

I do not know what middle-income working families have done to the Bush administration. I really do not understand why they declare war on the working families in this country, but it is war. It is a clear priority that they are not going to be attended to.

We saw recently when we had the whole issue of providing pension relief for multiemployers, the 9.5 million workers who are working, small business, and also those in the building trades and others, 9.5 million who were looking for a similar kind of relief that we were providing for single employers, the administration said no. Those were 9.5 million workers, basically middle-income working families. They said no to them with regard to retirement; no to increasing minimum wage; no to unemployment compensation; no overtime. That is the record.

We have the list the administration talks about. They have 55 categories on that list which has been included in the Gregg amendment, but I do not see the insurance adjusters on that list, I do not see cashiers on the list, I do not see bookkeepers on the list, and the list goes on.

Yesterday, when we raised these questions, we were assured: Oh, no, you just don't understand; you don't really understand. We really provided the protection.

We have the Department of Labor speaking out of one side of its mouth in testimony this morning saying one thing, and now we have something else on the floor of the Senate. Let's get it right, Mr. President. Let's get it right. Let's adopt the Harkin amendment and make sure we are going to say to those Americans who are going to have to work overtime that they are going to be adequately compensated. That has been the law since the late 1930s: a 40-hour workweek, and if you are going to work overtime, you are going to get time and a half.

There are some industries that do not have that protection. I remind workers out there who may be watching this morning that under this administration, you are going to find out you are no longer provided with overtime protection.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, I yield the remainder of my time to the Senator from Massachusetts.

Mr. KENNEDY. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 6 minutes.

Mr. KENNEDY. Will the Chair remind me when I have 1 minute remaining, please.

This chart shows what happens when you do not have overtime protection. In industries today that do not have overtime protection, the chances of workers working more than 40 hours a week is 44 percent. In companies that have to pay time and a half, it is down to 19 percent. For 50 hours a week, we find out it is 15 percent versus 5 percent.

Once we take leave of overtime protections, workers beware. They are sending a message to you. They can say it is simplification and they can say it is modernization. We know how to do that. The Harkin amendment does that. But if you are talking about working longer, working harder, and making less, you are talking about the administration's position.

Now we are taking a third bite at the apple. First, the administration came out with a proposal, and it was defeated in the Senate and defeated in the House of Representatives. Then they went back. They took weeks and months to redefine it; then they came back and made representations, as the Department of Labor spokesman said, that it was not going to affect anyone between \$26,000 and \$100,000. Now we have a third introduction on the floor of the Senate just before noon today to make sure that the 55 categories, many of which have been mentioned in the course of the debate, are going to be protected.

Let's just do the job right. Let's just say: Look, American workers are working longer and harder than any other group of workers. This is a chart that shows that workers in the United States of America work longer and harder than any other industrial nation in the world. They are already working longer and harder. They are having a harder, more difficult time making ends meet, as I just pointed out, with the cost of health care, education, mortgage, utilities, the threats to their pension systems, and the outsourcing of jobs across this country. Let's not take away from them the one part of their pay which has been there since the 1930s, and that is the overtime pay. Let's not take that away from them, too.

That is what the administration is attempting to do. The Harkin amendment will resist it. I hope when we have that opportunity—I will vote for the Gregg amendment because it mentions the 55 different categories, even though I think it probably opens up greater litigation in terms of defining what is a "cook" and what is a "chef" and what is a newspaper person and how that is going to be defined. It is going to open up litigation. Nevertheless, it is an attempt at least in those 55 areas to make sure they are protected. I am going to vote for that amendment, but TOM HARKIN has the right amendment. It is the right way to go, and I hope the Senate will follow his lead.

Mr. President, I yield back the remainder of my time.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having almost arrived, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:26 p.m. recessed until 2:15 p.m., and reassem-

bled when called to order by the Presiding Officer (Mr. VOINOVICH).

#### JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### IRAQ

Mrs. BOXER. Mr. President, I thank the managers of the bill for allowing me to have this time. I have been trying to get some time on the floor and sometimes it is difficult.

I am very encouraged by the way the JOBS bill is moving. I am a strong supporter of the bill. I support it in particular because I have been working in four areas. One area is to stop runaway film production, and we have good incentives in the bill to help us with that, which is very important to California. Another area is to encourage the bringing back of capital that has been parked overseas for a 1-year experiment to see if jobs will be created. It is a very good provision, and I hope my colleagues will support it as it was written. That was done in conjunction with Senators Ensign and Smith. Third, there is a provision to give farmers a tax credit for water conservation. Fourth, there is a good provision in there to help our local governments that have been paying the salaries of National Guardsmen and reservists to help them with that financial burden. So I am pleased about that.

I am also hopeful we can get the highway bill, the transit bill, moving because the Senate bill is excellent and I think if the two parties can reach some accommodation, we should be able to get that moving. So between the JOBS bill and the highway bill, we are looking at a tremendous number of jobs. Certainly, regardless of what State one is in jobs are wanted. These are good jobs and I am very hopeful.

I came today primarily to talk about the situation in Iraq. There are many casualties of this Iraq war. Above all are the soldiers who will never return—so far, more than 753 of them. There are the wounded who will need our help to heal physically and mentally—so far 3,864 of them. Then there are the families who, along with their pride, will bear the losses and the scars forever.

There are the innocent Iraqi civilians who are the ones our President says we are fighting for, and others caught in the middle, the press, contractors, diplomats. When the President landed on the aircraft carrier 1 year ago, he told us major combat was over. That was wrong and our casualties have grown. For the sake of the troops, for the love of the troops, we must not add yet another casualty to this war. We must not let truth be a casualty of this war.