



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 107<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 147

WASHINGTON, SATURDAY, MAY 26, 2001

No. 75

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, June 5, 2001, at 2 p.m.

## Senate

SATURDAY, MAY 26, 2001

The Senate met at 10 a.m. and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

The PRESIDING OFFICER. The guest Chaplain, Dr. Richard B. Foth, of Falls Church, VA, will lead us in prayer.

### PRAYER

The guest Chaplain offered the following prayer:

Shall we pray.

We stand here today, Almighty God, grateful and humbled. On this Memorial Day weekend, we are awed by the sacrifice of those who have gone before.

In a few hours, our Senators will vote on new tax laws. Debate has been intense, and we are grateful for the right to speak out and fight for opinions, for that freedom has been costly.

It has been bought by the blood of our very best, who often fought and died in lonely places with strange sounding names, far from home and family.

Every one of them counts, and we remember them today.

For the Americans who guard freedom around the world at this moment, we join with those they love—the mother in Seattle, that dad in Wichita, a sister in Mobile—in praying for their safe return.

Every one counts, and we remember them today.

And for the men and women of this United States Senate, who also guard our freedoms, we ask a fresh measure of peace. Pour Your perspective we pray, into the hearts of those here whom You know need it the most.

It is by Your grace that our Senators serve, and we count on that very grace to calm the waters in this place for every Senator has been designed in Your image and their freedom has been bought with a price.

Every one counts, and we remember them today.

We ask these things in the name of the One who calls us to be free. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CRAIG THOMAS 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 26, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

STROM THURMOND,  
President pro tempore.

Mr. THOMAS thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. LOTT. Thank you very much, Mr. President.

### EXTENDING OUR SPECIAL APPRECIATION TO THE GUEST CHAPLAIN

Mr. LOTT. I extend our special appreciation to our guest Chaplain this morning for the beautiful and most appropriate prayer. We are delighted to have Dr. Foth here.

### SCHEDULE

Mr. LOTT. It is Saturday, May 26, Memorial Day weekend, a special weekend for recognizing those who have sacrificed so much for our country. The Chaplain is right: Everyone does count. That is why Senators are here. We are doing the American people's business. Later on today we hope to complete action on a very significant piece of legislation, tax relief for all Americans.

The Senate will be in a short period of morning business awaiting the conference report to accompany the tax reconciliation bill.

I see Senator SPECTER is in the Chamber ready to speak in morning

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S5767

business. The House is currently voting on the conference report. Therefore, we expect to receive the papers shortly. When the papers arrive, it is hoped that we can enter into a short time agreement so that a final vote can be set. I have already spoken briefly to Senator DASCHLE, and we will be working together to get an agreement on a reasonable period of time for debate. Of course, we will try to accommodate Senators who will be coming in and others who will be wanting to leave. We do plead with all Senators to give us your best measure of cooperation because we are trying to be sensitive to all kinds of special events, including graduation ceremonies and weddings and commitments of longstanding. It is not always easy to accommodate them all. I know some Senators are agitated that they have already been inconvenienced, and for that we apologize. But I commend the leadership on both sides of the aisle. We have said to each other, let's stay; let's get this done; and we are going to do that. We will notify the Senators as soon as an agreement can be entered into as to the time sequence. We are hoping we can get something that could get to a vote either before noon or hopefully by 1 o'clock. That is not agreed to, by any means, but that is the goal we are pursuing.

I yield the floor.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for not to exceed 10 minutes.

The Senator from Pennsylvania.

#### SENATOR JEFFORDS

Mr. SPECTER. Mr. President, I have sought recognition this morning to comment on Senator JEFFORDS' announcement that he will vote with the Democrats on organization of the Senate. I have delayed in expressing these thoughts to further reflect upon them and perhaps avoid saying something that I would later regret. I have written them down, which is unusual for me because I believe that floor statements, as speeches generally, are best made from the heart rather than text.

When I first heard last Tuesday that Senator JEFFORDS was considering this move, I told the news media: "It shouldn't happen—it won't happen—it can't happen." Well, I was wrong.

When Senator JEFFORDS confirmed that he was about to vote with the Democrats, I joined five other Senators who tried to dissuade him in a morning meeting last Wednesday. The group reconvened for an afternoon meeting, with some ten other Senators and Senator JEFFORDS. Between the two meetings, we conferred with the Republican leadership on what suggestions we could make to Senator JEFFORDS to keep him in the fold.

For 13 years, JIM JEFFORDS has been one of my closest friends in the Senate and he still is. We have had lunch together every Wednesday for years. First, with Senator John Chafee, and later with Senator OLYMPIA SNOWE, Senator SUSAN COLLINS, and Senator LINCOLN CHAFEE. He had never given any hint to me of such a move.

Before discussing the suggestions which would be made to Senator JEFFORDS, we first pleaded with him, saying his change would disrupt the Senate, it would change the balance of power in the Federal Government generally, it would severely weaken the Republican Party—of which he was a lifelong member, it would hurt his Senate friends, and likely cost many staffers to lose their jobs.

Senator JEFFORDS replied that he was opposed to the party's policies on many items and believed he could do more for his principles by organizing with the Democrats.

We then told Senator JEFFORDS that we were authorized by the Republican leadership to tell him that if he stayed, the term limits on his chairmanship would be waived, he would have a seat at the Republican leadership table as the moderate's representative, and IDEA, special education, would become an entitlement which would enrich that program by billions of dollars for children across America.

At the end of our second long meeting, I felt we had a significant chance to keep him. On Thursday morning, I was deeply disappointed by his announcement that he would organize with the Democrats. My immediate response to the news media was that it felt as if there had been a death in the family. Other Senators from our close-knit group were, candidly, hurt and confused. For some, that has turned to anger. Most of the Republican Senate caucus has had little to say, trying to put the best face on what is really a devastating loss.

The full impact has yet to sink in. It will undoubtedly be the topic of much contemporaneous columnist comment and beyond that for the historians.

Well, the question now arises, Where do we go from here? The Senate leadership, notwithstanding Senator JEFFORDS' departure from our caucus, has created a moderate seat at the leadership table to address some of Senator JEFFORDS' concerns. More needs to be done. And I think more will be done.

How should these issues be handled by the Senate for the future? I intend to propose a rule change which would preclude a future recurrence of a Senator's change in parties, in mid-session, organizing with the opposition, to cause the upheaval which is now resulting.

I take second place to no one on independence voting. But, it is my view that the organizational vote belongs to the party which supported the election of a particular Senator. I believe that is the expectation. And certainly it has been a very abrupt party change, al-

though they have occurred in the past with only minor ripples, none have caused the major dislocation which this one has.

When I first ran in 1980, Congressman Bud Shuster sponsored a fundraiser for me in Altoona where Congressman Jack Kemp was the principal speaker. When some questions were raised as to my political philosophy, Congressman Shuster said my most important vote would be the organizational vote. From that day to this, I have believed that the organizational vote belonged to the party which supported my election.

When the Democrats urged me to switch parties some time ago, I gave them a flat "no." I have been asked in the last several days if I intended to switch parties. I have said absolutely not.

Senator PHIL GRAMM faced this issue when he decided to switch parties. He resigned his seat, which he had won as a Democrat, and ran for reelection as a Republican. As he told me, his last vote in January 1983 was for the Speaker of the House of Representatives, and he voted for Tip O'Neill with the view that he was elected as a Democrat and should vote that way on organizational control. Even though, he intended to become a Republican and would have preferred another person to be Speaker.

To repeat, I intend to propose a Senate rule which would preclude a change in control of the Senate when a Senator decides to vote with the opposing party for organizational purposes.

One other aspect does deserve comment, and that is the issue of personal benefit to a changing Senator. In our society, political arrangements avoid the consequences of similar conduct in other contexts.

For example, if company A induces a competitor's employee to break his contract with company B and join company A, company B can collect damages for company A's wrongful conduct. If A gives a benefit to an employee of B to induce the employee to breach a duty, that conduct can have serious consequences in other contexts which are not applied to political arrangements.

On the Lehrer news show on Thursday night, the day before yesterday, Senator HARRY REID and I sparred over this point. I expressed my concern about reliable reports that Democrats had told Senator JEFFORDS that Senator REID would step aside so Senator JEFFORDS could become chairman of the Environment and Public Works Committee. Senator REID replied that there was no quid pro quo, an expression I had not used.

Accepting Senator JEFFORDS' decision was based on principle for the reasons he gave at his news conference on Thursday morning, a question still remains as to whether any such inducement was offered and whether it played any part in Senator JEFFORDS' decision. Questions on such offers and counteroffers should be considered by Senators and by the Senate in an ethical context, but at this moment I do