February 16, 2006

CONGRESSIONAL RECORD—SENATE

I hope we have the opportunity as soon as we get back to move forward on the pension conference. I hope we can do that even sooner. I want to see this pension bill, which is a matter that has been moved to this point on our legislative calendar on a very bipartisan basis, turned into a partisan issue. There has been too much work on a bipartisan basis to advance this bill, and it is very important to the American business community and to American workers. Billions and billions of dollars are at stake.

In fact, once the majority got serious about pension reform, consideration of this bill in the Senate has been a model of bipartisan cooperation. It would not have passed late last year without the Senate’s Democratic caucus pushing for its consideration and working with the Republicans to ensure that by which a bipartisan consensus could be forged and acted upon by the Senate in a reasonable amount of time.

I agree that there have been unnecessary delays with regard to this legislation, and I regret that the full Senate could not act on this legislation until late last year. Consideration in the House and Senate was delayed last year for two reasons.

First of all, the administration pension proposal was narrowly focused on improving the solvency problems at the PBGC and failed to strike the necessary balance between improving pension funding and continuing the attractiveness of defined benefit pension plans to employers. It would have hastened the demise of defined pension plans, which today cover about one in five workers and provide workers greater retirement security because they provide a guaranteed stream of retirement income. The administration proposal generally garnered support among Republicans, but they weren’t willing to buck the White House on policy grounds and instead deferred action on this legislation. That was unfortunate, but that is the way it is.

Consideration of the bill was also delayed by the decision of the House Republican leadership to hold pension reform hostage in order to advance their failed Social Security privatization plan. The House Republican leadership, as late as June of last year, was still delaying even committee consideration of the pension bill and wanted to couple pension reform with the proposal to privatize Social Security. It wasn’t fair to hold this important bill hostage in order to advance the politically unpopular Social Security privatization plan. The political message to all those who cared about fixing the pension system was: Get behind our privatization plan for Social Security or you won’t get your pension.

For example, the San Francisco Chronicle reported on April 30 of last year that “House Republican leaders vowed Friday to push through Congress...
an overhaul not just of Social Security but ‘retirement security,’ grabbing the baton as President Bush handed them to him prime. In fact, Mr. President, it’s not only prime time but at a news conference he held promising to run with it.

The prime is past.

The savvy legislative tactician who thrives on compromise, Chairman Thomas outlined a much broader legislative front than President Bush has proposed. Thomas suggested changes to private savings and pensions outside of Social Security as well as to the 70-year-old program, saying he would deliver a “retirement package for aging Americans.”

Chairman Thomas suggested this wide ranging proposal could splinter the Democrats.

The Boston Globe reported months later in June:

Republicans in Congress want to turn aging America to the committee and on the Senate’s side of Social Security accounts, a move GOP leaders hope will break a logjam on Capitol Hill.

The strategy reflects a realization by GOP leaders that their Democratic colleagues and even some Republicans are steadfastly opposed to private accounts funded by a portion of Social Security payroll tax.

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Consequently, pension legislation languished in the Senate until the end of July. The inability of Senate Republicans to bring Social Security privatization, pressure by Senate Democrats, and plans to move ahead separately on pension reform, and high profile bankruptcies in the airline industry created enough pressure to break this logjam in the Senate.

Again, it was on a bipartisan basis.

There was no filibuster, no obstruction, just inaction by the majority.

Despite these delays, Senators Grassley, Enzi, Boxer, and Kennedy, the chairman and ranking members of the Committees on Finance and HELP, worked through the committee and on the floor to draft and pass a bipartisan pension bill. The Committee on Finance reported its bill at the end of July. The HELP Committee reported its bill at the beginning of December. Committees agreed on a bipartisan basis to a compromise bill that merged the two approaches at the end of September.

The actual legislative work on this was relatively short, certainly, for something as complex as this. The bill passed the full Senate on November 16. At that time, I commended Members on both sides for the diligent work in hammering out a consensus bill, and again questioned why the Senate waited until November to address this important issue. In fact, I worked with the leader in making sure there were not a lot of extraneous amendments, and we could move forward.

There is no reason the Senate cannot move forward on this. We need to agree on a reasonable number of conferees. This is a bill, a very complex bill. What I am asking is there be three people from our HELP Committee who are Democrats, and four from the Committee on Finance, a total of seven. This is a very important bill. The reason we are not going to conference is the majority is not willing to give the Democrats another name—that is, they refuse to go with the ratio which the Republicans get, the best of both worlds. Now, they say we have to do it with—I assume they want me to do two from HELP and three from the Committee on Finance. That is unfair.

I need, the country needs, a pension reform bill. That cannot be done by going to conference. I plead with the majority, let’s work this out. There is no reason we should not have a ratio of 8 to 6 that allows me to have three people from the HELP Committee who are experts in this field. They will move quickly. They are willing to work unending hours to resolve this matter.

A report in this morning’s Congressional Quarterly suggests that outside interests are pushing for a very small conference, the smaller the better, in order to prevent some Senators who have positions on this most important issue, Senators who have worked on it for many years, from participating in the conference. That is too bad.

This legislation has reached this point and because of strong bipartisan support for moving forward. It has not been a partisan process thus far and I hope it will not become a partisan process. I expect the conference to be conducted in a bipartisan manner, no matter who gets appointed on what side. I am afraid the Republican majority has decided they want to create a political issue instead of trying to find a way around the impasse. The way around it is easy, 7 to 5. I hope we can continue working in a bipartisan way in order to get this bill to conference and enacted into law. It is an important piece of legislation.

It does not seem to me to be asking too much that the HELP Committee, which is so vitally important to the moving of this legislation, have three Democrats on the HELP Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak as in morning business for up to 12 minutes in order to introduce a bill.

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

(The remarks of Ms. COLLINS pertaining to the introduction of S. 211 today were included in today’s background “Statements on Introduced Bills and Joint Resolutions.”)

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

KATRINA EMERGENCY ASSISTANCE

Mr. COCHRAN. Mr. President, I am pleased to be able to express my appreciation to my friend from Maine, Ms. COLLINS, for the passage of the Katrina Emergency Assistance Act of 2005. This important legislation passed the Senate by unanimous consent on Wednesday, February 16, after several months of negotiations. I commend her efforts and the efforts of the Senate Committee on Homeland Security and Governmental Affairs to take the initiative to address the recovery issues still facing the gulf coast.

Senator COLLINS and Senator LIEBERMAN have both visited Mississippi and Louisiana and have seen the devastation and the progress that has been made and the work still left to be done. Hurricane Katrina was certainly one of the deadliest and costliest natural disasters in United States history.

On Monday, August 29, 2005, Hurricane Katrina made landfall in Louisiana as a category 4 hurricane, with winds up to 145 mph then turned eastward towards Mississippi, making landfall at 9 a.m., with winds of 125 mph and a storm surge over 20 feet high. At its peak, the storm stretched 125 miles across the gulf coast.

Almost 6 months later, the Congress and numerous Federal departments and agencies are still working to help those affected by the hurricane.

The Katrina Emergency Assistance Act will help people in a variety of important ways.

This legislation provides an additional 13 weeks of Federal Disaster Unemployment Assistance for those who lost their jobs as a result of Hurricane Katrina, extending the duration of benefits from 26 weeks to 39 weeks.

Thousands of residents of the gulf coast lost their jobs as a result of Hurricane Katrina. It is important to continue to provide this assistance while businesses, both large and small, re-open and expand.

The Katrina Emergency Assistance Act authorizes the Federal Government to reimburse local communities
and community organizations for purchasing and distributing essential supplies during a disaster situation. Mayors, police, and emergency managers, first responders, and others in the disaster area should be free to purchase necessities such as food, ice, clothing, toiletries, generators, and other essential items.

These individuals are often the first to respond to a disaster, and they should be assured that their city, county, or organization will be reimbursed for these essential services.

This legislation also requires the Department of Homeland Security to establish new guidelines for inspectors determining the eligibility of individuals for Federal disaster assistance. This provision will help ensure the timely delivery of assistance, while protecting citizens' interests.

This legislation also expresses the sense of the Congress that the Bureau of Immigration and Customs Enforcement should refrain from initiating removal proceedings against international students to their inability to complete education requirements as a result of a national disaster.

Numerous students from around the world are studying in this country at any given time. These students should not be punished as a result of disaster that interferes with their legitimate educational plans.

Senators COLLINS and LIEBERMAN and the members of the Homeland Security and Governmental Affairs Committee have worked hard to provide assistance and respond to Hurricane Katrina.

The committee is close to completing its exhaustive investigation of the response of the entire Federal Government will soon begin the process of drafting legislation to improve future Federal response efforts.

I look forward to working with them to address the concerns of Mississippians and to improve the process of response and recovery.

I urge my colleagues in the House of Representatives to give every consideration to this important legislation. The Katrina Emergency Assistance Act is the result of months of drafting and negotiating by Senators COLLINS and LIEBERMAN and has the full backing of the United States Senate.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FRIST. Mr. President, a few moments ago the minority leader was on the floor following up on a discussion that we had had earlier today. I would like to take a moment to respond to his request regarding the pension reform bill conference committee.

It looks as though we will have to continue to discuss this over the next 24 hours because we have not made very much progress on a bill that is critically important to the safety and security of the American people. It is being postponed for no good reason. That is what it boils down to.

These feeble attempts to explain why we keep putting the bill off are unacceptable at this point. We have to go back to the time line because the facts do speak for themselves.

The Senate passed the pension reform bill on November 16 of last year. So that is—November, December, January, February—almost 3 months ago, or close to it. It was passed by a vote of 97 to 2. Almost all of our colleagues voted for this bill. The House passed its bill about a month later, on December 15. They passed it overwhelmingly, 294 to 132. Shortly after the House passed the bill, we proposed going to conference with a ratio of 7 to 5. That was back in December. It took the other side of the aisle until yesterday to respond.

It looks as if it is, again, a pattern of delay and obstruction. They have had over 2 months to broach this concern and resolve the dispute within their caucus as to who would serve on this conference. Our side had to make tough choices, as we talked about this morning. My colleague from Mississippi and another colleague who wasn't on the other side of the aisle until yesterday and said: Why wasn't I on that tax reconciliation bill conference?

Yesterday, we appointed conference—two from our side of the aisle and one from their side of the aisle, a total of three. To my surprise, it takes leadership and calls for leadership just to say this is going to be the number, and let's proceed ahead, and with both the Republican and Democratic caucuses we have to make tough choices and tell our colleagues that not everybody can serve on every conference committee.

It may be that there is a legitimate dispute on the other side of the aisle about who should get to serve. But, again, I question this pattern of obstruction and delay and postponement. This may well be another instance of election year delays to slow down the legislative process and try to attempt to keep us from governing in a responsible way.

If there is a legitimate disagreement about who they should get to serve on their side of the aisle, I have a proposal that might resolve that matter. We can talk about it tomorrow. I would propose appointing six Democratic conference, which would address their problem, and nine Republican conferences. This should more than accommodate the request of the Democratic leader, while allowing us to maintain equal representation of the two committees, the HELP Committee and the Finance Committee, which have jurisdiction of the emergency.

In the meantime, as we discuss and debate this issue, the clock is ticking. We need to appoint conferees right away because, as was explained earlier on the floor today, the first quarter of the fiscal year ends on March 31. With in 2 weeks of that happening, companies have to make contributions to their pension plans. If we don't get ahead and pass comprehensive pension plan reform before then, those contributions may result in bankrupting those companies.

So I close with simply saying that time is of the essence. We cannot delay. We need to act now to once and for all get this done, to get to conferees to appoint for this bill.

Mr. President, in direct response to a number of issues that have been raised on the bill on the floor right now, the PATRIOT Act, I have a few comments. First of all, once again, what we have is a slow-walking of the policymaking process on the floor. We are slow-walking the PATRIOT Act, a bill that we absolutely know will make this country safer and more secure—an improved bill.

Tuesday night, cloture was filed on the motion to proceed to S. 2271, which is a stalling tactic or a filibustering tactic. On the USA PATRIOT Act Additional Reauthorizing Amendments Act of 2006, which is the formal name of this important bill, we had to file cloture because otherwise this bill will continue to be filibustered and postponed indefinitely. Today, we invoked cloture. I think the vote was 96 to 3; I believe that is correct. That shows the overwhelming support for this bill. I think that reflects what should be the reality, and that is that this bill is going to pass with overwhelming majority support. Yet we have, in essence, wasted yesterday and today, tomorrow, Monday, and Tuesday, until we are allowed to vote on this bill Wednesday morning following the break.

Once again, the other side seems to be throwing up roadblock after roadblock, demanding unnecessary procedural steps to slow down, to hinder reauthorizing of what law enforcement has described as its No. 1 terrorist-fighting tool, the PATRIOT Act.

If the delays in any way would change the outcome or alter the outcome, I could understand it, but that is simply not the case. The outcome of this bill is not in any doubt. The PATRIOT Act will pass with overwhelming bipartisan support. It is just being delayed for delay's sake and, to me, that is simply unacceptable. The American people, unfortunately, pay a price for all of this in two ways.

First of all, the improved PATRIOT Act, which strengthens that ability to...
remove those burdens between the law enforcement and intelligence act, is one of them.

Second is, all the pressing issues of securing America's freedom, America's health, improving education, promoting pro-growth policy to increase and promote the prosperity of America, all of that gets pushed off to the future.

The original PATRIOT Act passed with overwhelming, near unanimous support in its original version. We know it has been instrumental in the successful tracking and arrest of key terrorist figures.

Just last week, we learned how, in 2002, a terror plan to hijack a commercial airliner and fly it into the Los Angeles Library Tower was thwarted. Authorities discovered that Khalid Sheikh Mohammed, along with his accomplice, Hambali, the leader in al-Qaeda, in Southeast Asia, the leader of the terrorist cell, and three of its terrorist members.

It was a tremendous victory in the war on terror, and it saved countless innocent lives. But it also reminded us that our enemies are ruthless. It reminded us that they are determined to kill scores of Americans, hundreds of Americans, right here on American soil. They are determined to exploit any weakness or slip through any potential loophole.

We cannot let our guard down. We must never, ever let our guard down. We have to stay on the offensive. On 9/11, the enemy was able to allude law enforcement once again, because our agencies weren't able to share key intelligence information. That is why, within 6 weeks of the attacks on America, Congress passed the USA PATRIOT Act with overwhelming bipartisan support. It was near unanimous. The vote was 98 Senators voting in favor.

The PATRIOT Act went to work immediately, tearing down the information wall between agencies, and it allowed the intelligence community and law enforcement to work more closely in pursuit of terrorists and their activities. Since then, it has been highly effective in tracking down terrorists and making America safer. Because of the PATRIOT Act, the United States has charged over 400 suspected terrorists. More than half of them have already been convicted. Law enforcement has broken up terrorist cells all across the country, from New York to California, Virginia, down to Florida.

In San Diego, officials were able to use the PATRIOT Act to investigate and prosecute several suspects in an al-Qaeda drug-for-weapons plot. The investigation led to several guilty pleas. The PATRIOT Act also allowed prosecutors and investigators to crack the Virginia jihad case involving 11 men who had trained for jihad in Northern Virginia in Pakistan and in Afghanistan. We need to continue to provide these tools to track and foil terrorist plots before harm can be done to innocent Americans.

The PATRIOT Act has been debated thoroughly. It has been negotiated. It has been drafted, and it has been re-drafted again. It is time to bring this process to a close. The bill before us is the result of faithful efforts and builds on the work that was accomplished last year to renew the PATRIOT Act. It strengthens our civil liberties protections as well as the core antiterrorist safeguards that have been so critical in fighting the war on terror.

In 2006, the USA PATRIOT Act, as written, once passed, will help us to combat terrorist financing and money laundering. It will enhance mass transportation systems and railways from attacks such as the one on the London subway last summer, and to secure our seaports. It will help us fight methamphetamine drug abuse, America's No. 1 drug problem today, by restricting access to the ingredients used to make that poisonous drug, methamphetamines.

So the question before us now is pretty straightforward. Why delay all of these provisions any longer? Why wait to move forward to make America safer? Why wait to give law enforcement the same tools they already use against white-collar criminals and drug offenders? It doesn't make sense to postpone, to delay, to wait.

Those who are delaying the bill claim they are taking a stand for stronger civil liberties protections. Yet they admit that the renewal of the PATRIOT Act is a vast improvement over current law. Again, why wait to enact the dozens of civil liberties protections in this bill that they have supported for so long. We have a duty and responsibility to protect our fellow Americans. Indeed, it is our highest duty as Senators.

I urge my colleagues to move forward to renew the PATRIOT Act. The time to act is now. It is the only, the best, and the right thing to do. Mr. President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum be ended.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

HEART FOR WOMEN ACT

Ms. MURKOWSKI. Mr. President, I wish to take a few moments to speak very briefly about heart disease. Many people might not know but February is American Heart Month, and heart disease, as we certainly know, is the Nation's leading cause of death.

Many women believe heart disease is a man's disease. Unfortunately, there are many women in this country who do not view this as a serious health threat. Yet every year since 1964, cardiovascular disease has killed the lives of more women than men. In fact, cardiovascular disease death rates have declined in men since 1979, which is great news, but the death rate for women during that same period has actually increased. The numbers are still not known.

Cardiovascular diseases claim the lives of more than 480,000 women per year. That is nearly a death a minute among females and nearly 12 times as many lives as claimed by breast cancer. One in four females has some form of cardiovascular disease. Again, these are statistics many of us would find alarming, certainly, but also find that it is new information, something we didn't know.

I am pleased to join with my colleague from Michigan, Senator STABENOW, to introduce important legislation we have entitled the HEART For Women Act, or Heart Disease Education, Analysis, and Research, and Treatment For Women Act. This important bill improves the prevention, education we have entitled the HEART For Women Act, or Heart Disease Education, Analysis, and Research, and Treatment For Women Act. This important bill improves the prevention, diagnosis, and treatment of heart disease and stroke in women.

In Alaska, we have some very troubling statistics as they relate to heart disease. In Alaska, cardiovascular diseases are the leading cause of death, totaling nearly 800 deaths per year. Women in Alaska have higher death rates from stroke than do women nationally. Mortality amongst Native Alaskan women is dramatically on the rise, whereas it is appearing to decline among Caucasian women in the lower 48. So these statistics, again, should cause us concern.

Despite being the No. 1 killer, many women and their health care providers do not know the biggest health care threat to women is heart disease. In fact, a recent survey found that 45 percent of women still do not know heart disease is the No. 1 killer of women.

Perhaps even more troubling is the lack of awareness amongst our health care providers. According to the American Heart Association figures, less than one in five physicians recognize more women suffer from heart disease.