

SENATE—Tuesday, November 14, 2000*(Legislative day of Friday, September 22, 2000)*

The Senate met at 12:02 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Sovereign of our Nation, we trust You as ultimate Ruler of this land. Give us historically astute hindsight so we can have 20/20 vision to see that You are at work in the shadowy realms of the often ambiguous election processes. We grow in confidence as we remember that You have sustained us in crises over contested presidential elections at crucial times in our history. There is no panic in heaven; therefore there can be peace in our souls in the midst of the human muddle of this uncertain time.

You have all power, You alone are Almighty, and You are able to accomplish Your purposes and plans through the votes of Your people. You rule and overrule. When these votes bring us to results that are painfully close, give us patience to wait for a just resolution. Your intervening power is not limited: You are able to guide the candidates and their advisors about when and how to do what is best for America.

Lord, we all love a winner, but most of all, we want America to win in this conflict. With this as the focus of our attention, we intentionally turn away from divisive distrust of people and human systems to divinely inspired confidence in You. You are still in charge. In that liberating assurance, may the Senators and their staffs, and all of us who work with and for them, press on with alacrity to finish the work of the 106th Congress. You, dear God, are in control. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE ENZI, a Senator from the State of Wyoming, 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 PRESIDING OFFICER. Under the previous order, leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the majority leader.

THANKING THE CHAPLAIN

Mr. LOTT. Mr. President, I thank the Chaplain for his always meaningful prayer that was especially meant for the times we are in.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, we will shortly proceed to a continuing resolution that will fund the Government through December 5. I should note there were a number of conversations during the day on Monday between the leadership in the Senate and the House and the President. The agreement was that a continuing resolution to a later date would be appropriate. There were earlier dates considered, but there was conflict with House Members on November 27. That is why the date of December 5 was agreed to.

It is expected that the Senate will also receive the adjournment resolution from the House fairly quickly so that it can be considered prior to the policy luncheons. Both the continuing resolution and the adjournment resolution will be passed by unanimous consent. Therefore, no votes will occur during today's session.

I wish everyone a happy Thanksgiving and also urge that we complete our discussions at 12:30 p.m. as scheduled for the policy luncheons and that we move toward a quick adjournment when we return after the luncheons, hopefully by 2:30 p.m.

We will continue to work on the issues that are outstanding between the Republicans and the Democrats, House and Senate, and the administration during this interim period. Senator DASCHLE and I expect to meet tomorrow to talk over the substance of the issues pending.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until 12:30 p.m., with the time equally divided between the two leaders and each Member be limited to 5 minutes.

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

VIDEOTAPING CHAMBER ACTIVITY

Mr. LOTT. Mr. President, I send a resolution to the desk on behalf of myself and Senator DASCHLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 384) relative to rule XXXIII.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, for the information of the Senate, this resolution provides for the videotaping of Senator BYRD's statement in the Chamber in December at the organizational meetings and the orientation of our new Members so that this tape will be available for historical and educational purposes.

Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Res. 384) was agreed to, as follows:

S. RES. 384

Resolved, That, notwithstanding the provisions of Rule XXXIII, the Senate authorize the videotaping of the address by the Senator from West Virginia (Mr. Byrd) to the incoming Senators scheduled to be given in the Senate Chamber in December 2000.

ORDER FOR STAR PRINT—S. RES. 379

Mr. LOTT. Mr. President, I ask unanimous consent that Senate Resolution 379, as adopted by the Senate, be star printed with the changes that are at the desk.

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

DETERMINING A PRESIDENTIAL WINNER

Mr. LOTT. Mr. President, I will make one comment at this point, and that is, this morning I had occasion to see Senator REID as he was passing by my office. We talked a little bit about history and the fact that the very office in the Capitol where I sit was where the House of Representatives met in 1801 to determine who would be President because there had been a tie in the election. The House of Representatives voted 36 ballots before they determined the winner by 1 vote to be Thomas Jefferson. He won over Aaron Burr. He

went on to be one of the greatest Presidents in the history of our country. I leave that for a little thought for all concerned, and now worried, about what the future holds.

I yield the floor.

Mr. REID. Mr. President, before the leader leaves the floor, it is my understanding Senator SPECTER wants to speak for about 10 minutes and then we can use up the rest of the time until 12:30. Is the leader expecting to recess at 12:30 and come back at 2:15 p.m.?

Mr. LOTT. That is my intent. While we may not have normal policy luncheons, it is my intent to recess at 12:30 so we can have luncheons as a group or individually, and we will come back after the luncheons, I presume at 2:15. Hopefully, we will close the session by 2:30. I will want to make sure that Senator DASCHLE has been consulted on that and agrees with that.

Mr. REID. I say to the leader that when we do reconvene at 2:15, or maybe even by 12:30, I will be in a position to tell the majority leader how many on our side wish to speak. I know Senator DASCHLE does. I know Senator DORGAN perhaps wants to speak. But I will, as soon as I learn, advise the staff and the Senator of how much time we will need.

Mr. LOTT. I yield the floor, Mr. President.

Mr. SPECTER addressed the Chair.

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

MODERNIZING VOTING PROCEDURES IN FEDERAL ELECTIONS

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation which would seek to modernize voting procedures throughout the United States in Federal elections. I do not intend to become involved in the current controversies but instead have been considering where we go from here in order to try to prevent the kind of concerns and problems which we have at the present time.

In Pennsylvania, I have had considerable comment from my constituents about the issue as to, in the electronic age, with computers available and with electronic devices available why do we have some sections of the country voting by paper ballot and why do we have a great variety of election procedures in voting, so that there is not uniformity and there is not a prompt count.

Looking at that issue, it seems to me that we can do much better on how we vote in Federal elections. The thought on my mind is Congress should address this issue at least as to Federal elections, leaving the matters of State and local elections to State officials under our Federalist concepts.

It is not really practical for someone to lay out an entire bill with the proce-

dures to implement these objectives, but it seems to me—and I have been talking to some of my colleagues about it, and there are a number of Senators who are thinking in the same direction—that it will be useful to establish a commission which would take up the question of how we have election procedures which take advantage of computers and electronics so that votes may be tabulated accurately and promptly, and not have the kinds of issues which arose in our election on November 7.

I do, therefore, submit, Mr. President, the structure of a bill to establish a commission for the comprehensive study of voting procedures for Federal elections, to take a look at not only Federal elections but State and local elections as well, but with the purpose of finding a way to have accurate reporting, electronic reporting, and speedy reporting.

This bill is not in concrete. I am now soliciting cosponsors. I think we will have other cosponsors shortly. Since we have an abbreviated session today, with only a limited amount of time, I am introducing the bill at this time.

Mr. President, I will make just a comment or two about the electoral college.

As we have moved ahead with the concerns under the current contest between Governor Bush and Vice President GORE, I have found many of my constituents—and have noted comments in the media across the country—who are surprised about the way the electoral college works.

Illustratively, in my State of Pennsylvania, with 23 electoral votes, and Vice President GORE having received 51 percent of the vote and Governor Bush having received 47 percent, that Vice President GORE got all 23 of Pennsylvania's electoral votes.

In discussions I have found— candidly, a surprise to me—a fair amount of concern among my constituents about changing the electoral college. There is some confusion that any change in the electoral college may have some impact on the current contest between Governor Bush and Vice President GORE, which, of course, is not the case. This current election is going to be determined under the existing rules of the electoral college as it now stands. It seems to me that consideration ought to be given to a modification.

One approach would be to go to the popular election of a President. That appears to be unrealistic because there are so many smaller States which have only one Member of the House, two Senators, so they get three electoral votes. On a proportionate basis, they would be entitled to a 1-435th proportion in relation to the House, there being 435 Members of the House, but they have a 3-535th proportion, taking the House's 435 Members and the Sen-

ate's 100 Members. Since it takes a two-thirds vote to pass a constitutional amendment in the Congress, and ratification by three-fourths of the States, I think it is unrealistic to look to the popular election of a President.

But there is an alternative way where it might be achieved; that is, with a proportional representation. S.J. Res. 51 was introduced in the 96th Congress by Senator Cannon, cosponsored by Senators THURMOND, Goldwater, Harry Byrd and Talmadge, which provided for a constitutional amendment for proportional representation, which might be the way to go.

Illustratively, in a State such as Pennsylvania, with 23 electoral votes, and a vote split of 51 percent and 47 percent, it might be divided as 12 votes for Vice President GORE and 11 votes for Governor Bush. I think this is going to require further study.

I do think it is plain that the purpose of having the electoral college, as reflected in the Federalist Papers, was to provide a buffer between the common voter, who was thought at that time not to be sufficiently informed to directly elect a President. That, of course, was changed when we had a constitutional amendment providing for the direct election of Senators.

In the original Constitution, Senators were elected by the State legislatures, so that the common man did not vote directly for a Senator. But that has been changed as we have come to understand that in modern times every voter has a full capacity to make the direct election of an elected official with Senators, and I think on the same analogy to the President as well. But because of the extra leverage for the smaller States, which I do not contest, the direct election is not realistic. But perhaps a proportional election through the electoral college might be appropriate, with the smaller States having the additional advantage of having two electors, accounting for their two Senators. I think that is going to require further study. Again, I have been discussing that with my colleagues.

I do think people in this country want to know what our plans are for the future. I also think there ought to be an awareness that many of us in the Congress are considering whether the electoral college should stand as it now is or whether it should be changed.

An intermediate ground may be this proportional voting of the electoral college, as reflected in S.J. Res. 51 from the 96th Congress. I believe there is no doubt that we need to modernize election procedures, and that the way to go would be a five-person commission with appointments made by the President, the majority leader of the Senate, the minority leader of the Senate,