

vote on it in a few hours without knowing what is in it. It is wrong. It is wrong.

Mr. STEVENS. Will the Senator yield again?

Mr. CONRAD. I would like to finish and then I would be happy to yield for any question of the Senator.

Let me say this: For a number of years we have had this process ongoing. In 1988, President Reagan, in a State of the Union Message, told us never again; don't send me another bill like it because I am not going to sign it. He was right. He said in his 1988 State of the Union that you have sent up here a 1,100-page bill and you had 3 hours to review it. You don't know what is in it. Nobody knows what is in it. Don't do it again. Don't send me another bill like this because I will not sign it.

Here we are tonight. We don't have a 1,200-page bill, or 1,100—we have 3,300 pages. We don't know what is in this bill. There are a handful of people who know what is in this bill. Most of us don't know what is in this bill. If somebody, some sharp staff had not caught this, we would be making this the law of the land.

Now I find out there is no way to prevent this from becoming the law of the land if we pass this bill tonight.

That, to me, is a mistake.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I want to state again the protection for the minority on this bill was in the people who were with my staff when it was read through. If there was a mistake in it, it is borne equally by your side of the aisle as well as ours. I have accepted the total responsibility as chairman. No question about it; a bad mistake was made. But let me go back.

Senator BYRD and I begged for a budget resolution in May, in June, in July, and when we came back in September. We didn't get a budget resolution. The Senator is on the Budget Committee. Why didn't we get a budget resolution? We said if we don't, we will have another one of those nights when we will have a big Omnibus appropriations bill. I preached it right here on the floor. I will dig it out, if you want. I said if you don't, we will have a midnight session again trying to get a bill through that no one knows what is in it because we have had to move and move these limits.

There are provisions in this bill that must become effective or people will lose rights as of Sunday. We are trying our best to get it done. A mistake has been made. I hope the Senate would take my word. It is my word. I don't think I have ever broken my word to any Member of this Senate. That was a mistake. It says as chairman of the Appropriations Committee I can trigger that and ask for access. I have said I would never do it. I did not seek it. The chairman of the House did not want it. He is appalled by it. It is a provision

that, even if it becomes law, cannot be utilized except by BILL YOUNG and me, TED STEVENS. We have said we will not do it.

Isn't that enough? Isn't that enough? Do I have to get down on my knees and beg the other side?

This bill must become law because people have rights that will be affected by it if we don't pass it until we come back in December. That is all there is to it. It is not my fault. I hate working under these pressures. My staff hates it. As a matter of fact, it is a terrible way to do business, but I had nothing other than to try to do it.

As a matter of fact, we had to take one bill and do it in the last 3 days because we could not get agreement between the people involved. It has been a terrible bill to handle.

I hope the Senate appreciates the work that people have done this last week to try and get to the point where we could pass it before we left.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, with respect to the Budget Committee, I am on the Budget Committee. I am not the chairman of the Budget Committee. Our friends on the other side were in control of the House and the Senate. Failure to get a budget resolution was not on our side. Failure to get a budget resolution lay on their side.

But that is not the point of this discussion tonight. The point of the discussion tonight is we have a process that is broken. There is no better evidence than the fact that we have a provision that would open the tax returns of every American, every American company, to some staffer in the Appropriations Committee, with absolutely no penalty on that staffer if they were to release the private information contained in that individual's tax return. That is wrong.

The chairman of the committee says, I never sought this power. I believe him. He said the chairman of the House never sought the power. I believe him.

The fact is, the provision is here. Somebody wanted it. Somebody got it in here. The fact is, the current chairman of the committee is not going to be the new chairman of the committee. And the same is true on the House side. These two Senators have said they would not use the power. How about the two Members who are going to be the chairmen? They would be able to use the power because if we vote for this bill tonight, with this mistake in it, unfortunately, it will become law.

I don't want to explain to my constituents back home that every tax return in America is open to some staffer and there is absolutely no legal penalty for them making it public. That is a serious mistake. There is a desire to take this out. Let's take it out.

I ask unanimous consent these provisions be deleted from this bill. I am specifically referring to section 222 of the provisions that are found on page 1,112 of the bill.

Mr. STEVENS. I object.

Mrs. BOXER. Mr. President, I am a little confused. I am really confused.

Senator CONRAD, who brought this issue to the Senate's attention, solves the problem by asking unanimous consent to take this offensive language out of the bill, this "Big Brother is watching you and your tax returns" out of the bill, and the passion showed by Senator STEVENS in his previous remarks, I was really taken in by them. I felt that he was really upset and that he wanted to resolve this matter. Yet we have an objection to take this out.

If the House went home, bring the House back. They shouldn't have gone home with this terrible provision pending.

I don't quite understand what just happened. I guess there will be an explanation, but let the record be clear there was objection from the Republican side to take out this offensive language which gives permission for the chairman of the Senate and House Appropriations Committee to designate staff to look at any American's tax return, any business tax return they decide they want to spy on.

There was a unanimous consent request to delete that by Senator CONRAD, and there was an objection. I am confused. We could have resolved that, and it could have been taken care of, but instead we have an objection. I am sure there is a good reason. Maybe Senator STEVENS will explain it, but deleting the language resolves it on our side, and we can get on with the bill.

I have a problem with the health issue in this bill that is going to adversely affect women of America. I talked to Senator STEVENS. He was very honest and said it had to stay in because of the House, but I was able to work with Senator REID and Senator FRIST and we got agreement and I will not object because we will have a chance to vote up or down on that offensive legislation sometime before April 30.

Senator CONRAD made a very wise motion to, essentially, ask unanimous consent to remove the offending language, and we could have resolved it.

I am confused.

I yield the floor so my colleague can have his own time.

The PRESIDING OFFICER. Who seeks time?

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MAKING A CORRECTION IN THE CONFERENCE REPORT TO ACCOMPANY H.R. 4818

Mr. STEVENS. I send a joint resolution to the desk and I ask unanimous consent we now proceed to this joint resolution, that it be read three times and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. STEVENS. I renew my request, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

Mr. STEVENS. I ask unanimous consent we proceed to the resolution, it be read three times and pass, and the motion to reconsider be laid upon the table.

Mr. BYRD. I did not hear the request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I did not hear the request.

The PRESIDING OFFICER. The request is that the resolution be considered read three times, passed, and the motion to reconsider be laid upon the table.

The Chair asked twice if there was objection, and hearing none, the resolution has been considered passed, and the motion to reconsider is laid upon the table.

The joint resolution (S.J. Res. 42) was read the third time and passed, as follows:

S. J. RES. 42

In the conference to accompany H.R. 4818, House report 108-792, Section 222 of Title II of Division H, Departments of Transportation and Treasury, Independent Agencies, and General Government Appropriations Act, 2005, shall have no force and effect.

Mr. MCCAIN. Parliamentary inquiry: What is the effect of what was just agreed to?

Mr. STEVENS. May I answer that?

Mr. MCCAIN. I withdraw my parliamentary inquiry. I have an understanding from our capable staff.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMAS). The Senate is in a period of morning business, with Senators allowed to speak for up to 10 minutes. Who seeks time?

The Senator from West Virginia.

THE APPROPRIATIONS PROCESS

Mr. BYRD. Mr. President, the Senator from Alaska and I have, for months, been importuning the Senate, the leadership, and anyone else who will listen, not to end this session with the passage of an Omnibus appropriations bill. I have, for years, opposed passage of Omnibus appropriations bills.

We have seen within these last few years, especially, this excrescence on the skin of the body politic grow until now it has become malignant.

I warned and warned and warned against Omnibus appropriations bills. I have complained that the leadership of the body has not worked diligently to prevent our being caught with our backs against the wall at the end of the session and with the absolute necessity at that point to act in haste and to act upon many appropriations bills at once, with all that portends. That makes it difficult, if not impossible, for Members to examine what is in the bill.

So much of this is done at the hour of midnight and beyond. Staffs have to

read through these bills and work on them, and Senators who cannot do that have to depend upon the work of those staffs. They are literally dead, as it were, with fatigue when they do this job this way.

I have, time and time again, said to Senator STEVENS: I hope we will avoid Omnibus appropriations bills. There is no good served with Omnibus appropriations bills. When that happens, we invite the executive branch into the exercise. It seems my colleagues, so many of them on both sides of the aisle, do not view that as a danger to the Senate, a danger to the constitutional system, and really a danger to the liberties of the people.

We should pass 13 appropriations bills every year. I said that time and time and time again. The distinguished chairman of the Appropriations Committee at this moment, Senator STEVENS, has done his level best to get 13 appropriations bills passed and brought to the floor.

But I tell you, my friends, we have lost too much time with other things that could have waited, and now we find ourselves in the bind, when we do not have enough time to do the proper work on these appropriations bills. I am sick of this process. I am ashamed of it. I do not know if there will ever be a better example of what can happen, what can go wrong with this nefarious process of putting off legislation.

Appropriations bills are the only bills we actually have to pass. They are bills to keep the Government running. This has to do with the oversight process, the examination of witnesses through the appropriations hearings. This is the absolute best form of oversight, when we can say to a witness from the administration, whatever administration it is: How have you done under this qualification here, that you would be limited to such and such, a number of dollars? What have you done? What has been the result? We are strangulating this oversight tool. We are wiping it out when we do not bring to the floor these bills on time.

We get to the pass here. This is the pass. And we are cut off at the pass. Oh, we have to do this. We have to do this. We need to cut the time on the bill. We need to limit ourselves. Here in this case, only two of these appropriations bills have ever passed the Senate. Only two this year, right?

Mr. STEVENS. Four, Senator.

Mr. BYRD. Four passed the Senate. In any event, only two of the nine bills that are in the omnibus have passed the Senate.

Mr. STEVENS. That is correct.

Mr. BYRD. Now, that is a shame. That is a disgrace upon the escutcheon of the Senate. I am greatly concerned about that process. I have been, and I have many times expressed it to my dear friend, TED STEVENS, who has worked his tail off in trying to get these bills through the committee and through the Senate.

Now, we cannot go on like this. We just cannot go on like this. I hope

other Senators and I hope the leadership on both sides will see what can happen when we are brought to the wall, with our backs to the wall, and we have to ram through such important legislation without giving it careful consideration because we do not have the time and we rush these—can you imagine what is happening to the process when we approve appropriations bills in the Senate Committee on Appropriations and then do not bring those bills to the Senate? We do not bring those bills to the Senate.

I will tell you, friends, I have been in this body now 46 years this year, and it was never that way in the old times. We always passed the appropriations bills. I believe you will find on the record, we passed them, with my help, on both sides of the aisle. I never did anything by myself. It was an absolute cooperation between both sides of the aisle in the Appropriations Committee. We did not have all of the recriminations and the fault finding. We worked together, and we brought those 13 bills to the floor, and we acted on them.

Something badly wrong is happening to the appropriations process in the Senate, and I hope and plead with my colleagues that we take a good look at what is happening and that we all, as it were, rise up in arms against this way of pushing everything to the end of the session.

We have squandered time. You remember the filibuster one night we had here? Remember the filibuster one night? Well, that is just one example of how we have foolishly squandered our time. And we have not been in here 5 days a week working. How about that? We ought to do better.

I feel very, very badly about what has happened here. I never knew anything about this. I never knew this was in the bill until after I got up in the conference today and urged Senators to vote for it.

Mr. STEVENS. Neither did I.

Mr. BYRD. I said: I don't like this process. I don't like the fact that the minority is being shut out—at least one stage. I do not think the minority should ever be shut out. That is not in the book of the legislative process. That is not in the legislative process as I taught it over at American University. That is not in the legislative process as I learned it from those who came before me. That is not in the legislative process as it was when I was the majority leader.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for an additional 10 minutes, if necessary.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I thank the Chair and I thank all Senators.

And so it is a terrible albatross around the neck of the Senate, and it is a terrible disservice to the people of these United States, who need to have their Senators examine bills carefully.