

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.

Even the conservative Taxpayers for Common Sense said:

This bill includes thousands of frivolous, bizarre, and special interest earmarks for every congressional district in the nation.

For example, in this bill, somewhere in these pages, you will find \$2 million to encourage young people to play golf; half a million dollars for halibut data collection; money for a replica mule barn in LaSalle, IL; and most ironic, a half a million dollars for the "Exercise in Hard Choices" Program at the University of Akron which attempts to replicate House and Senate meetings in which congressional members review a budget and vote to include or exclude various options.

Alongside this kind of wasteful spending, this bill includes several mean-spirited damaging offsetting cuts. These cuts will result in 24,000 fewer children who will be served by title I educational programs; 5,500 fewer kids will be able to attend Head Start; 26,500 fewer veterans will receive medical care; and \$170 million will be cut from needed highway construction projects. I could go on all day.

What is most troubling about this bill is the fact that some of the most egregious provisions that were sneaked into this bill at the last minute had already been rejected by one or both Houses of Congress. The fact that the White House directed conferees to include them shows a contempt both for the procedures of Congress and the citizens they were designed to protect.

This bill once more allows the White House to end overtime protection for American workers. The Senate voted to stop the White House's plan by a vote of 54 to 45. The House agreed by a vote of 221 to 203. The reason is clear. Ending overtime is bad for working families, and it is bad for the economy. At this precarious moment for our economy, the White House's plan would deliver a pay cut to 8 million workers, including emergency medical personnel, criminal investigators, nurses, physician assistants, teachers, agriculture inspectors, and more.

Overtime accounts for nearly a quarter of these workers' take-home pay. For many Americans, their overtime offers them the chance to save for college or a down-payment for a house, or simply to meet their medical bills. It has been vital protection for workers for the past 70 years, and now Congress's defense of working families, overwhelmingly approved by both the Senate and in the House, mysteriously was stripped from this bill.

Media ownership is another example. Real damage to our democracy occurs when a few companies control the airwaves. We had broad bipartisan support for maintaining the limits—wide majorities, again, in both the House and the Senate.

After first agreeing to retain the language passed by the House and Senate to limit the number of stations a network can own, conferees bowed to White House pressure to permanently

raise the limit to make it easier on media conglomerates, again, directly overturning rollcall votes taken in the House and Senate on media ownership. Mysteriously, once more, the legislation confronted reality and the sentiment of the Members of both bodies.

Consider country-of-origin labeling: The omnibus legislation I have in front of me includes language actually delaying the implementation of country-of-origin labeling for 2 years. The Senate passed country-of-origin labeling on two occasions—in May of 2002 as part of the farm bill, as well as just last month with a vote of 56 to 32.

Consumers deserve the right to make informed choices. The economic benefit to farmers and ranchers in struggling rural communities could not be more apparent. It was supported by 167 farm organizations representing 50 million Americans but opposed by the four meatpackers that control 80 percent of the U.S. beef market. They worked behind the scenes to kill this rule and that, too, is in this legislation.

This bill also undermines our ability to stop gun crimes: This bill requires the destruction of background check records within 24 hours. Current law requires records to be maintained for 90 days. It is vital to the war on terror, as well as to domestic violence cases, that retention of these records be maintained. The retention of records has been critical to audit NICS and correct mistaken approvals. We will no longer have that ability as a result of the provisions included in this bill.

The General Accounting Office reports that the 90-day retention allowed the FBI to retrieve 235 guns that were bought by people with criminal records.

We also had a big debate—a very aggressive debate—about DC vouchers. We stripped out the provision that was reinserted to circumvent Democratic objections. There was no accountability here. In addition, we are undermining the Washington, DC, schools to advance a theory that absolutely has no evidence to back it up. Vouchers threaten to create two-tiered education system in which more children each year are left behind. But as with the other controversial provisions, vouchers, for the first time at the Federal level, are in this bill.

This bill also undermines our protection of federal workers. Language was dropped that blocked the OMB plan to contract out 400,000 Federal workers. The conferees had reached a bipartisan compromise, but that was rejected by the White House. What remains provides so many loopholes for OMB that the Federal workers have very little protection.

This bill is to good legislating what a dank basement corner is to good house-keeping. Both could stand a good dose of sunlight, and that is just what we intend to do.

We will not allow this bill to be sneaked through a procedural back door when no one is looking. It may

mean further delay, but 1 more month of delay is nothing compared to the enduring damage this bill will cause to the Senate, our Government, and our Nation.

#### EXTENSION OF THE FEDERAL UNEMPLOYMENT BENEFITS PROGRAM

Mr. President, with regard to the unanimous consent request I had made, this holiday season is bringing the same bad news that millions of jobless workers heard last year. Nearly 3 million Americans have lost their jobs; 2.6 million in manufacturing alone. The number of people looking for work for more than 6 months has now tripled since the beginning of the Bush administration.

In fact, the economy would have to create over 347,000 jobs per month just to keep the Bush administration from having the worst rate of job creation of any administration since the Great Depression.

Today, there are three job seekers for every job opening. Yet the Republican leadership in the Congress is again refusing to address this urgent problem.

During this holiday season, the temporary Federal Unemployment Benefits Program will expire. This means each week after December 21, more than 80,000 Americans will run out of their State unemployment benefits. These workers will not be eligible for any additional assistance.

Last fall, before Congress adjourned, the Senate worked on a bipartisan basis to ensure that unemployment workers would not be left out in the cold. Unfortunately, the House Republican leadership decided to turn its back on these families, and the administration has failed to act as well. As a result, thousands of workers were stranded until Congress reconvened, and we were able to pass an extension. Over the last several weeks, Senate Democrats have repeatedly propounded unanimous consent requests to pass an extension to the Federal Unemployment Insurance Program. We faced Republican objections every time. House Majority Leader TOM DELAY went so far as to say he sees no reason to extend the Federal unemployment compensation program.

Clearly, inaction is an unacceptable position. It was last year, and it remains so this year. Since it appears Congress may not return until the end of January, it is now even more urgent that the administration influence congressional Republicans to work with us to pass a 6-month extension before Congress adjourns.

As we approach the holiday season, we have to ensure that families are not left without the ability to make ends meet while searching for employment.

#### FOREIGN OPERATIONS CONFERENCE REPORT

Mr. President, finally, let me briefly explain why I felt the need to ask unanimous consent to pass the Foreign Operations conference report. AIDS is the worse public health crisis the world has ever known. Mr. President, 8,000 people—8,000—die each and every day;

15,000 people contract HIV every day, the majority of them young people.

The Foreign Operations conference report provides \$800 million for an increase—a much needed increase—in the Global AIDS Program. It is a positive step in our effort to fight and defeat this pandemic. It should have been done 2 months ago. We should not have to wait another 2 months. The crisis is simply too pressing.

Unfortunately, the Republican leadership and the House Appropriations Committee would have us wait. There are a lot of controversial items in this huge omnibus, but let's be clear: The Foreign Operations conference report and the increased AIDS funding is certainly not one of them. Foreign Operations was signed by every single conferee. It was minutes from being filed. Unfortunately, some Republicans intervened and demanded that it be rolled into the larger bill.

Why? Because they wanted increased leverage on the omnibus and the controversial policy provisions, provisions that go against the will of bipartisan majorities in both Houses of Congress.

So let's be clear. The reason they insisted on this was to hold increased AIDS funding hostage to these special interest giveaways. In a season of disappointments, that is especially disappointing. So I am very deeply disappointed that by unanimous consent we could not take up a bill that had passed unanimously in conference, signed by all the conferees, recognizing that 8,000 people who die every day will not get the kind of attention, the resources, the commitment, and the response they so desperately need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

ARMY CHIEF WARRANT OFFICER  
BRIAN VAN DUSEN

Mr. DEWINE. Mr. President, I rise to remember a native of Columbus, OH, a brave man who sacrificed his life to save another, that of a little Iraqi girl who had been severely injured in an explosion near the Tigris River. That man is Army CWO Brian Van Dusen. On May 9, 2003, Brian, age 39, and fellow soldiers, CWO Hans Gukeisen from Lead, SD, and CPL Richard Carl from King Hill, ID, were killed when their air medical helicopter crashed after that little girl had been safely carried away in a separate aircraft.

These three men were selfless. They were courageous. They understood how precious human freedom is and how precious human life is. At a memorial service for them at Fort Carson, CO, Chaplain James Ellison said: Our last act can demonstrate our life's purpose.

Indeed, Brian Van Dusen's purpose was to preserve and protect freedom for his children and his family, for us and our families, and, yes, for that little girl in Iraq and her family. He gave his last full measure of devotion so that a little girl whom he did not know, a lit-

tle girl living in a land far away from his own children, could grow up and live her life in freedom with a future filled with hope and opportunity.

Brian Van Dusen had been flying military helicopters for 19 years. He was stationed with the 571st Air Ambulance Medical Company in Fort Carson. In fact, he voluntarily deferred a post in Germany so that he would be deployed with his own company to Iraq. He chose to go to Iraq because he believed in saving lives, and he believed in what we were doing. He wanted to go.

He did, in fact, save lives. He also wanted to bring hope to the Iraqi people, especially the children. He also wanted to serve our country.

When he left for Iraq, Brian filled his duffle bag full of lollipops that he would give to the children in Iraq. Not only did he give all of those lollipops away but he wrote letters home asking his wife to send even more.

Brian Van Dusen cared. His friends and family say he had a gentle manner; that he was a family man, a loving husband to his wife Bridgette and devoted father to his younger children Angel and Joseph and to his older children Joshua and Kelly. Bridgette described him as a selfless man and a wonderful father.

From Iraq, he took the time to write home regularly to send his love and make sure Angel and Joseph were learning to ride their mini-motorcycles. "Make sure mommy takes you riding," he wrote. He loved his children and his family with all of his heart.

Brian Van Dusen also loved NASCAR and was an avid hunter. He cherished the deer hunting trips he took with his older brother David. As David so eloquently said after Brian's death:

You just can't take anything for granted. I'm going to miss him. He was a good brother and a great father. God bless him—wherever he is.

Brian Van Dusen was a man of great devotion. He was devoted to his wife. He was devoted to his children. He was devoted to our Nation. He gave of himself in every way. He served selflessly with compassion, courage, and strength. Clare Booth Luce once said that courage is the ladder on which all other virtues mount. Without question, CWO Brian Van Dusen's courage created a ladder with rungs of great virtue. He is an American hero who will live on in our hearts and minds forever.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

URGING PASSAGE OF FISCAL  
YEAR 2004 OMNIBUS APPROPRIATIONS  
BILL

Mr. STEVENS. Mr. President, yesterday the House passed the fiscal year 2004 omnibus appropriations bill by a bipartisan vote. Republicans and Democrats alike joined in adopting this bill. I had hoped today the Senate could be given the opportunity to pass

this bill which would fund a variety of programs critical to the American people and indeed the world.

That does not seem possible now, but the consequences of delay on this bill are real and the dangers are great. Many people will be affected by this delay. One of the bills included in the omnibus appropriations bill is the foreign operations budget. That measure includes increases in funds to combat the world's growing AIDS epidemic. With the support of Democrats and Republicans alike, \$2.4 billion was added to this bill to combat AIDS, tuberculosis, and malaria around the world. This money would be used to buy life-giving medicines to treat people suffering with AIDS. It will help save the lives of mothers, fathers, and their children afflicted by this deadly disease of AIDS.

If they have to wait another month or two, will it make a difference? Unfortunately, the stark answer is yes.

Bono, the founder of Data, a worldwide humanitarian group, has urged us to pass this bill now. He knows better than most of us what a delay will mean to the people on the ground who wait patiently for our help. Can they wait another month or two? Probably not.

Closer to home, there are others who will suffer if this measure is delayed. Our conferees provided an increase of \$38 million to provide more AIDS drugs domestically through the AIDS drug assistance program at the Health and Human Services Department.

Our Nation's veterans will be among groups hit hardest by a delay on this bill.

Again, on a bipartisan basis, the Senate led the way in providing additional funds to make sure America's veterans will get the medical treatment they were promised. In my own State of Alaska, some veterans have had to wait months for a basic doctor's appointment. Unfortunately, the veterans in Alaska are not alone. The waiting lists for veterans around the country, from Arizona to West Virginia, North Dakota to Florida, are on the rise. As veterans return from Iraq, the demand for medical care will increase even more. Coupled with the 1 percent attrition rate for VA doctors per month—I repeat that, a 1 percent attrition rate in VA doctors per month—the waiting periods for veterans will only get longer with this delay.

Likewise, without the additional money provided in the bill, 48 community-based outpatient clinics will be in jeopardy. Since the VA is forced to operate under the lower funding level provided in the continuing resolution, those clinics cannot open. In addition, pharmacy costs are going up for our Nation's veterans. In 2003, drug costs rose by a whopping 11 percent. The VA is incurring increased demands for prescriptions every month. To cover the high cost of drugs, the VA has been forced to cut other high-priority medical programs. They are forced by this