

course, get on the side of the consumer, and promote marketplace forces and competition in the gasoline business.

I intend to use my seat on the Senate Commerce Committee at every possible opportunity to force the Federal Trade Commission to do the job it has been charged by the Congress to do. It ought to start with looking seriously into the shutdown in Bakersfield, which is going to, in my view, have calamitous consequences for the entire west coast gasoline market. But it also should include a broader look at the implication of concentration in the gasoline business.

I am hopeful that ultimately the Federal Trade Commission will support my legislation, S. 1737, which would promote more competition in the gasoline business. And if they disagree with it, the head of that agency, Mr. Timothy Muris, ought to propose his own alternative.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, before I make comments on a different subject matter, I commend my friend and colleague for addressing the issue of energy—energy production and energy costs—while he is still on the floor. We have probably close to 200,000 American troops in the gulf area to protect and preserve the countries in those regions. It seems to me it would not be asking too much of our President to jawbone those leaders to increase production. We can see what an increase of production of 1 million barrels per day and 2 million barrels a day would mean. It would have a dramatic impact and effect on consumers in this country. It is difficult for me to understand why we should not expect that kind of leadership from the President of the United States when every day we learn young Americans are losing their lives in that region, and tens of thousands of troops have been serving over in that region for years in order to protect the security of those nations.

Now we come to an issue of enormous need in our country—an important part of that because of our responsibilities in meeting the defense needs and security needs for our forces overseas. We have silence by the administration when they are asked why they aren't jawboning these countries in the Middle East.

I don't know whether the Senator could make some comment on that, just briefly. I listened with great interest to his other comments. I hope the Senate as a whole will take him to heart.

Mr. WYDEN. Mr. President, I very much appreciate the distinguished Senator from Massachusetts coming to the floor because he has done so much to help the consumer in this area. My concern—and I would be interested in the Senator's reaction—is I think the consumer is about to get hit by a perfect storm with the combination of failure to push OPEC, as the Senator

has said, to try to help on the production issue, plus the refinery cutbacks that apparently are primarily to boost profits, plus filling the strategic petroleum reserve. With these factors coming together, it seems to me a perfect storm is going to push the consumers' gasoline price at the pump to \$3 a gallon.

I would be interested in the Senator's reaction, and I am anxious to work with him in this effort to push the administration to go after OPEC.

Mr. KENNEDY. The Senator is sounding the alarm. I think his predictions are self-evident. Thankfully, he is providing the leadership before the full impact of these different events, the confluence of these different events taking place. Clearly, they will take place over the course of late spring or early summer.

I commend the Senator for bringing this to our attention. It is an enormous service, not only to the people of his State but the people of my State and the people all over this country. As we are coming into the late spring and summer, constituents will be wondering where we have been as representatives in dealing with this issue. The Senator from Oregon has outlined a very critical problem and made splendid recommendations. I look forward to working with the Senator to achieve these recommendations.

JOBS ACT

Mr. KENNEDY. Mr. President, I welcome the chance to address the Senate briefly this afternoon on the underlying legislation. We are in morning business now, and we will lay down the bill shortly. I am informed my friend and colleague from Iowa intends to offer an amendment to address the proposal being developed, that has been developed, and continues to be developed by the administration to restrict overtime pay for some 8 million Americans.

I ask unanimous consent to be able to proceed beyond the 10 minutes.

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

Mr. KENNEDY. Mr. President, before the Senate is the legislation called Jumpstart Our Business Strength Act, or the JOBS Act. The proposal of the Senator from Iowa is entirely appropriate to address this issue. He will be addressing key aspects of employment in this country; that is, the question of adequate pay for those working long hours in this country, and the proposal of the administration to cut back on their pay by eliminating the overtime for some 8 million workers.

For those who have been traveling not only in their own States but around the country—as I and other Members have—we know we are facing a serious challenge in creating good jobs with good benefits in the United States. This is affecting the quality of life of millions of American families.

The fact is, the Senate has refused to increase the minimum wage for a pe-

riod of 7 years. We have 7 million Americans, our fellow citizens, hard-working Americans, men and women who take a sense of pride even in working at minimum-wage jobs. They are the men and women who clean the buildings where American commerce takes place. They work in our nursing homes to take care of our elderly people. They work as teachers' aides in many of our schools. These are men and women of dignity. They have worked long and hard over the period of the last 7 years, and we have failed to provide an increase in the minimum wage because our Republican leadership and this administration refuse to support an increase in the minimum wage. That is fact No. 1.

Fact No. 2. Even though we have seen the total loss of some 3 million private sector jobs and now an overall loss of about 2.2 million jobs, this administration refuses to extend the unemployment compensation. The unemployment compensation fund is \$15 billion in surplus. It was paid by people who have worked hard for this very eventuality that we are now facing—this heavy, prolonged unemployment. Those who have extended unemployment, who have worked hard, should be entitled to unemployment compensation. It is in surplus.

The proposal of the Senator from Washington, Ms. CANTWELL, will cost \$5.6 billion to extend unemployment compensation for 13 weeks. There are 90,000 Americans a week losing their unemployment compensation. How do these families pay for their mortgage, put food on the table? How do they feed their children? How do they look forward to the future with any kind of sense of hope?

Where are we in responding to them in their crisis of need? Our Republican colleagues, the Republican administration, refuses to extend unemployment compensation.

If that is not bad enough, what is the administration proposing to do now? They are proposing to eliminate overtime pay for some 8 million of our fellow Americans who otherwise are receiving overtime.

Who is receiving overtime? Police officers, nurses, firefighters. Do those three categories have a ring to Members in the Senate and across this country? Who is in those categories? Whom do they represent? They represent homeland security.

On the one hand, we hear a good many statements in the Senate about trying to deal with the problems of homeland security. On the other hand, the administration is out to take away overtime for those individuals who are the backbone of homeland security.

These are the categories: Police officers, nursing, firefighters. The list also includes primarily women workers in our society. The overtime pay affects all workers but it particularly affects women.

What has been the state of our economy now in terms of new workers?

Some say: Senator, you do not understand. Workers are doing well in the country at this time.

I don't believe it. Those who say this do not understand it. They may be reading the clippings of Wall Street, but they do not understand Main Street. If they have been reading the clippings of Main Street over the past week or so, they see there has not been great news.

The new jobs being created in the United States do not pay as much as jobs lost. This chart indicates the average wage in 2001 was \$44,570 a year. Jobs gained do not pay as much as jobs lost. The average wage today from the jobs gained, according to the Bureau of Labor Statistics, is \$35,410. That is a 21-percent reduction for the new jobs being created; a 21-percent reduction in pay over the jobs they have replaced.

At the same time, this administration is trying to eliminate overtime even for this group. What in the world is the reason for this?

Against this backdrop, we look at the chart demonstrating that Americans work more hours than workers in other industrialized nations of the world. This red bar represents the United States. The other countries on this chart include Denmark, France, Ireland, Netherlands, UK, Italy, and Germany. In the United States, far more than any other country, workers are working harder, working longer, trying to make ends meet. What do we do? We in the Senate refuse to increase the minimum wage. If these workers lose their jobs, there is no federal unemployment compensation. Even though they are working longer and harder, we will take away their overtime.

This administration is attempting to take away overtime protection. This chart demonstrates what happens to workers with overtime protection and those without overtime protection. Those without overtime protection are twice as likely to be required by their bosses to work overtime hours as those with overtime protection. We know what this is all about—requiring workers to work longer, harder, for less pay over a period of time. Overtime has been in the law since the 1930s. Now we have this administration trying to take away from the workers? For those who do not have overtime protection, they are twice as likely to work more than 40 hours a week. And those without overtime protections are three times as likely to work more than 50 hours a week. Take away the overtime protections and we are going to see the exploitation of working families in the middle class in this country greater than ever. That is basically greed. It is wrong.

The amendment of the Senator from Iowa is focused on making sure we continue to pay the overtime.

I make two final points. First of all, in the proposal by the administration to eliminate overtime, they are looking not only at the categories I just illustrated, but they are also saying if

you have served in the Armed Forces and have received that training, that when you get out of the Armed Forces you are not going to be eligible for overtime. For the first time in the history of this country, they are saying, military training—training that you receive in the military—is going to exclude you from coverage for overtime. Tell that to the servicemen who are over in Iraq. Tell it to the National Guard, who are making up 40 percent of those under combat arms. When you get some training in order to protect members of your particular unit, and then you come back and are out there in the civilian market, you are told by your boss: You got training in the military. You are not eligible for overtime.

I see my friend in the Chamber. I will take a few more minutes because I know he wants to address the Senate. This is a letter to Secretary Chao from Thomas Corey, the National President of the Vietnam Veterans of America:

... [W]e would like to make you aware that the proposed modification to the rules would give employers the ability to prohibit veterans from receiving overtime pay based on the training they received in the military. This legitimizes the already extensive problems of "vetism" or discrimination against veterans.

There you are. What in the world is this administration thinking?

I will read a letter, and then I will conclude. I think it illustrates very powerfully what the debate is about and the strong reasons we all ought to be behind the Harkin amendment:

My name is Randy Fleming. I live in Haysville, Kansas—outside Wichita—and I work as an Engineering Technician in Boeing's Metrology Lab.

I'm also proud to say that I'm a military veteran. I served in the U.S. Air Force from August 1973 until February 1979.

I've worked for Boeing for 23 years. During that time I've been able to build a good, solid life for my family and I've raised a son who now has a good career and children of his own. There are two things that helped make that possible.

First, the training I received in the Air Force made me qualified for a good civilian job. That was one of the main attractions when I enlisted as a young man back in Iowa. I think it's still one of the main reasons young people today decide to enlist. Military training opens up better job opportunities—and if you don't believe me, just look at the recruiting ads on TV.

The second thing is overtime pay. That's how I was able to give my son the college education that has opened doors for him. Some years, when the company was busy and I had those college bills to pay, overtime pay was probably 10% or more of my income. My daughter is next. Danielle is only 8, but we'll be counting on my overtime to help her get her college degree, too, when that time comes. For my family, overtime pay has made all the difference.

That's where I'm coming from. Why did I come to Washington? I came to talk about an issue that is very important back home and to me personally as a working man, a family man, and a veteran. That issue is overtime rights.

The changes that this administration is trying to make in the overtime regulations would break the government's bargain with the men and women in the military and

would close down opportunities that working vets and their families thought they could count on.

When I signed up back in 1973, the Air Force and I made a deal that I thought was fair. They got a chunk of my time and I got training to help me build the rest of my life. There was no part of that deal that said I would have to give up my right to overtime pay. You've heard of the marriage penalty? Well I think that what these new rules do is to create a military penalty. If you got your training in the military, no matter what your white collar profession is, your employer can make you work as many hours as they want and not pay you a dime extra.

If that's not a bait and switch, I don't know what is.

And I don't have any doubt that employers will take advantage of this new opportunity to cut our overtime pay. They'll tell us they have to in order to compete. They'll say if they can't take our overtime pay, they'll have to eliminate our jobs.

It won't be just the bad employers, either—because these rules will make it very hard for companies to do the right thing. If they can get as many overtime hours as they want for free instead of paying us time-and-a-half, they'll say they owe it to the stockholders. And the veterans and other working people will be stuck with less time, less money, and a broken deal.

I'm luckier than some other veterans because I have a union contract that will protect my rights for a while anyway. But we know the pressure will be on, because my employer is one that pushed for these new rules and they've been trying hard to get rid of our union.

And for all those who want to let these military penalty rules go through, I have a deal I'd like to propose. If you think it's okay for the government to renege on its deals, I think it should be your job to tell our military men and women in Iraq that when they come home, their service to their country will be used as a way to cut their overtime pay.

That is from Randy Fleming. It could not be said any clearer. That is the issue. TOM HARKIN and I will offer the amendment. I hope the Senate will at least permit us a chance to vote on that amendment in the next day or two.

I thank the Senator for his patience and for his indulgence.

The PRESIDING OFFICER. The Senator from Nebraska.

ECONOMIC POLICY

Mr. HAGEL. Mr. President, for those estimated 2.3 million Americans who have lost their jobs over the past 3 years, and for those worried about keeping their jobs, economic policy is not about abstract discussions or theoretical debates. It is about finding and keeping steady work at a decent wage. It is about affordable health care, buying a home, and sending their children to college.

We live in a time of dramatic historical change, a transformational period. The byproducts of such change are uncertainty, complications, instability, and danger, as well as vast opportunities.

America today, as at the end of World War II, is in a position to lead and shape the direction of this 21st century change.