

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	Voivovich
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.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

FAIR MINIMUM WAGE ACT OF
2007—Continued

Mr. KENNEDY. Madam President, we are prepared to move ahead on the amendments. We have some that are in the Finance Committee, some in our HELP Committee. We are prepared to move ahead on the Chambliss amendment. We would hope that the Senator might come to the floor to debate it. We are prepared to proceed. Senator FEINSTEIN is prepared to speak on it. I am prepared to debate it. The Finance Committee is in the process of working with Senator KYL on some of the other matters. It is 3:15 in the afternoon, and we are prepared to move ahead.

As I understand it, Senator DEMINT chose not to offer his amendment. So the Chambliss amendment would be the one amendment that is germane postcloture. We are prepared to deal with that at this time. We invite the Senator to come and debate the amendment.

We heard a great deal about how we want to move ahead, how we want to deal with the amendments. We are prepared to do so. I hope the good Senator will choose to come to the floor so we could continue to proceed with this legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. TESTER. Madam President, I rise today to talk about a subject that involves common decency and economic fairness—raising the minimum wage. In my State of Montana, thousands of workers struggle just to make ends meet with less than the State's current minimum standard. Twelve counties in Montana have 9 percent of their workforce making less than the State's current minimum wage standard. That makes it virtually impossible for those folks to try to obtain the middle class.

Raising the minimum wage is the first step to empowering the middle class, to making the middle class all it can be. We have talked about and for the last 6, 7 days we have heard about how important it is to raise the minimum wage. Let me tell my colleagues, if we are going to make this country all it can be, we need to show some attention to the middle class. This raising of the minimum wage, make no mistake about it, is the first step to

empowering the middle class to make it vibrant once again. There are many things that can be done and I hope will be done when this 110th Congress goes forward. We are doing the right thing.

The fact is, people deserve a fair wage for the work they do. The current minimum wage at \$5.15 an hour translates into less than \$11,000 per year. One can't pay the bills with that kind of income.

I can tell my colleagues that as I drove around the State of Montana over the last year and a half, one of the fellows who made one of the biggest impressions on me was at a truck stop, when he asked me what I was going to do for average workers in the State of Montana. I said: What do you have in mind? He said: Currently, I work three jobs, and I still have difficulty making ends meet. What kind of quality of life can a person have working three jobs, struggling every day just to pay basic bills like heating, lights, and insurance?

The fact is that around this country, many States have passed minimum wage laws that have increased the minimum wage. Unfortunately, the leadership has not come from Washington, DC, on this issue; it has come from the States. And I think it is high time that this Congress—and it is unfortunate it hasn't happened before, but it is high time and it is welcomed that this Congress would step to the plate to increase the minimum wage from \$5.15 to \$7.25 an hour. It is the right thing to do, and it is a good first step. I will applaud the Senators if we, in fact, get this job done, which I think is entirely appropriate, to increase the minimum wage.

My State of Montana is one of six States that passed initiatives last November raising the minimum wage to a wage higher than the Federal standard. It passed with 73 percent of Montana's voters favoring this minimum wage increase. It is now at \$6.50 an hour, indexed for inflation with no tip credit, meal credit, or training wage. This means employers may not count tips or benefits as part of the employee's wage for minimum wage purposes. This is a significant step forward for our workforce, and I hope the Federal Government will follow suit with passing this bill to make the economic struggles of almost 15 million Americans, including 7.3 million children, a little easier.

Raising the minimum wage is long overdue. It is about time, and it is about time we showed an appreciation for America's workforce.

I thank the Chair.

Mr. KENNEDY. Madam President, if the Senator will yield, I thank the Senator from Montana for his statement in support of the minimum wage. He comes from a very special part of this Nation, the northern part of the Rockies. It has great agriculture and farmlands. It has a number of communities—Butte, MT—where there is mining and a number of smaller communities where people have worked in manufacturing.

I thank the Senator for his statement and for his support. He has been on the floor a good deal of the time during the course of this debate, and having been just elected he brings to the Senate that fresh perspective of what people are thinking about in the heartland of the Nation. His comments bring additional strength to the argument in support of the increase. I express my appreciation to him for his good comments and statement in support of an increase. I thank the Senator.

Mr. TESTER. Madam President, I say to the Senator from Massachusetts, Montana is no different from any other State in this Union. We have a lot of hard-working folks who work for every penny they get. Quite frankly, sometimes they feel pretty unappreciated. It wasn't many years ago that we talked about American-made products and how proud we were of them and how proud we were of the workers who made those American-made products. We need to get back on that road once again.

I will say, as I said a few minutes earlier, this is long overdue and is something on which I wish the Federal Government would have taken the lead. But better late than never.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 118 WITHDRAWN

Mr. CHAMBLISS. Madam President, I have amendment No. 118 which is under consideration. After consultation with the Senator from Massachusetts, I am going to withdraw that amendment, but as I withdraw it, I want to say, as we move into the immigration debate, which we will do on the floor of the Senate hopefully sooner rather than later, this amendment will come up again. The importance of this amendment cannot be overstated. There are farmers and ranchers all across America who use a legal workforce versus an illegal workforce.

Between now and the time this debate comes up on immigration, I am afraid that by not moving ahead with the adoption of this amendment, we are going to encourage farmers and ranchers in the use of illegal immigrants. But the fact is, we have been debating this minimum wage bill now for 2 weeks or more. It is time to conclude it. This amendment has stirred up some controversy—for the right reasons, because we do need to talk about the amount of money we pay to our workforce in the agricultural sector. But I do appreciate the Senator from Massachusetts, in his conversations and his commitment to me, that as we move into the immigration debate we will talk about this once again, as we did last year.

Madam President, at this time I withdraw that amendment. I ask unanimous consent to do so.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I thank the Senator from Georgia.