



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, THURSDAY, JANUARY 22, 2004

No. 3

House of Representatives

The House was not in session today. Its next meeting will be held on Friday, January 23, 2004, at 10 a.m.

Senate

THURSDAY, JANUARY 22, 2004

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. STEVENS].

The PRESIDENT pro tempore. This morning I have the honor of presenting the former chaplain of the United States Senate, Dr. Lloyd J. Ogilvie, to lead us in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, reigning Lord of this Nation, the Senate, and our personal lives, we are one Nation under You, our sovereign God. You have chosen us to love, glorify, obey, and serve You. We choose to be chosen and rededicate our lives to You.

We praise You for the great women and men who serve You as Members of this Senate. Continue to set ablaze their hearts with the fires of patriotic passion. You have made the formation of public policy one of the highest callings and have given to these Senators the awesome challenge of shaping the destiny of our Nation and our world. Grant them supernatural power to think Your thoughts, tune their hearts to the frequency of Your wisdom, and energize them with the resiliency of Your strength.

We thank You for the President pro tempore, TED STEVENS. We ask Your blessing on BILL FRIST and TOM DASCHLE, MITCH MCCONNELL, and HARRY REID as they seek to lead this Senate with the unity of shared vision for what is best for our Nation, with tolerance for differing convictions, and with the mutual esteem which is so crucial to progress. Thank You for

Chaplain Barry Black, for his dynamic spiritual leadership and friendship. Grant every person working in the Senate family a renewed experience of Your unfailing love and faithful care. Grant them courage to press on with their strategic roles. You are our Lord and Saviour. Amen.

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.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, this morning the Senate will resume debate on the conference report to accompany H.R. 2673, the Omnibus appropriations bill. Under the order, there will be 4½ hours for debate prior to a second cloture vote. It is my hope that cloture will be invoked and that the Senate can then conclude action on this vital funding measure. Senators should therefore expect at least one vote—we hope two, beginning at approximately 2 this afternoon. If time is yielded back, that vote may come earlier. As always, we will notify Senators when the vote is expected.

On behalf of the majority leader, I would also announce that if we finish the Omnibus this afternoon, the Senate may begin consideration of the pension rate reform bill. Prior to our adjournment, we reached a unanimous consent agreement for the consideration of that bill. Members who intend to debate and offer amendments to the pension rate bill should remain available following today's Omnibus vote.

I thank all colleagues for their attention and we hope to wrap up the Omnibus this afternoon.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I ask the assistant majority leader if he can advise Members with regard to the schedule tomorrow, whether any roll-call votes are expected.

Mr. MCCONNELL. I say to my friend and Democratic leader, I should be able to advise him later in the day, but I need to consult first with the majority leader.

WELCOME TO FORMER CHAPLAIN LLOYD OGILVIE

Mr. DASCHLE. Mr. President, he has left the Chamber, but I begin my remarks by welcoming our former chaplain, Lloyd Ogilvie. He has so many friends and it is such a delight to see him. I know I will have an opportunity to talk to him personally later. His

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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prayer this morning again brings back fond memories of those times and years he was with us. We welcome him back and appreciate very much his friendship and the fact he is back with us again today.

OMNIBUS APPROPRIATIONS PROCESS

Mr. DASCHLE. Mr. President, I come this morning to again review the lay of the land. As I said a couple of days ago, many of my colleagues, most of our caucus, expressed deep concern—alarm, really—at the hijacking of the process that went on during the deliberations on the Omnibus appropriations bill. I said at the time, and I believe it ought to be repeated, that I believe the process in the Senate was fair. I have immense respect for the distinguished chairman of the Appropriations Committee. He worked with Members on both sides to accommodate consensus and to reach agreement and the process worked. That process was destroyed at the eleventh hour by some in the administration and by leadership on the Republican side in the House. Changes were demanded. Ultimatums were set. The House and Senate were actually forced to take positions in conference diametrically in opposition to the very positions we took on the Senate floor after a very deliberative debate; positions that I think have great merit.

On an overwhelming vote, the Senate supported the notion that we ought to have country-of-origin labeling. They did it because they believed it is an opportunity for us to enhance our ability to add confidence to consumers' choice, knowing if they buy 100 percent U.S. beef they are not going to buy meat with downer cattle from foreign countries. We are going to be able to say with confidence to countries who are purchasing our products that they are 100 percent U.S. product. Today, they say they are not prepared to take our products unless we can give that assurance. For those and other reasons—patriotism, patriotism—the Senate voted in support, not once but twice, of country-of-origin labeling.

With the crisis involving mad cow, it became even more imperative that that position be taken. Yet some in the White House insisted that there be a 2-year delay. That 2-year delay is tantamount to killing country-of-origin labeling. That is what is now in this bill, in direct opposition, in direct conflict, diametrically in opposition to the position taken by the Senate during the debate on the Agriculture appropriations bill and, I might add, diametrically in opposition to the views of the vast majority of the American people. Eighty percent of the American people support country-of-origin labeling. Over 80 percent say they would be prepared to pay more if we had country-of-origin labeling.

So it is with great chagrin that we find ourselves in this circumstance. The same could be said for overtime. I

don't believe that most of our colleagues can fully appreciate the depth of feeling, the magnitude of anger and frustration that is out there on this particular issue. I have talked to firemen and policemen and nurses and first responders. I must say they cannot believe that their Government is devising ways with which to reduce and in some cases actually eliminate overtime. They can't believe that they may be among the 8 million Americans whose overtime will be lost when this bill passes. They can't believe it. They always thought if you work hard and play by the rules, especially working overtime, you are going to get paid. Now they have their own Government saying, in a memo produced by the Department of Labor, if you want to reduce wages, we will give you a way to reduce overtime.

What kind of progress in society is that? For all these years we have marched forward, recognizing we are going to reward work. What does this memo and what does the provision in this legislation say? We are not going to reward work anymore. In fact, we are going to find ways to get out from under the reward for work. How can anybody sustain that position here in this body? How can anybody with pride or with any conviction say that is the right policy now, after all these years? But that is what we are doing.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield.

Mr. REID. Do I understand that the Senate and the House, on both overtime and mad cow, or country of origin, voted by large majorities to have there be a continuation of overtime and to have country-of-origin labeling on all beef that comes into the United States? Did both bodies, by an overwhelming vote, sustain country of origin and elimination of the President's effort to wipe out overtime?

Mr. DASCHLE. The assistant Democratic leader is correct. That is a succinct summary of what we did. We voted to ensure there be country-of-origin labeling, like 43 other countries have in the world today, knowing we will not be able to export our product to Japan unless it is labeled. We did that.

When we found out the administration actually wanted to eliminate overtime, we said we are going to prohibit that.

As the distinguished assistant Democratic leader's question suggests, the administration—over the objections, I would say, of the Presiding Officer and others on both sides of the aisle from the Senate—insisted that be part of the appropriations process and this omnibus bill.

There is a third issue, and that is media concentration. Many of us are deeply concerned about concentration of media ownership, and for good reason. We have seen far too many examples already of what pressure is

brought to bear at the local and even at the national level as a result of the power of ownership in media today. I must say, it gets worse and worse with each passing year. What we said is there ought to be a threshold on ownership of no more than 35 percent. That was a position taken on a rollcall vote here in the Senate. Incredibly, it was a position taken on a rollcall vote in the House of Representatives. Yet what does this omnibus bill do? This bill overrides both the vote taken in the House and the vote taken in the Senate. It is not representative whatsoever of the positions of either body, but it is in this bill.

How did it happen? Where was the rollcall vote in the conference to overturn this incredible decision? It happened in the dead of night. It happened because of an ultimatum. It happened because of pressure from the White House and people who did not hold those views in the House who lost the first time.

I worry about this precedent from the point of view of the institution. What does it mean in a democracy when 100 Senators vote, take a position, and when 435 Members of the House vote and take a position, and a cabal in the dark of night with no rollcall vote can overrule that position willy-nilly, with absolutely no record, with no fingerprints, and nullify the actions taken by the bodies themselves? What precedent does that set in our democracy today? Where will this take us in the future? How many more of these incredible overturning of position events will occur before all of us rise up in indignation and say what is a democracy if that is the result, that we can actually go to a conference and have a small group of people overturn the majority of Republicans and Democrats on important issues like this?

I must say, regardless of philosophy, regardless of politics, regardless of the issue, if you care about this institution, 100 people ought to be on this floor to talk about this today. So I am worried about that and I am worried about the policy itself.

But I know why we will probably get cloture today. Nobody here wants to be accused of shutting the Government down. Everybody understands the commitment that this legislation reflects in its support for veterans and for so many other things that we care deeply about. Senators are put in a very difficult position. I understand that. Do you support veterans or do you support an effort to deal with mad cow? Do you support highways and transportation or do you support an effort to confront this onerous provision eliminating overtime? Do you support housing or do you support an effort to retain the Senate position with regard to media concentration? That is a tough position for anybody to be in, especially people in politics. So we may lose this cloture vote today. I suspect we will. And I understand why.

But I must say, first we ought to be concerned. I don't care whether you are