HHS should have spent less time focusing on hype and more time providing seniors with critical information about the card program.

We have to look at what is missing on the card. I urge the administration to include something else in their mailing. This is called a magnifying glass. Everybody knows what it is. It ought to be sent so you can read what this small type says. It says, ''Scene from the HHS 'shine' ad, featuring the 'strange, blue, magical glow of light.'''

It goes further—and we have enlarged the type. The magnifying glass would be a nice accompaniment for seniors who are getting this, because they should read this small type. It says: ''Savings may vary. Enrollment fee, deductibles, and copay may apply.''

And here they say ''certain exclusions apply.''

We need the magnifying glass to see that.

What we are looking at is some fairly deceptive advertising. It is shocking that the administration would once again run ads that leave out these important details, especially in light of the findings by the GAO that earlier Medicare advertisements had a political tone and contained ''notable omissions and other weaknesses.''

Many seniors watching this commercial could reasonably believe the discount card is free. In reality, there is an annual enrollment fee of up to $30.

Many drugs would be excluded from the program. Seniors could be stuck with a Medicare drug card that provides no discount for the prescription drugs they may need. For example, seniors using the Medicare discount card offered by the Pharmacy Care Alliance would get no discount for Celebrex. Celebrex is a common, apparently very effective drug used to treat arthritis. With the card, you can buy the drug for $121.80. But if you don't have the card, you can get the same medication for only $76.99 at drugstore.com, so there is a savings of over $40. The card is useless for this drug.

Another example: Seniors on the Rx Savings Medicare Card Plan would pay $147.01 for Prevacid, a common drug used to treat acid reflux. But there is no discount at all when you consider that you can buy the same drug for $120.99 at drugstore.com without any card. That is a savings of over $25 if you do not use the card. That is a good idea. Don't use the card.

Lipitor is used to treat high cholesterol. If you have the Pharmacy Care Alliance Medicare drug card, it costs you $71.19. But if you want to buy it at drugstore.com, that $71.19 product cost only $62.99. So there is $8 worth of savings right there at drugstore.com without any card. The savings are haphazard at best.

These Health and Human Services television ads do not provide any of these details except, once again, in the tiny type on the bottom of the screen, and you ought to get a magnifying glass if you really want to understand what is taking place.

Look at this placard. It shows actual scenes from HHS's advertisement. I point out as I did before:

Savings may vary. Enrollment fee, deductibles, and co-pay may apply.

They are saying: Hey, hold on to your pockets because we are not really telling you what the outcome is going to be.

What little substantive information is included can only be found at the bottom of the screen in print so small that you need a magnifying glass to read it. They make sure the type is in a color that is very hard to read. If this was an automobile, people would be hollering that this is flimflam. Only in its barely visible fine print are seniors informed there is an enrollment fee for the discount card.

It also reveals that ''certain exclusions apply.'' That exclusion could very well be the prescription drug you need.

Rather than educating seniors about the drug discount card, HHS is treating the Medicare drug card like dishwashing soap—just make the public think it is a great thing. These are not educational ads. They are propaganda. The GAO already told HHS that its previous Medicare materials were misleading, but rather than clean up its act, the administration continues to hide the fact and trick seniors.

I call on HHS and the administration to stop using taxpayers' dollars to mislead seniors and start providing real needed information to Medicare beneficiaries. One should not have to have a magnifying glass to understand what is being offered.

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

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

Mr. REID. Mr. President, Senator SCHUMER is not here; therefore, I yield back his time.

Does the other side yield back their morning business time?

Mr. GRASSLEY. We yield back our 5 minutes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

JUMPSTART OUR BUSINESS STRENGTH (JOBS) ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1637, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1637) to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization findings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, and for other purposes.

Pending:

Harkin amendment No. 3107, to amend the Fair Labor Standards Act of 1938 to clarify provisions relating to overtime pay.

Collins amendment No. 3108, to provide for a manufacturer's jobs credit.

Wyden amendment No. 3109, to provide trade adjustment assistance for service workers.

The PRESIDING OFFICER. Under the previous order, the time until 12:30 p.m. shall be equally divided between the chairman and ranking member of the Finance Committee or their designees.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be set aside so that the Senator from North Dakota may offer his amendment.

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

AMENDMENT NO. 3110

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Ms. MIKULSKI, Mr. HARKIN, Mr. FEINGOLD, Mr. KENNEDY, and Mr. EDWARDS, proposes an amendment numbered 3110.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. DORGAN. Mr. President, I shall not debate the amendment at the moment. My understanding is the bill managers want to sequence a number of amendments. Let me indicate this amendment deals with the question of trying to close a tax provision that actually rewards or incentivizes those U.S. companies that would move jobs overseas for the purpose of producing a product and shipping it back into our marketplace. I believe that is a tax loophole that ought to be closed. We ought not incentivize the loss of American jobs and the movement of American jobs overseas.

I offer this amendment on behalf of myself and Senator MIKULSKI and others. We will be happy to come this afternoon to debate it. Also, I will be happy to reach a time agreement when we come back this afternoon. It is not our intention to delay this bill. I want to see this bill finally passed, but I do want to have a good debate on our amendment. We will be ready to have a reasonable time agreement this afternoon.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding, after speaking with the

two managers, that Senator HARKIN and Senator JUDD GREGG will debate the overtime amendment, but they are not here now.

I ask unanimous consent that Senator SCHUMER be allowed to speak as in morning business for 5 minutes.

Mr. GRASSLEY. If you give us 5 minutes sometime during the day.

Mr. REID. And that the Republicans have like time on their side whenever they want.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, and I will not, before he leaves the floor, I thank the Senator from North Dakota. He has been helpful and constructive in getting amendments lined up. I spoke to the cosponsor of the amendment a short time ago, and she will, this afternoon, join the Senator. I thank the Senator for his cooperation.

I have no objection.

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

The Senator from New York.

NEW YORK NATIONAL GUARD

Mr. SCHUMER. Mr. President, I thank both the chairman and the ranking member of the Finance Committee for allowing me to speak for 5 minutes on this issue.

I wish to take this opportunity to recognize the important and significant role that New York's 2nd Battalion 108th Infantry Regiment recently played in the rescue of Thomas Hamill, the civilian contractor held captive for 3 weeks in Iraq.

Seeing this unit in the area surrounding the farmhouse in which he was kept gave Mr. Hamill the courage to stand against his captors and escape to freedom. That is why I wish to recognize the 2nd Battalion 108th Infantry Regiment today.

I know it must be of great comfort to Mr. Hamill's family and friends that when he first stepped in the light of freedom, he was greeted by these fine New Yorkers. This is what it is all about. A man from Mississippi escaping bravely, and there were New Yorkers. They are headquartered in Utica, NY, with companies in Whitehall, Morrisonville, Gloversville, Rome, and Glens Falls. The unit has served this country since 1898 at home and abroad, and there they were in exactly the right place at the right time to help Mr. Hamill.

The bottom line is that after the attacks on September 11, many of the men and women of the 2nd Battalion were activated and came to New York City to protect our citizens. They are aware, better than anyone else, that this war on terror is a war we must fight both at home and abroad, protecting us at home and protecting us abroad.

A full 11 of these National Guardsmen have such love for their fellow New Yorkers and for America that they are fighting in Iraq as new citizens, having been sworn in at a send-off celebration in February. The 2nd Battalion is fortunate to have guardsmen hailing from Africa, South America, the Ukraine, Japan, and across the world now serving as American citizens. What an extraordinary first act as an American to serve and protect the Iraqi people and lead Mr. Hamill to freedom.

Family, friends, and neighbors from Albany to New York City, from Westchester to Plattsburgh, Syracuse and Buffalo all gathered together at that send-off celebration to show their support and honor their bravery.

In the 2 months they have been in Iraq, these men and women have been serving under the leadership of LTC Mark Warnecke, having truly served their country in the true tradition of the National Guard. Today I recognize the efforts of the 2nd Battalion 108th Infantry Regiment. When they return home to their families, they will do so as heroes.

Mr. Hamill is now safe and recovering in Germany and looking forward to a reunion with his wife and his return to Mississippi, after his courageous ordeal. I look forward to the day when the men and women of New York's 2nd Battalion 108th Infantry Regiment can return as heroes to their own families. May God grant them safety and security as they finish out their tour. I hope their example will bring courage and pride to all those serving in Iraq, resiliently going about their task of bringing peace and freedom to the Nation.

All New Yorkers and all Americans congratulate the 108th Infantry Regiment of New York today, and we say two words to the 108th Infantry Regiment: Thank you.

I yield the floor. I ask unanimous consent that the time on the quorum call be charged equally against both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The journal clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, may I know what the parliamentary state of affairs is?

The PRESIDING OFFICER. The time is equally divided between the two managers of the bill.

Mr. HATCH. As I understand it, the Harkin amendment is being debated?

The PRESIDING OFFICER. The Harkin amendment is pending.

Mr. HATCH. Mr. President, I rise today to express my support for the Department of Labor's revisions to the Fair Labor Standards Act—FLSA—to protect and extend overtime benefits to hardworking Americans. I wish to thank Labor Secretary Elaine Chao for her leadership and vision in bringing about this important reform for American workers. Overtime provisions in Federal labor law are meant to safeguard low-income workers from employers who would take advantage of them, but the current regulations that implement the law are muddy, outdated, and have led to countless law suits, some of which are frivolous and fruitless. Truly, Secretary Chao has recognized that it is long past due to reform our nation's antiquated overtime regulations.

The new regulations replace longstanding regulations which the Department of Labor has characterized as ''confusing, complex, and outdated.'' I agree. Consider the fact that the Federal overtime regulations were last overhauled when Harry Truman was in the White House. That's more than 50 years ago. We are relying on a half-century old law to protect overtime rights for workers with job duties that didn't exist in 1949. Yet, there are some among us who are determined to push legislation to block these rules. Some Members of Congress see a chance to score political points by acting as if something oppressive is occurring. This could not be farther from the truth.

Under the current regulations—these are the regulations Secretary Chao is trying to improve—some low-income workers haven't been protected at all, while some high-income workers and professionals have used the law to make sure they are paid the overtime rate, time and a half per hour for any work exceeding 40 hours in a week.

For example, under the current regulations: Only workers earning less than $8,060 were guaranteed overtime pay because the minimum salary level had not been updated for nearly 30 years; the descriptions of job duties required for overtime exemption had been frozen in time for nearly 50 years, resulting in confusion and uncertainty for both workers and employers; and, the previous regulations were outdated, confusing and complex, and have led to an explosion of law suits. That seems to be the history of our country. Everything is coming down to litigation.

For a year, the Labor Department has been trying to update these cumbersome regulations to benefit the American workforce. The new overtime regulations were not simply conjured up overnight. On the contrary. Nearly 80 stakeholder organizations, including 16 employee unions, were invited to participate in meetings with the Department of Labor.

Over 40 of those organizations attended stakeholder meetings and provided input on the proposed regulations. The Notice of Proposed Rulemaking was published in the Federal Register on March 31, 2003. After a 90-day comment period, the Department of Labor received 75,280 public comments.

I was supportive of the Department's overtime regulations proposed last

March; however, some argued that the $22,100 annual minimum salary level for exemption was too low; the middle-income workers would be harmed because workers earning more than $65,000 per year might not be entitled to overtime pay; and, too many workers would be denied overtime protections.

In an effort to be even more inclusive and respond to the criticisms from Administration opponents, the Labor Department revised its proposal—that is after all of the comments—which is the way the system is supposed to work.

Under the final rule, workers making less than $23,660 a year are automatically eligible for overtime—this means that 1.3 million low-income workers will be eligible for overtime pay for the first time in history.

The new regulations will preserve eligibility for most white-collar workers making up to $100,000 a year. However, workers making more than $100,000 who regularly perform some administrative, executive, or professional duties will no longer automatically be eligible for overtime. This change will affect 107,000 workers. It doesn't take a particularly clever politician to see that you might win votes if you fight to make these high earners higher earners and otherwise carry on as if a Republican, business-friendly Administration cannot be trusted to do right by employees.

The final rule strengthens overtime protections for licensed practical nurses and first responders, such as police officers, fire fighters, paramedics, and emergency medical technicians, by clearly stating for the first time that these workers are entitled to overtime pay. Plain and simple, under the new overtime regulations, 6.7 million workers are guaranteed overtime status.

I am aware that a week before the Department of Labor's revised rule was finalized and made publicly available, the AFL–CIO began attacking the overtime regulations. These tactics reflect a greater interest in playing politics than in protecting America's workers. Fortunately, the union movement is not entirely opposed to the regulations. Take for example the Nation's largest police union, the Fraternal Order of Police, whose National President, Chuck Canterbury, recently hailed the Department of Labor's final regulations as an ''unprecedented victory'' for America's first responders. The International Association of Fire Fighters has said they support the rule going forward. You also won't be hearing voices of opposition from the Ironworkers, Carpenters, or Operating Engineers, because they know that the new rule expressly protects construction workers.

Suing employers about overtime has become very lucrative for trial lawyers. Why is this the case? Because the current overtime regulations contain so many ambiguities when applied to the modern workforce, lawsuits naturally follow. Without a doubt, the Fair Labor Standards Act is the new playground for plaintiffs lawyers—they are going after everybody: companies; school districts; local governments; you name it. Some argue that these lawsuits benefit workers, particularly since they may win some cases. But, spending an average of 2 years in court to recover wages workers should have had in their pockets on pay day is not a benefit. Not surprisingly, workers are getting a few thousand dollars from these settlements, while trial lawyers are walking away with millions. These lawsuits are a terrible drain on the economy for employers and worker groups alike to be spending hundreds of millions of dollars on such litigation. We ought to be spending these resources to create new jobs.

I am amazed that the Department of Labor's changes haven't been enough to satisfy all critics. Presumptive Democratic presidential nominee Senator John Kerry asserts that the new overtime regulations ''strike a severe blow to what little economic security working families have left as a result of historic policies.'' That is pure bunk, and he ought to know it. Somehow, opponents have conveniently overlooked the Department's good faith efforts in creating today's overtime regulations.

Are the new rules perfect? No, but they have been welcomed by many business owners because they will, finally, provide some certainty on this issue. Contrary to the propaganda being disseminated by its proponents, under the new overtime rules: ''Blue collar'' workers are entitled to overtime pay; employers are not relieved from their contractual obligations under collective bargaining agreements; the ''highly compensated'' test applies only to employees who earn at least $100,000 per year and who ''customarily and regularly'' perform exempt duties; the special rules for exemption applicable to ''sole charge'' executives are deleted, strengthening protections for workers under the executive duties test; a requirement is added that employees who own at least a bona fide 20 percent equity interest in a business are exempt only if they are ''actively engaged in its management''; and the previous requirement that exempt administrative employees must exercise discretion and independent judgment is maintained.

The department's intent not to change the educational requirements is clarified for the professional exemption, and defines ''work requiring advanced knowledge'' as ''work which is predominately intellectual in character and which includes work requiring the consistent exercise of discretion and judgment;'' and, terms used in the previous regulations are retained, but it makes them easier to understand and apply to the 21st Century workplace by better reflecting existing Federal case law. In addition, the overall length of the regulations has been reduced from 31,000 words to just 15,000.

Just yesterday, I received a phone call from Cheryl Lake of Draper, UT. Cheryl has been a human resources professional for over 20 years. She called my office yesterday in strong support for the Department of Labor's new overtime regulations. She explained to me how helpful these new regulations will be for employees and companies alike. Cheryl expressed major concern about Senator HARKIN's amendment, and explained how complicated and confusing his amendment would make her job. The Harkin amendment is easy to describe in a brief sound bite, but impossible to defend on legal, procedural, or economic grounds. The amendment presumes facts that do not exist and assumes there are no consequences for its folly.

To anyone who looks at this issue objectively, the decision is a no-brainer. Reforming the regulations is the right thing to do, and we need to let the Department of Labor move forward. There is nothing in the latest revisions that appears either unreasonable or counter to the spirit of the law. It is possible to argue with some particulars, but extremely difficult to make the case that the new regulations are unfair to workers.

The workplace is far different from a half-century ago. Overtime rules should reflect that.

Workers will be better off. Companies will be better off. I actually believe trial lawyers will be better off because there won't be any more of these phony lawsuits where they reap the benefits in comparison to what the workers themselves get. I think trial lawyers who have legitimate cases will be able to prove them with more specificity and will be able to do a better job with their clients than is currently being done by the abuse of the process because of the ambiguities of the law. This goes a long way toward getting rid of those ambiguities and making the law extremely functional compared to the current regulations.

I want to personally compliment the distinguished Secretary of Labor for being willing to take this on. This is a type of job that will always be attacked by those who do not understand these regulations. This will always be attacked by those who want to keep going the same system of overlitigation in our society. This will always be attacked by those who basically don't understand labor law. This will always be attacked by those who do not want to get things straightened out so that the system works in the best possible way it can, in the most efficient and economically sound way, while at the same time expanding all of the benefits and expanding all of the laws to embrace even more people than have ever been embraced.

These are very important regulations. I hope our colleagues will reject the Harkin amendment, which I believe will cause further damage and harm to our system while not doing anything substantively important for the workers.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

THE FEDERAL DEFICIT

Mr. CONRAD. Mr. President, reading the Washington Post this morning, I came across this headline which I think is probably the most misleading headline I have seen in the Washington Post, or, for that matter, any other publication. The headline in the Washington Post business section today reads: ''Federal Deficit Likely to Narrow by $100 Billion.''

Boy, what good news, if only it were true. I think you have to ask yourself the question: Are they talking about the deficit last year? Is the deficit this year going to be $100 billion less than the deficit last year? No. That is not what this story is about. In fact, if you read this story carefully, what you find is the deficit is going to be at least $50 billion more than the deficit last year—not $100 billion less.

The Washington Post has constructed a headline that is about as misleading as anything I have ever seen a major publication put out. They have basically fallen hook, line, and sinker for the line put out by the White House.

Why do I say that? Last year, the deficit was about $370 billion. According to this story, the deficit this year is going to be $50 billion more—a new record deficit. The headline should be ''Record Deficit.'' Instead, they are suggesting the deficit is getting smaller.

What are they talking about? They are talking about how the latest estimate is $100 billion less than the administration's previous estimate. In other words, they are comparing estimate to estimate—not what is actually happening, but projection.

When the administration put out their earlier estimate, I said at the time they were overstating the deficit to set up a story just like this one. They don't want the headlines to read across America ''Record Deficits.'' What they did was overstate the deficit in terms of their estimates so they could come back later and say we are making a big improvement. There is no improvement, except in estimates.

The fact is, the deficit this year is going to be bigger than the deficit last year, and the deficit last year was a record.

Unfortunately, all of these estimates understate the true seriousness of the fiscal condition of our country because they don't count in addition to this $420 billion, which they now estimate the deficit to be for this year, and that doesn't include the $160 billion they are going to take out of Social Security, every penny of which has to be paid back, and they have no plan to do so. This doesn't include the $50 billion to $75 billion of extra money the Pentagon is going to want for the war in Iraq and Afghanistan that we now know they are going to have to ask for.

There are some who suggest they will wait until after the election to ask for it, but that doesn't change the fact that the money is needed, that the need is being created now.

If you add all of that together, and the money they are taking out of the Medicare trust fund, which is another approximately $20 billion, what you find is they are not going to add $420 billion to the debt this year. They are going to add close to $700 billion to the debt this year, by far the biggest in our history—nothing anywhere close to it.

For the Washington Post to fall for this kind of tired old trick—you know, you overinflate the deficit so that when it comes in somewhat less than your overestimation you can claim great credit, is a discredit to the Washington Post. It is a discredit to trying to inform people of the true fiscal condition of the country. This isn't it. Even if you accept the premise of this story, the deficit is going to be about $50 billion more than last year, which was a record. That is exactly the headline the administration seeks to avoid by having put out an overestimation of the deficit in order to now claim credit when the deficit, although a record, is not as large as their earlier forecast.

I hope the American people are not fooled by this kind of reporting. I hope the American people are not fooled as to the true fiscal condition of the country. The truth is, the debt of the United States is being increased by a record amount.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield to Senator GREGG.

Mr. GREGG. Mr. President, it is my understanding that I am now in a position to set aside the pending amendments, offer my amendment, and then they will be voted on in sequence. Are we agreed on that?

Mr. BAUCUS. That is the understanding.

Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside so the Senator from New Hampshire may offer an amendment; and after he has spoken on his amendment, the amendments will be temporarily set aside so that Senator GRAHAM may offer an amendment.

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

The Senator from New Hampshire.

AMENDMENT NO. 3111

Mr. GREGG. Mr. President, I rise to speak on the Harkin amendment, which was pending. It has been set aside by unanimous consent so I may offer an amendment which can be juxtaposed to the Harkin amendment.

The issue of overtime has been discussed at great length in the last few days. The debate has been excellent. The Harkin amendment, as it comes forward, is an attempt to address what the Senator from Iowa sees as a continuing problem with the regulations as proposed by the Department of Labor.

We need to review the history of what has happened so we can understand where we actually are in this process. The rules and regulations we are dealing with are over 50 years old and have evolved through a lot of litigation, court decisions, and regulatory activity into what is a fairly Byzantine and complex set of regulations relative to who does and does not get overtime in our society.

Under today's law, if you make $8,000, you are guaranteed overtime. Once you get over $8,000, you do not know what will happen. It depends on how your job is classified. There is a lot of arcane classification which comes from the 1930s, 1940s, and 1950s. For example, still in the law we have things such as straw man and a variety of different titles which have no relationship to reality in the marketplace as it is today and the workplace as it is today.

We need to update the regulations. The Department of Labor has done a very conscientious job in trying to accomplish this and have offered a set of regulations as a proposed set of regulations. That proposed set of regulations received 80,000 comments, which is a huge amount of commentary.

In the Senate, regrettably, it received a lot of hyperbole and attack as if it were a final regulation versus a proposed regulation. There were significant misrepresentations that occurred in the process of attacking these regulations, including representations that under these regulations there would be a loss of a number of people who would have the right to receive overtime, something like 8 million people, which number was arrived at in a totally spurious and inappropriate analysis done, regrettably, by a couple of folks who either did not understand the rules or decided to pervert the rules and which led, regrettably, to a lot of misrepresentation as these rules were said to be affecting the overtime of over 8 million people.

I return to that argument because it was so bogus and so inaccurate that it is important to understand how misleading it was as it represents sort of a theme of inaccuracy relative to the initial proposed regulations.

That 8 million number, when it was actually analyzed, included 1.5 million individuals who worked part time for less than 35 hours a week and therefore were not even covered by overtime issues. It included 3.8 million people who were actually technicians or administrative workers who were already exempt as professionals from this rule. And it included 1.1 million workers who were paid on an hourly basis and therefore would continue to be nonexempt under the proposal. It included 800,000 people who did manual blue-collar work and were therefore completely exempted from this proposal. And it included 200,000 cooks with 6 or more years of experience who clearly would

remain covered because cooks are not a category which would be impacted under this regulation.

So the actual number of that 8 million number, when you actually analyze it in honest terms, ends up being dramatically less. In fact, using the analysis and using accurate factual applications to the analysis as proposed, the number actually comes in below what the Department of Labor stated their original proposal might be impacted by this event.

The number was bogus, as has been a lot, regrettably, of the debate on this issue. The regrettable holding up and obstruction of various pieces of legislation which have come to the Senate on the theme that these proposed regulations were basically final regulations and that they would do massive harm, which harm could not be defended on the facts.

Now the Department of Labor has taken a look at the 80,000 comments which it has received and met with innumerable stakeholders, and listened to all the input of organized labor, from the various other interests that have a major role in this undertaking, and they put out final regulations. Interestingly enough, those final regulations are an extremely aggressive attempt to respond in a positive way to all the input, the 80,000 items of input, comments which they received.

They have done such a good job in this area. It should be noted that the Washington Post today, which had opposed these regulations when they were initially proposed, or at least suggested significant changes that should be made, has said, and I quote the Washington Post editorial, not a paper which carries the water of this administration:

> What's needed now is not to block these regulations but to ensure that they are vigorously enforced with an eye to protecting the vulnerable workers the law was intended to benefit.

The editorial points out what a good job the Department of Labor is doing in the enforcement area. That is a simple and accurate reflection of what the Department of Labor did. They looked at the comments that came in and they made the significant changes which have now made this regulation more appropriate and much more effective.

What is the goal of this regulation? The first goal of this regulation as proposed is to make sure people earning not a significant amount of money are going to get overtime. So they raise the threshold from $8,000 to $23,000-plus. If you make in the $23,000 to $24,000 range, you are guaranteed overtime. It does not matter what type of job you have. If you are considered to be management or whatever, you are going to get overtime under this piece of legislation in a white-collar position. That means that 6.7 million people who do not have an absolute guarantee to overtime today under the present law are going to have an absolute guarantee to overtime under the new regulation. That is a major step in the right direction.

It also says if you make more than $100,000 and you are in a white-collar position—not a blue-color position; you are exempt in a blue-collar position; you get overtime, even if you make more than $100,000—if you are in a white-collar position and earn over $100,000, your overtime may be at issue. It depends on what you do.

Potentially there are 100,000 people, approximately, who may be impacted by that regulation. In fact, if they are making more than $100,000, they may be in a management supervisory position so their overtime may be impacted.

So 6.7 million people who do not get it today or may not get it today or may be at risk today will be guaranteed overtime. They will get it for sure. People making more than $100,000 who are in certain job categories, potentially 100,000 people, their overtime may be impacted, but it is not absolutely sure. That is what it does as a practical matter.

What it does, as a more significant point—and this is the whole purpose of the regulation besides making sure we raise that threshold from $8,000 to $23,400—what it does is try to put certainty and definition into the law.

Unfortunately, the law as it has presently evolved over the last 50 years with all this regulation, regulatory changes, and all the court decisions has really become a Byzantine morass. It is not clear. There is gray area everywhere and everything is getting litigated. It is the fastest area of lawsuit growth in the area of labor law. Class action suits are being brought left and right. The practical impact of that is employers and employees are suffering because of it. Resources which should be used to give employees better benefits and to expand businesses so more people could be hired are being used to defend lawsuits to try to figure out whether this person's job is a job that involves overtime or is not a job that involves overtime, fending off lawsuits left and right, and, as a result, we end up with the misallocation of resources, fewer jobs being created and fewer benefits being paid because the dollars are going out to attorneys who are pursuing these lawsuits because the law is not clear. I don't say the lawsuits should not be brought but they are brought because the law is not clear.

The Department of Labor has said they will clarify that and put certainty in here. That is exactly what they have done with this regulation. They have made it clear and more certain as to who has the right to overtime and how those rights evolve. They have done such a good job of eliciting 830,000 comments that even the Washington Post has decided this regulation should go forward, or thinks this regulation should go forward.

Now the Senator from Iowa comes forward with another amendment to try to stall these regulations. I am not sure what the momentum is behind that because, as I just mentioned, the practical effect of stalling these regulations will mean that 6.7 million people who are going to get their overtime issue clarified and are going to be guaranteed overtime will have that put at risk, although his amendment tries to address that. To the extent this remains uncertain through this legislative process, obviously things aren't going to happen as effectively as they should.

Secondly, his amendment essentially goes back to a situation where we are looking at the old law. We are going to go back to the old law to define how an individual's overtime is paid or whether they have a right to it. It juxtaposes the old law and the new law. So now an old law, which was already grossly Byzantine, complex, and unclear, is going to be brought back into play on top of the new regulations. The practical effect is, we will have even more litigation, and we will have to do it by individual jobs.

There is no attempt to address the overall issue in a comprehensive and systematic way. Instead it says, here is a jump ball. You, the individual, are going to have to look at the old law, the new law, and then you the individual and you the individual employer are going to have to figure out what you are doing with the old law and the new law before you can figure out what your overpayment is going to be.

The practical implication will be you are going to see a class ceiling. You are going to have a ceiling because no employer is going to be willing to move anybody into any position of any responsibility from where they are already because they aren't going to know what effect that is going to have on that individual's overtime. They are going to be buying a lawsuit.

If you are a clerk working in a business somewhere and you suddenly start to be promoted into a position of maybe taking over some responsibility and making decisions on who gets what or who doesn't get what in the area that you have your responsibility within your activity within that business, you are going to immediately be putting that business and that company into the issue of whether you have a right any longer to overtime. It is going to be an individual decision that company has to make on you, the person who is getting more responsibility. What is the practical effect of that?

That business, that company is going to say, we don't need that lawsuit. We are going to go out and hire a new person to do these new duties who we know won't be subject to any sort of issues relative to overtime. And you, the person who maybe worked your way up through the system and have gotten to a point where the people you work with have confidence in you, they are not going to give you that promotion or added responsibility because they are not going to want to risk the cost of a lawsuit that may come with it.

You are going to create a class ceiling in the whole system as a result of basically throwing into play again this whole concept of individuals and old law, which is totally gray, and the new regulations. It will be chaos in the area of who is and who is not exempt from overtime, if the Harkin amendment is passed.

So we are offering an alternative. If there is an issue as to any group as to whether they get overtime, we are going to try to clarify it once and for all. There have been about 55 groups who have come forward and said they feel they may be an issue. We don't think most of them are because we think the regulation is pretty clear for most of these groups that they basically retain their right to overtime. But just so there can be no question about it, this amendment specifically names every one of those groups and says they have the right to overtime at a minimum. They have the right to their present overtime situation. If the new law gives them better, puts them in a better position, they have a right to that. In other words, they either win or they win more.

I want to list some of these groups because this has been the issue. When the rubber hits the road is when each group of people who are going to be impacted get impacted. Some of them have come forward and said, we have concerns. Firefighters had concerns. Cooks had concerns. People who were nurses had concerns. In our opinion, the regulations never impacted those groups, but it is going to be unalterably clear when this amendment passes.

Let me list some of the 55 groups. These occupations or classifications will either get what they get now or they will get anything they might get that is better under the new regulation: Any worker paid on an hourly basis—that is a pretty broad group, a lot of people; blue collar workers—that is a lot of people; any worker provided overtime under a collective bargaining agreement—that would be true anyway, but we are making it absolutely clear; team leaders; computer programmers; registered nurses; licensed practical nurses; nurse midwives; nursery school teachers; oil and gas pipeline workers; oil- and gasfield workers; oil and gas platform workers; refinery workers; steelworkers, shipyard and ship scraping workers; teachers; technicians; journalists; chefs; cooks; police officers; firefighters; fire sergeants; police sergeants; emergency medical technicians; paramedics; waste disposal workers; daycare workers; maintenance workers; production line employees; construction employees; carpenters; mechanics; plumbers; ironworkers—these people are all covered anyway, but we are going to list them—craftsmen; operating engineers; laborers; painters; cement masons; stone and brick masons; sheet metal workers; utility workers; longshoremen; statutory engineers; welders, boilermakers; funeral directors—we may want to stick embalmers under that—athletic trainers; outside sales employees; inside sales employees; grocery store managers; financial services industry workers; route drivers; assistant retail managers.

So this amendment basically, once again, goes to the fundamental goal of this regulation, beyond expanding the people who have an absolute right to overtime, which, by raising the minimum from $8,000 to $23,400, this amendment goes to getting clarity, clarity in the law so that instead of having a lot of lawsuits and a lot of churning in the marketplace, we can use resources to pay people overtime and to create new jobs, which is the goal and the purpose of the regulations as they were proposed by the Department of Labor. I think rather than having the Department of Labor out here on a whipping post over the last few days, which it has been regrettably from some Members of the other side, they should be congratulated for doing exactly what they are supposed to do.

They put out a proposed regulation. The regulation was a concept built out of a lot of study and effort. Granted, it wasn't as well thought out as it might have been. I had reservations about the regulation. But at the time I said, let's wait until we see the final regulation before we make any final calls.

Then they listened to the commentary, 80,000 comments, hundreds of meetings with stakeholders. They had lots of input from organized labor. They significantly pared back, sifted off, sugared off their proposal and have designed a regulation which makes basic good sense, which is that people with low incomes will be guaranteed overtime up to $23,400, and people who fall above that income level will have a much more defined understanding of whether they have overtime. We will not have all this lawsuit confusion and activity which is so draining on the efficient use of capital.

But to make it absolutely clear, beyond question, that any of the categories who were in issue and who had a concern during the comment period will get the best treatment possible, either under the old law or the new law, we have added this amendment as collateral to the exercise.

I think with this amendment, people can vote with absolute confidence on the regulations and support the initiative of these regulations, which is to make the marketplace fairer for workers.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The journal clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 3111.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Fair Labor Standards Act of 1938 to clarify provisions relating to overtime pay)

At the appropriate place, insert the following:

SEC. ___. PROTECTION OF OVERTIME PAY.

Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

''(k)(1) The Secretary shall not promulgate any rule under subsection (a)(1) that exempts from the overtime pay provisions of section 7 any employee who earns less than $23,660 per year.

''(2) The Secretary shall not promulgate any rule under subsection (a)(1) concerning the right to overtime pay that is not as protective, or more protective, of the overtime pay rights of employees in the occupations or job classifications described in paragraph (3) as the protections provided for such employees under the regulations in effect under such subsection on March 31, 2003.

''(3) The occupations or job classifications described in this paragraph are as follows:

''(A) Any worker paid on an hourly basis.

''(B) Blue collar workers.

''(C) Any worker provided overtime under a collective bargaining agreement.

''(D) Team leaders.

''(E) Computer programmers.

''(F) Registered nurses.

''(G) Licensed practical nurses.

''(H) Nurse midwives.

''(I) Nursery school teachers.

''(J) Oil and gas pipeline workers.

''(K) Oil and gas field workers.

''(L) Oil and gas platform workers.

''(M) Refinery workers.

''(N) Steel workers.

''(O) Shipyard and ship scrapping workers.

''(P) Teachers.

''(Q) Technicians.

''(R) Journalists.

''(S) Chefs.

''(T) Cooks.

''(U) Police officers.

''(V) Firefighters.

''(W) Fire sergeants.

''(X) Police sergeants.

''(Y) Emergency medical technicians.

''(Z) Paramedics.

''(AA) Waste disposal workers.

''(BB) Day care workers.

''(CC) Maintenance employees.

''(DD) Production line employees.

''(EE) Construction employees.

''(FF) Carpenters.

''(GG) Mechanics.

''(HH) Plumbers.

''(II) Iron workers.

''(JJ) Craftsmen.

''(KK) Operating engineers.

''(LL) Laborers.

''(MM) Painters.

''(NN) Cement masons.

''(OO) Stone and brick masons.

''(PP) Sheet metal workers.

''(QQ) Utility workers.

''(RR) Longshoremen.

''(SS) Stationary engineers.

''(TT) Welders.

''(UU) Boilermakers.

''(VV) Funeral directors.

''(WW) Athletic trainers.

''(XX) Outside sales employees.

''(YY) Inside sales employees.

''(ZZ) Grocery store managers.

''(AAA) Financial services industry workers.

''(BBB) Route drivers.

''(CCC) Assistant retail managers.

''(4) Any portion of a rule promulgated under subsection (a)(1) after March 31, 2003, that modifies the overtime pay provisions of section 7 in a manner that is inconsistent

with paragraphs (2) and (3) shall have no force or effect as it relates to the occupation or job classification involved.''.

Mr. BAUCUS. Mr. President, I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3112

Mr. GRAHAM of Florida. Mr. President, I will soon be offering an amendment which, it is my understanding, will be debated later today. As I look at the JOBS bill before us, it seems to me that it has several purposes. At least two of those purposes are, one, to repeal the current law which has been found by the World Trade Organization to be in violation of its standards and, as a result, has caused retaliatory tariffs to be applied against certain of our American products.

A second objective of the JOBS bill is to encourage the maintenance and creation of jobs in the United States of America. The amendment will strike certain provisions of this proposed law. It will strike the manufacturers' deduction and changes in the international tax law. Then it uses the funds that are released by that action to provide for a manufacturing employers' credit on income tax, based on the payroll tax of those manufacturing employers.

In my judgment, this alternative better targets the tax incentive to jobs in the United States of America. The incentives in the underlying bill are based on corporate profits, not American employment, which I believe makes them less efficient, less effective, and significantly less likely to fulfill its title, ''JOBS.''

I will have more to say about this amendment and the concerns we have about the underlying proposal later today when we debate this amendment in detail.

Mr. GRAHAM of Florida. Mr. President, I send to the desk an amendment and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The journal clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 3112.

Mr. BAUCUS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from Massachusetts, with the understanding that I will work to get more time for him. For the time being, I yield him 10 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I urge my Senate colleagues to support the amendment of the Senator from New Hampshire when we come about doing this. I want to say it is not much to bargain, because one of the principal arguments the Senator from New Hampshire has made is by listing these 55 new categories, that will provide clarification. To the contrary, it will provide additional litigation because the test in the Department of Labor refers to the duties and not to the professional names that are being used.

So if you have a cook or a chef, does that apply to somebody just cooking the food or someone at the salad bar who also considers themselves to be included? Plus, there are additional people who have not been included as well.

This is a continuation of a misguided policy. We heard in March of last year from the Department of Labor, under the guise they were trying to streamline the process and procedure. They issued their regulations and said only 644,000 people would be affected. Then we find there were going to be 8 million who would lose overtime. So the administration retreated on that. Then they promulgated their recent legislation. Just this morning, Tammy McCutcheon from the Department of Labor said nobody will lose overtime between $23,660 and $100,000. That is this morning.

Then we have the Senate Republicans' alleged position to make sure 55 categories, which are basically categories above $23,660 and below $100,000, will be protected. We are not sure what this is all about. We know there is going to be a cut in overtime for hard-pressed working families in America. That is what will be the result.

Let's look at where the record is with regard to middle-income working families. We know there has been a loss of some 2 million jobs under this administration. It is not only the loss of jobs, it is the fact the existing jobs have lost income over the last 2 years. We have seen the loss of real income in those jobs that exist by about $1,300.

Let's look at this fact. The new jobs being created are paying 21 percent less. This chart shows between 2000 and 2002, we have had a real loss in wages for existing jobs. If you look at the new jobs being created, they are paying, on average, 21 percent less. In New York, it is 38 percent less. So workers are working longer, working harder, and they are making less income even today.

The cost of the things they are purchasing is going right up through the roof. If you look at the squeeze for middle-income families, this chart illustrates it. There is an increase in childcare of 100 percent. In recent years, an increase of 60 percent in health insurance. In the last 5 years, mortgage payments have increased 69 percent. Here we find middle-income, working families, with a loss of 2 million jobs. Those who are still working have a loss of income. For individuals who are able to get jobs, they are seeing new jobs paying 21 percent less.

Look what is happening to them in terms of the expenses for middle-income America. Childcare is going up through the roof, health insurance is going up through the roof, mortgages are going up through the roof, and education for their children is going right up through the roof.

During the Bush years, the middle-class family squeeze has tightened. This is a net loss of 2 percent in real purchasing terms in wages between 2000 and 2004. Home prices are up 18 percent; health and other insurance, as I mentioned, is up 50 percent; tuition, in 5 years, has gone up 35 percent; utilities have gone up 15 percent.

Everything has been going up except the income of working families. And we have an administration that is opposed to an increase in the minimum wage, which has not increased in 7 years; an administration that is opposed to extending unemployment compensation, and 85,000 American workers are losing their extended unemployment compensation every week.

Now the administration is taking away overtime at the direct request of a number of industries. We know what this is all about. We have the requests from the various industries. The National Restaurant Association requests the Department of Labor include chefs under the creative professional category as well as the learned professional category. Look what happens when DOL puts out their regulation:

The Department concludes that to the extent a chef has a primary duty of work requiring invention, imagination, originality, or talent, he will be considered exempt from overtime.

Thank you very much, National Restaurant Association.

How dare those opposed to this proposal say this is for simplification. We know what this is all about.

For example, in the insurance industry, here is what this says:

The National Association of Insurance Companies supports the section of the proposed regulation providing that claims adjustors, including those working for insurance companies, satisfy the administrative exemption.

That is the what the National Association for Mutual Insurance Companies wrote to the Department. Sure enough, look at what happened when the administration promulgates its regulation:

Insurance claims adjustors generally meet the duties requirements for the administration exemption.

Thank you very much to the insurance companies.

You talk about simplification—we know what is going on. These are special interests that are trying to enhance the bottom line.

We can go on with industry after industry. Let's look at what has happened now in the period of the last 4 years. Here we find a Wall Street recovery that leaves Main Street behind. Here it is. Corporate profits. There has been a 57.5-percent increase in corporate profits, but in workers' wages, it was 1.5 percent.

Do we understand that? Here we have corporate profits of 57.5 percent and workers' wages of 1.5 percent. Now the administration says workers are getting paid too much. We have to do something about overtime.

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 adjustors 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 reassembled 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.