Terry, prior to the termination of her therapy, was working with a speech therapist and was able to say a

few words. She may be able to survive without a tube.

Another important point I want to make here, there was a \$1.56 million medical malpractice settlement that was provided for her care. Much of that has been spent on legal fees trying to end her life. This is not a case where the State is spending a lot of money. The resources are there to take care of her needs in the future. Her parents do not want to see her dying of starvation and thirst. I think it is fully appropriate for us to step in, for her to have a right, the same right a death row inmate gets, and to allow, hopefully, review in front of a Federal judge reviewing all of the facts in this case. When doctors really look at the facts, I think it is very, very hard to justify ending her life in such a way.

So I would encourage all of my colleagues to sign on and support the bill and, most importantly, for our leadership on both sides of the aisle to allow expedited review. If not, her tube is scheduled to come out March 18.

#### THE VALUES OF DEMOCRACY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, something terribly wrong has happened in the House of Representatives. I am not talking about, from a partisan standpoint, the Republican takeover in 1995, I am not even talking about the ascension of Newt Gingrich to the Speakership. What I am talking about is the ascension of a new kind of House leaders who have run this institution even as former Speaker Gingrich has said, not in the fairest possible way, basically in an unprecedented way. We have seen things in the House of Representatives in the last couple of years that we have literally never seen.

I want to tell a story and spell out what I mean by this one example. Beginning a couple of years ago, at 2:54 a.m. on a Friday in March, the House of Representatives cut veterans' benefits by three votes.

At 2:39 a.m. on a Friday in April, the House slashed education and health care benefits by five votes.

At 1:56 a.m. on a Friday in May, the House passed the Leave No Millionaire Behind tax-cut bill by a handful of votes.

At 2:33 a.m. on a Friday in June, the House passed the first round of the Medicare privatization bill by one vote.

At 12:57 a.m. on a Friday in July, the House eviscerated Head Start by one vote.

After returning from summer recess, at 12:12 a.m. on a Friday in October, the House voted \$87 billion for Iraq.

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Always on a Thursday night, Friday morning, always in the middle of the night, always after the public has

turned their TV sets off and gone to bed and after most of the media which sits up there has left. As I said, always on a Thursday night, because if it gets in the paper at all, it would appear then in the Saturday paper, the paper that is the least read paper of the week.

That was just the beginning. Then came the Medicare vote. The final round of the Medicare vote took place in November. The debate began at midnight on a Friday night in November. The debate took 3 hours. The vote began at 3 a.m. Members of Congress are given this card, which we stick in a little black box on the House floor to vote. The votes as we all know are then recorded electronically. Almost all of us went down and cast our votes. Pretty soon after the vote was called at 3 o'clock in the morning, the privatization of Medicare, the most important piece of domestic legislation that probably anybody in this body had ever voted on, at 3 o'clock in the morning the vote began, as I said. We are normally given 15 minutes, an extra 5 minutes sometimes, to cast our votes. Normally not much more than that.

At 3:30 the vote was still on. At 4 o'clock, an hour after the vote had begun, an hour after most of us voted, the vote was 216 "yes" and 218 "no." At about 4:15, the Republican leadership, the Speaker of the House, the majority leader, the chairman of the committee and I are on that wrote the bill began to go around to recalcitrant Members of their party, Republican Members who had voted "no," trying to get them to change their vote. It is now 4:30. They woke up the President of the United States who from his living quarters at the White House got on the phone and began to try to lobby the 26 or 27 Members of the Republican side who had voted "no" on Medicare. They all stood their ground.

At about 4:45, the Republican leaders surrounded Nick Smith, a Republican from Michigan, who told his story on the radio the next day. He had already announced his retirement. His son was running for his seat. He was told that if he changed his vote, they would come up with \$100,000 for his son's campaign. When he said no, they said, if you do not change your vote, we will come up with \$100,000 for your son's opponent's campaign.

Congressman SMITH, under great duress with great courage, said, Nothing doing. Incidentally, his son later lost the primary. Finally, it is 5 o'clock. It is 216-218. It is 5:30. It is 216-218. It is 5:45 in the morning. It is still 216 "yes," 218 "no." Two hours and 55 minutes after the vote was called, two Republicans, one from Idaho and one from Arizona, came out of the cloakroom, walked down here, picked up one of these green cards, you cannot use the plastic electronic card that late in the voting, marked the card, changed their vote, sheepishly handed it to the House Clerk, the Speaker then gavelled the

vote closed, and that is how Medicare privatization passed.

We have seen in this body a new legacy of one-party rule, legislative strong-arming and abuses of power never before seen under leaders of either party in this House of Representatives, hiding votes from the American public under the cover of darkness. We spend plenty of time, Mr. Speaker, passing votes on naming post offices in the middle of the day and doing important controversial votes at night.

Mr. Speaker, this abuse of power has to stop.

#### SOCIAL SECURITY

The SPEAKER pro tempore (Mr. PENCE). Pursuant to the order of the House of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, last Friday, President Bush quickly stopped in on Westfield, New Jersey, to talk to a bunch of his supporters about his Social Security privatization proposal. The Westfield, New Jersey, stop was part of a 6-week push to convince Americans that the Social Security program faces an immediate crisis. The President did not do as well as he wanted, and so now he has hired a couple of public relations experts to run a war room at the Social Security Administration. The administration is also beginning a 60-day push to convince voters that his privatization plan is the best thing for both seniors today and young people tomorrow.

Mr. Speaker, President Bush has failed in convincing Americans that his plan is the way to go because he has even admitted that privatization does nothing to fix the solvency problem Social Security faces in the year 2052. As the President goes around the country pitching his privatization plan, he continues to exaggerate Social Security's current fiscal state. Last Friday in Westfield, he claimed, "The safety net has a hole in it," and he continues to say that the whole system goes broke in 2042.

That is simply not true. Based on the most current estimates from the non-partisan Congressional Budget Office, Social Security is fully solvent until 2052, meaning that every benefit that has been promised to seniors, the disabled, and survivors can be paid through that year. Imagine that. There is no other government program that is fully funded for the next 47 years. And President Bush calls this a crisis?

The President is also wrong when he says the program goes broke in 2042, because, as I stated, it is not only fully solvent another decade after that, but what exactly happens in 2052? When President Bush says Social Security goes broke, most would believe there is no money left after 2052 in Social Security. After all, if you look at Webster's Dictionary, it defines "broke" simply as "penniless." Again, this is another