

trying to bring the world's two greatest democracies together.

Over the 7 or 8 years now that we have had the Congressional Caucus on India and Indian-Americans, I think we have accomplished a lot in that regard. If I go back 7 or 8 years, at that time many people I think both in India and in the United States thought of the two countries as not only not partners, but maybe even I would not say enemies, certainly, but maybe on opposite sides of the fence on many issues, whether it was the economy or the development of trade or security issues, or whatever.

Certainly over that last 7 or 8 years we have accomplished a lot to change that, and the Indian American Friendship Council has played a role.

I wanted to give particular thanks this evening to Dr. Krishna Reddy, the founder and still the president of the Friendship Council. One of the things that Members of Congress on both sides of the aisle certainly cannot forget is that every year in the summer, usually I think it is in July, the Indian American Friendship Council has a big event, basically a day-long conference, which concludes with a banquet in the evening where many Members of Congress participate.

I think there is more participation by Members of Congress in that conference and in that banquet than any other event put on by the Indian-American community here in Washington.

□ 1945

It is because Dr. Reddy and the people involved in the Indian American Friendship Council who really go out of their way to make it clear that Congressmen and Senators are important, and that the only way, if you will, that we can accomplish the goals of bringing the United States and India closer together is by having the community work with Congress and work with their Members of Congress to accomplish that goal and to basically say what their concerns are.

I went through again the Web site of the Friendship Council, and I saw a list of about 10 goals that the Friendship Council tries to achieve, and every one of these is, I think, very significant in terms of U.S.-India affairs, as well as the role of the Indian American community.

I just wanted to, if I could, very quickly list these. The goals basically say, and the first one is to forge better overall ties with an emerging power that is the world's largest democracy, better ties within the United States and India. That is in general.

Second, to give concrete expression to our shared democratic values and our interests in strengthening evolving democracies. What they mean by that is that the council has played a major role in getting the Indian American community involved in government, involved in civic affairs, whether that

means registering to vote, getting out to vote, or working for candidates, or lobbying in a positive way in Washington or a State capital for candidates.

The third goal is to urge Indian progress towards global nonproliferation and security norms; very important, and not an easy task, because we know that with the detonating of nuclear weapons or the testing, I should say, of nuclear weapons in India a few years ago, there was a major concern about whether India will continue on the path towards nonproliferation.

The council has made it clear that that is the path that both the Indian government, the U.S. Government and all governments should proceed down. Nonproliferation is a goal. I commend the Friendship Council for having that goal.

Fourth is to maximize our partnership and trade investment and information technology exchanges with one of the world's largest economies, and one of the world's largest middle classes. We do not even need to comment on that one. Obviously, there has been a tremendous growth in trade between our two countries. There are tremendous opportunities in the information technology field. Indian Americans have played a major role obviously in the information technology field here in the United States as well as in India.

Next is to broaden and deepen our relations with the world class Indian players in the vital area of information technology. Again, we have explained that, and, furthermore, to enhance our joint efforts on urgent global issues including terrorism and narcotics.

When President Clinton went to India in March, and in that historic visit, which the council had been urging for a long time and Dr. Reddy have been preparing the way for for a long time, one of the major issues that was addressed was terrorism. And it was also addressed when Prime Minister Vajpayee came here to the United States before the House of Representatives in September, and significant progress has been made between the two countries on the goal of trying to get rid or trying to address international terrorism.

And another goal was team up to protect the global environment with clean energy and other initiatives where Indian leadership is essential. When I was in India with the President in March, we made some major progress with regard to environmental concerns.

We were at a hotel next to the Taj Mahal when an agreement was signed between the United States and India to try to improve the environment, to improve access to energy. And, again, the Friendship Council had been in the forefront of trying to stress the environmental and energy needs and the fact that our two countries, one, the United States, being the leader in the

developed world and the other, India, being a leader in the developing world on these environmental and energy issues.

Finally is to join hands in the global campaign against polio, HIV/AIDS and other public health problems. Dr. Reddy, himself, is a dentist. He is very concerned about public health. He has been honored by the Indian government and by other organizations here in the United States, because of his concern, his public health concerns; and obviously, this is another area where the Friendship Council has been playing a major role and many members of the Indian caucus have taken the leadership in trying to improve the public health environment in India.

Let me just say that I just want to conclude my portion, if you will, of the Special Order by saying that I really admire the work of Dr. Reddy and the Indian American Friendship Council. I know that many of my colleagues do.

This is a bipartisan organization that works with Democrats and Republicans and certainly will continue to do the excellent job they do in the next Congress.

Mr. Speaker, I yield the balance to the gentleman from California (Mr. SHERMAN).

THE INDIAN AMERICAN FRIENDSHIP COUNCIL AND STRENGTHENING INDIA-AMERICA TIES

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for the remainder of the minority leader's hour.

Mr. SHERMAN. Mr. Speaker, it has been a pleasure to work with the gentleman from New Jersey (Mr. PALLONE) on strengthening the ties between the United States and Israel.

I want to join with him in praising the Indian American Friendship Council and discussing how important U.S.-India relations are for the people of the United States and the important work of the Indian-American Friendship Council in strengthening those ties.

Mr. Speaker, just a few years ago, half a billion Indians went to the polls to choose a new parliament, five times as many people who participated last month in the U.S. Presidential election. Frankly, a higher level of participation in democracy than we enjoy here in the United States.

India has demonstrated to the world that democracy is not just a system of government for the developed world, but, in fact, is a system of government that can work anywhere. Where else would democracy face such incredible challenges? A Nation of a billion people, perhaps the most ethnically and religiously diverse nation on the face of the earth, with one democratically elected parliament.

India has surprised the world, not only with its ability to maintain and strength its democratic institutions but also with its economic growth. It serves as a model to the entire world.

The Indian-American community has also served as a model. It is now the most highly educated of all of America's ethnic groups. Forty years ago, there were 35,000 Indo-Americans. Today, there are 35,000 Indo-American physicians, not to mention the tens of thousands of Indo-Americans who are in the various other professions who have succeeded in business, particularly information technology and who have participated in the cultural and political life of America.

Clearly strengthening ties between India and the United States is an important mission, and no organization performs that mission to a greater degree and with more finesse and capacity than the Indian-American Friendship Council.

The Indian-American Friendship Council has prominent chapters in networking groups, in many cities and States across this country. As the gentleman from New Jersey (Mr. PALLONE) pointed out, every year the council hosts a major annual event here in Washington, which attracts scores of Members of the House and of the Senate and serves as a platform for discussion between the Indo-American community and other supporters of the U.S.-India relationship and elected Members of the Congress.

Mr. Speaker, not only does the Indian-American Friendship Council serve as a bridge to those who serve in Congress, but it also serves as a bridge to the State Department and the other departments involved in international economic and diplomatic policy of this country.

I am particularly proud of Dr. Krishna Reddy, the founder of the Indian-American Friendship Council, who I am proud to say is a Southern Californian. So while the gentleman from New Jersey (Mr. PALLONE) has accomplished much for the Indo-American relationship, he cannot claim that his region is the home of Dr. Reddy, whereas we, in Southern California, can.

With that in mind and knowing of all the gentleman has done for the U.S.-India relationship and to support the Indian-American Friendship Council, I would at this point, yield to the gentleman from New Jersey (Mr. PALLONE), for any parting words about the importance of the Indian-American Friendship Council.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from California (Mr. SHERMAN), and I agree that I cannot lay claim to Dr. Reddy, because he is from the gentleman's part of the country. I will say that about a year or two ago, Dr. Reddy started a chapter of the Indian-American Friendship Council in New Jersey.

They are now very active, and I have been to some of their meetings where there were maybe 200 or 300 people, and so even though he is from California, his name and his activities have now spread to my great State as well.

Mr. SHERMAN. Mr. Speaker, I am glad to see that Southern California is spreading wisdom to the far shores of New Jersey.

Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. PALLONE), who has been here long before I was involved in the India Caucus and in strengthening ties between the world's richest democracy and the world's largest democracy.

ISSUES THAT WE NEED TO CONFRONT TO AVOID CONSTITUTIONAL CRISIS OF COMING DECADES

Mr. SHERMAN. Mr. Speaker, I would like to begin the speech I had planned to give tonight.

Mr. Speaker, you have been here on many occasions when I have addressed the House late at night, and this is the last speech of the 106th Congress, as I understand it, the last three quarters of an hour which you will be presiding over this House.

I wish the gentleman tremendous luck and tremendous good fortune as the gentleman leaves this House. I want to thank the gentleman for his service to this House and to this Nation, and particularly his service as a presiding officer over this House, which he has done so many times.

Mr. Speaker, I especially want to thank you in advance for your indulgence during the next three quarters of an hour.

I also want to thank the House for this opportunity to address the House in the closing minutes of the 106th Congress and take this opportunity to wish all of my colleagues happy holidays and a happy and productive new year.

Mr. Speaker, we come to the end of the 106th Congress; and we come to the conclusion of the selection of the 43rd President of the United States, perhaps more in exhaustion than in glee, having severely tested our constitutional structure. When we come back next year, we need to do so in the spirit of bipartisanship; and I think in that spirit, we need to address some of the issues as to which there is no Democrat policy, no Republican policy, but issues that go to the structure of our democracy, issues that we need to confront now to avoid the constitutional crisis of coming decades, issues that go to the structure of our government and go to protecting the Presidency from challenges that it could face in the decades to come.

I have been asked who could have imagined the problems that we have faced over the last month. The fact of the matter is anyone with a good imagination could have imagined these problems and hundreds of others.

We simply need to look at the technical mechanisms for our government,

for our Constitution. And for our democracy in order to identify those issues that could present crisis in the future.

Now, there are a variety of different kinds of problems this country faces as to which Members of Congress are not to be expected to have in-depth expertise. In my own State, there are tremendous problems dealing with the generation and distribution of electric power. And few Members of the State legislature of this Congress have in-depth expertise or experience in matters of electric power; but when it comes to government and politics and voting, that is the one area where we are experts. It is time that we turn that expertise to making sure that all of the foreseeable problems that could go to the structure of our government are given attention and hopefully are solved.

These are problems, and I will address nine different problems in the remainder of any speech, that have not gotten much attention. They are problems that we are not lobbied by the insurance industry or the physicians. The NIFB has no position, nor does the AFL-CIO; neither the sugar producers, nor the candy makers have a stake in the outcome directly.

□ 2000

None of the hundreds of lobbyists and constituent groups that have come to our office in the last 2 years have even addressed these issues. Given what has happened in Florida, we will begin to hear of one or two of them, but we should address them all and others besides, because I am not confident that I have the right answers, I am not confident that I have identified all of the relevant questions. But I am sure that it is time for this House to imagine those mechanical threats, those threats to the mechanics to our democracy that could occur, not just in the next few years, but in the coming many decades.

Mr. Speaker, if I had come to this floor 6 months ago and said that Chad posed a risk to our democracy, a member of the Committee on National Security would have responded that the West African nation of Chad posed no threat to us, that it was not the site of terrorism nor military threat. Yet, we must defend our democracy, not only from the most obscure sources of international attack, but from those things that could undermine faith in our institutions.

We have learned that the word Chad does not only apply to a nation in West Africa, but refers to just one of many mechanical problems that could undermine our faith in those institutions.

Mr. Speaker, it is not enough for us to address just what happened in Florida, because tomorrow's constitutional crisis will not be the same as yesterday's. The crisis that we have just

faced will inspire us to close the barn door now that the horse is departed. But it is not enough to close the door through which one horse escaped, we must, instead, examine the barn and close every window and every door and make sure that the walls are structurally sound.

We must identify as many possible constitutionally undefined areas and address those areas long before they become sources of major partisan controversy. We must imagine all the problems that we can and not scoff at those who would solve "imaginary problems."

The first of these issues that I would like to address is one that has not been discussed, I believe, on this floor for at least a decade; and that is the issue of Presidential succession. We all know that, if the President is impaired or becomes deceased, the Vice President succeeds to that office. We all know that a Vice President who then becomes President can appoint a successor to the Vice Presidential office.

We all know if things go smoothly, there will always be a President and a Vice President and a Vice President ready to take over if the President, God forbid, is deceased. But, Mr. Speaker, there could come times when we go for months or years without a Vice President. We did when Gerald Ford became President after the resignation of Richard Nixon. One could have imagined the crisis we might have faced had President Ford faced some untoward calamity.

See, Mr. Speaker, we have laws that provide for succession to the Presidency. Such laws ought to provide two things, certainty and continuity. The present statute does provide certainty. For if there is a vacancy in both the Presidency and the Vice Presidency, the next person in line is the Speaker of the House and then the President Pro Tempore of the Senate followed by the various cabinet officials in order of the seniority of their departments. That will provide for certainty as to who holds the office of President.

But it is not enough for us to have certainty. We also need continuity; and by this, I mean continuity of policy. If, for example, the Vice President has become President and there is a vacancy in the Vice Presidency, the stock markets should know that, if that Vice President who has become President were to die, that our national policies would remain pretty much the same, that our economic policies would remain the same.

Our adversaries and our friends around the world should know that, even if there is no one currently serving as Vice President, that the next person in line will carry on pretty much the same policies. No one should have any belief that a change in who is President except at a national election could radically change our policy.

Most important, it is key that any potential assassin not believe that they can radically change America's foreign or domestic policies with a bullet. They can change the person but hopefully not radically change the policies.

Unfortunately, our present statute does not meet that standard of providing for continuity, continuity of policy. Because the person in line after the Vice President may or may not be of the same party.

Our old system was, I think, superior. The statute, until a couple of decades ago, provided that, if there was a vacancy in both the President and the Vice President, the next person in line was the Secretary of State, and I believe after that the Secretary of the Treasury, individuals who had been confirmed by the Senate, individuals of high integrity and very substantial governmental responsibility, individuals, though, most importantly who would share a general philosophy with the President of the United States.

Today, we have a very different system, a system where we could have a change in the party in the White House, not as a result of an election, but just as a result of succession. One could have imagined in the 1970s with Gerald Ford serving as President that the country would wonder what if something happened to President Ford? Would that mean that we would pull out of Vietnam? Who knows? No one should have doubted during that time, but anyone looking at the Constitution and our statutes would have doubted that a change in the person of the President would change the policies of the Presidency.

Now I should point out that we changed our statute several decades ago because it was believed that the first four persons in line to succeed to the Presidency should be elected officials. I do not find that incredibly compelling, but I can understand why others do.

So let us maintain that policy should others think it important, but let us provide that every President may file with the Clerk of the House and the Clerk of the Senate an official document indicating who shall be third and fourth in line in succession; that they would designate that the person third in line would either be the Speaker of the House or the Minority Leader of the House, and the person fourth in line would either be the Majority Leader in the Senate or the Minority Leader in the Senate.

Under those circumstances, we would know that a Member of Congress would be third and a Member of Congress would be fourth in line. Then no matter what is likely to happen, an elected official held in high esteem by their colleagues in the Congress would serve as third and fourth in line. At the same time, we would know that the party in the White House is not subject to change except through election.

If we fail to do so, then some time in the next century, we will face months, if not years, when our allies and enemies around the world wonder whether there could be a radical change in our policies due only to a sad death or incapacity. Assassins or potential assassins may be inspired to their evil deed by the belief that they are, not only committing a heinous act against this country, but in the misbegotten belief that that is an appropriate way to change radically America's foreign or domestic policy. Mr. Speaker, we have not addressed this issue, I believe, for decades. We ought to.

Let us move on, though, to another issue that is also important; and that is one that has been discussed at great length, and that is the need for voting machines around this country or vote tabulation systems that are worthy of the 21st Century and worthy of the world's most powerful democracy.

There have been several bills introduced that provide for at least a study of what can be done to improve our vote tabulation system. But let me describe how important that is. Thirty-one percent of this country uses the punch card system which we became all too aware of in Southern Florida. That system is used, for example, in Los Angeles and Ventura Counties, major counties which I partially represent.

One out of every 66 persons voting for President in Florida in a punch card county had their vote unregistered for President, an undervote. Now, you may say perhaps 1 out of every 66 Floridians did not care to register a vote for President. But in the adjoining counties where optical scanners are used, only 1 out of every 250 voters chose to skip that office. We know from our own experience that the vast majority of people who go to the polls at a Presidential election cast a vote for President, especially when they are given, not only the two major choices, but several other choices besides.

In fact, experience in Florida shows that it is not the case that there are just certain counties in Florida where people want to skip the office of President, because several counties have moved from one vote casting system to the other from 1996 to the year 2000. When they did so, they went from roughly 1 out of every 66 ballots missing a vote for President to 1 out of every 250.

So we see that the tendency to vote for President, when accurately tabulated using the best machines available, that 249 out of 250 people cast a vote, that squares with our experience, and that, in fact, the vote tabulating machines used in punch card counties are ignoring almost 1 percent of the votes cast for President. This needs to be changed, and we need to do more than just have a Band-Aid.

Yes, we could provide Federal funds on a pilot basis to a dozen counties

around the country. We could provide \$50 million or \$70 million. We could stand in front of a few fancy machines in a few counties. But 31 percent of all Americans are using this punch card system. Other Americans are using equally bad systems. And 1 percent of that 31 percent are being disenfranchised. That is wrong.

We should provide \$1 billion a year for several years, real money for a real problem, because there are 180,000 precincts in this country, and each one has half a dozen or more voting booths with tabulation devices. Every county has to be able to count the ballots. This is a big deal and cannot be dealt with by a few pilot programs that solve the problem in just a few counties.

What we ought to do is provide grants to counties and other local jurisdictions responsible for elections, grants of between 50 percent and 80 percent of the cost of new vote tabulation and vote casting machinery and the cost of implementing the systems and training the employees involved.

What we ought to do is commission the Federal Election Commission with the responsibility of identifying one, two or three of the best vote tabulation systems for large counties, perhaps a different list of one, two or three systems for medium-sized counties, and perhaps a different list of the best systems to be used in small counties. Then we should turn to every county in America that does not have one of these good systems and offer between 50 and 80 percent of the cost of buying the new equipment. To do otherwise is to say that democracy is worth a quarter trillion dollars a year to defend from foreign threats, but not even a tiny, tiny portion of that to defend from constitutional crisis from unintentional disenfranchisement.

Furthermore, the Supreme Court, whether one agrees with it or not, has just enumerated or identified an equal protection right for votes to be counted accurately.

□ 2015

Now, it is possible that this court will never find another circumstance in which to apply that new constitutional right. It is possible that this court found that new right to apply it only to this election and now will want to seal it and never use it again, but that is just this court. One can imagine a court inspired by more liberal values that would rely on this case to question or invalidate elections from coast to coast if there was a denial of equal protection of the right to cast one's vote in a way in which it would be accurately counted.

The fact is these old vote tabulation systems are found often, and to a greater extent and a greater proportion, in urban counties, with previously disenfranchised minorities, disadvantaged minorities, using systems

that throw out 1 percent of their vote, while adjoining more economically upscale counties use new upscale vote tabulation systems. I am not sure this court would use the Equal Protection Clause to deal with that issue, but I do know that in other courts in other decades this issue may rise to the level of constitutional scrutiny, and at that point, at that point we may face another constitutional crisis as some other court examines whether it is fair to use accurate systems in upscale counties and decrepit systems for those who are poor and those in traditionally discriminated against racial minorities.

I also, though, want to point out another issue, and that is if we do have a Federal right, an equal protection right to accurate voting, that we establish some rules that require that those rights be raised on a timely basis. I cite the butterfly ballot, now famous from Palm Beach County. Certainly we ought to have a rule that says that that ballot needs to be challenged 30 days before the election or 3 days after it is known or should be known to the candidates involved in the election so that we do not have a Federal Court invalidating an election weeks or months afterwards because it finds that the butterfly ballot denies equal protection to those who use it.

We must have a system that puts the onus on candidates to bring to the attention their objections first to county election officials and then, if they feel they have a constitutional claim, to the Federal courts. The butterfly ballot should have been objected to long ago, long before the election.

Mr. Speaker, let me turn to a third issue, and one that has also gotten some attention, and that is the electoral college system. When the electoral college was first instituted, democracy was a newfangled dangerous idea that our Founding Fathers did not want to fully embrace, but which other modern countries have more fully embraced than we have because it is now a proven idea, and American values require that the President of the United States be elected by the people. Now, the values of the 1700s may have been different; but until recently, virtually no American could have conceived of the idea, was even aware of the existence of the electoral college.

Secondly, Mr. Speaker, I would point out that at the time our Constitution was signed, the States really were independent countries. When they were independent countries, we used the following terminology. We would say the United States are going to do something. Today we say the United States is going to do something, because we are now one Nation, with one President that presides over one people. We are both a Republic and a democracy. The distinction between a democracy and a Republic is now, I believe, outmoded

because we are a Republic that should be guided by democratic values, particularly in the selection of a President.

Now, in this election, the person who will be in the White House did not get a plurality of the votes, but that was by a mere 300,000 to 400,000 votes. Imagine if by 1 million votes or 2 million votes or perhaps 3, 4, or 5 million votes one person is installed in the White House while the other won the popular vote. Would that President have all of the legitimacy that we would like the President to have? What is worse, what happens if there is a tie?

I know we just lived through one crisis. But what if Ralph Nader had won Florida? Not this election, maybe next election. If that would have occurred, then none of the Presidential candidates would have had 270 electoral college votes, and the Presidency would have been decided here in the House of Representatives. So far that sounds reasonably fair. But we in this House would vote by States. North Dakota and South Dakota would have as much influence as New York and California combined. Would the country really accept a President who had been chosen by a majority of the States, representing only a fraction of the Nation's population? I think such a President might have been accepted in the 1700s. In fact, that is how Thomas Jefferson was selected. But I am not at all sure that a President selected through such a manner would have legitimacy today.

Finally, the maintenance of the electoral college means that there could just be a few dozen votes in one State that could decide an election and could be the subject of a recount, or more than one recount.

The solution is clear. We ought to elect a President by national vote. But one issue then arises. What if no Presidential candidate receives 50 percent of the vote? I suggest that we draw the line at 40 percent, since throughout the last hundred years every President we have installed, I believe, has received 40 percent of the popular vote; yet in contrast, no President in the last 12 years has received over 50 percent of the vote. But if we had a situation with three, four or five viable candidates for President and none of them got over 40 percent of the vote, then I would suggest a national runoff.

For those who disagree with the cost of such an enterprise, even in those incredibly rare occasions when a leading candidate failed to receive even 40 percent, then perhaps the House of Representatives could select the President, with each Member of the House having an equal vote.

Mr. Speaker, we may not abolish the electoral college; but if we do not, it is time for us to stop playing with the excitement of wondering if we will have faithless electors. Now, I am confident

on December 18 we will not have faithless electors; that every elector will cast their vote for the slate to which they are pledged. But just because it does not happen next week, does not mean we can sleep and wait for when it does happen. There have been faithless electors in the past.

If we cannot agree to abolish the electoral college, let us at least abolish electoral college members and use a point system that is automatic. If we like the pageantry, then we could have electoral college members, but their votes should be tabulated for the candidate to which they are pledged, unless that candidate releases them by a formal notarized document. If we do otherwise, then we will take a breath, we will relax on December 18, when faithless electors do not control the outcome of the Presidency, and we will leave it to our children and grandchildren to experience the constitutional crisis that we could prevent today by eliminating the risk of faithless electors.

Now, there is another issue I would like to discuss, and that is the statutory interpretation. It is by no means clear whether this is the law of the land, but it is the belief of some that a candidate for President cannot tell the people of the country who would serve in his or her cabinet. There is discussion that our various anti-bribery statutes, et cetera, indicate that no candidate for office can indicate who will get an appointment should he or she be successful. Now, I agree we should not be selling appointments, and that would never be legal; but we should certainly clarify the law so that if a Presidential candidate chose to announce who would serve in this or that position, and announced it publicly, that the country would take that into consideration.

No candidate should risk the violation of Federal law. One could even postulate the idea of a criminal conviction just for telling us what some of us want to know. Now, as a politically involved individual, I would advise most Presidential candidates not to tell us who they would appoint to the cabinets. But any Presidential candidate who chose to do so should not face any retribution.

Now, Mr. Speaker, the next time bomb which we have not bothered to listen to is the method of amending our Constitution by holding a Constitutional Convention. We have never amended our Constitution that way, and so we have tremendous questions as to how such a Constitutional Convention would work. The last time Congress dealt with this, I believe, was in the 102nd Congress, when there was a Constitutional Convention Implementation Act introduced but basically ignored by the House and the Senate. Here are a few of the issues.

Let me cite article 5 of our Constitution, first of all, which says that with

the application of the legislatures of two-thirds of the States, there shall be a convention for proposing amendments to the Constitution, which would then have to be ratified by the legislatures in three-quarters of the States. In fact, quite a number of States, at times in the past, sometimes 50 or 100 years in the past, have passed the necessary resolution to call for a Constitutional Convention. Usually, they have called for a Constitutional Convention to deal with this or that problem. Some States have called for constitutional conventions to deal with a balanced budget amendment or with term limits. But if a Constitutional Convention were called, or purportedly called, perhaps called in the opinion of some and not called in the opinion of others, the Congressional Research Service outlines quite a number of questions that have not been settled.

For example, on question yet to be settled is whether or not the petitions to call that convention must all be the same document or whether some can call for a convention to deal with term limits and others a convention to deal with balancing the budget, and a bunch of others calling for a convention to completely revise the Constitution. What are the scope and limitations of any such Constitutional Convention? Once assembled, for example assembled for the purpose of passing term limitations, is the convention free to propose to the several States the complete revision of our constitution? What is the validity of any rescission of a petition by a State legislature? If a legislature called for a Constitutional Convention to deal with the adverse consequences of prohibition and passed that resolution in the first half of the last century, is that State, one, counted toward the calling of a Constitutional Convention included in the tally of modern States that have called for a Constitutional Convention to deal with such modern concepts as term limits?

□ 2030

Do State petitions have to be contemporaneous? Another unsettled issue? There are many others.

And yet, our entire Constitution could be revised from the beginning through the most recent amendment by a constitutional convention which may or may not be legitimate because it may or may not conform on one of these issues.

It is time for Congress to either abolish the entire concept of a constitutional convention or at least clarify how it would be called and what would be the scope of its powers.

I might add that perhaps we should move to a system where Congress can propose or State legislatures can propose amendments to our Constitution either two-thirds of both Houses of Congress or two-thirds of the State legislatures who could then see that

amendment approved at a referendum by two-thirds of the people of the country. It may be time to look to the referendum as a way to ratify amendments to our Constitution.

Those are at least issues that we should talk about as much as we talk about the issues that pit Republicans against Democrats. We should deal at length with the structure of our democracy.

We also, of course, should deal with campaign finance reform. And then we should deal with an issue put before us by the Supreme Court decision in *Jones v. Clinton*. You will remember that that is the decision in which the Court decided that anyone could sue the President for any reason, that the lawsuit would go forward, the President could be deposed.

And fortunately, in the last 4 years only one party, only one individual, has sued the President. It had very significant consequences.

I would cite the House to the last paragraph of the Supreme Court's decision where it says, "If Congress deems it appropriate to afford the President stronger protection, it may respond with appropriate legislation."

We ought to take the court up on that. And here is why: anyone with sufficient financing could sue the incoming President and we could have dozens and dozens of lawsuits financed by people who simply are angry with President-elect Bush or then-President Bush. Slander lawsuits, sexual harassment lawsuits, job discrimination lawsuits, Federal lawsuits, State lawsuits.

Could \$10 million be raised from highly partisan Democrats for the purpose of financing dozens of lawsuits resulting in dozens and dozens of depositions of the incoming President? Perhaps. I do not want to find out. And even if that is not the state to which our country has yet sunk in levels of partisanship, do we want to wait a decade or two or three until there is an organized effort to sue whoever is then President as many times as possible and take as many depositions as possible on as many salacious topics as possible?

I suggest, instead, that we indicate that any lawsuit against the President is suspended, that the statute of limitations is told, that the rights of the plaintiffs are preserved until that Presidency is completed, and that any depositions necessary to preserve evidence, any documents that are necessary to be preserved are preserved so that trial can go forward after the defendant in that lawsuit leaves the White House. To do otherwise is to invite anti-Presidential retribution by lawsuits.

There is another issue that I hesitate to bring before the House but one that we might be able to deal with, and that is the ongoing investigation begun by Kenneth Starr. Most of this country

knows that we have failed to reauthorize, that we have squelched the Independent Counsel statute. Much of the country does not know that the Independent Counsel's Office of Ken Starr continues to operate and is allowed to continue to operate as long as it wishes to or until we in this Congress by statute pull the plug, padlock the office, and send the files to the Justice Department.

Now we have a particular reason to do so. The Justice Department, on January 21, will be in Republican hands; and if there is anything in those files which even a Republican administration using reasonable discretion determines to prosecute, they are free to do so. But we allowed the Independent Counsel statute to expire because we know that it does not operate with discretion, that an office that exists only to prosecute one individual and it is terminated if it fails to prosecute will find some reason to prosecute, at least find some reason to continue to investigate.

And if you think that partisan tensions are now as high in Washington as they could ever be, imagine how this country will react if a Republican Congress allows to continue the Ken Starr investigation.

Will we just be viewed as another Pakistan, another troubled democracy or an occasional democracy if we begin the process of indicting our former Presidents?

I suggest that the continued failure of this Congress to act, the continued allowance of this Congress to fund Robert Ray's operation has the seeds for raising partisanship to one unnecessary level.

We have heard as much as we need to about Monica Lewinsky, and Federal dollars should no longer be spent to finance an office that has nothing to do, that loses its power, that loses its payment as soon as they decide that the Lewinsky matter is no longer worthy of investigation.

Mr. Speaker, I have brought up bipartisanship quite a number of times in this presentation. Let me just take a minute to talk about what I think bipartisanship means.

Bipartisanship, when it comes to legislation, means working together to obtain bills that have substantial support on both sides of the aisle, working with the leadership and the mainstream Members on both sides of the aisle to put together bills that solve problems for America.

Alternatively, it could mean working through the committee process, and should mean working through the committee process, on bills that obtain the support of the ranking member and the chairperson of the subcommittee that is relevant and/or the committee that is relevant or obtain substantial support from Democrats and Republicans on the relevant committee.

My fear is that we will deal with bipartisanship by finding a bill that is purely partisan and then reaching out to one or two Members of the other party and saying a bill that is 99 and three-quarters percent Republican and one-tenth of one percent Democrat is a bipartisan bill. That would be a betrayal of the consents of bipartisanship.

I commend President-elect Bush for reaching out to Democrats to appoint to his administration, just as President Clinton has appointed a Republican who now serves as Secretary of Defense. But it would be a bitter form of bipartisanship if the appointment process was used cynically to appoint a sitting U.S. Senator that is a Democrat not to bring bipartisanship to the administration but to change the partisan make-up of the United States Senate.

There are many retired Democratic U.S. Senators and House Members that would make excellent members of President-elect Bush's cabinet. He should not use bipartisanship as a tool for partisanship as a device cynically used to appoint and thereby alter the effects of the congressional election.

Mr. Speaker, I thank you for your indulgence. I thank you for the hours that we have spent together in this hall from time to time. I thank you for your indulgence. And I thank the House for giving me the opportunity to be the last to address the 106th Congress. I know that when we return we will reach across the aisle to begin solving the problems of America, and I hope that that process is aided by focusing on those problems as to which there is no Democratic or Republican view.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1795. An act to amend the public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 162. Concurrent Resolution to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4577) "An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year

ending September 30, 2001, and for other purposes."

CORRECTING ENROLLMENT OF H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 162) to the end that the concurrent resolution be hereby adopted; and a motion to reconsider be hereby laid on the table.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 162

Resolved by the Senate (the House of Representatives concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 2001, and for other purposes, shall make the following correction:

In section 1(a)(4), before the period at the end, insert the following: ", except that the text of H.R. 5666, as so enacted, shall not include section 123 (relating to the enactment of H.R. 4904)".

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. LOFGREN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family business.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. SNYDER (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Ms. WATERS (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. BOEHLERT (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mr. MICA (at the request of Mr. ARMEY) for today and the balance of the week on account of official business.

Mr. WALDEN of Oregon (at the request of Mr. ARMEY) for today on account of inclement weather.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to: