

## PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. FRIST. Mr. President, I welcome everybody back from a short recess over the Thanksgiving holiday. I hope everyone did have a safe and a restful period after a very busy 3 to 4 weeks just prior to that. I hope everybody had an opportunity to spend good time, quality time with family and friends.

As I announced before the break, we have returned today with the hope of completing our work on the appropriations process. Chairman STEVENS finished the negotiations on the omnibus measure, and that conference report was filed in the House of Representatives before we departed for Thanksgiving.

Today, we hope to take up that conference report and dispose of it, although I understand this will not be possible. I will be discussing momentarily other options with the Democratic leader and will likely be propounding a unanimous consent request for consideration of the omnibus bill here later this morning.

We will not have any rollcall votes today, but in addition to any agreements we may reach here on the omnibus measure, we would like to also consider other legislative and executive matters that can be cleared over the course of the day. Specifically, there are a large number of important executive nominations that are pending on the calendar that I hope we will be able to address. Again, I will be working with the Democratic leader to proceed to any of these noncontroversial nominations before we conclude our business today.

At this juncture, I will be happy to yield to the Democratic leader, and then likely we will go into a period of morning business, and we will have a discussion about the further plans for the day.

## RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democrat leader is recognized.

Mr. DASCHLE. Mr. President, I join the majority leader in welcoming our

colleagues and our staff. I, too, hope they all had a good Thanksgiving holiday, and I appreciate the work that has been done at the staff level over the course of the last couple weeks as we have prepared for this day.

I look forward to our discussions in the next couple of minutes with regard to how we might proceed. I have a more extensive statement with regard to the omnibus appropriations bill that I will make at a later time.

Obviously, there are some executive nominations that we believe could be addressed. We have been working together to find how we might move a large number of them today, and I hope before the end of this day we will have completed our work on that as well.

I look forward to working with the majority leader and our colleagues in the hope we can make this a very productive day.

I yield the floor.

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. FRIST. Mr. President, the Democratic leader and I will be in discussions over the next several minutes, but I suggest we go ahead into morning business at this juncture.

## MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—  
CONFERENCE REPORT TO AC-  
COMPANY H.R. 2673

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 2673, the omnibus appropriations language; further, I ask unanimous consent that the conference report be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? The Democratic leader.

Mr. DASCHLE. Reserving the right to object—and I will have a lengthier statement—I ask unanimous consent, instead, that later today, at a time to be determined by the two leaders, the Senate proceed to the consideration of a resolution to correct the flaws in the omnibus appropriations bill by: Reinstating the Senate-passed provision to prohibit the administration's plan to

abolish overtime for 8 million workers; reinstating the Senate-passed provision on media ownership; striking the House language blocking the implementation of country-of-origin labeling; striking the provision that weakens the background check requirements of the Brady bill; striking the provision to impose a voucher system on the DC public school system; striking the provision to allow the contracting out of over 400,000 Federal jobs and reinstating the House-passed language; and striking the provisions imposing arbitrary across-the-board cuts to education, Head Start, veterans health care, highway construction, and other needed programs. I further ask consent that the resolution be subject to 1 hour of debate equally divided, that no amendments or motions be in order, and that after the expiration of the time, the bill be agreed to and sent to the House of Representatives. Finally, I ask consent that upon approval of this correcting resolution by the House, the omnibus appropriations bill be agreed to by the Senate, and that it be sent to the President for his signature.

The PRESIDING OFFICER. Does the leader so modify his request?

Mr. FRIST. I object to the Democratic leader's request.

Mr. DASCHLE. Mr. President, then I object to the request made by the majority leader.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, both requests have thus far been objected to; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. I thank the Chair.

Mr. FRIST. Mr. President, I ask unanimous consent that at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to the conference report to accompany the omnibus bill, provided, further, that there be 5 hours for debate to be equally divided in the usual form. I further ask consent that following the use or yielding back of debate time, the Senate proceed to a vote on the adoption of the conference report, with no intervening action or debate.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, I am not surprised by these objections. I think that a number of colleagues, including the distinguished Senator from West Virginia and others on their side, have been very open and forthright with their intent to object to this legislation.

The conference report was filed before Thanksgiving, and it was my hope that over the intervening period of time people would have had the opportunity to review the language before we proceeded. I hope they have taken that opportunity to do so.

Given the objections we have just heard, it appears as though we will need to file cloture on the measure to assure a vote on the conference report. That cloture vote will occur on January 20. It is my hope that during this period Members will take the additional time to review it so everyone can fully understand the importance of much of the funding in this legislation.

**AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004—CONFERENCE REPORT**

Mr. FRIST. Mr. President, I now ask unanimous consent that the Senate proceed to the conference report to accompany H.R. 2673, the omnibus bill, for the purpose of filing cloture. I further ask consent that following the filing of cloture on the conference report, the Senate then proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2673), making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the proceedings of the House in the RECORD of November 25, 2003.)

**CLOTURE MOTION**

Mr. FRIST. Mr. President, for the reasons stated earlier, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

**CLOTURE MOTION**

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report to accompany H.R. 2673, a bill making appropriations for the Department of Agriculture and Related Agencies for fiscal year 2004, and for other purposes:

Bill Frist, Rick Santorum, George Allen, Robert F. Bennett, Jon Kyl, Ted Stevens, Kay Bailey Hutchison, Ben Nighthorse Campbell, Mitch McConnell, Judd Gregg, Orrin G. Hatch, John Cornyn, Christopher Bond, Saxby Chambliss, Sam Brownback, Larry E. Craig, Richard Shelby.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I now ask unanimous consent that the mandatory quorum under rule XXII be waived and, further, that notwithstanding rule XXII, this cloture vote occur on January 20 at 2:30 p.m.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

**UNANIMOUS CONSENT REQUEST—  
H.R. 2800**

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2800, the Foreign Operations appropriations bill, as passed by the Senate on October 30, that all after the enacting clause be stricken and the text of division D of H.R. 2673, the omnibus appropriations bill, be inserted in lieu thereof, the bill be read the third time, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

Mr. FRIST. Reserving the right to object, Mr. President, I think much of what is in the Foreign Operations bill and part of the real focus of the proposed unanimous consent request is on global HIV/AIDS funding. As most in this body know, I do believe HIV/AIDS has presented the greatest moral, humanitarian, and public health challenge of really the last 100 years, if you look at the impact it is having.

We are under a continuing resolution and I have looked very closely to make sure that sufficient moneys will not be interrupted over the intervening period of time. Indeed, there is sufficient money that has not been allocated in the appropriate funds that can be used and that would cover the increment of the next 1 month in terms of funding.

Again, it is important for colleagues and others to understand we will be operating under a continuing resolution and the funding that is currently being appropriated, given to the organizations and to serve the needs of the people, will continue and there can be increased funding allocated within the appropriate categories to cover that increment over time for HIV/AIDS funding.

With that, I object.

The PRESIDING OFFICER. Objection is heard.

**UNANIMOUS CONSENT REQUEST—  
S. 1853**

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the legislative session, that the Finance Committee be discharged from further consideration of S. 1853, a bill to extend unemployment insurance benefits for displaced workers, that the Senate proceed to its immediate consideration, the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. Reserving the right to object, Mr. President, the unemploy-

ment insurance is an issue we will continue to discuss with our colleagues. The House has not yet acted on unemployment insurance. It is an issue we will continue to have under discussion as we go forward.

With that said, I do object.

The PRESIDING OFFICER. Objection is heard.

**OMNIBUS SPENDING BILL**

Mr. DASCHLE. Mr. President, unless the majority leader has additional comments, I wish to take a few moments to address my concerns about the current draft of the appropriations bill.

I believe the appropriations process has fallen apart. This is a Frankenstein monster of a bill born of a badly broken process. It is time to send it back to the laboratory.

At the beginning of the year, we were told the White House and the Senate Republican leadership would make sure the appropriations process ran more smoothly than ever before. In fact, the process broke down to an extent never seen before, opening the door to the worst kind of legislative abuses and special interest giveaways.

This bill, this monstrosity, combines 7 appropriations bills, including 11 of 15 Cabinet-level Departments, comprising \$820 billion in Government spending. To agree to a unanimous consent request this morning I believe would represent a shocking abrogation of our responsibilities to the people of this country. We have not finished until 2½ months into the fiscal year. This was supposed to have been done on October 1. It is now early December.

These delays are becoming regrettably common. But what makes this omnibus unique is its utter disregard for the expressed will of each House of Congress. The process was an abomination, closed largely to Democrats, hidden from the light of day, written to satisfy nothing more than special interest wish lists.

It didn't have to be this way. The Senate passed 12 of the 13 appropriations bills by wide bipartisan margins. The House passed 13 appropriations bills with wide margins. None of the bills posed difficulties. The only reason the process was handled this way was to ram through divisive provisions and pork spending that could never win the support of the Congress on their own.

I thank Chairman STEVENS and especially my ranking member, Senator BYRD, for the work they did to avoid this calamity. They understand the proper process and worked to employ it in this case. However, they were overruled by the White House and Republican leadership. That's why we find ourselves in this regrettable situation today.

This brand of legislating opens the door to the most ludicrous examples of pork spending, which has contributed to citizens' loss of faith in the process itself.