

Department, the Postal Service, the Executive Office of the President, and certain independent agencies. This is an abuse of the powers of the majority.

Mr. President, the Senate may be calloused to the accelerating number of abuses that we have witnessed in the past few years. And this growing indifference may have given some comfort to those who are spearheading this particular offensive.

But, Mr. President, there is a facet to this latest effort that makes it especially worthy of opposition. For adopting this conference report, now shielded from amendment, removes the opportunity to force an open debate of a \$3,800 pay raise for every Member of the Senate and the House of Representatives.

By bringing the Treasury-Postal appropriations bill to the Senate floor for the first time in this conference report, without Senate floor consideration, the majority prevents anyone from offering an amendment on that bill to block the pay raise. The majority makes it impossible even to put Senators on record in an up-or-down vote directly for or against the pay raise. The majority has thus perfected the technique of the stealth pay raise.

And the majority also makes it impossible to link this congressional pay raise directly to other pay issues of importance to the American people. With this abuse of the rules, the majority makes it impossible to consider, among other things, an amendment that would delay the congressional pay raise until working Americans get a much-needed raise in the minimum wage.

The majority leadership thus appears to believe that cost-of-living adjustments make sense for Senators and Congressmen, but that cost-of-living adjustments do not make sense for working people making the minimum wage.

The abuse of the process that brings us here today prevents the Senate from rectifying this injustice. If the Senate were considering the regular Treasury-Postal appropriations bill, a Senator could offer an amendment that would point out inequities like this. And that, in the end, might help explain why the majority is using this procedure today. That might explain why we are not considering the regular Treasury-Postal appropriations bill, but are considering an unamenable conference report.

This unamendable conference report culminates the technique of the stealth pay raise. As my colleagues are aware, it is an unusual thing to have the power to raise our own pay. Few people have that ability. Most of our constituents do not have that power. And that this power is so unusual is good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate and amendment.

The question of how and whether Members of Congress can raise their own pay was one that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. Almost exactly 211 years ago, on September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the states.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by three-fourths of the states.

The 27th amendment to the constitution now states: "No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened." Now, today's action does not violate the letter of the Constitution, because it is the result of a 1989 law that provides for a regular cost-of-living adjustment for congressional pay. But stealth pay raises like the one that the Senate allows today certainly violate the spirit of that amendment.

Mr. President, this practice must end. To address it, I intend to introduce legislation that ends the automatic cost-of-living adjustment for congressional pay.

The conference report before us today took its final shape just before the August recess, during what were reported to be all-night, closed-door meetings. The House majority leadership then tried to muscle this conference report through the House on the day before the recess. The bill survived a procedural vote by just four votes, 214 to 210, with Representatives anxious to begin their August recess, the House leadership decided to postpone further action until this month.

The conference report before us today includes the Treasury Postal bill. The Senate never had a chance to consider the Treasury Postal bill that is now part of this conference report. The Senate Appropriations Committee ordered the bill reported on July 20. It is available for Senate consideration as a separate bill.

This conference report on an appropriations bill also includes a repeal of the telephone excise tax. Now repealing the telephone tax is probably the best tax cut idea that we will get in this Congress. I voted to repeal the telephone tax during consideration of the estate tax bill.

But that was a tax bill. Today, we are being asked to enact that tax cut on an appropriations bill. A tax cut that will cost \$55 billion over the next decade should not be added in the middle of the night in a conference on a \$2½ billion appropriations bill.

As well, the conference report also makes budget process law changes. Section 1002 of the conference report changes the limits on outlays set in the current budget resolution for defense and non-defense spending. It shifts \$2 billion from non-defense spending to defense spending. Making this budget process change violates the rules. Section 306 of the Congressional Budget Act prohibits including budget process changes like this in a bill that is not a budget process bill.

Some may argue that if we do not enact this conference report with this abuse of the process, then the leadership will confront us with an even greater abuse of process in the form of an even larger omnibus appropriations bill. Even were that so, my colleagues, we here cannot and must not give the leadership a blank check to include any matter that they choose. And we most certainly can demand that Congress do what we can to ensure that we get no pay raise until such time as Congress has enacted a raise in the minimum wage.

This is a matter of principle, because this conference report does not honor the principles of debate and amendment that undergird the rules of this Senate.

And this is a matter of fairness, because this conference report allows a \$3,800 pay raise for Senators and Congressmen, before the Congress has enacted a \$1,000 pay raise for working Americans making the minimum wage.

The majority has sought to prevent votes on this pay raise. By preventing votes on amendments, they have made this final vote on this conference report the single vote that will allow the congressional pay raise to happen. A Member who wants to prevent a congressional pay raise before we have a raise in the minimum wage has this one opportunity to vote against it.

It is for these reasons that I will vote against this conference report.

#### MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### PRESCRIPTION DRUGS: IN THE BIG TENT OR A SIDE SHOW

Mr. GRAHAM. Mr. President, this is the third in a series of five statements I am making on the issue of providing