

**SENATE—Friday, January 5, 2001**

The Senate met at 10:30 a.m. and was called to order by the President pro tempore [Mr. BYRD].

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, source of all power, we praise You that You entrust Your power to the Senators so that they may lead and govern. Keep them mindful that they hold power with Your permission and for Your purposes. May the power they hold be equally measured by the humility they express. Human power can lead to pride. Praise to You, for the privilege of power is the antidote to this pride. With power comes power struggles to determine who is in control. These power struggles can denigrate our awareness that You are in control. In this unprecedented time when power must be shared by the parties, bless the Senators with an equally unprecedented measure of trust in each other and each other's parties.

Dear Father, work in the minds and hearts of the Senators as they consider the Senate committee organization. May this Senate exemplify to the Nation that great leaders can work together. When You are our Lord, there is no need to lord it over others; when we remember our accountability to You, we can be accommodating to one another. May it be so in this Senate for Your glory and the good of our beloved Nation. You are Lord. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable HARRY REID, a Senator from the State of Nevada, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**RESERVATION OF LEADER TIME**

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

**MORNING BUSINESS**

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to exceed the hour of 11 a.m. with Senators permitted to speak for up to 5 minutes each.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

**ORDER OF PROCEDURE**

Mr. REID. Mr. President, I ask unanimous consent that following the statement of the Senator from North Dakota, Mr. DORGAN, speaking in morning business, the Senate be in recess subject to the call of the Chair.

The PRESIDENT pro tempore. Is there objection? There is no objection. It is so ordered.

The senior Senator from North Dakota is recognized.

**ORGANIZING THE SENATE**

Mr. DORGAN. Mr. President, we have been in a quorum call this morning and for some part of yesterday. I know news reports are explaining to the American people that we are in the process of organizing in the Senate at this point and it has been a bit difficult because, for the first time in the history of our country, the Senate is evenly split as between Republicans and Democrats.

There was an occasion in the last century, about 120 years ago or so, in which there was an equal number of Republicans and Democrats. But there were also two Independents serving in the Senate at the time. Having read a bit about that period of time, my understanding is the Independents had quite an interesting time bargaining as between the two political parties about what their respective roles might be, should they choose to assist one political party or another.

But that is not the case in this circumstance. We are evenly split. The American people caused that to happen. They sent 50 Republican Senators and 50 Democrat Senators here to the Senate. It is my hope that the negotiations currently underway between the Democratic leader, now the majority leader, Senator DASCHLE, and the Republican leader, Senator LOTT, will bear fruit and that we will be able to organize in a manner that is consistent with the wishes of the American people. The American people have, by their desire, said that they want a split Senate, in fact a dead-even tie.

That would say to us that after January 20, the Vice President-elect, RICHARD CHENEY, will have the opportunity to give the Republicans an additional

vote in this Chamber for the purpose of organizing. That is certainly true. But it is not the case that the Vice President, in his presiding role according to the Constitution, is going to play a role in any committee in this Congress. There is no such role for the Vice President. Therefore, in each and every committee we have a representation from 50 Democrats and 50 Republicans, a selection, then, of which is made to the committee membership. We feel very strongly that those committees ought to have a membership of 50/50.

Yesterday, we had the first hearing in the Committee on Commerce, Science, and Transportation on which I serve. Senator MCCAIN, who is the chairman of that committee—actually yesterday it was Senator HOLLINGS who was technically the Chair, and Senator MCCAIN works very closely with Senator HOLLINGS—Senator MCCAIN, in his opening statement, said: The way this committee works, we don't report things out of this committee that represent a partisan division. We work our issues out between the Republicans and Democrats. What we bring to the floor of the Senate, he said, from the Commerce Committee, represents a consensus among the members of the Commerce Committee.

He is right about that. He is a person who has chaired that committee all of the years that I have served on it in a circumstance where he really searches for ways to find common ground between the two political parties. Much to his credit, I must say, Senator MCCAIN has said he believes a 50/50 split on the committee is appropriate, given the fact that the Senate is split 50/50. I only mention that because just yesterday he made the point that a 50/50 split will not make much difference in committees where you work in a bipartisan way, and we do that—and he does that.

But it is my hope that now, in the coming hours, that Senator LOTT and Senator DASCHLE will be able to reach an agreement that is fair and one that allows us to do our work and allows us to organize our committees. I feel very strongly the product of that work should at the very least provide a 50/50 membership on the committees.

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

Mr. DORGAN. I am happy to yield.

Mr. REID. I say to my friend, he is right on the mark. Senator MCCAIN is quoted in the paper today, almost verbatim what the Senator from North Dakota said. He said, as quoted in the paper: I don't report things out of my committee on a partisan basis. If I did, they won't go anyplace anyway. And, in reality, the Senate is divided 50/50.

He went on further to say, as he understood the framework of the agreement, the Democrats would allow him to be chairman. He thought that was a pretty good deal.

I say to my friend from North Dakota, in the form of a question, and ask if he would agree: The fact is, the Senate is divided 50/50. As I said before, it doesn't matter what kind of math you use; 50 Democrats and 50 Republicans comes out equally. It would seem to me that the committee structure should be equal.

Again, reading in the Washington Times, which seemed to be a press release from the dissidents—I should not say “the dissidents”—it seemed to be a press release from those people opposing equality in the Senate. It appeared to be a press release they issued. They are saying: I don't understand. We are going to be in the majority. We deserve to have one more on the committee.

I say to my friend from North Dakota, and I ask if he would agree with me: The Republicans are not in the majority in the Senate of the United States. On the organizational matters, there will never be any tie the Vice President can vote upon, as Alan Simpson said, formerly the assistant Republican leader and Republican whip. As he said: The Republicans will be killed by the public publicity-wise if they try to oppose equality in the Senate.

He went on further to say that he thought the committee chairmanships should rotate on a yearly basis.

So again in the form of a question: I would hope, as I am sure my friend from North Dakota hopes, that the work of our leader, Senator DASCHLE, and their leader, Senator LOTT, comes to fruition. These men have worked extremely hard. They deserve the support of their two caucuses. What they are trying to do, as I understand it, is come up with something that is fair. That is all the majority of this Senate wants. The majority of the Senate wants a 50/50 division. If we had a vote on that today, that is how it would take place. So we should get that here as quickly as possible and get on with the business of the Senate. Then we would not be in quorum calls here.

Does the Senator from North Dakota agree?

The PRESIDENT pro tempore. The time of the senior Senator from North Dakota has expired.

Mr. REID. I ask unanimous consent, in that I took so much time of my friend from North Dakota, that his time be extended for another 10 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I say in response to the remarks of the Senator from Nevada, I certainly agree with his comments. It is not a circumstance where I believe there is any ill will

anywhere in this Chamber on those issues. It is hard for a party that has been the majority for there now to be a circumstance where they are not the majority. In fact, they are in a body that is split evenly, 50/50. That is not easy. That is hard to deal with. I understand that. I do not suggest there is ill will anywhere. I am sure they are trying to grapple through these issues and how to respond to that.

But I must make another comment. This is not unusual. It has not happened in this body, but it has happened plenty of times around this country. On many occasions, somewhere over 30 occasions, the legislative bodies in the States—either a State Senate or a State House of Representatives—has discovered itself to be evenly divided, tied with respect to the number of Republicans or Democrats. Incidentally, I sent a report to Senators on this and, in every case, they had to reach an agreement. You know, they said: What we have is a membership that is equally divided, so how do we respond to this? Some State legislative bodies said we will have 50/50 splits on the committees. Some said we will have co-chairs. Some said we will have rotating chairmanships. They have made all kinds of accommodations for it. In fact, in one State they actually just flipped a coin and decided who was in the majority by a coin toss. There are so many different mechanisms for States to make these decisions. We have not had to make those decisions until now.

What I hope will happen is that Senator DASCHLE and Senator LOTT, in the coming couple of hours, because time is of the essence here, will be able to reach an agreement that is fair to every Member of this Chamber and fair to both political parties.

We don't want that which we don't deserve. But we do believe that if, by virtue of the decisions made by the American people, we have 50 percent of the membership of a body of 100, we have the opportunity to have that same percent of the membership on the committees, because that, after all, is where the work originates that eventually comes to the floor of the Senate.

I graduated in a high school class of nine—top five, incidentally. I understood from either lower math or higher math, that when you have 100 seats and 50 are Republicans and 50 are Democrats, that is called a tie. That is the basis of all of this negotiation.

Let us hope in the next few hours our two leaders can reach final agreement. Then we will turn, next week, to a circumstance where we have the capability of organizing and making all of the committee assignments and move on to deal with the nominations sent to us by President-elect Bush.

If such an agreement is not reached, of course, if there are some discordant voices in the Senate who say, “It

doesn't matter it is 50/50, we insist on having a majority in every circumstance in every way,” if that is the case, of course those many of us who feel very strongly about the need to have the opportunity to have a 50/50 split on the committees would not want to allow that to happen. There will then ensue, of course, a battle about organizing.

Let's avoid that. Let's not do that. Let us, today, in the next couple of hours, resolve this in the right way and in a fair way. If we do that, we will have best served the American people's interest.

Mr. REID. If the Senator can be interrupted, and I will be very quick, he raises an important issue. People in the State of Nevada in 1985 had a tie in the Nevada State Assembly, equal numbers of Democrats and Republicans. It was one of the most productive sessions in the history of the Nevada Legislature.

EVAN BAYH, when he was Governor of the State of Indiana, had a tie in the State Legislature. That was one of the most productive in the history of the State Legislature.

I say to my friend, he is absolutely right on target. I also say, in addition to Senator MCCAIN, there are other people who will become chairmen after January 20, Republicans, who stated 50/50 is a fair way to do things.

I hope we can work this out. I know people have strong feelings, but I hope the two leaders will be able to bring something to us so we can get down to the work at hand. I appreciate the Senator yielding.

Mr. DORGAN. The point is, we wish Senator DASCHLE and Senator LOTT well and hope they succeed in reaching an agreement, and we pledge our cooperation to help them do that.

#### FEDERAL RESERVE BOARD

Mr. DORGAN. Mr. President, I have come to the floor today to briefly talk about the Federal Reserve Board and our economy because it is important we have some discussion on what is happening in our economy.

I have been watching in recent days the announcements both by the Federal Reserve Board and also the way the press in this country has portrayed the discussions about a softening or weakening economy and the Federal Reserve Board's attempts to respond to it by cutting interest rates.

Let me first say uncharacteristically that the Fed did the right thing a few days ago by reducing the Federal funds rate by 50 basis points. The interest rates imposed by the Fed have been historically too high. Seven months ago, the Federal Reserve Board increased interest rates for the sixth time, and that was 50 basis points. Do my colleagues know why the Fed did that 7 months ago? Because the Federal Reserve Board said America had