

Engel then said:

Staff Sergeant Manuel Sahagun has served in Afghanistan and is now in his second tour in Iraq. He says people back home can't have it both ways.

Then SSG Manuel Sahagun said:

One thing I don't like is when people back home say they support the troops but they don't support the war. If they're going to support us, support us all the way.

Finally, Engel said:

Specialist Peter Manna thinks people have forgotten the toll the war has taken.

SPC Peter Manna said:

If they don't think we're doing a good job, everything that we've done here is all in vain.

Engel closed his report saying:

Apache Company has lost two soldiers and now worries their country may be abandoning the mission they died for.

That is the message we send to our troops: that they may be dying in vain, that they may be putting their life on the line in vain because we do not support the mission we put them in harm's way to accomplish. That is a devastating blow to morale.

Just imagine what you would do if you were the parent or the spouse of one of those soldiers who got killed and came to believe the mission we had sent them on was no longer a mission that we supported, and yet we continue to keep them in harm's way.

My view is, if you think this war is lost or that we cannot win it, that you have the courage of your convictions and vote to cut off the funds and bring the folks home right now before any more die. But if you believe, as the President does, that we must not leave Iraq a failed state, that there is still an opportunity there to succeed, and that his plan deserves a chance to succeed, then we should not support resolutions that send a different message.

That is why I want to urge my colleagues to think very carefully before supporting any of these resolutions which may be nonbinding on the President but, nevertheless, have severe consequences to our enemies, to our allies, and to the troops we put into harm's way. This is serious business we are about. We need to consider it seriously and not undercut the troops we put in harm's way.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. TESTER). The time for morning business has expired.

#### FAIR MINIMUM WAGE ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Pending:

Reid (for Baucus) amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) amendment No. 101 (to amendment No. 100), to provide Congress a second look at wasteful spending by establishing enhanced rescission authority under fast-track procedures.

Kyl amendment No. 115 (to amendment No. 100), to extend through December 31, 2008, the depreciation treatment of leasehold, restaurant, and retail space improvements.

Enzi (for Ensign/Inhofe) amendment No. 152 (to amendment No. 100), to reduce document fraud, prevent identity theft, and preserve the integrity of the Social Security system.

Enzi (for Ensign) amendment No. 153 (to amendment No. 100), to preserve and protect Social Security benefits of American workers, including those making minimum wage, and to help ensure greater Congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

Vitter/Voinovich amendment No. 110 (to amendment No. 100), to amend title 44 of the United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns.

DeMint amendment No. 155 (to amendment No. 100), to amend the Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce, and to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements and the use of health savings accounts for the payment of health insurance premiums for high deductible health plans purchased in the individual market.

DeMint amendment No. 156 (to amendment No. 100), to amend the Internal Revenue Code of 1986 regarding the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

DeMint amendment No. 157 (to the language proposed to be stricken by amendment No. 100), to increase the Federal minimum wage by an amount that is based on applicable State minimum wages.

DeMint amendment No. 159 (to amendment No. 100), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

DeMint amendment No. 160 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to allow certain small businesses to defer payment of tax.

DeMint amendment No. 161 (to amendment No. 100), to prohibit the use of flexible schedules by Federal employees unless such flexible schedule benefits are made available to private sector employees not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007.

DeMint amendment No. 162 (to amendment No. 100), to amend the Fair Labor Standards Act of 1938 regarding the minimum wage.

Kennedy (for Kerry) amendment No. 128 (to amendment No. 100), to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns.

Martinez amendment No. 105 (to amendment No. 100), to clarify the house parent exemption to certain wage and hour requirements.

Sanders amendment No. 201 (to amendment No. 100), to express the sense of the Senate concerning poverty.

Gregg amendment No. 203 (to amendment No. 100), to enable employees to use employee option time.

Burr amendment No. 195 (to amendment No. 100), to provide for an exemption to a minimum wage increase for certain employers who contribute to their employees' health benefit expenses.

Chambliss amendment No. 118 (to amendment No. 100), to provide minimum wage rates for agricultural workers.

Kennedy (for Feinstein) amendment No. 167 (to amendment No. 118), to improve agricultural job opportunities, benefits, and security for aliens in the United States.

Enzi (for Allard) amendment No. 169 (to amendment No. 100), to prevent identity theft by allowing the sharing of social security data among government agencies for immigration enforcement purposes.

Enzi (for Cornyn) amendment No. 135 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to repeal the Federal unemployment surtax.

Enzi (for Cornyn) amendment No. 138 (to amendment No. 100), to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

Sessions (for Kyl) amendment No. 209 (to amendment No. 100), to extend through December 31, 2012, the increased expensing for small businesses.

Division I of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division II of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division III of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division IV of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Division V of Sessions (for Kyl) amendment No. 210 (to amendment No. 100), to provide for the permanent extension of increasing expensing for small businesses, the depreciation treatment of leasehold, restaurant, and retail space improvements, and the work opportunity tax credit.

Durbin amendment No. 221 (to amendment No. 157), to change the enactment date.

The PRESIDING OFFICER. Under the previous order, the time until 12:15 p.m. shall be equally divided between the two leaders or their designees, with the time from 11:55 to 12:05 under the control of the minority leader, and the time from 12:05 to 12:15 under the control of the majority leader.

The Senator from Ohio.

Mr. BROWN. Mr. President, I yield myself 5 minutes to speak on the minimum wage.

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

Mr. BROWN. Mr. President, a little more than 2 years ago, Rev. Jim Wallis and Rev. Bob Griswold—who was then-head of the Episcopal Church—presented to Congress a document that

proved to be both prophetic and practical.

The basic tenets were that budgets are moral documents—these are coming from two people of faith, religious leaders in our country—and our values are represented by how we craft those documents.

The same can be said for legislation, and the same values represented in the fight, for example, to raise the minimum wage.

As wages have stagnated in States such as Ohio, CEO salaries have skyrocketed. And while Congress voted time and again to raise its own pay—six times in the 10 years since the minimum wage has been raised—it left behind millions of Americans who work hard, who play by the rules, and who too often have so little to show for their hard work.

In my home State of Ohio, voters in November echoed the national cry for social and economic justice by voting in favor of a ballot initiative to raise our State's minimum wage.

In 1963, Dr. Martin Luther King said:

Equality means dignity. And dignity means a job and a paycheck that lasts through the week.

It is unacceptable that someone can work full time—and work hard—and not be able to lift her family out of poverty or even pay her bills. For too long Government priorities rewarded a system that allowed a minimum wage worker to earn less than \$11,000 a year. Yet some CEOs in our great country make more than \$11,000 an hour.

Those who vote against the minimum wage this week—those who have blocked a minimum wage increase in the House of Representatives and in this Senate for a decade—are saying to minimum wage workers such as the single mother working as a chambermaid in Cleveland and a farm worker outside Toledo and a janitor in Zanesville that they do not deserve a fraction—not a fraction—of what we get.

While the cost of living has gone up, the investment in workers has slowly declined. Family budgets are strained because of stagnant wages but pushed to the breaking point when you factor in soaring tuition costs, health care costs, and energy costs.

Yet while wages have stayed stagnant or gone down, worker productivity in this country, as Senator KENNEDY showed a moment ago, continues to go up. Those workers are not sharing in the wealth they are creating for their employers. It is time Congress stood on the side of the working men and women in this country.

This issue is not just about workers. Raising the minimum wage affects entire families and communities. In my State, the minimum wage increase will mean an increase for 500,000 wage earners, with 200,000 children living in those homes.

When workers earn a livable wage—and especially if we can expand the earned-income tax credit, a tax break for those workers—those families, who

are working hard and playing by the rules, will spend that money locally, which supports small business and helps strengthen the community.

When workers earn a livable wage, stress and burdens that often cripple families struggling to survive are eased.

When workers earn a livable wage, they are more productive at work, which means thriving companies that can compete in the global economy.

Raising the minimum wage means so much more than a few extra dollars on Friday. It means a path out of poverty.

Raising the minimum wage is an affirmation that this Congress—finally—values American workers. It is about the right family values, and it is about time.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to speak in support of the motion to invoke cloture on the Baucus substitute to H.R. 2. At about the noon hour today, we will be voting to end the debate on the minimum wage bill. Regardless of how that vote turns out, I believe the direction this body has decided upon with regard to minimum wage is clear. And I appreciate it. The direction the Senate has taken is that raising the minimum wage without providing relief for small businesses would be wrong. And now we have a cloture vote on a bill that includes relief for small businesses, which will soften the impact that the minimum wage increase will have on small businesses.

We are trying to keep working families working. The people who run these small businesses are working families, too. They are taking a lot of risk and providing a lot of jobs. In fact, they are the engine that drives the United States. The big companies would like us to think they are. But small businesses create a lot of jobs.

Now, primarily, the jobs we are talking about are for people just entering the labor market, the ones often who dropped out of school, who have very low employment skills. Those small businesses teach them some skills and move them on up to the path of employment. They are a huge part of the job training system in this country and they rarely get any credit for job training.

We have had debate over the last week—and it has just been one week. I would like to point out that on Monday we did not have any votes. On Tuesday we were only allowed two votes. Through the whole week we only had 11 votes. We were not allowed any votes after Thursday, which included all of Friday and all of yesterday. That is really not an open process. That is only three days of voting on amendments.

When we began this session, we talked about having an open process, a very bipartisan process of doing things. I am not sure we got the message from the last election, which was that the

American people want us to do these things, but they want us to do them in a bipartisan way. I am hearing some rhetoric on the Senate floor about the Republicans want to do this; and the Democrats want to do that.

What we need to talk about is what we need to do for America. We need to work together on these things. Right now we have a proposal for cloture that includes what both sides have been talking about, that takes care of the minimum wage worker and takes care of the businesses that employ them and gives them the training.

We in the Senate recognize that small businesses have been the steady engine for growing the economy and that they have been the source of new job creation. America's working families rely on small businesses, and small businesses rely on working families.

So I am proud this body has chosen a path that attempts to preserve this segment of the economy which employs so many working men and women. The Senate has recognized that our economy is interdependent. One simply cannot claim credit to be helping workers at the same time they are hurting the businesses that employ them. Recognition of this simple fact is the reason the bill before this body couples a raise in the minimum wage with relief to those businesses and working families that will face the most difficulty in meeting that mandate.

This body has also recognized the even simpler fact that raising the minimum wage is of no benefit to a worker without a job or a job seeker without a prospect.

I take this occasion to urge that these simple, real world truths be recognized by our colleagues in the other Chamber. I have gone through this process before on a number of bills and tried to figure out how it happens. A lot of time there is more animosity between the two Houses than there is between the two parties that serve in those Houses.

I know making any change to the minimum wage bill they sent over will upset them on that end, just as any change they make to a bill on their end upsets us. We send them perfect bills and they have to fiddle with it, and they send us perfect bills and we fiddle with it. There is some animosity between the two Chambers. And then we have to get into the rules as well. All tax measures have to start in the House. That is fine as long as they start them. But there has to be a way to get the process moving.

This bill has a way to get that process moving. It is more cumbersome than it probably ought to be, but I think with cooperation it will work, and I think the House will join us in this effort. It isn't as easy as just taking a small piece of something that affects the economy and doing it in isolation. When we start going to the broader economy, it gets more complicated.

That is why our forefathers designed this great system of cumbersome Government. We have 100 people with 100

views—I don't know, maybe we have 100 people with 200 views, and the House has 435 people with at least an equal number of views. The beauty of our system is that it has to get through this maze of all of these people with different backgrounds and different ideas and different ways of seeing the world, which results in amendments which result usually in things getting better.

It is often complicated, and that slows the process down. That is something we have to work through, but I think any mechanism we have that speeds things up usually results in us winding up with legislation we have to go back and correct. It is a tough system, a long system, but it works.

Unquestionably, as this Congress moves forward, we will need to confront a range of issues facing working families. We have to face the rising cost of health insurance and the availability of that insurance, the necessity and costs of education and job training, and the desire to achieve an appropriate balance between work and family life.

These are important issues, and the way this body has determined to address the minimum wage should give us an outline as to the way such other issues could be approached as well. We need to listen to each other and include those issues that make a difference without upsetting the whole world. It can be done. It has been done.

Senator GRASSLEY and Senator BAUCUS work together on legislation. They are the ones who put together this tax package. They said: No, this isn't exactly what I like or you like, but it is something we can like together, and it has a chance of passing this body.

I have been pleased that there hasn't been a rage against the tax package they put together, just as there hasn't been a rage against raising the minimum wage. We appear to have two points on which there is agreement. I think that will be reflected later in today's vote, too.

There are other issues. Those other issues have been reflected in amendments from our side. There have been a few, contrary to what has been said on the floor, amendments from the other side as well. When we were in the majority, we didn't put in nearly as many amendments on bills as the Democrats did, and I recognize why offering amendments is important. It is important because we have issues we think are important, and the only chance you have to have them passed on the floor is to put them in a bill as an amendment, if you are in the minority.

So on our side, we will likely offer more amendments to the bills that come up this year than those who got to draft the bill to begin with. They are ideas we want to have considered. We hope they will be considered in a reasonable way and in a reasonable amount of time.

I will be emphasizing to our side the need to keep those reasonable and to

keep them within a reasonable time-frame. If we do that, we can progress through a lot of issues, such as the ones I mentioned.

The rising cost and availability of health insurance in this country is at a crisis and we have to do something about it. There are a number of plans that are floating out there, and all of them—all of them—have some good points to them. None of them is perfect. That bill will have to go through the Health, Education, Labor and Pensions Committee. It probably will. There are ways it can be written, I suppose, where it can be sent through the Judiciary Committee or sent through the Finance Committee. But usually that bill goes through the Health, Education, Labor and Pensions Committee.

The chairman of the committee and I as ranking member of that committee—and it doesn't matter what session of Congress we are talking about or what decade of Congress you are talking about—the chairman and the ranking member in that committee often have a huge disparity of views on how to solve the health, education, labor, and pensions issues.

We adopted 2 years ago a little rule that I found to be very useful when I was in the Wyoming legislature, and that is the 80-20 rule. That is, people agree on 80 percent of the issues and 80 percent of any issue. This isn't just a philosophy for Congress, this is a philosophy for one's daily life. If you are working with other people, you will probably find you will agree on 80 percent of whatever you are talking about. On any particular issue, you usually agree on 80 percent of that issue. If you concentrate on the 80 percent of agreement, there are a lot of possibilities for getting things done. If you concentrate on the 20 percent on which you don't agree, there is very little likelihood that you are going to progress on whatever it is you are talking about.

That is something we have instituted in this committee, and I think that rule has moved it from the most contentious committee to the most productive committee. I don't know if people noticed during the last session of Congress, there were 35 bills brought out of that committee. We got 25 of them considered in the Senate and even helped the House to get 2 of theirs through. So we helped to get 27 bills signed by the President. That is at least 20 more than usual for any committee and probably about 24 more than usual for any committee.

There are disadvantages to that. The press likes a good fight, and the press is more than willing to report on a good fight. We didn't have fights on those 27 bills that were signed. The most contentious one was the pension bill. The pension bill was 980 pages. It covers how to save people's pensions, how to make sure when they retire they will get what they have been promised, what they deserve, what they want, something that will give

them quality of life in retirement. We made the most significant change in pension law in 30 years.

I remember that we had an agreement before we ever brought it to the floor that there would be 1 hour of debate, two amendments, and the final vote. I went to the Parliamentarian at that time and explained what we were doing and made sure it was getting written up properly so we could do that the moment we began the debate.

I asked: When is the last time that complicated of a bill had that kind of an agreement?

The words I heard back were: Not in my lifetime.

So it is possible to take difficult bills and arrive at agreement that will move the people's business forward.

The unfortunate thing for the people of America is that when they are watching us on this floor, what they usually get to see is the 20 percent with which we disagree, the 20 percent we are not going to give in on, the 20 percent that defines us.

I will be urging my side, and I have said it several times, there are issues that define us, but every issue is not an issue that defines us. We will probably be trying to figure out a way on every bill to make it a defining bill. With the amendments we have done on this bill, there has been some defining. But we have an opportunity today—I think it is going to happen at 12:15 p.m.—to invoke cloture on the package that includes what was asked for by this side and delivered by the other side.

That is pretty landmark. That is pretty good. We do have the other business that needs to get done. It doesn't have to be done on this bill. Maybe in the meantime there are some issues we can work on—the issues we talked about in some of these amendments—where we can reach that 80 percent agreement and we can move on with those issues.

In addressing the minimum wage, we have rejected the notion that it will be a clean bill. Ultimately, we did so because it is not a clean issue. By that, I mean neither the real world nor questions of national economics nor social policy are as simple as we would like them to be. Quite the contrary. They are complex and they are interrelated. While pretending that economic or social issues are simple, it often makes for great rhetoric here, and it makes for great politics, but it seldom makes responsible policy. Around here, clean more often than not simply means "do it my way" and does not respect the democratic process and allow the Senate to work its will.

I am pleased we rejected such false simplicity and chose the course of coupling an increased wage with provisions that will assist these small business employers who will be facing the greatest difficulties in paying these increased costs.

I hope we do not forget the wisdom of this approach as we address other workplace, economic, and social issues.

None of these are simple and none, no matter how laudable the end, are without costs or free from the danger of unintended consequences where, in an effort to do some good, we wind up causing great harm.

I am also heartened that in the course of this debate, this body has begun to recognize what I know from my life to be true. Working families are not only those who are employed by businesses, they are also those who own the businesses.

I have noted many times that I was a small business owner, that my wife and I operated mom-and-pop shoe stores in Wyoming and Montana. My story is not unique, particularly in today's economy. I know all small business owners have two families: their own and the families of those who work for them. I also know that business owners feel the pressure of rising costs, the dilemma of difficult options, and the uncomfortable squeeze of modern life in both of their families as much as many workers do on their own.

One will find that small business people are more connected to their workers. They work with them shoulder to shoulder on a daily basis. They know what is happening in their lives. I believe we have begun to realize this reality in the way we approach the minimum wage legislation. I do not think we should lose sight of it as it moves through this Congress.

I also note that while I am pleased with the overall approach this body adopted, I am somewhat disappointed that it was not as complete as it could have been. In the event cloture is invoked, we would not have addressed a range of issues that were offered as early amendments and should have been considered and voted on. In this respect, I mention again those I mentioned late last week: Senator GREGG's amendment on employee option time, something we allow Federal sector employees to do; Senator DEMINT's amendment dealing with the same matter, as well as Senator BURR's amendment on health insurance costs; and Senator VITTER's amendment that would have provided measured monetary relief for small businesses that make inadvertent paperwork errors in providing Government-required information—first-time basis, corrected, no impact to the employee.

All of these were well reasoned, would have provided benefits in addition to or in counterbalance to a minimum wage hike, and all were entitled to due consideration and a vote in this Chamber. We were not allowed to have a vote. Many have charged the majority denied us a vote on these amendments because they would have been adopted and that would have somehow represented a win for Republicans. Therefore, goes the theory, voting on these amendments was prevented.

Whether true or not, the lack of a vote on these amendments does nothing to lend credence to the view that Congress's partisanship too often

trumps positive progress. The reality is good ideas do not simply fade away, and that if not here and now, then at some point in this Congress these and other good ideas must be given consideration and must be voted on. Fairness demands it, and our responsibility to working families and small businesses requires it.

A vote for cloture is a vote for small business and working families. It is a vote for a well-balanced and bipartisan solution. I am pleased that we are at this point. I will ask my colleagues to vote for cloture.

Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator has 5½ minutes.

Mr. ENZI. I yield the remainder of the time to the Senator from South Carolina.

Mr. DEMINT. There is 5 minutes left?

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. BROWN. Mr. President, how much time is left on the majority side?

The PRESIDING OFFICER. There is 20 minutes 48 seconds remaining.

Mr. DEMINT. Mr. President, I intend to vote against the bill before us today because it really does not do anything to help low wage workers in this country in supporting families, buying health care, or giving them the flexibility they need to deal with family issues as well as hold a full-time job. I have consistently opposed a Federal wage mandate because I believe it is bad policy that hurts the very people we are trying to help with this bill. Despite that, I have sought to engage in constructive debate on this bill and offer amendments that would make it better. Unfortunately, over the course of this discussion, I have been forced to conclude that this whole debate is—let's just say less than honest. What we are talking about here in the Senate is not really about helping low-income workers; this is about mandating a starting wage, not a minimum wage, in a select group of States. This is a mandated starting wage because the facts show that two-thirds of minimum wage workers earn a raise within a year. We also know that most of these are working for restaurants and small businesses, and most of them are teenagers or young folks working part time.

The Democratic proposal before us targets certain States disproportionately while leaving many other States completely or relatively unaffected. If passed, my home State of South Carolina would be subjected to a 41-percent increase in the Federal mandate and the inevitable job loss that will come with this. However, States such as California, Vermont, Massachusetts, Oregon, and others would not be required to raise their minimum wage at all. This is because 28 States plus the District of Columbia have passed laws raising their minimum wage above the federally mandated \$5.15 per hour. Some of those States, such as the ones I just mentioned, have gone well be-

yond the \$7.25 which this Federal mandate will implement.

If we are to have a minimum wage at all, it is better to have a Federalist system of government and individual States could continue to set their own minimum wage levels, rather than the Federal Government. After all, different States have very different economies as well as very different costs of living. We know that a dollar will go a lot further in San Antonio than in San Francisco, and we need to recognize that. Mr. President, \$7.25 in San Francisco is not a bit of help, but in another State that is a lot more money.

To that effect, I have offered an amendment to the current proposal that would have raised the minimum wage \$2.10 in every State across this land. Had my amendment been adopted, this bill would have at least been more fair in the way it imposed its unfunded mandate. Ironically, the motion to strike my amendment was based on the fact that it was an unfunded Federal mandate, which is precisely what the underlying bill is at this point.

We have tried to add some other provisions. There is some tax relief for small businesses that mostly hire minimum wage workers, but we have not gone nearly far enough.

I heard my dear colleague from Massachusetts oppose very vocally any tax relief for small businesses that will bear the brunt of an increased minimum wage. I think it is just important to point out what we are trying to do. This is a chart which compares the amount of, what some of us would call porkbarrel spending for what we call the Boston Big Dig. The Federal Government's part of bailing this out is \$8.5 billion. What we are asking for, for thousands of businesses and millions of low wage workers across this country, is tax relief of less than that, that would help people keep more workers and be more profitable.

I understand I am running out of time. I hope this whole debate about helping low wage workers would include those areas which will really help people who are working full time at \$8, \$10, \$12 an hour and having a difficult time getting by: If we could make that health care more accessible and more affordable; if we could do for them what we do for Federal Government workers and give them flexibility so if they need an afternoon off to drive on a field trip one day on one week, they can work an extra 4 or 5 hours the next week to make it up, then they call it even—there is no overtime, there is no penalty. Government workers get it, but we will not give that same benefit to workers all across this country.

I am going to vote against cloture on this bill because cloture is designed to cut off debate. Many of the amendments that would help low wage workers are being eliminated. What it comes down to is just an unfunded mandate on several States, leaving out others.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator has 20 minutes 40 seconds.

Mr. KENNEDY. Then I believe the leader's time has been reserved?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I thank the Chair.

Mr. President, just to put this whole issue in some perspective, I thought I would just take a minute or two to refresh both this body and those who are interested in this issue about increasing the minimum wage from \$5.15 to \$7.25 an hour, about what has happened to workers and what has happened, basically, to the middle class over the period of the last years.

Looking at this chart here, from 1947 to 1973, this is when the country was moving along together. This shows the different incomes. It divides the incomes of Americans into five different—effectively buckets: the lowest 20 percent, the second 20 percent, the middle 20 percent, the fourth 20 percent, and the top.

If you look at this for a period of 26 years, you will see that all America grew together. The economy worked for all Americans. As a matter of fact, it worked a little bit better for those with the lowest income, but the economy worked for all America. During that period of time, we had Republicans and Democrats alike who voted for the increase in the minimum wage as we increased in productivity. America went along together.

What has happened in the last several years, from 2001 to 2004? Here we have the lowest 20 percent. This represents the low-income groups, the minimum wage workers, then the second, third, middle, fourth, and the highest 20 percent is the gray area, and the top 1 percent is demonstrated by the red area. See what has happened to the country, how we have grown further and further apart—the explosion in wealth for the very top and the collapse of the American promise at the very lowest; the cutting out of millions of Americans from the hopes and the dreams and the idea of a fair and just America.

Those are the statistics. Those are the facts. We had a minimum wage which reflected that progress for 26 years when America grew together. We have now had 10 years of no growth in the minimum wage, and we see America growing further apart. We have a chance to do something about it this noontime. I am hopeful that we will.

As I mentioned earlier, I don't know why it is our friends on the other side have really such a contemptuous attitude about low-income working people. They eliminated the overtime program for 6 million Americans last year—6 million Americans who otherwise would have gotten an increase in the minimum wage. They eliminated that. When we had the crisis down in New

Orleans, one of the first things the administration did was eliminate what they call the Davis-Bacon program, which is to provide wages that will be pegged to what the average wage is in that particular region, where construction workers average \$29,000 a year. What in the world is wrong with someone making \$29,000 a year so that you want to reduce their pay while they are working for the recovery from Katrina? But oh, no, they eliminated that kind of protection. Just as they cut back on the unemployment compensation for workers who were coming out of Katrina, and after the National Academy of Sciences said that with what is happening in the poultry business and the meat-cutting business, with computers, we need to do something primarily about women in the workplace on the issues of ergonomics—no way. No way we are going to look out after workers.

It is difficult for me to understand. What is it about it? What really gets our Republican friends that they just can't stand hard-working people? We will hear a lot of comments and lectures about, let's make work pay, that work paying is a real value. I hope we don't hear that lecture anymore around here from that side. I hope we are not going to hear anymore talk of values about it. The leaders of the great religions are in strong support. I have put those comments into the RECORD. They are in strong support of this. They believe it is a moral issue, to follow the admonition of Saint Matthew: What you do to the least of these, you do unto me. Talk about poverty. Talk about the poor.

This is just about a wage, the minimum wage. But it is about a just wage. What is it about that?

I see my friend from Ohio on the Senate floor. I know he has been interested in and has spoken about the issues of minimum wage and also about what has been happening in the middle class. I am glad to entertain any questions he might have or yield for any comment that he might wish to make.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I thank the Senator from Massachusetts. I appreciate especially his discussion about honoring work in this country. We hear talk of family values. We hear talk of honoring people who work hard and play by the rules. Yet, as the Senator recounted, the minimum wage hasn't been increased for 10 years. There has been almost a hostility to workers in this body and down the hall in the House of Representatives, where 6 million workers, as Senator KENNEDY pointed out, have lost their overtime or have had their overtime limited. There were attempts to cut the prevailing wage in Louisiana when the average wage of workers in Louisiana in the building trades was only \$29,000.

When you look at the charts Senator KENNEDY pointed out, you see there is an absolute stagnation or decline in

wages in the last 5 years for most Americans—for the 80 percent lowest paid Americans, if you will. But the top 20 percent have seen their wages, their salaries, just skyrocket. That is coupled with the fact that 1 percent, the wealthiest 1 percent of the people in this country possess more of the wealth of this country than the 90 percent lowest of the rest of us.

Mr. KENNEDY. Will the Senator yield on that issue?

Mr. BROWN. I will be happy to yield.

Mr. KENNEDY. The Senator understands. I have listened to him speak very eloquently in his maiden speech about what has happened in the middle class of America. The Senator understands that when we saw productivity increase in the 1960s and 1970s, all during this period when there was economic growth, we all went up together. The rising tide raised all the boats across the country. Then look at what happened. Productivity went up, and the real minimum wage went down.

Does the Senator not share the belief with me that if workers are going to work hard and produce—we have the labor force that is the hardest working labor force in the industrial world. It works longer, harder, and has had the greatest increase in productivity. Does the Senator not agree with me that at least some of that increase in productivity should have been passed on to working families?

Mr. BROWN. Absolutely. The real strength of our middle-class economy over the years, the opportunity through education, through hard work that has built a very prosperous country, really has operated under the assumption that if you are more productive, you share in the wealth you create—whether you are a minimum wage worker, whether you are an engineer, whether you are a schoolteacher—whatever you are. You are adding to the wealth of your employer, the wealth of our country, making our country better off. Clearly, when you talk about a higher minimum wage, when the minimum wage has declined and wages have declined overall, these workers are creating wealth for their employer, but simply are not sharing in that wealth. That is why one of the best selling books out there now is a book called “War Against The Middle Class.”

As Senator KENNEDY has said, it is clear that as productivity has gone up, as workers are working harder than ever before, only a relatively small number of people are sharing in the wealth they create or sharing in the productivity gains that have always marked the success of our country and of our economy.

Mr. KENNEDY. Mr. President, can I ask the Senator another question. This good Senator was in the House of Representatives last year when the administration limited overtime pay for six million workers, and tens of thousands in my State of Massachusetts—tens of thousands. Close to 60,000 or 70,000

workers lost overtime pay. Overtime pay—if you are going to work more than 40 hours a week, you should be paid overtime. The administration eliminated that overtime pay for workers. They cut back on the protections of Davis-Bacon in the gulf and the recovery of the gulf. The workers down there who were unemployed, they ended the unemployment compensation for those workers who were otherwise eligible for it. This is unemployment compensation.

We want to remind everyone that the workers contribute to the unemployment compensation fund. They contribute as workers. If you don't contribute, you don't get unemployment compensation. So these are workers who have contributed to the fund. The fund was in surplus at that time. These are workers who have worked hard and couldn't find the jobs down there, and the administration cut back on those protections, cut back on the ergonomic protections. Even before the Sago mines, we find out they cut back in the mine safety and on safety officials. What is it? What is it, if the Senator from Ohio can help me.

I know about the great loss of jobs because of the support for tax incentives that sent jobs overseas and the failure to try and turn off that spigot. That means something for the middle-class workers. So if you add all of those together—we will find a chance now at 12 o'clock—if you add all of these together, we find the hostility—I call it hostility, not indifference—but hostility to workers, and I have difficulty understanding that.

Maybe the Senator could help me understand what has happened in his State that has been so adversely impacted, closing some of those provisions that affected impacted workers in the trade program.

Mr. BROWN. Absolutely. One of our friends from the other side of the aisle said this whole idea of raising the minimum wage is a less than honest effort to help working families. I am nonplussed by that.

Senator KENNEDY uses the term “hostility” toward workers. We are seeing more productivity and lower wages, except higher salaries for a relatively small number of people. That is not the American way. It is not the way we were taught in this country to honor work. It is not the way we were taught—to work hard and play by the rules.

Then, on top of that, we are now building more and more tax systems that give the greatest tax benefits to the wealthiest, that 20 percent squeezed out of that 1 percent who are absolutely doing the best, and we do no significant tax relief for working families, no significant tax relief for minimum wage workers. We are not willing to address the earned income tax credit, we are not willing to address helping those middle-class workers who are playing by the rules.

Mr. KENNEDY. Mr. President, if the Senator would yield for one more ques-

tion, I appreciate him mentioning the earned income tax credit, because that can make a difference for families of three or more. They benefit with the earned income tax credit more than the minimum wage. If it is only an individual worker, an individual with a single child, they will benefit more with the increase. But the Senator is right, we ought to be trying to look at these issues in some harmony. But we don't hear any voices on that side to say: OK, Senator, if you want an increase in the minimum wage, we will give an increase in the earned income tax benefit. We will sit down and work something out. We don't hear any of that.

I want to draw to the attention of the Senator the fact that it has been 10 years since we have had an increase in the minimum wage, and over that period of time we have provided \$276 billion in tax breaks for corporations, \$36 billion in tax breaks for small businesses. We hear around here on the floor: Well, we haven't given the businesses enough and we have to put some more tax breaks on here in order to get an increase in the minimum wage.

Does the Senator buy that argument?

Mr. BROWN. No, I don't buy that argument. I came from the House of Representatives where I was for 14 years. I saw the minimum wage increase basically in 1 day in the House of Representatives a couple of weeks ago. We are now on the eighth day of delaying this minimum wage vote. The people who oppose this minimum wage don't think minimum wage workers should get a fraction of what we get in this body—the salary and benefits; they shouldn't even get a fraction of what we get. They are still unwilling to raise the minimum wage, just standing pure and simple.

The elections last year showed how many voters feel this Government has betrayed the middle class—betrayed them. They wanted to increase the minimum wage straightforwardly. We should have been able to pass on an up-or-down vote quickly the minimum wage. We can deal with tax issues later as this body always does. This should have been done more quickly. But there is, as Senator KENNEDY said, that hostility toward workers, whether it is overtime, whether it is Katrina workers, whether it is the refusal to raise the earned income tax credit, or whether it is their reluctance over 10 years, their digging-in reluctance against raising the minimum wage.

Mr. KENNEDY. Mr. President, if the Senator will yield, we are here on day seven now of this discussion. We had 16 days where we talked about the minimum wage another time. And this past week, since we started this debate, every Member of Congress has made \$3,840 in the last week. Mr. President, \$3,840 is what a minimum wage worker would make in 4 months—4 months. Three thousand eight hundred dollars, every Member of this Senate.

Does the Senator find it somewhat troublesome that we are getting paid

\$3,800 in this past week and we are standing here against an increase in the minimum wage, from \$5.15 to \$7.25, over a 2-year period? Does the Senator not share with me this extraordinary inequality that is so evident here in this body? Does he find it, as do I, highly depressing in terms of the actions of this body—not in terms of our will to continue fighting, but I was thinking of appropriate words and I kept rejecting the ones I was thinking about.

Mr. BROWN. Mr. President, let's look at the kind of work the minimum wage workers are doing. They are hotel workers in Cincinnati. They are farm workers in western Ohio. They are people who are working every bit as hard, and many would argue much harder, at much more difficult jobs in many ways while, as Senator KENNEDY said, we have made more in a week than they have made in 2 or 3 months. That is what makes for this Chamber's inability or unwillingness to pass this minimum wage increase more quickly—rather than continued delay, continued delay, continued delay, rather than having to do these tax breaks for some of their contributors, rather than do a straight up-or-down vote on whether we should increase the minimum wage for these workers who have worked hard and played by the rules. Don't they deserve a straight up-or-down vote?

Let's pass the minimum wage. Let's give them a chance, to bring up the minimum wage, to make up for the decline in the real value of the minimum wage over the last 10 years.

Again, as Senator KENNEDY has said, 6 times in the last 10 years while the House and Senate have refused to increase the minimum wage, 6 different times, these 2 bodies increased our own pay. That is shameful. That is reprehensible, when I hear my friends in this body or in Government talk about family values. Let's talk about real family values. Let's talk about making it possible for families to take care of their children, give their children a chance, an opportunity for education, an opportunity to find a decent job in the greatest country in the world.

Mr. KENNEDY. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. One minute.

Mr. KENNEDY. Just in that time, Ohio addressed the minimum wage, an increase in the minimum wage. Could the Senator in the last minute or so tell us what you found in traveling around, what was on people's minds and why they wanted to vote for it?

Mr. BROWN. I found overwhelming support for the minimum wage. In Ohio, 500,000 people got a raise because of what the voters in Ohio did in November, with overwhelming support of the minimum wage. Two hundred thousand children live in those 500,000 homes. Those are still families who often don't have health insurance, who often have great problems finding daycare for their children when they



are holding their minimum wage jobs. Those are families who are struggling to provide the opportunity for their children to go to school. We know all that. At least one thing we can do here is increase the minimum wage to give those families—not just in Youngstown and in Ravenna, and not just in Springfield and in Xenia—a real chance to raise their children.

Mr. KENNEDY. I thank the Senator. I believe our time has expired.

The PRESIDING OFFICER. Under the previous order, there is 10 minutes reserved for the Republican leader at this time.

Mr. ENZI. Mr. President, the Republican leader has given me his time unless he should appear on the floor, and so I will do that.

I am a little disturbed about what I have heard here in the last several speeches this morning. The vote we are about to have is on whether the minimum wage will increase and there will be tax breaks for small businesses.

When we returned for this session of Congress, we had a number of bipartisan meetings, and I was pleased we had bipartisan meetings and talked about how we could work together and why we needed to work together for America. We talked about minimum wage a little bit, and I even saw newspaper articles where the majority leader and others on the Democratic side talked about the importance of having tax breaks for small business to take care of the impact from the increase in the minimum wage. I was encouraged by that. I thought: We are having some bipartisanship here. We are having some working together. I am encouraged.

Now, of course, the minimum wage came to the floor and I felt for a while it was a bait and switch. After Senator BAUCUS, the Senator from Montana, and Senator GRASSLEY, the Senator from Iowa, worked together to come up with this tax package and the tax package was introduced as a substitute to the bill, I said: I think we are making progress. I think this is going to work. I think it can happen. I think we can work together. I think we can get it done.

Then, of course, we had the cloture vote on the straight minimum wage and I thought: What is going on here? Was that to get our attention and make us feel good and then rip it away? Rip away the comments that were made about the need to help small business? We don't need class warfare in this country.

I keep hearing about a book that was mentioned here, "The War Against The Middle Class." Well, I am trying to figure out how the minimum wage worker made it into the middle class. I think we are talking about the small businessmen, who are being scrunched in from all angles, who are in the middle class, who are employing the people, sometimes at minimum wage, usually at a minimum skills position, and they train them to get better skills, and

when they get better skills and can do more, they get paid more.

I always mention the McDonald's in Cheyenne, WY. A guy there starts people at minimum wage. Now, if they have to be at minimum wage more than about 3 weeks, they are probably not learning the job, probably not showing up on time. But the main point is he has had 3 people who started at minimum wage who now own 21 McDonald's. So there are opportunities out there, but you have to learn and improve to get more wages. We can raise the minimum wage and we are going to raise the minimum wage. And that will take the bottom step out of the ladder and people will be able to step up one more. Then, as we increase prices to help pay for that, unless we have the tax breaks, all we did was raise prices.

I hope we do not get into a class warfare. We do not need hostility to workers and between parties. It is 2 years until we have an election again. We do not need to start campaigns right now. We need to solve problems right now.

We have said one of the problems is the minimum wage, and we are going to solve it. They said we debated this six times in the last 10 years. We have. And every time it was brought up, we needed to do some decreases in taxes for the small businesses to take care of the impact this will have. That part got ignored every time. Consequently, raising of the minimum wage got ignored each time. Hopefully, we will not ignore either message and we will do both. The vote we will have this morning will be in regard to that.

Now, I will have to take some time after the vote and talk about some of the things that were raised because we cannot discuss them in a short period of time. There was talk about overtime taken away. We need to have debate on that. There was talk about unemployment. We need to have a little debate on it. When we are talking about safety officials at mines being cut back, we need to have a talk about that.

Senator KENNEDY, I, Senator ROCKEFELLER, and Senator ISAKSON went to West Virginia and looked at the Sago mine and talked to the people there. We talked to the mine officials. We talked to union officials. We talked to the families. We did a bill in 3 months that changed mine safety for the first time in 28 years because we worked together. We did not try to find divisions. We tried to find places we could come together.

Now, safety officials were cut back. They were cut back all over the Nation. The production of coal went down decidedly. Mines were closed. There were less mines. Of course, then the price of coal came back up and the mines opened again, and everything lags with the Federal Government.

There are problems we need to solve, but we do not need to make them into a war. We need to solve the problems that are involved in these instances and keep moving on for America. That

is the vote we will take later today: a chance to move on for America. We will raise the minimum wage, and we are going to help out the small businesses, those people with all the risk out there who are employing people and training people so that they can continue to hire those people and pay those people so we can have the jobs and the training that the small business provides.

I hope that is the track we will go down. I know it will not be unanimous on either side, but we can get there if we work together.

I yield the floor and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe I have 5 minutes.

The PRESIDING OFFICER (Mr. CASEY). The leader has 10 minutes.

Mr. REID. Mr. President, when we opened the Senate today, we asked that 10 minutes be divided between Senator KENNEDY and Senator REID. I yield 5 minutes.

Mr. KENNEDY. And would the Chair let me know when there is 1 minute remaining?

The PRESIDING OFFICER. The Senator will be notified.

Mr. KENNEDY. In the last few minutes, let me discuss what this issue is about. This issue is about John Hosier from Oklahoma who works at the Salvation Army for \$6 an hour. He provides the family's sole paycheck. John and his wife Tina and their two children live on barely \$200 a week. The family receives Government aid in the form of Medicare and food stamps but is still living on the verge of poverty. He said:

It's hard on a small income . . . if it wasn't for the Salvation Army, I don't know where I'd be.

This is a vote on John Hosier.

This is a vote for Elizabeth Lipp of Missouri, a 21-year-old single mom. Elizabeth works two jobs, which, prior to a Missouri ballot initiative, paid \$5.15. On weekdays Elizabeth worked as a housekeeper, and on the weekends she worked as a nurse's aide at a convalescent and retirement home. She lives with her mother and says:

Getting by on \$5.15 was a struggle. I pay out \$75 a week alone for child care.

Extra money would help her mother with the bills, help pay off the car, and help her put aside some savings.

This is about Peggy Fraley from Wichita, KS, a 60-year-old grandmother. Her daughter, Karla, has five children, ages 6 to 17. Peggy works as a receptionist. Karla is a food service worker. Both women are working \$5.15-an-hour jobs. The family is struggling to get by. Peggy explains:

We can barely make it . . . but we've got each other. That's richer sometimes.

There it is. Those are the people we are fighting for and standing with. Those are the people we believe ought to get an increase from \$5.15 to \$7.25.

You can call that a paycheck. It is just a paycheck. What Democrats are fighting for is a just paycheck.

Finally, we have to understand at the end of this debate, these are our fellow citizens, our brothers and sisters, citizens in the United States of America. These are men and women of dignity, who take pride in the job they do. It is a difficult job, but they still do it. They care about their children, they have hopeful dreams for their children.

We are a Nation of many faiths, but all of the faiths talk about, and the Bible teaches the evilness of exploitation of the poor to profit the rich. All faiths say that is wrong. They all say that is wrong.

St. Matthew's Gospel says: Whatever you have done unto the least of my brethren, you have done unto me.

It is time we reach out to these men and women of dignity, these men and women—primarily women—who have children. This is a women's issue, it is a children's issue, it is a fairness issue. It is an issue of basic moral fairness. It is a civil rights issue because so many of those men and women are men and women of color. And, most of all, it is a fairness issue. In the United States of America, the richest country in the world, we are saying to those people who work 40 hours a week, 52 weeks of the year: You shouldn't have to live in poverty. The other side says no. The other side says no.

We stand for those individuals. It is the right thing to do. It is a defining issue of fairness and decency, and it is an indication of what we as Americans feel about our fellow citizens. I hope we will get a strong vote in favor.

Just remember, if there is any question in your mind, in the last week, the last 7 days, Senators have made \$3,800. Every Member of this Senate has earned that, and Members are going to vote no? Members are going to vote no to increase the minimum wage from \$5.15 to \$7.25 over 2 years? And we have just earned \$3,800 in 1 week?

Opposing the increase in the minimum wage is wrong. It is wrong. Six months after an election and 2 years before an election, it is wrong. It is wrong every single day of the year.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. Mr. President, the distinguished minority manager of this bill is easy to get along with. I want the record spread with the fact that he is a gentleman. I wish every Member in this Senate was as easy to work with as the Senator from Wyoming.

However, I do have some regard for how we have conducted ourselves on this bill in the majority. I have a memory. I know how things have happened in the past. No amendments, few amendments, or, if cloture was invoked on a bill, those amendments that were germane postcloture did not get a vote.

That is not how we are doing things. They may not have gotten all the votes

they wanted, but it is interesting to note that the Members offering the amendments are not going to vote for the bill anyway.

We have a procedure. There are amendments germane postcloture, and we will vote on as many of those as we can. I prefer a straight minimum wage bill. The people of America deserve this raise after 10 years. However, the Republicans have said they want these \$8 billion in tax cuts for business. If that is the only way we can get this bill out of here, I am willing to do that for the 13 million Americans who depend on minimum wage.

How could someone in the minority vote against what they asked for? We gave them what they asked for. They got all the business tax deductions, tax cuts, and then they are going to vote against cloture? I don't understand.

Raise the minimum wage to \$7.25 for 13 million Americans—why can't we do that—and 5.5 million will have wages raised directly, and the other 7.5 million who make near the minimum wage will benefit when the lowest wages are lifted.

As Business Week magazine said a month ago, raising the minimum wage lifts the boat for everybody. I don't think Business Week magazine is seen as a bastion of liberality.

Of the 13 million Americans who stand to get a raise, more than 60 percent are women. For the majority of those women, that is the only money they get for them and their families. Almost 40 percent of the people who draw minimum wage are people of color. Eighty percent of the people who draw minimum wage are adults, many of them senior citizens. They are not all kids at McDonald's flipping hamburgers.

Mr. President, \$7.25 may not seem like a lot of money in Washington, but it would mean almost \$4,500 a year for the Nation's poorest people, the poorest working people in America. Do we want to drive those poor working people into welfare? The answer is, no.

Mr. President, \$4,500 is a lot of money: 15 months of groceries for a family of three; 19 months of utilities; 8 months of rent. It helps with childcare and additional things they simply do not have the money to splurge on now.

After 10 years, it is time to stop talking about this issue and give the working poor of this country a raise after 10 years. I also advise my friends the majority believes this raise in the minimum wage is way overdue.

Everyone should understand, if cloture is not invoked, we are through with minimum wage. We are going to go to other matters. The first thing we go to is Iraq. We have to start debating Iraq this afternoon. Everyone should understand we are not going to come back in a day or two or 2 or 3 weeks. We have a lot of things to do. We have to allow Medicare to negotiate for lower priced drugs for the people who are Medicare recipients. We want to do

something about stem cell. We want to implement the 9/11 Commission recommendations. We want to pass appropriations bills. And we want to pass immigration reform this year. Minimum wage is dead this year because of the minority. If they do not vote for cloture, it is over with.

I yield the floor.

The PRESIDING OFFICER. The Senator's time is expired. There is still 2 minutes remaining under the minority's control.

Mr. ENZI. I yield back the remainder of my time.

The PRESIDING OFFICER. The time is yielded back.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Reid (for Baucus) substitute amendment No. 100 to Calendar No. 5, H.R. 2, providing for an increase in the Federal minimum wage.

Ted Kennedy, Barbara A. Mikulski, Daniel K. Inouye, Byron L. Dorgan, Jeff Bingaman, Frank R. Lautenberg, Jack Reed, Barbara Boxer, Daniel K. Akaka, Max Baucus, Patty Murray, Maria Cantwell, Tom Harkin, Robert Menendez, Tom Carper, Harry Reid, Charles E. Schumer, Richard Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 100, offered by the Senator from Montana, Mr. BAUCUS, an amendment in the nature of a substitute, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Kansas (Mr. BROWNBACK).

The PRESIDING OFFICER. Are they are any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 87, nays 10, as follows:

[Rollcall Vote No. 34 Leg.]

#### YEAS—87

Akaka	Cardin	Domenici
Alexander	Carper	Dorgan
Allard	Casey	Durbin
Baucus	Clinton	Enzi
Bayh	Cochran	Feingold
Bennett	Coleman	Feinstein
Biden	Collins	Graham
Bingaman	Conrad	Grassley
Bond	Corker	Hagel
Boxer	Cornyn	Harkin
Brown	Craig	Hatch
Bunning	Crapo	Hutchison
Byrd	Dodd	Inouye
Cantwell	Dole	Kennedy



Kerry	Menendez	Shelby
Klobuchar	Mikulski	Smith
Kohl	Murkowski	Snowe
Landrieu	Murray	Specter
Lautenberg	Nelson (FL)	Stabenow
Leahy	Nelson (NE)	Stevens
Levin	Obama	Sununu
Lieberman	Pryor	Tester
Lincoln	Reed	Thomas
Lott	Reid	Thune
Lugar	Roberts	Voinovich
Martinez	Rockefeller	Warner
McCain	Salazar	Webb
McCaskill	Sanders	Whitehouse
McConnell	Sessions	Wyden

## NAYS—10

Burr	Ensign	Kyl
Chambliss	Gregg	Vitter
Coburn	Inhofe	
DeMint	Isakson	

## NOT VOTING—3

Brownback	Johnson	Schumer
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The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 10. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I thank the Senate. That was an extraordinarily strong vote. It certainly indicates that important progress is going to be made on this issue. I hope the sooner the better. We do have eight pending amendments that are germane. We are hopeful we can consider the DeMint amendment or a vote in relation to that. I understand there is a budget point of order on that that might be made. We look forward to trying to dispose of other amendments through the course of the afternoon.

For the benefit of the Members, we have 30 hours now on this particular proposal. We will have, unless the leaders are able to work something out tomorrow, another cloture vote on the underlying legislation.

We are prepared to move ahead on these amendments. I will talk to my friend and colleague, Senator ENZI, about them. Of the eight pending amendments, I believe six are under the jurisdiction of the Finance Committee. We will work that out with the members of the Finance Committee and inform the Senate as soon as possible thereon.

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

Mr. KENNEDY. I am glad to yield.

Mr. DORGAN. I ask the manager, how many days have we been on the bill? I know this is legislation to increase the minimum wage. It has been on the floor for some long while. I understand there is a 30-hour postcloture period. I am curious: How long we have been on this bill and might we expect, for example, tomorrow to be able to complete legislation that would increase the minimum wage after 10 long years?

Mr. KENNEDY. To answer the Senator, this is the seventh day we have

been on the minimum wage legislation. During this debate we have had 16 days where the Senate has addressed an increase in the minimum wage where we were unable to get a successful outcome. This is a subject that Members can understand quite readily. In one week since we started this, we have all received over \$3,800 in pay ourselves, but we haven't increased the minimum wage from \$5.15 to \$7.25 over a 2-year period. I share the Senator's frustration about progress, the time it has taken us to get to this point. I hope our leaders can find a pathway that can expedite the process. Of the remaining issues, one is a DeMint amendment, which we have already addressed, that is adding the minimum wage on to all of the States rather than following the minimum wage standard. The other is a Chambliss amendment that ought to be on an immigration bill that deals with the AgJOBS payment. That is suitable for that rather than being on the minimum wage bill. But we are going to deal with these issues and do it in an expeditious way and continue to move forward.

Minimum wage workers ought to understand, though, that this was an important vote we have taken. I don't wish to be overly hopeful or optimistic, but I think help is on its way.

Mr. DORGAN. Mr. President, if the Senator will yield for one more question, this vote was encouraging. It gives us an opportunity to take another step. It has been a long and tortured trail because this subject has been discussed not just this year but in the last session and the session before that. This has been a long and tortured trail to get an increase in the minimum wage after 10 long years. My hope is that this cloture vote will give us an understanding that there is good will on all sides and a desire to move forward and get this completed. My hope is that we can complete this tomorrow. We have a lot of other issues Senator REID and others have suggested we ought to be moving to.

I thank my colleague for yielding.

Mr. KENNEDY. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, over the lunch hour, or shortly after that, the Senator from Massachusetts and I will work together to see what we can do on the amendments, to see if they can be voted on as expeditiously as possible. I, too, feel compelled to address the question of the Senator from North Dakota about the number of days we counted on this. The minority will always count the days on a bill as those days we are allowed to vote. We only voted three out of seven, until today when we got the second cloture vote. We will insist we get votes on amendments as we proceed through this bill and other bills.

I am pleased the Senator from Massachusetts is willing to work with us to see what we can do on the outstanding amendments.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator should be advised that there is an order to recess. Further debate would require unanimous consent.

Mr. LOTT. Mr. President, I ask unanimous consent that the order to recess be extended by 2 minutes so I may respond to some of the questions that have been raised.

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

Mr. LOTT. Mr. President, let me point out that was an important vote we had. It was overwhelming. The Senate voted for cloture 87 to 10. So there is not going to be any prolonged, dilatory action here. Republicans and Democrats want to get this bill to conclusion. People on both sides of the aisle want to make sure that we don't act on this legislation in such a way that we wind up costing people jobs or costing small business men and women the opportunity to provide jobs.

We are making progress. The Finance Committee came out with a unanimous, bipartisan package which is now going to be a part of what we do here. We are going to get through this process in a reasonable period of time.

Our leaders, I am sure, are talking about how exactly we can get to conclusion and what we will go to next. But we have only had about 3 days, as was pointed out, on which we were actually dealing with amendments and making progress.

There have been 76 amendments filed. There are still 26 pending. We have disposed of 17 amendments. So we are making progress. But the vote that just took place did block some Members who had legitimate amendments which are relevant, although they are not germane postcloture, and there are a few amendments that are germane postcloture. So I assume we will get to a conclusion after some of those amendments are considered, and we will complete this legislation before this week is out and then we can move on to the next issue which is of concern to everybody, and that is the Iraq resolution.

I wanted the RECORD to reflect we are making progress and that there is not an action out of the ordinary to delay this bill. We have been through this before, and actually we are going to complete action in what is probably about a normal period of time for this type of legislation.

I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:47 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.