

piece of advice he got. I think one of the marks of leadership is to recognize when you are wrong and to rectify it. If you want to give the economy a shot in the arm right now, and give our bond markets a shot in the arm, I think the best thing the President can do is say he is scrapping this whole deal.

Then what we need is a payroll tax holiday, paid through the general fund to put money in the hands of working people, many of whom do not even pay income taxes. But they are working, and they are raising families, and they are paying every last penny of payroll taxes. Many of these people did not get anything out of the 2001 tax plan. These are people who need some help. I will be talking more next week and in the days to come about my concept of a payroll tax holiday that would extend for a few months, and which could be adjusted after that depending upon what the economy is doing at that time.

It would be a lot cheaper than what the President is proposing, No. 1. No. 2, it would give an immediate stimulus to the economy. Third, it is fair because it puts the money down at the bottom where it is needed. As we know in Iowa, and as I am sure they know in Minnesota, you don't fertilize a tree from the top down. You have to put it in at the roots and let it grow. That is what a payroll tax holiday would do. That would give us our short-term stimulus.

Then—exactly what Senator REID was talking about—let's invest in rebuilding and modernizing schools. Drive the interstates someday and have your car beaten to death. That interstate highway system is now almost 50 years—a half a century—old. It needs to be rebuilt. These are things that need to be done in investment in the future of this country that puts people to work. That is the kind of job growth we need in this country. And all those jobs are not done by the Government. They will all be done by the private contractors.

So I hope the President will recognize the bad advice he got, will say he is scrapping this plan, and then come down and work with all of us. There are bipartisan things we can do here—I am convinced of it—bipartisan things we can do that will be both a short-term stimulus, that will not inure huge deficits in the outyears, and there are long-term things we can do to put people back to work that will benefit this country.

I call upon all my friends on the other side of the aisle who are not "red ink" Republicans to join in this effort and to recognize the future of this country is not more red ink and more red ink and more red ink, but it is getting this country out of the hole, paying off the deficits, and getting back to a surplus once again.

Mr. President, I look forward to working in a bipartisan fashion towards this end. But the lead has to come from the President. As long as he pushes that dividend tax scheme of his,

well, then we are going to be kind of blocked from doing anything here. So I hope the President will scrap it, call us together, and let's work out a bipartisan plan to get this country moving again.

I thank the Presiding Officer for his indulgence. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

REORGANIZATION OF THE SENATE

Mrs. HUTCHISON. Mr. President, I am very pleased to see the person presiding in the chair and welcome him to the Senate.

I am looking at an empty Chamber except for Senator HARKIN, who is just leaving. It is incredible to understand that the Senate was sworn in on January 7, and yet today we sit in the Chamber having transacted no business except for the extension of unemployment benefits which was done by unanimous consent because it didn't have to go through a committee.

Why, one may ask, would something only be able to pass that didn't have to go through committee? Well, the answer is, because we don't have any committees. The Senate has not been able to reorganize since January 7 because we cannot get an agreement. We have not been able to organize our committees because the Democrats have been unwilling to come to an agreement that would be a fair allocation of resources and that would allow us to go forward.

A lot of people in the country don't realize that the Senate is in an absolute stalemate because we do not have Republican chairmen, even though the Republicans control the Senate. There are eight new Members of the Senate, and none of them have been appointed to a committee—not one—because we don't have an organization resolution.

I do not think that is what the people of America said last November when they went to the polls. They voted on Senators, and they voted to give Republicans a 51-to-49 vote count in the Senate.

Any person who follows this would imagine that everyone would understand that there has been a change of control, and they would have expected us to be up and open for business, with committees meeting and doing the business of the people. That is what was said by the people who went to the polls in November and made their decisions on who would represent them in the Senate.

I am very pleased that our new Members have been sworn in. It is little enough to ask, I would say. But to think that they have not been able to even go to a committee meeting yet is unconscionable. A lot of people have not realized that this is going on because we have tried to negotiate in good faith, and Senator FRIST is doing that as we speak. Hopefully Senator DASCHLE is doing the same.

I don't think we can wait another week before we start confirming some

of these judges who have been sitting unconfirmed since May of 2001 or even unable to have their nominations acted on.

We were ready to hit the ground running. The Judiciary Committee chairman wanted to start the process so the President would have his constitutional right to appoint and have confirmed or turned down his nominees to the Federal bench. He has had neither. We were ready to go. What has happened? The Judiciary Committee cannot meet because Senator HATCH has not been installed as chairman because we don't have an organization resolution.

We had hoped to pass the appropriations bills that had been lingering since last Congress. We had only passed the Defense and military construction appropriations so all of the other Departments of Government have not yet been funded except in a continuing resolution, an omnibus bill that just says we will go on with 2002 levels of spending, but we don't have any allocations because the Appropriations Committee has not been able to meet. The appointments have not even been formalized yet.

I do not think that is what the people of America expected when they voted last November to put a Republican majority in the Senate. They expected us to start appropriations bills. They expected us to confirm the judges that had been sitting in the pipeline since 2001.

The President of the United States has a constitutional responsibility to appoint judges, and he has the constitutional right to have those judges acted on by the Senate. Yet we have people whose lives have been disrupted because they have been appointed to the Federal bench, sitting there for 1 year, 2 years with their lives interrupted. They are unable to have Senate confirmation or turnaround.

The Senate has the absolute right to make the decision, but it has the responsibility to go forward and let these people know if the President is going to get his appointment through or if these people can go on with their lives.

I hope the President gets all of his appointments. He has been very careful in making his appointments. But all of them have a right to action, and the President, most of all, has a right for the Senate to take the very serious responsibility of confirming nominees.

We have appropriations bills. We have Departments of Government that have no specific authorizations because we have only acted in a general way, saying whatever you had in 2002, you may keep until we can exercise our responsibility to pass the appropriations bills, which we have not done since the end of the fiscal year October 1, 2002. These agencies deserve to know what Congress intends for them to do this year and how much money they have to spend.

This is not the way to run the Government. It is not responsible for us to

be talking to an empty Chamber since January 7 when the people have spoken and we are here to do business.

I do hope we will come to an agreement. It should be very simple. The elections were held. The majority has been elected. It is time to let the majority take control of the Senate, organize the Senate, have the committees appointed, and start to do business. I hope we will go forward and do that.

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

Mrs. HUTCHISON. Mr. President, I am happy to yield for a question.

Mr. REID. I was in my office and I listened to the distinguished Senator from Texas, the senior Senator from Texas. I agree with the Senator. I agree with what she said.

From our perspective, we realize we have lost the majority. It has gone from 51 Democrats to 51 Republicans and 49 Democrats. Last year at this time there were 49 Republicans.

But our suggestion is that the exact same organizational status that was in existence for the 51-49 Democratic majority should be in effect for the 51-49 Republican majority. That is what this is all about. We believe we should be working under the same organizational standards set when the majority was held by the Democrats. You would have the same staffing that we had as Democrats, the same funding that we had as Democrats, with the exception that both sides would have cost-of living increases given to them automatically.

I hope common sense and fairness will prevail and, in short, that we will have the same organizational standards as existed last time, except you would have what we had and we would have what you had.

Mrs. HUTCHISON. Mr. President, I appreciate so much the distinguished deputy leader of the Democrats coming down because there are a lot of different precedents in the Senate for all the years that the Senate has been in session. Last session was quite unusual in that we had a 50-50 Senate when we first came into office.

We made an agreement at that time that was based on 50-50, and the agreement was that it would stay in place regardless of what happened during that time.

We can argue about what the funding ratio is of committees, but I don't think that should hold us up from doing the business of the people.

The committee allocations have been determined by agreement. The numbers that serve on the committee have been set. So the committee appointments could be made, and we could open for business. What we are losing this week is the nomination hearing for the Secretary of Homeland Defense, because the Democratic chairman would not yield to the Republican chairman to chair such a hearing.

Now, Mr. President, there should not be a Democratic chairman in this Senate. The Republicans have control of the Senate. That is a fact. So I ask the

distinguished deputy leader if we can open for business, hold hearings, appoint the committee so the Democrats and Republicans would have their committee assignments and be able to begin the work and let the negotiations go on for what the money allocation is for the committees. Let us do the business of Government and worry about whether we have 60 percent of the money for the majority or 50 percent of the money for the majority, or 55, or 57, or whatever it is. We don't have to decide that to do the business of Government.

Mr. MCCONNELL. Will the Senator yield?

Mrs. HUTCHISON. I am happy to yield to the deputy leader on the Republican side.

Mr. MCCONNELL. I wonder if my friend from Texas knew what our friends and colleagues on the other side of the aisle had in mind had they still been in the majority this year. I will read this to the Senator.

Mrs. HUTCHISON. I would not know that, so I am happy for the Senator to do that.

Mr. MCCONNELL. There was an article on October 31 of 2002, and I will quote a couple of them:

Neither side particularly liked the resolutions that were struck, after two intense negotiations, over how to organize the Senate and its committees in the 107th Congress, establishing new rules and giving equal space and funding to the minority and majority parties.

Skipping over:

A senior Democratic aide said that was an "extraordinary circumstance"—

We will agree that the Senate ending up 50/50 was unusual. It hasn't happened since the 1880s.

—that forced them to continue under an even funding deal for committees.

"If we pick up a seat or two, I think it's without a doubt we'd go back to the two-thirds/one-third," the aide said, using the in-house phrase to describe normal funding levels that gave the majority up to 67 percent of committee money.

My question to the Senator from Texas is this: I wonder what has changed between then and now. It appears that what our good friends and colleagues on the other side of the aisle had in mind, had they continued to be up 51-49, was to go back to the traditional split of two-thirds/one-third. There must have been some intervening thinking, I ask my friend from Texas, some new development here.

Mrs. HUTCHISON. I wonder if the Senator from Kentucky might have been referring to the election held in November just after that statement you have just read was made.

Mr. MCCONNELL. It is pretty clear, as the Senator from Texas pointed out, the American people are not in doubt as to who took control of the Senate. What is also not in doubt was that the previous Congress was an extraordinary circumstance, very unusual circumstance, in which we found ourselves in a 50/50 tie at the beginning of that Congress—and we are now at the

beginning of a new Congress—and we produced a resolution that dealt not just with appointing of the committees but also funding and space. That was unusual. It had not been done before in a floor resolution, as the Senator from Texas pointed out. We switched in the middle because one Senator decided to go to the other side. It was not because the voters had voted out a Republican Senate, but a Senator decided to go over. In order to minimize the disruptions to staff who could have been laid off in the middle of a Congress after making plans and having families rely on employment at least for a 2-year period of time, to minimize the disruption, since we were in the middle of a Congress, we decided to leave it that way. I say my friend from Texas is absolutely on the mark.

There is no precedent for what is being suggested would be appropriate by the other side. It is clearly inconsistent with what they had in mind had they been up by a seat or two.

Mr. REID. Will the Senator allow me to answer the question she asked?

Mrs. HUTCHISON. I am happy to.

Mr. REID. I say through the Chair to the distinguished Senator from Texas, in response to my friend from Kentucky, that Roll Call is not Senate precedent. Roll Call is a fine newspaper that we have here on Capitol Hill, but you always have to question when someone is quoting a "senior Democratic aide." Even if, in fact, that person were speaking with some authority—which that person, of course, was not—if you listen to what the person said, it said if we Democrats pick up a seat or two—in fact, if that happened, it would not have been 49-51, it would have been 47-53. With that, I think there might have been an opportunity to look at how the distribution should take place. But the fact is the American people understand that common sense still is part of what we need to deal with here in Washington, and that is that last year the Republicans were in the minority with 49 Senators. We are now in the minority with 49 Senators. Why don't we keep the same deal we had last year? That is what Senator DASCHLE, the Democratic leader, is pushing. That is what we Democrats want because it is fair.

I appreciate very much the Senator yielding and being as courteous as she always is.

Mrs. HUTCHISON. Mr. President, I will end by saying I really hope we can put aside the 57 percent, or the 60 percent, even though I think there is certainly the argument for precedent whenever there has been a clear majority at the beginning of a term to have a two-thirds/one-third split. In fact, I was told that in the really old days, the majority got 100 percent of the allocation of committee funds, and it was only to give the minority some ability to hire staff that it went from 100 percent to two-thirds/one-third. That has been the precedent ever since when there has been a clear majority at the beginning of a Congress.

I think it is also a fact when the change was made, it was then said there would be a hold-harmless from the change in staff allocations so that we actually added budget to allow all the staff to stay on from both parties. So I think now that we are at the beginning of a Congress, you can argue we have to have certain levels of funding on the majority side for the administrative functions of a committee. You have to put out the notices, you have to pay for certain witnesses to come to your committee, you have to do the printing of the bills and the printing of the statements. There are administrative costs.

So I think the majority has to have some lead to be able to function as a committee. I think that also is the precedent for the Senate. I do think we will be talking about this to determine what is fair. But even if you said there is a disagreement between two-thirds/one-third and 50/50, and maybe you go to 60/40, or maybe you don't, nevertheless, there is nothing that would not allow us in the next 30 minutes to have a unanimous consent resolution that would say the committees will be formed, the appointments will be made, they will be able to function, and we will fund them at a certain level until we have a final agreement.

The key is the people of America deserve the business of our country to go forward. We can offer them the excuse that we cannot decide between two-thirds/one-third and 50-50 and, therefore, we are holding everything up, but I do not think that excuse holds water.

I believe we ought to move forward. Let our committees convene. Let's work this out. This is a body of 100 intelligent people. We can work it out if we agree that we are going to all sit down and negotiate in good faith, but I do not think we ought to hold up the business of the people of this country for another week or a week after that. We were sworn in on January 7. We have been unable to have a committee hearing to confirm the Secretary of Homeland Defense so he can start the planning for his agency to protect this country.

We had to cancel a hearing for the Chairman of the Federal Reserve Board to speak to the Budget Committee because we cannot form our committees. That is not what the people of our country expect, it is not what they deserve, and I do hope we can, in a very short order—tonight or early in the morning—have the cooperation of the Democrats to go forward and do the business of the country.

Let our committees be appointed. Let our work begin. Let's have a hearing this week for the Secretary of Homeland Defense. Let's have the Federal Reserve Board Chairman come to the Senate and talk about the state of our economy. We need to hear from him. The least we can do is form our committees and allow the business to go forward. We can talk about 60-40 or 67-33 or 50-50 for the next month and

not hold up the business of the people of our country.

I urge my colleagues to work with us to do that. I thank the Chair.

The PRESIDING OFFICER. The Democratic whip.

Mr. REID. Mr. President, I simply say in response to my friend from Texas that the hearing could have gone forward. There is no reason for the hearing not to go forward. Senator LIEBERMAN, or someone else, would have conducted the hearing. No one I know opposes the proposed nominee for this new Cabinet office. It would have been a very quick hearing. It is not as if a hearing could not have gone forward. The majority chose not to go forward with the hearing. That is a choice they made, not a choice we made.

I further say to the Senator from Texas, or those within the sound of my voice, once you turn over the chairmanship of these committees and have the committee people assigned to the committees, we simply lose any authority we had. Fairness dictates that if the Senate was divided last time 51-49 with the Democrats in the majority and it is divided 51-49 with the Republicans in the majority, the committee structure should be the same. That is what we are saying it should be, and we are going to hang tight until it is that way. That is the way we think it should be.

Other Congresses have joined together and worked out their differences. We have to do that. The only way we will do that is if we agree on 51-49 having the same value it did a few months ago.

The PRESIDING OFFICER. The assistant majority leader.

Mr. MCCONNELL. Mr. President, as the Senator from Texas pointed out, except for the extraordinary circumstance in which the Senate found itself—50-50—for the first time since the 1880s, the issue of committee funding was not dealt with by the full Senate. The only issue that was dealt with by the full Senate was the appointment of the committees. For 1 week now, the Senate has been in the majority of the Republicans, and yet there is not a single Republican committee chairman. New Members of the Senate, such as the occupant of the Chair, do not yet have committee assignments. He has been a Senator, I say to the Senator from Minnesota, for almost a week now, and he is not yet on a committee.

What the Senator from Texas has been saying—wholly aside from this debate over what the committee funding should be, which is typically not dealt with by the full Senate anyway—there is no rational basis, no equitable basis for not ratifying the results of the election last November by letting the new Members of the Senate and, for that matter, the old Members of the Senate who are going to new committees, have those committees ratified and the chairmen and ranking members selected. That is what I believe the Senator from Texas was saying.

I do not have the exact facts in front of me, but I understand this is the latest, certainly in recent Congresses, after the beginning of a Congress that we have, in effect, ratified the results of the election.

Last Tuesday, the Senator from Minnesota was sworn in. It has been almost a week; he is not on a committee yet. We do not have any committee chairmen. It is not enough to suggest that the minority ought to hold the hearings about which the Senator from Texas was talking. The minority does not hold hearings; the majority does. That is the tradition of the Senate. That tradition should be honored, and we should not delay passing the committee resolution pending the outcome of this ongoing discussion about what the committee funding ratio should be.

I think the Senator from Texas makes a compelling and irrefutable point about the need to start doing the people's business. We did not pass 11 of the 13 appropriations bills last year. They have not been done yet. We cannot have a meeting of the Appropriations Committee to get started on trying to pass those 11 bills because we do not have a chairman. The committees have not been organized. Let's at least get that job done, as the Senator from Texas points out, and we can continue—I assume at the rate we are going indefinitely—to discuss what the appropriate funding ratios should be.

We are holding up the people's business. We are not honoring the results of the election Tuesday, November 5. We need to get on with it, and tonight or tomorrow would be a good time. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

SENATE REORGANIZATION

Mr. REID. Mr. President, I know the majority leader is on the floor and I will be very brief.

A couple of times this afternoon people have talked about the 11 appropriations bills that did not pass last year, but the RECORD should be spread with the fact that the Senate completed its work on the appropriations bills. We reported every bill out of committee, but even before the summer hit the House closed down and would not send us any bills. So that is why the appropriations bills were not passed.

We did everything we could to try to get those bills passed and the Republicans in the House simply would send us no bills. We asked the White House, we asked the Republican leadership and they simply would not help us, so we were not to blame for the bills not passing. That was something that was