

memos focusing on methods of interrogation of captured terrorists. The research memos that have been the focus of so much attention and criticism were written, not by the judge, but by the Office of Legal Counsel of the Department of Justice to Judge Gonzales as White House counsel. Those memos explored the legal interpretation of Federal law. They did not set administration policy. Indeed, the Department of Justice has since categorically withdrawn this legal analysis that has been interpreted by some as authorizing torture of terrorist detainees, stating unequivocally:

Torture is abhorrent both to American law and to international norms.

Unfortunately, these facts have not gotten in the way of a barrage of attacks on Judge Gonzales. I am disappointed but not discouraged. I am confident Judge Gonzales will be confirmed with bipartisan support. I am confident that as Attorney General, Judge Gonzales will continue to build on the successes of the last 4 years that we have seen in reducing crime and fighting corporate fraud and upholding our civil rights laws.

The judge has worked hard over the past 4 years to help America defend herself from terrorist attack while respecting our constitutional principles. In these uncertain times, we are fortunate to have a man with such high regard for the law serving our country and protecting our interests.

In closing, former Clinton Cabinet member Henry Cisneros just this month praised Judge Gonzales as "better qualified than many recent Attorneys General," and one who can rely on memories of humble beginnings, using his words, "to understand the realities many Americans still confront in their lives."

Mr. Cisneros's sentiments are widely shared. Judge Gonzales is highly qualified to be America's next Attorney General. He will make America safer, more secure. He will lead the pursuit of justice. I urge my colleagues to offer their full support to the first Hispanic-American Attorney General, Alberto Gonzales, the man from Humble.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 10:45 a.m., with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that the entire 1

hour, 60 minutes, that had been allocated for morning business still be allocated, equally divided between the Republican and Democratic sides.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. FRIST. Just reserving the right to object, I don't believe we will be using all our time in morning business. I would like to get to Judge Gonzales formally—we said at 10:45, at which time the chairman and ranking member are going to come. I think we will be yielding back some of our morning business time. If we can still shoot for 10:45, I think that will give your side an adequate 30 minutes in morning business.

Mr. DURBIN. I don't want to presume, but if we could have 30 minutes as originally allocated, that would be consistent with my request.

Mr. FRIST. Madam President, we had not originally said 30 minutes either side, but if you need 30 minutes this morning in morning business, that will be fine. We would like to start at 10:45, if possible, if that will give you adequate time.

Mr. DURBIN. If I could revise the request that the first 30 minutes of morning business be allocated to the Democratic side and the remaining time until 10:45 be allocated to the Republican side?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

GUARD AND RESERVE ENHANCEMENT BENEFITS ACT

Mrs. MURRAY. Madam President, this past weekend we witnessed a very important step forward in Iraq, as citizens around the country turned out to vote for a new National Assembly. Many Iraqis appear to have embraced the election and I, as so many others, was encouraged to see millions of them exercise their right to vote. But this past weekend's vote also really pushes to the forefront an important question back here, right here at home, about what we are doing to take care of the thousands of American soldiers who are serving us so honorably in this still very dangerous country.

Just before the elections, several news outlets reported that the Army had decided to keep our troops at their current level in Iraq for at least another 2 years. I have one of those stories here from the Tuesday, January 25, edition of the Washington Post. It is headlined, "Army plans to keep Iraq troop level through '06."

I want to read a portion of that story. It says:

With the Pentagon having relied heavily on reservists to fill out deployments to Iraq, military officers have warned recently that the pool of available part-time soldiers is

dwindling. By later this year, when the Army is scheduled to begin its fourth rotation of troops since the invasion in March 2003, all 15 of the National Guard's most readily deployable brigades will have been mobilized.

Although other Guard troops remain and could be tapped for Iraq duty, they belong to units that historically have not received the same priority in equipping and training as the brigades chosen to go in the rotations so far.

"It doesn't mean that the cupboard is bare," Lovelace said. "It just becomes a challenge then for the National Guard."

As the Army reaches farther down in the reserve force, Lovelace said, the amount of "pre-mobilization" time necessary to get the troops ready to send to Iraq is likely to increase.

"We're not going to send anybody into combat who is not trained and ready" the three-star general said. But he noted that already in each rotation, the amount of pre-mobilization time required has increased.

To continue to be able to draw on the better trained reservists, Army officials have said they are considering petitioning Rumsfeld to extend the 24-month limit on the total time a reservist could be caned to active duty.

Madam President, I ask that the full text of the story be printed in the RECORD.

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

[From the Washington Post, Jan. 25, 2005]
ARMY PLANS TO KEEP IRAQ TROOP LEVEL THROUGH '06—YEAR-LONG ACTIVE-DUTY STINTS LIKELY TO CONTINUE

(By Bradley Graham)

The U.S. Army expects to keep its troop strength in Iraq at the current level of about 120,000 for at least two more years, according to the Army's top operations officer.

While allowing for the possibility that the levels could decrease or increase depending on security conditions and other factors, Lt. Gen. James J. Lovelace Jr. told reporters yesterday that the assumption of little change through 2006 represents "the most probable case."

Recent disclosures that the Pentagon plans to beef up training of Iraqi security forces and press them into action more quickly has fueled speculation that the Bush administration could be preparing to reduce the number of U.S. troops significantly this year. As more Iraqi troops join the fight, the thinking goes, U.S. troops could begin to withdraw.

But Lovelace's remarks indicated that the Army is not yet counting on any such reduction. Indeed, the general said, the Army expects to continue rotating active-duty units in and out of Iraq in year-long deployments and is looking for ways to dip even deeper into reserve forces—even as leaders of the reserves have warned that the Pentagon could be running out of such units.

"We're making the assumption that the level of effort is going to continue," Lovelace said.

In a related development, Senate and House aides said yesterday that the White House will announce today plans to request an additional \$80 billion to finance the wars in Iraq and Afghanistan. That would come on top of \$25 billion already appropriated for the fiscal year that began Oct. 1. White House budget spokesman Chad Kolton declined to comment.

White House budget director Joshua B. Bolten is to describe the package to lawmakers today, but the budget request will come later, the aides said. Administration

officials have said privately for several weeks that they will seek the additional funding, the result of continuing high costs incurred battling an unexpectedly strong insurgency in Iraq.

Lovelace, who assumed his post of deputy chief of staff for operations in October, spoke to a small group of Pentagon reporters in what had been billed as an informal "meet and greet" session. The conversation quickly focused on the Army's planning for Iraq.

The number of U.S. Army and other forces in Iraq rose to 150,000 last month in what Pentagon officials described as an effort to bolster security ahead of Iraqi elections this weekend.

Lovelace made it clear that the Army's assumption about future U.S. force levels was not meant to prejudge likely trends in either Iraq's security situation or development of its security services. He said the planning is intended to ensure that enough units would be ready if needed and to give U.S. troops a basis on which to organize their own lives.

"It's really about us providing the predictability to our own soldiers," he said. "It has nothing to do with the Iraqi army; it has everything to do with our own institutional agility."

Asked about the Army's assumption, Lawrence T. Di Rita, the Pentagon's main spokesman, said he was "not surprised" to hear that the Army has chosen such a number, noting the need for service leaders to do such planning. "But it's not going to be the Army's determination," he said. "Ultimately, the determination will be made by the commanders" in the field.

Defense Secretary Donald H. Rumsfeld's belief, Di Rita added, "is that we will continue to see Iraqi security forces grow in capability. We will continue to see the need for the foreseeable period ahead to have a significant commitment of U.S. assistance as that capability develops. But there isn't anybody who has made any determination about timing or numbers."

Rumsfeld and other senior officials are reviewing recommendations from Army Gen. Gary Luck about measures to accelerate the training and boost the performance of the Iraqi security forces. Luck, who has returned to Washington after visiting Iraq last week, has endorsed plans by field commanders to increase the number of trainers substantially. But this increase is to come by shifting the missions of U.S. troops already assigned to Iraq rather than by deploying more forces, officials said.

"I don't think anyone has a notion that we're talking about forces in addition to what's already out there," Di Rita said. "It's a question of how to use those forces in a different way."

With the Pentagon having relied heavily on reservists to fill out deployments to Iraq, military officers have warned recently that the pool of available part-time soldiers is dwindling. By later this year, when the Army is scheduled to begin its fourth rotation of troops since the invasion in March 2003, all 15 of the National Guard's most readily deployable brigades will have been mobilized.

Although other Guard troops remain and could be tapped for Iraq duty, they belong to units that historically have not received the same priority in equipping and training as the brigades chosen to go in the rotations so far.

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"We're not going to send anybody into combat who is not trained and ready," the three-star general said. But he noted that already in each rotation, the amount of pre-mobilization time required has increased.

To continue to be able to draw on the better trained reservists, Army officials have said they are considering petitioning Rumsfeld to extend the 24-month limit on the total time a reservist could be called to active duty.

Mrs. MURRAY. Madam President, the effect of that policy is very clear. It means longer deployments, more time away from home, and a further strain on our entire military.

It is no secret that some of our soldiers are hit especially hard by this news. I am talking, of course, about our Guard and Reserve soldiers who have already faced extended deployments and long stretches away from their jobs, away from their homes, away from their families. We honor all of our troops serving overseas, but I am very concerned that these Guard and Reserve soldiers are not receiving some basic services and help that they have earned—basic services and help they most certainly deserve.

Last week I reintroduced legislation to increase services and benefits to members of the National Guard and Reserves when they are called to active duty. I offered this Guard and Reserve Enhancement Benefits Act last year to expand health care, education, financial benefits, and family assistance to help ease the burden on our Guard members and their families.

We made some progress in the Senate last year, but those important provisions were never signed into law. Now, in this new Congress, we have another opportunity to provide for our Guard men and women, our reservists, and all their families. This coincides with the introduction of S. 11, the first Democratic bill for this Congress. It is the first Democratic bill of this Congress to help increase protections for our troops and Reserve members.

Thousands of citizen soldiers from across my home State of Washington have been called to active duty over the past 2 years. These very brave men and women and their families deserve the same support that other military units receive when they sacrifice to serve our country. My bill tells Guard and Reserve members across America that we are committed to providing them and their families with the health, financial, and social support services necessary to get through this difficult time.

According to the Pentagon, 239,000 National Guard members have been called to active duty. Currently, 192,500 Guard and Reserve members are serving on active duty as part of Operation Enduring Freedom and Operation Iraqi Freedom. Thousands of Washington State Guard members have been activated over the past 2 years. This is the largest activation since World War II.

Hundreds of Washington State reservists have also been activated, and 150 local Marine Corps reservists will

soon be deployed to Iraq as part of the Yakima-based Bravo Company 4th Tank Battalion. That is why this legislation is so important at this time.

As many other Members, I have sat and talked to our reservists as they have been called up, and I have talked with their families who have been left behind. It is critical that we provide the support and services they need so they can do this important job that this country has asked them to do.

My legislation would begin by extending the current Family and Medical Leave Act protections to the spouses of guardsmen and reservists called to extended active duty. This is really important. The families who are left behind are struggling as single parents to try to raise their family. They should not have to worry about losing their jobs and their income when their loved one is sent overseas. So the first part of our bill simply extends the Family and Medical Leave Act protections so these spouses who are left behind can take care of the issues they need to take care of as their spouse is called overseas.

Second, it provides childcare assistance grants to parents or guardians of dependents of guardsmen and Reservists called to active duty. This is really important. Most of these Guard and Reserve members are not on a base, so they don't have access to childcare facilities that Regular Army and other people have on the base. They are out in our communities, across my State and across this country.

So child care is especially important to them when their spouses are sent overseas and they are left with how to deal with child care—an issue that is always critical to families.

It becomes extremely critical when you lose half of your family, when they go to a place that can't help with child care. Childcare assistance grants are an important part of our package.

My bill also expands the GI bill for members of the Guard and Reserves who are called to active duty for 12 consecutive months or 24 months out of a 60-month period.

This is something that is really important. When we send these men and women overseas to serve, they should have access to the GI bill when they return so they can enhance their own lives and get a job and be productive members of our society.

Next, our bill provides relief from interest and defers payments of unsubsidized student loans.

I met with Reserve members before they left. Many of them were students or were just finishing college, and they were extremely worried about how they were going to pay their student loans while they were deployed, or when they returned before they would be able to get back into the job market and have a steady income. We put special help in our bill for these men and women who serve us by providing relief from interest and defer payments of unsubsidized student loans so they can

get their lives back together when they return before they start to pay back their obligation.

Next, our bill requires any college receiving Federal funds to offer students returning from active-duty service readmission without penalty or additional fees.

You can imagine, if you are in college attending classes and you are called up to serve your country as a member of the Guard and Reserve, you are concerned that when you return you will not be able to get back into that school and finish the college degree that you started. Our bill provides assurance to these students who have been called up that they will be readmitted into any college that receives Federal funds, so they will know when they return that they can continue their lives.

Next, we reduce the age for members of the Guard and Reserve to receive retirement pay. This is a critical issue for many of our Guard and Reserve families who face extreme hardship as their family member serves overseas. We want to make sure they can receive retirement pay at an age that benefits them.

Next, our bill requires the Federal Government to cover the pay differential for Federal employees who are called to active duty. When I talked to these Guard and Reserve family members, they were worried about how they were going to make sure their families would be able to pay the mortgage on their home, or how they were going to pay their school costs and put food on the table because of the reduced pay from the Government.

This bill will make sure the Federal Government that is calling these members up to serve pays the differential for our Federal employees so they do not lose income while they serve this country overseas.

Next, our bill allows employers to claim up to \$15,000 in tax credits for the pay deferential of Guard and Reserve members. Across this country and in my home State, we have many businesses that have employees who have been called up to go overseas and serve their country. It is especially difficult for small businesses that lose their employees for 6 months, for 12 months, or longer. And this bill provides a tax credit to help them make up the pay of those employees when they go overseas.

Finally, our bill makes access to TRICARE permanent for all members of the Guard and Reserve and their families, regardless of employment or insurance status. This is an extremely important provision of this bill.

I think probably the No. 1 issue I heard from these families as I talked to them was, What do I need to do about our health care? We had our health care under a member who has been called to serve overseas. When we lose that, how do we transition? What do we do about a sick child with ongoing illnesses and family members with health

care challenges? How do we get through this?

I think it is important that this year we enact into legislation assurance for the family members of those who serve overseas that their family left behind will have access to TRICARE and health care.

Tours of duty are being extended and new units are being deployed. I believe we have an obligation to ease the burden for these Guard and Reserve families.

Supporting our troops means more than just passing multibillion-dollar supplemental appropriations bills whenever the President asks. Supporting our troops must also mean that we look after the soldier and his family's well-being back at home. It means ensuring they get quality education, it means ensuring they get good health care, and it means access to a job, and childcare for their families.

I have spoken many times on this floor and in every corner of my State about the need to take care of our troops. Oftentimes, that means supplementing our floundering veterans care system. I talked about it on the floor extensively last week.

But with this legislation I am talking about today, we have an opportunity to provide help where it is needed now—help for the thousands of heroes and their families who are dedicating their lives to all of us by serving us around the globe.

I hope my colleagues will support our efforts. I look forward to working with anyone who will help move this legislation this year.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Illinois.

Mr. DURBIN. Mr. President, we were encouraged to learn yesterday that the administration has announced that it will support an increase in death benefits for our troops and their families. This has been a priority for the Democrats in Congress as well as many Republican Senators who have suggested it.

I have cosponsored legislation with Senator Mike DeWine of Ohio proposing increases in death benefits as well as health insurance and educational assistance for the families of those soldiers who lose their lives in service to our country.

In fact, one of the highest priorities on the Democratic side is a second bill standing with our troops which embodies that particular proposal that the President endorsed yesterday. But there is a lot more that needs to be done.

In the bill on the Democratic side, we proposed that there be additional provisions for our troops, and Guard and Reserve forces and their military families and American veterans. Unfortunately, we have not heard from the administration that they support these other proposals.

Let me tell you, though it is incredible to believe, if a soldier gives his life

in service to his country today in combat, that soldier's family is entitled under the law to \$12,000 in death annuity benefits—tax-free death benefits. Twelve thousand dollars is hardly enough to give to a spouse and her children when a soldier dies in combat. We have proposed that be increased at least to \$100,000. I support a proposal that it also be increased by \$25,000 for each dependent; that life insurance, if you can acknowledge that, is virtually the same thing—that this death benefit is going to be adequate to help that family through some extraordinarily challenging financial circumstances.

The bill that the Senate Democrats have proposed, S. 11, would also include systemic improvements to the Pentagon's ability to manufacture and distribute the best equipment to our troops, including \$7 billion for the Army and Marine Corps to replace equipment destroyed in Iraq.

This provision will ensure that we pay death gratuities to fewer families in the future. Keeping our troops safe is the best thing to do to bring those soldiers home with their mission accomplished, and being attentive to the issue raised by the Tennessee Guardsman who stood up just a few weeks ago and asked Secretary Donald Rumsfeld, Why do I have to rummage through a dump to find pieces of metal to put on the side of my Humvee to protect myself? It was an embarrassing moment for the Secretary and for our country to think we spent billions of dollars and sent 251,000 of our best and bravest into harm's way in Iraq and have this circumstance.

We believe we must, in the first instance, let our troops have the training and the equipment they need to be safe. In addition, Democrats believe they should have full access to military TRICARE benefits, all reservists and their families. TRICARE is the health insurance for the military. There is a limitation. For example, if a combat soldier dies in the line of duty, the TRICARE benefits or health care benefits are extended to his dependents only for a 3-year period. That is unrealistic. If you have a young child in a family who lost a soldier overseas, we believe the TRICARE benefits should be extended until that young person reaches the age of 21. I believe it should be age 23 if they are going to college. That is a reasonable proposal. It was not in the suggestion of the administration yesterday, but we believe it should be included.

We also believe there should be tax incentives for private companies to make up the difference between civilian and active military pay when the reservists and guardsmen are called to duty, and a requirement that the Federal Government do the same.

This is a project that is near and dear to my heart. Twice on the floor of the Senate I had an amendment passed that said the Federal Government should make up the difference in pay for Federal employees who are activated as guardsmen or reservists to

serve in Iraq and other places around the world. We salute all the private companies that do that. Sears & Roebuck is a good example, and many others in my State—and many units of State and local government. But it is shameful to know and acknowledge that the Federal Government does not make up the difference in pay.

How can we say that all of these other companies did the right thing by standing by their employees who are risking their lives for America and the Federal Government does not do the same thing?

If someone has a pay check for \$60,000 a year working for the Federal Government, and they are a member of the Illinois National Guard and activated for service and their military pay is only \$40,000 a year, I believe the Federal Government should make up the difference of \$20,000 a year. Private companies do it; State governments do it; local units of government do it. Why doesn't the Federal Government do it?

Twice we passed an amendment on the floor only to see it die in conference committee. I think it is important that this finally pass.

In addition, we want to repeal the prohibition against receipt of both the Survivor Benefit Plan and the Dependent and Indemnity Compensation so the soldiers can receive the full amount of the survivor benefit owed to them. We want to have full concurrent receipt for all disabled military retirees of both disability compensation and retirement provisions. We also want to guarantee funding for veterans health care.

We made a promise to the veterans of America—those who will be veterans and who are serving today, and those who served in the past. We promised that we will stand by them for their health care in the future. We have to put the money in our budget to make that promise good.

Finally, we want to expand the mental health services. This provision which we support will improve resources available to the estimated one out of every six military personnel in Iraq who are at risk of dealing with posttraumatic stress disorder.

It is a sad fact of life that many of these soldiers who witnessed horrendous events come back trying to resolve in their own minds the horror they have witnessed. We need to stand with them and give them a helping hand. I think that should be part of this administration's proposal.

SOCIAL SECURITY

Mr. DURBIN. Mr. President, another issue that is, of course, timely and is brought up on a regular basis is the future of Social Security.

I believe there is a problem with Social Security. The President has said the same. However, I don't believe President Bush's plan to privatize Social Security is going to help. I think it is going to make the problem even worse.

Social Security should be strengthened, not weakened. Why isn't President Bush's plan the right way to save Social Security?

First, President Bush's plan would make deep cuts in the benefit paid under Social Security and in the process dramatically increase the deficit. The President's privatization plan for Social Security diverts money from the Social Security trust fund and creates an immediate cash-flow problem affecting seniors and those who are retiring right now.

We know that untouched the Social Security Program will pay every benefit promised with the cost-of-living adjustment until the year 2042, at a minimum. Some estimate 2052. For 37 to 47 years, Social Security is sound and solvent.

In comes President Bush who says we need to change Social Security. We need to take money out of the Social Security trust fund and allow people to create private accounts.

Private accounts may have some value. But what about the money the President just took out of Social Security? Unfortunately, the President has not suggested how we would pay back that money to Social Security. As a result of the President's proposal, if the Social Security trust fund is diminished in size and weakened, unfortunately, it will run out of money even sooner than the projection of 2042.

President Bush's plan to privatize Social Security does not make it stronger, it makes it weaker. The President cannot explain how he will make up for the money that he takes out of the Social Security trust fund. The President's privatization plan will cost up to \$2 trillion in the first 10 years, and then up to \$5 trillion in the second 10 years. It is an extremely expensive proposal.

Where would we come up with the money to make up the difference, \$2 to \$5 trillion? The President suggested we add it to the national debt, a national debt which has already reached a record level. How do we take care of our national debt? Who comes in and loans money to make up for a national debt? Mainly foreign governments; No. 1, Japan, China, and Korea. The President's proposal to privatize Social Security not only weakens Social Security, it creates a greater debt for Americans and forces us to be more dependent on foreign governments to loan us money. That is the only way we sustain our national debt today. That, of course, is a challenge. If those foreign governments, for whatever reason, decide not to buy America's debt, we are in a perilous position. We will have ourselves a debt and a situation where our interest rates will have to go up substantially to attract others to buy our debt.

That is not where America should be. That \$2 trillion deficit will not bring us any closer to Social Security solvency. In fact, it makes the Social Security system that much weaker.

The President has said over and over his plan to privatize Social Security is voluntary. If you do not want to create a private account with the President's plan, he says you do not have to. That may be, but, understand, when the President takes money out of the Social Security trust fund leading to benefit cuts, those benefit cuts are going to affect people whether or not they choose to have a private account. To say it is voluntary is to overlook the obvious. The cost of this privatization plan will affect every Social Security retiree whether or not they want to sign up for President Bush's privatization plan.

The President argues Americans will do better in the stock market than they would if they wait for Social Security benefits. That is possible, but there are risks attached to investment. Every ad on television for a mutual fund or investment says the same thing: Past performance is no indication of future return. What they are saying is, there is risk involved. If you put your life savings, your retirement savings, into a private account under President Bush's plan, you may come out ahead, but then again you may not.

Relying on Wall Street is like playing retirement roulette. You may guess right, you may come out ahead, but those who are invested in mutual funds in the stock market over the last 4 or 5 years know there have been probably more losers than winners.

Keep in mind that under the President's plan, part of all of your retirement savings invested are going to be paid to Wall Street stockbrokers for so-called administrative fees that can reduce your benefits by 25 percent—a windfall for Wall Street at the expense of retirees across America.

Democrats want to encourage and support retirement accounts not at the expense of Social Security but in addition to Social Security. We should change the Tax Code to encourage people to save, encourage people to create individual retirement accounts, 401(k) plans. We can do that but not at the expense of Social Security—in addition to Social Security.

Some say private accounts would be more efficient. Keep in mind the President's Commission on Social Security came up with the only plan we have for private accounts so far, and they would call for a massive new Government agency to administer these Social Security private accounts. This Government board will control the investment accounts of some 47 million Americans and administer the program. The private accounts will cost the average senior \$134,000 in lost Social Security benefits over a 20-year period. This is not the great positive thing that has been portrayed.

Young people like to invest money. That is a good thing. Savings and investment ought to be encouraged, particularly by young people. We need to make certain we do not have savings and investment at the expense of retirement benefits that workers have