

to war were simply false. The administration claimed there was a connection between Saddam Hussein and al-Qaida. Not true.

The Bush administration claimed that there were weapons of mass destruction there. Not true.

The Bush administration claimed that the war would cost “in the range of 50 to 60 billion dollars.” Not true. The wars in Iraq and Afghanistan, including the next supplemental to be brought before the Congress in coming weeks, will total a half a trillion dollars, nearly \$7 billion a month spent just in Iraq.

The Bush administration said before the war the oil revenues from Iraq could bring “between 50 and 100 billion [dollars] over the course of the next two to three years.” Not true again.

President Bush announced, “Mission accomplished,” on May 1, 2003. He lulled the Nation into believing that it was all settled: Families, look forward to your kids coming home. Look forward to families restored. Look forward to fathers and mothers coming back to their children. He told the Nation that major combat in Iraq was over. Not true. Ninety percent of the Americans who have died in Iraq have died since combat operations had supposedly “ended.”

The Bush administration claimed that the Iraq insurgency was in its “last throes.” Not true. We know the insurgency has gained strength. General Abizaid recently said the number of foreign terrorists infiltrating Iraq has increased.

Since the last week of February, sectarian violence and death have reached new heights, while electricity production has dropped below prewar levels. Unemployment ranges from 30 to 60 percent.

The American people do not want their leader to deny reality. They want to hear the truth.

People on the floor of the Senate have heard me say it time and time again: I will never understand why the President of the United States refuses to let journalists, photographers, journalists who do photography, come in and take pictures of flag-draped coffins—flag-draped coffins. It is the country’s last sign of honoring its dead. They are unable to take pictures of that because they do not want to tell the American people the truth about what is happening. It is, in my view, insulting to those families whose loved ones sacrificed their lives on the battlefield. Outrageous.

They do not want to tell us the truth. What they want to do is tell us untruths. Leaking information is inexcusable, when the penalties for anyone who leaks that information could be jail time.

The President of the United States, President Bush, under the guise of releasing the classification of sensitive material, had passed information, with Vice President CHENEY apparently being the person who furnished it, ac-

ording to Libby, who is now fighting for his freedom. So he is saying things that he can prove, I would imagine; otherwise, he would not dare say it.

We are sick and tired of this war. I am not saying what the date is that we have to leave there, but I am saying that the date has passed for the truth, for knowing what is really happening there, for knowing what our troops and their families can expect.

Last week, I went to a return-home function in New Jersey, people who have come back. They were away, some of them, 18 months—little kids running around who haven’t seen their fathers or mothers for that period of time. It is outrageous. We are in a state of confusion that defies imagination, that we, this country, with all of its might and all of its wealth, can’t figure out some way to deal with this problem, after having made empty promises about how easy it was going to be—“treats and sweets” was one of the expressions used—totally misunderstanding, not thinking about what it was going to take, not only to fight this war but how do you win it. And winning it means that you go home triumphant. Not so.

We see in front of us a situation that reminds us of the sad days of Vietnam, when we wanted to extricate ourselves and couldn’t quite do it until the pain was so excruciating that the population could no longer stand it. We need a leader who sees clearly what is really happening and who speaks candidly—we can take bad news; we don’t like it, but we can take it—about what is taking place in front of our eyes on television and newspapers in our homes. We can take the news. We will accept it and fight on to rebuild our strength and our moral conviction about what we are doing. But we need to know the truth on how to do that.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MARTINEZ. Mr. President, before I speak on the subject of immigration, I would like to make a couple of brief remarks, having noted the comments of the distinguished Senator from New Jersey about the difficult military struggle we are in today in Iraq. I wanted to make the observation that the distinguished Senator talked about his very honorable and distinguished service at another time and in another struggle during World War II. He speaks with shock and dismay—and it is a subject of great dismay—about the fact that there has been death and there are family separations and there are injuries as a result of the great sacrifice our men and women are making

today in Iraq with great valor and distinction which we highly honor, just like he and others did in World War II.

The question is, Is it worth it? Are we in this matter of a war over there with a choice to do anything other than success?

What I didn’t hear from the Senator was a solution, a plan, an idea of how he might extricate us from this effort differently. I believe the only way is to pursue it until its conclusion, when it is ultimately a peaceful and democratic Iraq. To do otherwise would do great harm to the honor of those who serve and those who have sacrificed.

IMMIGRATION

Mr. MARTINEZ. I turn now to a subject we have been involved in all this week, the subject of immigration. I am very pleased that Leader FRIST and Chairman SPECTER have chosen to utilize the product of the good work of Senator HAGEL for a number of years, for over 5 years, on this issue of immigration, an effort which I was glad to join in over the last couple of weeks and which now appears to be poised to be the basis of a sensible and reasonable compromise. I am pleased that this will be the vehicle which will be on the Senate floor when we return to this topic sometime in the next month. I am grateful to Senator MCCAIN and Senator KENNEDY for their leadership on this issue, for all the work they have done. Others who have worked with us on this—Senators BROWNBACK, GRAHAM, SALAZAR, and LIEBERMAN—have all been a huge help as we tried to put together a way in which we can deal better with this complicated and very much broken down system of immigration.

We approach this issue by securing the borders, by dealing with a guest worker program, and by recognizing that the 1 million people who are in this country living under the radar, in the shadows, need a way out, need a way for us to welcome them into the mainstream of American life where they have now been, many of them, living for years and years, contributing, working, making a difference.

It does not give them amnesty. It requires a number of steps for them to go through. For those who have been here 2 years or less, it does not provide for them a vehicle to remain. For those who have been here 5 years or less, it requires that they return to a port of entry and make a legal entry into the United States before they can then follow a path toward normalized and regularized status.

The provisions of this bill have the support and encouragement of a large majority of the Senate. I hope over the next several days the procedural issues which prevented this matter from being voted upon, where I believe—and I know Senator HAGEL believes—we would have had substantial majority support, will have a chance to be heard. I am still hopeful and optimistic. It is

too important to the country. It is an issue that deserves a response. It deserves an answer and needs a solution.

I am very pleased to be working with the Presiding Officer on this issue. I hope in the next few days and weeks we will have an opportunity for full, fair debate and then a vote up or down on what is something of great need so we can engage with the House of Representatives in a conference committee and final resolution to this difficult issue for America.

I yield the floor.

The PRESIDING OFFICER. The distinguished assistant majority leader.

Mr. MCCONNELL. Mr. President, let me commend the Senator from Florida and the occupant of the chair for their extraordinary leadership on this difficult issue the Senate has been wrestling with for the last couple of weeks. I join the Senator from Florida and the occupant of the chair, the distinguished Senator from Nebraska, in hoping that this issue will come back before the Senate and we will be able to deal with it in a comprehensive manner sometime in the very near future.

CONFERENCE ON THE PENSION REFORM BILL

Mr. REID. Mr. President, I am concerned with the lack of progress being made in conference on reaching a final agreement on the pension bill. To this point, little movement has been made to bridge the differences between the House and Senate bills.

This process does not need to be a partisan one. Throughout consideration of the pension bill, Democrats have worked with Republicans to move forward on pension reform. The Senate, working in a bipartisan manner, was able to produce a strong bill that passed by a vote of 97 to 2.

Democrats are eager to participate in the conference negotiations and are committed to enacting a strong pension reform bill. It is my hope that a conference agreement can be completed in a timely manner so that the uncertainty surrounding pensions can be resolved.

However, House Republicans seem intent on producing a bill without including Democrats. That would be unfortunate and is likely to produce a bill that fails to meet the principles supported by the Democratic caucus.

The Senate pension bill was crafted with bipartisan participation, and that approach produced a bill that received almost unanimous support in the Senate. Working together, the conferees can produce a conference agreement that would garner an equally strong vote.

Attached is a set of principles that our caucus has supported throughout consideration of this important bill. I believe these principles should be the basis for any agreement reported by the conference. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The conference agreement should include balanced funding rules

The conference agreement should strike a proper balance between improving pension funding and keeping these plans an attractive benefit option for employers. While there is a trend away from defined benefit pension plans and this trend is likely to continue, rules should not be enacted that exacerbate this problem.

The key is to establish new rules that impose stronger funding requirements while maintaining incentives for employers to continue these plans. The Administration missed the mark on this. Their focus was primarily on the health of the PBGC and the ramifications for the future of defined benefit pension plans were considered collateral damage.

Democrats in the Senate share the concern over the PBGC's finances, but they also want help to preserve the traditional defined benefit system.

The conference agreement should protect older workers while clarifying the status of cash balance plans

As a type of defined benefit pension plan, cash balance plans contain protections for participants that Democrats support.

Cash balance plans are insured by the PBGC. They provide greater portability for workers. And they are more easily understood by participants.

On the other hand, some companies used conversions to cash balance plans to hide the fact that they were cutting benefits for workers. In some instances older workers saw their future pension accruals frozen for many years as a result of "wearaway" provisions of the new plans.

Recent court decisions on the legality of cash balance plans have created uncertainty for employers who maintain cash balance plans. Congress should clear up this uncertainty, but Senate Democrats will insist that rules be established to protect older workers.

The conference agreement should include targeted relief for troubled industries

The airline industry, and more importantly its workers, has faced difficult times the past few years. Those difficulties are likely to continue for some time.

In recognition of these difficulties, the Senate bill gives the airlines more time before the new stricter funding rules apply. This idea also has strong support in the House where a motion to instruct the House conferees to accept the Senate provision passed by a vote of 265-158.

The conference agreement must include relief to troubled industries.

The conference agreement should improve employer-based retirement savings plans

The Senate bill includes changes to defined contribution plans that address the problems uncovered as a result of the collapse of Enron.

These changes include getting better and timelier information to plan participants and giving participants greater ability to diversify away from employer stock.

The Senate bill also includes provisions allowing employers to incorporate automatic enrollment in their plans. The overwhelming evidence suggests that auto enrollment will significantly increase worker participation in DC plans.

Many 401(k) plan participants are looking for specific advice on how to invest their plan assets. Employers who would like to provide this to their employers are usually

advised not to do so because it could subject the employer to liability for investment losses. The Senate bill provides employers relief from this liability so long as the investment advisors are independent.

The conference agreement should include reform of multiemployer pension plans

Multiemployer plans are defined benefit plans maintained by two or more employers. One in four pension plan participants are members of multiemployer plans.

Employers, employer associations, unions and multiemployer plans have worked together on a package of changes to improve multiemployer plan funding.

The conference agreement must include reforms that give these plans the tools they need to address their funding needs.

The conference agreement cannot include provisions that undermine patient's rights

At the 11th hour the House leadership inserted a special interest provision into the pension bill to benefit the insurance industry.

This provision would put insurance companies ahead of injured patients in any claim against wrongdoers.

The conference agreement should modernize ERISA without weakening worker protections

In the 32 years since ERISA was enacted it has served pension plan participants quite well. The Senate bill makes improvements to these rules while retaining important worker protections.

Conferees should be very cautious about going further than the Senate bill.

The financial strain facing pension plans makes it even more critical to retain provisions that guard against self dealing and conflicts of interest.

Recent scandals involving some mutual fund and other financial services providers highlights that these protections are vital to protecting our current and future retirees.

The conference agreement should be fiscally responsible

The Senate bill's cost is modest at \$12 billion, attributable to the changes made to the funding rules and the cost of the automatic enrollment changes.

The House loaded up its pension reform bill with nearly \$87 billion in tax cuts over the next ten years.

The Savers credit, which helps low- and middle income families save for retirement expires at the end of this year. It certainly should be extended, and is included in the list of expiring provisions that are part of the conference negotiations on the tax reconciliation bill.

The House also included permanent extension of the higher contribution limits for 401(k) plans and IRAs that were part of the 2001 tax cut bill. These provisions are popular, but they don't expire for another four years. There are many equally popular tax provisions that have already expired and should be considered first. For example, the research credit, the state and local sales tax deduction, the credit for hiring disadvantaged workers, and the deduction for classroom expenses paid by teachers have all already expired. Before we consider provisions that won't expire for another four years, we need to extend these important items.

The remaining tax cuts in the House bill relate to health care. Health care affordability is an important issue, which deserves to be addressed in its own right on a comprehensive basis, not piecemeal as an afterthought to this pension bill.

CFIUS REFORM LEGISLATION

Mr. REID. Mr. President, I wish to take a moment to acknowledge Senators SHELBY and SARBANES in their