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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father of mercies, teach us to be patient and kind. Bid us to understand one another before we idealize or condemn. Keep us aware of the cries of humanity, and use us as forces for good.

Continue to sustain the Members of this legislative body. Use them to enable others to realize their best. Empower them to seize opportunities to bring cheer to the despairing, companionship to the lonely, understanding to the perplexed, and hope to the downtrodden.

Renew a right spirit in us all as we seek to do Your will. And, Lord, continue to protect our military men and women in harm's way. Show Your strength, Lord, so that we may celebrate Your power. We pray in Your holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a couple of minutes we will resume work on

the Defense authorization bill. This morning we have an order for 90 minutes of debate prior to the two votes related to the minimum wage. Following those votes, Senator LEVIN will offer an amendment related to Iraq on which there will be 5 hours of debate. Many Senators have expressed a desire to speak during that time, and we may be able to set up blocks of controlled time in order to line up speakers. Following debate on the Levin amendment, we will set that amendment aside and begin debate on Senator KERRY's Iraq language. Although there is no limit for debate on that amendment, we anticipate that we will lock in a debate structure for that amendment as well. This is our second week of consideration of the bill, and last night, to ensure that we will finish the bill in a reasonable time, we filed cloture on the Defense authorization bill. Senators will have until 1 o'clock today to file their first-degree amendments.

With respect to the Iraq language, it is my expectation that we will vote on the Iraq amendments prior to the cloture vote which would occur on Thursday. Senator WARNER and Senator LEVIN have cleared a large number of amendments and will continue to work to clear additional amendments as we go forward. In addition, there will likely be germane amendments debated and voted once cloture is invoked.

Having said that, I look forward to constructive debate throughout the day and evening on the two Iraq amendments before us.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

IMMIGRATION REFORM

Mr. REID. Mr. President, the Senate is now in the middle of an important

debate on Iraq, but it wasn't so long ago that we found ourselves in an important debate on another issue, immigration reform. It took weeks of negotiations for the Senate to develop the basic framework for legislation that both Democrats and Republicans could support. Then it took several more weeks to work through dozens of amendments and pass a bill, a comprehensive immigration reform bill.

The day we finally passed immigration legislation, I came to the floor to say it was a good day for the Senate but a day not for celebrating. News reports from all over the country this morning show why I was right. For example, from the Washington Post today:

House Republicans have largely given up on passing a broad rewrite of the nation's immigration laws before the November elections. House GOP leaders said today they would hold hearings even before naming conferees.

The truth is out. For all their tough talk about securing our borders, House Republicans have no intention of actually accomplishing the goal. They want to defeat comprehensive immigration reform of the kind we passed in the Senate, a bipartisan bill, and House leaders are willing to sacrifice the security of the American people to accomplish what I believe are their selfish goals.

Let's be perfectly clear. This idea of field hearings is just a front, an attempt to delay, impede, and obstruct a bipartisan effort to strengthen our borders and fix our immigration system. The House doesn't need hearings to write a bill because they have already passed their bill. They don't need hearings to name conferees. The only reason for hearings is to pander to the rightwing base of their party and avoid the hard work of negotiating a final bill with the Senate for the American people.

It has been clear for weeks now that House Republicans have no interest in passing an immigration bill this year.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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But even as House leaders speak more and more openly about their opposition to comprehensive reform, we have heard only silence from the White House. The President went on national television and pledged his support for comprehensive reform. Now we will see if his actions match his words. I know the President is overseas, but I am confident there is reliable telephone service in Vienna. I respectfully suggest that President Bush pick up the phone and tell the Speaker and the majority leader of the House to stop stalling. He needs to persuade them that our national security depends on action, a conference, and final legislation.

Meanwhile, here in the Senate, I am waiting for assurances from the majority leader that the conference committee on immigration reform will address only immigration reform, not tax breaks for corporations or billionaires. I am confident the majority leader can provide those assurances. He has told me he wants to; he just hasn't done so.

Democrats are ready to roll up their sleeves and get this bill done. We are determined to move forward. I have a list of Democratic conferees in my pocket. I also happen to know that there are a fair number of Republicans who want to move forward. I spoke yesterday to two of my Republican colleagues who said they are willing to sign a letter saying that if anything comes back from conference with anything other than the tax measures that are in this bill, they will not support the conference report.

Unlike same-sex marriage and flag burning, immigration reform is an issue that affects real people every day. It is a national security issue. It is an economic issue, an issue that my constituents want us to deal with. It is an issue all Americans want us to deal with. Certainly no one wants to do it the way the House did it, by making felons out of immigrants, by making criminals out of humanitarian workers who operate soup kitchens, or the clergy who offer these immigrants religious counseling or, from a Catholic perspective, have them be given the holy sacraments. It is untoward what their bill does.

The way the Senate did it, by beefing up security on the borders and forcing employer sanctions and giving out undocumented aliens who are here a way to get right with the law and to have strong employer sanctions, is what the American people want and deserve.

The Senate has worked its will. The House has worked its will. It is time to let the conference committee go forward and come up with a product. It is my hope President Bush won't let a few extreme Republicans hold our border security hostage. It is my hope the House leaders will abandon their delay tactics once and for all.

Some have said that the immigration bill is on life support. Well, we Democrats don't believe that. We want to breathe life into this process. This legislation is imperative. It is important.

I hope my Republican colleagues won't put this on life support. If so, they will help us revive this most important issue.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. REID. I am happy to yield.

Mr. KENNEDY. I join my leader urging the House to move forward promptly. Would the leader not agree with me that at the current time our borders are effectively broken and that only means a real potential danger to our national security, and that our legislation that passed in the Senate would address that aspect of the immigration issue? Would the Senator agree with me on that?

Mr. REID. I respond to my friend, there is no finer example of how legislation should move forward than what we did in the Senate. The President got involved. We applauded him. We had Democrats and Republicans working together. What we did was extraordinary. I heard an interview on National Public Radio this morning where the acting head of the Immigration and Naturalization Service was saying that he doesn't want a fence on the entire border with Mexico. Well, the Senate worked its will. We agreed. We have a fence in certain places, but we have security. Security was our No. 1 issue. We took care of security. We took care of a guest worker program that is badly needed, a pathway to legalization. We took care of enforcing employer sanctions. We have a piece of legislation that every American should be proud of. It should not be demagogued, and that is what is happening in the House.

We need to work together. It is so important that we do something. I hold up the Senate legislation as a model for how we should move legislation. We should have a conference with the House and have a final product. I am calling on the President today to continue his partnership with us on this legislation, not concede that we can't get this done.

Mr. KENNEDY. If the Senator will yield for another brief question, the Senator would agree with me that effectively our borders are broken. The employer enforcement program that exists today is in tatters, as we have seen from the GAO report. There is continuously this Third World underground economy that is operating effectively out of control. All those issues were addressed effectively and in a bipartisan way in the Senate.

Would the Senator not agree with me that if the House continues to avoid a conference and the hopeful aspect of a reasonable compromise, we fail the American people in dealing with these extremely important public policy issues in a bipartisan way?

Mr. REID. Mr. President, as an example on employer sanctions—they are in such desperate shape—last year there were three enforcement measures taken. In our bill, we provide for 7,000 new hires that will deal only with em-

ployer sanctions. That is one example. The other example is that with border security, which is in desperate shape as we speak, I have been there. I have seen what happens. There are 24 lanes of traffic coming in at the San Ysidro border security point, 24 lanes of traffic every day, 24 hours a day. They don't have enough help there. We have given them help so they can do their job. That is another example.

I feel so desperate, desperate for the American people. I feel desperate for my State. We have problems. This bill would address our problems in Nevada.

Mr. KENNEDY. The Senator realizes, we have \$25 billion for border security and other immigration enforcement. Evidently, the House doesn't believe that is something that ought to get passed if we are not going to have a resolution of that issue, \$25 billion in terms of enforcement spending that is authorized. If we don't get that passed, we don't have that \$25 billion; am I correct?

Mr. REID. The Senator is absolutely right. I want to say to my friend, people are calling for bipartisanship in the Congress.

Here we had it in the Senate. We have the Senator from Massachusetts who has a certain political philosophy and the Senator from Arizona with a certain political philosophy; they have locked arms with Democrats and Republicans of all political philosophies, and we came up with a tremendous piece of legislation.

If there is something wrong with our legislation, let's go to conference on it. We would be happy to visit with them. Let's not say we are not going to work with you. We want to have a conference and work out legislation that will protect our borders and give the American people what they need. We have to do this.

Mr. KENNEDY. I have a final question. Would the Senator agree with me that the time for talking has ended and the time for action ought to be now?

Mr. REID. Yes. I have in my pocket the names of our conferees. We are ready to roll; we are ready to go to work.

Mr. NELSON of Florida. Will the Senator yield for a question?

The PRESIDENT pro tempore. The Senator's leadership time has expired.

Mr. REID. Mr. President, I ask unanimous consent to be able to respond to a question from my friend from Florida.

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

Mr. NELSON of Florida. Would the Senator agree, given the fact that the Senate position is often described as amnesty, that indeed amnesty is the current situation of the law—a law that passed in the 1980s that is not enforced by the Government, that is not obeyed by the people nor the employers of this country and which, in effect, grants amnesty to 12 million people who are illegally in this country and that the whole point of the Senate bill

is to remove this amnesty under the present condition and return those who are going to be here working in a legal status? Would the Senator think that is a fair characterization?

Mr. REID. Mr. President, it is very clear we worked very hard to make sure there was no amnesty and that there was a path to legalization. The people had to have a job, pay their taxes and stay out of trouble, learn English and pay penalties and fines and then move to the back of the line. What we did legislatively was nothing short of miraculous to get it passed in this body. It would be a disaster for this country not to move forward on this with the tremendous amount of work we have done. As I have said, on a bipartisan basis we did that. Here is a Senate action that was not in a partisan vein but in a bipartisan vein.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will resume the consideration of S. 2766, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2766) to authorize appropriations for fiscal year 2007 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

McCain amendment No. 4241, to name the act after John Warner, a Senator from Virginia.

Kennedy amendment No. 4322, to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Enzi amendment No. 4376, to promote job creation and small business preservation in the adjustment of the Federal minimum wage.

The PRESIDENT pro tempore. Under the previous order, there will be 1½ hours equally divided for debate between the Senator from Wyoming, Mr. ENZI, and the Senator from Massachusetts, Mr. KENNEDY or their designees.

Who yields time? The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, in a short while, we will have an opportunity in the Senate to vote on whether we are going to provide an increase in the minimum wage that will affect approximately 15 million Americans. We have not, as has been pointed out in our discussions yesterday and the day before, increased the minimum wage in the last 9 years. Even the \$5.15 an hour, the current minimum wage, has lost, since 9 years ago, about 20 percent of its purchasing power.

The men and women who earn the minimum wage are men and women of dignity. They take pride in doing the jobs they do, although they do very menial work at the bottom rung of the economic ladder. They work as teachers assistants in our schools. They

work in the nursing homes looking after the men and women who have made this country the great country it is. They provide the essential services in many of the buildings of our Nation, where American commerce is taking place. They work and they play by the rules and still they fall further and further behind.

I think there is a broad agreement in this body—there should be—that if you are going to work in the United States and you are going to work 40 hours a week, 52 weeks a year, you should not have to live in poverty. But these individuals do. We have seen what has happened to the minimum wage over recent years. The minimum wage jobs are not jobs that get you out of poverty. Minimum wage jobs are jobs that keep you in poverty. That is a rather dramatic difference from what we have had historically when we had Democratic and Republican administrations all voting for an increase in the minimum wage and an expansion of minimum wage coverage.

So that is the issue that is going to be before us, whether we are going to go over a 2-year period and raise the minimum wage to \$7.25 an hour. There are those who are strongly opposed to it. We heard some of those voices yesterday. They say let's let the market decide on these issues. Let's let the market make the judgment and decide whether \$5.15 is fair or whether we should see even a reduction. We have a number of States that have no minimum wage whatsoever, none. It is amazing. Six States have no minimum wage. One State has minimum wage of \$2.65 an hour.

I think Americans have made the judgment that a minimum wage ought to be a minimum wage and people who work ought to be able to at least get the essentials in life. Of course, that is impossible today with the explosion in costs. We have seen the explosion of costs taking place, whether it is gasoline, education funds, health care or whether it is food, but we have not seen an increase in the minimum wage. We have seen an increase in salaries of the Members of the Senate. That has gone through. We have seen that over the last 9 years.

We have increased our salaries with the cost of living by some \$30,000, but we refuse to provide an increase in the minimum wage for primarily women because 59 percent of these individuals who would benefit are women. They work hard. Many of those women have children. So it is a women's issue and a children's issue. It is also a family issue. We hear a great deal in the public discourse about family values, about our value system in the United States. Is X, Y, and Z public policy issue consistent with our values? Certainly, if you are talking about having someone who is going to work 40 hours a week, a woman who works hard and is trying to raise a child, whether they are going to be able to have any family time together effectively or whether

that woman is going to have to work two or three jobs and have little or no time with that child is a family issue and is a values issue.

Americans understand that. So this is a values issue. The leaders of our great religions understand it.

That is why the members of the churches in our country have been in strong support—and I will come back to that in a minute—of an increase in the minimum wage. It is also a civil rights issue because so many of those men and women entering the job market at this level are men and women of color. It is a children's issue, a women's issue and, mostly I as I have said many times and continue to say, it is a fairness issue. Americans understand fairness. Work hard and play by the rules in the richest country in the world and you should not have to live in poverty. Yet we find that at the end of the year, these families are \$6,000 below the poverty line and they are falling further behind.

This is it. We're not going to get another chance. Arguments will be made that, well, you should not offer it on this particular legislation. This is the Defense authorization bill. We say: Look, Mr. Republican leader, give us a chance to have a direct up-or-down vote on the increase in the minimum wage. You have your alternative on it. Give us a freestanding bill and I have indicated that we would withdraw this amendment, but we have been unable to get that.

All of us understand legislatively that we are moving more and more rapidly into the appropriations, and there is going to be a point of order made against legislating on appropriations. This legislation is appropriate for a very basic and fundamental reason. That is why our men and women who wear the American uniform are fighting in Iraq and fighting in Afghanistan—to defend American values and ideals. One of the American values is fairness here at home. It is treating people fairly for a day's work. That is an American value. That is one of the values these Americans are fighting for. That is why it is appropriate here. I don't know offhand, though, if we had more time—and I will find out next time we debate this issue because even if we get \$7.25 an hour, we are still failing to meet the needs of working poor. I don't know how many servicemen are in the military serving overseas whose parents are earning the minimum wage, but there are scores of them.

So this is about the values we hold in this country and the values worth protecting by the military of this country. That is what it is talking about. We understand there are important debates going on through noontime, and as far as I am concerned, they can go on through the evening. The idea that we are taking a few moments this morning to talk about an issue that affects some 15 million of our fellow citizens—this Senate could find plenty of time to debate the estate taxes, plenty