SCHEDULE OF THE 109TH CONGRESS

Mr. DURBIN. Madam President, this is a critical day in the schedule calendar of the Senate. For those who follow the ebb and flow of business in the Senate, this is the kickoff, the tip-off, the first pitch. This is the week when we start rolling up our sleeves to get down to business.

Traditionally, the leaders on both sides, Republican and Democrat, announce their priorities, what they would like to see as the legislative accomplishments of this session. I am certain the list announced today by Senator FRIST and Senator REID are not exhaustive. There are many issues that were not included on either list that will certainly be discussed.

However, I think it is interesting what we find when we compare the two lists. On the Republican side, the No. 1 priority, the highest legislative priority from Senator FRIST, is what is termed the Social Security Solvency and Protection Act.

On the Democratic side, we have a different approach. Our first priority is the title of ''putting America's security first, standing with our troops.''

Both of these legislative proposals address important issues. No one argues that the Social Security system should not be carefully watched and that we should not address the law and change it from time to time. However, it is interesting that both President Bush and the Republican leaders in the Senate have decided the highest priority for this session is Social Security.

The reason why I find it interesting is that they prefaced this decision by saying we are facing a crisis in Social Security. Some use those terms. The President himself has called it a problem. Some have called it a challenge. But whatever your characterization, it is clear that the White House believes this is the issue that should come first of all issues that Congress might consider.

If we did nothing to Social Security, if we made no change whatsoever in the law—didn't change a comma, a semicolon, put a period at the end of the sentence, nothing in the law—Social Security would continue to pay out to over 47 million Americans every payment with a cost of living adjustment for 37 years from today. There is not another program in the Government that you can say the same thing about. There is no other program that you can say with any certainty is funded to be in existence 37 years from today.

Most other programs depend on the Appropriations Committee and the will of Congress and the leadership of the President for funding. Social Security, left untouched, is on track for 37 years of solvency. Why? Because in the early 1980s, leaders in Congress took a look at the Social Security system and said: We have a problem. The problem is, returning GIs from World War II, anxious to start their families, had a lot of babies in a hurry, the so-called baby boom generation. Those kids, first born after 1945, will reach retirement age and start showing up and asking for their Social Security checks. By our projection, we will not have enough money.

So in the mid-1980s, President Ronald Reagan, a leading Republican, came up to Capitol Hill, met with the House Democratic Speaker, ''Tip'' O'Neill, the leading Democrat of the day, and said: Can we come together and agree on a plan that will make sure Social Security is going to be able to handle the baby boomers. They sat down and went into a lengthy negotiation, a commission, debate, a study, and came up with a proposal. The net result of that proposal was to change the Social Security law in the early 1980s to make certain that Social Security would have a bright future.

In 1983, we passed this law which bought 53 years of solvency for the Social Security system. So we can say for more than half a century Social Security will be running in the black and not in the red.

What changes did we make? Some involve benefits, some taxes. Some were controversial; some were not.

When it is all said and done, we did the right thing. We took a program that was about 50 years old and gave it over 50 more years of life by reaching a bipartisan decision that would give to Social Security that bright future. That is what happened in the mid-1980s.

Now comes the President and his Republican friends in Congress saying: Stop; we have a crisis on our hands in Social Security. If we do not do something, and do it today, if we do not make dramatic changes in Social Security, it will not be there to pay the workers of tomorrow.

That overlooks the obvious. The Social Security Board takes a close look at the system and they tell us what we did in the mid-1980s still works today. We have at least 37 more years of solvency in Social Security. So there is no immediate crisis.

Is there a challenge? Yes, because in 2042, we have to change the law so that it brings in more money or in some way is handled in a different fashion so more people are covered. So 37 years from now, we have a challenge.

Can we do things today to address that challenge? You bet we can. We can make modest and commonsense changes in Social Security that will give it 20, 30 more years of life. That is a responsible thing to do.

Listen to what the White House is proposing that we do with Social Security. It is not a question of a modest commonsense change. It is a dramatic and some would say radical change in Social Security. What the White House is proposing is that we partially privatize Social Security. In other words, the workers who are paying into Social Security, instead of paying 6.2 percent of their earnings, would pay less—perhaps 4 percent of their earnings and then take the other 2 percent and put it into privatized accounts—into the stock market, mutual funds, something of that nature. The argument from the President's supporters is that this would mean they have ownership of their future because they are investing their own money.

There are several things on which the President has not given the details. By most calculations, taking money out of Social Security for privatization, partial or otherwise, means cutting the benefits of Social Security retirees. How can you take the money out of the system that we planned on using to pay retirees for the next 37 years without cutting those benefits? And, if you do not cut the benefits, how do you make up the difference? Some estimate the privatization of Social Security will cost us $2 trillion in the first 10 years.

Questions have been asked. I was at a meeting where questions were asked of the President: How will we pay for the $2 trillion? The argument is, we will add it to the national debt, the largest increase in the national debt in the history of the United States to privatize Social Security. Is that what we are bargaining for?

A lot of people have said if you increase the national debt, it means the United States has to borrow more money. Where do we borrow money? We borrow money from Japan and China and Korea, countries that not only lend us money for our debt but then expect us to buy more of their products in return.

So when you look at the imports coming into the United States from all over the world, they are coming in largely from countries that are buying our debt. So $2 trillion more in debt for future generations, $2 trillion more in foreign products coming into the United States. Lord only knows what it means to the future of our economy and jobs going out of the United States.

As you can see, this is a complicated issue and it is an issue that will be the subject of a long debate.

This is what I think. If privatizing Social Security means cutting benefits for the retirees in the future, if it means adding $2 trillion to the national debt to be paid for by future generations, it is not a good bargain. But it is the No. 1 priority of the Republicans in the Senate.

In fairness to the Republican leadership and to the President, we want to see the proposal. We want to see what the President is actually asking for. There have been a lot of press conferences. The President has ads on television now. He has been visiting different cities talking about privatization of Social Security. But we need to see the law.

What we think, though, is if you want a real crisis in America you can find it, a crisis that deserves our immediate attention. Allow me to start with

health care. In the last few years—in fact, in the last 4 years—we have seen a dramatic increase in the number of uninsured Americans. Since President Bush took office, we have increased the number of uninsured Americans, those without health insurance, from 40 to 45 million. And the cost of health care has skyrocketed in America.

What is being done by this administration, by this Congress, to deal with the skyrocketing cost of health care? Virtually nothing. Why? Because in order to tackle this issue, you have to acknowledge the obvious. The market forces are at work, and the market forces are killing us.

The cost of health insurance continues to go up every year; the coverage goes down. Fewer and fewer people can afford it. Businesses are seeing these costs skyrocket, and they cannot be profitable because of these costs or they have to cut off health insurance. That is the reality.

The business leaders I speak to in Illinois, large and small, all tell me the cost of health insurance is the No. 1 crisis they are facing. Why isn't that on the list of the Republican leadership, to deal with the cost of health insurance and this health care crisis?

We believe on the Democratic side, and have a legislative proposal, to give tax credits to small businesses that do the right thing, that protect their employees with health insurance. That, to me, is a good tax reform. It accomplishes exactly what we want. It strengthens small business, the No. 1 generator of jobs in America, and helps them when they do the right and responsible thing by covering their employees. There are a lot of tax cuts people are talking about. You have heard a lot of talk on this floor about them. But this is one that makes eminent sense.

We also need to do something with the related issue of the cost of prescription drugs. A lot of people, including the Governor of my State, have proposed that we import drugs from Canada. Why in the world would this great country of ours be dependent on a smaller country, an important but smaller country, Canada, for our prescription drugs?

It is because, frankly, we are not importing prescription drugs from Canada. We are importing political leadership.

The Canadian Government had the political will and courage to stand up to American drug companies and tell them they could not continue to dramatically increase the cost of drugs for sale to Canadians every single year. The American drug companies said: All right, then we won't. But this Government and this Congress will not stand up to those same drug companies. As a result, costs skyrocket in America, and they are half that cost in Canada.

We believe until this Government and this administration have the political will to represent the American consumers and bring prices down, we have no choice but to turn to Canada and other sources of reimported, safe American drugs. We support that.

We also believe we need to monitor drugs more carefully. How many times have we heard the news in the last several weeks about the Food and Drug Administration discovering that a drug that had been for sale in the United States for a long period of time is unsafe, taken from the market? You have heard it, as I have, time and again. We make certain that drug approvals in this country are going to be handled in a way that will give consumers confidence in what they are buying.

The second issue is the one of education. Many of us voted for No Child Left Behind, the President's premier education program, expecting that once we identified the problems in American schools, we would provide the resources to deal with them. It did not happen. President Bush and the leadership in Congress refused to fund, to the authorized amount, No Child Left Behind, which meant that schools that were falling behind did not have money for smaller class sizes, for after-school programs, summer programs, and tutoring. As a result, having identified the problems, we walked away from them.

We believe on the Democratic side that funding education across America is our highest priority. I just heard the Senator from Maine talk about Pell grants. I could not agree with her more. Pell grants are the way a lot of kids have a chance to get a college education. You know the story. Kids work hard in school. They graduate from college with $10,000, $20,000, $30,000, $40,000, $50,000, $60,000, $70,000 or $80,000 of debt, and these kids turn to the marketplace and say: I have to take the best paying job, if I can find one.

Pell grants mean students do not have to borrow as much money. The new rules from the Bush administration, just released, means fewer Pell grants will be available. In Illinois, 48,000 students will see their Pell grants cut because of the Bush administration proposals. And 1,450 will lose them entirely. That is not the way to encourage young people to pursue the education of their dreams, to prepare themselves for the 21st century.

We also believe, and Senator SCHUMER has been a leader on this issue, that families ought to have the tax deductibility of college education expenses. You can deduct the interest on your mortgage. Why? Because we want to encourage home ownership. Why wouldn't we say to families, you can deduct college education expenses so as to encourage your son or daughter to achieve their dreams with higher education? That is another type of tax reform which I think is very positive.

When it comes to economic opportunity, we believe we need to have a Federal minimum wage increase. The majority of workers on minimum wage are women, and the majority of those are women raising small families in a household that may or may not have a husband present. They are making great sacrifices, sometimes holding down two jobs. And for over 7 years, this administration has resisted, first in Congress, now in the Presidency, increasing the minimum wage. Try to live on the minimum wage as you know it today. It is virtually impossible. We think work deserves our dignified respect and deserves a dignified wage. We favor increasing the minimum wage.

We also want to deal with the exporting of American jobs overseas. Lou Dobbs talks about this all the time. You know what is happening. Good-paying manufacturing jobs are leaving America. Why are they going overseas? Well, sadly, our Tax Code rewards companies that send jobs overseas. That is wrong.

Secondly, we are not calling in the trade police on the countries that are violating trade practices and trade treaties. So when China manipulates its currency so it puts American businesses out of business and workers on the street, we do not hold them accountable.

The Democrats believe that should be a legislative priority. If we are going to have good jobs for our workers and those coming out of college, we have to stand up and fight for the jobs that are leaving America. That is a critical element.

Let me add to that list. I said at a press conference today, and I believe it, the political tsunami that is about to hit us in the United States relates to pensions and health care for retirees. Think about how many people in America worked a lifetime believing if they paid out of every paycheck a certain amount of money, that when they retired they would have a private pension plan taking care of them—thousands and thousands of Americans.

What is happening today? Those companies are going bankrupt. Those companies are in a position where they are trying to restructure and walk away from their pension requirements, walk away from health care retirements. The system we have set up in this country is not adequate to the task. So if we want to make certain these Americans have the retirement they planned on, we need real leadership here in Congress.

The last issue I will mention today has to do with reforming voting in America. I think the last election was better than the one before, not in the outcome—I saw that differently—but in the way it was handled. Yet in the State of Ohio, in my State of Illinois, in States around the Nation, voters walked to the polling place and many of them ran into obstacles they should not run into. We ought to make voting easier in America.

When an American citizen does the right thing and goes out to vote, we ought to say they are going to have a consistent law, a consistent standard applied to them, whether they live in Ohio, Illinois, Florida, Nevada, or the

State of Washington. I think that is something we can do and should do.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. DURBIN. I thank the Chair.

Madam President, I would like to close on this note: There is a lot of discussion here, starting with the President's inaugural, about the whole concept of an ownership society. I think this is going to be the driving philosophy and the driving political force behind the Republican agenda. The concept is alluring because the concept says: Wouldn't you want to control your own future? Wouldn't you like to own your future as opposed to depending on the Government? You cannot be certain that Congress and the Government will come through for you. So wouldn't you rather own your own future?

Boy, that has a lot of appeal, particularly to young people who feel invincible, that just given a chance: Let me take the money, let me invest for my future, let me make these decisions. That is not a bad quality. It is an independence that we encourage in individuals, and it is certainly one that I support. But we should not overlook the obvious.

At the heart of the ownership society is the basic belief that we should just remember that when it comes to America, we are all in this alone. I do not think that is true. I think history tells us that standing alone there are some things we can do but other things we cannot do.

If you want to be successful in America, you need good health. Can you control your own fate when it comes to health care? Only if the system treats you fairly. If you happen to be somebody with a preexisting condition and no insurance company will offer you coverage, you are not likely to be treated fairly. If you happen to be one who comes from a family with some history of mental illness, you will find rank discrimination by hospitalization insurance companies right now.

The point I am making is this: We have decided that to make certain people have a chance in America to succeed when it comes to health care, there will be rules of the game, there will be laws in States, and laws in the Federal Government and agencies to enforce them. Ownership? Yes. To have ownership of your future, you need good health care. To have good health care, you need to have a government standing behind you and protecting your right to fair treatment when it comes to health care.

How about education? Do you want to go it alone with the ownership society? Well, you may need a Pell grant to get through school. I borrowed money from the National Defense Education Act to get through college and law school. Students find, over and over again, were it not for Government programs, they might not be able to go to school. You want to own your future? Then you need to have leadership at the Federal, State, and local level to give you the chance to borrow the money.

What about your pension that you spend a lifetime paying into, believing you own that? That is not Government. I own that. And then the company disappears or walks away from its obligation to you. What fighting chance do you have? None, unless there is a law that protects you and an agency that will enforce that law.

So when you hear this alluring prospect of an ownership society, understand we value individual freedom on both sides of the aisle, but we also understand that in many instances the strength of our Nation is when we stand together—for fairness when it comes to health care, for opportunity when it comes to education, to have protection when it comes to your pension and your future.

We need a balance. Walking away from Government, as an evil entity, is ignoring the fact that Government, in many instances, is just the American family at large. As my wife and I care for our children, we care for others in this country and those who are shortchanged by this system and who are not protected. Even if it does not affect me directly and personally, it affects this country, and it affects my future.

So I hope we can find some balance. I hope, when it is all said and done, we do not get so caught up in this alluring notion of the ownership society that we forget, as we are learning with our military, we have learned in our history, there are times when we need to stand together as a nation for fairness and for justice. We say here is security, opportunity, and making certain people have responsibility in their actions.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, our time is almost up.

I am delighted to have heard the comments of the Senator from Illinois. I remember so well when we faced the problem of dealing with Federal employees back in the 1980s. We determined that a thrift plan was necessary. We encouraged members of the Federal employee workforce to set aside a portion of their income. For every $2 they set aside, the Federal Government agreed to match it with $1.

I think this thrift plan has proved to be a decisive factor in maintaining the employment of key employees because it gave them a chance to reach out and be part of the general economy, to invest in the issues that were covered by the thrift plan management group. I do believe it has been a successful venture.

I hope the exploration we make of the President's suggestion leads to a similar type of circumstance, to a similar development of the opportunity for everyone covered by Social Security to similarly participate in funds that are part of the general stock market, part of the general investments of the United States. So many investors now in our country participate in that way.

ORDER OF BUSINESS

Mr. STEVENS. Madam President, if there is no further business to come on this side—and I do not think there is—I yield back the remainder of our time and ask for the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Madam President, I yield back the remaining time on our side.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CARLOS M. GUTIERREZ TO BE SECRETARY OF COMMERCE

The PRESIDING OFFICER. Under the previous order, the hour of 3 o'clock having arrived, the Senate will proceed to executive session for consideration of Executive Calendar No. 1, which the clerk will report.

The legislative clerk read the nomination of Carlos M. Gutierrez, of Michigan, to be Secretary of Commerce.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate on the nomination, with 1 hour of debate under the control of the Senator from Alaska, and 1 hour of debate under the control of the Senator from North Dakota.

The Senator from Alaska.

Mr. STEVENS. Madam President, it is my intention to make a statement presenting the nominee's qualifications and the consideration the Commerce Committee gave to this nomination, to be followed by time that I will yield to the Senator from Hawaii, Mr. INOUYE. I hope that will be acceptable to Senator DORGAN. His time would start following Senator INOUYE's time, who I understand is on the way to the Chamber.

This was the first nomination that came before the Commerce Committee after I became chairman. President Bush nominated Mr. Carlos Gutierrez to be Secretary of Commerce on November 29, 2004. Mr. Gutierrez is the chairman and chief executive officer of the Kellogg Company, a major food products company based in Battle Creek, MI. The incredible story of how he got there, rising through the ranks, is a testament to the American spirit.

Shortly after Fidel Castro assumed power in Cuba during the Communist revolution, Carlos Gutierrez and his