

have the President direct the Archivist of the United States, the official of the United States Government responsible for coordinating the functions of the Electoral College, to provide the House of Representatives with full and complete information about the preparations that have been made for the various states to carry out the functions of the Electoral College this year.

It is not widely known that the House of Representatives and Senate have a critical role in counting the states' electoral ballots for President and Vice President of the United States. Many know of the ministerial function of the joint session that counts the ballots cast by the electors who are elected in their states. What is not widely understood is the precedent allowing Congress to decide which of two conflicting electoral certificates from a state is valid. Most important is the constitutional function of the Congress to formally object to the counting of the electoral vote or votes of a state and, by a majority of both the House and Senate, to disallow the counting of a state's electoral votes. The House of Representatives should not take this duty lightly, nor should we approach it unprepared.

I want to call attention to the 1961 precedent when a recount of ballots in Hawaii, which was concluded after the governor of that state had certified the election of the Republican slate of electors, showed that the Democratic electors had actually prevailed. The governor sent a second communication that certified that the Democratic slate of electors had been lawfully appointed. Both slates of electors met on the day prescribed by law, cast their votes, and submitted them to the President of the Senate. When the two Houses met in joint session to count the electoral votes, the votes of the electors were presented to the tellers by the Vice President, and, by unanimous consent, the Vice President directed the tellers to accept and count the lawfully appointed slate. Thus, the precedent holds that the Congress has the ability to judge competing claims of electors' votes and to determine which votes are valid.

The rejection of a state's electoral vote or votes is provided by 3 U.S.C. §15. The relevant part reads as follows:

[A]nd no electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 6 of this title from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified.

The only occasion I am aware of when 3 U.S.C. §15 was brought into play was January 6, 1969. The vote of North Carolina was stated to be 12 for Richard M. Nixon and Spiro T. Agnew and one for George C. Wallace and Curtis E. LeMay. Representative James G. O'Hara of Michigan and Senator Edmund S. Muskie of Maine protested the counting of the vote of North Carolina for Wallace and LeMay as not "regularly given."

The joint session then divided, and after the House and Senate individually debated the protest for two hours each, as provided by statute, they each voted to dismiss the objec-

tion and the vote for Wallace and LeMay was counted.

The circumstances that challenged the Congress in 1961 and 1969 were certainly different from those that may come to the Capitol doorstep early next year. If there is a single certainty about the election for president in 2000, it is that there is nothing certain. I believe it is in the interest of the members-elect of the 107th Congress that the 106th Congress make preparations for whatever may come to pass. I propose the first step in preparation is to pass a formal resolution of inquiry, which I have proposed today, to have the President direct the Archivist of the United States to provide the House of Representatives with full and complete information about the preparations that agency has coordinated to prepare the Electoral College to complete its constitutional function. We will need that information to know if the functions are faithfully and regularly carried out.

I also have requested the Congressional Research Service to provide information on state laws requiring electors to pledge their support for their political party's nominees for President and Vice President of the United States. Although there is precedent in the House and Senate for accepting the vote of a so-called "faithless elector," as cited in the 1969 instance where a North Carolina elector pledged to Nixon voted for Wallace, that was a case that did not involve state law requiring the faithfulness of electors. There is no precedent for counting or excluding the vote of a "faithless elector" when that elector's vote is cast in violation of state law. It is important that we in the House of Representatives have a thorough understanding of state law should such a situation arise in January 2001.

Mr. Speaker, time is of the essence in preparing Congress for counting the electoral votes in January. I urge the expeditious approval of this resolution of inquiry.

#### ELECTION 2000

### HON. CYNTHIA A. MCKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 14, 2000*

Ms. MCKINNEY. Mr. Speaker, I am extremely disappointed with events in Florida, but it is important that I bring to your urgent attention, voting difficulties experienced in my District.

In 1996, there was heavy voter turnout in the Fourth Congressional District. The heavy turnout was responsible for sending me back to Congress after an unfriendly redistricting fight. However, at that time, voters were forced to wait for hours in order to cast their vote. Too many of them had to stand outside in the weather because the polling places were cramped and too small to accommodate the large number of voters who showed up to vote. People were standing outside and in some cases the lines extended down the street. We all were very proud to have excited the electorate to vote. However, that experience should have alerted the planners of our elections of the need for adequate facilities for voting; apparently it did not.

Regrettably, the electoral process in the Fourth Congressional District was once again marred by exactly the same logistical difficulties as were experienced in 1996, only this year they were even worse. From election day continuing through today, my office has received phone calls from constituents saying that they experienced excessively long delays in voting, some having to wait as long as five hours, and even worse, many said that they left the polling station without having voted at all. In stark contrast, I am told that the polling stations in the northern precincts of the district, which are majority white, moved quickly (in some cases in as little as 15 minutes) and voters did not experience any where near the difficulties experienced by black voters in the southern part of the District. I am concerned that we might be seeing a new pattern and practice that has black voter suppression as its intent.

Complaints in my district are rampant, and I've heard similar complaints from other parts of my State. I don't want to place blame on any of the innocent election workers whose task it was to service large numbers of voters under severe circumstances. In large measure, they did an admirably job under the circumstances. But the right to vote in this country is sacrosanct and that right should be protected. I am calling on the Department of Justice to investigate what happened in my district because sophisticated black voter suppression is still black voter suppression and that's against the law.

CONGRESS OF THE UNITED STATES,

HOUSE OF REPRESENTATIVES,

*Washington, DC, November 9, 2000.*

Hon. WILLIAM CLINTON,

*President, Washington, DC.*

DEAR PRESIDENT CLINTON: I am extremely disappointed to have to write this letter to you today. But in light of events in Florida, I think it is important that I bring to your urgent attention, voting difficulties experienced in Georgia's Fourth Congressional District.

In 1996, there was heavy voter turnout in the Fourth Congressional District. I am pleased about that. The heavy turnout was responsible for sending me back to Congress, Max Cleland to the Senate, and you to the White House. However, at that time, voters were forced to wait for hours in order to cast their vote. Too many of them had to stand outside in the weather because the polling place was cramped and too small to accommodate the large number of voters who showed up to cast their vote. People were standing outside and in some cases the lines extended down the street. We all were very proud to have excited the electorate to vote. However, that experience should have alerted the planners of our elections here of the need for adequate facilities for voting; apparently it did not.

We worked very hard this year to encourage all the voters in the district to participate in the November 7th election and as a consequence, there was once again a strong turnout. Regrettably, the electoral process in the Fourth Congressional District was once again marred by exactly the same logistical difficulties as were experienced in 1996, only this year they were worse. From election day continuing to today, my office and the DeKalb County NAACP have received countless phone calls from constituents complained saying that they experienced excessively long delays in voting,

some having to wait as long as four to five hours, and even worse, many said that they had left the polling station without having voted at all. These constituents complained that the polling stations were completely underprepared for the turnout. There were simply too few voting booths, voter lists, and elections personnel at the black precincts in the Fourth Congressional District. In stark contrast, I am told that the polling stations in the northern precincts of the district, which are majority white, moved quickly (in some cases in as little as 15 minutes) and voters did not experience any where near the difficulties experienced by black voters in the southern part of the District.

By way of example, constituents complained that at Stone View precinct, there were at least 1200 people standing in line waiting to vote, but election officials confided that they could process only approximately 100 voters an hour and that at that rate voters would be voting until 8:00 a.m. the following morning. Hundreds of people eventually left the precinct without voting after having waited four to five hours to vote. Additionally, we received complaints that constituents waited as long as four to five hours in line only to be told when they finally arrived at the desk that they were at the wrong precinct and because of the lateness of the hour, they were not going to be able to vote at all.

Tragically, many of the people waiting in line to vote were forced to stand for hours in the rain with infants and young children. One constituent complained that after he had waited for hours to get his ballot form at the front desk, he was not allowed reentry into the building when he left the voting line to check on his small children who were outside. Also, several motor vehicle accidents occurred at polling stations, in large measure I am sure, because of the voting delays leading to traffic congestion at the polls.

In light of the above, I am extremely concerned that a new form of black voter suppression might have been experienced by voters in the Fourth Congressional District, constituting a potential violation of the Voting Rights Act.

Mr. President, I do not want to place blame on any of the innocent election workers whose task it was to service large numbers of voters under severe circumstances. In large measure, they did an admirable job under the circumstances. But the right to vote in this country is sacrosanct and that right should be protected.

I respectfully request your immediate investigation into this matter.

Sincerely,

CYNTHIA MCKINNEY,  
Member of Congress.

TRIBUTE TO HOWELL L.  
HODGSKIN, JR. FOR LONGTIME  
SERVICE TO CENTRAL NEW  
YORK AND THE U.S. MILITARY  
ACADEMY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. WALSH. Mr. Speaker, at the conclusion of this admissions season, Mr. Howell L. Hodgskin, Jr. will retire after twelve years of service to Upstate New York as our region's admissions field representative for the United States Military Academy at West Point.

Mr. Hodgskin, a graduate of West Point and a one-time commissioned officer in the United States Army, has served as the U.S. Military Academy's liaison officer for seven different Members of Congress—SHERWOOD BOEHLERT, JOHN MCHUGH, MAURICE HINCHEY, Bill Paxon, TOM REYNOLDS, AMORY HOUGHTON, and me—as we annually seek to make nominations to the nation's service academies.

After distinguished service in the Army, Mr. Hodgskin was employed as a program manager and radar engineer for the General Electric Company in Syracuse from 1956 to 1989. Since his retirement from General Electric, Mr. Hodgskin has proved invaluable as Upstate's Congressional liaison to West Point. His contributions have assisted Central New York's finest young people in their efforts to enroll in the United States Military Academy.

As he prepares to step down from this important role, I salute him on behalf of the residents of New York's 25th Congressional District for his service and dedication to West Point and our nation. The best of luck always, Hodge.

TRIBUTE TO COMMANDER VIRGINIA TORSCH, UNITED STATES NAVAL RESERVE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 14, 2000

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to an exceptional leader in recognition of her remarkable service to her country, both on active duty and in the reserves, and as a staunch advocate of improved health care benefits for members of the uniformed services community. CDR Virginia Torsch's truly distinguished record merits special recognition on the occasion of her departure from The Retired Officers Association (TROA) to a position in the private sector.

CDR Virginia Torsch received her Bachelor of Science degree in Zoology from the University of Maryland in 1978, and completed her Master's of Health Science in International Health at Johns Hopkins School of Public Health and Hygiene, Baltimore, Maryland in 1982.

A year later, in 1983, CDR Torsch became a commissioned officer in the U.S. Navy's Medical Service Corps. She was sent to the Naval Hospital, Pensacola, Florida where she served eleven months as the Assistant Comptroller. She then transferred to the Armed Forces Medical Intelligence Center, Fort Detrick, Maryland as a medical intelligence research specialist, writing medical studies on countries in Southeast Asia. Three years later in 1987, CDR Torsch transferred to the Pentagon where she served on the Navy Surgeon General's staff as the Assistant for Fleet Support in the Medical Operations and Planning Division. During this tour, CDR Torsch also completed the Naval War College's seminar program, graduating with distinction in 1989. In November 1990, CDR Torsch affiliated with the Navy Reserves where she is currently attached to the National Naval Medical Command Bethesda 106 unit.

In December, 1990, after leaving active duty, CDR Torsch joined the Strategy 2000 staff at the Paralyzed Veterans of America (PVA). While there, she assisted with the development and publication of "Strategy 2000: The VA Responsibility in Tomorrow's National Health Care System", which analyzed the potential impact of national health care reform on the VA medical care system. CDR Torsch also tracked and analyzed health care reform legislation and initiatives, both at the national and state levels.

In October, 1992, CDR Torsch joined the staff at The Retired Officer's Association as the Assistant Director of Government Relations, Health Affairs, where for the last eight years she has worked tirelessly to advance legislation guaranteeing lifetime health care for uniformed services beneficiaries. Because of her strong health care background, CDR Torsch was made TROA's principal representative to The Military Coalition's Health Care Committee. To illustrate the significance of this assignment, it is helpful to note that The Military Coalition (TMC) is a

Shortly after beginning her liaison with TMC, CDR Torsch was elected to the position of the Co-chairman of the TMC Health care Committee because of her ability to articulate forcefully the urgency of providing lifetime health care to members of the greatest generation and their successors and in recognition of her practical insights on the best legislative strategy to achieve that goal. CDR was a major contributor to the Coalition's Health Alternative Reform Taskforce (CHART) study, which identified several innovative ways to provide lifetime health care to military beneficiaries who were locked out of military treatment facilities when they attained Medicare eligibility. That landmark study became the blueprint for several laws that were enacted in the last five years.

In 1997, Congress enacted a three-year demonstration of a concept called Medicare subvention, through which the Health Care Financing Administration would reimburse the Department of Defense (DOD) for care provided to Medicare-eligible members of the uniformed services community in Military Treatment Facilities (MTFs). That program, now called TRICARE Senior Prime, was included in the Balanced Budget Act of 1997 and is currently in operation at 10 MTFs.

Over the years, CDR Torsch and other members of The Military Coalition have worked very closely with my staff in developing an option to allow Medicare-eligible service beneficiaries to enroll in the Federal Employees Health benefits Program (FEHBP), the same program that is available to virtually all Federal civilian employees, Congressional staff members and Members of Congress. In 1998, an amendment to the FY 1999 National Defense Authorization Act (NDA), which I sponsored along with my distinguished colleagues, WILLIAM MAC THORNBERRY and J.C. WATTS, provided authority for DOD to conduct a three-year demonstration to determine the financial and other impacts of allowing Medicare-eligible service beneficiaries to enroll in FEHBP. The test of FEHBP-65, as it is called, is also underway at 10 locations around the country. I am convinced the results of this demonstration will prove conclusively that