

before and the year before and the year before. So the rich get richer and the poor get poorer. That is the system we have right now unless we take action to make sure those who earn the minimum wage are keeping pace with what it takes to buy the food, to pay the rent, to pay for the schools for the children in their family. If we don't do this, they get poorer and poorer while continuing to work 40 hours a week.

We know low-income Americans would benefit from raising the minimum wage, but they are not the only ones. Hundreds of small businesses in my home State of Massachusetts have signed on to a petition for a fair minimum wage of \$10.50 per hour. That petition says that raising the minimum wage makes good business sense. That same small business petition says workers are also customers.

They are right. Increasing the purchasing power of minimum-wage workers helps stimulate the economy. Research has shown time and time again that minimum-wage workers spend the additional income they receive when the minimum wage is increased. If we increase the minimum wage to \$10.10 per hour, 28 million workers would receive about \$35 billion in additional wages.

Raising the minimum wage does not cause job losses, even during periods of recession. Most minimum-wage workers need the income to make ends meet and spend it quickly. It goes right into the economy. So economists believe it will actually boost the economy by creating about 85,000 new jobs and increasing economic activity by about \$22 billion. That means everyone in our economy should be on board.

Raising the minimum wage is about giving families security, opportunity, and dignity—the security to know they can make ends meet, the opportunity to climb out of poverty and into the middle class, and the dignity to know they are getting paid a fair wage for a hard day's work. That is why I am proud to stand here today to urge my colleagues to increase the minimum wage so that we give America the raise it needs for those who are working so hard for our economy.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MINIMUM WAGE FAIRNESS ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided and controlled between the two leaders or their designees.

The minority whip.

Mr. CORNYN. Madam President, I think people listening to the debate on the minimum wage issue may be a little bit confused, because we all want to

see hard-working American families work their way toward the American dream, but we are not going to be able to do that with the Federal Government setting wages for restaurants, small businesses, and other people across the country.

I have no objection, obviously, if Massachusetts or Minnesota or some other State wants to raise the minimum wage. That is their choice. But what my colleagues are now asking for is the Federal Government, or the Nation, to set a minimum wage at a level which will destroy between ½ and 1 million jobs. That is not just me talking, that is the Congressional Budget Office, which is the official scorecard for the Congress.

Think about this: You are a small business and your biggest expense is wages for the people who work there. Now the Federal Government comes in and says: Forget about your local conditions in North Dakota or in Texas. We are going to say, from Washington, DC, that everybody has to raise wages by 40 percent. I can't imagine there will be many businesses, small businesses in particular, that can absorb a 40-percent increase in their overhead.

This is going to hurt low-wage earners who are currently employed. That is what the Congressional Budget Office has said. And it is going to hurt the economy.

I heard the distinguished Senator from Minnesota say the economy is doing great. Well, I guess he must have missed the latest report on the first quarter of 2014. Because of the bad weather—we had an unseasonably cold first quarter—the economy grew at .1 percent. In other words, it almost went into what would be a negative growth or a recession. Of course, recession is defined as two quarters of negative growth, but my point is this strong growth he is talking about in the economy is a figment, it is not the fact, and we need to deal with the facts on the ground.

I wonder sometimes why public opinion holds Congress and Washington in such low esteem. Actually, I don't wonder why. My conclusion is they think we are out of touch. We are out of touch with regular American families—people who are working hard to make ends meet, getting the kids ready for school and living their version of the American dream. The latest statistic I saw says that 27 percent of the American people think we are on the right track. That is a shocking number. That means 73 percent think we are on the wrong track.

What is the old saying, that the definition of insanity is doing the same thing over and over again and expecting a different outcome? Well, let's not do the same thing over and over again—keep America on the wrong track and engage in a policy decision here on this minimum wage, this 40-percent increase in the minimum wage, which will actually hurt more people than it helps.

This is not just my view. There was a poll that came out yesterday which said, basically, once people understood that people would be put out of work by increasing the minimum wage, 58 percent said it is not worth it. So 58 percent of the respondents said it is not worth it.

You know, it would be nice—it would be great—if we lived in a world where Washington could dictate what wages will be and all of a sudden peace, love, and happiness would break out—the age of Aquarius—because Washington is somehow distributing free money that didn't come from somewhere, that didn't come out of somebody's pocket or as part of someone's overhead or it didn't have any negative impact. But that is not the world we live in.

Again, this is not just public opinion, it is not just my opinion, it is not just the opinion of the Congressional Budget Office about the job-killing nature of this dramatic 40-percent increase proposed in the minimum wage. Back in 1998, President Clinton's economic adviser Gene Sperling—who just left the Obama administration—wrote a memo to President Clinton when a similar proposal was being made to raise the minimum wage 41 percent at that time. The Harkin bill we will vote on here shortly proposes to raise the minimum wage 40 percent. This was back in 1998 that Gene Sperling is writing to President Clinton on a proposed increase of the minimum wage by 41 percent, but for all practical purposes it is the same sort of proposal. This is what Mr. Sperling wrote to President Clinton:

Your entire economic team believes that this approach is too aggressive and are concerned that Senator Kennedy's proposal could prove damaging to the employment prospects of low-skilled workers . . .

This was Senator Ted Kennedy's proposal back in 1998. Again, that is what the Congressional Budget Office has said about this bill. He goes on to say, "as well as to the general macroeconomic performance of the economy."

So what are our friends across the aisle proposing we do when the economy grew at .1 percent this last quarter? Well, administer a body blow to this anemic economic growth. And this is not just my opinion. It is *deja vu* all over again, as they say. I guess if you are around Washington long enough, you are going to see this movie replayed over and over.

The fact is that our economy is weaker today than it was in 1998. Sure, unemployment is coming down slowly, but the economy is growing too slowly and the number of people in the workforce is the lowest it has been for the last 30 years, the so-called labor participation rate.

So what did President Clinton do when his economic advisers said: Don't do it, Mr. President. While it is good politics, perhaps, it really will hurt the economy, and it will put people out of work.

President Clinton, to his credit, decided not to pursue that particular 41-percent increase in the minimum wage.

I mention that as a sad contrast with the current situation where President Obama, seeing his favorability ratings at the lowest they have been since he became President, is trying to change the subject and basically make a political point when the fact is that making the political point will actually hurt a lot of hard-working Americans.

So the majority leader has decided that rather than spend the week debating legislation that would actually create jobs, we should spend it debating a proposal that would destroy jobs.

We all know that a massive minimum wage increase such as this can be a job killer. So it really wasn't surprising when we saw that quantification by the Congressional Budget Office saying this proposal could destroy up to 1 million jobs. Yet, when I was listening here, I didn't hear the distinguished Senators from Massachusetts or from Minnesota talk at all about the Congressional Budget Office report. They want to ignore that. They want us to believe that this increase in the minimum wage would have little or no effect on employment and that maybe it would have a positive effect. I heard the Senator from Massachusetts make that claim, but the people who actually run America's businesses know better.

I had dinner the other night with some folks in the restaurant business, and I will mention some examples in a moment. Most of these folks I happened to have dinner with are pretty successful, but they started out washing dishes or bussing tables or waiting on tables. They started at the bottom and worked their way up because they could find a job, get their hand on the first rung of the economic ladder and then put the other hand on the next one and work their way up to where now they are very successful businesspeople. But they understand how businesses work. They understand the negative consequences of this bad policy coming from Washington, DC.

Just ask Robert Mayfield from Austin, TX, where I live. Mr. Mayfield has been in business for 35 years now, and he is pretty successful. He also knows a thing or two about the consequences of rising labor costs. This is what we are talking about. For a business, this is the overhead. This is the labor costs they have to pay out of their income.

Mr. Mayfield wants Members of Congress to know that he strongly opposes this proposal because it will cost people jobs. Here is how he describes it:

What's most devastating about an increase in the minimum wage is that costs go up, and as a business owner, I have to raise prices—

So if we think we can pay somebody \$10.10 an hour to work in a McDonalds and it won't have an impact on the cost of a Big Mac, well, we are living in a fantasy world. And that is what Mr. Mayfield says.

I have to raise prices, and sometimes the market [won't bear it]. In the end, jobs will

be lost and service will suffer . . . The people in Congress wanting to pass a minimum wage bill don't know any more about how a business works than a hog knows about Sunday School. What makes it worse is Obamacare hanging over our heads. It's a job killer.

I heard this again today from a friend of mine from San Antonio. Louis Barrios, whose family has run Mexican restaurants in San Antonio for many years, talked about the combination of ObamaCare and now this proposed minimum wage increase.

He said: Right now, we would like to pay a single mom who is working in our restaurants to take orders. If Congress lifts the minimum wage to \$10.10 an hour, we will have no choice but to replace that server, that waitress, with an iPad.

That is what is happening in a lot of fast food restaurants these days.

Again, Congress shouldn't operate in a vacuum without knowledge or an awareness of what the consequences might be.

I am not suggesting that any of our friends who are advocating this minimum wage increase want to put that single mom out of work, but if we embrace that policy, that is what Louis Barrios told me this morning would likely happen. And people like Robert Mayfield and Louis Barrios are supported by countless economists.

So we have folks who are actually doing the work, and then we have the big thinkers like the economists who studied this issue and concluded that this size minimum wage increase is a really bad idea in terms of the economy. More than 500 of those economists, including several Nobel Laureates, recently signed an open letter to several policymakers expressing their opposition to this 40-percent minimum wage hike. Their letter said:

Many of the businesses that pay their workers minimum wage operate on extremely tight profit margins, with any increase in the cost of labor threatening this delicate balance.

That is also what Robert Mayfield said: I can't absorb it without passing it along to customers, increasing the prices they have to pay or I may have to lay some people off or I may just have to close my business altogether.

They are operating on tight profit margins.

When so many economists and so many folks who are working across America are telling us the same thing—and the truth is that it makes perfect common sense—it would be the height of arrogance for us to ignore their concerns. But that is what President Obama and Majority Leader REID are asking us to do today.

I made this point at the beginning. I fully share our colleagues' concerns about the stagnant wages being earned by American workers all across America. Indeed, since the Obama economic recovery—that was after the recession of 2008, but after the Obama economic recovery started kicking in in June 2009, the median household income in

this country has gone down by \$1,800. So I understand the concern, but I find it a little depressing that Congress's only answer is to raise the minimum wage by 40 percent, which will put people out of work and shut down small businesses, when there are a lot better ways for us to address it, and I will talk about that in a moment. Raising the minimum wage by 40 percent will not grow the economy and it will not create jobs. It will do the opposite.

Of course, the truth is—and we read this in newspapers a couple of weeks ago—we all know what is happening here, so let's talk about the 800-pound gorilla here in the Senate Chamber. The truth is that the President and Majority Leader REID don't expect this bill to pass because they actually are very intelligent people and they know the facts as I have just described them here on the floor of the Senate. This is all about politics. This is about trying to make this side of the aisle look bad and hard-hearted to try to rescue this midterm election coming up in November. They see the President's approval rating going down, they see a number of midterm races for the Senate in play, and they have to do something. They are desperate. ObamaCare didn't work out the way they thought it would. You can't keep what you have if you like it. Your premiums didn't go down \$2,500 if you are an average family of four. And, no, you can't keep your doctor in too many cases under the health insurance exchanges. So they are desperate.

We know from reporting in the New York Times and elsewhere that this minimum wage bill—this show vote we are going to have here shortly—is part of a larger messaging package created in collaboration with the Democratic Senatorial Campaign Committee. That is not me talking; that is the admission by the leadership on the other side of the aisle. This is not about actually solving the problem; this is about political theater, courtesy of Majority Leader REID.

The real tragedy is that millions of Americans don't have any time or any patience for this sort of political theater and partisan gamesmanship because the numbers are very troubling. The Obama recovery is 5 years old. Yet 10.5 million people are still unemployed—including 3.7 million people who have been unemployed for more than 6 months—with an additional 7.4 million people working part-time because they can't find full-time work or, because of ObamaCare, their employers have taken them off full-time work and put them on part-time work in order to avoid the employer penalties.

It is true that the hard-working American family needs some help, but the truth is that this remedy being offered today—this medicine—to try to supposedly solve the problem will just make things worse. So I have a proposition to make to our friends across the aisle. If they would work with us, if they would leave these games by the

wayside, and if they would focus for a minute on trying to work with us to engage in solutions that would help grow the economy and help reduce unemployment and help raise wages across the Nation, then we would gladly embrace that, and we have introduced a number of bills that would do exactly that.

I know the distinguished Senator who is presiding comes from an energy-producing State like mine, and this is no mystery to her, but in Texas, like North Dakota, there are a lot of really good jobs, but people don't have the skills necessary to qualify for those good jobs.

I was in Fredericksburg, TX, recently, where they are training welders at the community college. A welder can make \$100,000 or more a year. In the Permian Basin in Midland and Odessa, TX, truckdrivers can make \$100,000 a year. It is unbelievable what this renaissance in American energy has done to our economy and job creation.

One thing we could do that would be a heck of a lot more constructive than this kind of show vote and partisan gamesmanship would be to improve our workforce training programs, the Pell grant program, and try to find ways to get people the training they need in order to qualify for these good, high-paying jobs being created by this wonderful renaissance in American energy.

We could do some other things. We could try to rein in some of the regulations that I hear about day in and day out from my constituents are constraining businesses. We could approve the Keystone XL Pipeline, which makes a lot of sense and would create about 42,000 jobs. It would give us a safe source of energy from a friendly country such as Canada. We could do something else constructive. We could provide some relief for those people who have had full-time jobs turned into part-time jobs because of ObamaCare. Senator COLLINS from Maine and Senator SCOTT from South Carolina have a bill that would do exactly that.

Unfortunately, while I am an optimistic person, I am not particularly optimistic about the majority leader and the President changing their tactics in this election year. So that is why, tragically, under these circumstances we find ourselves here today debating a jobs bill that will actually kill jobs rather than one that would create jobs. What a terrible lost opportunity that is.

I see my friend from Maryland is here ready to speak.

I ask unanimous consent that several letters that have been provided to us by organizations such as the American Hotel & Lodging Association, the Wholesale Marketers Association, among other business organizations, including the U.S. Chamber of Commerce, be printed in the RECORD at the conclusion of my comments. All of these letters are opposing this 40-percent minimum wage increase.

I would finally ask unanimous consent to make as part of the record a column written by a gentleman by the name of Michael Saltsman in the IndyStar newspaper entitled "Wage hike cost is no myth." This is the source for the information we got about the Clinton archives and this memo that Gene Sperling wrote to President Clinton advising him that even though it might be good temporary politics, it would actually hurt a lot of low-wage workers. I ask unanimous consent that they be made part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Indy Star, Apr. 26, 2014]

WAGE HIKE COST IS NO MYTH

(By Michael Saltsman)

President Obama and Democrats in Congress have made a 40 percent increase in the minimum wage their signature election-year initiative. Supporters of the policy have dismissed concerns that the policy will hurt jobs as a "myth" (Indiana University's Fran Quigley made the claim in his April 15 column). But the "myth" argument has become increasingly difficult to defend. Not only has the nonpartisan Congressional Budget Office validated opponents' worst fears about a higher minimum wage and job loss, but the release of new papers from President Clinton's archives shows that his own economic team had misgivings about a 40 percent wage hike.

In 1998, the U.S. economy was relatively strong: Business was booming, unemployment was at 4.6 percent, and just under 14 percent of teens were unemployed. (That's a relatively low figure for this demographic group.) The late Democratic Sen. Ted Kennedy had proposed a 40 percent increase in the federal minimum wage, from \$5.15 an hour to \$7.25.

But in a memo to President Clinton, chief economic adviser Gene Sperling warned against supporting the senator's plans: "Your entire economic team believes that this [40 percent increase] approach is too aggressive . . . and could prove damaging to the employment prospects of low-skilled workers." Clinton took his team's advice. Flash forward 16 years: The U.S. economy today is dramatically weaker than it was in the late 1990s. Unemployment stands at 6.8 percent, and the unemployment rate for young adults is 20.6 percent. (The jobless rate for this young age group has been above 20 percent for 66 months, a historical record.) If President Clinton's economic team was concerned about enacting a 40 percent wage hike in 1998, they'd be scared to death of doing it now.

And with good reason: The CBO analyzed the minimum wage proposal on the table, and estimated that as many as 1 million jobs would be lost if it was passed. A recent national survey of affected employers indicates that nearly 40 percent would be forced to cut staff to adapt to the higher labor costs. Even the Obama White House, in private conversations in 2013, was uneasy with a dramatic wage increase in this environment: According to the Washington Post, the president's team "rejected a figure so high, worried that it could destroy jobs."

What explains this year's lapse of economic judgment, then? One explanation, supported by reporting in The New York Times, is that the push for \$10.10 is an election-year ploy to boost enthusiasm among the party's base. It's also a useful tactic to change the

conversation away from the deeply unpopular health-care law—even if it comes with collateral damage for the least skilled in America. We won't know for certain if President Obama endorsed this cynical strategy until his own records and papers are released—perhaps 10 or 15 years from now. What we can say for certain today is that supporters of a higher minimum wage are flat-out wrong when they dismiss the employment consequences of a 40 percent hike. If claiming that a minimum wage hike will harm jobs truly is a "right-wing myth," it's the only such myth that both the Obama and Clinton White Houses believed in.

APRIL 28, 2014.

DEAR SENATOR: The undersigned associations, representing a broad cross section of the U.S. economy, urge you to reject current proposals to raise the Federal minimum wage. One such proposal is S. 2223, the Minimum Wage Fairness Act, which will increase the minimum wage to \$10.10 per hour for non-tipped employees and tie future minimum wage increases to inflation.

For many businesses, this 39 percent increase could truly be the difference between continuing to operate and going out of business. For the employees it attempts to help, it may be the difference between a job and unemployment.

As the Congressional Budget Office recently confirmed, raising the minimum wage will be detrimental to job creation and low-skilled workers trying to get started on the economic ladder. Traditional economic theory and modeling holds that the more expensive something is, the less of it one can afford. This is exactly what will happen if the minimum wage is increased—there will be fewer low-skilled workers hired, other workers will lose hours, and employers will have more incentive to find other ways to be productive, such as using technology or automation where they would previously have hired someone. When Congress' own economists say increasing the minimum wage will reduce employment, Congress should listen.

Any discussion about raising the minimum wage needs to recognize that many businesses run under very slim operating margins and will have the hardest time absorbing these higher labor costs. They will have to find more revenues or trim costs to make up the difference. Furthermore, indexing the minimum wage to inflation means that employers will likely be faced with automatically increasing labor costs without an automatic increase in revenues or profits.

Further, while the legislative package may contain benefits intended to help small businesses, these are insufficient to mitigate the negative impact the wage increase will surely have on businesses.

We respectfully ask that you oppose S. 1737 and other similar proposals to raise the minimum wage. The best way to help low-skilled and low-income workers is to favor more comprehensive, pro-growth solutions to our nation's most pressing economic issues.

Sincerely,

American Hotel and Lodging Association, American Wholesale Marketers Association, Asian American Hotel Owners Association, Association of Kentucky Fried Chicken Franchisees, International Franchise Association, International Warehouse Logistics Association, National Association of Manufacturers, National Association of Theatre Owners, National Association of Wholesaler-Distributors, National Council of Chain Restaurants, National Federation of Independent Business, National Franchisee Association, National Grocers Association, National Office Products Alliance, National Restaurant Association, National Retail Federation, NATSO, representing America's

Travel Plazas and Truckstops, Petroleum Marketers Association of America, Professional Landcare Network, Society of American Florists, U.S. Chamber of Commerce.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, April 29, 2014.

Re: American Farm Bureau Federation Opposition of S. 2223

U.S. SENATE,
Washington DC.

DEAR SENATOR: For agricultural producers across America, remaining economically competitive on fruits, vegetables and other commodities that are labor intensive is a continual struggle. Particularly over the last few decades, the American market has seen tremendous increases in the importation of foreign-grown produce, especially from nations where labor costs are substantially lower than those in the United States. Nevertheless, hired labor (including contract labor) remains an important input to U.S. agricultural production, accounting for about 17 percent of variable production expenses and about 40 percent of such expenses for fruits, vegetables, and nursery products.

As the Congressional Budget Office recently confirmed, raising the minimum wage will be detrimental to job creation and low-skilled workers trying to get started on the economic ladder. As the minimum wage is increased, workers risk losing hours and employers will have more incentive to invest in technology rather than hiring the low-skilled worker. Additionally, in the agricultural sector, where margins are historically slim, any proposal that escalates labor costs can put growers in a precarious position. S. 2223, the Minimum Wage Fairness Act, proposes to increase the federal minimum wage by nearly 40 percent, making it even more difficult for growers to remain competitive. Growers will have to find more revenues or trim costs to make up the difference. The increased pressure from higher labor costs would only make it harder for farmers, particularly small- and medium-sized growers, to compete or even stay in business.

S. 2223 threatens the economic well-being of many agricultural producers in labor-intensive crops. Farm Bureau urges you to vote "no" on this bill when it is taken up on the Senate floor.

Sincerely,

BOB STALLMAN,
President.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, April 29, 2014.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, urges you to vote against S. 2223, the "Minimum Wage Fairness Act," which would ultimately increase the federal minimum wage by \$2.85 per hour, and index it to inflation.

The proposed increase—almost 40 %—would cause small business employers who have very tight operating margins and are least able to absorb higher costs to eliminate entry-level jobs, reduce hours and benefits for current employees, and possibly dismiss current employees. Furthermore, indexing the minimum wage to inflation means labor costs would continue to increase even though employer revenues and profits may not.

Many economists, including those used by Congress, have concluded that raising the

minimum wage would be detrimental to job creation and low-skilled workers trying to get started on the economic ladder. The Congressional Budget Office recently determined that as many as 500,000 jobs could be lost by late 2016 if this increase is passed. This determination was later endorsed by Chairman of the Federal Reserve Janet Yellen—if the minimum wage is increased there would be fewer low skilled workers hired, other workers would lose hours, and employers would have more incentive to replace employees with technology or automation.

The economics columnist Robert Samuelson summed it up well: "Many studies find negative job effects. The CBO didn't make them up. Hiking the minimum wage is more compelling as politics than as social policy . . . weak labor markets still reflect the Great Recession's hangover."

Additionally, the temporary tax breaks included in this bill to soften the impact would not offset the harm of the additional labor costs. The push for this increase in the minimum wage comes against the backdrop of employers struggling to recover from the recession and to figure out the impact of Obamacare on their operations. The last thing they need is for the cost of their labor to go up as well.

Increasing the minimum wage would be a further drag on the economy and Chamber members trying to be part of the recovery, both big and small. The Chamber strongly opposes S. 2223, the "Minimum Wage Fairness Act." The Chamber may consider including votes on, or in relation to, S. 2223—including votes on the motion to proceed—in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

INTERNATIONAL FOODSERVICE
DISTRIBUTORS ASSOCIATION,
McLean, VA, April 29, 2014.

DEAR SENATOR: On behalf of the International Foodservice Distributors Association, I am writing to urge you to oppose legislation to raise the minimum wage. As our economy continues to struggle amid uncertainty around issues such as healthcare, now is not the time for government to impose additional new costs on American businesses.

IFDA is the non-profit trade association that represents businesses in the foodservice distribution industry throughout the United States and internationally. IFDA members include broadline, systems, and specialty foodservice distributors that supply food and related products to professional kitchens from restaurants, colleges and universities, to hospitals and care facilities, hotels and resorts, and other foodservice operations. Our members operate more than 800 distribution facilities with more than \$125 billion in annual sales.

Increasing the minimum wage at this time makes little sense, especially with our foodservice operator customers continuing to face tremendous headwinds from a wide variety of factors. As employers struggle to create jobs, the nation's job participation rate remains at historically low levels. This has resulted in severe reductions in consumer's disposable income, a critical element in the growth of food away from home.

Other challenges have come from additional government requirements. The employer mandate in the Affordable Care Act will result in dramatic cost increases as operators must provide healthcare for their employees or move their workforce away from full time employment. The continued diversion of corn to the fuel supply created by the Renewable Fuel Standard has increased costs by as much as \$18,000 per year to individual restaurant operators.

Increasing the minimum wage now will do nothing to solve what continues to be the most critical issue facing our nation today, the stagnant economy and continuing high unemployment rate. I strongly urge you to oppose any effort to increase the minimum wage.

With best wishes,

JONATHAN EISEN,
Senior Vice President,
Government Relations.

INTERNATIONAL FRANCHISE
ASSOCIATION,

Washington, DC, April 29, 2014.

DEAR SENATOR: On behalf of the nation's 825,000 franchise small businesses and the nearly 18 million workers they support, I write today to urge you to vote against legislation to raise the federal minimum wage. One such proposal is S. 2223, the Minimum Wage Fairness Act, which will increase the minimum wage to \$10.10 per hour and tie future minimum wage increases to inflation. For the many franchise businesses that are labor-intensive and already operate on thin profit margins, this legislation could be the difference between continuing to operate and going out of business—between maintaining employees or shedding more jobs.

Businesses should be able to determine the most competitive starting wage and subsequent raises for their employees within their industry and local economy. A drastic minimum wage increase would ripple throughout the fragile American economy and undermine employer's desires to reward hard work with wage increases. This effect will be even more pronounced when combined with the full implementation of the Affordable Care Act's employer mandate. According to the Congressional Budget Office, raising the minimum wage will be detrimental to job creation and low-skilled workers trying to get started on the economic ladder. When Congress' own economists say increasing the minimum wage will reduce employment, Congress should listen.

Although this legislation contains other benefits for small businesses that the International Franchise Association (IFA) fully supports, they are insufficient to mitigate the negative impact of a drastic increase in the minimum wage. On their own, tax incentives for purchasing or hiring are a significant boon for franchise business owners, and they should be considered along with other business tax extenders that will help the nation's small businesses grow and thrive. Including important pro-growth initiatives as a sweetener for the bitter pill of an artificial wage floor that disrupts the labor market is the type of public policy that holds our nation's franchise owners back from fully contributing to the nation's economic recovery.

I urge you to vote "NO" on this measure. The IFA will consider all votes on, or in relation to, this issue among our annual list of "Key Votes."

Sincerely,

STEPHEN J. CALDEIRA,
President & Chief Executive Officer,
International Franchise Association.

NATIONAL COUNCIL OF
CHAIN RESTAURANTS,
Washington, DC, April 28, 2014.

Hon. LAMAR ALEXANDER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALEXANDER: The U.S. Senate is expected to consider S. 2223, legislation seeking to increase the federal minimum wage from its current level of \$7.25 an hour to \$10.10 an hour, an increase of 40 percent. On behalf of the National Council of Chain Restaurants, I am writing to express our strong opposition to this ill-timed and flawed proposal.

At this key juncture in the country's economic recovery, the last thing that the Senate should be considering is a scheme to raise labor costs on many local businesses across the United States. As you may know, the vast majority of workers earning the minimum wage are teens living with their parents, adults living alone, or second household earners. Moreover, as minimum wage workers gain important skills, they receive significant raises. As such, the legislation before the Senate fails to recognize that the federal minimum wage is a starting wage, and that most employees don't stay on this starting wage for very long.

In addition, S. 2223 would increase the cash wage for tipped employees by almost 240 percent. This provision is included even though current law already requires employers to pay eligible employees the statutory wage rate in the uncommon instance that tipped income doesn't reach the starting wage rate (on a national level, the median hourly wage for tipped employees is \$16-\$22/hour). Finally, the proposal links future wage hikes to the consumer price index, injecting an unnecessary degree of uncertainty and volatility into labor cost calculations for chain restaurant businesses.

Chain restaurants are employers of opportunity in local communities around the country, whether it is a first job for individuals with limited work skills to long-term careers in a fast-paced, competitive and innovative industry. Rather than considering legislation which raises the cost of staying in business for labor-intensive small establishments while limiting needed job opportunities, the Senate should advance policies proven to foster broad-based economic growth and to address the historically low labor participation rate and the nation's persistently high unemployment rate (including a teen unemployment rate of over 20 percent).

We urge you to oppose S. 2223, or related legislation, when it is considered by the U.S. Senate.

Sincerely,

ROBERT J. GREEN,
Executive Director.

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, April 29, 2014.

DEAR SENATOR: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in strong opposition to S. 2223, the Minimum Wage Fairness Act, a bill to increase the minimum wage to \$10.10 and permanently index it to inflation. NFIB opposes any effort to increase the federal minimum wage, and a vote on S. 2223 will be considered an NFIB KEY VOTE for the 113th Congress.

Like most government mandates on business, raising the minimum wage will have a deep and disproportionate impact on the small-business sector because small businesses are the least able to absorb such a dramatic increase in their labor costs. The small-business sector has historically created two-thirds of net new private jobs in the U.S. economy, but has failed to recover in recent years because of a series of policies that increase the burden on small-business owners—increases to healthcare costs, higher taxes, more costly regulations, and now the minimum wage increase proposal.

The minimum wage directly affects small businesses because a large amount of their earnings go directly to pay for operating expenses, such as equipment, supplies, property costs, inventory and employee wages and benefits. Increasing labor costs does not incentivize growth or hiring—they make it nearly impossible. Permanently indexing the

minimum wage, like S. 2223 proposes, would ensure that it would rise every year, further adding to the burden placed on employers and placing them at a competitive disadvantage. S. 2223 also increases the minimum cash wage for tipped employees until it reaches 70 percent of the federal minimum wage. Raising the cost of labor creates incentives for employers to find ways to use less labor.

The latest Congressional Budget Office (CBO) report supports NFIB's Research Foundation findings: significant job loss as a result of increasing the minimum wage. NFIB's Research Foundation analyzed the potential economic impact of raising the California, Illinois, New Jersey and New York minimum wages, and the results were telling. An increase of California's minimum wage to \$9.25 per hour would cost the state 68,000 jobs—63 percent of which are in the small business sector—and a \$5.7 billion reduction in real economic output. Illinois would lose 21,000 jobs (67 percent in small businesses) and \$4.5 billion in economic output from an increase to \$10.65 per hour. A New Jersey proposal to increase the minimum wage to \$8.25 would cut 31,000 jobs from the state (59 percent in small businesses) and \$17.4 billion in lost economic output. The New York study concluded a loss of 68,000 jobs (more than 70 percent in small businesses) and \$2.5 billion in lost economic output.

The job killing effects of this minimum wage hike are obvious. Small business cannot afford another economically devastating mandate from the federal government. NFIB urges you to vote NO on S. 2223 and will consider it an NFIB KEY VOTE for the 113th Congress.

Sincerely,

SUSAN ECKERLY,
*Senior Vice President,
Public Policy.*

NATIONAL GROCERS ASSOCIATION,
April 28, 2014.

HON. SENATOR HARRY REID,
Senate Majority Leader, Hart Senate Office Building, Washington, DC.

HON. SENATOR MITCH MCCONNELL,
Senate Republican Leader, Russell Senate Office Building, Washington, DC.

DEAR SENATOR REID AND SENATOR MCCONNELL: The National Grocers Association (NGA) strongly urges a NO VOTE on the Minimum Wage Fairness Act (S. 2223) as it comes to the floor for a vote. NGA Independent retail and wholesale grocers have a significant economic impact across nearly every community in America. Our industry is accountable for close to 1 percent of the nation's overall economy and is responsible for generating \$131 billion in sales, 944,000 jobs, \$30 billion in wages, and \$27 billion in tax revenue. We are proud that the communities we serve are also the neighborhoods we live in.

The Minimum Wage Fairness Act, if enacted would increase the federal minimum wage to \$10.10 per hour over a 2 year period and tie future minimum wage increases to inflation. While the independent grocery industry welcomes any focus on the improving economy and creating jobs, a minimum wage increase during a time when our economy continues to recover runs counter to that goal. A recent Congressional Budget Office (CBO) supports this claim noting that increasing the minimum wage to \$10.10 an hour could reduce total employment by 500,000 workers by the second half of 2016.

According to the U.S. Bureau of Labor Statistics in 2012, cashiers in the grocery industry made an hourly mean wage of \$10.24, nearly 2 dollars more than the current federal minimum wage and higher than any of

the other retail industries including department stores, convenience stores, and restaurants. Grocers are proud of the jobs that we provide and the wide array of career opportunities we offer to our employees. We are often the first job for many teens and offer diverse opportunities for employees of many skill sets, some of which have age restrictions such as meat cutters, bakers, and fork lift operators who must be at least 18 years of age.

Because this is a critical issue to our member companies, NGA will be key voting the Minimum Wage Fairness Act (S. 2223) and including it on our 2014 Legislative Scorecard. Thank you for your consideration. Independent grocers look forward to your support on this very important issue by VOTING NO on S. 2223.

Sincerely,

PETER J. LARKIN,
President and CEO.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, April 29, 2014.

U.S. SENATE,
Washington, DC.

DEAR SENATORS: The National Association of Manufacturers (NAM), the largest manufacturing association in the United States, representing manufacturers in every industrial sector and in all 50 states, urges you to oppose the Motion to Proceed to S. 2223, the Minimum Wage Fairness Act introduced by Senator Tom Harkin (D-IA).

The NAM supports labor policies promoting job creation and manufacturers are committed to compensating employees at a competitive wage for their work. High levels of job performance and employee satisfaction are encouraged by relating compensation that is both internally equitable and externally competitive to performance on the job.

The Congressional Budget Office (CBO) recently reported raising the minimum wage from \$7.25 to \$10.10 an hour will be detrimental to job creation. In fact, CBO estimates that an increase in the minimum wage to \$10.10 an hour could result in a loss of employment of 500,000 by the second half of 2016.

The NAM's Key Vote Advisory Committee has indicated that votes on S. 2223, including procedural motions such as a Motion to Proceed, may be considered for designation as Key Manufacturing Votes in the 113th Congress. Thank you for your consideration.

Sincerely,

ARIC NEWHOUSE,
*Senior Vice President,
Policy and Government Relations.*

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, April 28, 2014.

DEAR SENATOR: On behalf of the nation's restaurant and foodservice industry, we urge you to oppose the Minimum Wage Fairness Act (S. 2223). The National Restaurant Association may consider any votes on, or related to, this legislation in our annual "How They Voted" legislative scorecard.

The Minimum Wage Fairness Act, would increase the federal minimum wage to \$10.10 an hour and raise the minimum cash wage for tipped employees to 70 percent of the minimum wage for non-tipped employees. This represents a nearly 40 percent increase in the current federal wage, and a tripling of the cash wage for employees who receive tips.

With over 13.5 million employees, the restaurant and foodservice industry is the second-largest private employer in the United States. As average pre-tax profit margins in the restaurant industry range from 4 to 6 percent, restaurateurs have little ability to absorb or offset higher labor costs, especially

at this time of economic and operational uncertainty. Roughly 90 percent of the industry consists of small business owners, with only 1 out of 10 restaurants in the U.S. owned and operated by chain corporations.

The nonpartisan Congressional Budget Office (CBO) officially concluded that raising the federal minimum wage to \$10.10 would result in 500,000 job losses. Moreover, that's a conservative estimate, as CBO recognized in its analysis that the job losses could be as high as 1 million.

As the continued fiscal battles at the federal level have negatively affected consumer confidence, the unknown factors associated with potentially significant cost increases from implementation of the 2010 health care law have created an increasingly difficult business environment for Main Street businesses. While we understand the legislation is intended to help low-income families, U.S. Census data reveals that the average household income of restaurant employees who earn the federal minimum wage is \$62,507. Moreover, according to U.S. Bureau of Labor Statistics, 71 percent of minimum wage restaurant workers are individuals under the age of 25, most of whom work part-time. These are critical positions for bringing people into the labor force.

Mandating such a dramatic increase in the starting wage at this time, when many businesses are already struggling in a difficult economic climate, will limit employment opportunities and slow economic growth in a sector of the economy that is undergoing a tremendous amount of change. We welcome a discussion about wages and economic factors, but we ask you to oppose this proposed wage increase and similar proposals and work with the small business community on a plan to strengthen the economy and create some sense of certainty going forward.

Sincerely,

SCOTT DEFIFE,
*Executive Vice President,
Policy and Government Affairs.*

NATIONAL RETAIL FEDERATION,
Washington, DC, April 29, 2014.

Hon. MITCH MCCONNELL,
*Republican Leader,
U.S. Senate, Washington, DC.*

DEAR REPUBLICAN LEADER MCCONNELL: On behalf of the National Retail Federation (NRF) and the nation's retail industry, I am writing to urge you to oppose the proposed forty percent increase in the federal minimum wage that the Senate plans to consider this week. Our nation's economy is continuing to struggle to create jobs, and this legislation will likely make it worse, particularly among younger workers. Please note that we will consider votes on this measure among the Key Retail Votes for our annual voting scorecard.

NRF is the world's largest retail trade association, representing discount and department stores, home goods and specialty stores, Main Street merchants, grocers, wholesalers, chain restaurants and Internet retailers from the United States and more than 45 countries. Retail is the nation's largest private sector employer, supporting one in four U.S. jobs—42 million working Americans. Contributing \$2.5 trillion to annual GDP, retail is a daily barometer for the nation's economy. NRF's This is Retail campaign highlights the industry's opportunities for life-long careers, how retailers strengthen communities, and the critical role that retail plays in driving innovation.

Raising the standard of living for low-skill, low-wage workers is a valid goal, but there is clear evidence that mandated wage hikes undermine the job prospects for less skilled and part-time workers. Policymakers have other tools, such as increasing the earned income

tax credit, fixing the tax code, education improvements, immigration reform, transportation funding, and strong trade alliances that will aid in achieving that goal without creating more unemployment. Finding more opportunities for those trying to start out is a better economic approach than restricting the amount of jobs for those seeking employment.

What we should be doing is talking about how we improve people's chances to move up. The minimum wage was designed to have young people get into the marketplace to get started. With a workforce of 155 million, a approximately 2 million are on minimum wage. To talk about raising the entry, or starting, wage is to admit we have failed on education and training.

Slow job growth is the most pressing issue facing the U.S. economy and our focus should be on the creation of jobs and increasing opportunities for the under-employed. For many businesses, particularly smaller employers, uncertainty is the dominant mood. Higher labor costs also loom in the future with the pending implementation of the Affordable Care Act. All of these factors suggest that now is the least opportune moment to engage in what is essentially an opportunity tax by raising the minimum wage.

Employers respond to higher labor costs by hiring fewer workers. A higher minimum wage eliminates entry-level positions that provide unskilled employees the opportunity to gain experience. Less experience makes it harder for workers to become more productive and earn higher wages. There is a domino effect: such an increase creates wage inflation by putting upward pressure on existing wages of those making more than the minimum. It would limit job growth and stunt that group of workers ability to advance. There would be a contraction of jobs instead of an increase in positions available. Lost jobs as a consequence of a higher minimum wage will inevitably make it harder for these individuals to learn new job skills than can create a path to a brighter future.

The retail sector has been a leading job creator throughout the recession and the recovery. For many Americans, the retail industry provides the chance to learn new job skills, to earn a living, to find a career, or to earn some extra money. Retail offers a wide range of career opportunities, the vast majority of which are above minimum wage, and supports one out of four U.S. jobs.

NRF encourages Congress to forgo soundbite politics and instead focus on economic policies that find ways of putting people to work. This is not the time for yet another anti-job mandate for those employees that are looking for jobs and those companies who want to help grow the economy.

NRF looks forward to working with Congress as you seek to increase economic growth in this country.

Sincerely,

DAVID FRENCH,
*Senior Vice President,
Government Relations.*

Mr. CORNYN. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Thank you, Madam President.

I have been on the floor several times, and many of my colleagues, particularly on this side of the aisle, have been here to talk about a growing trend in America; that we see a concentration of wealth and a shrinking middle class. If you are a business owner, you should be very concerned about that. The growing middle class is

what buys the products that go to the restaurants that keep our economy going. Time and time again we have asked to proceed on legislation that would allow us to help the growing middle class. This is not our first effort with the minimum wage. Many States have passed increases in the minimum wage. It is time for our Federal Government to do the same, to help a growing middle class.

The last effort was on behalf of gender equity, paycheck fairness, where we sought to have a fair shot for women in the workplace, so they don't have to work extra time to make the same income as a man for equal work. A woman receives on average about 77 percent of what a man does in the same job. So we tried to move forward with a fair shot for women with paycheck fairness. But, no, the Republicans said, no, we are not even going to consider it. We are not even going to take that up.

We are hearing some of the same arguments now in regard to proceeding on the debate on the minimum wage. My friend from Texas talked about the Affordable Care Act. We are proud the Affordable Care Act gives a fair shot for all Americans to have access to quality, affordable health care. Millions of Americans today have quality health insurance coverage they didn't have before the passage of the Affordable Care Act. It is working. We now know that insurance companies cannot discriminate against women or anyone based upon preexisting conditions. Those days are over. There is now a fair shot for health care access—access for all Americans. We know small business owners now can get competitive plans and they can choose among a lot of different types of plans, a fair shot for small business owners to be treated equally with larger companies in regard to the insurance marketplace. We have done that.

We have expanded Medicaid to close that coverage gap known as the doughnut hole for prescription drug coverage, and there are no longer any copayments on preventive health care. We extended Medicare because we want a fair shot for our seniors for their security, and that is why our caucus defends the Social Security system, knowing how important it is for our seniors. Yes, we do fight for our children. A fair shot for our children means we support Head Start and we support help for higher education because we know that is the ticket to economic growth.

In a few moments—in a few moments—we will have a chance for a fair shot for working families in this country by moving to consider the minimum wage law. We haven't adjusted the minimum wage law for a long time. I heard my friend from Texas talk about job issues. Every time we have increased the minimum wage our economy has grown, and there is a reason for that. This legislation will put \$34 billion into the economy, will help

grow the economy, and will lift 2 million Americans out of poverty.

Think about this. If someone works 40 hours a week and they receive the minimum wage, there is not a State in this country where they can get affordable housing. People cannot support their family on the minimum wage in the United States of America. By passing the Minimum Wage Act, we give 28 million Americans a raise. This is a fair shot for all workers in this country.

Let me dispel some of the rumors that are out there. The average age of a person on minimum wage is 35 years old. We are not talking about college students. We are talking about people trying to support a family on the minimum wage, and they cannot do it. Many have children. The majority are women. It is time we answer this inequity in our system. We haven't had an increase in the minimum wage—in fact, if we look at what it was in 1968, this increase will basically get us back to where we were in 1968. It will help our economy.

We have heard these projections before; that every time we do this it will kill jobs. It doesn't do that. Look at the history. Look at what has happened with the previous increases in the minimum wage: Our economy has gotten stronger. It has grown stronger.

So it is time to give a raise to American workers. It is time to help a growing middle class. It is time we give a fair shot to working families in America. I urge my colleagues to vote to proceed on this debate. Don't continue a filibuster. Let's give America a fair shot, and I urge my colleagues to support the motion to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Thank you, Madam President.

I rise to offer rebuttal to the claims my colleagues on the other side of the aisle are making about their proposals to enact an unprecedented increase in the Federal minimum wage. I come at this issue as a former small business owner and an employee who once worked for the minimum wage. I started as a stock boy. Another time I was a window washer. I learned some important things while I was doing that: I learned work ethic, I learned to show up on time, I learned to do the job well, and learned other skills so I could advance. Eventually I got the schooling, skills and the work ethic to own my own business.

My colleagues gloss over the fact that minimum wage is for entry-level employees. Unskilled workers, young people, and those new to the workforce are those who typically earn the minimum wage because it is their first job or opportunity to gain career skills. This is evidenced by the fact that a majority of minimum wage earners are between the ages of 16 and 24. These are the jobs where the workers learn to be dependable, how to work with other

employees, and how to obtain that work ethic. A lot of them don't know how to run a cash register. They don't know how to make change. They don't know how to greet a customer. They don't know how to interrupt their texting in order to wait on the customer. This is why two-thirds of the employees who start at the minimum wage are earning more than the minimum wage within 1 year. They learn how to do those things. They pick up skills.

Somebody was talking to me about how people who are getting the minimum wage are in dead-end jobs such as fast food. I happened to be standing next to a guy who was working at Burger King. He said: Wait a minute. I started 6 months ago. I started at minimum wage. I learned the job. I am dependable. I show up. I know what the other work is. I am a supervisor now. In 6 months, I am a supervisor. I am making a lot more than the minimum wage, and in another year I might have my own store.

That might have some validity because I have a friend in Cheyenne who owns a McDonald's, and he points out to me the other people in Wyoming who now own a McDonald's who used to work for him who all started at a minimum wage. You have to start somewhere.

A lot of people think when they graduate from college they are supposed to move into an executive position. Chances are they will get a job and they will start at the bottom of the company. If they do their work well, learn the skills and become dependable, they will work their way up and they will make more money.

Even more troubling are the claims my colleagues are making to justify this particular increase. Increasing the Federal minimum wage by nearly 40 percent represents an arbitrary and unprecedented increase which is largely unsupported by economic analysis. Both in the Health, Education, Labor & Pensions Committee and on the Senate floor advocates for this bill have declared that an increase to \$10.10 an hour would restore the minimum wage to the purchasing power it had in 1968. They make this claim because they use the Consumer Price Index to justify their point of view. What they are doing is starting an inflation cycle.

Look at this. If somebody is making \$7 and they get moved to \$10, the person who is working for \$9 has to go to \$12 and the person at \$11 has to go to \$14 and so on up. You cannot put on a new guy with no skills at a wage higher than they were before unless everybody gets a pay raise. That is wonderful. It goes all the way up the ladder. It just doesn't stop at the \$14 level. In fact, it even affects seniors. The seniors' cost of living is based on wages, not on what it costs a senior to buy something. So everybody in America is going to get a raise, and that is wonderful, except—and here is the catch—in order to pay for those raises the money has to come from somewhere.

So if you like the dollar deal at your fast-food place, get ready for a dollar and a half at your fast-food place. Yes, right, it is only a 40-percent increase, but a buck and a half sounds better than \$1.40, so they are going to raise it to the next level where they can pick up the customers, where it will sound good. Yes, you get a 30-percent increase, but the cost of what you buy goes up 30 percent. Did you get ahead? I don't think so.

The only one that gains in that is the Federal Government. You have moved into a higher tax bracket. That is how we raise taxes in America. We cause an inflation cycle. We give people more money and we make them pay more taxes and all they get to buy is whatever they bought before. So that purchasing power of 1968 will go up to the purchasing power of 2009 and beyond because the prices will have to go up.

My colleagues are quick to deny the CBO estimates that we have all seen which suggest their proposed plan would result in a loss of low-wage jobs. The minimum wage does not have to go up for minimum wage employees to get a raise. The proposal before the Senate throws cold water on job creation and adds to the burden businesses are already facing under the President's failed health care program.

Instead, the Senate should be considering proposals which promote job growth. The Workforce Investment Act has been out there for 8 years. It would train millions of people to jobs that are available in their community right now. It would give them skills beyond the minimum wage. Let's consider tax reform, growing U.S. exports, approving the Keystone XL Pipeline, as several of my colleagues and I recently highlighted.

But let me also speak on a personal level about the minimum wage. I have noted many times that I was a small business owner. My wife and I operated our own shoe stores in Wyoming and Montana. I know that all small business owners have families, their own and the families who work with them. One cannot credibly claim to be helping workers while at the same time hurting the businesses that employ them, especially under the guise of helping working families.

At our shoe store we hired people who didn't have basic skills. Some of them had never run a cash register. They never sold anything. They weren't sure how you dressed in the business community. We put them through courses. Each course resulted in a pay raise. For several people after several months they were actually able to earn what they were paid. Yes, it costs money to train people, especially those who have little or no skills, and those are the ones whom we need to help.

By increasing the minimum wage Congress would shut the employment door on the very individuals they are trying to help. Small business is the driver of our economy. They take these

unskilled workers and they train them. The simple fact is that an increase of minimum wage is of no benefit to a worker without a job or a job seeker without a prospect of getting a job.

I want to cover that tax problem again—the inflation issue. Minimum wage increases also start an inflation cycle. When some people get a wage increase, then everyone has to get a wage increase to recognize those who know more, do more, are more reliable, and have more skills. To pay everyone more, prices have to go up. When this happens, people will make more, but they have to spend more so they actually don't get ahead. The only one who benefits is the Federal Government because they get a tax increase.

At some point someone actually has to produce more to get more, and that can be done with new skills or a new idea with training. The problem we face is one of minimum skills, not minimum wages. The effect may be low wages, but the cause is low skills. We need to address those workers who have few, if any, of the skills they need to compete for a better job and command higher wages.

We need to start thinking in terms of skills, the kind of skills that will help students support themselves and their families in the future, that will empower our current workforce to pursue higher-paying jobs and those without a job to become self-sustaining. I sincerely hope my colleagues on the other side of the aisle reconsider their plans to continue to push this effort. There are a number of bills this Senate can consider that would promote job creation over an arbitrary increase in the Federal minimum wage. Our focus should be on small businesses and creating a business environment that is friendly for growth, builds and gives people jobs that pay more than the minimum wage. Higher prices, higher taxes, and fewer jobs is not what Wyoming and the rest of the country needs in these fragile times.

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

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, I say to my colleague from Wyoming that I disagree with him on this issue, but I do agree wholeheartedly with his observation about the importance of training people for this 21st century economy, and I have enjoyed working with him so much on the HELP Committee.

I am on the floor today to talk about the minimum wage bill that is before us this week, and once again to have the opportunity to come here and say that Washington, DC, is absolutely decoupled with the conversations people are having in Colorado, whether they are Republicans, Democrats or Independents. We had another example of that here today during this debate—if you can call it a debate—because once again there are people in the Senate who are using their prerogatives as

Senators to keep us from debating a bill fully and to keep us from actually having an up-or-down vote on a bill that the vast majority of Americans support whether they are Democrats, Republicans, or Independents.

There is a reason why America supports this legislation. If you work 40 hours a week in the United States of America—the greatest country in the world—at a Federal minimum wage, you barely make over \$15,000 a year. If you work 40 hours a week—week after week after week—you make \$15,000 a year. A worker in this country with a spouse and two kids, a family of four—a typical family in this country—depending on the single minimum wage paycheck is in deep trouble. They are not just below the minimum wage, that family makes two-thirds of the poverty level.

A breadwinner in a family of four working at the minimum wage is more than \$8,000 below the poverty line. That family with a full-time breadwinner is impoverished in the United States of America to the tune of \$8,000. If you have a family who depends on you to keep a roof over their heads and put food on the table, that is not enough to get by. It is not even close.

It may be hard for people here who are paid \$174,000 a year to understand what it would be like to live on \$15,000, but let's think a little bit about what that family's life is like. The U.S. Department of Agriculture says that even under the cheapest plan possible—the thrickest plan possible—where the family cuts every single corner, spending as little as can be spent, it costs over \$7,000 a year to feed a family of four with growing kids. It costs \$7,000 under the most difficult circumstances possible. At least half of that family's \$15,000 paycheck goes just to groceries—just to feeding a family and keeping them nourished. After payroll taxes, that leaves a family with less than \$7,000 to cover every other cost—that is it. Food is half of what you bring home and you are left with \$7,000.

In Denver, where my family lives, the average rental unit costs over \$12,000 a year. That is an average. That includes tiny studio apartments. In Denver, this family of four would have to squeeze into a rental unit well under half that cost. They would need to live in a space woefully inadequate for their needs, their family, and their children. That family would have to stretch their pocket change—and whatever is left after they spend the money they barely have to feed and house their children—to cover utilities, medicine, health, clothes, transportation, school supplies, and the countless other expenses that life throws at us. It cannot be done. It is simple arithmetic.

A family such as the one I just described needs thousands of additional dollars from the Federal and local government just to get by. We don't want to have a minimum wage that is so low that people who are working 40 hours a week have to be on public assistance

just to support their families. Think about how crazy that is. Someone working full time, 40 hours a week in a minimum wage job today, needs thousands of dollars in support from the Government to provide for their family. That is not what we want in America.

The situation is a lot worse than it used to be because the minimum wage is not indexed to inflation. So as costs rise, the minimum wage loses its purchasing power and stays the same until Congress raises it, which is why we are trying to have this debate here. There is no one else who can do this in America. Democratic and Republican Congresses that have dealt with this over the years have found ways to do it. Congress has raised the minimum wage over and over for precisely that reason.

Even so, today, as we stand on this floor with the responsibility to the American people, our minimum wage is down substantially from where it used to be. The Federal minimum wage stands at \$7.25 an hour. That is \$3.44 an hour and more than \$7,000 a year below what it was in 1968 in real inflation-adjusted dollars. It is a \$7,000 gap, which makes a huge difference to the family of four we just considered trying to survive on the minimum wage.

In 1968, a minimum wage job kept a family of three out of poverty. That is what the Congress did in 1968. They said if you work 40 hours a week, your family ought to live above the poverty line. A full-time worker with two children was 20 percent above the poverty line. Today that same family is 19 percent below the poverty line all because the minimum wage has not kept pace with inflation. It also has not kept pace with average earnings.

In 1968, the minimum wage was 54 percent of the average hourly pay for a U.S. worker; today it is just 36 percent. At the same time, even when you account for inflation, college costs are three times what they were four decades ago. It is no wonder that the working families I hear from in Colorado feel they are working harder than ever before but falling farther behind.

The bill we are talking about today raises the Federal minimum wage by 39 percent to \$10.10 an hour. That is actually less than the 47-percent increase that is required to get back to the 1968 level. So we are still not going to be back where we were in 1968, but we will make progress in the sense that the people who are earning minimum wage will no longer be living in poverty.

Consider what this bill does for a family's ability to provide for itself. Look at just one major Federal safety net program, the Supplemental Nutrition Assistance Program or SNAP. Food stamps is what that is. The reason the House of Representatives held up the farm bill for so long was over the issue of food stamps. As we think about what we are doing here and the debate we are having, I think that is important to keep in context. This is a program that millions of low-income families depend on in order to eat.

This minimum wage bill would reduce SNAP enrollments by over 7½ percent because people would now be making a living wage. That is over 3.1 million Americans who would no longer have to depend on a program to feed their kids. If you vote for this legislation, you are voting to reduce the roles of those who depend on food stamps by 3 million Americans. It is not a virtue that we have those 3 million Americans on food stamps. They ought to be earning a living wage. We would save \$46 billion in SNAP payments over the next decade if we pass this bill.

It applies to other programs as well. Two-thirds of Americans who earn under \$10 an hour use public assistance in some form—two-thirds, two-thirds, two-thirds. Working families—Americans who actually have a job who are working 40 hours a week—cost the Government about \$243 million a year through programs such as SNAP, Medicaid, and other safety-net programs. Raising the minimum wage makes American workers less dependent on these programs to support their families.

There are many compelling reasons to raise the minimum wage. There is a compelling reason why all the surveys show that the American people, no matter what party they are in, think we ought to raise the minimum wage. Yet in a few hours, if nothing changes, a minority of Senators will most likely not even come to the floor to vote on this but will use their powers in the Senate to block an honest up-or-down vote about whether we ought to raise the minimum wage in this country. They don't even want us to have a proper debate on this bill much less pass it.

What is so radical about what we are trying to do that they won't even let us have an up or down vote? Is this somehow unprecedented? Is what we are talking about unknown in the annals of the Senate? Actually, it is not. Since the minimum wage was enacted by the Congress in the 1930s, we have managed to raise the minimum wage on 10 different occasions over 70 years. We have raised the minimum wage very routinely to try—not always successfully—to keep pace with inflation. We have done it many times.

Democratic and Republican Congresses have raised the minimum wage. Democratic Presidents have signed minimum wage increases into law and Republican Presidents have signed minimum wage increases into law. President Eisenhower signed a 33-percent increase in the minimum wage in 1955. President Nixon signed a 44-percent minimum wage increase into law in 1974. George H. W. Bush signed a 27-percent minimum wage increase into law in 1989. In 1996, a Republican-controlled Congress enacted a 21-percent minimum wage increase which President Clinton signed into law. Most recently in 2007, President George W. Bush signed a 41-percent increase into law.

You can see on this chart all the different times the minimum wage has been raised and by how much. If you look at the 10 different times we have increased the minimum wage, the average increase has been about 41 percent. This increase increases it by 39 percent, and that is below average. But to hear some people talk, you would think this bill is an unprecedented assault on American capitalism.

Tom Delay described the minimum wage earlier this year as unconstitutional. Others have said it doesn't affect a lot of workers. Several years ago the Speaker—before he was Speaker—said he would “commit suicide before [he voted] on a clean minimum-wage bill.” This makes no sense. It is at war with our history.

I see my colleagues are here.

I ask and beg my colleagues on the other side of the aisle who are not allowing us to have an up-or-down vote on something that the American people want—whether they are Democrats, Republicans or Independents—to allow us to have that vote.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I believe our side has 38 seconds left, and I ask unanimous consent for an additional 60 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object.

What was the request?

Mr. VITTER. For an additional 60 seconds to the 38 seconds remaining.

Mr. HARKIN. That is fine.

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

HEALTH CARE AMENDMENT

Mr. VITTER. Madam President, I come to the floor to address what I consider to be a very important issue which we have never voted on, and that is the basic principle that Washington should be treated as all other Americans with regard to whatever law we pass, including ObamaCare. Specifically, my “no-Washington-exemptions” proposal regarding ObamaCare has yet to get a vote, so I will be filing that proposal as an amendment to the Portman-Shaheen bill.

As we can remember, late last year it was filed as an amendment to that bill when it was on the floor. There was general agreement at that time, after some back and forth, that it should and would get a vote. It was reported in The Hill on September 17 that Senator REID agreed to a vote on the amendment in the context of that bill. Senator PORTMAN agreed to this concept at the same time—September 18—on the Senate floor, and Senator SHAHEEN did as well on September 18. So I am refiling as an amendment to the same bill.

I look forward to this important debate. I look forward to a vote. Obviously, if an alternative in the near future, such as a stand-alone vote, is pre-

sented, I will be happy to accept that as well. I look forward to coming back to the floor to debate this important issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. VITTER. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, we believe that every American who works 40 hours a week deserves a fair shot at getting out of poverty. Under the present minimum-wage law, that doesn't happen. A person can work hard, with pride, as Americans do, and work that 40 hours and still be below the poverty line. That is basically not part of what America is all about, because America says to everybody, if you work hard, you can provide a decent life for yourself and your family. Since the minimum wage has stagnated, that doesn't happen.

Since 1968, the minimum wage has failed to keep up with inflation and has lost a third of its value. That is not a fair shot for Americans. A full-time minimum-wage worker makes only about \$15,000 a year—not a fair shot for Americans. It is wrong. It flies in the face of the American dream.

Each Senator is allowed one guest at the State of the Union Address. I brought a young woman named Shareeka Elliott. Let me tell my colleagues about her. Shareeka is a cleaner at Kennedy Airport. She scrubs toilets and floors from 10 at night until 6 in the morning. After the overnight shift, she hops on multiple buses each day to take her two daughters to school. They are in different parts of the borough of Brooklyn. Only then is she able to get home and take care of her household. For her hard work, Shareeka is paid \$8 an hour—not enough.

When we talk to Shareeka, we find she is a beautiful woman. She is not angry. But do my colleagues know what raising the minimum wage to \$10.10 would do for her? Eighty dollars a week. It would allow her to provide her children with the barest of necessities—when kids can't get clothes and can't get a decent meal when they are not in school; when they can't get any toys for Christmas. That is not America.

This woman isn't a freeloader. She is getting on the bus, traveling 2 hours to Kennedy Airport, working many 8 hours from 10 at night until 6 in the morning, getting back on the bus, and then finding two more buses to take care of her children, and she can't make enough money to get out of poverty. What kind of country is this? It is hard to believe, on both the economics issue and the moral issue, that we have opposition from the other side of the aisle to even let this come to a debate.

We know what raising the minimum wage will do for the millions of Shareekas: It gives them a life with some degree of dignity. It gives their children a little more—not a lot—for

basic necessities. It pumps money into the economy. I bet most Americans would say that even if it costs me a little more—a nickel more on my hamburger to give people such as Shareeka a decent living—most Americans are generous people and they would say that is fair.

Here are our colleagues. They are back in the 19th century, saying we shouldn't do this. It is hard to believe, when we think of the 1890s and the 1930s, how people struggled to get a decent life, and they didn't think of the beauty of the 1940s and 1950s and 1960s and 1970s and 1980s when people knew if they worked hard, they could at least achieve a decent life. That American dream, symbolized by the lady who holds the statue in the harbor of the city I represent, is flickering out. We have a chance now to have it at least lit up a little more. We say no? What is going on in America?

Our colleagues are saying the economy isn't growing as fast as it should. Yet they don't want to pump money into the economy. Our bill is a win/win. Seventy-three percent of all Americans, including a majority of Republicans, support a \$10.10 minimum wage. Tim Pawlenty, former Governor of Minnesota, told his colleagues to support the wage increase. When we have a few small interest groups holding this back, it is a shame.

I urge my Republican colleagues to look at our economy and then look into their hearts, and I am confident that if they did, they would have a change of heart and let us pass this bill.

I will say one final thing. If we don't succeed this time—we believe strongly in a fair shot for everybody, including those who are paid minimum wage and work hard and long—we will bring this bill to the floor again and again and again, and just as with unemployment insurance, sooner or later we will get it done. We will get it done. The American dream, a fair shot for everyone, demands no less.

Ms. MIKULSKI. Mr. President, I wish to express my strong support for increasing the minimum wage. It is outrageous that this Congress will not help middle-class workers.

This Congress needs to do two things to make sure we give a fair shot to everyone and build a stronger middle class: Raise the minimum wage and pass the Paycheck Fairness Act.

I am on the side of economic fairness and building a stronger middle class to bring opportunities to families across the Nation. What is economic fairness? It means that if you work hard and play by the rules, you deserve a fair shot at the American dream.

The minimum wage is at a historic all-time low. It has lost 30 percent of its buying power compared to its peak buying power in 1968. The minimum wage only pays \$15,000 a year. That is \$4,000 below the poverty line for a family of three. Increasing the minimum wage to \$10.10 per hour would pay

\$20,200 a year—lifting that family of three out of poverty.

What does increasing the minimum wage mean for Maryland? Increasing the minimum wage will give 450,000 workers in Maryland a raise. Increasing the minimum wage will improve the lives of 210,000 Maryland children because their parent just got a raise. When we raise the minimum wage, we all move a rung up on the opportunity ladder.

Congress needs to raise the minimum wage so that hard work is worth it—because a full-time job shouldn't mean full-time poverty!

That is why I am an enthusiastic cosponsor of the Fair Minimum Wage Act. This bill raises minimum wage from \$7.25 per hour to \$10.10 an hour over 3 years and indexes minimum wage to inflation in the future.

Minimum wage is a women's issue. Women make up two-thirds of minimum wage workers nationwide. Congress needs to raise their wages and make sure they are not being redlined or sidelined by outdated policies or harassed and intimidated when seeking justice for pay discrimination.

Being a woman costs more, and women pay more for everything. Women pay more in medical costs than men—an estimated \$10,000 over a lifetime. Women are often responsible for childcare. Women even get charged more for dry cleaning! We are charged more for our blouses than men's shirts, and we are tired of being taken to the cleaners! When we earn less, we are asked to pay more.

Women are almost half of the workforce and 40 percent of them are the sole breadwinners in their families—they are tired of being paid crumbs!

Women continue to make less. Women are still making only 77 cents for every dollar a man makes. Women of color suffer even greater injustice. If you are African American, you earn 62 cents for every dollar a man makes. If you are Hispanic, you earn 54 cents for every dollar a man makes.

Everybody likes to say to us—“Oh, you've come a long way.” But I don't think we've come a long way. We've only gained 18 cents in 50 years!

By the time she retires, the average woman will lose more than \$431,000 over her lifetime because of the wage gap. That affects your Social Security and pension. It weakens your retirement security.

Not only do women make up two-thirds of minimum wage workers, women are nearly three-quarters of workers earning tips at their jobs. The minimum wage for employees who earn tips is barely over \$2 per hour. The Fair Minimum Wage Act will slowly increase that base wage by less than \$1 a year until it reaches 70 percent of the regular minimum wage. Increasing this wage will make a huge difference for women breadwinners who have so much to fear from a slow week in an off-peak season.

But this is not about men vs. women. It's about building a middle class.

Wages have been flat for everyone. Men need a pay raise too. When they get it, we'll stand shoulder to shoulder with them—because we all need a raise to raise our families!

The Fair Minimum Wage Act is about putting change in the lawbooks and change in family checkbooks. I'm glad that Maryland is leading the way by passing legislation to raise the minimum wage to \$10.10 per hour by 2018. I will keep fighting to raise the wage nationwide, and I hope Congress will follow Maryland's good example.

Mr. LEVIN. Mr. President, we should raise the minimum wage.

It is indisputable that the minimum wage now lags far behind the cost of living. We last acted to raise the minimum wage in 2009, when we set the current rate of \$7.25 an hour. Adjusted for inflation, that is just \$6.62 in current dollars. And it is far lower than the rate in 1980, which was nearly \$9 an hour when adjusted for inflation.

The CBO estimates that nearly 1 million Americans would rise from poverty under this legislation. And earlier this year, economists who surveyed the empirical research on this subject estimated that the impact would be far greater: roughly 4.6 million people immediately lifted above the poverty line, and 6.8 million over time.

And it is indisputable that failure to raise the minimum wage—among the lowest in the developed world—has contributed to growing income inequality. Here is what *The Economist*, a generally conservative publication, said in December:

Skepticism about the merits of minimum wages remains this newspaper's starting-point. But as income inequality widens and workers' share of national income shrinks, the case for action to help the low-paid grows.

The *Economist* and others recognize that we should consider this issue in the context of a large issue: Increasingly, working hard is not the path it used to be to get ahead in this country. Increasingly, income goes not to working families, but to investors, to the owners of capital. The share of our national income that flows to those who work for a living has, by every measure, fallen. That is enormously troubling. This is a Nation built on the idea that hard work is the path to success, the path to a better future for our families. That breakdown of the relationship between one's labor and one's prosperity threatens to fracture the understandings that have fed our growth and success for more than two centuries.

None of the statements I have made so far are particularly controversial; they represent mainstream economic thinking. Republicans so far have one response to these facts: They say raising the minimum wage will destroy jobs. They cite this as an unassailable fact. But this position is disproved by history, and refuted by economists. When the University of Chicago surveyed leading economists last year,

they said by a four-to-one margin that the benefits of a minimum wage increase outweighed the potential costs.

Republicans have opposed minimum wage increases at any time, under any economic circumstances. Republicans are wedded to a policy of tax cuts for the wealthy, reduced protections for workers and consumers and reduced protection for the environment as the answer to any and all economic problems. Corporate profits are at an all-time high, as are income and wealth for the most fortunate Americans. But for average working families, the last 30 years have been an exercise in running to stand still, or even losing ground.

We can and must raise the minimum wage. Empirical evidence supports it, and fairness demands it.

I yield the floor.

Mr. HARKIN. Madam President, how much time remains?

The PRESIDING OFFICER. There is 8 minutes remaining on the Democratic side.

The Senator from Iowa.

Mr. HARKIN. Madam President, in a few moments we are going to vote here in the Senate on whether we are going to bring the minimum-wage bill to the floor for debate and a vote. In a few minutes, it will be clear where each Senator stands. Who in this Chamber is going to stand with millions of Americans who work full time for a living but who are left in poverty or on the brink of poverty, struggling to make ends meet? Who is going to vote to give these good people a fair shot at the American dream, and who is going to vote against them? We are going to find out in a few minutes.

There is no question that working families need a raise. Fourteen million children in America—that is one in every five—are in a family that would get a raise under our minimum-wage bill.

Businesses need a raise. Over 600 economists—7 Nobel Prize-winning economists—have said the lack of demand is what is hurting businesses in America, because people don't have enough money to go into their stores on Main Street and buy what they need. Businesses need customers. If we raise the minimum wage, the people who are getting the raise aren't going to go to Paris, France, and spend that money. They will spend it on Main Street. That is what our businesses need.

Our economy needs a raise, because when businesses do better, they hire more workers, they add jobs, and it generates more economic growth.

People in poverty definitely need a raise. This bill, our minimum-wage bill, will lift an estimated 7 million people out of poverty. All working families need a raise.

Some of my friends on the Republican side say not all of this goes to people who are in poverty. That is absolutely true, because 12 million people who have family incomes between

\$20,000 and \$60,000 a year will also get a raise. What is wrong with that? These hard-working families need to be able to put some money aside for a rainy day, provide for their kids' education, maybe buy a new car, buy a new home, upgrade. What is wrong with that? So, yes, this helps a lot of American families get a fair shot at the American dream.

I might add, taxpayers need a raise in the minimum wage. Right now, we are spending about one-third of \$1 trillion—\$243 billion a year—on social programs to help families who are struggling to make ends meet, who are low income or who are in poverty. It has been estimated that the minimum-wage bill will save \$4.6 billion a year in money we won't have to pay for food stamps—\$46 billion over 10 years taxpayers will save when we increase the minimum wage, because people will have the money. They will be able to go out and buy their own food and they won't need food stamps.

Again, any way we look at it, we need to raise the minimum wage.

I wish to pick up where Senator SCHUMER left off. This is about real people. This is not abstract.

This is Alicia McCrary of Northwood, IA, a wonderful woman who came to testify before our committee. She has four boys. She moved to Northwood from another State. She was in a very abusive relationship. She wanted to get her kids to a safe place, so she moved there with her four boys. She testified. She works at a fast-food restaurant. She makes \$7.65 an hour. She has four boys, as I said. She is an amazing woman, working very hard. She rides a bus 20 miles each day, every day, to get to work. She wants to work full time, but the bus, which costs her \$10 a day, by the way, only runs until 3 p.m., so she has to leave by then. Her wages are so low that every day she has to tell her children they can't have things their friends have. They can't play a certain sport. They can't get a haircut at the same time. They can't even buy shoes at the same time, because she can't afford it.

Alicia does not want to be on public assistance, but she has to be. She is participating in a program run by the North Iowa Community Action Agency to help her achieve self-sufficiency and get off the system because she wants to support herself through her own work. Here are her own words:

If the minimum wage is increased, it would be very helpful to my family. . . . I would see more reductions in TANF—

That is her public assistance and food assistance—

and would see another increase in my rent, but that would be OK. I will have more money overall and it would come from my own hard work and my family will be better off. I want to work and stand on my own two feet. . . . I work very hard doing my job and I believe I am worth \$10.10 an hour. . . . If you can move forward with increasing the minimum wage, my family will be more successful in reaching our goal of a better life.

This is the real people who will be helped by increasing the minimum wage.

I have listened to a lot of the debate on the floor and I have heard the objections from my friends on the Republican side. I have heard a lot of talk about the Keystone Pipeline and the high-paying jobs it would create. I don't doubt that it probably would. But unless Alicia is ready to pick up and move her four kids to Texas and become a petroleum engineer, it is not going to help her one bit. I haven't heard one offer from the other side that will be a single solution that would help Alicia's life be better. So the Keystone Pipeline isn't going to help Alicia, a fast-food worker who works hard every day. It is not going to put food on her table or help her boys get a haircut or get a pair of shoes or buy a computer so they can do their homework. A minimum-wage increase will do that. A minimum-wage increase will give Alicia a raise.

The American people are desperately calling for us to pass this bill. The time has come. In fact, it is past time to do the right thing, the morally correct thing, to raise the minimum wage. The time has come to give realistic hope—realistic hope, not false hope—to people such as Alicia McCrary and so many people in our country who work hard every day—millions of working Americans—to give them a realistic hope that our economic system is not going to continue to leave them further and further behind. It is time to say yes to giving a fair shot to the American dream, to being a part of the middle class, to Alicia McCrary and millions of hard-working but low-paid Americans. The time has come to raise the minimum wage.

Madam President, I yield back any remaining time.

CLOTURE MOTION

The PRESIDING OFFICER. 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, hereby move to bring to a close debate on the motion to proceed to calendar No. 354, S. 2223, a bill to provide for an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property.

Harry Reid, Tom Harkin, Jeff Merkley, Patrick J. Leahy, Cory A. Booker, Elizabeth Warren, Jack Reed, Richard J. Durbin, Benjamin L. Cardin, Thomas R. Carper, Christopher A. Coons, Bill Nelson, Al Franken, Kirsten E. Gillibrand, Sheldon Whitehouse, Robert P. Casey, Jr., Bernard Sanders.

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 the motion to proceed to S. 2223, a bill to provide for

an increase in the Federal minimum wage and to amend the Internal Revenue Code of 1986 to extend increased expensing limitations and the treatment of certain real property as section 179 property, 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 Arkansas (Mr. PRYOR) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Mississippi (Mr. WICKER) would have voted "nay."

The PRESIDING OFFICER (Mr. COONS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 42, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—54

Baldwin	Hagan	Murphy
Begich	Harkin	Murray
Bennet	Heinrich	Nelson
Blumenthal	Heitkamp	Reed
Booker	Hirono	Rockefeller
Boxer	Johnson (SD)	Sanders
Brown	Kaine	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Landrieu	Stabenow
Casey	Leahy	Tester
Coons	Levin	Udall (CO)
Corker	Manchin	Udall (NM)
Donnelly	Markey	Walsh
Durbin	McCaskill	Warner
Feinstein	Menendez	Warren
Franken	Merkley	Whitehouse
Gillibrand	Mikulski	Wyden

NAYS—42

Alexander	Flake	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Burr	Heller	Reid
Chambliss	Hoeben	Risch
Coats	Inhofe	Roberts
Coburn	Isakson	Rubio
Collins	Johanns	Scott
Cornyn	Johnson (WI)	Sessions
Crapo	Kirk	Shelby
Cruz	Lee	Thune
Enzi	McCain	Toomey
Fischer	McConnell	Vitter

NOT VOTING—4

Boozman	Pryor
Cochran	Wicker

The PRESIDING OFFICER. On this vote the yeas are 54 and the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. I enter a motion to reconsider the vote on which cloture was not invoked on the motion to proceed to S. 2223.

The PRESIDING OFFICER. The motion is entered.

Mr. MORAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

225TH ANNIVERSARY OF GEORGE WASHINGTON'S INAUGURAL ADDRESS

Mr. INHOFE. Mr. President, today marks the 225th anniversary of George Washington's inaugural address to the Nation. I don't think anyone has said anything about it. That is a major thing for us to think about each year. It is the 225th anniversary.

It is reported that more than 10,000 people—this is way back 225 years ago—gathered on this day in 1789 to hear from a man who won a war and who is now ushering in an era of peace and freedom in our new Nation.

Peter Lillback is a historian, and he pointed out in his book, which I read recently, that our first President, Washington, knew that everything he was to say in the first inaugural address would set a precedent for all that was to come after him in establishing our Nation. It is why Americans should take note at how Washington weaved in with intentionality his belief in the Omnipotent.

Washington said:

It would be peculiarly improper to omit in this first official Act, my fervent supplications to that Almighty Being who rules over the Universe.

Washington went on to say:

No people can be bound to acknowledge and adore the invisible hand, which conducts the Affairs of men more than the People of the United States. Every step, by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency.

We are here because of the hand of God. Washington's leadership was grounded in his belief in God, His law, and that liberty is God's gift. As we reflect on the anniversary of Washington's speech it is important we are reminded as a nation what our Founding Fathers sought to establish.

In this same inaugural speech Washington said:

The destiny of the Republic model of Government, are justly considered as deeply, perhaps as finally staked, on the experiment entrusted to the hands of the American people.

Washington's conviction was that we as Americans are entrusted by God to preserve basic freedoms established in the Constitution, such as the freedom of speech and the freedom of religion. The secular culture we see our Nation embracing today would seek to censor such words from a leader such as Washington. Their intolerance fails to acknowledge it was Washington's convictions and our Founding Fathers' faith values that gave us the public square.

On September 27 last year, I talked about this issue on the Senate floor—about how Oklahomans regularly ask me—and I don't think this is unique to Oklahoma; it can be true in any State—why we have an administration

that suppresses our Judeo-Christian values while praising Islam. As I said then, I find it sad that our Nation does not have the same belief today that we had back when Washington was President. We have become arrogant, inward-focused individuals. Rather than submitting to God's authority, we define truth, justice, and morality by what feels good at the time.

Today, instead of having leaders who protect the church from government, we have leaders who believe it is the government's job to impose on churches what should be universally upheld as truth. As leaders, we should be protecting all Americans' freedom to practice their religion.

It is only appropriate that on this anniversary we also consider the words of Washington's Farewell Address in 1796 where he pointed out that the pillars supporting our Republic are morality and religion. In his address he said:

Let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of particular structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

We have to restore the morality of our Nation given to us by the Founding Fathers, as President Washington articulated 225 years ago. That morality is found in the Judeo-Christian values articulated not just by Washington but by all of our Founding Fathers.

As my son likes to say: Without God, the Constitution is nothing but a piece of paper.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. WARREN. Mr. President, it has been 7 years since Congress increased the minimum wage, 7 years since Congress stood up for our working families, 7 years since Congress gave America a raise.

Earlier today the Senate had a chance to do something about that when we voted on whether to increase the minimum wage. Earlier today we had a chance to give a raise to the parents of at least 14 million children, a chance to lift nearly 1 million full-time workers out of poverty. A majority of Senators tried to do that today. Fifty-five Senators supported raising the minimum wage, but Republicans filibustered the bill, so it didn't pass. This is outrageous.

For nearly half a century, as we came out of the Great Depression, the people of this country lived by the basic principle that we all do better when we work together and build opportunities for everyone. For nearly

half a century, as our country got richer, our people got richer, and as our people got richer, our country got richer. The basic idea was that as the pie gets bigger, we all get a little more—even those who only make the minimum wage.

I know this story because it is my story. Like a lot of folks, I grew up in a family who had ups and downs. When I was 12, my daddy had a heart attack and was out of work for a long time. The bills piled up. We lost our car, and we were right on the edge of losing our home. My mom was 50 years old when she pulled on her best dress and walked to the Sears to get a job. It paid minimum wage, but back then a minimum wage job was enough to keep a family of three above water, and that is how it was for us. That is one of the ways our country built and protected America's great middle class. But that is not how it works anymore.

In 1968 the minimum wage was high enough to keep a working parent with a family of three out of poverty. In 1980 the minimum wage was at least high enough to keep a working parent with a family of two out of poverty. Today the minimum wage is not even enough to keep a fully employed mother and a baby out of poverty.

Something is fundamentally wrong when millions of Americans can work full time and still live in poverty, and something is fundamentally wrong when big companies can get away with paying poverty-level wages and then stick taxpayers with the cost when their full-time workers end up on food stamps and Medicaid.

I understand that some big businesses might like to keep things the way they are, but I really don't understand this Republican filibuster. There is nothing conservative about leaving millions of working people in poverty. There is nothing conservative about expanding enrollment in government-assistance programs. There is nothing conservative about preserving a sweetheart deal for companies that would rather milk the taxpayers for more corporate welfare than compete on a level playing field.

I am disappointed about what happened today, but I am also hopeful. A majority of the Senate—Democrats in the Senate—voted to honor work, to honor the people who get up every day and bust their tails to try to build a better life for themselves and their children. This is an uphill fight, but it is not over yet. It took us 4 months and many Republican filibusters before we finally convinced a handful of our Republican colleagues to support an extension of emergency unemployment benefits, but we passed that bill in the Senate, and we will pass this bill too, because after 7 years, with millions of our working families struggling to get by, with millions of children depending on a mom or dad who works long hours for low pay, it is long past time to increase the minimum wage.

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.

The PRESIDING OFFICER. The Senator from Maine.

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

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

LEVY NOMINATION

Mr. KING. Mr. President, I rise today to take a few moments to talk about Jon David Levy, who is a nominee for the Federal district court in Maine who will be voted on this afternoon. Senator COLLINS and I have come to the floor together to talk about this nominee and his extraordinary qualifications for this position.

My history with Jon Levy is kind of interesting. He was one of my very first appointments to the bench when I was Governor of Maine in 1995. The important thing I wish to get across is I didn't know him. He wasn't a contributor, a supporter or a political ally in any way, shape or form. At that time he was a really smart lawyer with a judicial demeanor. He was recommended to me—he was discovered, if you will—by a nonpartisan judicial selection committee. I interviewed him, met him, liked him, and appointed him to the Maine District Court, which is our lower court of general jurisdiction, where it is really the people's court. He excelled in that court in terms of his decisionmaking skills as well as in his demeanor and his ability to interpret and apply the law in very real and practical circumstances.

He was so good, as a matter of fact, that as I was leaving the governorship in the last year or so, I had the opportunity to appoint him to Maine's Supreme Court. In fact, I believe he is the only person to have gone directly from our district court to the supreme court in our State without stopping in the middle at our superior court, the court of general jurisdiction, because he was so outstanding. He has proven himself as an appellate judge to be exactly what we all hoped and expected would be the case: thoughtful, deliberative, very much sensitive to the real needs of the people who are appearing before the court. He has never forgotten that the law is about serving the public.

So I think he is uniquely qualified—perhaps not uniquely but especially well qualified—for this position because he has been a trial-level judge and an appellate judge, and now he is being considered for a Federal trial-level court where I think he will be an outstanding judge. I don't think he will be; I know he will be.

The other thing I think is so important—and it happened that just a few years ago I was in our supreme judicial courtroom watching a ceremony where young lawyers were being admitted to the bar. It is a ceremony that happens every year. Of course, to the judges, it is fairly routine. To the young lawyers,

it is the biggest deal in their lives thus far. It happened that the day I was there to move the admission of a young friend of mine, Justice Levy was presiding. It was an opportunity for me to watch him interact with the members of the bar and the public. Of course, a lot of members of the public are in the courtroom on that day. His whole demeanor was so thoughtful, dignified, and yet warm and not intimidating.

Having practiced law myself, my least favorite judges were those who tried to intimidate members of the bar. I remember vividly at one point being in a trial and making an argument to a judge in Maine that wasn't really going very far, and I said: Judge, I really feel as though I am batting my head against a brick wall here. After a slight pause the judge said: Mr. KING, I know of no one in Maine better equipped for that venture. I wasn't all that thrilled by that response, although he was probably right.

Justice Levy has a wonderful demeanor. He has that wonderful combination of high intelligence and yet at the same time a warm and thoughtful demeanor that is not intimidating but allows the litigants, the lawyers, and the witnesses to get their stories out, to get the record complete so that he or the jury can make the best decision.

I think he is a judge's judge. In fact, in seeking comments about his appointment to this position, I think one of the most telling comments came from the chief justice of our supreme court where he has been now for some 10 years, and her comment was, "You tell Angus I am going to get him for this," which meant she doesn't want to lose him. I think that is pretty high praise—that he has been such a valuable member of that court that his colleagues thought that highly of him.

Jon Levy is, as I say, a judge's judge, really a model of what we should want on our Federal bench. I am delighted that he went through the cloture process yesterday. Thanks, in part, to my senior colleague, he received more than 60 votes. In other words, he enjoys a significant amount of bipartisan support. He was reported out of the Judiciary Committee on a strong bipartisan basis.

I am just delighted to be able to rise today and urge my colleagues to support this really extraordinary gentleman who will grace the Federal bench in Maine and will, I believe, make us all proud for having supported such an outstanding jurist who has yet many years of service to his State and his country. I believe this is a great appointment by the President, and I look forward to Jon Levy's performance on the bench.

With that, I yield the floor for my esteemed senior colleague.

The PRESIDING OFFICER. (Ms. BALDWIN). The Senator from Maine.

Ms. COLLINS. Madam President, I am very pleased to join my colleague from Maine, Senator KING, in supporting the nomination of Justice Jon

Levy to the U.S. District Court for the State of Maine.

As Senator KING has pointed out, Justice Levy has had a long career as an attorney and as a judge in our great State. His experience makes him well qualified for Maine's Federal district court. He was appointed to the bench by my colleague, Senator KING, when he was Governor, and Justice Levy currently serves as an associate justice on the Maine Supreme Judicial Court, a position he has held for more than a decade.

Justice Levy's legal skills have been evident for many years. After his graduation from law school where he was an editor of the law review, he clerked in the Southern District of West Virginia. Later, he was appointed to the position of special monitor in the U.S. district court for southern Texas.

In 1982, Jon and his wife had the good sense to relocate to Maine, and Jon entered private practice in York. Although his practice spanned a range of civil and criminal matters, he quickly distinguished himself in the area of family law. Jon literally wrote the book on family law. He is the author of "Maine Family Law," which is a key resource on the subject for Maine's attorneys.

As both an attorney and a judge, Jon has remained very active with the local bar association and several State committees, working to improve the administration of justice in Maine. He has served as president of the York County Bar Association and received its Outstanding Member Award in 2006. He was also honored with the Maine State Bar Association's Family Law Achievement Award in 2001.

Justice Levy has been an advocate for advancing access to civil justice in Maine. He has championed initiatives to improve pro bono representation for Maine's elderly and low-income people and affordable representation for other Mainers in need of legal assistance. In the same vein, he helped to launch the Katahdin Counsel Recognition Program, an annual statewide program that honors Maine attorneys who provide more than 50 hours of pro bono service per year.

Justice Levy has also advocated for these efforts nationally, and recently joined the American Bar Association's Standing Committee on Legal Aid and Indigent Defendants. He has worked with Maine's Juvenile Drug Treatment Court in Maine's York County, which has seen numerous successes over the years.

This combination of experiences that Justice Levy brings to the court—his experience as a private attorney I think is so important; his experience as a State judge is so critical, as is his experience in family law, in pro bono representation—makes him a well-rounded individual to serve on our courts. Many times our judges are chosen just from the ranks of either academia or because they have previously served on the bench.

Judge Levy brings both private sector and judicial experience to this important post. I believe he will serve the people of Maine and the Nation with distinction, intelligence, and integrity. So I urge my colleagues to support this nomination when we vote later today.

Again, I commend my colleague from Maine for having the good sense to start Justice Levy on this path which, I believe later today, will lead to his confirmation as a Federal judge.

Thank you, Madam President. Seeing no one seeking recognition, 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.

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

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

Ms. COLLINS. Madam President, I wish to comment on the vote we took earlier today on whether to proceed to a bill that would increase the minimum wage to \$10.10 an hour.

It has been several years since we increased the minimum wage, and I support an increase in the minimum wage. But I do not believe at a time when our economy is so fragile, as is indicated by the very slow increase in GDP that was reported this morning, we can afford to increase the minimum wage by some 39 percent.

I would note that just a year ago President Obama was suggesting we should increase the minimum wage to \$9 an hour. I do not see any change in the economic conditions that would have caused him to abruptly change his position and now be advocating \$10.10 an hour.

I know there are many low-income families who are really struggling in this country, and I believe our economy could accommodate an increase in the minimum wage. But the Congressional Budget Office, a nonpartisan entity, has told us the consequences of going to \$10.10 an hour would be a loss of some 500,000 jobs—at a time when our economy simply cannot afford that kind of loss.

I have talked with numerous employers in Maine. They care deeply about their employees. They, in most cases, are willing and able to pay more. In fact, many of them do pay more. In fact, all of them pay more than the Federal minimum wage because Maine's minimum wage is \$7.50 an hour rather than \$7.25 an hour. So we are already above the Federal minimum wage.

But what they told me is that if there is too much of an increase too rapidly, they will be forced to shrink their workforces or not bring on those summer part-time employees, those high school students, those college students, those individuals who do not have the training and experience that are necessary to be productive in the job for which they are hired at that time.

There is a huge area of compromise available here between \$7.25 and \$10.10. I think it speaks to what is wrong with Washington today that we were placed in a situation where it was take it or leave it rather than our trying to come together and offer amendments and debate the level that might be acceptable to Members of this body and our colleagues in the House—a level that would not cause dramatic job losses, which would hurt the very people we are trying to help, and yet would recognize we do need to increase the minimum wage by a reasonable amount to help struggling low-income families.

So I have to express my disappointment and frustration that we cannot seem to have a normal legislative process, where ideas could be offered as amendments, as compromises between \$7.25 and \$10.10, where Members could bring other ideas to the Senate floor on how we might spur job creation, on how we could improve job training programs, which is a huge issue in this country.

I have talked to so many employers in Maine, particularly in the trades, who have jobs available but cannot find the skilled workers to fill those jobs. I had a terrific and enlightening meeting with union representatives from Bath Iron Works, who told me we need to do a better job at our community colleges in training workers for the great jobs—far above minimum wage—that exist at Bath Iron Works in my State.

So there are so many ideas out there that would help us improve the financial condition of our low-income families—from increasing the minimum wage by an amount that does not cause massive job losses, to improving our job training programs so we can fix this mismatch between the jobs that are available and the skills that our workers have.

I would note that the Department of Commerce Secretary testified there are 4 million jobs that are unfilled nationwide because of that mismatch in available jobs to the skills needed to fill them.

There are other proposals to give tax incentives to small businesses. We have allowed a very important tax incentive that encouraged hiring to expire at the end of last year. The Work Opportunity Tax Credit expired. Why not extend that—not only to those groups who qualify now, but also to people who have been unemployed for a long time, to encourage employers to take a chance on them, to bring them back into the workforce, where they want to be.

We could also include other provisions. For example, I have a bipartisan bill with Senator DONNELLY and Senator MANCHIN and Members on my side of the aisle that would fix the definition of full-time work under ObamaCare so it would be 40 hours a week and not 30 hours a week. We would go back to the standard definition of 40 hours a week.

There are tax incentives having to do with bonus depreciation and small

business expensing that would encourage small businesses to make the investments so they can hire more employees.

We ought to have a full debate on all of these options, not just stop with one vote on whether to proceed to one bill to raise the minimum wage to \$10.10 an hour, with no amendments allowed, with no alternative proposals being permitted.

I so believe if we could get back to the normal way of doing business, we would so much better serve the people of this country, including low-income workers who are struggling to get by. I believe we could come up with a compromise that would enjoy bipartisan support. I am not saying it would be easy, but we ought to at least try. I have talked with colleagues on both sides of the aisle who are willing to try, and we need to be given that opportunity.

Each and every Member in this body cares about individuals who are working two jobs, who may have two minimum-wage jobs because they are trying to support their families. I think we could come together. But we cannot come together unless we are allowed to offer alternatives, to fully debate the issues, and to bring forth ideas to improve our job training programs and to encourage the creation of more jobs, as well as better-paying jobs, in what, unfortunately, remains a very anemic economy.

I thank the Presiding Officer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DONALD STERLING AND DANIEL SNYDER

Mr. REID. Madam President, yesterday, all America watched while Commissioner Adam Silver and the National Basketball Association acted justly in punishing Donald Sterling for his harmful racist behavior.

Commissioner Silver banned Mr. Sterling from the NBA for life, and there was a \$2.5 million fine.

I, along with most all of America, applaud the NBA's work in swiftly moving to stamp out bigotry from its ranks.

Commissioner Silver and the NBA leadership have set the standard for how professional sports organizations should act in the face of racism.

I wonder today how the leadership in the National Football League, the NFL—that money-making machine—I wonder if they have taken notice of the NBA's decisive action?

How long will the NFL continue to do nothing—zero—as one of its teams bears a name that inflicts so much pain on Native Americans?

I have 22 tribal organizations in Nevada. All over America, especially in

the western part of the United States—but not only in the western part of the United States—we have large numbers of Native Americans.

It is untoward of Daniel Snyder to try and hide behind “tradition”—tradition? That is what he says—in refusing to change the name of the team.

Tradition? What tradition? A tradition of racism is all that name leaves in its wake.

Mr. Snyder knows that in sports the only tradition that matters is winning.

So I urge Daniel Snyder to do what is morally right and remove this degrading term from the league by changing his team's name.

It has been done before—right here in Washington, DC.

Seventeen years ago, the owner of the Washington Bullets, the late Abe Pollin—a wonderful man—saw all the gun violence and murders taking place in the DC area. And what did he do? He voluntarily decided that name—the Washington Bullets—was not any good and changed it. He did not want his team to be associated with bullets. So he changed the name of the organization from the Washington Bullets to the Washington Wizards.

We have all followed the Washington Wizards over the last couple weeks. They are now in the second round of the playoffs. We are all happy about that. They have struggled for a long time. We support—the American people support—the Wizards, as do the people in the DC metropolitan area. Wizards is a good name.

Don't you think Daniel Snyder can come up with a name? It should be easy. He could invite the fans to choose a name. He could ask high school kids to come up with a name. Anything they came up with, with rare exception, would be better than the Washington team name they have now.

But since Snyder fails to show any leadership, the National Football League should take an assist from the NBA and pick up the slack. It would be a slam dunk, Madam President.

For far too long, the NFL has been sitting on its hands, doing nothing, while an entire population of Americans has been denigrated.

So I say to Commissioner Roger Goodell—I believe Roger Goodell is a good man—it is time to act. Remove this hateful term from your league's vocabulary. Follow the NBA's example and rid the league of bigotry and racism. I am sure your fans will support it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXECUTIVE OVERREACH

Mr. HATCH. Madam President, I rise today in defense of the U.S. Constitu-

tion, the separation of government powers it established, the rule of law it enshrined, and the legitimate prerogatives of the legislative branch—and this body in particular—under our constitutional system of government.

I am very concerned about what has been going on. Last week the Justice Department announced their plan to extend clemency consideration to a large new class of drug offenders.

Both the New York Times and the Washington Post estimate that the Department's new guidelines will potentially apply to tens of thousands of cases, with clemency likely to be granted to perhaps thousands of current Federal inmates.

This surprise announcement by the administration marks a worrying shift away from the longstanding norm requiring individualized determinations based on the particularly compelling circumstances of specific cases. Instead, the Justice Department has laid the groundwork for mass clemency based on a few widely shared and broad criteria.

Of course, the Constitution gives the President the power to grant clemency in individual cases. No one disputes this authority. It has been exercised by Presidents throughout our Nation's history, and it is properly used on a limited, case-by-case basis to ameliorate specific instances of injustice experienced by particular individuals.

By contrast, it is the rightful province of the legislative branch to establish broader sentencing policy through duly enacted Federal statute.

There is sentencing law on the books and Congress periodically revisits and revises this sentencing policy. But in our constitutional system, changing the law requires legislative action by Congress.

In the face of this most basic constitutional requirement, the President has apparently instead decided to use—or, rather, abuse—the clemency power in an attempt to rewrite sentencing law unilaterally. His invocation of clemency is merely a fig leaf to disguise a blatant effort to usurp legislative authority.

The President's clemency power is not a vehicle by which the executive branch may effectively revise or discard lawful statutes with which the President disagrees. But that is precisely what President Obama and his Justice Department have promised to do.

The amount of time that entire classes of drug offenders spend in jail will no longer be based on uniform sentencing law passed by Congress and administered by the Federal court and Judiciary. Instead, it will be determined by the President's personal views of “justice,” by the Attorney General's subjective notions of what he considers “fair,” and by some Justice Department bureaucrat's sense of “proportionality.”

Such a result turns our system of government on its head, and it represents an abdication of the President's core constitutional duty.

Instead of faithfully executing the law, President Obama is simply seeking to enforce his personal ideological preferences. It is precisely this sort of unchecked and unaccountable rule that our Nation's Founders sought to prevent.

The Obama administration's unilateral action on drug sentencing is especially troubling since Congress is actively considering a number of potential sentencing reforms. Indeed, an ideologically diverse, bipartisan group of Senators has demonstrated they are eager to legislate on this issue. Several sentencing reform bills have been drafted and introduced. Legislation has been considered and reported by the Judiciary Committee.

Although a President should never expect to get every single idea he wants through the legislative process, bipartisan agreement here seems well within reach—especially if the administration chose to focus on working with Congress to change the law rather than acting alone to undermine it.

Yet even in an area where constructive action is achievable, the President has decided to go it alone, and in doing so he violates the most basic constitutional principles he once taught to his law school students.

Examples of such executive abuse have become all too common under this administration, especially since President Obama announced his new “pen and phone” strategy of unilateral action specifically designed to bypass Congress and evade constitutional restraints.

Just last week the Associated Press reported that, under orders from the White House, the Department of Homeland Security is considering limiting deportations to only criminal aliens with felony convictions.

Using the excuse of prosecutorial discretion—another executive tool limited to individual cases and particular circumstances—the administration is seeking to frustrate duly enacted immigration law and instead implement its own broad immigration policies.

Whatever our thoughts on the sensitive questions of immigration policy, everyone can agree that such an act requires legislative action and should not be brought into effect through executive fiat.

I am struck by how far this approach contrasts with the President's own judgment as recently as last fall. If the administration continued broadening enforcement carve-outs, he said, “then essentially I'll be ignoring the law in a way that I think would be very difficult to defend legally.”

Given the lawlessness of broad enforcement carve-outs, the President stated flatly, “that's not an option.”

President Obama went on to acknowledge that he does not in fact have the authority to halt most deportations. In his own words:

If in fact I could pass all these laws without Congress, I would do so. But we're also a nation of laws, that's part of our tradition. The easy way out is to . . . pretend that I can do something by violating our laws, but what I'm proposing is the harder path, which is to use our democratic process to achieve the same goals.

I wish to associate myself wholeheartedly with President Obama's exhortation last fall that we are a nation of laws, and that substantive changes to the law must come about through the democratic process.

As public servants, our common allegiance must first be to the rule of law under the Constitution, as it—more than anything else—is what secures the blessings of liberty to ourselves and our posterity.

I fear that President Obama's frustration with an inability to win broad support for every aspect of his legislative agenda has caused him to ignore clear legal and constitutional obligations. He now seems to view the long-standing rules, requirements, and traditions central to our system of republican self-government as irritants—mere suggestions that he is willing to bend past their breaking point in order to advance his controversial agenda.

Concern about the potential for executive overreach has animated American political life from the very beginning. Indeed, it predates our Republic, and shaped its founding.

Centuries ago, absolutist monarchs such as the Stuart dynasty of England, seizing on the powers of the medieval popes as a model, claimed a “royal provocative” to suspend the application of the laws, and used this power to justify their oppressive rule.

The Stuarts' unchecked reign in England—the nation that pioneered the modern conception of the rule of law—ignited a long and bloody struggle that eventually brought about the Glorious Revolution. Thereafter, the 1689 English Bill of Rights confirmed the “ancient rights” of Englishmen and enshrined the notion that the monarch had no “dispensing power” to waive the application of the laws of the realm.

As many noted historians and legal scholars have observed, the American Founders were well versed in these 17th century English constitutional struggles. Viewing themselves as heirs to the English political tradition, the Framers of our new Nation set out to establish a system of government with an eye toward preventing similar abuses.

With the old monarchy's abuse of the claimed dispensing power fresh in their minds, the Founders' initial plan of government in the Articles of Confederation did not even include an executive. When that framework proved unworkable, the Framers drafted and the States ratified a constitution that avoided either historical extreme: an all-powerful executive that claimed the power to dispense with the bounds of law or a powerless executive lacking the capacity to govern effectively.

The structural features of our Constitution navigate between these two poles, creating an energetic executive but carefully cabining his power. It vests legislative authority in Congress, not the President.

While the precise line between enforcement discretion and lawmaking may sometimes seem blurry, the Constitution makes clear that changes to the law are the province of the legislative rather than the executive branch, and that when Congress and the President have enacted statutory laws, the executive cannot unilaterally displace it.

The Constitution also requires the President to “take Care that the Laws be faithfully executed.” This clause does not suggest or invite the President to enforce the law—it obligates him to do so. And he is bound by the text of the Constitution to do so “faithfully.”

To execute the laws faithfully, as defined by the great Samuel Johnson, author of the most definitive dictionary of that age, is to do so “honestly, . . . [w]ith strict adherence to duty and allegiance, . . . and [w]ithout failure of performance.”

As a diverse array of legal scholars have noted, it is “implausible and unnatural” to read this clause to allow the President authority to deviate from the loyal enforcement of Federal statutes.

James Wilson, the original proponent of the take care clause, put it this way:

[The President has] authority, not to make, or alter, or dispense with the laws, but to execute and enact the laws, which [are] established.

He continued:

To contend that the obligation imposed on the President to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the constitution, and entirely inadmissible.

There are certain situations in which the Executive may in fact legitimately ignore or even contravene a duly enacted Federal statute. But such circumstances are few and far between.

The Presidents of both parties have long claimed authority not to enforce unconstitutional statutes.

According to this view, if the considered view of the executive branch determines that a statute clearly violates the Constitution, the highest law, then that statute is no law at all and does not warrant enforcement.

Presidents have also sought to justify partial nonenforcement based on a lack of sufficient resources. As the Supreme Court has explained:

The President performs his full constitutional duty, if, with the means and instruments provided by Congress and within the limitations prescribed by it, he uses his best endeavors to secure the faithful execution of the laws enacted.

In other words, the Constitution still obligates the President to do his best to ensure that duly enacted laws are faithfully executed, even when he and his subordinates are working with limited resources. In such cases he is obligated to ensure that those resources

are optimally allocated to achieve as faithful execution as is possible.

Sadly, political expedience and ideological fervor has led our current President to disregard his fundamental obligations to “. . . take care that the laws be faithfully executed.”

Take, for example, the Nation’s drug laws, an area where the Obama administration has decided it disagrees with the criminal statutes on the books and wants to implement a different policy, no matter the governing Federal law.

As I noted earlier, the administration’s massive clemency push seems to employ the President’s specific constitutional power—one limited to relieve individual instances of injustice—to provide relief to large swaths of criminals who fit a few broad criteria.

The President also directed major changes over which Federal drug crimes are charged and at what level, citing prosecutorial discretion, a limited authority derived from the power to adapt enforcement to an individual’s specific circumstances, to implement broad criteria affecting thousands of prosecutions. Given the scope of this Executive action, compared to its narrowly tailored authority, the administration’s invocation of prosecutorial discretion has become a transparent excuse used to try to justify flouting existing Federal law.

Much of the same is true in the context of immigration. The administration has advanced a growing number of enforcement carve-outs to increasingly expansive classes of illegal immigrants. First, the administration exempted those brought here as children, then veterans, then their families. Now the administration may seek to exclude from application of duly enacted immigration law anyone who has not committed serious felonies.

While, of course, no one disagrees that violent criminals should be our highest priority, the administration has come much further and essentially made current immigration law a dead letter for virtually everyone else. Last week I joined 21 of my colleagues in a letter to the White House highlighting this Executive abuse. How can the administration even claim it was attempting to faithfully execute immigration law when almost all deportations last year were limited to convicted criminals and recent border crossers, when ICE agents were forced to release 68,000 potentially deportable aliens last year alone? Think about that. When the administration took disciplinary action for ICE officers for making lawful arrests, when the President of the National ICE Council felt compelled to testify before Congress that although “. . . most Americans assume that ICE agents and officers are empowered by the Government to enforce the law, nothing could be further from the truth.”

Another egregious example of this administration’s willful failure to faithfully execute the law involves education. The Department of Education

has given 42 of the 50 States waivers from application of No Child Left Behind. Rather than seek a legislative reauthorization of the statute to set realistic goals going forward, the administration has chosen simply to establish their preferred education policy by attaching their own conditions to the waivers that the States need to receive Federal money.

Recently, the State of Washington became the first to lose its waiver, primarily because it did not meet the administration’s mandate for teacher and principal evaluation—a mandate that has no grounding in the actual statute. When the vast majority of States receive waivers by meeting conditions that bear little resemblance to provisions of the law itself, is the administration faithfully executing the law as required under our beloved Constitution? To the contrary, the President is using waiver conditions to bring about an entirely different set of education policies, and he is doing so to avoid spending his energies and political capital on a legislative process that might expose divisions within his own party or force his administration to compromise with those who do not share all of his policy preferences.

Of course any discussion of Executive overreach by this administration must include ObamaCare. Back when the administration was writing that 2,700-plus page monstrosity, the bill’s proponents argued that its length and complexity were necessary evils, that its many intricate parts were essential to achieve the bill’s promised objectives. The individual mandate, the employer mandate, the minimum coverage requirements, the cuts to Medicare Advantage, and the limits for subsidies to State-run exchanges—we were promised that these provisions and others were both critical and carefully timed to expand coverage and rein in costs. Yet when the time came to implement the law, the administration’s tune changed.

To justify violating a number of clear statutory mandates, the administration has mustered a weak and unconvincing hodgepodge of legal acrobatics all for the purpose of allowing the administration to avoid enforcing the central provisions of its own signature law. When we in Congress adopted legitimate legislative fixes to provide hard-working Americans relief from ObamaCare’s disruptive effects, the White House displayed shocking audacity in threatening to veto lawful delays to some of these cuts and mandates.

I don’t know if anyone could imagine a better example of an administration allowing political expediency and ideological commitments to trump the President’s constitutional obligations to take care that the laws be faithfully executed. Equally troubling, where the President’s legislative efforts have failed, he has decided simply to regulate, seemingly undeterred from stretching his existing statutory authorities past their breaking point.

Again, this is the very definition of Executive abuse.

For example, a hallmark of the President’s so-called pen-and-phone strategy was to sign an Executive order forcing Federal contractors to raise their minimum wage. He issued this directive despite the fact that there is already a Federal statute that governs the minimum wage for Federal contractors.

Although a different statute gives the President some discretion in the area of Federal procurement, its plain language demands—as courts have long held—that there be a sufficient nexus between the President’s orders and the statute’s stated goal of efficiency and economy in Federal procurement. Increasing a contractor’s labor costs by hiking their minimum wage is wholly inconsistent with this statutory goal, demonstrating there is no legal basis for the administration’s Executive order.

Yet another area of grave concern is the effort by this White House to establish new institutional arrangements that fail to respect the separation of government powers and the basic principle of checks and balances enshrined in our Constitution. Take the Dodd-Frank bill, another signature piece of the President’s agenda.

All Americans should be concerned with the unchecked institutional form of the newly created Consumer Financial Protection Bureau. This administration’s unwaivering devotion to expanding the scope and reach of Federal regulation was made manifest in efforts to place the CFPB beyond Congress’s constitutional power of the purse. The CFPB Director is empowered to collect a certain percentage of the Federal Reserve’s operating expenses, indexed to inflation, thereby denying Congress its rightful authority to allocate Federal spending and keep the agency in check with respect to its overweening regulatory ambitions. What the White House sought was unaccountable Executive power, a CFPB that could regulate with virtually no meaningful restraint.

When a number of my colleagues and I expressed a desire to address the serious objections to the CFPB structure before confirming the President’s choice to lead the agency, the White House decided that abiding by the appointments process established by the Constitution was too inconvenient. Determined to press forward with the administration’s agenda at all costs, the President simply installed his choice for CFPB Director as well as other key Federal officers without the advice or consent of the Senate—again, the height of Executive arrogance.

The administration sought to justify this move by citing the President’s power under the Recess Appointments Clause, but all the relevant legal authority suggested otherwise. The original public meaning of the clause, well-established historical practice, the constitutional requirement for the

House of Representatives to consent before the Senate may adjourn for more than 3 days, the Senate's constitutional authority to set its own rules, and the Senate's own determination that it was not in recess at the time, all of this made clear that the President had no authority to make the appointments unilaterally. Yet as an indication of its willingness to simply ignore the law and Constitution, that is precisely what the President did.

This brazen lawlessness cannot stand, and it will not. Already several Federal appeals courts have ruled that these appointments were unconstitutional, and most observers expect the Supreme Court to agree.

Yet the Obama administration remains undeterred. Having decided to bypass Congress and go it alone, the White House has likewise sought to remove meaningful accountability by means of the Federal judiciary. As in the recess appointments cases, Federal courts have rejected a variety of this administration's lawless actions and vindicated critical constitutional rights. No court has served as a greater check on Executive overreach than the DC Circuit Court of Appeals, which oversees most Federal regulatory actions. So the White House has sought to remove even this modest restraint.

After the DC Circuit rightfully invalidated several key administration actions as outside the bounds of Federal law, the President then sought to pack that court with compliant judges in order to obtain more favorable decisions.

The President's allies in this body, in their own words, "focused very intently on the D.C. Circuit" determined to "switch the majority" on the court, and were willing to "fill up the D.C. Circuit one way or another."

In the rush to eliminate any possible judicial obstacle to unilateral progressive advances, they ran roughshod over the rules and traditions of this body, working untold and permanent damage to two venerated institutions of our constitutional system.

This whole episode demonstrates a brazen willingness on the part of this administration to ignore virtually any legal or constitutional constraints and even tamper with the judiciary simply for the sake of advancing its own ideological goals or objectives.

I have only had time today to scratch the surface of the pattern of Executive abuses in areas as diverse as EPA, and NLRB regulatory actions, inappropriate IRS targeting, net neutrality rulemaking, and the refusal to defend the Defense of Marriage Act. Such executive lawlessness should be troubling to all Americans regardless of political stripe or partisan affiliation.

It is the Constitution, the political institutions it established, the legal framework it enshrined, the checks and balances it requires, that ensures we remain a government of laws and not of men. Absent these essential re-

straints, we will all become subject to increasingly arbitrary rule, a government that knows no bounds and seeks to regulate and control virtually every aspect of our lives.

President Obama once spoke of the necessity for such restraint. He warned of the dangers associated with unilateral executive action, and he highlighted the critical importance of adhering to constitutional procedures.

While campaigning for President in 2008, he said:

I taught constitutional law for ten years. I take the Constitution very seriously. The biggest problems we're facing right now have to do with [the President] trying to bring more and more power into the executive branch and not go through Congress at all, and that's what I intend to reverse when I am President of the United States.

How far we have come since Candidate Obama made those empty promises.

I have been a Member of this body for nearly four decades. I have worked with half a dozen Presidents. On many occasions we have been able—working together—to accomplish great good for the American people. My concern today is not partisan. My criticisms are not ideological, nor is my interest as a Member of the Senate simply institutional. Throughout my years as a Member of this body, I have acknowledged and defended the power of the President when he acts lawfully—he or she. In the national security context in particular, where the President is at the height of his constitutional and statutory authorities, I have defended the prerogatives of the President no matter the party occupying the White House and no matter the political unpopularity of doing so.

The concerns I have expressed today are about legitimacy. What authority to govern does the President or any of us have except that which we derive from our Constitution? My criticisms are about restoring accountability. How are we going to keep this or any administration honest when it seeks to cut out Congress's legitimate role in the governing process?

Above all, my observations today are about liberty. Yes, that is right—liberty. If we are to maintain our freedoms, which so many of our fellow citizens have fought and died to preserve—including my own brother and two brothers-in-law—we must always remember to heed James Madison's warning in *Federalist 47*:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

It is essential to the continued well-being of our Nation, to the legitimacy of our government, and to the liberties of our citizens that the exercise of Executive power is kept within lawful bounds. Doing so requires continual vigilance by the court, by Congress, and by the American people to uphold the standards of the Constitution, and that includes the President as well.

I will close with a word of warning from President George Washington which is perhaps even more true today than when President Washington spoke it way back when.

If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed.

I thank the Presiding Officer and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority whip.

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

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

WORLD IMMUNIZATION WEEK

Mr. DURBIN. Madam President, the World Health Organization has deemed this week "World Immunization Week." Every year the WHO designates a whole week to promote the world's most powerful tools in public health—the use of vaccines to protect people of all ages against disease.

Immunization is one of the most successful and cost-effective health interventions ever introduced, preventing up to 3 million deaths a year from diseases such as diphtheria, tetanus, polio, and measles. Thanks to decades of research, there are 25 diseases that can be prevented by vaccines, including some forms of influenza, meningitis, and even certain types of liver and cervical cancer.

The theme this year is "Are you up-to-date?" This year one in five children worldwide will not receive the vaccinations they need, some because their parents choose not to and others because it is just not available. Through the Global Vaccine Action Plan, the WHO and other members of the World Health Assembly are working to close this gap and promote equitable access to vaccines for every adult and child in the world. The aim—their goal—is to have all people vaccinated against preventable diseases by 2020.

One of the diseases the WHO is targeting is polio. I have a few years on the Presiding Officer, but I can recall growing up in the 1950s. When you grew up in that era, polio was a real concern. In some years 60,000 kids would come down with polio, and at that time nobody knew why. They could not figure out where it was coming from or how to stop it.

Parents—my mom included—had their theories. Some of those theories were based loosely on health and others on legend. My mother used to say: Don't you go play in that rainwater outside in the street after it rains; you could get polio. I can remember hearing that.

When we were kids, I remember the earliest television shows showed people in iron lungs and surviving in that machine that kept them alive and looking at the world through a mirror that was perched above their heads. Many people were afflicted by polio. Some of my closest friends growing up had polio. Our Republican leader, Senator McCONNELL, suffered from polio as a child. It was not uncommon. It was way too common.

Then came the day in 1955 when Jonas Salk came up with the Salk vaccine. It was such an amazing piece of news. It was shared in every classroom across the country. They had a vaccine. It involved a shot, and none of us were excited about that, but the idea of being protected for life from polio was worth it.

Then came along the Sabin oral vaccine, which we were even happier to hear about.

It was an indication to a lot of people that with hard work and research cures could be found.

It was April 12, 1955, when Dr. Thomas Francis, Jr., an epidemiologist at the University of Michigan and a mentor to Salk, announced that Salk discovered a polio vaccine that was safe and effective. When that announcement was made, families across America celebrated. We couldn't wait to get in line. April 12 was deliberately chosen for the announcement because it marked the 10th anniversary of the death of the most famous polio survivor of all—President Franklin Delano Roosevelt. Roosevelt also founded the March of Dimes Foundation in 1938, without which Salk may not have had the resources to complete his research. A massive field trial led to the release of the vaccine, the first of its kind. It was conducted on 1.8 million children in America, and it was proven 80 to 90 percent effective. We achieved this victory over polio. It really was a big deal. As a result, polio was eradicated in the United States of America in 1979.

In February the Senate passed a resolution I cosponsored with Senator KIRK of Illinois supporting World Polio Day. This resolution commended not only the work of Jonas Salk but also the Rotary Club, WHO, the Bill and Melinda Gates Foundation, and UNICEF for their work to eradicate polio. These organizations have joined with the United States and other national governments to successfully reduce cases of polio by more than 99 percent. We now believe there are only three nations on Earth where there is evidence of polio: Nigeria, Afghanistan, and Pakistan. The success of the polio vaccine showed the public what medical research could accomplish and encourage.

Yesterday Chairman MIKULSKI of the Senate Appropriations Committee had a hearing on research, and we had some great witnesses. Among them was Dr. Francis Collins, who is the head of the National Institutes of Health. They came to talk about America's invest-

ment in research and innovation. You would think that with the success of the Salk polio vaccine and all the other things that have followed, that America would have learned a valuable lesson about this investment. Sadly, today, some 60 years after the discovery of the Salk polio vaccine, we are not making progress as we should. In fact, in some respects we are falling behind.

Because of our failure to adequately fund the National Institutes of Health over the last 10 or 12 years, we have seen a 20-percent decline in the awards for medical research.

I talked to Dr. Francis Collins about this 2 or 3 months ago. He heads up the NIH. He is a brilliant, wonderful man who was in charge of mapping the Human Genome Project. He did it ahead of time and on budget and produced a wealth of information that is now being used to find cures for diseases.

A month or so ago, the National Institutes of Health introduced their AMP Program where they engaged the 10 largest pharmaceutical companies in America to join with the NIH to use the human genome to find cures for the following diseases: Alzheimer's, type 2 diabetes, and rheumatoid arthritis. Those are the first three targets they are going to go after. We need to go after more, and we need to encourage them for several reasons:

First, if we don't make an investment in medical research that future generations of researchers can count on, young people will not dedicate their lives to medical research.

Think of this for a moment: 30 years ago 18 percent of all the NIH medical researchers were under the age of 36. Now it is 3 percent. Younger people are not moving toward medical research because they are uncertain of our national commitment in this area. Shame on us. At a time when we should be enticing the best and brightest in the world to get involved in biomedical research, our indecision and lack of leadership at the governmental level is failing to fund these entities and this effort.

I asked Dr. Collins: What is the kind of commitment we should make as a nation in medical research that can make a dramatic difference?

He said: Senator, if you could give us 5 percent real growth a year beyond inflation, 5 percent a year for 10 years, I will promise you we will make dramatic progress.

So I did a calculation. I asked my staff what it would cost us as a nation to increase medical research 5 percent a year for 10 years. Well, they added the National Institutes of Health, the Centers for Disease Control, the Department of Defense medical research, and the Veterans' Administration medical research. They said: All right. Put them all together. If we gave them a 5-percent raise each year, how much would it cost over 10 years? The answer: \$150 billion.

That is a huge sum of money, but in that same period of time we are likely to budget over \$18 trillion in spending for the government. It is a very tiny piece of the overall spending of our government.

Some people who are budget hawks will step back and say: Great idea, Senator, but we just can't afford it. We can't afford to commit to coming up with \$150 billion over 10 years.

I would ask them to consider two things:

First, last year in the United States of America, the Federal Government spent, through the Medicare and Medicaid Programs, over \$200 billion treating one disease: Alzheimer's. If through our medical research we could find some blessed cure for this terrible disease or even delay its onset, it would more than pay for the amount of money we would have to invest in medical research. It is that important.

Secondly, there are things we can do which I will stand up and say I am prepared to do which would fund a major part of this research. If we increased the Federal tax on tobacco products by 95 cents a package, it would pay for more than half of the medical research I just suggested. Over a 10-year period of time, 900,000 American lives would be saved because children wouldn't be able to afford to buy these tobacco products.

So this medical research commitment is not only a good one in terms of reducing our costs of medical care, but it also is something we ought to achieve in order to make sure there will be breakthroughs in the years ahead to eliminate and treat many of the diseases which haunt us and our families across America.

The American Cures Act is a bill I have introduced. I am happy to have a number of my colleagues cosponsoring it. It has the support of virtually all of the major medical research organizations. It should be bipartisan, and I hope those on the other side of the aisle who share my commitment to medical research will join me.

Discovering the polio vaccine won Jonas Salk the Nobel Prize and allowed him to create the Salk Institute for Biological Studies, one of the premier institutes for biomedical research. If he had done nothing else, Salk's place in history would have been honored and assured. But Jonas Salk wasn't content to rest on past achievement. After all, he was an American. In the last years of his life, he spent his time searching for a cure for AIDS. When his early efforts failed, he was undeterred. When asked why, he said: You can only fail if you stop too soon. This is a decisive moment in the history of our Nation. We have to continue to invest in order to reap the immense rewards of decades of work by the best scientific and medical minds in the world. The only way we can fail is by stopping too soon.

SHAH NOMINATION

Mr. DURBIN. Madam President, I rise to speak in support of Manish

Shah, who has been nominated to serve as a Federal district court judge in the Northern District of Illinois. Mr. Shah is an outstanding nominee. He has the experience, qualifications and integrity to serve with distinction on the Federal bench.

Mr. Shah was nominated to fill the seat that became vacant when Judge Joan Lefkowitz took senior status. He has been reviewed by my judicial screening committee, and he was chosen by Senator KIRK's committee to serve and I supported the selection.

He is a Federal prosecutor in the Northern District of Illinois. He is currently chief of the criminal division of that office and he has a lengthy resume of achievements in this field.

Mr. Shaw has won numerous awards and recognitions for his work in the U.S. attorney's office, including the FBI Director's Award for Outstanding Criminal Investigation. He graduated from Stanford University and the University of Chicago Law School. He clerked for 2 years for Judge Jim Zagel of the Northern District of Illinois.

Incidentally, his nomination in the Northern District of Illinois is historic. Upon confirmation, he will be the first article III judge of South Asian descent to serve in the State of Illinois. He appeared before the Judiciary Committee last November in a hearing that I chaired. He was reported out unanimously from that committee.

I am sorry it has taken so long for us to get to his nomination on the calendar, but I am certain he will be an excellent addition to the bench for the Northern District of Illinois.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

BASTIAN NOMINATION

Ms. CANTWELL. Madam President, I rise today to express my support for the nomination of Stanley Bastian to be a district judge for the Eastern District of Washington. Stan Bastian is exactly the kind of highly qualified Federal judge eastern Washington needs.

The Eastern District of Washington represents a wide swath of Washington that includes 20 counties that cover 63 percent of our State. Yet the court has been operating with two vacancies. So it is time for the Senate to move forward on filling this position, and I hope we confirm Mr. Bastian today. I also hope we can move forward on a vote on Salvador Mendoza in the coming weeks as well.

Mr. Bastian has been called an "outstanding choice" for the Eastern District bench, and I want to make sure we understand why. He was born in Washington and is well versed in Pacific Northwest issues. As my colleagues Mr. WYDEN and Mr. MERKLEY will note, he is a graduate of the University of Oregon, but he also went to law school at the University of Washington. Mr. Bastian has handled a diverse portfolio of legal matters, including representing counties, public util-

ity districts, fruit growers, medical clinics, brokers, and individuals, and he brings more than 30 years of experience to the Federal bench, including 25 years in private practice.

He has well rounded experience from all sides of the legal process, from civil and criminal trials to mediation, arbitration, and negotiations between various parties. Throughout his career, Mr. Bastian has shown a dedication to justice and equal access to the law. As an experienced trial attorney, he has earned the support and recognition of his peers.

When I interviewed Mr. Bastian, I was impressed by his respect for legal precedent and his commitment to the rule of law, his work to improve access to justice, and his local knowledge that has been very important in serving eastern Washington and all of Washington.

Mr. Bastian also served as a judicial pro tem in municipal courts, and recently he had the opportunity to lead the Washington State Bar Association. As the president of that organization, Mr. Bastian focused on ethics, professionalism, and civility in the legal profession. He has a long and wide-ranging background in the law and in the legal community, and that is exactly why we should put him on the Federal bench.

His legal career exemplifies public service, a commitment to access to justice, and a stellar legal intellect. I am confident he will serve the Eastern District well.

So I hope we move forward on these nominees this afternoon and confirm Mr. Bastian.

I thank the Chair and I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that following disposition of the Levy nomination, the Senate proceed to the consideration of Calendar No. 711, that there be 2 minutes for debate, equally divided between the two leaders or their designees, prior to a vote on confirmation of that nomination; further, that notwithstanding rule XXII, on Thursday, May 1, 2014, at 11 a.m., the Senate proceed to executive session and vote on the cloture motions for Calendar Nos. 591, 592, and 575; further, that if cloture is invoked on any of these nominations, all postcloture time be expired and at 1:45 p.m., the Senate proceed to vote on confirmation of Calendar Nos. 591, 592, 730, and 701; further, that on Monday, May 5, at 5:30 p.m., the Senate proceed to executive session and vote on confirmation of Calendar Nos. 575

and 703; further, that there be 2 minutes for debate prior to each vote, equally divided in the usual form, that any rollcall votes following the first in each series be 10 minutes in length and, if confirmed, the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

Mr. REID. With this agreement, we will have up to seven rollcall votes this afternoon and as many as three rollcall votes beginning at 11 a.m. tomorrow, and as many as four rollcall votes tomorrow afternoon beginning at about a quarter of 2.

Madam President, I ask unanimous consent that even though we are a minute or so short, we start the votes.

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

EXECUTIVE SESSION

NOMINATION OF SHERYL H. LIPMAN TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE

NOMINATION OF STANLEY ALLEN BASTIAN TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF WASHINGTON

NOMINATION OF MANISH S. SHAH TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS

NOMINATION OF DANIEL D. CRABTREE TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF KANSAS

NOMINATION OF CYNTHIA ANN BASHANT TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NOMINATION OF JON DAVID LEVY TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE

NOMINATION OF ROBERT O. WORK TO BE DEPUTY SECRETARY OF DEFENSE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations, which the clerk will report.