

should be required to concur with the agreement and suspend the consequences under the ESA that would otherwise result from a final decision to list a species. The suspension should remain in place as long as the terms or goals of the agreement are met.

Were such a standard adopted by policy or statute, Maine and other states would have the incentive to devise and fully implement effective conservation agreements. The alternative is what has taken place in Maine. A plan is announced with great fanfare and a listing proposal is withdrawn. One year and a lawsuit later, the Services reverse course, deeming the plan as unfit to rely upon as a litigation defense. This is the wrong result, and I would hope that during the next Congress, we can change the Services' policy or change the law to encourage responsible, effective state conservation plans.

Mr. President, in order to avoid taxpayer expense, I will not ask that the documents I referred to be printed in the RECORD. Instead, I will post the documents on my Web site. Thank you.

Mr. President, I yield the floor and, seeing no one seeking recognition, 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. DODD. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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 IMPORTANCE OF GETTING IT RIGHT

Mr. DODD. Mr. President, I rise to share for a few moments this afternoon, before we adjourn for the day, if not for the week, some thoughts on the ongoing events, most obviously, the 2000 Presidential election.

I will talk about some of the mechanics of this and some of the comments made earlier in the day by my colleagues from Iowa and Pennsylvania, and some thoughts that they shared.

Before getting to the substance of that, I am a Democrat. Obviously, as a Democrat, I am hopeful AL GORE and my colleague from Connecticut, JOE LIEBERMAN, will be elected President and Vice President. Certainly, I fully understand how colleagues of a different political persuasion and other Americans hope that George Bush and Dick Cheney will win the election. I suspect maybe the Presiding Officer may share those views.

The most important belief everyone ought to have is that this process, at the end of it, whenever that comes—whether it is the end of this week or sometime over the next several days or weeks—that if it takes a little time, that is uncomfortable, but the most important conclusion is that it be one

the American people support, even those who would have wished a different outcome in the election.

I served on the Select Committee on Assassinations 20 years ago in which we reopened the investigation of the assassinations of John Kennedy and Dr. Martin Luther King. What possible analogy could those two events have with this? Well, my colleague from Rhode Island and others may recall that the Warren Commission, which did the initial investigation into the tragic assassination of President Kennedy, was urged at the time to hurry up, to rush to get the job done, and they did. In retrospect, they did as well as they could have under the circumstances. But there was sufficient pressure to get the job done. Several years later, we had all sorts of questions raised that the Warren Commission did not address during the period of its consideration. I don't think we ever would have satisfied some of the elements who are always going to be convinced of conspiracy theories. But for an awful lot of other Americans, had the Commission taken a bit more time and gone through the facts a bit more carefully, we could have avoided the problems that ensued thereafter, including a whole new investigation of the assassination some 13 years after the events occurred in 1963.

The analogy is this: Obviously, we are not talking about that length of time, but while I hear people urging a quick decision, a fast decision, we all understand, while we like clarity and we would like a decision made immediately, we need to place at least as much emphasis, if not more, on this decision being the right decision, that the decision is seen as being fair and just and an expression, as close as we can have in an election involving more than 100 million people across the country, of the will of the American people.

That is going to be difficult because of the closeness of the race. It is important to get this done quickly, but it is more important to get it done correctly.

We do not want a substantial percentage of the American public questioning the legitimacy of the 43rd President of the United States—whether that is AL GORE or Gov. George Bush. The American people should support that choice and have confidence that the choice was the right one. I hope that, while there are those clamoring for a quick decision, we get the right decision. Utilizing the courts and utilizing manual counting ought not to frighten people. Courts are used in our country when there is a dispute that can't be resolved, where facts and theories of law are in dispute. If that is the case, you go to court and try to get an answer. You would do that if you were talking about county commissioner or secretary of State. In the State of Flor-

ida, we should do no less with the office of the President of the United States. In the final analysis, the new President will look back and be grateful that we took the time to get it right; that we did not rush to a quick judgment here for the sake of what may appear to be sort of an early way to achieve a win.

Having said all of that, there will be much talk in the coming weeks about what went wrong here, what could have been done differently, and issues around the electoral college, whether we ought to keep it, abandon it, or reform it. Are there things we can do from a Federal standpoint to assist our respective States so we don't have the kind of confusion that has emerged here and regarding some of the ballot choices and equipment used to record people's votes? There will be all sorts of ideas shared.

My first suggestion and hope would be that people take time to step back and examine our current situation. I get nervous when people have quick solutions for an immediate problem that has emerged, such as here with this close election. Let's not forget that we have been a republic for 211 years. This will be the fourth such election out of 43 Presidential races where there has been a close race, where the popular vote and the electoral votes—and we don't know the final outcome of this one—have a different result.

Before we decide we want to radically abandon this system, my strong suggestion to my colleagues and others who will be commenting, is to take some time to think it through carefully and not rush out and be offering proposals and bills that we may come to regret. There have been some 200 proposals made to amend the Constitution regarding the electoral college over the last 200 years, many of which have been suggested over the last 40 years. Before we jump to these proposals, I suggest that we think them through.

I listened with interest earlier this day to our colleague from Pennsylvania, Senator SPECTER, discuss two issues that are obviously timely and important ones at this moment about reform in the electoral college. I wish to address those issues for a few minutes. First, let me join my colleague from Iowa, Senator HARKIN, in congratulating Senator SPECTER for introducing the concept of a bipartisan commission to examine whether we might—at least in federal elections—develop more accurate and uniform methods of recording and reporting the votes cast by the citizens of our Nation. I know at least one newspaper in the country—the New York Times—has already editorialized on this topic in favor of modernizing what many consider to be a ballot system that is in many respects and in many areas of the country fairly archaic in terms of its technological sophistication. I will

join Senator SPECTER and others in developing a more thoughtful approach to this dilemma. It is a dilemma because control of elections has been left to the decision of States across the country. The federal role is somewhat limited in this, to put it mildly. It is more a question of how we can work with the States in a cooperative fashion when it comes to federal elections—elections beyond mere consideration for the offices in the respective States and counties. I think we have a legitimate interest. Certainly, that has been borne out by the events of the last week in this country. Certainly, we have seen, as I say, in the last week issues raised that none of us could imagine would have been brought up prior to the results on Tuesday night.

I think the events of the past week have shaken many Americans out of a false sense that our system—or should I say systems—of tabulating ballots is absolutely error free. It never has been perfect. No one disputes that the hallmark of our system—namely free and fair elections—is as strong as it has ever been.

Indeed, if we have learned anything over the past week, it is the truth of the maxim that it is as ingrained in our consciousness as the Pledge of Allegiance or the Preamble of the Declaration of Independence: In America, every citizen counts.

That is a mantra we hear over and over again: Every citizen counts. Every citizen has a part to play in choosing how we shall be governed. Many of us have said over the last week: Don't ever let me hear anybody say again that every vote doesn't count, or a single vote doesn't count. You have seen that the margins in the State of New Mexico in the Presidential race may be down to 17 or 20 votes. We had a congressional race in my State a few years ago where out of 200,000 votes cast, 4 ballots determined who the Congressman of the Second Congressional District would be. So we all say every vote counts, every citizen counts.

While our system may be the fairest in the world, we have been reminded over the past week that it is not infallible. Few areas of governance are as decentralized as voter administration. According to a news report today, election decisions are made not only by each of the 50 States but by more than 3,000 counties and towns, where they have separate rules outside of the State rules. So 3,000 different jurisdictions in this country have something to say about how elections are conducted in America. The methods of voting vary widely from jurisdiction to jurisdiction—from the marking of paper ballots to the use of the Internet, as we have seen.

By far the most common form of voting in our Nation remains the punching of paper ballots. It is estimated that some 40 percent of voters utilized that

method to vote on election day. This is so despite the evidence that paper ballots are more vulnerable, than any other voting system, to voter error.

We have all become familiar in the past six days with the variety of ways a ballot now may be marked—language I never heard before, terminology I never heard mentioned. All of a sudden, we have all become familiar with things called “chads” and parts of chads. I never heard of a ballot being “pregnant,” but I now know that it can be in this country, which is a startling revelation. So we have heard a new vernacular in our society. People everywhere are learning about the variations of the chad: the “pregnant” chad, the “dimpled” chad, the “hinged” chad, the “swinging” chad. These are all words that those who may have been involved in the arcane business of voter issues know, but for most Americans these are new words.

Beyond the punching of a paper ballot, some 20 percent of voters use mechanical lever machines that are no longer made. Another 25 percent fill in a circle, a square, or an arrow next to the candidate or ballot question of their choice. Only about 10 percent use a computer screen or other electronic means to have their votes recorded automatically.

One consequence of using a patchwork system where most votes are cast by paper ballot is that errors can affect outcomes. That is what the people and officials of Florida are obviously trying to contend with even as I speak on the floor of the United States Senate this afternoon.

Another consequence, however, should be just as much a cause for concern, and that is that in a great many jurisdictions the voting process might not only be prone to a significant risk of error, but a significant risk of delay on election day as well. Throughout the country during the past election, we heard a great many reports of long lines at the polls. One hour, two hours, three hours. People were waiting a long, long time in many parts of the Nation to cast their ballots.

Certainly, the vast majority of those who did endure these waits did so with patience and a deep sense of the importance of the moment. However, the question we must ask ourselves is what we might try to do to shorten those lines. We must recognize that, in an era when we can pay bills, buy goods and services, and do many other things by computer, fewer and fewer Americans are waiting in line for anything anymore.

As long lines continue to become an anachronism in other parts of our lives, voters' patience on election day can also diminish. If their patience diminishes, then more may choose not to vote, and that will be the worst result of all.

We must realize that—much as they might want to—many local jurisdic-

tions simply lack the resources to modernize their voting systems. One county in a State of the eastern seaboard has records dating from the 1800s. Of 890,000 people on that county's voting rolls, a recent study found that 775,000 were either dead or living someplace else. I will repeat that. In one jurisdiction, of the 890,000 people on the county's voting rolls, 775,000 were either dead or living in another jurisdiction. That fact, and others, underscore that voting recordkeeping and equipment is expensive and also outdated. That is a simple and unavoidable fact for many communities that struggle to find resources to meet the daily needs of their people for police, fire protection, trash collection, and other services.

So I hope that as we move forward or toward the conclusion of this Congress and the commencement of the 107th Congress, and we all wait for January 20th, where a few feet from here a new President will be sworn into office as the 43rd President—during this time—and this is why we should do it now—we give serious consideration to the concept of a bipartisan commission to examine how we might encourage more accurate methods of recording votes by the citizens of our Nation.

I also hope that such a commission would provide guidance as to how we might assist communities in finding the means to do so. This is a valuable role that we can play to assist these counties and local communities with resources that will enable them to modernize the voting equipment that they lack today. I look forward to working with the Senator from Pennsylvania, the Senator from Iowa, and others—I am sure there will be many more—who are interested in working on this issue and giving it some serious attention.

Secondly, let me enter the discussion on the electoral college. My colleagues, Senator DURBIN, Senator HARKIN, Senator TORRICELLI, as well as Senator SPECTER and others, have discussed this matter in the last few days. On talk radio, in diners, in taxi cabs, and anywhere you want to go, you can now get into a deep conversation about the electoral college. We have all become familiar in the last few days. Many people were unaware that Presidents have been elected by the electoral college since the first days of the republic. So there has been educational value to this confusion over who the next President will be.

The electoral college is an arcane institution in the minds of many, but it has played a very important and valuable role. Certainly now is a good time to consider the role of the electoral college in electing American Presidents. I hope that we will proceed, as I said at the outset—with caution—on this matter.

I would be concerned, frankly, about abolishing the electoral college. Those

who have urged us to do so ought to pause, step back, and give some thought to what they have suggested. If you think it is confusing in Florida today, imagine the difficulty in deciding a Presidential election as close as this, with ballots in contention and people going to court not in one State, but potentially in 50 States? So while I think the electoral college may need serious reform, we ought to be careful about abandoning it.

Notwithstanding the intentions of the Founders, many which remain valid, the electoral college continues to serve, in my view, an important function in our present day election system. While we elect one President for the Nation, it reminds us that we do so as a republic of States, not as a single political unit. Were we to elect the President solely on the basis of the popular vote, Presidential candidates would have little incentive, in my view, to visit with the people who live outside the major population centers. State boundaries would, for purposes of a Presidential election, be virtually wiped out, and candidates would have little incentive to learn from a State's officials and citizens about the concerns particular to their jurisdiction or State. So the consequences of abolishing the electoral college should be considered with grave, grave care. I am aware that there have been numerous proposals to modify the electoral college during the course of history. As I mentioned, the 12th amendment to the Constitution was ratified June 15, 1804. It represents one of those proposals and, today, the only successful one. One proposal was put forward in the 87th Congress, I might point out, by a Senator from Connecticut who happened to be my father. I discovered the other day. He offered it in January of 1961 after the Kennedy and Nixon election. He proposed then—and admitted there was nothing unique about his ideas; they were ones that were incorporated from the various other proposals that were suggested. So it was not an original set of ideas coming off that election which was a close election as well—he proposed a system where each State's electors would be apportioned to the candidates in proportion to the candidates' percentage share of the State's popular votes.

Nebraska, Iowa, and Maine do that today. In fact, States could do that on their own initiative. In fact, it would not require a change in the Constitution if the various States wanted to modify how they would allocate their electoral votes. Perhaps we should consider that proposal or some variation on it.

As I said, there were many proposals offered. Perhaps we should also consider the two States that do not apportion the votes on a winner-take-all basis: Maine and Nebraska. Perhaps we should consider—as Maine does now—

apportioning its votes according to which candidate wins which congressional districts in a given State. That has had some value. In fact, you may recall in the waning days of this election, the Vice Presidential candidate, JOE LIEBERMAN, my colleague from Connecticut, made a special trip to Maine to campaign in one congressional district up there that was close. It turned out that trip he made had some value. It was worth one electoral vote. If you apportion these either by congressional district or by how many votes the respective candidates received, I could see Democrats going to places such as Utah, Arizona, Georgia, Mississippi—places in which we have not done very well in Presidential campaigns. I could see Republicans coming to Connecticut, Rhode Island, or Massachusetts where they may not get the winning margin, but they might get 40 percent, 45 percent. So it is worth it to go after those electoral votes.

Why is that good government? Because it is important that these candidates come to our respective States, learn about the people's concerns. It makes it more competitive, gets people involved; their vote means something, not only a popular vote but also an electoral vote.

So I think reform of the electoral college, and there are a variety of other ideas, is worth while. But again, I caution against the idea that somehow abandoning the system would serve the best interests of the country for over two hundred years.

These are important matters. They go to the heart of our democratic system, the electoral college, how we vote, how ballots are counted. I happen to believe we are going to come out of this in good shape. I know there are those calling this a constitutional crisis. It is not a constitutional crisis. The system is working. We are confronted with a unique situation, but the Founding Fathers and the framers of the Constitution in their wisdom anticipated there would be difficulties with Presidential elections. They set up a series of safeguards. They are not perfect. Some need to be changed, but they work. We are now confronting one unique in the two-century history of our Nation, but we will come out of this well. There are good people in Florida, good citizens who care about this, who will do the right thing before this process is concluded.

On January 20, we will gather on the west front of this majestic building and we will welcome with good heart and good spirit and great cheer the 43rd President of the United States. That President will be a very humbled individual.

There will be no announcements of mandates in this election. Maybe the American people showed their infinite wisdom collectively by saying by dividing this as evenly as we can, not only

in this Chamber and the House, but the Presidential election, maybe you ought to try to work these things out; get together and resolve some of the outstanding problems we face every day such as a prescription drug benefit, a real Patients' Bill of Rights, improving the country's educational system, myriad transit problems, just to name a few. Those are the problems Americans wrestle with every day and they want to see us wrestle with them here and come up with some answers.

They may have just sent us the method and means by which we will achieve that in this coming Congress by making this election as close as it is so no one can claim they have a majority of Americans' solution to this problem. But they did speak with almost one resounding single voice. We ought to take a look at the electoral process and then get about the business of going to work on America's problems. By making this election as close as they have, I suggest they may have offered us the opportunity and means by which we could do in the coming Congress what we failed to do in the one we are now winding down.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

#### WORLD WAR II MEMORIAL GROUNDBREAKING CEREMONY

Mr. WARNER. Mr. President, last Saturday, I, along with tens of thousands of others, gathered along the Mall to observe the groundbreaking ceremony for the World War II memorial. It was a most moving and inspirational moment for all who attended and, indeed, for the untold millions who followed through the medium of television. All of the speakers at this ceremony were clearly inspired by the solemnity of the occasion.

I ask unanimous consent that the remarks of all the speakers in attendance be printed in today's RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.  
(See Exhibit 1.)

Mr. WARNER. Mr. President, I should now like to list those speakers in the order in which they took part in this program.

First, World War II Chaplain and retired Archbishop Phillip M. Hannan, who gave a most inspirational invocation. He is a highly decorated combat veteran of World War II. What a marvelous spirit he has. He set the tone for all others who followed;