

Part of it is our fault. We don't have to be out of here on Mondays. We don't have to be out of here on Friday afternoons. They didn't run the Senate like that when I was coming up here. I didn't run the Senate like that when I was majority leader. I told my own crowd: You elected me leader, and you can throw me out if you want to, but as long as I am leader, I am going to be leader. I am not here for the pleasure of Members. I am here to get the work done. And we worked and we had votes. Any of you who were here when I was majority leader, we had what were called bed check votes on Monday morning at 10 o'clock.

So I don't like this process. We are getting paid to work 5 days a week, 6 days a week, or 7 days a week, if it is necessary. I hope we don't start coming in here on the Sabbath and working. We need to keep the Sabbath day holy. But I say to you, my friends, we ought to get away from this bog-tailed schedule that we work on here—being in the Senate 2 days a week, or 2½ days.

So there are many things that can be attributed to the breakdown here. There are many complaints that can be made, many fingers can be pointed, and many truths can be stated, pointing out where we are falling down.

A number of Senators, may I say, have come to the floor to denounce, rather harshly, this provision that was included in the Omnibus appropriations bill, which would authorize—I know TED STEVENS; he would never want this kind of authority. That is laughable. He would never want this kind of authority. I would not either—chairmen of the Appropriations Committee and their designees to access the tax returns of companies and individuals. Why, this is a slam at the integrity of the Appropriations Committees of the two Houses, and especially it is a terrible thing to have somebody put this in a bill and lay this burden on the chairman of the Appropriations Committee. We don't want that. I have been chairman and I would not want that kind of authority.

I want to thank Senator STEVENS for coming to the floor and pledging to do what he can to correct this problem. I recognize that is not his fault. It is the inevitable result of a horrendous process that has developed in these last few years. You can go back and see the record for yourselves. The record speaks and the record tells the truth.

I want to assure my colleagues that I knew nothing of this provision until after I had made my fine speech in the caucus talking about this bill, how good it was and how bad it was, and then urged Senators to vote for it, saying that it was better than having a continuing resolution. And lo and behold, the distinguished Senator from North Dakota got up right behind me and he and the Senator from Montana pointed out that this language was in the bill. I had not seen it. If I had known about it, I would have been the first Senator to the floor to deplore it.

I would have done everything in my power to keep it from being included. It is egregious and it ought to make every Senator hopping mad at the process that caused it, at the process that caused this in the wee hours of the night—to have our staffs operate with fatigue in going over these matters.

Why do we have to do it in the wee hours of the night? Because you are up against the gun, up against the deadline.

Look at this massive piece of work that must be examined. This is what happens—I will say it again—when the Congress writes legislation behind closed doors. This is what happens when the Congress tries to cobble together nine appropriations bills, seven of which have never been considered by the Senate, into an Omnibus appropriations bill. This is exactly why we failed the people out there who are watching through those electronic lenses. We fail the American people when we cannot complete the appropriations process on time.

I think it is a disservice to the chairman of the committee and to Senators who try hard to keep things going here and to move on a schedule that will get us through and not keep us waiting until the end of the session, when it is too late to act with care and to properly operate the oversight process. We open ourselves up to these kinds of abuses.

I am told that the Senate now will do something about this. We have already allowed a unanimous consent request here that has been agreed to. I hope—that isn't quite enough—the majority leader, who was here a moment ago, will try to get a commitment from the Speaker of the House.

Mr. STEVENS. We have that.

Mr. BYRD. Very well. I am told by my colleague, Senator STEVENS, that we have that commitment. Well and good. They will join the Senate in passing the joint resolution to remove this provision. I am also concerned about what the distinguished Senator from North Dakota brought up when he spoke of the fact that when a bill is passed into law, it is a law, and it is either going to be repealed or vetoed. We need to hear from the leaders of both bodies that this provision will be removed, and we need also to hear from the leaders of both bodies that this won't happen again.

I myself had said that I would vote for this bill. I am going to vote against it out of protest against this awful process. I have campaigned against this process on the floor; I have urged that we not let ourselves get into a situation wherein we have to nail together, tape together, put together pieces of appropriations bills, and whole appropriations bills, and come out with an Omnibus appropriations bill. And now we are going to be faced with a conference report that we cannot amend. So I will vote against this process. I will not support a process that results in this kind of chicanery. I thank all Senators for listening.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

SENATOR BYRD'S BIRTHDAY

Mr. BURNS. Mr. President, I agree with my friend from West Virginia. No man should be put through this on his 87th birthday. Happy birthday, Senator BYRD. We hope you make it home in time for the cake.

I yield the floor.

Mr. STEVENS. Mr. President, is it possible now to proceed to the conference report that is before us?

I ask unanimous consent that we proceed to the conference report before us.

Mr. CONRAD. Mr. President, reserving the right to object, I say to my colleague that there are discussions going on to try to resolve this matter. I think they are about to bear fruit. I just left a conversation in the cloakroom, and they were coming up with a process to try to make certain that this provision never becomes law. It sounds as though they are making progress. Before we proceed, I think we will want to have the leaders here to be able to tell the rest of us what they have arrived at.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, we have just had an election. Republicans are firmly in power in the White House and also in the Congress. Now, just 18 days after the election, we see in this bill breathtaking arrogance of power. It is an abuse of power because it gives power to Republican leaders, at the expense of your right of privacy, to pry and snoop into your tax returns.

They can even leak your taxes to the press and post them on the Internet without penalty. It is an abuse of power because it gives insurance companies the power to deny your right to know all of your health care options. It gives insurance companies the power to order your doctor to tell you only part of what you need to do.

It is an abuse of power because this bill gives the power to corporations to prevent you from knowing where your food comes from. It is an abuse of power because it gives companies the power to deny your right to overtime pay.

What other abuse of power is in this bill? We should take some time and delay action until we have read it and until we have the opportunity to fix it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. May I inquire if we are still in morning business with Senators able to speak for up to 10 minutes each?

The PRESIDING OFFICER. We are in morning business, limited to 10 minutes each.