

All of these things converged at the same intersection, undermining the confidence the American people had in this country's economy. The warning, some of us suggested, should have been heeded because there are economic expansion periods and contraction periods. The fact is that we went into an economic contraction, and those anticipated surpluses are now gone, replaced by very large projected budget deficits.

I know there are some who come to the floor and say the deficit last year was \$159 billion. It is not. The deficit last year was really \$318 billion. The only way someone can say \$159 billion is if they take the money out of the Social Security trust fund and use it for operating the budget and then show a lower budget deficit. That is what they do when they come to the floor of the Senate.

Fast forward to January 2003. The President says: Yes, now our economy is in some trouble. I have a proposal. The proposal is a \$670 billion tax cut over the next 10 years.

I don't know where he gets the money for that. You borrow it from the kids, I guess. But the fact is we are fighting a war against terrorism which required us to increase defense spending by \$45 billion last year alone and increases in homeland security to the tune of \$25 billion to \$30 billion. Is there anyone suggesting that anybody is paying for any of this? No. The President is suggesting, as the tonic for America, large tax cuts. These tax cuts would go on for 10 years and will be paid for by our children in the form of additional borrowing that they will be responsible for in order to give the highest income earners in the country—particularly those who have very large dividends—big tax cuts.

I come from a small town. I went to a small school and had a high school class of nine. They only teach arithmetic one way in this country. None of this adds up. It just does not add up. So I think we ought to start over.

Do we need to do something to stimulate this economy? The answer is yes. Should we put this country deeper in debt? Should we drink more of the tonic that helped us get into this trouble? The answer is no. What we ought to do is be thoughtful. What we ought to do is join in bipartisan agreements to say: Let's stimulate the economy, in this year, to give it some lift, put it back on track, to produce more jobs and more opportunity.

We will not do that by borrowing \$675 billion in the coming 10 years, adding it to the Federal debt, saddling our children with that additional responsibility. We will do that if we are thoughtful, by providing, for example, a rebate to the American taxpayers on a one-time basis, perhaps an investment tax credit, on a short-term basis, for business investments in capital equipment and capital goods. We will do that if we make the right choices.

But I tell you, the wrong choice is to go back to the old formula that was

foisted on this country over a year and a half ago by those who said: Don't worry. Don't worry. Times are good, and they will last forever. They did not. And now our responsibility, in my judgment, is to put this back on track with a plan that will work, one that is thoughtful, and one that respects the need to come up with the money to pay for these initiatives of ours, and, as Franklin Delano Roosevelt said, to give us the privilege, as Americans, to meet our responsibilities, yes, during times of national crisis.

So I say to President Bush, and to my colleagues on both sides of the aisle, I really believe we need to do something, but we need to do the right thing, most importantly. I hope, as we begin to debate this issue of an economic stimulus, of putting the economy back on track, we can find a thoughtful, aggressive way to do that without breaking the bank and without saddling our children with more debt.

Mr. President, I yield the floor.

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

MAKING MAJORITY PARTY APPOINTMENTS—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, the American people must be wondering what is going on in the Senate today. They frequently see us just talking. We do a lot of that. But sometimes they see a little action on the Senate floor. And, of course, other than extending the unemployment benefits, we have done nothing in the Senate since we reconvened at the beginning of this year.

Why is that so? Why is it that we have been having this squabble on the floor of the Senate for the last 24 hours or so, accusing each other of not wanting to get on with doing the Nation's business and the constructing, getting on with that business?

People have asked me: Why can't you all get along? Why can't you resolve what appears to be petty disputes and get on with the Nation's business?

One person said: Didn't we elect you to the majority? He was talking about me as a Republican Senator. So I had to explain what the situation was. I said: Yes, as a matter of fact, last November the news was full of the fact that, for the first time in a long time, Republicans were supposedly in control. The Presidency was occupied by George Bush, and the Republicans were to control both the House of Representatives and the Senate.

But he said: Well, then, why aren't you getting going? Why aren't you doing things? I said: Well, there's a little problem; that is, as you know, in Congress most of the work is done in committees, and the Democrats, who had controlled the Congress for the last year and a half, have been unwilling to turn over the gavels to the new Republican chairmen.

My friend said: That's not possible. This is the United States of America.

You Republicans won the election. Just take them.

I said: Well, it's not quite that simple. It is kind of like the old phrase: Possession is 99 percent of the law. The Democrats are in possession of the gavels. They are currently considered to be the chairmen until we do a very simple thing in the Senate. Usually it takes about 10 seconds. The majority leader asks unanimous consent that the list of Republican Senators assigned to these committees be accepted, with the committee chairmen as indicated. The Democratic leader does the same thing for the Democrats. And then the Senate is considered organized. The new Senators have their committee assignments, the chairmen are noted, and we get to work. But that has been objected to on the Democratic side. They want to hold on to the gavel a little while longer, even though in the election last November they lost—supposedly lost the majority control of the Senate.

My friend said: Well, how can they prevent change? I thought you were in control.

I said: Remember that in the Senate we have a procedure called the filibuster, and in order to stop debate and force a vote on our organizing resolution—or committee resolution, it is called—it takes 60 Senators to agree to force the vote. It only takes 51 to adopt the resolution, but 60 Senators are required to actually force the vote; otherwise, you have to just keep talking. And that is what we are doing right now.

Obviously, with the Senate organized at 51 Republicans and 49 Democrats—unless some of our Democratic friends would be willing to concede that the election was won by Republicans, and be willing to turn the gavels over to the Republican chairmen—if they want to stick in their partisan mode here, at 49, they can continue to keep us from voting on this resolution and, thus, continue to have control of the committees.

Well, why is this important? Things my colleague was just talking about a moment ago: The budget and getting on with the President's economic growth package are a good illustration.

For the first time in the history of the Senate, since the Budget Act of 1974, last year, when the Democrats were in control of the Senate, they failed to pass a budget. And the appropriations bills, except for the Defense bills, were not passed. That is unfinished business from last year we have to hurry up and do. The President would like to see that done before his State of the Union speech. We have to get on with that. We cannot do it if the Appropriations Committee cannot meet, pass out a resolution, and get it to the floor so we can debate it.

We have judges who have been waiting for almost 2 years now to be confirmed by the Senate because they have been held up by the Democratic Senate. We need to get on with that. And there is other important business.

The point is, we ought to get on with it and stop this squabbling. What is it that is really at the bottom here? What is the complaint? What is the Democratic objective? It is a little hard to tell.

Part of it, I suppose, is just delay for delay's sake. But part of it also has been indicated by those who say: We want our fair share of money and office space. This may seem pretty petty to people watching, but it is true that both sides need to have money for their staffs and operations. The majority leader has been negotiating in good faith on that, and he says they are very close to getting that issue resolved. But that does not have to be resolved today. The funding resolution goes on until the end of February. So we could easily get the committee process started, exchange positions so that Republican chairmen would have a gavel, get on with the Nation's business in the committees, and continue to work to resolve the issue of funding, such as that issue may continue to exist.

Democrats have talked about the comparison to the middle of the year switch in parties when JIM JEFFORDS, a Senator from Vermont, left the Republican side, became an Independent, and joined the Democrats. The day that happened, Republicans turned their gavels over to their Democratic counterparts to let them run the committees, recognizing the power had now shifted in the Senate and they were now in the majority.

It took another several weeks to get all the funding issues resolved, but they were resolved. We have that same amount of time here, so we can go ahead and give the gavels over to the Republicans to chair the committees and continue to negotiate the funding issues. We have several weeks yet to get that done. There is no reason to continue to delay this process.

So I urge my Democratic colleagues to stop the squabbling and act like the world's greatest deliberative body that the Senate is often called. Instead, we look more like some Third World country where the losing party did not want to turn over control to the party that won the election. And that is just not acceptable in the Senate of the United States of America.

So I urge my colleagues to agree to turn the power over to the party that won. Then we can continue to try to satisfy their requirements with funding. We want to do the Nation's business.

Mr. McCONNELL. Will the Senator from Arizona yield for a question?

Mr. KYL. I am happy to yield.

Mr. McCONNELL. Will the Senator from Arizona agree with me that, unquestionably, the beginning of the previous Congress was the most complicated situation we have had in Senate organization, having ended up with a 50-50 tie for the first time since the 1880s?

Mr. KYL. Yes. The first time, I guess, since the 1880s; that is right.

Mr. McCONNELL. I would point out to my friend from Arizona, the Congress was sworn in on January 3 of 2001, the beginning of that dead-even Senate, and 2 days later this complicated organizational resolution, which our friends and colleagues on the other side, in effect, want to continue into this Congress, was passed—2 days.

The reason for that, obviously, is that we had known since the election what was going to happen and we were working long on it. We have known since November 5, 2002, what was going to happen. I have heard on the other side it was 6 weeks, but in fact there were 24 days after Senator JEFFORDS switched to get the resolution passed. But the chairmen switched almost immediately. I handed my gavel over to Senator DODD, Senator BENNETT handed his over, Senator BOND did; I believe everybody did, including Senator KYL.

We have known now for 70 days who was going to be in the majority—70 days. It seems to this Senator that we have had adequate notice for quite some time who was going to be in the majority and yet we have killed a week in failing to address the people's business from last year because of an apparent unwillingness to recognize who is in the majority around here.

Mr. KYL. I respond to my colleague from Kentucky that in the last five Congresses we have organized the Senate on January 3, January 5, and January 7. The very latest date was January 9. We are already a week beyond that, and the week has, in fact, been wasted except for a very quick passage of the unemployment compensation benefit, which shows what we can do when we get down to work here.

The history is that we do this very quickly, even in the most complicated circumstances, as the Senator noted, when we were 50-50 and had a lot of issues to try to resolve. That gets back to my point that there is no reason to hold up the exchanges of the gavels, a routine matter that recognizes who won the election, simply because there is still some disagreement about whether the money is going to be split—I don't even know—57/43, or whatever the numbers are.

Mr. McCONNELL. Particularly since the funding resolution goes until the first of March.

Mr. KYL. Precisely the point. So unless there is some other ulterior motives—and I never ascribe motives to my colleagues and they can explain their own actions—the result of this is delay, though, and given the fact that we have unfinished business from last year because of the Democrat leader's inability to pass a budget and get appropriations bills passed, we are already behind schedule.

We are in a war with terrorists. There could be a military conflict with Iraq. The President has an economic agenda that the American people are very interested in because it affects both their families and the economy as a whole. My constituents want Medi-

care reform and a prescription drug benefit to go along with that so we can strengthen and preserve Medicare. We have a lot on our agenda, and this delay is not helping the American people and there is no reason for it. That is why I, again, urge my Democratic colleagues. We are not saying this in anger or in a partisan tone, I hope, but it does not serve the interests of the American people, and it certainly blemishes the Senate to be unable to organize, to simply recognize which side won the election. Let this side chair the committees so we can get on with the other business of the day. That is the inevitable result of what is happening here.

I urge my colleagues on the other side of the aisle to recognize that fact. It doesn't make them look good, it doesn't make the Senate look good, and it is bad for the American people. I hope we can get the resolution adopted quickly and get on with the business of the American people.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I thank the Senator from Arizona for his comments. Before he leaves the floor, I will make the observation that in addition to not being able to address the unfinished business from last year, because we don't have committees approved, we have Senators from 11 States who have no committees at all. They were duly chosen in an election last November. A week ago today, they took the oath of office here at the front of the Chamber and became Senators. A week later, they are still not on committees.

Now, it is almost impossible for a Senator to represent his constituents if he or she is not on a committee. So we have, in effect, disenfranchised those 11 States for a week. There is no crisis to address if the committee funding resolution doesn't expire for some 7 weeks from now. There is no reason to be doing this, other than an apparent attempt to fail to recognize the results of last year's election.

So we have, I say to my friend from Arizona, Senators from Alaska, Arkansas, Georgia, Minnesota, Missouri, New Hampshire, New Jersey, North Carolina, South Carolina, Tennessee, and Texas who have all been sworn in and have no committee assignments whatsoever.

This is the United States of America. We had an election. All of these new Senators have been certified and they are entitled to be effective Members of this body representing their constituents. Our failure to act makes that impossible.

There has been a lot of discussion about committee funding. Really, that is not the issue before us in this resolution before the Senate today. This is simply a resolution ratifying committee membership of Republican Members of the Senate. Traditionally, Democrats offer a similar resolution putting their members on committees.

What has gotten all mixed up in this, apparently, is the whole question of what kind of committee funding ratios there are going to be. There was a very revealing article in Roll Call before the November election in which—it was on October 31—a senior Democratic aide said it was “an extraordinary circumstance that forced them to continue the equal funding.”

I agree with that, both in the beginning of the 107th Congress and after the defection of Senator JEFFORDS. Both were extraordinary circumstances. Here you have a Democratic aide stating the obvious, with which I agree. It was an extraordinary circumstance that forced continuing funding at that level in the middle of a Congress when they suddenly became a majority. But the same aide stated that “if we pick up a seat or two, I think it is without a doubt we would go back to two-thirds/one-third,” which is right before the election of last fall. “If we pick up a seat or two . . . we would go back to two-thirds/one-third.” It is quite stunning how accurate Roll Call’s predictions were. They predicted that if the Democrats were to lose a seat, which is indeed what happened, they would fight for equal funding, which is where we find ourselves today.

The funding issue is not before us in the Senate today. This is about ratifying the results of last November’s election. The majority leader has laid down a committee resolution that would give the Republican Members of the Senate an opportunity to serve on committees, so that they can represent the people they were sent here to represent.

I hope we will be able to resolve all of this amicably. It has gone on entirely too long. We have been doing this for over a week. Of course, it has been tougher on the majority leader than anybody else because he spends an endless amount of time each day discussing it. I hope we are beginning to see the light at the end of the tunnel and may be able to resolve this matter in some kind of amicable fashion, hopefully before the day is out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I can remember when I was in the House of Representatives, the legendary Mo Udall came to a meeting. He was chairman of the Franking Commission. There was a big dispute as to a franking issue. Members of the House paraded in and it went on for a long period of time. Mo Udall, in only the way he could do it, kind of—how would you describe how he walked? It was kind of a saunter—sauntered in and took his place as chairman of this committee. He said:

Everything has been said, but not everybody has said it.

So he proceeded to say the same thing that everybody else had said. I have been here for 2 days and the same thing has been said over and over again by the majority, the Republicans, and

the same thing has been said over and over again by the minority, the Democrats. But as Mo Udall would say, it hasn’t been said today as many times as perhaps it should.

I repeat, what the minority wants is to be treated exactly as we treated the minority during the last Congress.

My friend, the distinguished senior Senator from Kentucky, has brought to our attention again what one Democratic aide said. I talked about this previously, but I will say it again because not everyone has heard it, I guess, and if they have, they can listen again. One Democratic aide said:

If we pick up a seat or two, I think we’d go back to one-third/two-thirds.

First, this is a Democratic aide, whoever that is. But if we are going to take Roll Call for gospel, then what I suggest is the whole article be looked at. In this article in Roll Call, a GOP leadership aide said:

It will be a serious fight. It will be a series of knock-down drag-out talks that last a long, long time.

Remember, he is commenting on changing the committee ratio. A senior GOP leadership aide said:

It will be a serious fight. It will be a series of knock-down drag-out talks that last a long, long time.

Finally, this same—or it could be a different GOP leadership aide, I do not know; it might be the same one—said:

There is no way we will countenance that or stand for that.

He said of the Democratic aide’s comment about shifting parties.

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

Mr. REID. I will be happy to yield for a question without losing my right to the floor.

Mr. DORGAN. I think people watch these proceedings and think it is all very silly that the Senate cannot agree on an organizing resolution.

I am trying to understand, if I can, some of the statements that have been made. My colleague from Kentucky said that last summer, for example, when the Senate went from Republican to Democratic control as a result of one Senator shifting from the Republican caucus to an Independent caucus and caucusing with the Democrats, he said the gavels were turned over immediately.

As I heard that, it occurred to me that was not the case at all. History is history, and revisionist history is fun, but it is not accurate.

Isn’t it the case that last summer, for example, when the Republicans were in control and then one Senator moved to caucus with Democrats and the Democrats actually took control of the Senate, for 3 weeks the gavels were not turned over to the chairmen? I am not suggesting there is any justification for anything by making that point. My point is, when people come to the Chamber to talk about this, let’s talk about what really happened, and if we can, let’s talk about what is happening now for the moment.

Isn’t it the case that the reason the Senate is hung up is because the majority leader is saying: We have 51 percent of the votes in the Senate, and we want two-thirds of the money to run the place? Isn’t that exactly what is hanging this up?

Mr. REID. Yes, I say to my friend. Revisionist history is a very good way of projecting what has been said on the other side—revisionist history. The fact is, I say to my friend from North Dakota, who, I am sure, realizes this, when Senator JEFFORDS announced he was going to move from the Republican Party, it was about 6 weeks from the time he announced that to the time the actual change took place; that is, the reorganizing resolution.

Technically, the Senator from North Dakota is right. Senator DASCHLE became majority leader on June 6, 2001. The organizing resolution was adopted on June 29, 2001. So that is a period of over 3 weeks. But the actual time period is 6 weeks. Let’s take those 3-plus weeks we waited around.

Responding to my friend from Arizona, for whom I have the greatest respect—and he is a fine lawyer, but sometimes lawyers make tones and arguments that are not as factual as they appear—he said 70 days they have been waiting; something should have been done during that period of time.

I said it earlier and I will say it again. It is not Senator DASCHLE’s fault that he was not negotiating earlier. It was the fault of the Republicans because they could not determine who was going to be their leader. Senator DASCHLE had some early meetings with Senator LOTT right after the election, but those meetings were for nought because they got a new leader a few days ago, and Senator DASCHLE has been doing his very best to project a very simple message. That is, if the Senate was divided 51–49 with the Democrats controlling and the Republicans in the minority and there is a shift in power where the Republicans control and the Democrats are in the minority, let’s have the same rules. It is simple: Let’s have the same rules.

There have been people who have come to the Chamber and said: Why would they argue over space? As we know, there are a number of issues the two leaders have to work out. They have to work out the funding, and they have to work out making sure that is fair, as it was last time, and the space is basically the same as it was last time. It has nothing to do with blue slips or yellow slips or green slips. There is another issue around here dealing with leadership space. It has nothing to do with that.

It has everything to do with we, the minority, want to be treated just as the Republicans when they were in the minority. I am from Nevada. I think we have a lot of common sense in Nevada. Some people may not agree with some of the things we do or do not do. My friend from North Dakota and I have had a number of good laughs about the

differences between Nevada and North Dakota, but the fact is common sense prevails in Nevada, and common sense dictates to me that if you have the exact same makeup of the Senate—100 Senators—but the majority has changed, two Senate seats have changed and now instead of 51–49 Democrats, it is 51–49 Republicans, why shouldn't the same rules apply?

That is my answer to my friend from North Dakota. Simple, factual; it is play by the same rules that we had during the last Congress.

Mr. DORGAN. Will the Senator yield further?

Mr. REID. I will be happy to yield for a question without losing my right to the floor.

Mr. DORGAN. Mr. President, I think people will look at this debate and say: What on Earth is going on here? The Senate at least ought to be able to organize. I listened to some of this debate. For example, my friend from Arizona, Mr. KYL, said part of the reason we have to do this right now is because we have all this unfinished business from last year. In fact, Senator DASCHLE could not pass a budget last year, he said. That is true, we could not pass a budget because my friend from Arizona and his friends would not vote for it. That is why we could not pass a budget.

The fact is, there is a lot of discussion around here surrounding this resolution. I, again, ask the Senator from Nevada, isn't this the simplest possible issue to solve, and doesn't it send a message to every kid in school: If you ever say fractions do not matter, come listen to this debate because we have a circumstance where the majority is now saying: We have slightly over half of the Senate, 51 Members; you have almost half of the Senate, 49, but we want two-thirds of the money. The next time a kid says fractions do not matter, go talk to the folks who say it is true, we have just a little over a half but we want two-thirds of the money with respect to the Senate.

My point is, I assume this could be resolved this afternoon, and, in my judgment, it should be resolved this afternoon by doing exactly what was done in the last Congress. In the last Congress, we had 51 votes on the Democratic side and 49 votes on the Republican side. So there was an apportionment of the money, about half and half, with a slight increase for the administration of those who ran the committees.

Now there are 51 Republicans and 49 Democrats. It seems to me the easiest solution is to use the same rule we had in the last session, just reverse it because that would be the fairest way to deal with the circumstances in which there is a 51–49 split. Just reverse the parties and use exactly the same functioning mechanism that was used in the last Congress.

The reason I say that is this ought to be the easiest possible thing to solve. It ought to be done this afternoon. We

have a lot of work to do. Those colleagues who have been talking about the need for this Congress to get to work are sure right about that. We have an economy that is faltering. I am sure as we speak today there are perhaps thousands of people prepared to go home tonight to tell their spouse they lost their job. There were 88,000 last month.

Mr. REID. One hundred and one thousand.

Mr. DORGAN. So they go home and say, I lost my job. This economy is not working. This economy is contracting, not expanding. Should we do something about that? Sure, we ought to be working on that.

We have homeland security issues. We have appropriations bills. We have a lot of work to do, so let's resolve this.

The simplest possible way to resolve it is for the majority leader to understand he ought to use the same formula for this Congress as the Democrats used when they were in control in the last Congress.

It seems to me that is the fair way to do it, and it seems to me it ought to be done this afternoon. Most people would look at this and say this is silly, just do this and get it done now.

Mr. REID. Let me respond to my friend. When I was a young boy, I could not run very fast. I was never fast afoot. So I participated in games where it did not matter how fast you could run. I loved tug of war because I was as good as anybody. I would dig in my heels and it would take a lot to move me.

I want everyone within the sound of my voice to know my heels are dug in. The Democratic caucus' heels are dug in. We will win this tug of war. They can put us to the test and have a series of votes to see if we can proceed. They can have all the votes they want on the motion to invoke cloture, but we are not going to bend. The Democrats in the Senate are dug in and we are not going to bend.

The resolution of this is going to be the same as it was in the last Congress because that was fair. We were fair to the Republicans and we expect them to be fair to us. If they want to get to the issues my friend from Arizona brought up—Iraq, Medicare reform, prescription drugs—let them do it. They can do it 15 minutes from now. Organize the way we organized; otherwise, they can wait because they are holding it up; we are not.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, I heard an impassioned plea by the Democratic assistant leader on the other side of

the aisle, whom I greatly admire and respect. I am not sure whether he considers himself the assistant majority leader now or the assistant leader, but I would point out some facts that maybe should be filtered out of the smokescreen of dialogue that has taken over.

The facts are these: The resolution before the Senate is a resolution to appoint majority members to committees so our new Members can be confirmed to committees and so the majority can take the chairmanships of the committees of the Senate. That is the resolution before the Senate. That is the resolution which has always come to the Senate.

This resolution does not address the issue of funding. The issue of funding has not actually come up from the standpoint of needing to be done until sometime in February. It does not address the issue of space, because the issue of space has never been addressed in this type of resolution. This resolution is the prototypical resolution that comes before a Senate every time a Senate organizes. Under the constitutional form of government we have in the United States, after elections the party that takes the majority organizes the Senate, appoints the members to the committees and has members of the committees become chairmen as a result of being in the majority party.

The Senator from Nevada, who I respect, has decided to cloud this issue of appointments to the committees with the issue of funding. I guess they see this as a point of leverage which they can use to question the funding through addressing the issue of membership to the committees.

What is the practical effect of the actions of the Democratic membership of the Senate today? The practical effect is they are denying the proper transfer of power that proceeds after an election. They are essentially saying the election last fall does not matter; that they remain chairmen of the committees in the Senate, even though they are in the minority party.

Earlier today, I had a discussion with a Member of the Democratic leadership in the sense that he was chairman of the Banking Committee, and he represented he still considers himself to be chairman. Yet he also acknowledges, as I think anybody does who is fairminded about this, that he presently is in the minority.

How can one be chairman of the committee in our form of government if they are in the minority? They cannot. They are usurping the rights of the people of this country who have elected a majority in the Senate.

The majority has the right to chair the committees of the Senate, and yet the Democratic membership has decided to deny that right to the American people, the right which they put forward when they voted in November.

I suppose if I were a Member of the Democratic side of the aisle, I would have been frustrated by that election.

It was the first time in recent memory—or maybe ever—that a sitting President actually won control of one of the bodies of Congress in an off-year. It was startling. I thank President Bush for his efforts, and I thank those folks who subscribe to his view of the way we should govern. Obviously, I am very appreciative of the fact that as a result of that election we ended up going into the majority on the Republican side. Granted, it was only by one vote, but that is all it takes. All it takes in our constitutional form of government is one vote to be in the majority. We do not function under a super majority for the purposes of organizing the Senate. We do not have to have 60 votes to organize the Senate. We have to have a 1-vote majority. When one gets that 1-vote majority after an election, in a two-party system, involving a constitutional form of government, which is what we function under, then the new minority which used to be the majority is supposed to transfer power over to the majority peacefully and without resistance.

What are we seeing today? Resistance. We have heard the assistant leader—who may consider himself to be assistant majority leader or the assistant minority leader, I am not sure, but the assistant leader say his heels are dug in and we could be here, I suppose, until Lake Powell freezes over before we are going to get a change from their side of the aisle.

That fundamentally undermines the concept of constitutional government after an election in a two-party system.

They may have a legitimate concern over funding. I happen to think they do not. I believe the majority leader has made very reasonable offers in this case and, in fact, when it becomes public I think the public will feel they were extremely reasonable offers, but they have no reasonable argument for holding up the proper transfer of power in a constitutional government. They are doing fundamental damage to the way we govern if they continue down this road.

There are Members on their side—in fact, all of the Members on their side—who I greatly respect, but there are some Members on their side who have an immense history and strength on the issue of the integrity of the process in the Senate. I cannot believe those Members are not cringing at the thought we have not transferred responsibility in an orderly way in the Senate.

The resolution before the Senate does not deal with space. It deals with who is the majority party. It is totally inappropriate for Members from the other side to be chairing committees and claiming chairmanships of committees when they are no longer in the majority position. It frustrates not only our side of the aisle but, more importantly, it frustrates the intent and purpose of our form of government. It is a serious matter. And the Senator

from Nevada has dug his heels in. So be it.

Speaking as one Senator on this side, I find this issue to be of such significance that I don't know how we can back off of our request that the majority be the majority, that the chairmanships go to the majority, that the memberships of the committees be given to the majority. If we did, what would have been the purpose of the last election? We would be fundamentally undermining that election.

What happens in the future? Do we move into a government where elections are reasonably irrelevant if they are close? No. Close elections happen in America. Presidents are elected by the electoral college without winning the popular vote. But the fact is they were elected under the constitutional form of government. Majorities take control of the Senate when more Members of one party arrive in the Senate than from the other party. We have received certification from the Secretaries of State across the country who have established beyond question that the Republican Party presently holds the majority in the Senate. And, as such, the Republican Party has the right to and must claim the chairmanships of the committees of jurisdiction in the Senate. If we fail to do that, we fail our responsibility to the electorate.

It is very hard to understand how the other side of the aisle can attempt to undermine this most fundamental exercise of the transfer of power after an election in a constitutional government.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, my friend from New Hampshire said some nice things about me that I am grateful for because the feelings are certainly mutual. I have great admiration and respect for his public service. I don't know what he did before he came to the House of Representatives, but he served there representing his State admirably. He left the House and became Governor of the State and then came to the Senate. That is a great public service career. I am surprised I have heard him talk more the last day or so. He is not one who spends a lot of time on the floor. When he does speak, I always listen because he is very direct and does not beat around the bush. I have not only great respect for what he has accomplished but also his style as a legislator.

Having said that, however, this is not undermining the election. Regarding the chairmanships, we do not dispute who should be chairman. No one disputes that. Senator SARBANES said that today. We recognize we are now in a minority, 51-49, just like the Republicans were in a minority a few months ago. What are we talking about? They say all this resolution does is allow us to be a chairman and appoint members of the committee. That is the problem. That is all it does.

We could settle this matter, as I told Senator SARBANES, in less than 15 min-

utes if, in addition to changing the chairmen and appointing the members of the committee, there would be an agreement the staff would remain as it was last year. That is, whatever the minority had last year, we would still have, and that the same space the minority had, the committee staff we are talking about, would be the same as it was last year—simple as that.

Now, assume that I am wrong: Illogical, unreasonable, not factual. Say that I am wrong. It seems to me what would happen if the majority would go along with the rules we had last time, the chairmanships would take place immediately, the members of the committees would be appointed immediately, and the only thing they would have some concern about—because we agree with that—is they gave us too much space and they gave us too much of the financial resources to the committees.

I heard Senator NICKLES, the senior Senator from Oklahoma, who I also am very fond of, earlier today state this has nothing to do with committee resources. Well, if it doesn't, what are we arguing about? We agree they should be chairmen. We agree they should be able to appoint the committees. Why not go one step further and keep the same resources—because Senator NICKLES said this battle was not about resources—the same resources as we had last year.

I might be having trouble comprehending, but like a lot of people here I think I understand the procedures of the Senate. I understand the resolution directed and dictated what we did last time. Why not do the same thing? What is wrong with that? If the matters before the country are important—and I recognize they are; I realize we have problems, as the Senator from Arizona talked about—we need to have some discussion about Iraq, and we need to have a discussion about health care delivery in this country—the committees should be functioning better than they are.

The committees, instead of having a total of 89 Members, should have 100 Members. Let's go to work and do that. That is all we are asking. We are not asking for any advantage. We are only asking we be treated the way the Republicans were treated when we were the majority.

If the matters to come before the country are that important, the majority party, the party that controls the House, the White House, what in the world do they fear from having the same committee structure as we had last time with the same resources allocated? What is there to fear? If there were ever the ability to exercise authority and power in the United States, it is from the White House, which is Republican, from a Senate that is Republican, and from the House of Representatives that is Republican.

That is why we believe we are not being treated fairly, and the resolution

before this body is inadequate and incomplete. Until it is adequate and complete, we are going to hang in for the same rule that applied during the 107th Congress.

THE ECONOMY

Mr. REID. I will change the subject. Mr. President, I just received a news flash from my office—not a pleasant one. K-Mart is going to close three Nevada stores, including one on Rainbow Boulevard in Las Vegas, one in Reno, and one in Carson City.

I agree with my friend from Arizona; we should be talking about the economy. That is one thing he failed to mention, but I think we should be talking about that as an important issue. The economy is in trouble. We talked about that earlier today.

I was struck by the New York Times today which had an article written by Edmond Andrews: "O'Neill Expresses Doubts About the Tax Cut." Who is O'Neill? This is Paul H. O'Neill, who was Secretary of the Treasury in this administration until he decided he did not like what was happening with the tax policies of this country. And for lack of a better word, he was dumped, unceremoniously expelled from the administration.

Now, he is a gentleman, and he is determined not to be too blatant in his criticism of the White House. But in the process of not being too critical, let me emphasize a few things that he said. The President's plan for stock dividends is something I would not have done. O'Neill has also talked about his discomfort with the sweeping tax cuts. He talked about these before his departure. And, of course, reading between the lines, I am sure that is one of the reasons for his departure.

He told a group of executives at a public meeting in the United States Chamber of Commerce he would select, carefully, tax breaks that might help the segments of the industry having the most trouble.

Mr. O'Neill said during his confirmation hearing in 2001 that he was skeptical about the wisdom of big tax cuts.

He said he was bitter about what was going on here in Washington. And I quote:

It's all about sound bites, deluding the people, pandering to the lowest common denominator. Real leadership requires you to stick your neck out and have a point of view.

As has been discussed here on the floor, the proposal to stimulate the economy that has been propounded by this administration is, using the words of some, bizarre, crazy. So I think it is important the President reexamine this proposal that would give huge amounts of money to rich people like him, like the Vice President, like Michael Eisner, the head of Disney. I was told here on the floor yesterday that he will get \$2.6 million extra money each year. That is not going to stimulate the economy. But I guess if I had my druthers, it would be I would not be

spending so much time here on the floor and we would be getting to the business that should be before the Senate; that is, doing the appropriations bills, the 11 that were undone, bringing some of the nominations the President has told us last Wednesday at the White House he would like to have quickly.

I wish I were not here doing the things I have done in the last couple of days and we had gone about the business of the Senate. We cannot do that until this organizing resolution passes. I hope we can do that. Then we can talk about the things the Senate should be doing, rather than doing the work some refer to as kind of inside politics, inside the beltway.

Mr. President, is my friend from Kansas going to speak soon?

Mr. ROBERTS. I am ready to proceed.

MAKING MAJORITY PARTY APPOINTMENTS—Continued

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise today with some degree of reluctance, I might say, to discuss the apparent disagreement and the difference of opinion within the Select Committee on Intelligence with regard to staffing. This is the kind of disagreement that is obviously taking place in many of the committees in the Senate. We have heard a lot about this. We probably heard too much about it, to the point this whole business is now at the leadership level and is holding up the appointment of committee chairmen, not to mention the business of the Senate. This is not only regrettable but, as this drags on, I think this really represents the kind of sandbox silliness—that is my term—that prompts folks outside the beltway to wonder if this body is the Senate or a partisan romper room.

Given the importance of our Select Committee on Intelligence and our obligations and our responsibilities during this time of vital national security threat—and I am talking about the war on terrorism, I am talking about Iraq, I am talking about North Korea, not to mention any number of other national security threats by state and nonstate terrorists—and given the committee's 26 years of history of bipartisanship—that means no majority, no minority, no Republican, no Democrat approach or viewpoint—we should not be having this dispute. The Select Committee on Intelligence is very different from any other committee in the Senate. In fact, it is a committee that serves the entire Senate; it is your committee, my colleagues, and the leadership, and given its importance at this particular time in our history this committee, above all others, should be spared this kind of public spat.

Senator ROCKEFELLER, our very distinguished vice-chairman-to-be, myself, the incoming chairman—I hope, I hope we can get past this—our leader-

ship and the entire Senate should not be party or bystanders to what has been going on in the Senate for the last week or so. It is untoward. That is the nice way of saying it. In Dodge City, KS, we would say we should not be part of this hell-for-leather ride down a partisan trail of obstructionism like a herd of cattle milling about in confusion and delay in a box canyon. That is about what it looks like in my hometown.

But here we are, and the leadership tells me the Intelligence Committee, the Senate's select committee, the committee that really belongs to us all, is at loggerheads. I don't know that because I have not been part of the negotiations. But the leadership tells me this is now a separate issue.

In saying this, I don't question the intent of the distinguished Senator from West Virginia. I want to point out he is a good man. He is a good Senator. He is a personal friend. I look forward to working with Vice Chairman ROCKEFELLER. We have already discussed mutual goals, possible long-term structural reform within the intelligence community, not to mention the regular business of the committee with regard to our oversight responsibilities—and they are pressing responsibilities. We should be meeting this week.

The truth of it is we simply have a different—an apparent difference of opinion on how the Intelligence Committee should be organized. So here I am on the floor of the Senate, making one of those "I had not intended to make a speech" speeches.

The larger issue is whether or not the duly elected majority will be able to run the Senate. We should not be laying down organizational demands, demands for more space—this space, that space; different rules on how this body will consider the confirmation of judges. The next thing you know, it is going to be majority and minority restrooms. That is about where we have come to.

But I believe the issue involving the organization of the Select Committee on Intelligence is important because of what is at stake, and what is at stake is our national security. The difference, as I understand it—and as I say again, this has been at the leadership level for about a week now, and I think it can be summarized quite easily. We should preserve the committee's 26-year history of bipartisanship. We should preserve our Intelligence Committee staff as a single unified staff that works for the committee as a whole under the supervision of the chairman and the vice chairman. Let me repeat that, the chairman and the vice chairman.

The minority—or I guess we should call them the temporary majority, I hope it is temporary—apparently wishes to divide the committee staff for the first time in history into a majority/minority or partisan camps. To the contrary, we should preserve the committee's 26-year history of non-partisanship by keeping to a minimum