

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 challenge 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 stand-

ing 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
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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

Total committee positions .....	213
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2 assignments for each of 96 Senators requires .....	192
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Leaving for members serving on 3 committees .....	21
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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.