

haven't already left—the people who got us where we are today.

I am amazed when I look at the fact that we are providing such a different standard between those on Wall Street, who got us into this mess—AIG and others receiving taxpayer money—and what I see happening with my own auto industry in Michigan, employing directly or indirectly 3 million people. Where is the equivalent of the auto task force? I can tell you that every single line in every single budget, every single management plan, every part of the auto companies that has received a small fraction of what AIG has received has been gone through and is continuing to receive great scrutiny. I support that. They certainly are willing to do that. But where is the scrutiny on AIG? Where is the scrutiny on the other companies that have taken huge amounts of money from taxpayers?

I find it incredible when they say they can't renegotiate contracts. Somebody should tell that to the United Auto Workers, who are renegotiating contracts right now, who have opened their contracts over and over again, with workers taking more and more cuts, paying more and more in health care. Yet we hear from this company and these executives with AIG that they have contractual agreements and they can't reopen contracts? I don't think there is anybody in my State who believes that is not possible, given what our families have gone through over and over again, with people who thought they had jobs, thought they had contracts but suddenly do not.

Why is it the people who got us into this mess—with their complicated leveraging, the tools they put together that created this house of cards that has fallen and affected not only everyone in America but around the world—can't be asked to step up and reopen contracts? I don't understand that at all.

We are going to do everything we can in order to get that money back for the American taxpayers. We have seen bills introduced, and I am proud to be co-sponsoring one of those bills through the Finance Committee. Our leader, Senator REID, has asked us to move as quickly as possible, and I know the Speaker of the House has as well, as has the President of the United States, and we are going to do everything we can to be able to recoup those dollars.

When we talk about what is moral in this country, whether it is the budget, whether it is bonuses of millions of dollars for people who have hurt so many, caused so much damage, created such a crisis around the world or whether it is looking at what is happening to families every day, this is a moral issue. This is a question of right and wrong. It is a question of our priorities. The budget the President has proposed focuses us back on what is important for this country, and it is critical we get that budget passed. We have middle-

class families across the country right now, and really all families, who never thought they would have to worry about trying to decide whether to buy groceries or to buy medicine; worrying about what happens tomorrow—will there be food tomorrow. People are going to food banks who never thought they would have to go to a food bank. People who used to donate to the food bank are now going to the food bank, and others who have been relying on the food banks for a long time find it is getting tougher and tougher and tougher.

More than 11 percent—in fact, close to 12 percent—of the people in my State do not have jobs right now. They are unemployed. That is only the official number. That doesn't count those who have been long-term unemployed, unable to find work and are no longer counted. It also doesn't count the number of people who are working one, two, and three part-time jobs trying to hold it together. That is a moral issue.

The reason we tackled this recovery plan and so quickly brought it forward—to create jobs that we create in America, jobs in a green economy, focusing on job training and education and health care for people who have not been able to find a job so they will be able to keep health care going for their families—is because we understand what this is all about in terms of our values and priorities. Millions of families are in danger of losing their homes or have already lost their homes which is why we are focused on doing everything we can to help families, neighborhoods, and communities address the housing crisis. We know that education is the key to the future for all of us, for our children and our grandchildren. Keeping education a priority and investing in the future, in education and access to college, is a critical part of our budget because it is a critical part of the American dream.

Yes, I am outraged about AIG giving away millions in bonuses—absolutely. I am outraged about other injustices going on, about the focus over the last 8 years on those who are doing well and policies that made sure they were doing even better, oftentimes at the expense of middle-class Americans, at the expense of the majority of Americans in this country. I am outraged that billions of dollars are going to companies that do not have accountability attached to them. I know the people in Michigan are as well. But I also believe it is critical that we not only get the money back from these bonuses and provide the accountability but we redirect back to the priorities of the American people. That is what this budget is all about.

We need jobs. We need jobs in this country because, if people have money in their pockets and they can pay their bills and keep that mortgage and invest in their families' education, this country is going to turn around.

The budget the President has proposed, the budget the people with

whom I met this morning are so encouraged about, is, in fact, a moral document. It changes the way this country has been operating—from a culture of greed, where somehow bonuses for AIG made sense to somebody somewhere in AIG, to a situation where we are focused again on what is important for the majority of the American people, what will allow us to be strong as a country: putting people back to work; making sure we have access to health care, which is not only the moral thing to do but brings down costs; education and investing in a new energy economy that is not dependent on anybody else but American ingenuity. That is what is in this budget, and it is a budget that reflects the priorities and the values of the American people. We need to come together in a bipartisan way to pass this as quickly as possible.

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

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF RONALD KIRK TO BE UNITED STATES TRADE REPRESENTATIVE

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

The legislative clerk read the nomination of Ronald Kirk, of Texas, to be U.S. Trade Representative.

The PRESIDING OFFICER. Under the previous order, there will be 90 minutes of debate on the nomination, with the majority controlling 30 minutes and the Republicans controlling 60 minutes.

The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, as you noted, we will consider the nomination of Mr. Ron Kirk as the next U.S. Trade Representative.

With some reluctance, I will vote to confirm Mr. Kirk's nomination. I think it is pretty obvious Mr. Kirk has been less than forthcoming on a number of trade issues that affect this country, and some of the positions he has articulated are very dangerous for this Nation's future. I have come to this floor on numerous occasions and argued against the provisions that have

been signed into law in omnibus bills recently, one of them "Buy American," the other, of course, the latest being the barring of Mexican trucks into the United States of America.

The signal that sends to the world is that the United States is on a path of protectionism. That shows at least a majority of Members of this body have ignored the lessons of history. That lesson, obviously, we learned in the Great Depression, when isolationism and protectionism turned our economy from a deep recession to the worst depression of modern times. That is what protectionism and isolationism does.

So we now have a predictable result of killing the program which would allow, in keeping with the North American Free Trade Agreement, a solemn treaty signed by then-President Clinton, that Mexican trucks would be allowed into the United States.

Before I go much further, though, I wished to comment on the issue that is consuming the American people and the Congress today; that is, the AIG bonuses paid to executives. The simple lesson is, if we had not bailed out AIG, we would not be worried about the bonuses. I spoke out against the bailout of AIG at the time when it was first proposed when AIG was in trouble.

I, along with every other American, share anger and obvious displeasure that these bonuses were given to executives who obviously did not deserve them. But we should not have bailed out AIG. We should have let them fail and reorganize.

I would also like to point out that another area of the bailout that Americans should be equally disturbed about is the \$20 billion that went to foreign banks. American taxpayers are paying now \$20 billion to bail out foreign banks. Have we not enough trouble here at home and enough areas of the country that need Government assistance than to send \$20 billion to foreign banks?

There is an obvious need for increased transparency, increased oversight, and far more careful stewardship of American tax dollars. The numbers we are talking about are, indeed, staggering. I would point out, again, we are committing generational theft by these kinds of expenditures of American taxpayers' dollars and mortgaging our children and grandchildren's future.

The direction of our trade policy has hardly been more important in recent years, given the enormous economic challenges we are facing today, with unemployment rising, consumer confidence dropping, and our growth rate stagnating, at best.

American exports. American exports have been one of the few bright spots in a terrible economic situation. Until last quarter, the export sector of our economy grew at a faster rate than other sectors during the past several years. In the face of this fact, and mindful of history lessons, Congress and the administration should be working to break down remaining barriers to trade.

However, we are doing the opposite. Since the beginning of this year, Congress and the administration have taken several steps designed to choke off access to the U.S. market which invites retaliation from our foreign trading partners.

American business and workers will suffer as the result of these ill-considered moves. Last month, as I mentioned, Congress adopted and the President signed into law—again, one of the consequences of these omnibus bills that are thousands of pages, that nobody knows what is included, they are designed to be a "stimulus" or "spending bill," and we stuff policy provisions in them, which people may not know about for weeks or even months.

We find out that these are egregious in the case of "Buy American" and in the case of the American trucks. Both of them send a signal to the world that America is going down the path of protectionism.

The results, as far as Mexico is concerned, are unfortunate, very unfortunate, but predictable. The reaction of our friends and allies throughout the world to the "Buy American" provisions is predictable. They are angry and they are upset. I cannot say I blame them.

Now, the "Buy American" provision required funds appropriated in that bill—this is a policy change, remember, adopted in a "stimulus package," that we purchase only American-made steel, iron, and manufactured goods.

As we debated this provision, many of our closest partners expressed great concerns about the implications of this course of action. The Canadian Ambassador to the United States wrote:

If Buy America becomes part of the stimulus legislation, the United States will lose the moral authority to pressure others not to introduce protectionist policies. A rush of protectionist actions could create a downward spiral like the world experienced in the 1930's.

When then-Candidate Obama said he would "unilaterally renegotiate" the North American Free Trade Agreement, the Canadian response was: Yes, and if you do that, then we will sell our oil to China. Then, later, Candidate Obama changed his position to saying: Well, that wasn't exactly what he meant. Then, President Obama said: Now we are in favor of free trade. But yet President Obama did not veto either one of these bills, which sends a signal to the world that the United States has embarked on a protectionist path. He should have vetoed those bills, especially the one on Mexican trucks.

A European Commission spokesman noted:

We are particularly concerned about the signal that these measures could send to the world at a time when all countries are facing difficulty. Where America leads, many others tend to follow.

Others lent their own voices to those cautioning against a terribly ill-timed protectionist act.

While some Senators may have taken comfort in last-minute language added

to require that implementation of the "Buy American" provisions be consistent with our international obligations, I worry very much about the effect this and other steps will have on the global trading system. For decades the United States has led global efforts toward free and open trade and investment. We abandon this leadership at our peril.

The "Buy American" provision was not the only step in the protectionist direction. There have been other protectionist measures, and we are already seeing the fallout from such unwise decisions. Mr. KIRK agreed during his confirmation hearing:

[I]f the United States raises barriers in our own market, other countries are more likely to raise barriers against our products.

We have that evidence already. On Monday, the Mexican Government announced it will increase tariffs on 90 American agricultural and manufactured goods in direct retaliation for our recent decision to ban Mexican trucks from traveling beyond commercial zones. Although the Mexican Government is yet to specify the 90 different goods, it has announced that its decision would affect \$2.4 billion worth of exports from 40 States. The Mexican Ambassador had an article in the Wall Street Journal this morning.

I ask unanimous consent that it be printed in the RECORD, along with an editorial from this morning from the Arizona Republic.

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

[From the Wall Street Journal, Mar. 18, 2009]

#### CONGRESS DOESN'T RESPECT NAFTA

Nobody can argue that Mexico hasn't worked tirelessly for more than a decade to avoid a dispute with the United States over Mexican long-haul trucks traveling through this country. But free and fair trade hit another red light this past week.

Back in 1995, the U.S. unilaterally blocked the implementation of the North American Free Trade Agreement's cross-border trucking provisions, just as they were about to enter into force. In response, and after three years of constant engagement, Mexico had no alternative but to request the establishment of an arbitration panel as allowed under NAFTA. A five-member panel, chaired by a Briton and including two U.S. citizens, ruled unanimously in February 2001 that Washington had violated the trucking provisions contained in NAFTA, authorizing Mexico to adopt retaliatory measures. Yet once again, Mexico exercised restraint and sought a resolution of this issue through further dialogue.

Unfortunately, Mexico's forbearance only seemed to make matters worse. In 2002, Congress introduced 22 additional safety requirements that Mexican trucks would have to meet, a measure that was clearly discriminatory as these requirements were not applied to U.S. and Canadian carriers operating in the U.S. Mexico worked assiduously with the U.S. administration to find a solution to this problem.

Finally, in 2007 an agreement was reached that included the implementation of a demonstration program in which up to 100 carriers from each nation would be allowed to participate. This program was designed precisely to address the concerns voiced by

those opposed to cross-border trucking. The demonstration program, launched in September 2007, was an unmitigated success. During the 18 months that the program was in operation, 26 carriers from Mexico (with 103 trucks) and 10 from the U.S. (with 61 trucks) crossed the border over 45,000 times without any significant incident or accident. Moreover, according to reports of both the Department of Transportation's inspector general and an independent evaluation panel, Mexico's carriers participating in the program have a safety record far better than that of all other carriers operating in the U.S.

The demonstration program also underscored the benefits of free and fair cross-border trade, given the lower costs that would result from ending the requirement that short-haul trucks be used to transfer cargo at the border from the long-haul trucks of one country to those of the other. Thus, for example, one participating carrier saved over \$600,000 a year by cutting trip times and fuel costs, while another saved an estimated \$188,000 in transfer fees in the nine months that it participated in the demonstration program.

These savings benefit consumers and enhance North American competitiveness. Moreover, a streamlined system would also cut pollution, since fewer and newer Mexican long-haul trucks would replace smaller and older trucks that now huff and puff their way to the border. Unfortunately, notwithstanding these benefits to businesses and workers, and to the safety of our roads and the health of our environment, a small but vocal group has consistently blocked progress on this issue. It has now finally managed to stop the demonstration program by defunding it through the 2009 omnibus spending bill.

In confronting this situation, the government of Mexico—after over a decade of dialogue and engagement in which it has asked for nothing more than U.S. compliance with its international commitments and with the rules of the game that provide for a level playing field—has had no alternative but to respond by raising tariffs on 90 U.S. products that account for approximately \$2.4 billion in trade.

Today, opponents within Congress continue to allege concerns related to the safety of America's roads—yet they cancelled the very program designed to address such concerns, and which had been producing positive results. After all, the cross-border trucking program that was defunded had been demonstrating not only compliance by Mexico's long-haul trucks with U.S. regulations, but a superb and unmatched record of safety. It is precisely because of our firm belief in the importance of cross-border services that the government of Mexico will continue, as a sign of good-faith and notwithstanding the countermeasures announced early this week, to allow U.S. carriers to provide trucking services into Mexico under the now-defunct demonstration program guidelines and criteria.

Mexico is the U.S.'s second-largest buyer of exports. It remains a steadfast supporter of free and fair trade, and will continue to work actively and responsibly during the coming weeks and months with Congress and the administration to find a solution that will allow safe Mexican trucks onto U.S. roads under Nafta rules.

[From the Arizona Republic, Mar. 18, 2009]

#### U.S. IN THE WRONG BY BLOCKING MEXICAN TRUCKS

America is picking a food fight with Mexico over trade. Congress set it off by canceling a pilot program that allowed Mexican

trucks to operate on U.S. highways—a blatant violation of the North American Free Trade Agreement.

Mexico responded Monday by announcing that it will jack up tariffs on 90 U.S. agricultural and manufactured products. About \$2.4 billion worth of exports from 40 states will be affected.

Under NAFTA, we agreed to give Mexican trucks access beginning in 1995, increasing efficiency and lowering costs for consumers.

But U.S. trucking interests and unions have been trying to block the move for years with scare stories about safety. Actually, thousands of Mexican trucks, which were grandfathered in, have operated safely here for years. The pilot program set high standards for vehicles and drivers. The real issue isn't safety but competition and profits.

President Barack Obama, who was cool to NAFTA during the campaign, must step up to ensure the United States finally follows its treaty obligations. The White House says he is working on a new version of the pilot program that responds to congressional concerns. It needs to happen quickly.

Sen. John McCain, R-Ariz., is sounding a timely warning that this dispute could lead to more protectionist measures.

Let the trucks roll.

Mr. MCCAIN. The Mexican Ambassador says, in part of his article:

The U.S. Congress, which has now killed a modest and highly successful U.S.-Mexico trucking demonstration program, has sadly left my government no choice but to impose countermeasures after years of restraint and goodwill.

Then and now, this was never about the safety of American roads or drivers; it was and has been about protectionism, pure and simple.

He is right. It is also a testimony to the influence of the Teamsters Union. Elections have consequences.

He goes on to say:

It is worth noting that this takes place shortly after Mexico announced it would unilaterally reduce its industrial tariffs from an average of 10.4% in 2008 to 4.3% by 2013, and that it has underscored its commitment, along with its other G-20 partners, to push back on protectionist pressures.

What has been particularly frustrating in this long and uphill battle has been the fact that the Congress continues to move the goalposts.

Importantly, he concludes:

Mexico is the U.S.'s second largest buyer of exports. It remains a steadfast supporter of free and fair trade, and will continue to work actively and responsibly during the coming weeks and months with Congress and the administration to find a solution that will allow safe Mexican trucks onto U.S. roads under Nafta rules.

Again, NAFTA was signed by President Clinton 14 years ago. Part of that agreement was that Mexican trucks would be allowed into the United States. Study after study has concluded that Mexican trucks operate as safely as U.S. trucks do.

Today, on goods America buys coming from Mexico, the truck, after crossing the border, if it is Mexican, has to stop. The goods are offloaded onto another truck, moved to another truck that is American-owned and loaded on-board that truck. Meanwhile, there are CO<sub>2</sub> emissions and the cost and expenses of the delay are passed on to the American consumer.

I repeat, Mexico is the third largest trading partner of the United States, behind Canada and China, and the United States ranks first among Mexico's trading partners. United States trade with Mexico totaled \$368 billion in 2008. We have close and growing ties between our two Governments. Right now there is an existential threat to our southern neighbor from drug cartels. The violence on the border is at unprecedented levels. Acts of cruelty and murder are taking place beyond belief. People are being beheaded. There is the assassination of police chiefs and others. The corruption is very high. Why should we care? One reason we should care is because of violence spilling over from the Mexican border into ours.

The other reason is, there is between, according to estimates, \$10 and \$13 billion worth of revenue in receipts from the sale of drugs in the United States. It is the United States that is creating the market that is creating the drug cartels and violence on the border that has ensued. The Mexican Government is trying—maybe for the first time in as serious a way as they are now—to bring under control these cartels. The corruption reaches to the highest level. The violence is incredibly high. We need to do what we can to help the Mexican Government bring these cartels under control and try to eradicate them because they do pose an existential threat. We cannot afford to have a government that is full of corruption and controlled by drug cartels on our southern border, not to mention the impact it has on illegal immigration.

What did we do? We took steps in violation of our obligations under the North America Free Trade Agreement that will have precisely the opposite effect and have prompted retaliation that will only serve to harm American workers, consumers, and our Nation's relationship with Mexico.

During these difficult economic times for many American businesses, the ability to sell products on the world market is essential to our economic recovery. The Financial Times wrote in an editorial published yesterday:

The retaliatory duties are a legitimate response to a U.S. violation of a trade deal . . . but this does not bode well for bilateral relations just under two months into the Obama administration.

It goes on:

We hope cooler heads prevail and prevent any deterioration of the bilateral relationship. Both nations have too much at stake—and trade as well as security issues.

I could not agree more.

The Arizona Republic published an editorial that reads:

With the economy in tatters, it's no time to mince words: The United States is in the wrong. Under NAFTA, we agreed to give Mexican trucks access beginning in 1995, increasing efficiency and lowering costs for consumers.

The editorial continues:

Around the world, countries are considering trade barriers that could have disastrous consequences for the world economy.

The United States must put the brakes on trade restrictions, not fuel them.

I am aware there is a sizable block of public opinion that believes we should close our borders to everybody and everything, that somehow Mexican trucks are unacceptable, that legal immigration is something we ought to do away with. I understand all those arguments. But I also urge those who say that trade with Mexico is not important to understand the facts: They are our third largest trading partner; we have a trade surplus; it is important to have our relationship good as we help them battle the drug cartels; and, most importantly, protectionism and high tariffs led to the Great Depression.

Congress passed NAFTA in 1993 and President Clinton signed it into law in 1994, which mandated the opening of our southern border to Mexican trucking operations to allow the free flow of goods and services between the two countries. Last year, language was slipped into a fiscal year 2008 spending bill that sought to strip funding for a pilot program with Mexico that would allow a limited number of Mexican trucks to enter the United States. Now the administration says it will try to create "a new trucking project that will meet the legitimate concerns" of Congress. I don't understand how the administration can create a new trucking project to comply with NAFTA, when Congress explicitly barred any money from being spent toward such activities. The President should not seek to create a new project to circumvent the terms of the legislative language. Rather, he should have vetoed it in the first place.

The administration's eliminating the Mexican cross-border trucking program will harm millions of American consumers who could benefit from lower prices on many goods manufactured in Mexico and then distributed in the United States.

According to the U.S. Department of Transportation, refusing entry into our country of Mexican trucks carrying Mexican-made goods adds \$400 million to the price of Mexican imports which is, of course, passed on to the American consumer. Mr. Kirk has made some statements broadly supportive of international trade, but he has also made comments suggesting protectionism might not be so bad after all. During his confirmation hearing, Mr. Kirk stated:

Not all Americans are winning from [trade] and our trading partners are not always playing by the rules.

He suggested the administration may abandon the free-trade agreement we have concluded with South Korea, one projected to increase the United States GDP by \$10 to \$12 billion. He said the pact "simply isn't fair." He emphasized he does not have "deal fever" when it comes to trade agreements. Again, it is up in the air as to what the fate of the Colombia Free Trade Agreement would be, sending a clear signal that we would be punishing the Colombian Gov-

ernment for their assistance in trying to combat drug cartels.

Our trading partners, including Canada and Mexico, don't seem interested in strengthening agreements that have served them and us well for years. Rather, they would like to see the United States fulfill its own trade obligations and look for further ways to open markets to the free flow of commerce. The free flow of commerce has been a founding principle of U.S. economic policy for many decades and a key factor in our rise to prosperity and greatness. It is for this reason I hope Mr. Kirk and his colleagues in the administration will reconsider their stance and help build, not damage, the consensus behind free trade. After all, we have seen a terribly destructive pattern unfold before.

In 1930, as the United States and the world were entering what would be known in history as the Great Depression, two men, Mr. Smoot and Mr. Hawley, led the effort to enact protectionist legislation in the face of economic crisis. Their bill, the Smoot-Hawley Tariff Act, raised duties on thousands of imported goods in a futile attempt to keep jobs at home. In the face of this legislation, 1,028 economists issued a statement to President Herbert Hoover, wherein they wrote:

America is now facing the problem of unemployment.

The proponents of higher tariffs would claim that an increase in rates will give work to the idle. This is not true. We cannot increase employment by restricting trade.

Mr. Smoot, Mr. Hawley, and their colleagues paid no attention to this wise admonishment, and the Congress went ahead with protectionist legislation. In doing so, they sparked an international trade war as countries around the world retaliated, raising their own duties and restricting trade, and they helped turn a severe recession into the greatest depression in modern history.

I do not intend to oppose the President's nominee for U.S. Trade Representative. I remain very concerned about the direction of our trade policies at a time of economic peril. I urge my colleagues and the administration to heed the lessons of economics and heed the lessons of history.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the vote on confirmation of the nomination of Ron Kirk occur at 2 p.m. today, with the remaining provisions of the previous order governing the consideration of this nomination in effect; that upon resuming legislative session, the Senate then proceed to vote in relation to the following amendments in the order listed; further, with respect to H.R. 146 and the provisions of the order governing vote sequences remaining in effect: Coburn amendment No. 680, Coburn amendment No. 679, Coburn amendment No. 675.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be allowed to speak for up to 8 minutes as in morning business and that the time not count against debate time on the Kirk nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ENDING STEALTH BONUSES

Mr. FEINGOLD. Mr. President, I come to the floor to discuss taxpayer-funded bonuses. These bonuses are paid every year, often without any public discussion or a recorded vote by those with the authority to approve or stop them. The people giving themselves these bonuses have made sure they get them regardless of their performance.

I am referring to the annual bonuses given to Members of Congress.

There is some good news to report on this issue today. Thanks to the leadership of majority leader HARRY REID, we took an important step yesterday. Senator REID moved legislation through the Senate that will end these annual stealth bonuses. I have introduced legislation similar to Senator REID's bill for the past six Congresses, and I am delighted, because of Senator REID's leadership, this proposal has finally passed the Senate.

Congress has the power to raise its own pay. While some corporate executives apparently have this power as well, it is something most of our constituents cannot do. Because this is such a singular power, I think Congress ought to exercise it openly and subject to regular procedures, including debate, amendment, and, of course, a vote on the record.

But current law allows Congress to avoid that public debate and vote. All that is necessary for Congress to get a pay raise is that they do nothing, that nothing be done to stop it. The annual bonus takes effect unless Congress acts.

As I noted in a statement yesterday, that stealth bonus mechanism began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that act, Members of Congress voted to make themselves entitled—entitled—to an annual raise equal to half a percentage point less than the employment cost index, which is one measure of inflation.

On occasion, Congress has actually voted to deny itself a bonus, and the traditional vehicle for the pay raise vote is the Treasury appropriations bill. But that vehicle is not always made available to those who want a public debate and vote on the matter. As I have noted in the past, getting a vote on the annual congressional pay raise is a haphazard affair, at best, and it should not be that way. The burden should not be on those who seek a public debate and a recorded vote on the Member pay raise. On the contrary,