

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

an economy that was too strong and growing too rapidly.

The reason I want to have this brief discussion today is to say this economic slowdown people talk about is not an accident. The Federal Reserve Board believed the economy was growing too rapidly. They worried, therefore, that it would ignite a new wave of inflation. In my judgment, that was not a logical conclusion of the economic growth we were seeing, but nonetheless, Alan Greenspan and the Federal Reserve Board deliberately wanted to slow down the economy.

What is the result of all of that? Let me read a couple of headlines: "Slowing Factory Activity Hints at Recession. Sharp Drop Is Weakest Monthly Reading Since 1991." USA Today.

"GM to Idle Eight Plants Next Week." Associated Press, January 4.

"Sears to Close 89 Locations." This morning's Washington Post.

"E-Toys to Eliminate 700 Jobs."

"Covad to Lay Off 400 Workers."

I think one gets the point. This economy is slowing. The Federal Reserve Board increased interest rates six times since June 1999, the last time 7 months ago, by 50 basis points, believing that despite higher productivity growth by the American workers there would be a new wave of inflation, and intending that it had to respond to an economy that was growing too rapidly. In my judgment, they were mistaken. I said so at the time on the floor of the Senate.

Seven months later after saying the economy was growing too rapidly, we have all these news reports that, gee, this economy is slowing. I wish the reporters would ascribe that slow growth now or the slowdown of the economy to the Fed's actions. This was medicine administered by an economic doctor 7 months ago and the months previous to that on five other occasions because the Fed believed our economy was growing too rapidly. It was the wrong medicine at the wrong time. The result is a slowdown, in many cases, perhaps, a slowdown that is more dramatic than the Fed intended. Because of that, 2 days ago the Fed decided it would decrease the Federal funds rate by 50 basis points. The problem is that does not always take effect quickly. It takes some while for it to course its way through our economy.

A 50-basis-point reduction is not enough. The Federal funds rate, and therefore all other interest rates, are still high historically relative to the current rate of inflation. It is, therefore, a tax on the cost of money. An average American household, because of the previous six interest rate increases imposed by the Fed, is now paying \$1,700 a year in additional interest charges. Think of the chaos that would have caused had someone come to the floor of the Senate and said: We have a proposal. We think the economy is

doing too well, and we would like to ask every American family to pay \$1,700 more a year in taxes. Think of the debate about that.

Higher cost of credit is a tax on the American people artificially imposed by the Fed. Interest rates that are higher than are justifiable. Real interest rates, above the rate of inflation, are still extraordinarily high, and in my judgment, represent a wrongheaded public policy.

We will see if we get out of this with a slowdown that is a soft landing and slow, gradual growth once again, or whether the Fed has really miscalculated and increased interest rates so much that it took this economy off track. I hope it is not the latter. I hope it is the former. I am not wishing a bad result, but I am saying the next time someone talks about this economy—I heard some conservative commentators say this is the Clinton slowdown. This slowdown is engineered by the Federal Reserve Board. They talked about it, they insisted upon it, they voted upon it, and now 7 months later, we bear the fruit that might be a bitter fruit. I want people to understand.

I kind of yearn for the day—and I was not here then—when we debated interest rate policies all across this country. Read the economic and financial history of this country and you will find that a century and a half ago, the question of interest rates and monetary policy was debated from bar rooms to barber shops all across this country. As late as 50 years ago, a quarter point increase in the Federal funds rate imposed by the Fed would be front page headlines and debated at great length, but not anymore.

The Fed acts imperviously to public input. It is the last dinosaur in town. It operates behind locked closed doors. The American public is not allowed in, and no President will comment much about the Fed because they are worried they will upset the market. So they went on their merry way 7 months ago believing they ought to slow down the American economy.

The next time you hear about this economic slowdown, understand it was engineered by the Federal Reserve Board and let us hope they take aggressive additional action—not just the 50 basis points a couple days ago—but aggressive additional action to put interest rates where they ought to be relative to the rate of inflation and stop overtaxing the American families by engineering the higher cost of credit they have caused in the last year and a half that is unjustifiable.

It probably is shouting in the wind to talk about the Federal Reserve Board, but it is, nonetheless, therapeutic for me, so I continue to do it.

I very much hope we can continue an economy that produces the rewards of new jobs and new opportunities and hope for all Americans. We need a bal-

anced fiscal policy and a balanced monetary policy to do that. The Fed controls monetary policy absolutely. We control fiscal policy. We will have, I assume in a matter of weeks, people bringing to the floor of the Senate very substantial proposals for tax cuts, as some say, \$1.3 trillion or \$1.5 trillion over the next 10 years, to respond to this very issue of an economic slowdown. Again, I say this slowdown was deliberately engineered by the Fed. We need to be very careful, however, on fiscal policy which we control not to put this country back in the same peril of budget deficits in the future. It would be very irresponsible to begin permanently disposing of a surplus that is projected in the future but that has not yet occurred.

If we have a surplus, and I hope we do, that results from a growing economy, a fair amount of it ought to be used to reduce Federal debt. If during tough times we run up Federal indebtedness, during good times surely we must pay it down. What better gift to America's children than that? If we have surpluses in the future, and I hope we do, some of it, in my judgment, can and should go back to the American families who pay their taxes and could use some tax relief, but not just with a formula that deals with income taxes.

Most Americans pay more in payroll taxes than income taxes. If we are going to send money back in the form of tax relief—and we should if we have these surpluses, after we have allocated some to reducing the Federal debt—then let us make sure we understand we send it back based on the total tax burden the American families face, and that includes the payroll tax.

Finally, if we have surpluses—and I hope we will—some of it should be devoted as well to the investments in the things that make America a better place in which to live: Sending our kids into the best classrooms in the world, building our infrastructure, providing for our health, and those kinds of issues as well.

Mr. President, you have been generous with time today.

Again, let me hope that this day ends with good news for all of us in our ability to organize. We will continue these debates later in January.

I yield the floor.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDENT pro tempore. In accordance with the unanimous consent request previously granted, the Senate now stands in recess awaiting the call of the Chair.

Thereupon, at 11:11 a.m., the Senate recessed until 2:34 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. DORGAN).

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, Senator LOTT and I have been continuing in our discussions and negotiations throughout the day. We have reached an agreement, and we are now in a position to lay the resolution before the body. It is my intention to have a vote—as I understand it, there is no request for a rollcall vote—at 3:30 this afternoon. So I encourage those Senators who wish to participate in the debate, or to present their views, to come to the floor between now and 3:30. At that time, I will ask that the Senate vote on the organizing resolution.

I yield the floor and 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. DASCHLE. 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. DASCHLE. Mr. President, I ask unanimous consent that the vote occur at 3:30 and that it be a unanimous-consent request for a voice vote.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Reserving the right to object, Mr. President, and I will not object.

Mr. DASCHLE. Mr. President, I ask the request be vitiated.

The PRESIDING OFFICER. The request is so vitiated.

Mr. LOTT. Mr. President, if I could be recognized at this point, I do want to say I was certainly willing to cooperate with that. I have asked if there is a Member who feels the necessity of a recorded vote. I have not been so notified. I want to make sure Members understand we anticipate there will be a voice vote. However, there will be opportunity for debate and a colloquy which Senator DASCHLE and I will have between now and 3:30.

So Members can have some idea of what to expect, we do expect to have the vote around 3:30. In the debate or comments that will need to be put in the RECORD, they can still be made after that. But between now and that time, we still have an opportunity for Members to present their statements on the RECORD.

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

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

The Chair recognizes the majority leader.

CONDUCT OF A 50/50 SENATE

Mr. DASCHLE. The other day, I quoted the writer Thomas Wolfe who said:

America is not only the place where miracles happen, they happen all the time.

If the resolution I will soon introduce is not miraculous, it is, at the very least, historic. It is also fair and reasonable. The details and the spirit of this agreement, which I expect the Senate to pass later today, should enable us to conduct our Nation's first 50/50 Senate in a most productive and bipartisan manner.

I especially thank the Republican leader, Senator LOTT. We will enter into a colloquy in a period of time to be later determined, but I must say, without his leadership and his sense of basic fairness, this agreement would not have come about. He and I have spent many hours over the last several months, and now weeks, and certainly in the last several days, negotiating the details of this agreement. He spent many more hours consulting with the members of his caucus about it. He and they deserve credit for taking this unprecedented step.

I also thank and commend my colleagues on this side of the aisle for their good counsel and patience as this agreement was negotiated, and for their support of the finished product. I particularly thank our distinguished President pro tempore, ROBERT C. BYRD, for his advice. When you are making history, you can't have a better guide than the man who has literally written the book on the history of the Senate.

Our negotiations involve many difficult issues and many strongly held opinions. Neither party got everything it wanted. Both sides made concessions. Both caucuses made principled compromises. That is the essence of democracy.

This agreement accurately reflects the historic composition of the Senate. More important, I believe it reflects the political thinking of the American people. It calls for equal representation on Senate committees. Every committee would have the same number of Republicans and Democrats. And it specifies that Republicans will chair the committees after January 20. It allows for equal budgets and office space for both caucuses, at 50/50.

One of the most vexing questions we struggled with during our negotiations was how to break ties when committees are divided equally. We have agreed that in the event of a tie vote, either leader can move to discharge a bill or nomination. The Senate will then debate the motion to discharge for four hours, and that time will be equally divided. There will then be a vote on the motion. If the motion passes, the bill or nomination would be placed on the calendar.

Similarly, the resolution allows committee Chairs to discharge a sub-

committee in the case of a tie vote and place the legislative item or nomination on the full committee agenda.

We arrived at this process after much thinking and exchange of ideas. Senator LOTT has been concerned that equal representation on the committees could lead to gridlock. While I do not share that concern, I believe this was a fair concession to get this agreement.

As to cloture, the resolution provides that no cloture resolution shall be filed by either party except to end a debate, and in no case would cloture be filed before at least 12 hours of debate.

This provision reflects concerns on our side of the aisle. We wanted to ensure that there would be an opportunity for debate before cloture was filed. Here, too, I believe Senator LOTT and the Republicans have provided a fair compromise.

The resolution provides that the majority leader shall retain his prerogative to obtain first right of recognition but that both leaders may be recognized, as is currently the case, to make motions to proceed; and in scheduling legislation on the floor, both leaders shall attempt to attain an equal balance of the interests of either of the two parties; and if either party achieves a true majority during the 107th Congress, we would need to adopt a new organizing resolution.

Senator LOTT and I have discussed other ways to ensure bipartisanship in the Senate, from the right to offer amendments to the makeup of conference committees. We have pledged to work together to make the Senate operate in a fair and bipartisan manner, which I hope will enable us to demonstrate to the American people that their system of government is strong and sound.

I have been asked what bipartisanship will mean in the 107th Congress. We cannot quantify bipartisanship. Bipartisanship is not a mathematical formula; it is a spirit. It is a way of working together that tolerates open debate. It recognizes principled compromise—such as today's historic agreement. Bipartisanship means respecting the right of each Senator to speak his or her mind and vote his or her conscience. It means recognizing that we must do business differently after an election that gave us a 50/50 Senate and almost an evenly divided House. Above all, it means putting the national interests above personal or party interests.

Tomorrow, Congress will count the electoral ballots and officially recognize the results of the Presidential election. It is fitting that today we officially recognize the results of the Senate elections which gave us an even split between the parties.

Today's agreement makes a big downpayment on the bipartisanship we

owe our country. Democrats and Republicans made significant concessions, putting the national interest first and putting party aside. It is my hope and my expectation we are witnessing only the beginning of a cooperative and productive 107th Congress. This certainly sets a mark.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. Mr. President, I wouldn't say this is my preferred result, but I think it is a reasonable one with a serious dose of reality. We have work to do and we need to begin it now, not in a week or two or three or four. We need to conclude the assignment of our Members to the all important committees that will be having hearings on the nominees. We need to go forward with the confirmation hearings on the President's nominations to the Cabinet, not in 2 weeks or 3 weeks but right away, as soon as possible, as soon as the necessary paperwork has been completed and the schedule has been agreed to by the senior members of the committees.

As soon as the Inauguration, we need to have in place a Secretary of the Treasury, a Secretary of State, a Secretary of Defense, perhaps a Secretary of Commerce—as many as we can get—so that this new administration will be ready to begin work the morning of Monday, January 22.

More important than these rules agreements or the organization resolution and the hearings of the nominees is, what are we going to do with it? What are we going to do about the concerns of the American people? Will we be able to come together and do what needs to be done to improve the quality, availability, accountability, and safety of our schools in America? I think we can.

But if we in this Chamber wrestle over finite details of the rules—while they do make a difference, rules do affect substance—I think the American people will say: What is this talk of bipartisanship? Why aren't you coming together, agreeing on this, and moving to the agenda of education and dealing with the problems of our defense needs in America, dealing with the problem of readiness of the defense of our country, confronting the needs of our people on Medicare and what we are going to do about prescription drugs and Social Security reform?

That was a big item in this campaign. To the credit of our President-elect, George W. Bush, he had the courage to step up and say we need to take a look at this.

The last discussion I had with the Senator from New York, Mr. Pat Moynihan, in this aisle was what we should do about reforming Social Security, how it could be done, and just with two or three actions, we could secure Social

Security for 70 years. By the way, he also talked about how he believes there should be some opportunity for individuals to invest some of that money.

Social Security, Medicare, prescription drugs, defense, education, tax relief for working Americans that keeps the economy growing—that is the agenda. We are going to have tough debates. We will have different approaches, but we will find a way to come together and get a result because the American people are expecting that of us—the Republicans, the Democrats, President George W. Bush, all of us.

I would prefer to have a clear advantage on every committee and a clear advantage number-wise on everything. While that is preferable, it is not the reality. There are those in this Chamber who will not agree with me that we are going to support this resolution. There are those in this Chamber who probably will not agree with Senator DASCHLE that this is enough. Some will say it is too much; others will say it is not enough. Who is to say?

The day may come when we will say: Well, yes, we didn't do that right; we didn't figure some of the things that might happen or the way the rules might be used or abused. If that happens, then we will have to deal with it. Senator DASCHLE and I will have to go to the Member on his side of the aisle or my side of the aisle and say: That is not in good faith. That is not what we intended. Or, when we make a mistake, change it. We have done that. One of the last actions we did this past session was to put back in place a rule dealing with scope coming out of conference that we changed a few years earlier. We finally realized it was not right, and we changed it.

What we have here, as difficult as it may make life for us, as difficult as it may be for our committee members and our chairmen and ranking members to make this situation work, it is going to require additional work, but it can be done. It is going to force us to work together more than we have in the past. No doubt. I do not think that is bad. I think this is a framework for bipartisanship. There has been a lot of talk about that word, and I am sure there are some people in this city, in this Chamber, who smirk at that, laugh at that. People across America are saying: I have heard enough of that; let's get some results here.

It is a framework to see if we really mean it. It can force us to live up to the truest and best meaning of that word—nonpartisanship, Americanship, that is what we ought to call it—to find a way to get to these issues.

The President has repeatedly talked about how he is going to be a uniter, not a divider; he is going to reach out. Be conservative, yes; he was elected because he is, but he also is compassionate about it.

The Government can be involved and be helpful in certain areas. It can be a

big problem in a lot of others. I guess I am of the school that follows the latter part of that more than the former, but there are clearly some roles for the Federal Government. I do not have to list them—defense, national transportation, health care concerns in America. This is America. We cannot leave any child behind. We cannot leave any mother or grandmother unattended. We have to be in a position to do something about those situations.

We should follow the President-elect. Shouldn't we follow him? He has laid down a marker. He has talked about coming together and getting results. Should we do no less?

This is a classic case of extending the hand of friendship, of good faith. Will it lead to tremendous accomplishments or will that hand of friendship be bitten or the posterior kicked by one side or the other? It could, but we have to start from a position of good faith and reach out and say we are going to make this work.

If it does not work, then the American people will see. If these 50/50 committees do not function, then we can talk about obstructionism, and one way or the other, the American people will know who is trying to make it work and who is stalling it. If we come to this floor and have a debate on a tax bill and it passes this Senate by whatever number and does not get to conference or is tied up in conference or is killed in conference, do you think the American people are going to stand for that? I do not think so. We cannot let that happen.

I have been here 28 years, in the House and Senate. I was here during the eighties. I watched Speaker Tip O'Neill. I had quite a relationship with him. On the floor, we fought like tigers. I even had his words taken down one time. He never uttered a word to me about that. He never held it against me. Privately, he could not have been any friendlier.

In instance after instance, even though he controlled the Rules Committee, he had the power to stop the Reagan agenda. He did not do it. He would not do it. He said: No, this is the President. He was elected. He has a right to have his program considered and voted on. And the Speaker fought him like a tiger.

I remember going to former Congressman—the Senator from Texas was there—Ralph Hall from Texas. I stood on the Democratic side of the aisle, and the Speaker came up and said: Ralph, you can't vote for this Reagan budget. I said to my friend, Ralph—actually, it was Sam Hall, not Ralph. RALPH HALL is a good man also.

Mr. GRAMM. That was the deciding vote.

Mr. LOTT. Sam, this is a chance where you can make a difference for history. We can control spending some,

we can give the people a little tax relief in a way that will help the economy grow.

He stood there with the two of us looking at him, took out his voting card, stuck it in the box, and voted for it. That required an act of courage. Did the Speaker get mad at him? Did the Speaker rough him up or punish him? No. He said: I am going to fight you, President Reagan, but as two good Irishmen, we will get together at the end of the day, we will have a good discussion, we will have a little fun, and we will talk about America.

That is what is going to happen here. There will not be obstructionism. If there is, it will be clear who is doing it, if it is on our side, one way or the other, or on the other side. This is not a prescription for inaction. It could be a prescription for action beyond our wildest imaginations.

We are going to talk a little bit more about what is in it. I will not go into all the details here. The resolution will be read. It is relatively short, relatively simple. In instance after instance, Senator DASCHLE and I discussed points, argued about points. When we could not come to agreement, we said we would deal with the rules as they are. So we got it down to what really matters.

Yes, we are going to have 50/50 on the committees, but remember the Senate is 51/50, it is not 50/50. It is 51/50. The Constitution very clearly provides for this. Our forefathers were brilliant. They were brilliant. They could not have seen this exact situation, and while it is not unprecedented, it is rare that we have had these ties of 50/50, or in one instance I think it was 48/48, maybe one time 38/38. It has been relatively rare in 200 years, but they provided for this. It is in the Constitution. Senator BYRD carries his around. Mine is not quite as tattered as his, but I have referred to it quite a few times in my life.

Article I, section 3:

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

That is the solution. If it is 50/50, the Vice President breaks the tie. It is equally divided. We will have a way to deal with it.

My concern about doing 50/50 was: It just cannot work, Senator DASCHLE. If we are killing a nominee or a bill in the subcommittee or in the full committee, there has to be a way to have that matter considered by the full Senate. Do my colleagues think if we had a Supreme Court nominee killed on a tie vote in the Judiciary Committee that the American people would stand for that or that the full Senate would be satisfied with that? No.

So we labored and we labored, and we tried a lot of different innovative ideas—some I suggested, some Senator DASCHLE suggested—and most or all of

them were not liked by both caucuses. Neither side liked them.

We finally came up with what I think is a further extrapolation of what the Constitution provides, and that is, if there is a tie by a unique procedure, a discharge petition, a superdischarge petition, if you want to call it that, a discharge action, the matter could be brought to the floor, debated, yes, but not blocked on a unanimous consent request, not filibustered, but to get it on the calendar, whether it is the Legislative or Executive Calendar. At that point, all the rules of the Senate apply. When we go forward from there, all rights and prerogatives are preserved. It could be filibustered.

A lot of my colleagues on both sides of the aisle, when I talked about what the rules already were, were shocked. Most people do not realize you can filibuster a Federal judge. Sure, you can filibuster. We had one last year the Democratic side filibustered, and then they said: Oops, we don't think that is a good idea; that is not something we want to start doing around here, and backed away from it. We did; they did. We are going to fix that. The rider is there.

On bills, sure, you can filibuster the motion to proceed, you can object to this, that, or the other and filibuster the bill. Nothing has changed on that. It will still be protected. I think we should try to find a way to do less of that, less filling up of the tree, no filling up of the tree, if at all possible. I don't intend to make that a practice, and I want to make it clear, and I will clarify it even later.

We should not have situations where we filibuster every bill and have to file cloture in every instance. We ought to have a full and fair debate on both sides and move on and have a vote. We can do that.

Different times call for different actions. Last year is history. It was an election year. It was an unusual election year. It rendered an unusual result. What are we going to do with it? Are we going to make this Republic work and produce for the people or are we going to argue over part B of rule XII of the Senate? It is important; I do not diminish it at all, but I think the American people expect more of us than that. This resolution may haunt me, but it is fair, and it will allow us to go on with the people's business.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DASCHLE. Mr. President, the Senator from Idaho sought recognition first, and I will allow him to be recognized.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Mr. President, I will be brief. Others of our colleagues have

come to the floor. The hour is late and snow is falling.

We gather here today in the full recognition that elections have consequences. There is no question that the November election changed the character, the makeup of the Senate. We have heard now both of our leaders talk about the agonizing effort they have gone through for the last several weeks to understand the consequence in light of the rules of the Senate and the way we must govern in the coming months.

I am not quite sure if we can yet determine whether the glass is half full or whether the glass is half empty, but we know that somewhere right about at the middle, it is divided, and that it is in that division we must work out our differences to govern. That is what our two leaders have attempted to do.

The resolution before us this afternoon speaks to that line that we are attempting to draw and that we as Senators are attempting to understand.

I could tell you what I believe the election meant, but I am not quite sure that my opinion is any more accurate than anyone else's.

But I do know one thing that the American people will expect of us in the coming months. They will expect us to give a new President an opportunity to lead. They will expect us to allow a new President to form his Cabinet in the way he has chosen, for the purpose of developing that leadership and for the purpose of shaping his policies for us and the Nation, to evaluate and form those policies ultimately for us to be governed.

We have a responsibility in the Senate. We are going to start hearings on those nominees to that new Cabinet in the very near future. I hope, in the atmosphere of bipartisanship, and the kind of cooperation we see here today, the hearings will be fair, the hearings will be probative, but, most importantly, that in the end it is not the choice of an obstructionist to deny a new President his opportunity to lead and, therefore, his opportunity to form a new Cabinet. That is part of what our leaders struggled over: How do we sift that out and create that kind of fairness in the process?

Time will tell. And that is exactly what Leader LOTT has just said. Some of us on our side are very hesitant at this moment. We have worked with the other side, but we have also seen an element of what we would call obstructionism over the course of the last year. But that was last year. Since that time, an election has passed. We are now in the business of shaping a new Congress, with a new administration, to accomplish new goals for the American people. I hope we can work cooperatively to accomplish that.

Shall we live in interesting times? a Chinese proverb might say. I would say to whomever crafted that Chinese proverb, I have lived in enough interesting

times. Two years ago at this time we were talking about the procedures of the Senate for trying the impeachment of a President—interesting times. Following the November election, our Constitution hung in the balance for 36 long days—interesting times, historic times. And now, in a very historic way, the Senate attempts to govern itself in a 50/50 representation.

For this Senator, enough history. Now let's get on with leading and governing for the sake of the American people and for this great country.

I yield the floor.

The PRESIDING OFFICER (Mrs. LINCOLN). The majority leader.

SENATE PROCEDURE IN THE 107TH CONGRESS

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to the resolution we have at the desk, that no amendments or motions be in order to the resolution, and that the Senate vote without any intervening action or debate at 3:30 on adoption of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object, and I will not, if I can be assured between now and 3:30 the Senator from New Mexico has an opportunity to speak, but I am not sure that will occur. I would object to the time certain. The rest of it I will not object to.

Mr. DASCHLE. How much time would the Senator from New Mexico be interested in?

Mr. DOMENICI. I would like to reserve 10, 15 minutes, let's say.

Mr. DASCHLE. How much time—

Mr. GRAMM. Ten.

Mr. DASCHLE. Will the Senator from Alaska seek recognition?

Mr. STEVENS. I will, but I seek to follow Senator BYRD. He is my chairman. I will follow Senator BYRD.

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

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

Mr. DASCHLE. Madam President, I modify the unanimous consent request that I made in the following manner. I ask unanimous consent that the following Senators be recognized in this order, and to the times allocated as I will suggest: Senator BYRD be recognized for 10 minutes, Senator STEVENS be recognized for 5 minutes, Senator GRAMM of Texas be recognized for 10 minutes, Senator DOMENICI be recognized for 10 minutes, Senator ROBERTS be recognized for 4 minutes, Senator BENNETT be recognized for 5 minutes,

and that Senator REID of Nevada be recognized for 2 minutes; that at the end of the debate the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 8) relative to Senate procedure in the 107th Congress.

The Senate proceeded to consider the resolution.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. To say that these are historic times would be hackneyed and trite. To say that the leaders of the Senate have risen to new heights and are acting and speaking as statesmen would be something other than trite.

I first want to congratulate my leader on this side of the aisle and my leader on that side of the aisle. I know they have gone through some excruciating moments. I know, without asking, that they have lost some sleep. I know, without inquiring, that they have rolled and tossed on their pillows, having been in their shoes myself.

When I came to the Senate, Lyndon Johnson was the majority leader. Politics did not prevail over statesmanship. He worked with a Republican President, President Eisenhower, in the best interests of the Nation.

When the great civil rights debate of 1964 occurred, Everett Dirksen did not play politics.

Had Everett Dirksen not worked with Lyndon Johnson and with Mike Mansfield, the Civil Rights Act of 1964 would never have been written. Had Everett Dirksen played politics instead of acting the part of statesman, cloture would never have been invoked on the Civil Rights Act of 1964.

When the Panama Canal treaties were before the Senate in 1977, had Howard Baker chose to play the part of a politician and not worked with ROBERT BYRD in the interests of the Nation as we saw those interests, the Panama Canal treaties would not have been approved. More lives would have been lost. Howard Baker acted the part of statesman. We both were swimming uphill. The Nation's polls showed that the people generally were much opposed to the Panama Canal treaties. We came together. Even in this past election, I still lost the votes of some West Virginians because of my support of the Panama Canal treaties in 1977.

We saw on those occasions the separation aisle here become a passageway to the best interests of the Nation; Senators from both sides joining hands and marching together.

On the Appropriations Committee, we do not need a resolution of this kind. We have always worked together,

Republicans and Democrats, on that committee. The longer I work on that committee, the better our members of both parties seem to work together. We have worked well throughout all the years I have been on that committee, when Senator Russell was chairman, when Senator McClellan was chairman, when Senator Ellender was chairman, and when Senator Hatfield was chairman, when Senator Stennis was the chairman.

I say here today and now that the paradigm of cooperation, of statesmanship, of bipartisanship has occurred during the chairmanship of TED STEVENS. I am one Democrat who has absolutely no compunction when it comes to stating the truth about a colleague. If I have to say that the chairman is a better chairman than I have been, I have no compunctions about that. I said that several times about Slade Gorton, the former chairman of the appropriations subcommittee on the Department of the Interior. He was a superb chairman. He was a better chairman of that subcommittee than I ever was. That is a westerner's subcommittee in the main.

TED STEVENS has been a chairman par excellence. We don't need any resolution. Whatever problem there is, he and I can settle it. There is no rivalry, none, between these two Senators. There is no party between these two Senators. There is only friendship and respect and trust. That is the way it has always been, and that is the way it is always going to be.

That is the secret to getting things done in this evenly membered Senate in these times, a 50/50 tie: trust, mutual respect and trust. I am not going to go to heaven if I hate Republicans. My old mom used to say: "You can't go to heaven and hate anybody, ROBERT."

Now, there are some people on both sides of the aisle who are extremely partisan. There are many others who are only moderately partisan. I think for the most part we can say that most Members on both sides are moderately partisan.

This agreement is a real accomplishment. I don't think I would have accomplished this, if I had been majority leader. That leader on the Republican side had an extremely tough way to go. Today he has risen to a new stature. I thought he did himself well during the impeachment trial. I thought my own leader set a fine example. Today these two leaders have set a wonderful example. But the example of statesmanship goes beyond these two leaders.

I know it has been difficult for Members, particularly on the Republican side, to come to an agreement such as has been reached here. But they have been willing to give up their partisanship for the moment in the better interests of the Nation.

Also, it is exceedingly important—I have already mentioned it here—to

George Bush, who will become the President of the United States on January 20. It is vitally important to him, if he is to expect to see his programs considered and adopted. And hopefully, from his standpoint, certainly, and from the standpoint of many others, if he is to see those programs succeed, he is going to have to have help. He can't depend on all of its coming just from his side of the aisle. He is going to have some help over here. Who knows, I may be one who will vote with him from time to time. There will be others on this side.

This agreement is exceedingly important to him. It sets the right example. It should give heart and encouragement to the people of the Nation. I view it as a pact which will make it possible for us to rise above the interests of party, rise above even ourselves from time to time, and enable us to accomplish something worthy of remembrance in the pages of history.

This can be the most difficult situation that could ever confront the U.S. Senate. We could just tie ourselves in knots. But there is a spirit of goodwill that I see emanating here that has brought about this agreement, which I hope will be agreed upon soon, and it is a unique agreement.

I personally express my deep gratitude to Mr. LOTT and to Mr. DASCHLE. I would never have thought it could be done. I viewed the future with a great deal of dread, but I am encouraged to believe that we can, indeed, accomplish something that will be in the best interests of both parties, be in the best interests of the Nation, and be in the best interests of this Senate and make this Senate, once again, the beacon that it has so many times shown itself to be in times of peril, in times of stress in the history of this great Nation.

Mr. STEVENS. Madam President, I am humbled by the statement of the President pro tempore and the current chairman of the Appropriations Committee. He and I have served together now for many years. I know he did not know earlier today in our conference I told the conference that I thought that this resolution that has been crafted by our two leaders was, in fact, extending a hand of friendship across this aisle based upon trust.

He, in his normal way, has stated it more clearly and precisely than I. Senator BYRD honors us all. But we are here as senior Members. As our leader on this side of the aisle has said, this is a 50/50 split in the Senate. But it is still the Senate of the United States. Coming from Alaska, I know the value of the vote that comes from the Vice-Presidency. It was the only vote that Vice President Agnew cast that broke the tie on the Alaska pipeline and brought our Nation billions of barrels of oil.

We face issues all the time when we are split and have a tie. This time we

start with a tie, but we start also with the friendships and the knowledge of one another that have been built up over the years. I think it will be an interesting experience for newcomers to witness. The Senate starts on the basis of trust.

When I was a very new and appointed Senator, I asked a Senator here who was managing the bill on the other side of the aisle to call me when it came time to offer an amendment. I was tied up in a committee. I was surprised that the bell rang in the committee and the vote was going on. I came to the floor. I am not one to be shy in expressing my opinions, and I went to the then manager of the bill and started to berate him. Senator Mike Mansfield came to me and said: Senator, you should not use language like that on the floor of the Senate. I told Senator Mansfield what had happened. He, as the majority leader, looked at that Senator and said: Is that true? The manager of the bill said: That's true, but that amendment would not have passed. Senator Mansfield said: Have you got your amendment, Senator?

He took the amendment from me, he stopped the vote that was going on, he returned the bill to second reading, and he offered my amendment. That amendment passed, and it has benefited my State for a long time.

I merely state it here today to say every Senator on this floor has equal rights. The 50/50 that we have is the result of the voters of the country, but there need not be a division between this body in terms of the 50. We work on the basis of a majority. We can have a tie at almost any time, or a majority with a quorum.

We are looking at a process where every Senator has the right now to understand the responsibility that comes from this agreement that has been reached. I congratulate the Democratic majority leader; I congratulate our future Republican majority leader for reaching this conclusion. I share the feelings of my friend from West Virginia that this is an act, really, of true statesmanship. I believe those who have not agreed should help us make it work because it will take the relationships that exist between myself and my great friend from West Virginia to make this work. I not only trust the Senator from West Virginia, I trust him with my life, and he knows that. We have never had an argument. I have served with him as chairman; he has served with me as chairman. We have resolved every difference we ever had before we came to the floor. That is what is going to happen now.

Most of the work we do will be in committee. This resolution gives us the ability to work in committee on the basis of trust. I honor the two leaders for what they have done. I am proud of the Senate today.

The PRESIDING OFFICER. The Senator from Texas is recognized for 10 minutes.

Mr. GRAMM. Mr. President, I begin by congratulating our two leaders. I personally have deep concerns about this agreement and its workability, but I begin my statement today by saying I intend to support it. I intend to do everything in my power to make it work. I want to make a pledge to myself and my colleagues that I hope others will make, at least to themselves. If it fails, it won't be because of me.

I will try to explain my concerns in the few minutes that I have. First of all, when it became clear that we had the extraordinary result of an equal number of Members in both parties, I sought direction from the ultimate source of direction in the American democracy by turning to the Constitution. As Senator LOTT has already pointed out, the founders so long ago, in a world so different than our own, not only thought about this potential but they wrote it into article I, section 3 of the Constitution. In fact, they didn't wait very long in writing the Constitution to put it in.

In section 1 of article I they give exclusive legislative powers to Congress. In section 2, they establish the House of Representatives. In section 3, they establish the Senate. Then they turn to exactly this question: "The Vice President of the United States shall be President of the Senate"—the only responsibility given to the Vice President in the Constitution of the United States. Then they give him his only delegated power other than the power of succession in the event of death. That power is, "but shall have no Vote, unless they be equally divided."

My basic response in following the Constitution as a guide is that we have reached exactly the situation that the founders recognized in writing the Constitution. We do not have 50 Members of the Senate who are Democrats and 50 who are Republicans. We have reached section 3 of article I of the Constitution in terms of American history, and the Vice President of the United States, with the Senate equally divided, casts the deciding vote. My reaction, in looking at this provision of the Constitution, was that we have a Republican majority, that we have 51 Republicans and 50 Democrats.

It is awfully easy to say it when the new Vice President is a Republican, but let me make it clear: If the new Vice President were a Democrat, I would expect the Democrats to be the majority in the Senate. I personally would have never contemplated that they would not have a majority on each of the committees because they would have the responsibility under the Constitution for governing.

We have made a decision to go in the other direction. I have said that I will support it and I will do my part in

making it work. But let me tell you what my concern is about it. If there is anything that we learn as we live and have experience, it is that the old adage about never giving someone responsibility without giving them authority is a valid adage. That is my concern about this agreement, even though I hope it does represent a reaching across the aisle, I hope it does bring in an era of bipartisanship. I am sure people back home do not understand why it is not so easy for us to get together.

I have disagreements with Senator BYRD, not because I don't love Senator BYRD, not because I don't admire Senator BYRD, and not because Senator BYRD is a Democrat and I am a Republican. I have differences with Senator BYRD from time to time because we have a different vision of what we want America to be. We have a different conception of the problems we face. Jefferson said: Good men with the same facts are prone to disagree.

My concern is that we may very well, in this process, be guaranteeing gridlock by giving just the responsibility to one party which clearly, under the Constitution, Republicans now have. Come the 20th, our leader will be called "majority leader." I will be the chairman of the Banking Committee. Senator DOMENICI will be the chairman of the Budget Committee. My concern is that we should not separate responsibility from authority.

I am reminded, in concluding my remarks, of the Biblical story, as Senator BYRD and I am sure everyone will remember, about the two ladies who brought a baby before Solomon and contested about whose baby it was. Now, Solomon could have decided: The solution here is an equal division. He could have cut the baby in half. But Solomon decided that was not right to divide the baby and fortunately, with his great wisdom, he figured out how to determine who was the real mother by feigning to cut the real baby in half in which case the real mother said: No, let her have it. Solomon, with his great wisdom, having determined the real mother, gave her the child.

I hope that by separating responsibility and authority we have not cut the baby in half here today. I hope we can make this work. I think it is in the interests of the Nation that it work. Bipartisanship is a wonderful thing, and we have had it on many issues. Senator BYRD and I worked together on the highway bill, and every time I ride on one of our new highways in Texas, I rejoice that we got together and made the Federal Government stop stealing money out of the highway trust fund, and we spent the money building new highways in America so when people pay gasoline taxes, sure enough, the money goes for the purpose they are told it goes.

There have been many great bipartisan actions taken by Congress. But

there are times when there are differences, not because one party is good and the other party is bad or one party is right and one party is wrong—but because there are fundamental differences. When those occasions arise, we are going to have to work very hard to make this system work.

I intend to try to make it work. I think we can make it work. I believe we are going to pass the President's tax bill, for example. I think it is going to get an overwhelming vote in the end. But I would say that under this system it is going to be a lot harder to make the Senate work.

So in this joy from bipartisanship, I hope we are all committed to rolling up our sleeves and engaging in the extra effort that this is going to take. I commit today that I am, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Does the majority leader seek recognition?

Mr. DASCHLE. If I could just make a unanimous consent request? The Senator from Virginia, Mr. WARNER, asked for 3 minutes. I ask unanimous consent he be recognized preceding the recognition of Senator REID for 3 minutes.

Mr. INHOFE. Reserving the right to object, and I will not object, but if he is going to be able to get that, I would like to have 1 minute before his time.

Mr. DASCHLE. I ask unanimous consent Senator INHOFE then be recognized, and Senator CARPER be recognized after Senator REID for 3 minutes.

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

Mr. DOMENICI. Madam President, fellow Senators, after we had a Republican conference, I went to my office and, with one of my most helpful friends and workers in my office, I prepared some remarks. Let me assure you, after being part of the Senate here this afternoon, I don't need my remarks. But I would like to share with Senator BYRD and those who speak of history—I would like to share my history as a Senator. It will be very brief.

I was unexpectedly elected to the Senate and I never had been a legislator anywhere. I was on a city council. I sit here—but I sat in that second-to-last seat and waited my turn. And what a long time it took.

I was never blessed with the luxury, Senator BYRD, that you have been in your life of being on the Democratic side all of your life and having such huge majorities from your side of the aisle. When I arrived, there were only 38 of us. We didn't have to worry about this kind of agreement, as you know. The Democratic majority was a huge majority and they ran every committee. They were in charge and they got a lot done.

But what I learned, so there be no mistake about it, was to work with Democrats. I learned to work with

them when we got up to 44, and I learned to work with them when we got up to 46, and what a thrill when we finally got a majority. I still have more legislation passed here, there, and yon that is bipartisan. I wish to say from the very beginning, I pledge to try to make this work. I will do that with every ounce of ingenuity, wisdom, or the opposite thereof if required, to try to make something work.

It is one thing to say to this Senate: Senator HARRY REID and I have grown to be very good friends because we serve on an appropriations subcommittee and we always agree on everything after we have spent some time disagreeing. But I would also tell you that he and I do not agree on policy. I note, with a big smile on my face, his policy positions have become more known and more pronounced since he has occupied the second chair on that side—which I expected of him.

Did I have any real friends in the Democratic Party who went to exceptional ends to be helpful to me? Let me tell you a brief story. I was a pipsqueak in the Senate, and Senator Long was a very big Senator. I was just starting my first term. I passed only one bill. It was a big bill. It imposed a 10-cent gasoline tax—Senator BYRD, you remember that—on the users of the inland waterways. Do you remember that fight? It went on forever, but I won fair and square, and I went home to campaign. And, believe it or not, a Senator from that side of the aisle, in my absence—I was in New Mexico—was going to undo my victory because they had the votes and he had the floor. A staffer called me and said: You better come back, get off the campaign trail and come over here and defend the only legislative victory you have, of any significance, in the first 6 years. I was prepared to do it.

Guess what the next call was, in about a half hour—Russell Long. I had defeated him on the floor in that debate. And he said: PETE, they won't do that.

I said: What?

They will not upset your victory. You won. You stay home and campaign.

Think of that, telling a Republican to stay home.

You stay home and campaign and I will take the floor in your place and object to what is contemplated. And the victory that you got will not be undone here on the floor by a Democrat.

That is friendship, right? But, listen, I didn't agree with Russell Long on a lot of things—and he knew that—here on the floor of the Senate.

I say to my Democrat friends on the other side of the aisle, all kinds of expressions have been used talking about what is going on: "We extend a hand to you" and all those other wonderful words.

All I can say is, I am going to do my best to work with you, and I hope you

will do the best you can to work with me on the Budget Committee and get something done.

I, too, thought we were starting this session—and it is the reason I was concerned about what was happening—I thought we started with the idea that on January 21, Vice President CHENEY would be in that chair and he would make it no longer 50-50 but 51-50. I still believe that is the case.

My thinking is he is going to be denied the right to vote on this issue. Maybe we ought to have a lengthy debate so he can have a vote on this issue.

Our leadership has gotten together—I cannot use words of high enough praise to exceed the great words on the floor complimenting you, Senator DASCHLE, and my Republican leader for what you are doing.

Those who have listened to me in our own conference and maybe some media person has caught a glimpse of what I was saying heretofore the last few days, I hope everybody understands that was my version of what we were stepping into, and I thought clearly from the precedents I had read that that event would occur in due order, and we would not be split 50/50.

It is imperative we try to work together. The fact that I am going to try to work with my counterpart, KENT CONRAD, with whom I have already met two times and talked with today at length about the Budget Committee—but I am not sure it will work—while I am going to try my best, I do not know whether we are going to be able to get the work of the American people done under a 50/50 arrangement as to the committee structure. I hope and pray that it will work.

I assure my leaders that, with all our vigor and all our commitments, it will be tough to get our work done as to serious and contentious matters that are between the two parties or favor the President. It will be very difficult to get it done. Nonetheless, I support it. It is a very high-minded purpose that both of you had in mind and you achieved it. Our Republican leader achieved it. He will be praised for trying to bring not just friendliness but bipartisan effort to the Senate.

My words expressing how much I hope that works are inadequate. I hope our praise will not be short lived and what we are praising them for today will not be for 2 weeks or 2 months, but maybe at the end of 1 year, when we look back on it, we can say, in spite of the most difficult committee structure we have worked with in this Senate, we were able to work.

I know Senator BYRD as chairman and ranking member of the Appropriations Committee and Senator STEVENS, my great friend as well as his, have been able to do that, but I submit to them that the appropriations work is a little bit different than some of the

other committee work. Some of it will end up in our committees that have very philosophical, very partisan overtones. We will try to mellow those and get our work done as Senator BYRD and Senator STEVENS have in such an exemplary manner.

I close by saying I graduated along in this Senate, never serving in any other institutional body of legislative significance. Senator BYRD has frequently said that we must learn to understand and know the Senate, and once we have, we will love it. I have heard him say those words or others. I am one to whom you have said: Senator DOMENICI, you have really learned what the Senate is all about. I hope I have. I wanted to achieve; I wanted to bring bills to the floor that were contentious. I see no other way to run the Senate other than that.

Nonetheless, again I repeat, I pledge all my energy to making this bipartisan arrangement work. I say to Senator DASCHLE, I will try. I say to Senator BYRD, I will try. To my distinguished majority leader, rest assured this Senator will try to make your excellent agreement, difficult agreement work. If I have reservations, I think they are legitimate. They are concerns about whether this institution can work with equal committees and without more assurance on the conference situation which others will discuss.

All of the discord is gone. Senator LOTT was my leader in the negotiations. I compliment him for the results, and I compliment the majority leader for his success.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Kansas is recognized for 4 minutes.

Mr. ROBERTS. I thank the distinguished Presiding Officer.

Madam President, the motto from my home State of Kansas is "Ad astra per aspera." Translated it means "to the stars through difficulty." If you take a look at our pioneer past and the history of the problems we experienced in the West, our heritage and progress we have made as a free State, the motto is very appropriate. Perhaps "to the stars through difficulty" should be the appropriate motto to describe the challenge we face in the Senate as we begin what Senator BYRD has described as a very historic and a very unprecedented session. With a 50/50 membership split, we have to proceed in a bipartisan fashion or we are not going to proceed.

I thank and pay credit to the distinguished majority leader, Senator DASCHLE, and our distinguished Republican leader, Senator LOTT, for persevering. Senator BYRD said it was excruciating, and it probably has been. There has been a lot of second-guessing, a lot of concern, a lot of frustration, a lot of worries. I have had some of those, but they have basically

worked out what we hope will be a blueprint of Senate rules and procedures that will allow us to work together and avoid gridlock and get something done.

Our respective leaders have said, and will speak for themselves, that this will not be easy. Senator DOMENICI and Senator GRAMM have expressed those concerns.

I suppose some are wondering why a worker bee or a rank-and-file person in the Senate should be here as opposed to the leadership and the distinguished chairmen of the committees, but I have a little history in regard to this body and the other body.

I served 14 years as a staffer, 16 years in the House of Representatives, and now 4 in the Senate. That is a long time. I am the only member of the Kansas delegation who has ever served in the minority. That is rather astounding to me.

I can remember when how legislation was considered and when it was considered in the House was a foregone conclusion. There were an awful lot of Charlie Stenholm-Pat Roberts amendments. All of a sudden, they became Roberts-Stenholm amendments. I can remember how that worked. In the Agriculture Committee, we were not that partisan.

I have a great deal of reverence for this body. I serve on the Agriculture Committee. We have to get a farm bill done, tax policy changes, sanctions reform; we have to have an export policy that works. Our farmers and ranchers are still hurting. Senator HARKIN and Senator LUGAR will devise ways to get that done. We cannot hold that up.

The distinguished chairman-to-be after January 20 and the distinguished Senator from Michigan have quality of life issues with our armed services people; we have our vital national interests to prioritize; we have some recruiting problems, some retention problems. Quite frankly, our military is stressed, strained, and hollow. We must address this. It is our national security. We cannot hold this up. We have to move ahead.

I also serve on the Intelligence Committee. In that respect, the chairman-to-be, Senator SHELBY, and the current chairman have to detect and deter and get ready for consequence management with all sorts of problems in regard to terrorism and homeland defense. We are talking about the individual freedoms and the security of the American people. We cannot hold that up by a filibuster or any kind of gridlock.

In regard to what we have to do, let us follow the example of President-elect Bush. He has said: Let us unite. I am a uniter; I am not a divider. We can do that. We can follow his example. We have reached out with a hand of friendship and trust, as described by Senator STEVENS. We ought to seize that opportunity.

I know there are some who say we are going to get a slap in the face in return. It will not be a slap in the face in return to anybody in this body or from a partisan standpoint; it will be a slap in the face to the American people, and they will understand that.

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

Mr. ROBERTS. Madam President, I ask unanimous consent for 30 additional seconds.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERTS. I talked to a respected and veteran newspaper editorialist of the Washington Post, Bob Kaiser, just a couple days ago. He said: PAT, you have been around here quite a while. Is this possible? 50/50, will it work in the Senate? Can you avoid the partisan bickering and all that that encompasses?

I said: I don't know, Bob, but we've got a shot. We have an opportunity. Borne out of necessity, we must do this.

Senator LOTT and Senator DASCHLE, and our leadership team, thank you for arranging this possibility. It is now up to us. We have the responsibility, and, yes, both of us now have the authority. Let's see if we can get it done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 minutes.

Mr. BENNETT. Madam President, I had not realized when I came down to the floor that this was going to turn into a history class. But I have a little history to add to it myself, and I hope that it is appropriate.

During our conference today, we talked about a previous situation where the Senate was close to this circumstance. The Senator from Oklahoma, Mr. NICKLES, and I had an exchange about the facts in that situation. He had it different than I had it. So naturally, under those circumstances, you go check it out. I found out we were both right. So I would like to recite that to perhaps give us a historical setting of where we are.

I have only served in this body for 8 years. But as I have indicated on the floor on other occasions, as a teenager I sat in the family gallery while my father served here. And this will perhaps shock everybody, but that was before STROM THURMOND was sworn in. I was in the Senate Chamber before STROM THURMOND was, if you can believe that. And it is true.

The Republicans had just won the historic election of 1952. Dwight Eisenhower was the President. The Republicans won the Senate by the narrowest of margins, 49/47. Then, very quickly, Robert Taft was the majority leader. I still have memories, sitting in the family gallery, of watching Robert Taft—a

man whose face is now in the lobby as one of the five greatest Senators in American history—prowling around in the back of this Chamber.

One of the interesting things about it is that the Chamber looked exactly the same then as it does now, except that TRENT LOTT has now changed the color of the walls, I think wisely, in the television age.

But very quickly in the Eisenhower administration, Wayne Morse found that his differences with President Eisenhower were irreconcilable, and he announced himself an independent. So you had 48 Republicans, 47 Democrats, and 1 Independent.

Senator Morse insisted that he would not take his committee assignments from either party, he would take them from the Senate as a whole, and very quickly discovered that that kind of a stance meant he got no committee assignments, period. So he began caucusing with the Democrats with whom he was more ideologically aligned.

Then Robert Taft died. He contracted cancer. He yielded the majority leader's position to Senator Knowland of California. Senator Taft fought the cancer gallantly for months, and then he died. There was a Democratic Governor in the State of Ohio, and Robert Taft was replaced by a Democrat. It suddenly became 48 Democrats, and 47 Republicans, with 1 Independent.

That was the position Senator NICKLES was trying to explain to me during the conference, and he was right. My memory was the first circumstance, and that was right. The difference was, we had had a death in there that I had forgotten.

Now this was the situation: Because the Republicans had organized the Senate with 49 Senators to begin with, they had organized it with a Republican majority on every committee. They held that Republican majority on every committee until Senator Taft died, and it switched. At that point, Senator Morse—this I do remember—said, A, he had been elected as a Republican and, B, the Republicans controlled the administration and, therefore, in order to prevent the new President from being frustrated in his opportunities to get things through, he would, even though he had denounced his Republican party membership, vote with the Republicans on organizational issues, giving the Republicans 48, the Democrats 48, and with Richard Nixon in the chair giving the Republicans 49.

Here is the key point. Under those circumstances, the Democrats said: We will not ask for a realignment of the committees. We will allow the majority that was there on the committees to be maintained through the balance of this Congress.

So it was 48 Democrats, 47 Republicans, and 1 Independent, with the Independent vowing to vote against any organizational resolution the

Democrats might bring forward, and of course Vice President Nixon would vote also that way, so the Republicans, even though they had only 47 seats, in a 96-seat Senate, maintained the chairmanships and a 1-vote margin on every committee.

Now we are in a different situation.

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

Mr. BENNETT. Madam President, I ask unanimous consent that I may proceed for an additional 2 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BENNETT. Now we are in a different situation in that we come into it even, 50/50. This time, the Democrats have not been so shy about saying, we will automatically give up control on each committee. And they have been very firm about saying that the committee ratios must be exactly the same. If I were in their shoes, frankly, I would probably be arguing exactly the same way.

On the other hand, the Constitution has been cited here by the Senator from West Virginia, by the majority leader, and others, saying that the Republicans have the ultimate right to break the tie through Vice President CHENEY after January 20.

This creates what is sometimes called an immovable object facing an irresistible force, with both sides digging in and saying: This is what we absolutely have to have. And with the power of the filibuster, both sides have a nuclear weapon.

To have come up with a resolution that is producing the kind of rhetoric we are now hearing on the floor this afternoon demonstrates the wisdom, the intelligence, and the skill of our respective leaders. I, for one, want to go on record congratulating them both and all of the Members of the Senate who are lining up behind it, even though there are those on both sides of the aisle who are terribly unhappy with the ultimate result. The fact that we have one that is now going to pass by unanimous consent is a tribute to our leadership. I wanted to express that here today.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 minute.

Mr. INHOFE. Madam President, while I do not disagree with anything that has been said here, I do feel compelled to make a statement. While I was not on the floor, there was a unanimous consent request propounded successfully, so that this is automatically going to become a reality without a vote. That is fine. That is going to happen. But I have to say, I was not here on the floor, as 75 percent of the Senators were not here.

I am not criticizing the majority leader or any Member of this Senate. But I have to say, I agree with Senator

BYRD that—I think he probably recited it, even though I was not here—section 3 of Article I of the Constitution says:

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

I often say that one of the few qualifications I have for this office is that I am not an attorney. So when I read the Constitution, I know what it says. So after the 20th, we will be a majority party.

While I chair two subcommittees, the rule that we are adopting here, the resolution, says that even though I chair that subcommittee, if it is an equal vote—it is a tie vote—it goes on to the full committee. I do not think that is right. For that reason, I just want to make sure the RECORD does reflect I do oppose the resolution. I would like to have the RECORD reflect that.

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

The Senator from Virginia is recognized for 3 minutes.

Mr. WARNER. I thank the Chair. May I say, I congratulate the Presiding Officer for assuming the chair. I assume this is her first opportunity.

Madam President, I was among the class of chairmen to hold out for the one-vote majority, not for any reason personal against my distinguished friends and colleagues on the other side of the aisle but because of the enormity of the annual bill of the Armed Services Committee on which our distinguished colleague from West Virginia serves and my distinguished chairman from Michigan serves.

That bill last time was brought to the floor with about 450 pages. It grew to 900 pages. It took us 5 weeks. Therefore, with that type of responsibility, whether I am the chairman or others are chairman or, indeed, on this side of the aisle, should it occur on a split, you need the authority to do the job. Then you have to accept the responsibility.

I fought the battle along with others. My distinguished leader, Mr. LOTT, gave me every opportunity to express my views. The decision was made within our conference. I accept that decision, and I today publicly commit to make it work. We have to make it work. We have an obligation to 281 million people to make it work.

Our great Republic, three branches, coequal in authority, has gone through one of the great chapters of American history, a hard-fought election by the contenders in the executive branch, that decision then thrust upon the judicial branch, finally decided by the Supreme Court of the United States. Now to the legislative branch is posed a challenge to make it work. That we will do.

I say to my friends in the Senate, we will draw from that treasure that we have in this institution called personal friendships and relationships. They are

not well known publicly, but I am blessed, I say with humility, to have so many close, personal relationships throughout this Senate, ones in which I pose great trust and confidence.

If I may be personal to my good friend from West Virginia, or my good friend, Senator REID, and Senator LEVIN, we shall make this work in the interest of our country. Because the other two branches are going to make it work, we will. The legislative agenda of President Bush will rotate around the axle of the Senate—no disrespect to the other body. This split will be the axle around which it rotates, and we will make it work and move forward in the interest of this country.

I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the chairman of the Budget Committee, Senator CONRAD, be recognized for 3 minutes.

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

Mr. CONRAD. Mr. President, I thank my colleague for this time.

We have an agreement. I believe it reflects well on both sides of the aisle and the leadership on both sides of the aisle. I think neither side of the aisle is fully satisfied. There are problems in this agreement, as there are problems in any agreement, but it is a very good first start.

The hard reality is that the elected membership of this body is split 50/50. The elected membership, Senators, are split 50/50. So one would anticipate that the membership of the committees would be split 50/50. This is a result of an election. The people of our country have spoken. They have chosen who serves here, who represents them in this Chamber, and it is their decision that has determined the result.

There has been much discussion of the Constitution and the Vice President's role. It is absolutely the case that under our Constitution the Vice President breaks ties. Those are ties on the floor of the Senate. The Vice President doesn't break ties in committees. So I think the arrangement that has been worked out between the two leaders is the only logical conclusion to which one could come.

As a member of the Budget Committee and the lead Democrat on the Budget Committee, let me say that the Budget Committee will be among the first places to test this new arrangement. Senator DOMENICI, who will chair the Budget Committee after January 20, which I have the privilege of chairing for the next 2 weeks, has said he will give it his best effort to make this work. I come to the floor to say I make the same pledge, that I will give my best effort to make this arrangement work.

What I mean by that is what I have just had the opportunity to say to the

Secretary-designate of the Treasury, Mr. O'Neill, in my office just moments ago, that bipartisanship is more than a word. It means that both sides give up part of their fixed positions. That is what bipartisanship means. If there is going to be compromise, it means that neither side gets precisely what it is seeking. But only through that kind of compromise and bipartisan spirit can we advance the agenda in this Chamber.

Senator DOMENICI and I have already spoken several times. We had an extended discussion today. It is a good beginning.

Again, I pledge my best effort to making this arrangement work. I think it can work. I believe if people of good faith join together, we can achieve much for our country.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have stated publicly on previous occasions my admiration for the two leaders, the Democratic leader and the Republican leader, and certainly that is accentuated as a result of the work they have done today.

The work they have done has been difficult and hard, but in the process of doing the work, there have been some unsung heroes I want to recognize. I call them heroes. I underline and underscore that. When an idea is given by Senator DASCHLE or by Senator LOTT, somebody has to put this on paper and work out the details. Those details have been worked out. Therefore, I want to make sure the Senate record is spread with the fact that we have had people who could be out in the private sector making lots and lots of money. They are here because they are dedicated public servants.

I mention specifically Mark Patterson, Mark Childress, Caroline Fredrickson, Marty Paone, and Lula Davis on this side, who have spent tremendous amounts of time trying to carry forth the wishes of the two leaders.

On the Republican side, there are others who could mention probably more people than I, but I have been able to witness personally this last week the tremendous work of Dave Hoppe, Elizabeth Letchworth, and Dave Schiappa, who have done tremendous work and have really made it possible to arrive at the point we are today. The work, the leadership, the policy direction by our two leaders has been significant, but it has only been able to be implemented because of the work of these staff people.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, this is my first opportunity to address this body, so this is a special day for me.

For the past 8 years, I have been in and out of this Chamber any number of

times as Governor of Delaware and chairman of the National Governors' Association. I have never had the opportunity to sit down in one of these seats or to speak at one of these podiums.

One of the great things about being Governor is you get to be part of the National Governors' Association. There is a strong history there of Democrats and Republicans, and one or two Independents as well, to actually work together, to reach across the aisle and to find consensus, not just occasionally but routinely.

One of the aspects I liked most about being Governor was that every day you came home you felt good because you had gotten something done. Some of us previously served together in the House for awhile. I can remember any number of times going home on the train to Delaware feeling frustrated, not just 1 night or 1 week but maybe months, because we hadn't gotten enough done. We hadn't really met what was expected of us by the people who sent us here.

I suspect, for people outside this body, the action we are endorsing today will have a relatively little consequence or seems to be of little consequence. But the agreement that has been struck is an agreement of real consequence, not just for those of us working here in the years to come but I think a real consequence for our Nation.

We could have spent much of this month, and maybe the next month and the month beyond that, arguing about the size of the negotiating table and how many seats were going to be at that negotiating table or how many members would be on committees and subcommittees. We are not going to be doing that. Instead, we are going to have the opportunity to take up the business of the people who sent us here to work in the first place.

This may be the triumph of man's hope over experience, but maybe if we can agree on some of the difficult issues we are agreeing on today, then there is some hope and promise that we may be able to find agreement on campaign finance reform, on ways to continue reducing our Nation's debt, and we might shore up the Social Security and Medicare trust funds, and we might cut some taxes—Democrats and Republicans will find common ground there—and how we might extend health care coverage to folks who don't have it, and prescription assistance for some of our older Americans, and even on schools.

When the American people voted for 50 Democrats and 50 Republicans, they did not vote for gridlock. When they voted for almost equal numbers in the House, they did not vote for gridlock. When they voted almost equally for George W. Bush and AL GORE, they did not vote for gridlock. I am proud to

stand here on my third day as a Senator to be able to support a wonderful compromise struck by two excellent leaders that holds forth the promise that the next 2 years that we work together in the 107th Congress will be 2 years that will show a great deal more progress for our country, and that is good. This is a good day. I commend those who brought us to this agreement.

I yield back my time.

Mr. LEVIN. Mr. President, the Senate is in an unusual situation and we are dealing, I believe, with extreme wisdom. It is a very difficult anomaly. It has never happened before that the Senate has had a 50/50 split of this nature at the beginning of Congress. The only thing that comes close was in 1953, which was very different because the Republicans had a majority in the beginning of the Congress and the 50/50 situation that existed only occurred in the second session of that Congress. The same party was in control throughout with the Vice President's vote in the second session, which had the majority in the first session.

This is an unusual situation. It took wisdom and statesmanship on the part of our leaders to put together a resolution which would carry us through this very difficult point. Just like during the impeachment situation, the leadership was able to work out a process which allowed the Senate to function and to proceed in a manner that would allow us to have comity and civility, to avoid recrimination. So here the leaders have been able to put together a resolution which will permit us to do just that. I not only wish to thank Senators DASCHLE and LOTT, but many others have been involved in this. I see one of the clear architects of anything we do around here in the Senate based on a knowledge of the Senate as an institution and a knowledge of the Constitution. Senator BYRD is on the floor. His role on this has been essential as well; the wisdom and the implications and precedents which preceded us, and which we will be setting here today, are very much known to Senator BYRD. As always, we have relied heavily upon him in achieving this result. I simply say this: One of the national papers said a few days ago that power-sharing is the first test in the Senate.

Whether that term "power sharing" is particularly beloved by Members of this body, nonetheless that is really what we have had to achieve today. We have succeeded in passing that test, in my judgment. We carved out the mechanism which will allow us to respect the fact that we have a 50/50 Senate.

On the other hand, we are different from the House in at least two ways. Being in the presence of Senator BYRD, I am sure there are many more ways; but at least in two ways that I focus on.

First, we have a Vice President, somebody who can break a tie.

Second, we are a continuing body. The fact is we are a continuing body. If we didn't agree to a resolution, the previous Senate's resolution would continue to be in force until it was supplemented by a new resolution.

That is very different from the situation that exists in the House of Representatives.

In my home State in Michigan, we had a very positive experience in 1993, I believe, with a 50/50 House of Representatives. But they ended up with joint speakers, joint chairmen—joint everything, because there was no alternative. There was no way of breaking that tie.

We have a way of breaking a tie here. We have a Vice President at least on the Senate floor. We don't have a Vice President in committee, but we have a Vice President on the Senate floor. And we have a continuing body. We are a continuing body, which means that the last resolution would have continued in place, with all of the difficulties and complications that would have created, until it was replaced by the resolution we are adopting here today.

I commend our leadership and all those who have been involved in making it possible for us to proceed as a Senate in a manner which I think the public will respect as being fair and which is respectful of this body and this institution.

I know how conscious we must be of what we are doing—not just for the next period of time until a majority is reestablished by one party or the other, but we must be respectful of the implications of what we are doing for future circumstances similar to these.

History, I believe, will judge this agreement favorably. It is an agreement which is very sensitive to the history of this body. It is about as close to the 50/50 yard line as we can get consistent with the fact that there is indeed a Vice President who on the floor can break a tie consistent with the nature of this body as a continuing institution.

The old saying that "necessity is the mother of invention" is surely true again. It is the mother of bipartisan invention here, and I think it will serve us very well, and we will find we can work together as well as we have so often even when one of us is in the majority and one in the minority.

I know this has been the case on the Armed Services Committee. As the Presiding Officer knows and may know again, many of our committees work very well together on both sides of the aisle. It has been true between myself and Senator WARNER, who has been chairman and will again be on the 20th, and with Senator THURMOND before him. We have worked together very closely. That closeness will continue surely and even perhaps be enhanced, if that is possible, by this resolution.

I thank all those who have been involved.

I see Senator REID is also on the floor. I want to add my thanks to him because he has been at every moment involved in the carving of this document. I commend him and all others on both sides for their efforts.

I yield the floor.

The PRESIDING OFFICER. Pursuant to the agreement, the resolution is agreed to, and the motion to reconsider is laid upon the table.

The resolution (S. Res. 8) was agreed to, as follows:

S. RES. 8

Resolved, That, notwithstanding the provisions of Rule XXV, or any other provision of the Standing Rules or Standing Orders of the Senate, the committees of the Senate, including Joint and Special Committees, for the 107th Congress shall be composed equally of members of both parties, to be appointed at a later time by the two Leaders; that the budgets and office space for such committees, and all other subgroups, shall likewise be equal, with up to an additional 10% to be allocated for administrative expenses to be determined by the Rules Committee, with the total administrative expenses allocation for all committees not to exceed historic levels; and that the Chairman of a full committee may discharge a subcommittee of any Legislative or Executive Calendar item which has not been reported because of a tie vote and place it on the full committee's agenda.

SEC. 2. *Provided*, That such committee ratios shall remain in effect for the remainder of the 107th Congress, except that if at any time during the 107th Congress either party attains a majority of the whole number of Senators, then each committee ratio shall be adjusted to reflect the ratio of the parties in the Senate, and the provisions of this resolution shall have no further effect, except that the members appointed by the two Leaders, pursuant to this resolution, shall no longer be members of the committees, and the committee chairmanships shall be held by the party which has attained a majority of the whole number of Senators.

SEC. 3. Pursuant to the provisions and exceptions listed above, the following additional Standing Orders shall be in effect for the 107th Congress:

(1) If a committee has not reported out a legislative item or nomination because of a tie vote, then, after notice of such tie vote has been transmitted to the Senate by that committee and printed in the Record, the Majority Leader or the Minority Leader may, only after consultation with the Chairman and Ranking Member of the committee, make a motion to discharge such legislative item or nomination, and time for debate on such motion shall be limited to 4 hours, to be equally divided between the two Leaders, with no other motions, points of order, or amendments in order: *Provided*, That following the use or yielding back of time, a vote occur on the motion to discharge, without any intervening action, motion, or debate, and if agreed to it be placed immediately on the Calendar of Business (in the case of legislation) or the Executive Calendar (in the case of a nomination).

(2) Notwithstanding the provisions of Rule XXII, to insure that any cloture motion shall be offered for the purpose of bringing to a close debate, in no case shall it be in order for any cloture motion to be made on an amendable item during its first 12 hours of Senate debate: *Provided*, That all other provisions of Rule XXII remain in status quo.

(3) Both Leaders shall seek to attain an equal balance of the interests of the two parties when scheduling and debating legislative and executive business generally, and in keeping with the present Senate precedents, a motion to proceed to any Legislative or Executive Calendar item shall continue to be considered the prerogative of the Majority Leader, although the Senate Rules do not prohibit the right of the Democratic Leader, or any other Senator, to move to proceed to any item.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I ask unanimous consent to speak for up to 10 minutes on the resolution.

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

RESERVATIONS ABOUT S. RES. 8

Mr. NICKLES. Mr. President, it is no secret that I have had serious reservations about this resolution. Let me first make a commitment to Majority Leader DASCHLE and soon-to-be Majority Leader LOTT that I will certainly work with them and all Members of the Senate to make sure it works. I have the greatest respect for them, and I have the greatest respect for the Presiding Officer, the Senator from Hawaii, Mr. AKAKA, who is, in my opinion, Mr. Civility in the Senate.

I have stated in the past that what is vitally important for us to be successful in the Congress is that we need a greater return of civility and working together and trusting each other. This resolution I have had problems with because it is difficult for me to see how two people can drive a car at the same time or have their hands on the steering wheel at the same time.

Also, the way I look at the precedents of the Senate, it is not consistent. When the Senate was organized on January 7, 1953, there was an equal number—the Senate was equally divided 48–48, with 48 Republicans and 47 Democrats; the Independent was convening with the Democrats, I think. The resolution said there was an equally divided Senate, but it also gave a majority of one on 15 committees.

I am troubled by breaking the precedent of the Senate. I think it is important that we work together. I compliment the leaders because they have been working together. It is incumbent upon us to make this work.

Not everybody is happy with the resolution, but this is the Senate. I think it is vitally important for our country that President-elect Bush and we get things done. It is going to be a test. It is a test that I will certainly commit to do everything I can to make it successful. I see some challenges. Any committee you look at, if you have an equal number—most committees have an odd number, so if you have disputes, one group or the other is going to win. We are going to try to run committees on equal numbers. That will be a chal-

lenge for Democrats and Republicans, and it will be incumbent upon all of us to work together. While I am not totally satisfied with this resolution, I commit to the leaders to help make it successful.

I ask unanimous consent that a copy of the resolution of organization of the Senate in 1953 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the 83d Congress, 1st Session, Senate Report, No. 1, Jan. 7 (legislative day, Jan. 6), 1953]

STANDING COMMITTEES OF THE SENATE

[To accompany S. Res. 18]

The Committee on Rules and Administration, to whom was referred the resolution (S. Res. 18) proposing changes in the number of certain standing committees, having considered same, report thereon favorably with an amendment, and recommend that the resolution, as amended, be agreed to by the Senate.

This resolution would accomplish the following changes in the Senate rules affecting certain standing committees as follows:

1. To increase 10 standing committees by 2 members each (1 majority, 1 minority), and to reduce 5 similarly.

2. To permit 18 Senators of the majority and 3 of the minority to serve on four standing committees—Civil Service, District of Columbia, Public Works, or Government Operations. (Present rules do not include Civil Service or Public Works and do not recognize the minority.)

This will present the following committee picture:

- 15 members instead of 13 (9):
 - Agriculture
 - Armed Services
 - Banking and Currency
 - Finance
 - Foreign Relations
 - Interstate and Foreign Commerce
 - Judiciary
 - Labor and Public Welfare
 - Interior and Insular Affairs
- 11 members instead of 13 (5):
 - Civil Service
 - District of Columbia
 - Government Operations
 - Public Works
 - Rules and Administration
- 23 members instead of 21 (1):
 - Appropriations

The proposal

1. Creates 20 new positions in the more desired committees (10 each for majority and minority) without increasing total number of committees.

2. Makes committee size more nearly reflect committee workload and thereby adjusts burdens and responsibilities more equally to all Senators and all committees.

3. Establishes a minimum margin of 1 for the majority party in each of the Senate's 15 committees, which present rules do not, in an evenly divided Senate. This can be seen from the following:

Present committee structure

1 committee of 21	21
14 committees of 13	182
Total committee positions	203
2 assignments for each of 96 Senators requires	192
Leaving for members serving on 3 committees	11

Which does not provide the necessary minimum of 15 for control of 15 committees in an evenly divided Senate.

Proposed committee structure

1 committee of 23	23
9 committees of 15	135
5 committees of 11	55
<hr/>	
Total committee positions	213
2 assignments for each of 96 Senators requires	192
<hr/>	
Leaving for members serving on 3 committees	21

Which divided 18 to the majority and 3 to the minority gives the margin of 15 for the majority to have the minimum 1 on each of 15 committees.

4. Permits continuity and experience for both parties on the committees which, in the past, have tended to be loaded with new Senators.

5. Insures better use of senatorial talent, industry, and ability, for both majority and minority.

In summary

1. The plan meets the necessary mechanics of an evenly divided Senate.
2. It opens the door for new Senators on major committees.
3. It retains the values of long Senate service.
4. It dispossesses no one, has distinct advantages for majority and minority.

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

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

The Senator from Massachusetts is recognized.

ORGANIZING A 50/50 SENATE

Mr. KERRY. Mr. President, I join the number of colleagues who have spoken on the floor with respect to this agreement. I share both the respect and admiration that have been expressed for the leadership for the work they have done in order to bring us here.

Particularly, I know the Senator from Mississippi, Mr. LOTT, worked hard within his caucus and had to be particularly persuasive in order to reach this accord.

I think this agreement respects the outcome of the election this year. It is a reflection of the closeness of the division in the Presidential race. It is, in my judgment, a fair and accurate reflection of what happened in the Senate itself with the losses that took place on one side of the aisle and a result that ended up with 50 Senators in both parties.

I have argued since day one that the only fair way, and the only sensible way, to try to bring the country together and set the stage to be able to reach the compromises we needed to

reach was to reflect the representation of the Senate as a whole in the committee structures.

Some on the other side argued for some period of time that that is not the way it should work. We heard some people talking a few moments ago about how, if you are responsible for driving the train, you then need the extra vote in order to be able to guarantee that you can drive the train.

The problem with that argument all along is, that is not what the representation of the Senate itself reflects.

The second problem with the argument is that it relied essentially on the notion that, by having an extra vote, you somehow have an added power beyond the power of compromise, beyond the power of logic, beyond the power of the merits of your argument, that you have a power of the extra votes simply to drive your will through. We have seen that in operation in the last few years in the Senate, frankly. I think for many of us it has been a very negative and, frankly, a very unproductive experience.

The last few years saw us avoiding the rules of the Senate in order to drive through by virtue of the fact that there were more votes on one side. In the end, you may be able to do that on occasion, whether it is the reconciliation rules that allow you to do that, or it is a particular conference rule, or the Rule XXVIII issues we have had over the last years. Those allowed you to do it.

But I know the distinguished Senator from West Virginia would give the most eloquent argument in the Senate for the fact that that didn't necessarily serve the interests of the Senate nor even the interests of the country.

What we have achieved today I believe stands to set the stage for the ability of the Senate to serve the interests of the country.

Is there something of a sense of loss for some by virtue of this agreement? I think yes. I think that is reflected in the sort of difficulty that was presented in getting here to this moment. But in the end, I think the logic was simply so powerful that 50/50 on both sides means you divide the Senators and their committees according to that number.

I admire and respect the Senator from Texas, who is one of the brightest and most articulate people in the Senate and who read from the Constitution about the powers of the Vice President to cast a vote to break a tie. Indeed, that is absolutely true. But I think most constitutional experts would tell you that is sort of the vote of last resort—that it never contemplated that the Vice President of the United States is somehow going to be represented on every single committee, and then he is going to go to each committee and cast a vote. It contemplates, if there is a tie and ultimately there is the inability of

the Senate to work its will of compromise, that in that case the Vice President has the ability to cast his vote. Now the Vice President will still have that ability. That is respected in this agreement.

What this agreement achieves, which I think is perhaps the most important missing ingredient of the Senate, was reflected in the comments of the Senator from West Virginia, our former leader and President pro tempore, who turned to his colleague on the Appropriations Committee and talked about trust. He talked about respect. Those committees that work the best in the Senate don't need this resolution. Those chairmen of either party who want to make their committee work effectively don't need a resolution to know the best way to get something through the Senate and through the House is to be inclusive, not exclusive.

So, in fact, we in the minority were remarkably forbearing in the last year or two in not pressing the full advantage of the rules that we might have pressed in order to stop the Senate cold in its tracks in order to disrupt in the many ways possible, using the rules of parliamentary procedure, to require our colleagues to be repeatedly on the floor of the Senate to vote. In many ways, we were acquiescent, and some might blame us for having been so. I think it was out of respect for the process and out of the belief that there is a better way to get business done here.

What I believe this agreement now does is set the stage for us to be able in the Senate to grow the respect and the trust about which the Senator from West Virginia talked. It gives Members the opportunity and requires Members in committee to look to the other side of the aisle to try to build the consensus necessary.

We all understand in that process we will never necessarily get 100 of our colleagues or 99 of our colleagues, but we can build enough of a consensus that we can send legislation to the floor with votes of 16-4 or 18-0 or of a sufficient number at least to recognize that there has been a respect for the views of both sides rather than a willingness to simply write a piece of legislation in conference without even including one Member of the Senate of the other side of the aisle and then bring it to the floor and expect people to be happy and expect to pass something that doesn't invite a veto or that somehow has the consent of the American people.

The American people are why we are here, all of us. I think this agreement today respects what the American people said on election day. I think it respects this institution. I think it gives everyone an opportunity, long awaited, to do a better job of being Senators and allowing this body to be the great deliberative entity that it is supposed to be.

In the end, this resolution and the words that comprise it in its three pages are not going to do the job. Any Senator who is sufficiently disgruntled by this agreement, who figures that they will go their own path, has the ability to continue to do things as we have done them in the last few years. But I think this is a message to all Members that we have an opportunity to try to legislate in the best sense of the word, to find the compromise. There is no way this will work without that compromise. All Members need to understand that.

I hope in the next days the American people will see the Senate set the example that we all want, and I know we can.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, let me express my appreciation to the distinguished Senator from Massachusetts. He is a Senator of enormous ability and great talents. One of those talents is the capability of elocution in such an impressive and persuasive manner. I want to thank him for his words today.

The President-elect can be very grateful to the two leaders of this body today and to the Senators who have acceded to the needs and the requirements of the moment to give up a little; everyone gives up a little. We are waiving some rules; we are temporarily changing some rules in this resolution. In the interests of going forward in the Nation and in the interests of making it possible for this institution to rise to the expectations of the American people and accede to their will, this resolution is really a unique instrument.

As the distinguished Senator from Massachusetts has just said, this resolution makes it possible for the Senate to work its will; and achieve legislative goals; it only makes it possible. We, the Members on both sides of the aisle, have to make it work. I am constrained to hope—yea, even believe—that we are going to make it work. The things I have heard said on this floor today make me believe that.

I thank the distinguished Senator. I have known him for a long time. I thank him for his contribution today.

Mr. President, if I may speak just for a few minutes, I ask unanimous consent I may address the Senate on another matter for not to exceed 10 minutes.

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

ALAN CRANSTON

Mr. BYRD. Mr. President, on December 31st the Nation lost a remarkable man.

At his home in Los Altos, California, lands-end of the Nation and State he served, Alan Cranston did not witness the beginning of the new millennium.

It has been said that death is the great leveler. But Alan Cranston's accomplishments in life have clearly set him apart.

Nearly seven decades ago, a young American journalist from California published an unexpurgated version of Adolf Hitler's "Mein Kampf" "My Struggle"—revealing, as few had previously done, the true depth of the danger and the evil that Hitler embodied. Hitler successfully sued for copyright violation, and Alan Cranston wore that loss as a proud badge throughout his life.

After a career in journalism, service in the U.S. Army during World War II, business, and local politics, Alan Cranston joined the members of this U.S. Senate in 1969 by virtue of his election in the previous November.

Here, Senator Cranston's vision and rich composition of experiences, talents, and wisdom enriched our Senate deliberations.

In 1977, when I was elected Senate Democratic Leader, Senator Cranston won election as Assistant Democratic Leader, or "whip." In all his years of working, first as my proverbial "right hand" and, subsequently, as a close colleague in the Senate leadership when I became President pro tempore, Senator Cranston was a conscientious adjutant and a congenial friend and partner in numerous legislative efforts. Unfortunately, words alone cannot adequately convey the respect in which I held Senator Cranston, nor the solid appreciation that I felt for Senator Cranston and for his loyalty, his supreme dedication, his high purpose, his contributions to the Senate's work through many years.

He was a fine lieutenant, if I may use that term. He was always there when I needed him. And many times I said that he was absolutely the best nose counter that I had ever seen in the Senate.

But friendship and respect are not always easily forged. Tragedy makes a bond. In 1980, Senator Cranston was dealt Fate's glancing blow with the death of a child, a loss of a promise to the future, when, his son, Robin Cranston, died in a traffic accident in 1980, at the age of 33. Two years later, my wife, Erma, and I were dealt a similar blow with the death of our grandson, John Michael Moore, in a traffic accident.

Mr. President, a valedictory is not always sad and it is fitting that Senator Cranston's final words on this Floor regarding his career be repeated here. On October 8, 1992, he made these short and poignant remarks:

Mr. President, a Senator from California gets involved in myriad issues. Just about every issue that exists has an impact, somehow, in the remarkable State of 30 million people that I represent. So I have been involved in countless issues over my time in the Senate.

Most of all, I have dedicated myself to the cause of peace, and to the environment. In

many a sense I believe that my work on the environment is probably the longest-lasting work I have accomplished here.

When you deal with a social issue, or a war and peace issue, or an economic issue, or whatever the results, the consequences are fleeting. Whatever you accomplish is soon changed, and often what you have done leads to new problems that then have to be dealt with.

But when you preserve a wild river, or a wilderness, or help create a national park, that is forever. That part of your State, our Nation, is then destined to be there forever after, as God created it.

I worked with particular dedication over these years, too, on issues of justice, equal rights, human rights, civil rights, voting rights, equal opportunity. I worked for democracy and freedom in my country and in all countries. I focused particularly on housing, and transportation, and veterans.

I thank the people of California for the remarkable opportunity I have had to serve them in the Senate for almost a quarter of a century.

Today, I along with millions of Americans, thank my friend, Alan Cranston, for his work, his life, and his vision.

No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friends or of thine own were; any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee.

I yield the floor.

Mr. LEVIN. Mr. President, I ask unanimous consent I be allowed to speak for up to 10 minutes in morning business.

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

THE COMPREHENSIVE TEST BAN TREATY

Mr. LEVIN. Mr. President, I want to comment briefly on an issue that is important to our national security: the Comprehensive Test Ban Treaty, or CTBT, that would ban all nuclear weapon tests. This is an issue that the new President and the new Senate should think about carefully and deliberately during the 107th Congress.

Today General John Shalikashvili, former Chairman of the Joint Chiefs of Staff, presented a report to President Clinton on his findings and recommendations on the CTBT. President Clinton had asked General Shalikashvili to conduct a comprehensive and independent study of the CTBT after the Senate voted against a resolution of ratification in October of 1999.

The CTBT negotiations were completed in 1996, and the United States was the first nation to sign the Treaty. To date, 160 nations have signed it and 69 have ratified it, including all our NATO allies, Japan, South Korea and Russia. However, to enter into force, it must be ratified by 44 specified nations

that have nuclear reactors, including the United States.

The Treaty would prohibit all nuclear explosive tests. In so doing, it would make it much harder for nations to develop nuclear weapons, thus putting in place an important roadblock to nuclear weapon proliferation. The treaty provides for an expanded and improved international monitoring system that would improve our ability to detect and deter nuclear tests by other nations—but only if we ratify the treaty and it enters into force.

Secretary of Defense Cohen and the Joint Chiefs of Staff all support ratification of the CTBT, as do four former Chairmen of the Joint Chiefs of Staff, including General Shalikashvili and Gen. Colin Powell.

When the Senate took up the CTBT in October 1999, it did so in haste and without the traditional bipartisan deliberation we have accorded other arms control treaties. On the eve of the vote, 62 Senators signed a letter urging the Senate leadership to delay that vote and to postpone final consideration of the CTBT until the 107th Congress. Unfortunately, that request, which was made by nearly two-thirds of the Members of the Senate, to delay the vote, was not heeded, and the result was that the resolution of ratification was defeated by a vote of 51–48, with one Senator voting present.

Again, General Shalikashvili was asked to review the entire situation, and in conducting his review, he met with a number of Senators from both sides of the aisle to discuss their concerns and their suggestions. He also met with many other experts on this issue, and he visited the nuclear weapons labs.

General Shalikashvili's report is a valuable contribution to this important topic. This report, which was just filed today, places the CTBT in the broader context of our nuclear non-proliferation goals and efforts and points out that the CTBT is an important component of this enduring national security priority of nuclear non-proliferation. He concludes that the CTBT remains in our national interest and that the Senate should reconsider the treaty in a bipartisan manner, hopefully with the result that ratification is approved by the Senate.

General Shalikashvili's report reviews the major concerns which were expressed about the CTBT during our debate, and it offers recommendations in each of these areas, including ways to improve our monitoring and verification of foreign nuclear testing efforts and ways to improve our nuclear weapons Stockpile Stewardship Program. These recommendations address concerns raised about the CTBT and provide some commonsense and balanced steps to improve our security while bringing the CTBT into force.

Specifically, General Shalikashvili's report examines the larger non-

proliferation context of the CTBT and concludes that the CTBT has a genuine nonproliferation value for our national security. His report studies the question of monitoring and verification and concludes that the monitoring system under the treaty will significantly enhance U.S. national monitoring capabilities and that cheating will be much harder and less useful than some fear. He evaluates our ability to maintain the safety and reliability of our nuclear weapons and determines that we can do so without nuclear testing if we fully support the Stockpile Stewardship Program and manage it prudently.

Finally, General Shalikashvili's report looks at the question of whether CTBT should be of indefinite duration and recommends that in addition to the safeguards accompanying the treaty, the Senate and the executive branch should conduct a joint review of the treaty 10 years after ratification and at 10-year intervals thereafter.

One of the key points made by General Shalikashvili is that the CTBT is conditioned on a safeguard that will assure our ability to maintain a safe and reliable stockpile. Under safeguard F, the United States would maintain the right and the ability to withdraw from the treaty and to conduct any testing necessary if that were required to certify the safety and reliability of a nuclear weapon type critical to our nuclear deterrent.

General Shalikashvili's recommendation on the joint review would strengthen this safeguard by saying that if, after that joint review, grave doubts remained about the treaty's value for our national security, the President would be prepared to withdraw from the treaty.

I know General Shalikashvili's report will be considered carefully and seriously by the Senate and by the new administration. I hope we and the new administration will review his report and think through our CTBT position in a deliberate manner, and I will be making this point personally to President-elect Bush next Monday at a meeting in Austin for congressional defense and security leaders.

We owe General Shalikashvili a national debt of gratitude for serving our Nation and its security once again. He has taken a great deal of his time since retiring to review the CTBT and to craft recommendations that I hope we will implement. I recommend his report to all Senators and to the new administration, and I hope we will reconsider the treaty in the best bipartisan spirit of the Senate as his report recommends.

I ask unanimous consent that General Shalikashvili's letter to the President, accompanying his report, and his introduction and recommendations from the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL ADVISOR TO THE PRESIDENT
AND THE SECRETARY OF STATE FOR
THE COMPREHENSIVE TEST BAN
TREATY

January 4, 2001.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House.

DEAR MR. PRESIDENT: Last year, you and the Secretary of State requested that I serve as your Special Advisor for the Comprehensive Test Ban Treaty. In this capacity, I met with senators from both sides of the aisle to discuss their concerns and suggestions for any additional steps that could be taken to build bipartisan support for ratification. I was deeply appreciative of their willingness to engage in serious, substantive discussions about the Test Ban Treaty.

In addition to talking with senators, I have also discussed the Treaty with senior members of your administration, leading national security experts from former administrations, representatives of non-governmental organizations, and numerous scientific and diplomatic experts. I have visited the three nuclear weapon laboratories, met with their directors, and talked with a number of senior nuclear designers. My representatives have traveled to the Air Force Technical Applications Center, which operates U.S. national technical means for monitoring compliance with nuclear test ban treaties, and to Vienna, where work is underway on the international verification system. I asked several think tanks to provide a "second opinion" about verification and the Treaty's impact on other countries' nuclear ambitions. I have also reviewed numerous reports by external expert groups.

At the end of my review of the Treaty's potential impact on U.S. national security, I support the Treaty, just as I did when I served as Chairman of the Joint Chiefs of Staff. My discussions over the last ten months have only strengthened my view that the Treaty is a very important part of global non-proliferation efforts and is compatible with keeping a safe, reliable U.S. nuclear deterrent. I believe that an objective and thorough net assessment shows convincingly that U.S. interests, as well as those of friends and allies, will be served by the Treaty's entry into force.

The nation's nuclear arsenal is safe, reliable, and able to meet all stated military requirements. For as far into the future as we can see, the U.S. nuclear deterrent can remain effective under the Test Ban Treaty, assuming prudent stockpile stewardship—including the ability to remanufacture aging components. While there are steps that should be taken to better manage the long-term risks associated with stockpile stewardship, I believe that there is no good reason to delay ratification of the Treaty pending further advances in the Stockpile Stewardship Program as long as we have a credible mechanism to leave the Treaty should a serious problem with the deterrent make that necessary. I fear that the longer entry into force is delayed, the more likely it is that other countries will move irrevocably to acquire nuclear weapons or significantly improve their current nuclear arsenal, and the less likely it is that we could mobilize a strong international coalition against such activities.

In my consultations with senators, I have found broad bipartisan support for strengthened U.S. leadership of a comprehensive international response to the dangers posed by the proliferation of nuclear weapons. The overarching question has been whether the

contributions that the Test Ban Treaty can make to national and international security outweigh any potential risks. I have recommended a number of steps that do not involve renegotiating the Treaty and that would go a long way toward addressing specific concerns. I am confident that there would be broad bipartisan support for those of my recommendations that deal with developing a more integrated non-proliferation policy, enhancing U.S. capabilities to track nuclear proliferation and monitor nuclear testing, and strengthening stockpile stewardship. I urge their early implementation because these actions are important for national security without regard to the immediate fate of the Test Ban Treaty. Since these steps would also strengthen the U.S. position under the Treaty, I hope that the next Administration and the Senate will re-evaluate the Test Ban Treaty as part of a bipartisan effort to forge an integrated non-proliferation strategy for the new century.

I hope that the attacked report will prove useful in charting a course for future reconsideration and eventual ratification of the Test Ban Treaty. Should developments at home or abroad ever cast doubt on our ability to maintain a safe, reliable, and effective nuclear deterrent, however, we should withdraw from the Treaty if a resumption of nuclear testing would make us more secure. My recommendations would reduce the likelihood of such problems and provide additional reassurances that, if they did occur, the United States would take the appropriate actions. As additional insurance, I am also recommending a joint ten-year Executive-Legislative review of the full range of issues bearing on the Treaty's net value for national security in response to concerns about the Treaty's indefinite duration.

The rest of the world is looking to us for continued leadership of global efforts to stop proliferation and strengthen the nuclear restraint regime. Nothing could be more important to national security and international stability.

Very respectfully,

JOHN M. SHALIKASHVILI,
General, USA (Ret.).

FINDINGS AND RECOMMENDATIONS CONCERNING THE COMPREHENSIVE NUCLEAR TEST BAN TREATY

(By General John M. Shalikashvili (USA, Ret.), Special Advisor to the President and Secretary of State, January 2001)

I. INTRODUCTION

A decade after the end of the Cold War, nuclear weapons are still important to U.S. and allied security, a silent giant guarding against a catastrophic miscalculation by a potential adversary. The United States has the safest, most reliable, most capable arsenal of nuclear weapons in the world. It will need a credible deterrent as long as nuclear weapons exist.

Equally important to our security are global non-proliferation efforts. For the past half century, the United States has led the campaign to prevent the spread of nuclear weapons to additional countries or terrorist groups, and to reduce the chances that such weapons would ever be used.

The Comprehensive Nuclear Test Ban Treaty places obstacles in the path of nuclear weapon development by states that could some day threaten the United States or its allies. The question associated with Treaty ratification is whether the security benefits from the Treaty outweigh any risks that a ban on all nuclear explosions could pose to the U.S. deterrent.

Four types of concerns have been most prominent in the debate on advice and consent to ratification in October 1999 and in my subsequent investigations:

1. Whether the Test Ban Treaty has genuine non-proliferation value;
2. Whether cheating could threaten U.S. security;
3. Whether we can maintain the safety and reliability of the U.S. nuclear deterrent without nuclear explosive testing; and
4. Whether it is wise to endorse a Test Ban Treaty of indefinite duration.

After examining these issues, I remain convinced that the advantages of the Test Ban Treaty outweigh any disadvantages, and thus that ratification would increase national security. In each area, though, I am recommending additional actions to address concerns and further strengthen the U.S. position under the Treaty. I believe that we can go a long way toward bridging differences on these issues if they receive a level of sustained bipartisan attention equal to their high importance for national security.

The broad objectives of my specific recommendations are to:

1. Increase bipartisan and allied support for a carefully coordinated comprehensive non-proliferation;
2. Enhance U.S. capabilities to detect and deter nuclear testing and other aspects of nuclear proliferation;
3. Improve the management of potential risks associated with the long-term reliability and safety of the U.S. nuclear deterrent; and
4. Address concerns about the Test Ban Treaty's indefinite duration through a joint Executive-Legislative review of the Treaty's net value for national security to be held ten years after ratification and at regular intervals thereafter.

Test Ban Treaty supporters, skeptics, and opponents all agree that the United States needs to revitalize support for an integrated non-proliferation strategy, enhance its monitoring capabilities, and develop a bipartisan consensus on stewardship of the U.S. nuclear deterrent. I urge early implementation of my recommendations on these issues because they would strengthen U.S. security regardless of the immediate fate of the Test Ban Treaty. Action on these steps would also go a long way toward addressing concerns that have been voiced about the Treaty. Together with my recommendation on the ten-year joint review procedure, these steps offer a way to build bipartisan support for Test Ban Treaty ratification as an integral component of an overarching strategy to stop nuclear proliferation and strengthen the nuclear restraint regime.

VIII. COMPILATION OF RECOMMENDATIONS *Nuclear Weapons, Non-Proliferation, and the Test Ban Treaty*

A. Working closely with the Congress and with U.S. friends and allies, the next Administration should implement on an urgent basis an integrated non-proliferation policy targeted on, but not limited to, countries and groups believed to have an active interest in acquiring nuclear weapons.

B. To increase high level attention and policy coherence, the next Administration should appoint a Deputy National Security Advisor for Non-Proliferation, with the authority and resources needed to coordinate and oversee implementation of U.S. non-proliferation policy.

C. As part of its effort to build bipartisan and allied support for an integrated non-proliferation policy, the next Administration

should review at the highest level issues related to the Test Ban Treaty. There should be a sustained interagency effort to address senators' questions and concerns on these issues of great importance to national security.

D. The United States should continue its testing moratorium and take other concrete actions to demonstrate its commitment to a world without nuclear explosions, such as continuing leadership in building up the International Monitoring System (IMS) being established for the Treaty.

Monitoring, Verification, and Foreign Nuclear Programs

A. Higher funding and intelligence collection priorities should be assigned to monitoring nuclear test activities and other aspects of nuclear weapon acquisition or development by other states.

B. Collaboration should be increased among U.S. government officials and other experts to ensure that national intelligence, the Treaty's international verification regime, and other scientific stations are used as complementary components of an all-source approach to verification.

C. The transition from research to operational use should be accelerated for new verification technologies and analytical techniques.

D. The United States should continue working with other Test Ban Treaty signatories to prepare for inspections and develop confidence-building measures.

E. Additional steps should be taken unilaterally or bilaterally to increase transparency regarding the nature and purpose of activities at known nuclear test sites.

Stewardship of the U.S. Nuclear Stockpile

A. Working with the Department of Defense, other Executive Branch agencies, and the Congress, the Administrator of the NNSA should complete as soon as possible his comprehensive review of the Stockpile Stewardship Program. The review will clarify objectives and requirements, set priorities, assess progress, identify needs, and develop an overarching program plan with broad-based support.

Highest priority should be given to aspects of stockpile stewardship that are most urgently needed to assure the near-term reliability of the U.S. nuclear deterrent, i.e. surveillance, refurbishment, and infrastructure revitalization.

Enhance surveillance and monitoring activities should receive full support and not be squeezed by higher profile aspects of the SSP.

The NNSA should make a decision about the need for a large-scale plutonium pit remanufacturing facility as soon as possible after the next Administration has determined the appropriate size and composition of the enduring stockpile, including reserves.

A dedicated infrastructure revitalization fund should be established after the NNSA has completed a revitalization plan for its production facilities and laboratories.

B. The NNSA, working with Congress and the Office of Management and Budget, should place the SSP on a multi-year budget cycle like the Department of Defense's Future Years Defense Program. Some increase in funds for the SSP is likely to be necessary.

C. Steps to improve interagency management of stockpile stewardship matters, such as the revitalization of the Nuclear Weapons Council, are essential and should be continued.

D. Appropriate steps should be taken to ensure that the performance margins of various weapon types are adequate when conservatively evaluated.

E. Strict discipline should be exercised over changes to existing nuclear weapon designs to ensure that neither an individual change nor the cumulative effect of small modifications would make it difficult to certify weapons reliability or safety without a nuclear explosion.

F. The Administrator of the NNSA should establish an on-going high level external advisory mechanism, such as a panel of outstanding and independent scientists.

Minimizing Uncertainty with a Treaty of Indefinite Duration

A. The Administration and the Senate should commit to conducting an intensive joint review of the Test Ban Treaty's net value for national security ten years after U.S. ratification, and at ten-year intervals thereafter. This review should consider the Stockpile Stewardship Program's priorities, accomplishments, and challenges; current and planned verification capabilities; and the Treaty's adherence, implementation, compliance, and enforcement record. Recommendations to address concerns should be formulated for domestic use and to inform the U.S. position at the Treaty's ten-year review conference. If, after these steps, grave doubts remain about the Treaty's net value for U.S. national security, the President, in consultation with Congress, would be prepared to withdraw from the Test Ban Treaty under the "supreme national interests" clause.

Mr. LEVIN. I thank the Chair. I yield the floor.

COMPREHENSIVE TEST BAN
TREATY REPORT

Mr. BINGAMAN. Mr. President, today, former Chairman of the Joint Chiefs of Staff, General John M. Shalikashvili, released his report reviewing the major issues regarding ratification of the Comprehensive Test Ban Treaty (CTBT) which was rejected by the Senate in a vote last fall. His review of the brief debate in the Senate over this critical matter of national security is thorough in its scope and balanced in its recommendations. I urge President Bush and his national security advisory team to review General Shalikashvili's report closely and undertake to address his observations and recommendations immediately.

When it comes to the proliferation or improvement of nuclear weapons, time is NOT on our side. The CTBT, when ratified and in force, will discourage non-nuclear weapons states from creating their own nuclear arsenals and prevent current nuclear states from building new capabilities that can endanger American and international security. The hearings held in the Senate last fall, although not nearly as comprehensive as they should have been, did serve to articulate issues of greatest concern to those who are uncertain or opposed to the treaty.

Those issues must be addressed head-on in order for the nation to proceed in a bipartisan way regarding further consideration of the Treaty. The international community of nations is watching us closely to see what direc-

tion the United States will choose to take. In his report, General Shalikashvili has identified the key controversial issues and calls for specific actions to meet primary concerns before the President and the Senate reconsider the Treaty.

President-elect Bush has clearly stated that he seeks to unify the country and is committed to enhancing our national security. Given the divisions in the electorate and in the Congress itself, the challenge of gaining bipartisan support on key legislative matters including defense matters is a daunting one for the new administration. Given the outstanding work of General Shalikashvili in reviewing last year's debate on the CTBT, President-elect Bush has a very important opportunity to pursue bipartisan national security policy by committing to review General Shalikashvili's thoughtful assessment and to undertaking the recommendations he has put forward. As a member of the bipartisan Senate working group that has been examining the Comprehensive Test Ban Treaty, I urge my colleagues on both sides of the aisle to support General Shalikashvili's effort on this critical national security matter.

ADDITIONAL STATEMENTS

JOSH HEUPEL RECOGNIZED FOR
LEADING TEAM TO NATIONAL
COLLEGE FOOTBALL CHAMPIONSHIP

• Mr. JOHNSON. Mr. President, I rise today to congratulate Josh Heupel, a native of Aberdeen, South Dakota who led the undefeated Oklahoma Sooners to the National Championship January 3, 2001. Josh and the number one ranked Sooners beat the Florida State Seminoles 13-2 in the FedEx Orange Bowl in Miami.

Although the game was a defensive struggle, Josh was able to complete 25 passes for 214 yards and also ran for another 24 yards. In the third quarter, Josh may have made the biggest play of the game when he made a crucial, 39-yard completion that kept the drive going to set up the second field goal of the game. That field goal gave the Sooners a 6-0 advantage.

Josh showed his true character after finishing second in the Heisman Trophy race. He explained that while he was disappointed, the only trophy he truly wanted was the National Championship because that represented the accomplishments of his team, not an individual. On Wednesday night he was able to accomplish his dream. That selfless attitude is characteristic of Josh, not only on the gridiron, but in life as well. He is well known for his devotion to his family, particularly as a role model for his younger sister, Andrea. He gives his time freely to charities

and to work in his church. In fact, the televised Orange Bowl game itself was transformed into a community-wide charity fundraising event in Josh's hometown of Aberdeen by his friends and family.

Ken and Cindy Heupel are Josh's parents and they can be very proud of their son's accomplishments, both as a football player and as a caring member of society. Ken is the head football coach at Northern State and Cindy is the principal at Aberdeen Central High School.

From all South Dakotans, I want to wish Josh a heart felt congratulations. Although you have already proven that you are a true champion with the volunteer work and the community service, I am sure it is nice to take home the championship hardware.●

TRIBUTE TO MICHAEL CAREY

• Mr. LEAHY. Mr. President, Vermont is fortunate that it still has at least one major radio station that has not forgotten its connection to the community. This station is WDEV from the town of Waterbury. It is only a few miles from where I was born and raised and I have known the Squire family who owns the station throughout my life. It is presently owned and run by Ken Squire, who carries on the family tradition of representing Vermont first and foremost. Part of that tradition has been the long running "Wake Up Vermont" program I heard each morning with the great team of "Michael and Michaels." The program was done by Michael Carey and Eric Michaels and was one of the finest radio programs in Vermont. Eric Michaels has a great ability as an interviewer on even the most complex of subjects, and Michael Carey added a sense of continuity and comfort to the program. Between the two of them one had an enjoyable way to start the day.

I was saddened, as were most Vermonters, to hear that Michael Carey is retiring. I have known Mike for years and always enjoyed meeting with him, either at the studio in Waterbury or over the phone when I would be on their program from Washington, D.C. Eric Michaels said he will be devastated by the loss of his radio partner and I can well imagine he is, but I am thankful that Eric will remain.

I just wanted to take this opportunity to say how much Michael Carey has meant to Vermonters and how his sacrifice in getting up in the wee hours of the morning made it possible for rest of us to face the day.

I want to wish my Washington County neighbor the very best, and to thank him for the years of pleasure he has given all of us in central Vermont, and I ask that an article about this radio legend by Robin Palmer in the Times Argus be printed in the RECORD.

The article follows:

[From the Times Argus, Dec. 30, 2000]
VERMONT RADIO LEGEND RETIRES

(By Robin Palmer)

WATERBURY.—A radio personality whose reliability co-workers say was unmatched, ended a nearly 40-year career today with a final "Wake Up, Vermont" program on WDEV.

Michael Carey, 53, is retiring because of health reasons and, despite a last show dedicated to Carey and his many attributes, it was a sad day for him and for central Vermont radio.

"It's a retirement that's been forced upon me and not one that I'm looking forward to. I loved the profession and that's what makes it doubly hard," said Carey, who shirked at the attention surrounding him, calling his "just a profession."

Carey's profession began at an early age, and one he said he never expected to have.

At age 13, from his parents' apartment on Elm Street in Waterbury, Carey had an illegal radio station. He played records and read the weather, until a WDEV employee, Norman James, heard Carey's pirate station and thought he'd put the illegal endeavor to some good use, Carey said.

James got Carey a job answering phones for a WDEV Saturday night request program called "The Green Mountain Ballroom."

"Norm James got my foot in the door," said Carey, whose name was already familiar to those at the Waterbury radio station.

Carey's late parents, guitarist Morton "Smokey" Carey and singer Lois Carey, used to perform each morning on WDEV, said radio station owner Ken Squier.

Carey himself was later well known as the drummer in the popular "Carey Brothers Band" that entertained throughout the area in the 1970s.

In 1965, the radio pirate turned student worker was hired as a full-time announcer at WDEV by legendary Vermont radio personality and former "Wake Up, Vermont" host Rusty Parker, who died on the air in 1982 while reading the news.

Since his start in the 60s, Carey said, "I've done every shift here at the radio station except a Sunday night shift."

During that time, "there have been memories both very good and very bad ones," Carey said, listing Parker's death and the death of "Cousin" Harold Grout as two of the worst.

Two years after Parker's death, in 1984, Carey was promoted to sign-on the station and host the morning program, including "Once Around the Clock" from 5 to 6 a.m. and "The Morning News Service" from 7 to 8 a.m.

When Grout died, Carey became the voice of the long-running "Trading Post" program. And in April 1994, Carey was teamed with radio group Vice President and General Manager Eric Michaels for a 6 to 9 a.m. morning news program that quickly became known as "Wake Up, Vermont with Michael and Michaels."

"From the first day we were in the studio together we felt like we had worked with each other for a long time," said Michaels. "He can read me like a book."

"So I'm devastated (that Carey's retiring), if you want to put it in a single word. It's like getting a divorce," Michaels said.

Michaels praised Carey as one of the most competent broadcasters he's ever met. Carey can technically run a show while not missing a beat as an announcer.

"He's an absolutely wonderful news reader," said Michaels of his co-host.

Carey was rarely flustered.

"Doesn't matter if it was a snowstorm and floods, he could always rise to the occasion. Squier said, "That is his strength."

Bad weather and flooding once closed the Waterbury station and after a 20-minute delay, Michael and Michaels went on-air at a nearby studio that was so cold their lips stuck to the microphones. Carey was unfazed, said Michaels.

And one stormy day, it took Michaels over two hours to drive from Barre to Waterbury.

"I called the whole program in by phone," said Michaels, who all the while was guided by reliable Carey, sitting comfortably at the station and casually chatting with Michaels over the phone.

With Carey's retirement, Michaels will continue on with "Wake Up, Vermont." The "Michael and Michaels" portion of the name will be dropped, and another WDEV radio announcer will fill in for Carey while the radio station searches for a replacement.

"It's been the most reluctant job search that I've ever had to do," Michaels said.

While the job search will stretch beyond Vermont's borders, Squier said he is committed to keeping the morning broadcast a "Vermont sound."

And Carey is invited back anytime he feels up to it, Squier said. "We were terribly sorry to lose him," said Squier.

"I think all of central Vermont will miss him," Squier said. "He was a steady hand for listeners in the morning."

Carey said he may come back at some point and do part-time work but, for now, that's not possible.

The Duxbury resident and father of three who for decades has awoken at 3 a.m., said he will be "trying to get back to a normal life."

"Just some R and R, rest and relaxation, getting on the computer and trying to do some things. Just keeping active and doing stuff," said Carey of his plans. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 8. A resolution relative to Senate procedure in the 107th Congress; considered and agreed to.

SENATE RESOLUTION 8—RELATIVE TO SENATE PROCEDURE IN THE 107TH CONGRESS

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolu-

tion; which was considered and agreed to:

S. RES. 8

Resolved, That, notwithstanding the provisions of Rule XXV, or any other provision of the Standing Rules or Standing Orders of the Senate, the committees of the Senate, including Joint and Special Committees, for the 107th Congress shall be composed equally of members of both parties, to be appointed at a later time by the two Leaders; that the budgets and office space for such committees, and all other subgroups, shall likewise be equal, with up to an additional 10% to be allocated for administrative expenses to be determined by the Rules Committee, with the total administrative expenses allocation for all committees not to exceed historic levels; and that the Chairman of a full committee may discharge a subcommittee of any legislative or Executive Calendar item which has not been reported because of a tie vote and place it on the full committee's agenda.

SEC. 2. *Provided*, That such committee ratios shall remain in effect for the remainder of the 107th Congress, except that if at any time during the 107th Congress either party attains a majority of the whole number of Senators, then each committee ratio shall be adjusted to reflect the ratio of the parties in the Senate, and the provisions of this resolution shall have no further effect, except that the members appointed by the two Leaders, pursuant to this resolution, shall no longer be members of the committees, and the committee chairmanships shall be held by the party which has attained a majority of the whole number of Senators.

SEC. 3. Pursuant to the provisions and exceptions listed above, the following additional Standing Orders shall be in effect for the 107th Congress:

(1) If a committee has not reported out a legislative item or nomination because of a tie vote, then, after notice of such tie vote has been transmitted to the Senate by that committee and printed in the Record, the Majority Leader or the Minority Leader may, only after consultation with the Chairman and Ranking Member of the committee, make a motion to discharge such legislative item or nomination, and time for debate on such motion shall be limited to 4 hours, to be equally divided between the two Leaders, with no other motions, points of order, or amendments in order: *Provided*, That following the use or yielding back of time, a vote occur on the motion to discharge, without any intervening action, motion, or debate, and if agreed to it be placed immediately on the Calendar of Business (in the case of legislation) or the Executive Calendar (in the case of a nomination).

(2) Notwithstanding the provisions of Rule XXII, to insure that any cloture motion shall be offered for the purpose of bringing to a close debate, in no case shall it be in order for any cloture motion to be made on an amendable item during its first 12 hours of Senate debate: *Provided*, That all other provisions of Rule XXII remain in status quo.

(3) Both Leaders shall seek to attain an equal balance of the interest of the two parties when scheduling and debating legislative and executive business generally, and in keeping with the present Senate precedents, a motion to proceed to any Legislative or Executive Calendar item shall continue to be considered the prerogative of the Majority Leader, although the Senate Rules do not prohibit the right of the Democratic Leader, or any other Senator, to move to proceed to any item.

AUTHORITY FOR PRINTING OF TRIBUTES

Mr. REID. Mr. President, I ask unanimous consent that the tributes to Alan Cranston, late Senator of the State of California, be printed as a Senate document and that Senators have until Friday, February 9, 2001, to submit said tributes.

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

REFERRAL OF NOMINATIONS

Mr. REID. Mr. President, I ask unanimous consent that nominations to the Office of Inspector General, except the Office of Inspector General of the Central Intelligence Agency, be referred in each case to the committee having primary jurisdiction over the department, agency, or entity, and if and when reported in each case, then to the Committee on Governmental Affairs for not to exceed 20 calendar days.

Finally, I ask unanimous consent that if the nomination is not reported after that 20-day period, the nomination be automatically discharged and placed on the Executive Calendar.

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

ORDERS FOR SATURDAY, JANUARY 6, AND MONDAY, JANUARY 8, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate recesses today, it stand in recess until 12:45 p.m. Saturday, January 6; that immediately following the prayer and pledge, the Senate proceed as a body to the Hall of the House of Representatives for the joint session; that at the close of the joint session, the Senate stand in adjournment until 12 noon Monday, January 8, 2001; that at the close of business Monday, the Senate stand in recess until 3:00 p.m. Saturday, January 20, as provided under the provisions of H. Con. Res. 1.

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

RECESS UNTIL 12:45 P.M. TOMORROW

Mr. REID. Mr. President, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:17 p.m., recessed until Saturday, January 6, 2001, at 12:45 p.m.

NOMINATIONS

Executive nominations received by the Senate January 5, 2001:

DEPARTMENT OF AGRICULTURE

ISLAM A. SIDDIQUI, OF CALIFORNIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS, VICE MICHAEL V. DUNN, TO WHICH

POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FARM CREDIT ADMINISTRATION

MICHAEL V. DUNN, OF IOWA, TO BE A MEMBER OF THE FARM CREDIT ADMINISTRATION BOARD, FARM CREDIT ADMINISTRATION FOR A TERM EXPIRING OCTOBER 13, 2006, VICE MARSHA P. MARTIN, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL HOUSING FINANCE BOARD

ALLAN I. MENDELOWITZ, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2007, VICE BRUCE A. MORRISON, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL CREDIT UNION ADMINISTRATION BOARD

GEOFF BACINO, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE TERM OF SIX YEARS EXPIRING AUGUST 2, 2005, VICE NORMAN E. D'AMOURS, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF COMMERCE

JAMES A. DORSKIND, OF CALIFORNIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE ANDREW J. PINCUS, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ELWOOD HOLSTEIN, JR., OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE, VICE TERRY D. GARCIA, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST SESSION OF THE SENATE.

FEDERAL COMMUNICATIONS COMMISSION

SUSAN NESS, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL COMMUNICATIONS COMMISSION FOR A TERM OF FIVE YEARS FROM JULY 1, 1999, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL

DAVID Z. PLAVIN, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF ONE YEAR (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ARTHENIA L. JOYNER, OF FLORIDA, TO BE A MEMBER OF THE FEDERAL AVIATION MANAGEMENT ADVISORY COUNCIL FOR A TERM OF ONE YEAR (NEW POSITION), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXECUTIVE OFFICE OF THE PRESIDENT

GREGORY M. FRAZIER, OF KANSAS, TO BE CHIEF AGRICULTURAL NEGOTIATOR, OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DENNIS M. DEVANEY, OF MICHIGAN, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2009, VICE THELMA J. ASKEY, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

PETER F. ROMERO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (INTER-AMERICAN AFFAIRS), VICE JEFFREY DAVIDOW, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAMES F. DOBBINS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (EUROPEAN AFFAIRS), VICE MARC GROSSMAN, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROBERT MAYS LYFORD, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2002, VICE HARVEY SIGELBAUM, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MIGUEL D. LAUSELL, OF PUERTO RICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2003, VICE JOHN CRYSTAL, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GEORGE DARDEN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR THE TERM EXPIRING DECEMBER 17, 2003, VICE ZELL MILLER, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTER-AMERICAN FOUNDATION

ANITA PEREZ FERGUSON, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE MARIA OTERO, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FRED P. DUVAL, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002, VICE ANN BROWNELL SLOANE, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MERIT SYSTEMS PROTECTION BOARD

BETH SUSAN SLAVET, OF MASSACHUSETTS, TO BE CHAIRMAN OF THE MERIT SYSTEMS PROTECTION BOARD, VICE BENJAMIN LEADER ERDREICH, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BARBARA J. SAPIN, OF MARYLAND, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2007, VICE BENJAMIN LEADER ERDREICH, RESIGNED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL THRIFT INVESTMENT BOARD

JAMES H. ATKINS, OF ARKANSAS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2004, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

SHERYL R. MARSHALL, OF MASSACHUSETTS, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 2002, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF EDUCATION

JUDITH A. WINSTON, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF EDUCATION, VICE MARSHALL S. SMITH, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES INSTITUTE OF PEACE

SHIBLEY TELHAMI, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL LABOR RELATIONS BOARD

DENNIS P. WALSH, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2004, VICE SARAH MCCracken FOX, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL COUNCIL ON DISABILITY

EDWARD CORREIA, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2002, VICE MICHAEL B. UNHJEM, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

GERALD S. SEGAL, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2003, VICE SHIRLEY W. RYAN, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

ROSS EDWARD EISENBREY, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005, VICE STUART E. WEISBERG, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

TONI G. FAY, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2001, VICE JOHN ROTHER, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

PAULETTE H. HOLAHAN, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2004, VICE MARY S. FURLONG, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MARILYN GELL MASON, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2003, VICE JOEL DAVID VALDEZ, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DONALD L. ROBINSON, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2002, VICE GARY N. SUDDUTH, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

HSIN-MING FUNG, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006, VICE SPEIGHT JENKINS, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NINA M. ARCHABAL, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE NICHOLAS KANELLOS, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BETTY G. BENGTSON, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE RAMON A. GUTIERREZ, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

RON CHEW, OF WASHINGTON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE ROBERT I. ROTBERG, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

BILL DUKE, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE CHARLES PATRICK HENRY, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DONALD L. FIXICO, OF KANSAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE ALAN CHARLES KORS, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HENRY GLASSIE, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE MARTHA CONGLETON

HOWELL, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

MARY D. HUBBARD, OF ALABAMA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE THEODORE S. HAMEROW, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

NAOMI SHIHAB NYE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE BEV LINDSEY, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

VICKI L. RUIZ, OF ARIZONA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE HAROLD K. SKRAMSTAD, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ISABEL CARTER STEWART, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE DAVID FINN, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

ALLEN E. CARRIER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2004, VICE DUANE H. KING, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAYNE G. FAWCETT, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2006, VICE ALFRED H. QOYAWAYMA, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

UNITED STATES PAROLE COMMISSION

TIMOTHY EARL JONES, SR., OF GEORGIA, TO BE A COMMISSIONER OF THE UNITED STATES PAROLE COMMISSION FOR A TERM OF SIX YEARS, VICE MARIE F. RAGGHIANI, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

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DEPARTMENT OF JUSTICE

JOHN R. LACEY, OF CONNECTICUT, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2003, VICE DELISSA A. RIDGWAY, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

LARAMIE FAITH MCNAMARA, OF VIRGINIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2001, VICE JOHN R. LACEY, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ENVIRONMENTAL PROTECTION AGENCY

EDWIN A. LEVINE, OF FLORIDA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE DAVID GARDINER, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JAMES V. AIDALA, OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR OF TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE LYNN R. GOLDMAN, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF THE INTERIOR

KENNETH LEE SMITH, OF ARKANSAS, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, DEPARTMENT OF THE INTERIOR, VICE DONALD J. BARRY, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF ENERGY

JAMES JOHN HOECKER, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2005, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.