

that the resolution is offered. Of course, it is fully debatable. We hope it does not have to be fully debated.

It is my understanding now that morning business is closed and the Senate will recess, is that right?

The PRESIDING OFFICER. The Senate will proceed with consideration of the resolution.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15.

There being no objection, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

MAKING MAJORITY COMMITTEE APPOINTMENTS—Continued

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to share some memories with my colleagues. As I watched what is going on in this body, I was trying to think of something. I have seen this before. It is sort of a *deja vu* all over again. I was thinking back to maybe 14 or 15 years ago when my son was playing T-ball. You remember T-ball? That is the kids' game.

The kindergarteners played T-ball. They had a lot of fun. But in one game we had a problem because after the other side was out, they had their outs and they were finished, they wouldn't put down their bats and go out in the field. They didn't want to play the game. They thought that once they had been at bat they were going to stay at bat, even though their side was out and it was time for them to leave.

The more I thought about it, the more I thought maybe that is what is happening in the Senate today. We had an election and the people of America sent some new Republicans, a new Democrat or two, to Washington, and they established a 51-to-48-plus-1 majority. I mean, 51 is more than 48. It is more than 48 plus 1. It seems to me it would be common math, it would be reasonable politics, it would be just common civility, to say once you have a majority and the people of America have voted for members of the Republican Party to be the leadership, to be the majority party in the Senate, it ought to move forward.

All the time I have been here, once we have had an election we have shifted power, if there has been a shift in power. A year and a half ago when one of our Members switched and we lost the majority, I handed over the gavel immediately to my ranking member and she became the Chair. That is because this is a democracy. That is how this is supposed to work. We are supposed to have reasonable rules.

But today I am reminded of that T-ball game when the side that was out, they had lost but wouldn't put down

their bats and go out in the field. Guess what. The game can't go on. Everybody is a loser.

This is not a T-ball game. This is time to handle the business of this Nation. The people of America voted for us. They voted for Republicans and Democrats. They voted for House Members and Senate Members because they expected us to come to Washington and be serious about doing the people's business.

One of the defining marks of democracies in the modern day is that there is a peaceful transition of power. The winners take over and lead. The losers relinquish their leadership and join in the governmental efforts. That is the rule in democracies throughout the world.

Here is the U.S. Senate sticking out like a sore thumb, an exception to the principle that when there is an election and there is a change of power, the winning side takes over. This is truly regrettable when we have so much business to be done. We have all the business that did not get done last year. Unfortunately, I believe the leadership last year would not let us go to a budget.

They wouldn't let us pass appropriations bills. As a result, we are now funding 11 of the 13 appropriations bills for the jurisdictional functions of the Federal Government based on a continuing resolution. Things have changed. We need more money for these functions. We need to pass appropriations bills. We are ready to move on appropriations bills, but we can't set up a committee. We can't get the committee set up until we pass a resolution and find out who is on the committee.

This is a serious failure to live up to our responsibility, to do the work the people of America have a right to expect us to do. The longer we wait, the more difficult the appropriations process is going to be, and the more difficult it will be for us to do this year's work, which is to do the 2004 appropriations bills.

There are a lot of things we really shouldn't even have to bother with on the floor. The T-ball team is not just keeping the bats. They are saying some of our people who have assumed new leadership positions can't even get into leadership offices.

This is a new day. This is 2003. There was an election in November of 2002. The people in the United States by their votes said you as Republicans should move forward. We can't do that. We can't do that until we get cooperation.

This is a body that operates on common decency, respect, and civility. It works on unanimous consent. Obviously, we can't get unanimous consent. We haven't so far. There are a lot of arguments in the negotiations. But the fact is we need to get on to the people's business. I can tell you, I know our majority leader, BILL FRIST. He is a man who is more than willing to make de-

cent provisions for the minority, and he will do that. But nothing we say is good enough. We can't move forward in this circumstance.

I think that is a real tragedy. We have a lot of work to do this year. We need to confirm judges to make sure our judiciary works. We need to pass an energy bill. We are looking at possible hostilities in the Middle East where we face potentially a cutoff of some of our supply of petroleum. What are we going to do about it? We haven't had an energy policy for 9 or 10 years. Our energy policy bill last year was blocked. This year wouldn't it be nice if we allowed the Energy Committee to work on a bipartisan basis and report a bill out to the floor, then vote on it, send it over to the House, work in conference, and bring it back to vote it up or down? We ought to be doing that. But we haven't done that.

There are some who suggest maybe the Democratic Party lost the election because they were obstructionist. I happen to think that is true. I happen to think that was one of the most telling arguments in campaigns in which I participated. People of America don't want to see obstruction, roadblocks, and red tape. There are others who say, Well, maybe the Democrats lost because they weren't confrontational enough and they weren't obstructionist. It looks like those people have won the day, or at least they are calling the shots. I believe many of my Democratic colleagues would feel the way I do. They know the election is over. They know we have some very important work to do this year. We have to do the basic appropriations to get the Government operating and to fund programs. We need to do an energy bill. We have to do a highway bill this year.

If you are worried about where we are going to get stimulus, as some of my colleagues on the other side of the aisle said, we need stimulus to make sure we have a highway bill that continues funding of the vitally important construction on our Nation's highways. That is one of the most important bills we are going to have to pass this year. But we can't do it when we can't even get the Senate organized.

I am very discouraged. I am very discouraged that we have run into this problem. I hope the people who are listening or watching back home will call, write, or e-mail. I guess you can't write anymore. You can't write us here. You can write to our offices in our States, call, and send faxes and messages, and tell those of us who are in the Senate it is time for us to get to work.

All of last year I waited to bring an appropriations bill to the floor under the good leadership of my colleague and friend who was chairman at the time. I am still waiting to bring an appropriations bill to the floor. It is a bipartisan bill. It is one we have worked on. We will work on it together, and it will be a bill which we hope reflects the

interests of people on both sides of this aisle. But we can't do it until the other side lets us move forward.

A lot of people do not understand the Senate is a deliberative body. It requires unanimous consent. Most of the time I have been here, we have been a deliberative and decent body. We are a decent body, and we will move forward. But now we have become the world's greatest dilatory body. We can't get anything moving until the other side lets us.

We need a stimulus bill. I will address that later.

I think the President has put forth a good plan to help families. A typical family of four with two wage earners with a combined income of \$39,000 would receive a total of \$1,100 in tax relief. The Council of Economic Advisers said the plan would create 2.1 million jobs over the next 3 years.

As one who has spent a lot of time since I have been here working for small business, I can tell you this is a bill small business needs. We in the Small Business Committee have long urged an increase in the amount of expenses a small business can do from \$25,000 to \$75,000. So the smallest of the small businesses under \$300,000-plus revenue can write off immediately and they don't have to go through depreciation and write off against immediate income capital expenditures up to \$75,000.

Second, by bringing the reduction in individual rates forward, you are benefiting small business. Twenty-three million small businesses are taxed as individuals. They are set up either as proprietorships, partnerships, or subchapter S corporations. So those 23 million small businesses are taxed at the individual rate. Putting this money back into their pockets will give them the money to hire workers, to invest and to expand and grow their business.

That is an argument for the day when we actually can get to work in the Senate and we can have committees. God bless the committee system. Have them work and have them put out bills. They have to put them out on a bipartisan basis. We will bring them to the floor, and we will debate them and discuss them and work on them on a bipartisan basis. Unfortunately and regrettably, that can't happen until this gridlock is broken.

I call upon my colleagues on the other side of the aisle to recognize the tremendous needs. These are more compelling needs than in previous years because we didn't get our work done last year. Let us get over this gridlock—this deadlock. Let us get going with the business of the Senate.

I urge all our colleagues to come together and work on this. I hope we can do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague from Missouri for his statement. I wish

to make a few additional comments as well.

This is my 23rd year in the Senate. Every 2 years we have passed an organizing resolution within a couple of days of the House and the Senate reconvening—almost always on the first or second day; always within a week. Every 2 years for the last 20-some years we have done that within a couple of days. This year we haven't because our friends and colleagues on the Democrat side have objected. I am embarrassed by their objection. The resolution the majority leader introduced is basically pro forma. It should have been done on the first day. It recognizes the newly elected Senators and the committees on which they have chosen to serve. It also recognizes the new chairmanships as a result of the elections.

That is only appropriate. It is only proper. It is only fitting. It is normal course. It is standard practice. And it should have been done by unanimous consent, without any objection.

It has happened every year I have been in the Senate—or every other year. We do it at the beginning of every new Congress. But this year, for whatever reason, our colleagues on the Democrat side decided to object. They indicated they would filibuster. I urge them not to. I urge them to keep in mind we do serve and are privileged to serve in probably the greatest deliberative, elected body in the history of the world. Senator BYRD may come over and talk about the Roman Senate, but certainly this rivals the Roman Senate. But this is not our finest hour.

If the Democrats are saying, wait a minute, we are going to insist on maintaining chairmanship of the committees, they are really refuting the elected will of the people which they made clear last November.

In my term in the Senate, there has been a change in leadership and a change in committees done automatically, within a couple of days. It happened in 1981, as a result of the 1980 elections. It happened in 1987, as a result of the 1986 elections. It happened in 1995, as a result of the 1994 elections. It happened in the year 2000, as a result of the Senator JEFFORDS switch. And it happened immediately. There was no prolonged debate on this side, saying: Wait a minute. This is not fair. As a matter of fact, gavels were handed over.

So it is almost as if the minority party or the Democrat Party said: Wait a minute. We don't want to be in the minority so we are going to delay process indefinitely. I just read an e-mail that basically said that. It said: We will continue to chair.

I am or will be the new chairman of the Budget Committee. I scheduled a hearing with Alan Greenspan, Chairman of the Federal Reserve, to testify today. I had to postpone that because of this embarrassment. I am embarrassed for the Senate. I love this institution. And to see our colleagues on the other side denigrate the reputation

of the Senate, by falsely trying to assume that they maintain chairmanships of these committees, is ridiculous.

So I urge my colleagues—I see the assistant Democrat leader and whip. I urge my colleagues: Enough. Let's think of the institution. Let's think of the Senate. Let's think of the traditions of the Senate. Let's think of regular order in the Senate. Let's think of the reputation of the Senate and not fall down into this kind of partisan ploy to obstruct.

And now I have read a letter that said: Well, we don't want to get this solved until we get a certain ratio of money. You are going to get plenty of money for committees. I think everybody knows that. Or maybe: We don't want to do this until we have an agreement on square footage in each office space. That is ridiculous. Those negotiations usually take months.

Or now I see a letter that says: Well, we don't want to have an organizational resolution until we have an agreement on the confirmation of judges and how many will be taken up at what time. That is, again, totally ridiculous, totally out of line, totally contrary to the great traditions of the Senate.

We are all, I think, proud to serve in the Senate, but this is denigrating to the Senate. We need to think of the reputation of the Senate. We need to show other countries, which have struggling democracies, that you can have a transition of power, and it can move very seamlessly and very smoothly and very appropriately, and not have something such as this lingering. What kind of example is this to set for other countries that have aspirations for democracy to see this kind of episode?

This is not our finest hour. This is an embarrassment. So I implore our colleagues, for the sake of the Senate, for the institution in which we have the pleasure and privilege to serve, for the Constitution, that we should work together, that we should have a smooth, seamless transition of power within our body, within our committees, and let's work together.

This is not a good start. The tradition of the Senate is, when we come back from election time, and we come back from Christmas break, and holidays, that we are in a good spirit, and that we shake hands, and that we put elections behind us and say we are going to work together for the good of the country. And, oh, yes, maybe in the second year, at some point—late in the second year—we will start worrying about elections.

Now it seems as if people are more worried about the elections. We have everybody announcing they are running for President, and Presidential elections are starting 2 years in advance. And the Senate is already somewhat in a quagmire, not even operating because some people think: Well, maybe we will be better off if we just

obstruct. We will not even let the committees organize. And I read that in an e-mail.

That is not the way to run the Senate. That is not the way to serve in the Senate. So again, I implore upon my friends—and I have many friends on the Democrat side—let's think of what is right for the institution, for this body, for democracy as a whole, and let's work together.

We have a lot of unfinished business to do. Maybe people do not want to do it, but we have 11 out of 13 appropriations bills that have not been passed from last year. We are already in fiscal year 2003. We have already finished 3 months of fiscal year 2003. We need to finish those appropriations bills. We need to have those amounts fixed so we can base that for the 2004 budget.

We have a lot of work to do. We have international threats, certainly in Iraq, possibly in Korea. We have a war on terrorism. We have a lot of work to do that is far more important than partisan gamesmanship. We need to think of what is important for our country. We ought to at least have a grace period where we put partisanship aside and where we work together for the good of the country.

I urge my colleagues, let's do what the tradition of the Senate has always done; let's reorganize now. Let's do it without objection. Let's work together. Let's finish some of our unfinished business. And let's work together to tackle some of the real critical problems we have confronting our country today.

Mr. REID. Mr. President, I want to, before the Senator leaves, quote the Senator, make a couple comments, and maybe have the Senator respond to a question. Would that be permissible to the Senator from Oklahoma?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield the floor?

Mr. NICKLES. I have not yielded the floor. I would be happy to yield the floor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Oklahoma and I have had the good fortune, at least from my perspective, of working together on a number of items while we have served together in the Senate. We had served together on the Legislative Branch Appropriations Subcommittee for a number of years. I think we did some good things for the institutions, both the Senate and the House. I enjoyed and have appreciated working with him. We also worked on the Interior Appropriations Subcommittee and, I think, did some good things for the country.

So the only reason I say this is that I have great respect and admiration for the distinguished senior Senator from Oklahoma. I have very rarely known him to speak anything that was not factual, but I would like to just bring one thing to the Senator's attention today that really was not factual.

This is not a direct quote but pretty close: Within a couple of days after an election there's always been a reorganization to take place—words to that effect. My friend said he was embarrassed because there has not been one that has followed this tradition during the 108th Congress.

I say to my friend, I know you have a good memory, so this must be something that you forgot, because during the 107th Congress, when we became the majority party, it took us 6 weeks to organize.

Now, I do not think that Senator FRIST—

Mr. NICKLES. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. NICKLES. That would be what year?

Mr. REID. The year 2001.

Mr. NICKLES. Correct me if I am wrong, but at what date did we pass a resolution announcing the chairmanships of the committees?

Mr. REID. Six weeks after Senator JEFFORDS changed parties.

Mr. NICKLES. No. Correct me if I am wrong, but in January of 2001, we passed a resolution quickly, announcing who would be committee chairs.

Mr. REID. I don't really know that. We had a lot of negotiations because it was a very unique situation. We had 50-50, of which the only time that happened previously, that I am aware of, was in 1880.

Mr. NICKLES. I did not serve in 1880. But I still believe that early in January we passed a resolution announcing who the committee chairs were. And I also believe—correct me if I am wrong; and I am happy to be corrected—after Senator JEFFORDS switched, we had an automatic transition of who was to be committee chairmen, and I believe that happened in June of 2001.

Mr. REID. From the time he switched to the time we, in effect, were able to go forward on the basis of the new majority, it took 6 weeks.

Mr. NICKLES. If the Senator will yield, again, I think he announced he was switching, but I think he delayed it until we passed the tax bill. As a matter of fact, if memory serves me correctly—and I am stretching it—I believe Senator JEFFORDS announced his intentions to switch, and some of us tried hard to dissuade him from that. I believe he also said his switch would not be effective until after we passed President Bush's tax bill, which took a few weeks, which we did pass; and I believe shortly after the conclusion of passing that bill, he did announce his affiliation as an Independent but his alignment with Democrats; and I believe—I may well be corrected—shortly after that, not when he announced his intention, but after he announced he would do that, after we passed the tax bill, there was a transition of power almost immediately in all the committees.

In the Jeffords case, it was a little different because that wasn't an elec-

tion, that was a switch, and that was not as a result of elections, that was a unique scenario. This is not a unique scenario. We have had 108 Congresses, and every Congress, until now, to my knowledge, after convening at the beginning of the Congress, has elected its chairmanships and assigned committee members. We have 10 new Senators—11, if you count Senator LAUTENBERG who haven't even been formally assigned to committees. I was scheduled to have a hearing with Chairman Greenspan. I will have seven new members on the committee, and we could not have them sit in on that hearing. How absurd is that?

I urge my colleague—I will refresh my memory on the Jeffords case, but let us work together. This is so unlike the tradition of the Senate. I see my colleague from Maryland here who I know has a love for this institution. This is denigrating to this institution and sending a terrible signal to those other countries that have fledgling democracies, to say, wait a minute, there was an election and a change in power but the Democrats are not relinquishing that power.

Mr. SARBANES. Will the Senator from Nevada yield for a question?

Mr. REID. I am happy to.

Mr. SARBANES. Since my colleague from Oklahoma is drawing me into this matter.

Mr. REID. If the Senator will withhold for a moment, I would like to respond to the statements made by the Senator from Oklahoma.

First of all, I agree; I think it would be tremendous if we could have this reorganization resolution passed 20 minutes from now. But it is more than chairmen appointing members to committees. I think turnabout is fair play. As Senator DURBIN said, the golden rule should apply here, and that is that we have the same status as when the Senate was 51-49 Democrats. It is now 51-49 Republicans. We will take the deal that we gave them, the same deal. We want the same makeup as when we were 51.

I agree that we should do something about appropriations bills. I agree that we should not have Presidential campaigns as long as they are. But the issue before the Senate is not that. The issue is, why can't we have the same rules that were in effect 3 months ago in effect today? Simply because the roles are reversed and we have a new majority, that doesn't mean the new minority has to take a lot less.

I yield to my friend from Maryland.

Mr. SARBANES. It is my understanding that what is holding up the organizing resolution is a difference in the course of organizing, how we allocate resources, and that all this side of the aisle is seeking, now that it is in the minority, is that we be treated the same way the other side of the aisle was treated in the last Congress when they went into the minority; is that not correct?

Mr. REID. The Senator from Maryland is absolutely correct. This matter

could be resolved, as I indicated a few minutes ago, in 10 minutes. The only thing we want is the same rule that applied when the Senate was 51–49 Democrats.

Mr. SARBANES. In other words, all we are seeking is that the majority now accord us as a minority the same treatment that we accorded to them when they were in the minority and we were the majority. That seems to me an eminently reasonable and fair thing to be seeking. I cannot, for the life of me, understand why we cannot quickly reach an understanding on that basis and move the organizing resolution.

Mr. REID. Mr. President, I respond to my friend because here is what they have done. They have a resolution before the Senate now that says what we want to do is appoint chairmen and members of the committees and we will leave the rest to further negotiations.

The Senator from Maryland is much more experienced than I. But the Senator from Maryland and I both know that if the chairmen and members are placed on the committees, this is all over with and the committees will wind up with far less resources and the ranking members will not be treated as we treated theirs. It will be a totally different ball game. We want to have the same ball game and the same rules as were applied when we were in the majority. That seems fair.

Mr. SARBANES. I say to the Senator, my understanding is that we have treated the organizing resolution as encompassing the allocation of resources in the past.

Mr. NICKLES. No, we have not.

Mr. SARBANES. We certainly did so in the 107th Congress. In the 107th Congress, when it came to that question and we became the majority, we accorded, I think, a very fair and eminently reasonable treatment to the minority, and that is all we are seeking in the current circumstance. I don't understand what the problem is or the difficulty in accepting that arrangement. That is what I don't understand.

Mr. REID. I will also interrupt and say this to my friend: One of the reasons this is going on—and we kind of beat around the bush and dance around it—the majority had a really serious problem after the election; that is, they were having trouble finding out who was going to be the Republican leader. Prior to Senator LOTT stepping down, Senator DASCHLE and Senator LOTT had a number of communications and conversations and meetings as to how they would proceed. That took weeks and weeks after Senator LOTT gave the speech we all know about now, and just recently they chose a new leader. It has put us behind. It is not our fault.

All we want is to be treated exactly the same—not one iota differently—as we treated them; that is, let's use the last 18 months during the 107th Congress as the model for how we should be treated today.

Mr. SARBANES. Will the Senator yield for a further question?

Mr. REID. I am happy to yield to the Senator without losing my right to the floor.

Mr. SARBANES. It is my understanding that there was, in a sense, a delay on the Republican side in terms of choosing their leader and then being in a position to discuss these issues with our leader, Senator DASCHLE. I have not raised the issue about that being a factor in the delay, but obviously it is part of the matter. But now that that has been resolved, it seems to me we ought to be able to reach a fairly quick agreement here if we simply abide by the concept of reciprocal treatment.

It seems to me that we tried very hard in the last Congress to be fair about this. I think we were fair and eminently reasonable. It seems to me a fair and eminently reasonable request now that the same treatment be accorded to us in the minority that we accorded to the minority in the last Congress. If we could accept what I think is an almost elementary principle, this matter could be settled, and could it not be settled in very short order?

Mr. REID. In a matter of minutes. The resolution before the body today makes the appointments for Republican members of the committees. That is all it does. It doesn't take into consideration all the other things that make this complicated body function, which is through the committee system. As anybody reading the basic text of how the Senate works knows, we operate through the committee system. We are not a committee of the whole. We work through committees.

We have tried to establish fairness in the distribution of resources and certainly membership on the committees. When there is such a close division between the majority and minority, one of which was caused by the death of Senator Paul Wellstone—he was killed, unfortunately—as a result of the very closeness of the Senate, 51 to 49, which it was just last year, why shouldn't we have the same rules dealing with committees now as we did then? That is the whole point.

I am happy to yield to my friend. I have the floor.

Mr. NICKLES. I yielded to my colleague.

Mr. REID. Mr. President, I will be happy to give him the floor.

Mr. NICKLES. If the Senator would.

Mr. REID. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I have a couple comments. One, I am going to be very strict when people start engaging in dialog and not going through the Chair. The Senate is a great institution. It is not a little chat club. I am warning my colleagues, they should go through the Chair.

To say that when we do a Senate reorganizing resolution, we are supposed

to solve staffing allocations, room allocations, and now blue-slip policies on appellate court judges, that is absurd. It has never been done.

In the last Congress, after the Jeffords switch, there was a reorganizing resolution. It did mention staff, and it should not have.

Mr. REID. Should or should not?

Mr. NICKLES. Should not have. That was the breaking of a precedent in every Congress of never mentioning the funding resolution.

Mr. President, 1977 was the first time funding was ever raised, and I do not believe it was part of the reorganizing resolution. It did say the minority should get one-third.

Mr. SARBANES. Will the Senator yield?

Mr. NICKLES. I will not yield.

Mr. SARBANES. Just for a question.

Mr. NICKLES. I will not yield. My point being, the tradition of the Senate has always been to adopt a resolution announcing the individuals serving on committees and that this person or that person will be chairman of a committee. That has always been the tradition of the Senate.

We broke tradition last year, and it was a terrible precedent to set because now if we are going to do a reorganization now, we have to negotiate wages, staff allotment, space allotment, and now people are trying to bring in blue slips. They are trying to drag in all kinds of issues so basically they can obstruct the Senate. That is absurd.

Let's pass the resolution as we have done for the last 200-some years in the Senate, and say: Here is the organizing resolution; here are the committees on which you will serve.

I have been in the Senate for 22 years, and that is what we have done in at least 21 out of the 22 years, and I would venture to say we did it 22 out of 22 years. The aberration being in the middle of last year after the Jeffords switch in 2001. I believe that was a mistake. Obviously, it was a mistake because we can have the Senate tied up in knots for weeks discussing all kinds of trivial issues that, frankly, should be decided by the Rules Committee, not by the Senate, not by reorganization.

Reorganization is assigning individuals as chairmen and new members of a committee so they can serve on their committees; so we can staff the committees; so we can have hearings; so we can have Chairman Greenspan today; so we can have hearings on nominees; so we can get our work done; so the chairman of the Appropriations Committee can bring forward the unfinished business; so we can move on and discuss space allotment.

We can discuss staff allotment, and we can discuss blue-slip policy in committees which have their work cut out to work on those issues. It should not be in a reorganization resolution. That was a mistake last year, in my opinion. It was the first time we did it, I believe—this is now my 23rd year—for 22

years we always adopted a resolution that said: Here are the committees.

Now people are trying to put on more bells and whistles: Before we do committees, we have to get this. That is absurd. That is designed to fail. That is designed to obstruct. That is designed to say: We are not going to let you chair this committee unless you give us our way on blue-slip policy. Now we are going to give Senators vetoes on circuit court appellate judges which we have never had? It is a case of maybe the minority not wanting to relinquish their majority or wanting to pretend they are the majority just to obstruct the majority that is trying to get some work done. It is really indefensible.

Again, I implore my colleagues who love this institution, let's work together. Let's adopt this reorganizing resolution. It does exactly what my colleague from Nevada said. It says: Here are the committee chairs; here are the members of the committees. The minority needs to adopt the same resolution: Here are the members of the committees. Then let's go to work.

The funding issue is not that big an issue. It is very close to being solved. The space allotment is not that big of an issue. It is close to being resolved. But it should not be resolved as part of this resolution.

This resolution says who will be committee chairs, and we should adopt it today. There is a lot of serious work that needs to be done. Let the Rules Committee do its work. That is what the Rules Committee is for, to divvy up space and work on allotments.

I worked with my colleague from Nevada, and I am very interested in being fair on space and being fair on committee allotments, but that should not be done now. What should be done now is to adopt this resolution so we can have a confirmation hearing on the nominee for Treasury Secretary and so we can have a hearing on the nominee for the Department of Homeland Security, so we can have Chairman Greenspan testify before the Committee on the Budget about the economy so we can move our Nation's business forward, so we can take up the appropriations bills and try to get caught up on some of the work on which we are behind.

It is absurd to tie it to getting this and that; we did it last year. Last year was unique, and maybe we did not solve it right. Let's look back at the tradition of the Senate and at all those struggling democracies around the world. They look to us with great pride. When they visit the United States, they love to come to the Senate. They want to see a functioning democracy.

In my years in the Senate, we changed power, we changed chairmen several times and always did it smoothly and seamlessly, but this year we are not, and that is not a very good example for us to set.

I urge my colleagues, let's step back a little bit. Let's move off this partisan

excitement in which people are engaged, and together solve some of these other problems behind closed doors, as we usually do, in a way that is satisfactory to all. We can do that. To say we are going to filibuster this resolution and you can never be chair until we do such and such—frankly, I find it demeaning to the Senate. I do not want to say that. I do not want it to happen. I love this institution, and this situation is denigrating to this great institution. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I listened with great care to my colleague from Oklahoma, and I certainly agree with his point about seeking to sustain, maintain, and enhance the institution of the Senate. But I say to my colleague from Oklahoma, I am going to be the ranking member now of the Banking, Housing, and Urban Affairs Committee. That is a consequence of the elections that took place in November, and I recognize that. But our ability to do our job in the committee is closely related to receiving adequate resources and staff resources with which to carry out our responsibilities.

Unfortunately, that issue has been put in some question. I do not quite know why this has happened, although I understand there are some on the other side who want to really do a very radical shift from the allocations in the previous Congress when the margins were so close. Of course, that has created a lot of concern and apprehension about the ability then of the minority to meet and carry out its responsibilities.

I cannot, for the life of me, understand why we cannot in short order reach an agreement that would be encompassed in this organizing resolution that the allocation of resources to what is now the minority would parallel the allocation that was made by this side of the aisle when it was a majority to the Republican minority in the last Congress.

I do not understand what the difficulty is with that position. Of course, the fact that there seems to be some difficulty only increases the degree of concern in terms of what lies in wait.

Mr. NICKLES. Will the Senator yield?

Mr. SARBANES. And only reaffirms what is perceived as a need to work this matter out in the course of organizing for the 108th Congress.

Mr. NICKLES. Will the Senator yield for a comment?

Mr. SARBANES. I yield for a question without losing my right to the floor.

Mr. NICKLES. I do not want to get into the funding because I do not believe it belongs in this resolution, but my understanding is that the offer the majority leader has made is that the committee is going to be held whole, that the amount of staff money for the Banking Committee would still be there for the next Congress, so there

would not be a radical shift; there would be ample funds. I wanted to make sure the Senator was aware of that.

I ask the Senator if he is aware of the fact, not counting the last Congress, that in every Congress going all the way back to 1993, Banking traditionally had a two-thirds/one-third, but the majority leader is not talking about going back to two-thirds/one-third; he is basically talking about giving the same amount of money that was allocated last year.

Mr. SARBANES. Let me say to my colleague, as a consequence of what occurred in the 107th Congress and the very close divisions that took place, and indeed the assertion by what was then the Republican minority of the necessity of protecting their staff positions, we developed a new understanding with respect to the allocation of resources, something that many Members have been arguing for over a number of years. So the position that is being advocated by this side is simply reciprocity on the basis of what was done in the 107th Congress.

In fact, I ask my distinguished assistant leader, am I correct that what is now being sought by the minority is reciprocity in terms of being treated in the 108th Congress as we treated the minority in the 107th Congress? Is that correct?

Mr. REID. The Senator is absolutely factually correct.

I further say to my friend from Maryland that my friend from Oklahoma talks about blue slips. We just attended almost a 2-hour conference and there was no decision made that this would be part of the organizing resolution. There is an issue going on about leadership space, but that has nothing to do with this organizational resolution.

So in answer to my friend, all this stuff about blue slips and space has nothing to do with the organizational resolution. All we want is to be treated the same way we treated the minority when we were in the majority—simple, direct, factual.

Mr. GREGG. Will the Senator yield on that point?

Mr. SARBANES. I yield for a question.

Mr. GREGG. Is it not true that the resolution before the Senate has nothing to do with money either; that it simply deals with the appointment of Members to the committees and the chairmanships of those committees?

Mr. SARBANES. That is what the resolution is, and that is the basis of the complaint. It is our assertion that the organizing resolution ought to at least encompass the allocation of staff resources and that the minority now should receive a treatment on that issue comparable to and paralleling what the other side of the aisle received when they were in the minority in the 107th Congress.

Mr. GREGG. Will the Senator yield for a further question?

Mr. SARBANES. Certainly.

Mr. GREGG. Is it not true that the resolution, as brought forth by the majority leader, is consistent with all the resolutions that have been brought forward in the last 10 Congresses relative to the language in that resolution specifically applying only to the membership of the committee?

Mr. SARBANES. It is not consistent with the resolutions brought forward in the 107th Congress when we first encountered this very close division between the two sides of the aisle.

Second of all, even if it is inconsistent, it seems to me, given what we are hearing in terms of what at least some Members on the other side—not all of its Members, as I understand it, but what some of its Members intend to do in terms of staff allocation, it seems to me perfectly reasonable, since our ability to carry out our responsibilities as a minority is closely related to that question, for us to seek an understanding and an agreement right at the outset on that very important issue.

Mr. GREGG. Mr. President, will the Senator yield for a further question?

Mr. SARBANES. Certainly.

Mr. GREGG. Is it not only the tradition but the legally appropriate action that in a constitutional democracy, where there are two major parties, when a majority takes control of a body within that constitutional democracy, the committees be chaired by the majority party?

Mr. SARBANES. Under our constitutional system, we recognize the rule of the majority but we protect the rights of the minority. That is a fundamental principle of the U.S. Constitution, and indeed it has been a fundamental principle in the operations of our various institutions under the Constitution.

No one is arguing the proposition of who will become chairman of the committees, I recognize that, but we are asserting that in the course of making that decision, we need to make also the decision with respect to the allocation of resources for staff, which is an important dimension of both the majority and the minority being able to discharge their responsibilities in the operations of this institution.

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

Mr. SARBANES. I yield for a question.

Mr. REID. The Senator from Maryland raises a most important issue. When I speak to townhall meetings and especially when I speak to government classes—high school, even elementary school, and college classes—whenever I am asked about the Constitution, I always say what my friend from Maryland said—that the Constitution was not written to protect the majority; the Constitution of the United States was written to protect the minority. The majority can always protect itself. Rules, regulations, and laws that flow from this little document are so devised to protect the minority, and that is what this is all about.

That is why I felt so at ease during the last Congress—because we protected the minority; we did not run over the minority. In fact, their resources were allocated almost identically to what ours were because the Senate was divided 51 to 49. As the Senator from Maryland has said several times today, that is all we want. We want to make sure that the resources are allocated just like they were in the last Congress.

Mr. SARBANES. In fact, when the Senator from Oklahoma was speaking, he was making the point how people would come from other countries, particularly fledgling democracies, to see the Congress of the United States, particularly the Senate, and how we wanted them to draw the right lessons from seeing the Senate. One of the most important lessons they need to draw in the fledgling democracies is the necessity of respecting the rights of the minority. In instance after instance, they have been prepared to exercise the majority rule but they are unwilling in these emerging democracies to accord proper respect to the minorities within them which, of course, are also an essential part of making a democracy work. That essentially is all we are seeking to do in this instance.

I repeat what I said before. For the life of me, I cannot understand why we cannot reach agreement in short order since what this side of the aisle is seeking is simply reciprocity, seeking to be treated now as the minority the way we were willing to treat the other side when they were in the minority in the last Congress.

Mr. GREGG. Will the Senator yield for a further question?

Mr. SARBANES. I will yield for a further question.

Mr. GREGG. It will be the last one. I agree with the purposes of protecting the minority. That obviously is one of the core elements of our structure of government. My question is this: Under a constitutional government that has a two-party system, when there is an election, is it not appropriate and, in fact, an obligation of a majority which loses its majority to turn over the chairmanships of the committees which operate that government and operate that house to the party which has taken the majority? And is it not the sole purpose of this resolution to accomplish that goal, to establish the committees, and thereby establish the majority party as having the chairmen of those committees? And why is the minority not respecting this understanding of our form of government? Why deny the ability of people who assume the chairmanships of the committees as majority Members of the party?

Mr. SARBANES. It is very simple. We think the compass within the organizing resolution would be an assurance of what is now the minority in terms of the allocation of resources so we will be able to meet our responsibilities. We are not asserting the majority

will not assume the chairmanships of the committees. Obviously they will do so. In fact, I stood out here a little while ago and said I recognize now I was on my way to being the ranking member instead of the chairman of the Banking, Housing and Urban Affairs Committee.

We are simply saying, and it goes right to the point the Senator raised about the workings of the institution, part and parcel workings of the institution is to include within the organizing resolution an understanding with respect to the allocations, particularly since Members of the majority—not all Members, but some Members of the majority—have been very outspoken in asserting a position that would significantly deny to the minority adequate resources to meet its responsibility and which is directly counter and in marked conflict with the way the majority was treated in the last Congress when they were a minority.

Mr. GREGG. Would the Senator state to me, at this time is the Senator the ranking member of the Banking Committee or is the Senator the Chairman of the Banking Committee?

Mr. SARBANES. At the moment I am still the chairman because we have not passed the organizing resolution. I am quite happy to pass an organizing resolution which will make me the ranking member, but I want that organizing resolution to contain in it an understanding with respect to the allocation of resources so I can be certain we will be able to meet our responsibilities; furthermore, an allocation of resources comparable to what is now the majority received in the previous Congress when they were a minority.

I don't understand why the other side of the aisle will not accord to us now the same treatment, the same fairness, and the same equity which they received in the previous Congress. Why won't you do that? I ask that question. Why won't they do that? If they were to do that, we could conclude an organizing resolution in very short order.

In fact, I ask our assistant leader, is it not the case if we were able to receive the same treatment on this allocation of resources issue we extended in the last Congress when we were the majority, that we would be able to wrap up the organizing resolution in short order?

Mr. REID. Ten or 15 minutes.

Mr. GREGG. If the Senator will yield for one last question, the Senator from Maryland has now declared himself the chairman of the committee.

Mr. SARBANES. If the Senator will yield, I didn't declare myself; it is still the operating premise since we have not passed a new organizing resolution.

Mr. GREGG. Is the Senator from Maryland in the majority party in this body?

Mr. SARBANES. I am no longer in the majority party, but the organizing resolution to reflect that fact has not yet been passed.

Mr. GREGG. You made my point.

Mr. SARBANES. I have been careful in the committee not to exercise authorities as chairman.

But I repeat my question that goes to fairness and equity. I cannot for the life of me understand why what is now the majority in this body will not extend to the minority the same treatment we were prepared to extend when we were the majority and the other side was in the minority in the 107th Congress. That is all we are seeking—reciprocity. If we could obtain that, we could conclude this organizing resolution in short order.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ALLEN. Mr. President, I wish to make a few observations after listening to this debate.

When I came to the Senate and watched procedures and arguments, I came fairly quickly to the conclusion I never wanted to become accustomed to the way people think in Washington. In listening to this debate and wondering why we cannot vote on Senate Resolution 18, which very simply states who the chairmen are of the various committees and also determines who the Members are from each party on those committees, not an unfair but a very fair allocation of committees and spaces and seats on the committee based upon proportional representation. It is 51–48 plus 1, so, one extra seat, for the majority, the Republicans.

What is getting missed is representative democracy. Being from the Commonwealth of Virginia, the home of James Madison, who wrote and authored the Constitution of the United States, to listen to the assertions of some on the floor from the other side of the aisle about the Constitution and all of their arguments in thwarting the vote on chairmanships and committee assignments so we can go forward on issues that matter to the real people in the real world in America, they say it is the Constitution that protects minority parties over majority parties.

George Washington's farewell address warned against political parties. The Constitution was not created to protect political parties. James Madison, and our Founding Fathers, put forward the Constitution to protect the rights of the people, to protect their God-given rights. To talk about the Constitution as a defense for this obstructionism and this delay and dilatory practice would have James Madison stating this is a shameless, dilatory dilemma. It is holding up the business of the people of America. People recognize there are issues and ideas and measures that should have been acted upon last year—whether they were

funding bills, or whether they were a variety of other issues. You can talk about improving Medicare with the prescription drug plan. It may be we need greater—and I agree we need greater—energy independence. I believe we need to make sure we have a more prosperous economy with tax policies and regulatory policies that allow more people to get work and get jobs for themselves and their families.

I very much support the President's ideas as far as the job creation and economic growth packages. There are other ideas on education, on a variety of issues, including partial-birth abortion. It is all being stopped because of this delay.

We talk about elementary civics with the school groups that come up and watch, people from around the world. They see the peaceful transition of power in this country. They see the people in the several States of the Union elect Senators and, as a result, there are a majority of Republicans. Now the people of this country expect a new leadership to go forward on a variety of issues, as I talked about, whether it is jobs, or health care matters, budgetary matters, or funding.

We are a representative democracy and people have seen the transition of power from the local level of mayors and boards of supervisors on up to State legislators to Governors, to Presidents. This is a very unfortunate situation, that we sit here idly, worrying about some of these very pica-yune procedures.

I ask my colleagues on the other side of the aisle, let's have a vote on S. Res. 18. I would like to see a vote because then those who vote will take whatever stand they want to take on it. They can say: I didn't want to be in favor of it because, whether it is office space or funding for staff, that can get worked out in the future; let's get moving with the business of the American people. What they want us to do is move forward on a variety of pressing issues, from national security to economic security, that affect the lives of real people in the real world. Bickering over such petty things as office space and staff allocations is beneath the dignity and the importance and the authority that is granted to us by the people of this country.

Mr. President, let's act. Let's move forward. Stop the dilatory practices and let's act in a responsible manner.

I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. No, the Senate has under consideration S. Res. 18.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

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

Mr. DORGAN. Mr. President, perhaps before I do, I should indicate I am a little bit perplexed about the debate going on here on the floor of the Senate on the funding or the reorganization resolution dealing with the 108th Congress, and especially the Senate. It seems to me the question of how much money shall be allocated to committees to run the operations of the Senate around here ought not be difficult to resolve.

In the last Congress we had 51 Democrats, 49 Republicans, and we had an even split with a slight differential for administration.

Now we have 51 Republicans and 49 Democrats. It seems to me we ought to have exactly the same split as we did in the last Congress, just in reverse. I don't understand why the majority now will not do for the minority as we did last year when we were in the majority for the Republican side. It doesn't make any sense to me. This ought not be rocket science trying to put this together. It is about fairness. We ought to have exactly the same circumstance we gave to the Republicans in the last Congress.

It is unseemly to me we are having this lengthy debate about it. We have foreign policy questions and challenges in Iraq and Korea and elsewhere. We have very significant challenges with respect to the economy in this country. Now we are being told by the majority: Unless you agree to conditions we would have considered unfair—speaking now for them—in the last Congress, we will not move forward on a resolution that funds the committees of this Congress.

Our side simply says: Why don't you do for us what we did for you? Is that unfair? I wouldn't think so. Do unto others? Do we understand about this? All we are asking is we have the same kind of agreement we had in the last Congress. For whom is that unfair? Who decides that is unfair?

It was fair in the last Congress for the Republicans who were in the minority. It was fair to them because we made sure it was. Now they are saying they need more than that now they are in the majority. They will not give us the same deal we gave them.

We have a lot of problems and a lot of challenges. It seems to me the new majority leader would be well advised to come to the floor and provide the same kind of agreement we had in the last Congress. That is all we are asking. If it was fair for them when we did it to them—and it was—then it ought to be fair for us, and we ought to suggest that is the resolution to bring to the floor of the Senate.

I know there is a lot of genuflecting around here about this. There is a lot of background noise about it. The fact is, we ought to get this done, get it

done fairly as we did a year and a half ago, and then move on to the other business of the Senate.

THE ECONOMY

Mr. DORGAN. Mr. President, one of the challenges we face in this Congress is trying to find a way to stimulate the economy. Frankly, if we do not move at some point, and move rather rapidly, we are not going to do what I think the American people deserve to have us do and that is to try to put this economy back on solid footing—one towards economic growth and opportunity.

Back at the start of this century there was a fellow, I believe he was from Iowa. His name was Joe Connely.

He actually decided to make a living by something he saw when he was a kid. His dad took to him an event in Texas when he was a little boy. It was an event in which a promoter took two railroad locomotives and ran them together and created a train crash. People actually paid to come to see it. Joe Connely thought this was a great deal: If you can get people to pay to see a train wreck, I am going to get in the business of creating train wrecks. So he did. He went and found old locomotives, and he had people lay a track at a town fair. He would run these locomotives together and create train wrecks. They called him "Head-On Joe Connely." His business in life was to create train wrecks. Joe died, I believe, in 1936. But his spirit still lives—at least here in some nooks and crannies of the Senate—with people who design and want to create a train wreck, whether it is on funding, or economic packages, or other things.

But much more important than creating a train wreck is to lay some track and do it someplace where we want this country to be able to see.

Let me describe what I think we ought to do. The President says that we have trouble in our economy. Indeed, we do. When you take a look at what the American people face in this economy, it is pretty obvious.

In 2002, 82,000 more Americans were unemployed in December than in November. In December, 82,000 people came home and said to their families: By the way, dear, I lost my job. The men and women who lost their jobs had to come home and tell their families that they were no longer employed. It wasn't a fault of theirs, it was that their companies were contracting and eliminating jobs. The economy is soft and over 80,000 people had to tell their families that they lost their jobs. Some 8.6 million Americans were unemployed in December. 2.6 million more Americans are unemployed now than when this administration took office.

What do we do about that? It seems to me we need to try to put the economy back on track and to stimulate the economy some. The President says let us have a tax cut of \$670 billion over the next 10 years. I think that is manu-

facturing a train wreck. We have a huge budget deficit staring us right smack in the face. If we are to do a tax cut, I think we probably should try to stimulate the economy in the short run. It ought to be a 1-year tax cut which would really stimulate the economy. A tax cut of \$670 billion over 10 years, the centerpiece of which is to exempt all dividends from taxation, is not going to stimulate the economy. It doesn't have anything to do with stimulating the economy.

So what should we do?

I put together some thoughts which I think represent the kind of plan we ought to consider. I think we ought to have a tax cut for 1 year, a plan that does in fact stimulate economic growth and encourage people to create new jobs. I think one of the best ways to do that is to provide a one-time tax rebate. I would propose it be in the neighborhood of \$500 per individual and \$1,000 per couple. It is a tax rebate that we know works, by the way, because that rebate goes into the pockets of the working Americans and then it is spent. That spending represents an absorption of capacity in the economy and the creation of economic growth.

In addition to the one-time tax rebate, I would propose a 10-percent investment tax credit on new equipment purchased by December 31 of this year for manufacturing and production. That, I think, is also stimulative and would encourage the kind of activity that can lift and provide economic growth.

In addition, I would—as President Bush has suggested—increase small business expensing to \$75,000. But again, I would limit it to 1 year.

I would allow individuals to exclude up to \$250 of dividends and interest income. I would up that amount to \$500 for married couple. Finally, I would include in a stimulus package the agricultural disaster bill for family farmers that we have already passed here by a wide bipartisan margin in the Senate.

This is a 1-year plan that is affordable. A 1-year plan to try to stimulate the economy makes sense. There is not much stimulus in the Administration's 10-year plan of \$675 billion that puts less than 10 cents on the dollar back into the economy in 2003. There is not very much there to stimulate the economy. The number of dollars of that plan for 10 years will be borrowed. We would be borrowing from our kids in order to create a plan that would transfer wealth to the upper income folks in this country. That doesn't make much sense to me.

Here are the numbers with respect to the President's plan. Those who have \$1 million in income and more, on average, will receive an \$88,000 per year tax cut under his plan. I don't know; it seems to me that at a time when we have very large Federal budget deficits staring us in the face, that is not the kind of thing we want to do.

Just about a year and three-quarters ago, we had this debate on the floor of

the Senate about what kind of a tax cut we should have. At that time, the administration said: We have an economy that is flowing along. We have a country that is blessed with economic health. We have an estimated budget surplus as far as the eye can see. We propose a \$1.7 trillion tax cut over the next 10 years.

Some of us said: Look. We think we ought to have a tax rebate. I proposed a rebate then and some other tax cuts. But we think it is unwise to believe that we can see 5 months or 5 years or 10 years down the road. What if something happens? What if these budget surpluses don't materialize? We were washed away. We were just swept away. Nobody cared much about that argument. Do not be conservative about this—just understand that we are going to have surpluses that last forever.

The Congress passed a very sizable tax cut. I did not vote for that tax cut, although I supported a tax rebate.

Mr. President, I ask unanimous consent for 5 additional minutes.

Mr. KYL. Mr. President, I wonder. Some of us have been waiting. Would the Senator make it a little bit shorter?

The PRESIDING OFFICER. I take that as an objection.

Mr. KYL. I don't want to object to the Senator's request.

Mr. DORGAN. Mr. President, I asked consent to speak in morning business. Perhaps I should not have done that. I simply should have spoken about the underlying resolution. I hope I can perhaps use 5 minutes in morning business. If the Senator has a time deadline, I will be glad to truncate mine and then he can be recognized following this Senator's presentation. How long does the Senator intend?

Mr. KYL. Mr. President, I have no objection to the Senator's request for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has 5 additional minutes.

Mr. DORGAN. Mr. President, the point I was making was that roughly a year and three-quarters ago when the very large tax cut was proposed by the administration and embraced by Congress, it was anticipated that we would have surpluses forever. It was anticipated that these wonderful surpluses were really good economic news and they would last not only for a decade but much more.

Then, in a very short period of time, we had the following. We had an understanding that the country went into a recession. In March of 2001, we were told that the country went into a recession. Then, on September 11, we had a devastating terrorist attack in this country that blew a hole in the belly of this economy, along with the recession. Then we had the war on terrorism that ensued. Then we had corporate scandals. I think they were the most significant and perhaps the worst corporate scandals in this country's history.