

and they act on it, and then to separate out the minimum wage and the tax provisions and send them to conference with the House on minimum wage and the tax provisions.

I think that is the way to do all three of the issues. It is a fair way to proceed. It is a simple way to proceed. It gets rid of the blue slip problem, and then we can count on the conference to act on both bankruptcy and the minimum wage increase and the small business tax provisions.

I just wanted to explain what was involved before I ask for unanimous consent. But I am prepared to do that.

I ask Senator DASCHLE, do you want to comment before I propound that request or would the Senator like to do it after I do the request?

Mr. DASCHLE. Mr. President, I appreciate the majority leader's effort to try to move this legislation along. This bill, the bankruptcy bill, passed the Senate with more than 80 votes. Whether or not we get unanimous consent is not relevant. What is relevant is that we get these two pieces of legislation successfully completed in a timely manner. If we are not able to get unanimous consent, I intend to support finding a way to assure that we do go to conference both on the bankruptcy bill and the minimum wage.

I am hopeful we can instruct the conferees with regard to minimum wage. It would be my hope, at least, that the Senate could express itself in regard to the issue on minimum wage prior to the time we go to conference. But if we could accommodate that request, that we have at least an opportunity to express ourselves on the conference itself, then I would certainly be supportive of moving on a motion to proceed to two conferences—one on bankruptcy and one on minimum wage.

The distinguished Senator from Vermont, and others, Senator TORRICELLI, Senator DURBIN, and others, have done an extraordinary job in getting us to this point.

We have a much better bill, a stronger bill, in the Senate on bankruptcy than we do in the House. I hope we can take what we have been able to accomplish in the Senate and bring our House colleagues to the realization that that is the kind of legislation that will be signed into law.

On the minimum wage, the House version, at least in terms of the 2-year approach, is the one the President said he will support. It enjoys strong support in the Senate as well. We are concerned about the size and magnitude of the tax provisions. If we could target those, we would be in good shape on that as well.

I understand the majority leader's interest in moving this. We want to be supportive in that regard; most of us do. I am hopeful we can accomplish it through a unanimous consent request.

Mr. LEAHY. Will the distinguished Senator yield?

Mr. LOTT. I am glad to yield to Senator LEAHY.

Mr. LEAHY. I agree with what the distinguished Democratic leader said. I would like to see us move forward. The bill we put together passed 83-14. The distinguished leader is right; it was in excess of 80 votes. There was a tremendous amount of work on both sides of the aisle. Senator HATCH, Senator GRASSLEY, Senator TORRICELLI, and I were the four floor leaders on this, working with others—Senator REID, Senator DASCHLE—to get people to take away hundreds of amendments. We got rid of those, and we got down to several on which we voted and passed in a good package. I would advise the two leaders, I have been working with Senator TORRICELLI, Senator HATCH, Senator GRASSLEY, and Senator SESSIONS to try to whittle it down even further, but to have a packet, one that could be acceptable on both sides of the aisle and also could get signed down at the other end of Pennsylvania Avenue.

Mr. LOTT. If the Senator will yield on that point.

Mr. LEAHY. Yes.

Mr. LOTT. I have been keeping in touch with the informal discussions that have been going forward.

Mr. LEAHY. I know the majority leader has.

Mr. LOTT. I have the impression that the Senate potential conferees, Democrat and Republican, have come up with a good proposal and are ready to go forward with serious negotiations that I hope could be completed relatively quickly.

Mr. LEAHY. I hope we will find a way to go through this. I realize we have issues of the minimum wage and others. We ought to vote them up, vote them down, whatever is necessary. I advise both leaders, I think we have put together a good, bipartisan, compromise package that could be the basis of final conference action and, if it were, would be signed by the White House.

Mr. LOTT. Mr. President, if I may just comment one second more before I propound the UC request, with regard to Senator DASCHLE's comments, we do have a good, strong, bipartisan bankruptcy bill that we have passed. We also did have a debate and discussion on the minimum wage issue and the tax provisions. I didn't choose the debate and the amendments to occur on this bill, but I knew it was going to come up and it should come up at some point. So it was offered to the bankruptcy bill. We had a good debate. We had a vote.

The interesting thing about the minimum wage, I think the parameters are pretty clear. We have the Senate-passed version, the \$1 increase over 3 years, and the House version, that increase over a shorter period of time, only maybe a year or so. Then in the Senate provision, we have some small business tax offsets, a relatively small package. The House has a bigger package on the tax offsets. I think the parameters of the discussion on minimum wage are all represented in the two

bills that have been passed. We can get conferees from the appropriate committees, and they can look at the minimum wage increase, and over what period of time, and the small business tax offsets or other tax provisions, and have a good conference and be able to get a result. I hope we can do that without delay.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to H.R. 3081, the House minimum wage bill now at the desk, and that one amendment be agreed to, which is the text of the previously passed Domenici amendment No. 2547 now in the form of a substitute relative to the minimum wage, the bill then be advanced to third reading and passed, and the motion to reconsider be laid upon the table.

I further ask unanimous consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

I further ask unanimous consent that with respect to the bankruptcy bill, the Secretary of the Senate be directed to instruct the enrolling clerk to strike the Domenici amendment language just described above, all other parameters of the previous agreement be in order, and the Chair be authorized to appoint conferees.

Mr. WELLSTONE. Mr. President, I object.

The PRESIDING OFFICER. Is there objection?

Objection is heard.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. LOTT. Mr. President, objection was heard. If Senator KENNEDY would like to be recognized, I am glad to yield to him.

Mr. KENNEDY. I thank the majority leader.

Mr. President, I think Senator DASCHLE outlined what was a reasonable way of proceeding. I am under the impression that perhaps the majority leader has not had an opportunity to get into the kind of detail the Democratic leader talked about.

Although I still need persuasion on the bankruptcy bill, I know what the will of the Senate is on that issue. On the issue of the minimum wage, there wouldn't have been a blue slip on just the increase on the minimum wage. The blue slip was on the approximately \$73 billion in tax breaks that were added to the minimum wage.

The point our leader was attempting to work out was consistent with what the majority leader has outlined, and that is that at least there would be a way in which the Senate would be able to address the minimum wage. Some colleagues may object to that process, but I would not.

As I understood Senator DASCHLE's proposal and the majority leader, by

substituting the Domenici bill for the House bill, there are 3 years. That would go to conference. What he was asking for was not really any unusual procedure, just asking that we follow the Senate rules that would permit a motion to instruct the conferees that, instead of being 3 years, it would be 2 years. Given the fact it has been 6 months since the Senate acted on the minimum wage and given the overwhelming support for 2 years, which was bipartisan in the House, there might be support for that. I believe there would be, if we had that opportunity to do so.

I hope the leader will consider what Senator DASCHLE proposed because it addresses the concerns of the leader and does it in a way in which, at least for those who are the most concerned about the 11 million Americans who have not had a pay increase while we in the Senate have enjoyed a \$4,600 pay increase in 1 year, they would have some degree of protection.

Others have objected, and I join those and object with the hope that perhaps the leaders can get together and find value in what Senator DASCHLE offered as being a way to achieve the objectives of the majority leader and the Senate and still protect the interests of the minimum-wage workers in this country.

Mr. LOTT. Mr. President, if I may respond to that, I want to make sure we have an opportunity to consider those small business men and women who create the bulk of the entry-level jobs in America, to make sure they do not wind up having to go out of business or, even worse, they don't hire the entry-level people who do deserve a basic minimum wage.

What I have been trying to do is to find the quickest and cleanest way, which is also not out of the ordinary, to separate these bills and go on to conference and get a result that would be the best way to help all concerned, both those who will be negatively impacted if we don't go forward with bankruptcy reform and those who are looking for a minimum wage increase, and those small business men and women who provide so many jobs in America.

I understand if we don't do it this way, there is the further complicating factor that the bankruptcy bill will have to basically be started over again. We will have to have a new bill filed, and it will be subject to amendment. There will be a very large amount of time and difficulty in having to do that all over again. The procedure that was suggested, I believe, is amendable and debatable.

We have had this debate. The question now is, Do we want to go on and go to conference based on the votes already taken in the Senate and in the House so that could get a result? That is why I asked consent to proceed in the way that I did. But we can talk about it further. I would like to, for instance, make sure I understand cor-

rectly what is being asked for with regard to the bankruptcy reform bill because I certainly hope that we would not have to completely rework that and have that subject to amendment. We spent 2 or 3 weeks on that bill. So what we are doing here, we are talking Washingtonese, in effect. We are talking about rules and procedures and how to do or not to do. I would like to find a way to move all three of these issues, actually, quickly to conference and see if we can get a result.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the interest of the majority leader in moving this legislation along. I recall how long it was that we had to wait even to go to conference because of amendments that were outstanding. If I recall, we had to wait months, really, to accommodate, in fact, in this case, the majority; they wanted to offer some specific amendments that they were not interested in voting on until we got back from the first session of the Congress. So this has been languishing for a long time in large measure because some on the majority side were not interested in expediting consideration of this legislation. We clamored for conference last year and were unsuccessful in getting the conferees appointed last year. Now the majority leader, understandably, is frustrated and concerned for the lack of progress. That is understandable. There should not be any question that the overwhelming majority of the Senate wants to move to finish this legislation as soon as possible. It is what we clamored for last year, and it is what we have been trying to get this year.

I hope there will be some degree of cooperation and communication with regard to how we proceed. I look forward to talking more comprehensively about my suggestion. It seems to me that going to the conference with the bankruptcy bill, as he has proposed, would make sense. Going to the conference on minimum wage would make sense if we had the opportunity, once again, to express ourselves on it, since we haven't been able to do that independent of the bankruptcy debate. If we are going to have a separate minimum wage conference, there ought to be a separate consideration, at least on the motion to instruct conferees. We could agree that it would not be amendable, that it would be expedited and not delayed, but simply a vote would make a lot of sense, it seems to me. I am prepared to talk with the majority leader at greater length. We all recall how long it took to even get the bill completed, and that was in large measure because we weren't able to complete it as a result of concerns expressed by the majority.

We have now completed it. We now want to move on to the second phase of it. I want to work with the majority leader to see that it happens.

Mr. LOTT. Mr. President, I will inquire of Senator DASCHLE. Do I under-

stand correctly that there is some thinking that we would have to start over on the bankruptcy bill—or did that come as a surprise to the Democratic leader? I had not had a chance to discuss that point with him—and that it be subject to amendment and everything all over again? Has the Democratic leader had a chance to look into that aspect of what we are trying to do?

Mr. DASCHLE. Mr. President, I am not aware of any effort on the part of Senators on this side to renew debate and start all over. As I said, I am more than willing and prepared to go to conference and to support efforts parliamentarily to ensure we are successful in going to conference.

I understand there are some strong feelings by a very distinct minority of the minority. It is their right, and certainly I respect their right to object. But there are other ways to deal with the issue, and I am prepared to find ways.

Mr. LOTT. I ask the Senator to check into that and see if we can work through that point. I understand there are some Senators on that side of the aisle who do wish to go through that whole process again on bankruptcy. That would be an important part of working out this whole maze of procedural questions.

Did Senator WELLSTONE wish to comment?

Mr. WELLSTONE. Mr. President, I wanted to make sure that I object. I don't know if we have to go through the whole thing. The majority leader said we are talking in Washingtonese. To be clear about it, I think the bill was harsh. It has a disproportionate impact on the poorest citizens, and it takes some off the hook—

Mr. LOTT. The bankruptcy bill?

Mr. WELLSTONE. That is correct. We object to it being separated out. We want to focus on this bill, and we want to have an opportunity to have further discussion and debate on the floor of the Senate. So I object on that basis.

Mr. LOTT. Would Senator FEINGOLD like to speak?

Mr. FEINGOLD. Yes, I want to say a couple of words. I join in the objection. I make no secret of the fact that I oppose each portion of the bill. It is very unbalanced, and there is far too much money behind the bill. I oppose the minimum wage portion because it involves 3 years rather than 2 years. I am especially concerned about the tax piece because it involves some \$70 billion-plus that isn't paid for.

The reason I am objecting is because of the way this was put together. It got a high number of the majority by combining these different elements. In effect, the pot was sweetened by adding on the minimum wage and the tax provisions. I think it is inappropriate at this point to sort of bait and switch this. You close up the bill by putting these things together, and when they come back, you can't do anything about it under this procedure; it flies

through. All we are asking, as Senators KENNEDY and WELLSTONE have said, is that we have an opportunity to have the motions to instruct, and the minority leader's plan would provide that. That is the reason for my objection. I thank the Chair and the majority leader for the opportunity to comment.

MEASURE READ THE FIRST
TIME—H.R. 3081

Mr. LOTT. Mr. President, I understand that H.R. 3081 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3081) to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, to amend the Fair Labor Standards Act of 1938 to increase the minimum wage, and for other purposes.

Mr. LOTT. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I did want to propound a unanimous consent request with regard to how to proceed on the crop insurance legislation, which is the legislation that is next in order for consideration. I understand there have been discussions throughout the day to work out an agreement on that. I wish to make sure Senator DASCHLE has had a chance to personally review it.

After consultation with the Democratic leader, I believe we are very close to getting an agreement. We believe we can work this out and be able to proceed this afternoon. Based on that assurance, I will withhold that request at this time. I would like for us to continue to work and see if we can get it worked out as soon as possible so we can begin to have debate and go forward with amendments. We are thinking in terms of maybe six or so amendments and then final passage. We will work on that more and will return to that shortly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, I will take a moment at this time to review where we are on the question of the increase in the minimum wage. We have been trying to get, over the period of the last 2 years, a vote on a 2-year increase in the minimum wage—50 cents this year and 50 cents next year—for the 1 million Americans who are at the lowest level of the economic ladder.

These men and women are the ones working as aides for schoolteachers in our schools. They are working in nursing homes taking care of millions of our senior citizens in those conditions. These are the people who clean out the buildings at night so American businesses can continue to function effec-

tively over the course of this extraordinary expansion. But as we see this extraordinary expansion in terms of our American economy, the group that has not benefited is the one at the lowest end of the economic ladder. These are men and women playing by the rules and working hard. They have not been able to see the appropriate kind of increases in the minimum wage.

If the minimum wage today were to have the same purchasing power it had in 1968, it would be \$7.50 an hour. This whole group of Americans have not only not participated in the expansion of the American economy, they have fallen further and further behind.

That is why we believe we ought to have an opportunity to address this issue on the floor of the Senate, and do it in a timely way.

There are questions about what the Senate is doing and how busy the Senate is. We are prepared to have a very short time limit. Every Member of this body knows what this issue is about. I think every Member of this body has voted effectively on the question of the minimum wage over a period of time. It is a rather simple, basic, and fundamental issue. It is an issue of fairness to millions of Americans. It is an issue involving women because close to 70 percent of all of the minimum-wage workers are women. It is an issue of civil rights because the majority of the workers who get the minimum wage are men and women of color. It is a children's issue because the majority of women who are receiving the minimum wage have children.

This has enormous implications in terms of how these children are going to grow up, what kind of home they are going to be in, and how much time their parents are going to have in terms of spending quality time with these children when they are working one or two, and in some instances three different minimum-wage jobs.

It is ultimately and finally a fairness issue where the overwhelming majority of Americans believe, and believe very strongly, I think, that men and women who work 40 hours a week for 52 weeks a year ought not live in poverty in the United States of America.

That is what this issue is basically all about, and we in the Senate are being denied the opportunity to vote on that issue. That is what is offensive.

This body was prepared to vote on a pay increase of \$4,600 to be implemented immediately. They were prepared to go ahead on that. They are not prepared to delay that. But when you talk about a \$150 increase in the minimum wage, they want to spread it over 3 years.

This is an issue of fairness. People ought to have accountability. When Members go to the polls, people in their congressional and senatorial districts ought to know how they stand on this issue of fairness. We are being denied that opportunity by a majority in the Senate. That is wrong.

Anyone who believes we are not going to continue after this issue

doesn't understand the rules of the Senate. We are going to be voting on a 2-year increase in the minimum wage. We are going to be voting on it soon, and we are going to be voting on it again and again and again. So get used to it because you are going to vote on it. You will be able to go back and say: Oh, yes. I voted one time to increase it for 3 years. Yes; I voted against it 15 times for 2 years. And for all those in small business, I voted for a \$73 billion tax break, unpaid for.

The House bill was \$123 billion. We don't want to hear from that side of the aisle about fiscal responsibility anymore—\$73 billion at the drop of a hat and \$123 billion over in the House of Representatives and 90 percent of it goes to the top 5 percent of the American taxpayers. Isn't that interesting?

We are trying to get a 50-cent increase for the lowest paid Americans—tax break; 90 percent of it goes to the highest paid. We are not going to permit Members of the Senate to vote. We have a majority. We are not going to permit a majority of the Senate to vote on whether we are going to have a very simple concept of 50 cents this year—50 cents. No; we are going to take our \$4,600 and put it in our pockets and walk out of here. For every single year of that, an increase in the minimum wage is being delayed.

Do you think they are going to forget that? The other side thinks it is going to go away. It isn't going to go away. No matter how many times these little proposals are going to come up in terms of consent agreements, no matter how many times you are going to try to close out opportunities to bring this up, no matter how many times you go through the parliamentary gymnastics on this kind of issue, it is coming back again and again and again. So get used to it because you are going to get it. You are going to vote on it. Americans are going to know who is going to stand for fairness and decency and who is opposed to it and blocked it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I ask unanimous consent to be recognized in recognition of the fact that very shortly we may have an agreement on the crop insurance risk management debate. At the suggestion of the leadership, I would like to initiate debate on the subject, and perhaps we can move along expeditiously in the event we finally have a parliamentary structure in which to work.

AGRICULTURE RISK MANAGEMENT
ASSISTANCE

Mr. LUGAR. Mr. President, today we will debate a matter of special significance and timeliness to agriculture producers throughout the United States, and that is the subject of risk management legislation.

During many full committee hearings, a public roundtable and hundreds