

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

in the majority or minority, Democrat or Republican, liberal or conservative, we ought to be concerned when some small group of people, in the dark of night, overturn legitimate public roll-call decisions made by this body. We ought to be concerned about that because I think it is an erosion of democracy in our Republic that is deplorable, deplorable. How many more times is it going to happen? How does it render the Senate, this so-called deliberative body, when we can deliberate, make tough decisions here on the Senate floor, only to be overturned? What does it say?

With regard to the issues themselves I will say this: I said a couple of days ago this is the beginning. It was not our desire to shut the Government down, to block this bill ultimately. We wanted to give our Republican colleagues a chance to fix it. They have chosen not to fix any of these issues. But we will be back. We must be back. We will continue to offer amendments on whatever vehicle is presented to us. We are now preparing Congressional Review Act resolutions. The legislative veto is available to us on some of these matters and we will use it.

So we will be back again and again. These issues will not go away. We will continue to fight and we will continue to work, first, because we care about the institution but, second, because we care about these policies.

So, Mr. President, it is with great concern—chagrin, that we find ourselves in a position today that I wish had never presented itself to this body.

We will have a vote on cloture. We may have a vote on final passage. But it will not be the last vote on these issues.

I hope in the interest of this institution we will learn the hard lessons that these specific problems have created for each of us.

I yield the floor.

#### RESERVATION OF LEADER TIME

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

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

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 2673, which the clerk will report.

The legislative clerk read as follows:

A conference report to accompany 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.

The PRESIDENT pro tempore. Under the previous order, there will be 4½ hours equally divided between the

chairman and ranking member of the Appropriations Committee or their designee for debate only.

Who seeks recognition? The Senator from New Jersey.

Mr. CORZINE. Mr. President, I yield myself about 10 minutes, if that is appropriate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORZINE. I thank the Chair.

First of all, I want to speak today about this appropriations bill that is now on the floor. I have serious ambivalence about how we should deal with the specifics of this measure. I know members of the Appropriations Committee, led by the Presiding Officer, have worked long and hard. They have worked in a fair way to try to make sure they put together the best final product they can, have been sensitive to the needs of their colleagues, and have worked to try to be balanced about how they brought forth this final product. Unfortunately, through the conference process, a product has emerged that differs from that sought by our leaders here in the Senate.

It is with some ambivalence that I feel the need to express some of the reasons why I will not be supporting the Omnibus appropriations bill for 2004. It contains what I believe are serious policy flaws that, furthermore, don't deal actually with the appropriations process. They go far beyond what should be addressed, debated and concluded in the democratic forum of this Senate, and in the House.

It seems to me that the most serious problem here is not even those policies, although they are very important in and of themselves, but this process that has somehow overturned the policies supported by wide majorities in both houses, policies we worked so long and hard to deal with—I think this process is out of kilter.

But I also believe that, at a policy level, they are important, things such as overtime. It is just hard to believe when we can pass a dividend and capital gains tax cut to help those who are already doing well to improve wealth, and, to put it in economic terms, to reward capital, we are turning our backs on labor and on work.

I don't mean labor in an organized sense. I mean our workforce, the people who work. It seems to me that people who work should have at least the same value attested to their efforts as people who invest. Here we are talking about 8 million people who will come off these rolls of potential overtime benefits. For what reason? For what reason are we doing this when we want to reinforce the work ethic in this country? And these are the people who have modest to middle-income positions in our society.

It is extraordinarily difficult to understand this decision when you consider the context that both this Senate and the House of Representatives have opposed changes to our overtime rules. This bill is a turnaround from the will

of both bodies on this matter. It is incredibly difficult for me to understand why we are moving forward with this bill when we have something that strikes at the heart of what it is we value in this country. Work ought to be something that is rewarded. It ought to be recognized. It has been a part of the consensus we have in this country. Obviously, it is broadly conceived as being the right thing by the majority of folks in both houses and on both sides of the aisle. I have grave difficulty understanding this. It goes to the fundamental essence of how our economy works. Work ought to be valued at least the same as capital in this society.

Here we are turning our backs on it. We are sending the wrong signal to our kids, and to society in general. It is a big mistake, in my view—so big that I think it actually compromises the value of the overall piece of legislation.

Second, I have serious concerns about media concentration. Of course, a lot of us do not often like things that are said in the media. We don't like that to-and-fro which impacts us individually. But society is better by it. It is a lot better when we have a healthy debate of ideas and different viewpoints come out. That is what democracy is about.

The last time I checked, both sides of this body supported the media concentration rule at 35 percent. And somehow we have a different rule than what was agreed to by both houses. I heard the distinguished minority leader speak to the essence of the institution, and the institution is broader—not just the Senate but the Senate and the House. How can we reach agreements on things and then come out with a different result on something as important as how we communicate with the public in this country? How do we change the dynamics of political debate and news coverage on which the people rely to fulfill their civic duty and gather information to make decisions, such as who they are going to support? How will they make informed decisions when we have this concentration? It is an incredibly difficult concept for me to understand.

We don't raise a lot of cows in New Jersey, but we eat a lot of meat. I don't understand the country-of-origin labeling issue. Why would we not take the steps that are necessary to protect the American people and to protect the country's economic interests so we can keep the export markets open? This is not fundamentally sound on either the safety of the public or our own economic security. Why are we trying to cut jobs in this country? It is bad enough that we are cutting overtime. Now we are undermining our ability to actually be effective in the global market because we are making policy that reflects a narrow interest as opposed to the public's interests and the broader economic interests of the country.

It is hard to understand at a period in time when we are down 2.3 million jobs