

In DeKalb County, there are four counselors for the whole county. Bob Rosemier is so concerned about the lack of staff that he is trying to get the DeKalb County Board to put on counselors to explain this complicated Federal program.

I am cosponsoring with Senator NELSON and Senator SCHUMER a bill called the Medicare Informed Choice Act of 2005. I ask any of my colleagues in the Senate who are receiving phone calls from seniors in their State facing the same problems I just described—finding it almost impossible to wade through this information and make the right choice, concerned they won't be able to do it even in the few months we have given them, worried over the penalties that could be assessed against them if they miss the next May 16 deadline—to help us pass this bill before we go home for Thanksgiving.

This bill does three things. It delays the late enrollment penalties for an additional 6 months so people have an entire year to sign up without penalty. It gives every Medicare beneficiary the opportunity to make a one-time change in plan enrollment at any point in 2006, so if a senior makes a mistake and chooses the wrong plan, it can be remedied. It also protects employees from being dropped by their former employer's plan during the first year of implementation so that beneficiaries have time to correct enrollment mistakes.

The Medicare Informed Choice Act is a modest, time-limited step we can take to ease the pressure on our senior citizens so that in the first year they get the decision made and made right, and if they make a mistake, they will not be penalized for it.

I urge all my colleagues, if you believed passionately in this bill as it was passed—and I did not—at least be sensitive to the people back home who are struggling to make sense out of this complicated measure. I urge all my colleagues to join me in the effort with Senator NELSON and others to help protect Medicare beneficiaries during the benefits implementation period.

UNANIMOUS-CONSENT REQUEST—  
S. 1841

Mr. DURBIN. Mr. President, as I advised before I started speaking, I ask unanimous consent that S. 1841, the Medicare Informed Choice Act, be discharged from the Finance Committee and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. The Chair hears an objection.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent to speak for up to 40 minutes as in morning business and that the time be equally divided

between myself and the Senator from South Carolina, and that we may be permitted to engage in a colloquy during that time.

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

SOCIAL SECURITY GUARANTEE  
ACT OF 2005

Mr. SANTORUM. Mr. President, Senator DEMINT and I are here tonight to talk about an issue that has drifted to the back burner of American political discourse. It is unfortunate that it has. It is an issue that both the Senator and I, and I know many others on this side of the aisle, have worked to accomplish diligently now for many years, for me since 1995, trying to grapple with the shifting demographics and the changes that are coming to this country when it comes to the issue of entitlement programs.

There is no more important entitlement program that we have to preserve and protect and save than the Social Security system. It is the bedrock upon which our seniors have the security to meet the needs they have in their later years in life.

We understand this demographic timebomb of the baby boom generation, people living longer, lower birth rates, all of those things come together to create a demographic perfect storm that causes the Social Security not to be able to pay for the benefits promised to future retirees. We have tried to put forward solutions. I put forward solutions. Senator DEMINT has put forward more than one solution. Other people on this side of the aisle have done so. The House has done so. The President has put forward ideas on how to address this problem. We have done so because we believe it is important for us to step up to the plate and be serious about addressing this serious concern that millions of Americans who are retired, near retirement, and even younger Americans have about their ability to collect their Social Security check.

We fought hard to bring this debate to a head on the floor of the Senate. Unfortunately, we have not succeeded. We have not succeeded because we have been met with a partisan obstructionism that is as rock solid as the marble before me on the rostrum.

The fact is, we have seen no cooperation at all from the other side of the aisle. Unfortunately, we have not seen any attempt to come to the table and try to solve the problems of Social Security that all sides of the spectrum admit is looming for future generations of retirees. That is unfortunate. It is unfortunate because we have had an opportunity this year to address an important issue before the crisis strikes.

One of the great complaints that Americans have about Congress is that we wait until the problem is almost overwhelming us before we do anything to react to it and therefore end up with less-than-optimal solutions.

We have an opportunity now, as the crisis looms but far enough away, to be

able to address it in a way that can spread out the burden and create better opportunities for future generations of retirees, and just as importantly, future generations of taxpayers and American families trying to keep the quality of life and, in fact, improve the quality of life that we have in America. But we did not get that accomplished.

What Senator DEMINT and I have decided to do, in cooperation with our leadership in the Senate, is to try to take a first step. Using football analogies, which I know the Senator from Virginia, Mr. ALLEN, loves to use, we tried to throw the long ball and march down the field, but we are going to try to run off tackle here and see if we can pick up a yard or two to move the ball down the field to get to the goal of providing retirement security for future generations and saving and strengthening the Social Security system.

The first play in trying to accomplish that is legislation that I have introduced called the Social Security Guarantee Act of 2005. As I mentioned before, Americans work very hard and pay a lot of money. It is the biggest tax that most Americans pay. The overwhelming majority of Americans, the biggest tax they pay is the Social Security tax. From the tax they pay, they expect that benefit to be there when they retire.

The point is, for those who are at or near retirement, the answer is that it will be there. In fact, in looking at the long-term problems of dealing with Social Security, there is nothing this Congress should do to affect the near-term retirees and those who are retired today. We have said over and over again, those of us who have been advocates for strengthening the system, whether it is the President or Senator DEMINT or Senator FRIST or others, that we do not want to do anything to impact those who are near-term retirees and those who are already in the system.

The reason is twofold. No. 1 is we do not have to. The system is solvent. In other words, there is more money coming in than we need to pay out over the next 15-plus years. Therefore, we do not need to have any kind of fixes for those in the short term. The problem is out in the long term.

The second reason is a matter of fairness and equity. To change the game literally before someone crosses the finish line, to move the finish line—or even the people who have already crossed that finish line and have ended up in Social Security, to move it back would simply be inequitable. People would not have the opportunity to plan for that, and it could be very disruptive to their retirement.

So what Senator DEMINT and I have suggested in the Social Security Guarantee Act is that we put in writing in the statute what everyone has sort of agreed to in casual conversation and even beyond casual conversation. If we can put that chart up, the Senate recently, March 15 of this year, all 100

Senators, including every Senate Democrat, in a rollcall vote, voted for the Graham-Santorum amendment to the budget resolution. If we look at the language, I will point to the part A. It says that Social Security reform "must protect current and near term retirees from any changes to Social Security benefits."

So what the Social Security Guarantee Act does, which I am proposing, is to actually make it a Federal law, not just a resolution, something that we all think is a good idea, which is what a resolution is, but actually put legislative language in place, put something in law that says that your benefits are guaranteed, your cost-of-living increases are guaranteed in the Federal law which, contrary to what most seniors believe, is not the case. There is a Supreme Court case from 1960 which says that there is, in fact, no legal right that you have.

Obviously, there are claims that can be made in the political process to those rights, but as far as legal rights in the statute, there is no guarantee to that cost of living.

It would be vitally important for us, as we head into hopefully a longer term and more complete look at the Social Security system and saving that system, that we start from the ground that we are not going to affect anyone who was born before 1950. That is basically people 55 and older in our society today, we are going to say, if you were born before 1950, you are off the table; we are not going to discuss it. We are not going to play politics with you. We are not going to scare you. We are not going to threaten you. We are going to take these benefits and we are going to enshrine them in the law to protect them from anyone playing politics with them or even trying to include them in any kind of reform down the road.

This is a first step. It is a small step, but it is an important one for our Nation's seniors. I am hopeful we will be able to get that done maybe even this evening.

I yield the floor to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am not going to spend much time, frankly. (Several Senators addressed the Chair.)

The PRESIDING OFFICER. The Senator from Pennsylvania and the Senator from South Carolina control the time.

Mr. BAUCUS. Mr. President, I ask the Senator from Pennsylvania if I may have 5 minutes. I have to leave very quickly.

Mr. DEMINT. We have been waiting for several days to do this. We will keep the time.

Mr. SANTORUM. I would be happy to yield. I will yield 5 minutes to the Senator from Montana, the ranking member of the Finance Committee.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am not going to spend a lot of time on this because this is just "kabuki" tonight. Everyone knows this is not a serious effort. Everyone knows that this is an attempt, frankly, to make a statement to the press and the people back home. It is very disingenuous, in this Senator's view, because it is not serious, and it is playing with the lives of a lot of senior citizens who wonder what is going on.

This consent asks the Finance Committee to be discharged of the legislation. I do not understand that at all. If this is such an important issue, why doesn't the Finance Committee deal with that? I think the answer to that is because there are not the votes in the Finance Committee. The majority of Republicans would not support this in the Finance Committee. They know privatization of Social Security is one of the worst ideas that has come out of this body by any group of Senators in a long time. Why? The DeMint bill increases the Federal debt held by the public by \$1 trillion in current dollars in the first 10 years. It increases the Federal debt by \$1.7 trillion the first 20 years. By 2080, the debt will be higher under current law by more than \$800 billion. So it is a massive increase in the Federal debt.

Secondly, it will cause a huge increase in the annual budget deficits for the same reasons.

Third, what does it do? It means a reduction in benefits that would otherwise go to Social Security recipients. Why is that? Because the money taken out of Social Security would not be available to pay for Social Security benefits. That will reduce the benefit payments out of Social Security.

The argument is private accounts would offset that. All studies show, at best, that is barely a wash, probably worse than that because the private accounts would be subject to the vagaries of the markets. Over the long haul, seniors would not be doing very well at all.

Add to that, it usually creates a huge risk. More than that, it creates a very large administrative cost not recognized by the authors.

Jason Furman, from the Center on Budget and Policy Priorities, estimates the plan would have administrative costs of at least \$25 billion over the first 10 years. That is above what is paid now in the current Social Security system.

Also, the DeMint proposal would treat individuals with different years of birth in different ways. It would cause an inequity among benefits of Social Security recipients.

So I am not going to say much more about this. It is flawed. Frankly, it is a phony gimmick. One has to call a spade a spade around here sometimes and not be too deferential, not be too nice, too courteous, but to call it a spade. This is a fraudulent effort to play with people's lives, and at the appropriate time, it will be appropriately objected to.

Mr. SANTORUM. Mr. President, while I was trying to be courteous in yielding to my colleague, I want to make a couple of comments about what the Senator from Montana said. I would hope he would go back and read the Social Security Guarantee Act of 2005 because it does not do anything the Senator from Montana spoke of. What this bill simply does is guarantee benefits in the law for people who were born before 1950. It does not set up any kind of personal account system. It does not do all of the things that the Senator from Montana said.

The Senator from South Carolina will talk about his Stop the Raid bill, which simply takes money out of the surplus and puts it into accounts for holders to make sure that that money is spent on Social Security benefits but no administrative costs. All the things the Senator from Montana talked about do not apply to either one of our bills.

I understand there may be an objection, but I would caution the Senator from Montana that the objection cannot be under those terms because the objections that the Senator from Montana cited are not in either one of the bills. I yield to the Senator from South Carolina.

Mr. DEMINT. I say to Senator SANTORUM, as he can tell, I was originally hesitant to yield to our distinguished Democratic colleague, but I am now so grateful that the Senator did yield because it made the case of why we need to guarantee benefits and why we need to stop the raid on the Social Security surplus.

Practically all the information that we heard is untrue as it relates to my bill, but the misleading information is the best case for the Guarantee Act that Senator SANTORUM has proposed. It is so important, when people are getting untruths and so much misinformation that is intended to confuse them, that we reassure the American people that regardless of how we change Social Security to benefit future workers, that we are not going to change anything about the benefits of anyone who was born before 1950.

I am honored to be presenting these ideas with Senator SANTORUM today. There is no one in this Congress and probably no one in this country who has done more to protect Social Security for this generation or the next than has Senator SANTORUM.

I am also supporting this Guarantee Act because Americans know that we have a problem with Social Security. It is disingenuous for any Member of the Senate to suggest otherwise. So we must guarantee in the face of these folks knowing we have a problem, but we also must begin now the process of fixing the Social Security system so it will be there for younger Americans. We can do that by, first, stop spending Social Security on other things. That is what we are doing right now as I speak.

Americans know why we have a problem with Social Security. Maybe Senator SANTORUM can add more later since he has done so many townhalls. There are many Congressmen and Senators who have gone out to talk about Social Security, and they have had many people stand up and say, Social Security would be fine if you folks in Congress would stop spending Social Security on other things. They figured out that every dime that comes in for Social Security that is not needed for today's retirees is spent on other programs.

If we could look at the next slide, since the mid-1980s we have had \$1.7 trillion of Social Security taxes that have come in that were not needed to pay benefits. Our colleagues will say that that is safe and sound in the trust fund but, frankly, if there is one fact that is true on this floor tonight, it is that every dime has been spent on something else. Not one penny has been saved for Social Security for today's retirees or for tomorrow's retirees.

What we are proposing is to stop that raid on Social Security. We are not proposing a comprehensive change in the Social Security system. In fact, Americans would see no difference in the Social Security system. What we would start doing is to take the money that is not needed for Social Security today and save it so that it would not be spent on other things.

Here is the proposition: Between now and 2017, we are going to spend another \$775 billion of Social Security money on other things unless we pass this Stop the Raid on Social Security bill. We can see it year to year. This year it is almost \$70 billion that came in for Social Security that was spent on other things. Next year it will be well over \$80 billion, and it will continue until it disappears in 2017. At that point, there will not be enough Social Security taxes to pay benefits, and we will have to start moving money from the general fund to make sure every American gets their Social Security check.

The Stop the Raid bill would take all of this money, \$775 billion, and put it in Treasury bills so that it could not be spent on other things. Instead of the government owning it, the people who send the money for Social Security would own it.

My Democrat colleagues oppose ownership. They do not want the American people to own their own Social Security system. They want the Government to own it, and they want the Government to continue to spend it on other things. We want to stop that raid on Social Security. The Democrats, as we have heard tonight, will say that if we stop spending this Social Security money on other things, it is going to increase the deficit. Again, that is not true. All it does is make us honest with our accounting.

Right now, the \$1.7 trillion we have already spent, and this 775 billion addi-

tional dollars is spent without any recognition that we are creating a debt. If we save this money in Treasury notes where there is no risk to the American people, we have to start counting it as debt if we continue to spend it. This is a secret slush fund that Congress has used for many years—\$1.7 trillion plus \$775 billion. Congress, every year, spends this money on other things and does not count it as debt. If we start saving it for Social Security, it will be a debt if we continue to spend it.

Only in Washington—and I am afraid only my Democrat colleagues—could say that saving money creates a debt. I am afraid only a Democratic colleague at this point could say that saving \$775 billion of Social Security money for Social Security actually weakens the program. Their intent is to oppose ownership by the American people who should own Social Security. Their intent is to spend this \$775 billion on something else.

I have heard my Democrat colleagues over the last couple of weeks talk about stopping the raid. They want to stop the raid by increasing taxes. They have said that they stopped the raid. That has never happened, and that is not true because even when we were in surpluses as a nation a few years ago, every dime of Social Security was spent. Some of it was spent to pay down debt, but it was all spent. And not one penny, even when the Nation was in surplus, was saved for Social Security. We need to stop that practice and be honest with the American people.

My Democrat colleagues have said interesting things about stopping the raid. Our distinguished minority leader has said he supports the raid. He called stopping the raid a "bad idea" that will "threaten benefits and increase the debt and weaken Social Security." Get that. We are going to save Social Security for Social Security and that weakens Social Security. It is amazing.

Let's look at another comment from Democrat leaders. This comes from our colleague in the House, Minority Leader NANCY PELOSI:

There is nothing wrong with Social Security lending money with the prospect of returning it.

One more quote, and then I know Senator SANTORUM has probably some questions for me. This is from our colleague, CHARLIE RANGEL, the House Ways and Means ranking member. When talking about the raid, he says:

There is nothing wrong with that.

But let be read his whole statement. He said:

Would you have any problem if you put your money into a bank and they just took your money and invested it and you went to the bank and they gave you your money when you needed it? There is nothing wrong with that.

The problem is, that is the core of the misinformation we are hearing from Democrats, that our money from Social Security is actually saved in a bank; that it is actually there. But

that is not true. It is not fair to tell the American people that it is true. There is no bank. There is no money. We need to start today to stop the raid on Social Security money.

Mr. SANTORUM. I ask the Senator from South Carolina, one of the things I hear, and I think you were alluding to this, is that some people believe that they actually have an account at Social Security where this money they contribute is sort of there—that is maybe what Congressman RANGEL was alluding to—for them to sort of pay their benefits out. Is that the fact, first and foremost? Then I will ask my followup.

Mr. DEMINT. I have had people back home, when we are talking about saving Social Security and putting it in personal accounts, tell me that is what they thought was already happening. They thought we were saving their money because we talk about a trust fund. But the more people find out about the truth, when we say there is not any money in the trust fund, first people smile and think I am not telling them the truth. We need to tell Americans the truth.

Mr. SANTORUM. The Senator got into something that is a rather complex concept, but it is really important for understanding the difference between what he wants to accomplish and what goes on in the current system. That is, what your bill does is it creates an explicit debt. How is that different? What is the difference to the average person, that they have a specific account with that money as opposed to just sort of the general money that is owed to the Social Security trust fund? What is the difference?

Mr. DEMINT. Right now the largest tax most Americans pay is the 12.5 percent for Social Security. That is thousands of dollars for the average American family every year. It comes into the Social Security system. It is credited to a trust fund. Then it is spent either on Social Security benefits or spent on other things.

We have made Americans believe we are saving that money for them, but it is all passing through. The only thing that is in the Social Security trust fund is IOUs. Our President, who has been a leader on this issue, actually went and opened the file cabinet where these IOUs are.

The problem, Senator, as you know, is we cannot pay future benefits from IOUs. But we can from real money if we start saving it. There is nothing risky about saving this money in Treasury notes so it cannot be spent on other things. But you asked an important question. Right now, the Government owns the Social Security benefit and politicians control it. If we start saving Social Security in personal accounts—we are not talking about taking it out of the Social Security system. It is still just as much a part of the Social Security system as what we have today, only it is real money and people own it, which means they have

a legal right to it, which they do not today. In the future, politicians cannot build their whole election campaign around frightening seniors that we are going to take their Social Security.

Mr. SANTORUM. What is the impact? Let's take it a step further. Let's assume we were successful tonight in getting the Stop the Raid bill passed and every American would have their own personal retirement account with the money from the Stop the Raid bill, and 15 years go by and that money has built up. What is the practical effect on the average citizen of what your bill does versus the current system?

Mr. DEMINT. This bill alone would not change anyone's benefits. In fact, it includes, as yours does, a guarantee. People will continue to get the benefit they have been promised. Only part of their benefit would be paid by the traditional system and part from real money. Our hope is, as you mentioned before, this is a first step. We need to move past the first step of saving the \$775 billion and go back and get the Government to pay back what they have already borrowed from Social Security, invest that in those accounts and let them earn interest, and it grows. It is a large step toward solving the future problems of Social Security.

It is going to take several steps to fix it, but this is the most important first step. If we cannot stop spending Social Security on other things we cannot go to the American people and honestly tell them we have a solution, not if we cannot even stop spending it on something else.

Mr. SANTORUM. I would just ask the Senator from South Carolina, this bill has something to do with something else I hear a lot about, which is honest accounting. One of the things I hear a lot of my colleagues on the other side of the aisle talk about is that the deficit is really much bigger than the deficits reported because the Social Security surplus hides the deficit.

Will your bill cure that problem?

Mr. DEMINT. Only if we slow our spending as a government.

Mr. SANTORUM. Would it cure the problem of hiding the deficit?

Mr. DEMINT. It is definitely an honest accounting bill. Right now this money goes on the table and the Government secretly sweeps it away and spends it.

Mr. SANTORUM. And lowers the deficit as a result, correct?

Mr. DEMINT. Right. We are going to take it off the table and save it. So the whole point is, if you want to keep spending that money as a Congress, we are going to have to recognize it as debt and admit to the American people that we are spending more than we told them we were spending.

Mr. SANTORUM. So this is not just a Stop the Raid bill. This is a truth in accounting bill? This basically says: Here is how much money we are taking in. Here is the obligations that the Federal Government has with this money we are taking in. In fact, we are

taking that obligation and realizing it, in other words putting it into an account that actually could pay that obligation. Is that correct?

Mr. DEMINT. Exactly right. We will also be honest about telling the American people we have not been saving the money, but we are going to start saving their money and we are going to figure out a way to go back and get what has been borrowed from Social Security and put it back so that Social Security will be there for your children and mine and our grandchildren.

Mr. SANTORUM. I thank the Senator from South Carolina for, not just the work he has done on the Stop the Raid bill, but I want to thank him for the other ideas he has put forward. He is one of three Senators on this side of the aisle who have put forward comprehensive bills, along with Senator SUNUNU and Senator HAGEL. They have put forth ideas to try to move the ball forward, down the field substantially. I will not speak for the Senator from South Carolina, but I think what he has realized is that the opportunity for us to do that this session of Congress is probably dramatically diminished. So we are both looking at trying to move the ball forward, trying to take a vital first step, or first two steps, in assuring the American public that those who are the most vulnerable, their benefits are safe; and for those concerned about the resources being there to be able to pay benefits in the future, we are going to make sure that money is set specifically aside and given to them to make sure that money is there and promised by the Federal Government to pay in the future.

By the way, the Senator from South Carolina is not the only one who has introduced comprehensive legislation. Over in the House, Congressman KOLBE, Congressman JOHNSON, Congressman SHAW, and Congressman MCCREY on our side of the aisle have put forward comprehensive proposals on dealing with the long-term issues.

So we have made the case. We have worked hard to try to move this issue before the American public but have met a stonewall here on the other side. I suspect, unfortunately, tonight we will probably continue to see that stonewall appear when we ask for unanimous consent to move forward on this legislation. I will certainly make my commitment that this is an issue I feel very passionate about. This is an issue that is important to my State. We have the second largest percentage of seniors in our population. We have a little over 16 percent of our population who are people over the age of 65. That is second only to the State of Florida.

It is important for my State to have the peace of mind for my seniors. I always say we may have fewer as a percentage of our population, we may have fewer seniors than the State of Florida, but my seniors need Social Security more than those in the State of Florida because all my rich seniors moved to Florida. The folks who are

still in Pennsylvania are getting through those tough winters, in some cases they need and rely on their Social Security benefits.

So as a Senator from Pennsylvania I will tell you that this is a high priority for me, to make sure that not only this generation of seniors gets the benefits they deserve but future generations of seniors get those benefits as well. I think this one-two of the Social Security Guarantee Act and the Stop the Raid bill will go a long way in helping create the atmosphere to get real long-term responsible reform of the Social Security system for future generations in place so they will have a strong and solvent system going forward.

I yield for the close to the Senator from South Carolina.

Mr. DEMINT. I say to the Senator, I know you want to make a motion. But it is important that you and our colleagues know what we are asking for. We are not asking to pass a bill tonight. We are asking to move the bill into the debate process so that the American people can find out more about where we are and how this Guarantee Act and this Stop the Raid Act can secure their future.

I yield back to the Senator to make the motion.

Mr. SANTORUM. I thank the Senator from South Carolina for taking the time to have this important debate. I appreciate the indulgence of the Democrat leader for his time.

What this unanimous consent will do, as the Senator from South Carolina has just stated—it will not be to pass the bill tonight. This is not an idea and we are just going to have unanimous consent and pass the bill. What we want to do is engage in a real debate about these two very important issues. So we are going to ask consent, at the time to be determined by the leader, to have a full debate. I am suggesting in this unanimous consent request that we have 10 hours of debate on both of these bills before we move forward and pass them, and obviously here in the next few weeks the chances of finding time to do that is going to be pretty limited. We will be happy to schedule it in January or February of next year so there is plenty of time for the American public to participate in this debate and to have a real discussion about whether we want to protect the benefits that are promised to those who are born before 1950 and whether we want to create the opportunity for honest accounting and for stopping the raid on the Social Security system, to make sure that money stays in the Social Security system and is there to pay benefits for the people who pay money into the system.

That is what this bill does. It stops the raid, it stops that money being used and taken by the Federal Government to pay for other programs and keeps that money—it is vitally important to understand—keeps the money in the system but creates an explicit debt of the Federal Government that

must be paid. It is a public debt. It is not one of these privately held little debt transfers from one pocket to another but an explicit debt that is owed to an individual. That is about as explicit as you can get. It is a debt that has your name on the assets—Treasury bills. It is vitally important to have that ownership because it guarantees a legal right to a benefit for those taxes that are being paid in excess of what we need to pay for the Social Security system.

I see the Democrat leader is here. I will propound the unanimous consent.

## UNANIMOUS CONSENT REQUEST

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader after consultation with the Democratic leader, the Finance Committee be discharged from further consideration of S. 1750, the Social Security Guarantee Act of 2000; provided further that the Senate then proceed to its immediate consideration and there be 10 hours for debate equally divided in the usual form, no amendments or motions be in order, and that following the use or yielding back of time, the bill be read a third time, and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

I further ask unanimous consent that following that vote, the Finance Committee be discharged from further consideration of S. 1302, the Stop the Raid on Social Security Act of 2005, and the Senate then proceed to its consideration; provided further that there be 10 hours of debate equally divided in the usual form, no amendments or motions be in order, and that following the use or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER (Mr. CHAMBLISS). Is there objection?

Mr. REID. Reserving the right to object, Mr. President, first of all, I will say regarding S. 1750, I will use different words than the distinguished ranking member of the Finance Committee, the Senator from Pennsylvania. My words are as follows: This legislation is a sham, s-h-a-m. Social Security benefits are guaranteed today in the United States Code, the law of the land. To meet that legal commitment, we are saving enough in Social Security to pay full benefits for a long time into the future. The only threat to that guarantee is posed by Republicans who want to undermine Social Security, slash benefits, and privatize the program.

I object to S. 1750.

I reserve my right to object to S. 1302 as follows:

Mr. President, I heard my friend, the distinguished Senator from South Carolina, talk about raiding the Social Security trust funds. This message should be delivered at 16th and Pennsylvania Avenue. During the Clinton years, remember, we weren't doing that. We weren't using the Social Secu-

rity surplus to mask the deficit. So he should direct those remarks to this administration.

Do not be fooled. This is simply another bill to privatize Social Security. The American people have already rejected this tired approach, and for very good reason. Just like President Bush's privatization plan, the DeMint bill would require deep cuts in benefits and a massive increase in debt. Under the bill, those who divert funds into privatized accounts would have their benefits cut automatically through a privatization tax—even if the value of their account has collapsed. The bill would also require \$1.7 billion in additional borrowing over the next 20 years. The bill would do nothing to strengthen Social Security—quite the contrary—and it certainly wouldn't extend the program's solvency. In fact, diverting money from the trust fund accelerates insolvency and makes matters worse.

Despite the claims of its proponents, this bill itself amounts to a massive raid on Social Security and would cut the funds available to pay guaranteed benefits. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SANTORUM. Mr. President, if I may address just briefly the comments made by the Democrat leader before I propound one final unanimous consent request, the Senator from Nevada suggested that there is a legal right to Social Security benefits in the law. The fact is that a Supreme Court decision—*Nestor v. Fleming*, 1960—said that “Americans have no legal right to their Social Security benefits.”

While the Senator from Nevada can say those rights are guaranteed, there may be, certainly, a claim on those benefits, and the claim is a political one for anyone in Washington, DC, who would try to change those benefits. But there is no legal right in the law to payment of those benefits. There is no guarantee in the law to the payments of those benefits. The Supreme Court has said so. This would change that.

This particular group of retirees that is being frightened that somehow or another any change in Social Security will mean their benefits are going to be reduced—even for those who are in retirement at this point—we want to take that tactic as well as the fear that goes with it off the table for our seniors and near-term seniors.

With respect to the Stop the Raid bill, the characterization that that bill somehow is taking money out of the Social Security system, I think I made it very clear in the discussion, the fact that the bill is crystal clear with respect to the money that is going into these personal accounts is invested in Treasury bills. They are obligations of the Federal Government and will be used to pay benefits to the extent that is humanly possible. This money is legally bound to the individual who put the money there, and they have their name on this account. They own the

Treasury bills that are in that account. That is about as rock-solid a commitment to pay benefits—more rock-solid commitment than promises by future generations of politicians who do not pay them.

When you have an obligation of the Federal Government with your name on it, that is a pretty good obligation and it would require a default of the Federal Government not to have it paid, as opposed to Social Security benefits in a Social Security trust fund, which is a promise to pay by future generations of politicians. I suggest that this idea that somehow or another this would cut benefits—in fact, you could make the argument that the benefit created by these accounts is the only real guaranteed benefit that an individual has going forward in the system. Nevertheless, the Democrat leader objected, and I certainly respect that.

I will make one last attempt to see if we can get an agreement on just one bill.

I remind Members here that earlier this year, in March, we passed the resolution that every Member of the Senate—Democrats and Republicans, all 100 voted for—which said that Social Security reform must protect full-term and near-term retirees—I will underscore that, italicize it—from any changes to Social Security benefits. This bill accomplishes what we voted for.

I assume we voted for it because we thought we needed to communicate a message—that it was important that we wanted to communicate a message—to the American public that we meant this, that we actually believed we should not do this. And the way to accomplish that, contrary to what the Senator from Nevada said, is to put a guarantee in law.

Mr. President, I renew my request just for S. 1750, the Social Security Guarantee Act. I can ask unanimous consent, but it is identical to the request which I read earlier.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, first of all, understand that when the Constitution was written, it didn't talk about Social Security in the Constitution. But we in Congress have given Social Security to the American people. We did it back in the 1930s under the direction of Franklin Roosevelt. That is the Court decision to which my good friend referred. The Court didn't question Americans' rights to Social Security benefits. In effect, the Court said Congress can change the law if it chooses. But there is no question that under current law, Americans do have a legal right to the benefits they have earned. There is no question about that.

I simply say that these are some of the old arguments—I guess the President is out of town, and they dug up some of his old stuff and brought it up to Capitol Hill today—the old stuff on

Social Security that the American people have determined is not good for them. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have listened with some interest and curiosity over in my office to this fascinating discussion about Social Security, especially the chart about the trust fund.

I would like to take my colleagues on a short visit back to the year 2001 when, in fact, we had surpluses. The surpluses came from a fiscal policy that looked truth straight in the eye and put this country back on track. Big budget surpluses were beginning to develop, and my colleagues on the other side of the aisle said: You know something, even before these surpluses exist, for 10 years let us pretend they do, and let us start getting rid of the money and give big tax cuts, most of which will go to wealthy Americans, by the way. And now we end up years later with very large deficits.

We will borrow \$550 billion this year. My colleague seems surprised by that. Somehow it didn't work out quite the way it was supposed to, and somebody is now using the Social Security trust fund.

Interesting. I know who is using the trust funds. It is when the President sends a budget down here with the biggest deficit in history, and he is taking Social Security trust funds to finance the tax cuts. Yes. He is taking money from Uncle Harold and Aunt Gladys to provide some of the biggest tax cuts ever given to the wealthiest Americans. That is the fact. Everybody is entitled to their own opinions in this Chamber. Not everybody is entitled to their own set of facts.

I wish to spend a little time talking about the history because I think it is important for people to know. There are important statistics, useful statistics, truthful statistics.

I remember I was at a town meeting once, and I used kind of a throwaway piece of information. An old fellow in the front row stood up. I said to this group of senior citizens: Do you know that there are 4 women for every man over the age of 85 living in the United States? Some old codger in the front row got up, leaned forward on his cane, and said: Young man, that is the most useless statistic I have ever heard given.

Well, there are useless statistics and then good statistics. There is the truth, and then there is stretching the truth.

Let me talk a moment about where we find ourselves and why. What fascinated me is these charts coming from people who want to take apart the Social Security system, the chart that comes to the floor this evening that suggests somehow they are the ones that really support this.

I will tell how the Social Security system got started and supported—a man named Franklin Delano Roosevelt.

By the way, when he died, there was a poignant story written about the long lines of people waiting to see the body of Franklin Delano Roosevelt then lying in State. It was written that a news reporter walked up to a man, a working man who had waited hours in line with his hat in his hand, and the reporter, as this man was waiting to file past the coffin of Franklin Delano Roosevelt, said to this fellow: Did you know the President? Do you know Franklin Delano Roosevelt? This man said: No. I didn't, but he knew me. He knew me.

What he meant is this President knew the American people, knew and understood working men and women, cared about retired folks.

Yes. He knew me.

It was under this President that we decided to stop what was happening with senior citizens in this country. They reached retirement age—and at that point one-half of the senior citizens in America were living in poverty. They reached that age where their incomes declined, they could no longer work, and one-half of them were living in poverty in this country, this great country.

Franklin Delano Roosevelt and others said, We can do better than that, we can do something about that, and created Social Security. Controversial? You bet your life it was controversial. There were some in this Chamber who said it is socialism, it is going to wreck this country, it is going to throw this country into bankruptcy. Guess what. Now less than 10 percent of our senior citizens live in poverty; 90 percent of them don't. Do you know why?

Social Security. The word "security" means something. It is there. It is what they can count on when they retire. We have folks all around this Senate, particularly the other side, who think we should privatize it, take it apart. Some of them never liked it. Take it apart and privatize it and stick it in the stock market, in fact.

There are a lot of people in this country who rely on Social Security, whose lives are enriched and made better by Social Security. There aren't perhaps many in this Senate who understand its value because perhaps none here will find themselves at the end of their income-producing years having to rely only on Social Security. I know plenty of people who do. I wish more people understood the consequences of that in this Senate.

Someone once asked a question: If a person died and you knew nothing about them, had never met them, and you only had their check register as a piece of information about their life, what could you write as an obituary about that person? What would a check registry tell you about a person you have never met if you had to write the obituary? It would tell you plenty. What did they think was important? What did they spend money on? What were their investments? How did they live their life?

The same can be said of a country. Look at what we do, what we think is important, what we invest in, what we spend money on. It will tell something important about the character of this country. What do we support? Do we support the fundamental promise of Social Security? Do we stand for it and believe in it? Do we believe it has strengthened this country?

I see Members serving who do not believe that. They come to the Senate with big charts, save the Social Security trust fund. Really? Perhaps the time to have thought about that was when they were called on to vote in the Senate and they decided to provide very substantial tax cuts for the highest income Americans with money we did not yet have. And now we have very large Federal budget deficits.

Let me give a couple statistics. Twenty years ago American corporations paid one-sixth of our income taxes. Twenty years later, they are bigger, much bigger, and more profitable, and they now pay one-tenth of this country's income taxes. Guess who makes up the difference. Yes, real people.

Let me give another statistic. There are 400 Americans who are the wealthiest Americans—who file income tax returns, in any event—and their average yearly income is \$110 million. About 8 years ago their tax rate was 30 percent to the Federal Government. Now it is 22 percent. It has dropped nearly 25 percent. I am talking now about the wealthiest of all Americans, those who have been most generously treated by this country, many of whom are brilliant, I am sure. They make a good deal of money. Good for them. I hope they expect and want to pay taxes to pay for the common needs of this country—defense, roads, bridges, education; you name it.

The point is, those very people who now say they are the ones who care about the trust fund of Social Security are the ones who voted to be able to take money out of the Social Security system, take money out of the Social Security trust fund so they can provide a tax cut for somebody who gets \$110 million a year in income.

It is unbelievable. Just own up to it, in my judgment. If that is what you did, own up to it. Do not bring a big chart to the Senate saying save the trust fund. There was a time to save the trust fund, and you did not do it.

Let me take you back to 1993. This country inherited then the biggest debt, which is now small by comparison from the first President George Bush. I recall that President Bush came to office and he proposed a very controversial fiscal policy. It was cut some spending, it was raise some taxes. It raised taxes, by the way, on the wealthiest Americans. But it was tough. It was a hard vote for a lot of Members. Incidentally, in this Senate, when the roll was called—because we were off track and headed down the wrong direction with budget deficits

that were increasing that had now reached the highest level in history—when the roll was called, there wasn't one Member of what is now the majority party, not one Member in the Senate of that side of the aisle who was willing to vote for it. It passed by one vote. A new fiscal policy, a new direction got one vote—One vote in the Senate and one vote in the House.

Guess what. With all of that controversy—and man, there was plenty—8 years later, we were on track. Instead of having record Federal budget deficits, we had no budget deficits. We had surpluses. Those budget surpluses gave us the opportunity to begin putting this country on a solid foundation, a solid financial foundation for Social Security and for many other needs. The estimate was we would have surpluses as far as the eye could see. In fact, Alan Greenspan, who is about to retire as Chairman of the Federal Reserve Board, was worried we would have too much of a surplus. I remember what he said because I thought—I know he is not a drinker so I was trying to figure out where this came from. He said: I worry we are going to pay down our debt too fast.

Oh, really? Where does that worry come from? Do you have a crystal ball, a strange-looking sort of crystal ball? He was an enabler. As an enabler, he gave permission, gave aid and comfort to the majority that said, you know what, let's take surpluses for the long term that do not yet exist, that are simply projections, and decide we will give them away in the form of tax cuts tilted toward the wealthiest Americans. And they did. So here we are, now 5 years later, borrowing \$550 billion this year to this country's debt.

The other day I went through the speeches I made at that time. I said, what if something happens and we do not get the surpluses, if there is an unforeseen event? Should we be a bit conservative? Don't worry, the sky is the limit. Things are fine. Be happy.

So what happened? They passed their big tax cuts tilted toward the wealthy Americans and then all of a sudden we had a recession. Then we had a terrorist attack; a war in Afghanistan; a war in Iraq; natural disasters. Things went off track. Now we have very large Federal budget deficits.

Then we are told, one of the ways to deal with that is to privatize Social Security. The President said, I am taking Air Force One, I am getting that old plane up and I am going across this country. I am going to sell this program. Privatize Social Security. And it did not sell. It did not sell. Because people know better. The word "security" means something to people. Social Security works. It has worked for decades, and it will work for decades to come.

One of my colleagues says the genesis of this notion of privatizing Social Security is the phrase "we're all in this alone." But in fact we are not. As a country, part of the genius of Social

Security is to understand we are all in this together. We have real challenges to try to hang on to the Social Security system with a President who wants to privatize it, with Members of the Senate who come to the floor with big charts talking about raids on Social Security.

I didn't bring a chart tonight because I wasn't aware we were going to talk about raids on Social Security. But I would love to give a history lesson on who has been raiding Social Security. Paint that money purple and I will point you to the purple pockets in this Senate. I will tell you who has been raiding Social Security funds right along. It is a fact that hooking up a pipe to the Social Security trust fund, hook up the pipe on one end and hook it to pockets at the top of the income ladder for corporations, because that is where the money is going—big, old tax cuts.

The philosophy is trickle down. Pour it in on top and somehow it all trickles down and even the people at the bottom are helped. One day a fellow said to me, I have heard about this trickledown for 8 or 10 years and I ain't even damp yet.

I happen to think there is a better approach called "percolate up." Give the American families something to work with, good jobs and an economy that expands opportunity, and things do pretty well in this country.

It is fascinating to watch this discussion, especially given the history of where we have been in recent years, a discussion about people who have embraced a fiscal policy that has injured the foundation of this country's finances, who now suggest they are the ones who want to protect Social Security. That is a curious thing to watch. It is a little like an illusion in an amateur magic act. It is an illusion that is attempted, but you can see all the moves so it does not look like magic, does it?

My understanding is the President has now parked Air Force One, at least with respect to Social Security, and has decided not to continue to try to push that. My hope is that we as a Congress will decide, Republicans and Democrats together, that Social Security is something worth saving. Should we stop the raid on the trust fund? You bet your life we should. We have been trying to do that for a long time. But those who aid and abet the raid on the trust fund by hooking that hose up to the trust fund and giving it out in big tax cuts do no favor to senior citizens.

This country has many challenges. It will not be made a better country by taking apart the Social Security system. Let me say those who come to the Senate and say the Social Security system is broken, it is bankrupt, it is busted—in fact, President George W. Bush said in 1978 when he ran for Congress, Social Security is busted and it will be bankrupt in 10 years, so we have to privatize it. That was in the year 1978, which tells you this is not about

economics, it is about philosophy. Those who say Social Security is bankrupt or busted should remember this: Social Security will pay full benefits under every circumstance without any alteration or any change of any type until George W. Bush is 106 years old. That is hardly a crisis.

People are living longer and healthier lives. Does that mean we have to make some adjustments in Social Security from time to time? You bet. Of course we do. We have, and we will. But the basic framework and promise of Social Security, if we have the people with the courage and strength in this Senate to protect it, will be there for the next century and the century beyond.

I understand part of the success of Social Security and Medicare in our country has been the increased longevity of people living longer. I have spoken of my Uncle Harold before in the Senate. My Uncle Harold did not discover he could run until he was 72 years old. But at age 72 he went to these State meets where you have races in various events for people of different ages. He discovered there was a category age 70 and above. He entered three races. He entered the 400 meter, the 800 meter, and the 3K. He entered three events. The first time he and his wife Evelyn took the RV and parked it and he entered three races at age 72. He won all three easily. And he thought, this is amazing. I am faster than people my age. So pretty soon he started going elsewhere to run. He went to Minnesota. He entered the Minnesota Senior Games Races. He went to South Dakota. He entered South Dakota races. Pretty soon he was running in California, running in Arizona. He became a 400 meter specialist, and at age 82 my uncle had 43 gold medals and can probably outrun about 80 percent of the Senators—at age 82.

People live longer, healthier lives. Thirty years ago he would have been on a Lazy Boy because at age 65 you are supposed to retire, get a Lazy Boy recliner, and stay at home—and do not drive, by the way. Things have changed. People are leading active, wonderful lives. That is born of success, success by increasing the longevity of the American people. My Uncle Harold is one example of that.

Are there some strains on Social Security and Medicare from time to time? Yes, a few. Nothing we cannot handle, and nothing that would justify anybody coming along and saying, by the way, let's take Social Security apart. That is a philosophy rooted half a century ago. It is one that those who never liked it cannot seem to overcome.

There was a fellow at a meeting I held some months ago with Senator REID, the minority leader. At the end of this meeting on Social Security, this old fellow, in his eighties, blind, aided by someone walking beside him holding his arm, came up to me and he said: I am old, I am blind, and Social Security is the only thing I have. This 80-

plus-year-old man came to that meeting just to deliver that message: I am old, I am blind, and Social Security is the only thing I have.

It is so important. This is not just some usual debate. This debate about Social Security is about who we are as a country; about whether we will stand up for things that matter; whether we are going to stand up for people who have lived their lives in this country and helped build America and now reach declining income years and are told they can count on Social Security. Yes, they can count on it, as long as we don't let those who come along and decide they want to privatize it begin to take it apart because they never liked it in the first place.

Mr. President, I see my colleague is waiting to speak. I was not even intending to come over until my attention was piqued by a big, old sign that said, "Stop Raiding Social Security Trust Funds," and I thought: Well, that is a curious message from those who supported a fiscal policy that helped drain the trust funds in the first place. I thought I would mention that and talk a little about how important this Social Security fight has been and why the American people—not the Congress, why the American people—have said no to the President and others who want to privatize this important program.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Michigan.

Ms. STABENOW. Mr. President, I join my colleague in coming here to speak for a moment about Social Security. Just as my esteemed colleague from North Dakota said he had not originally intended to speak tonight, I did not intend to speak as well. But for all of us who are so proud of the great American success story called Social Security, and for all of us who understand how it does represent the best about us, we want to have an opportunity to say that tonight because there has been a lot of misinformation, unfortunately, I believe, a mischaracterization on the other side of the aisle.

The fact is, Social Security is based on what is best about us: You work all your life. You pay into a system. And then you know you have dignity in your retirement. You also know, because this is really an insurance policy, that if you become disabled, Heaven forbid, Social Security can step in for you, for your family. If the wage earner in the family loses their life, Heaven forbid, their children, their spouse are able to receive assistance to be able to help them from moving back into poverty, because it is an insurance system. It is basically an economic insurance policy. And it has been one of the great American success stories.

The reality is, without Social Security, about 48 percent of those who are now on Social Security would be in poverty. Today, with Social Security, about 9 percent of older Americans and

the disabled are in poverty. We know this number needs to be lower. But this is a great American success story.

At a time when there is so much upheaval in so many people's lives—I know in my home State of Michigan, my great State of Michigan, there are so many families today that feel the rug is being pulled out from under them because the jobs they have had and worked hard at all their lives are either going overseas or they are being told they are going to have to work for \$9 or \$10 an hour. Their health care costs are going up or maybe they are losing their insurance. Their pensions are threatened or maybe gone because of the bankruptcies of companies that have then dumped the pensions into a pension guaranty fund.

With all of this insecurity and challenge families face in fighting to keep the American dream and the American way of life, the one constant we have had is knowing that there is Social Security, that we have paid into a system, and that it will be there for us. There is absolutely no reason that Social Security will not be there for us, as long as we do not privatize it or undermine it, as has been proposed by colleagues on the other side of the aisle.

We are in a situation today where Social Security and the security of Social Security is needed more than ever. I will never forget talking with a group of people who were mid-level executives at Enron—I know, unfortunately, this story can be told and will be told across Michigan as well—folks who worked all their lives, invested in the company, as they were told to do, did all the right things, they are near retirement, and now it is gone.

One gentleman, with tears in his eyes, said to me: Thank God for Social Security; that is all I have left. Too many Americans find themselves in that situation now. I believe we should be doing something about that as well. Earlier this evening, I spoke on the floor about what we need to do to turn that around: enforcing trade policies, changing the way we fund health care, investing in education and innovation, protecting the pensions of those who have worked hard all their lives. But the reality is, Social Security is a very important part of that picture.

Now, it is a value as well as a program. It represents what is best about us. And we have choices about whether we want to keep it secure and keep it as a priority. Back during the budget debate this year, our ranking member, Senator CONRAD, and I offered an amendment to secure Social Security first before going on with other tax cuts that have been proposed for those most blessed in our country, those, in fact, who do not have to worry about whether Social Security will be there for them.

We indicated, as you can see by looking at this chart, that in order to keep Social Security secure for the next 75 years, it will cost \$4 trillion. That is

compared to the President's tax cuts: If they are made permanent—the overwhelming majority of them going to the top "incomers," those most blessed economically in our country—it will cost \$11.6 trillion, if we decide as the majority, our Republican colleagues, appear to be doing, to extend these tax cuts permanently.

If we instead were to say, wait a minute, we are going to fully fund Social Security first before any of this happens—even if we said to those most blessed in our country, instead of \$11.6 trillion in tax breaks, let us take \$4 trillion off of that—they would have \$7.6 trillion. It seems to me, at a minimum, that would be a choice worth making in order to make sure every single American knows that Social Security is secure.

All of the decisions we make in this Chamber are based on our values and our philosophy. Social Security represents our basic belief that we are in it together as a country, that it does matter what happens to other people. We are not in it alone.

I believe the efforts being proposed on the other side of the aisle represent a very different philosophy that says: You are on your own, buddy, unless you are our buddy.

The reality is that Social Security represents a value that says we are in it together and that together America can do better. That is what Social Security is about. It has worked. It has proved the philosophy that together America does better.

So I am hopeful our colleagues will choose, in the waning days of this session, to move on to join us in the great debate of keeping American jobs in America, supporting our American businesses, our American manufacturers that need our help now, and making sure we have a pension bill that works for all of our businesses and all of our workers, showing that we value and want to make sure the promises of pensions, which so many workers have paid into all of their lives, are kept. Let's work on that rather than undermining a great American success story called Social Security.

#### DAVID GUNN

Mr. MCCAIN. Mr. President, last week the Amtrak Board of Directors voted to remove Amtrak's president, David Gunn. I think that action is regrettable, and I commend Mr. Gunn for his leadership during his 3½ years at Amtrak's helm.

Amtrak has always been a money-losing proposition. I am afraid that it may always be so. But no one should hold Amtrak's president accountable entirely for this fact. Congress and the administration are also accountable. Despite repeated efforts to reauthorize and reform this money-losing proposition, we have not had the collective will to make the hard decisions that need to be made to finally turn Amtrak around—and that includes altering