

as tellers on the part of the Senate to count the electoral votes.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. LANDRIEU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### THE SENATE

Mr. LEAHY. Mr. President, I have served with the distinguished Presiding Officer for a number of years. We served together a number of times in the Congress during his service in the other body, in fact, on conference committees on rural issues, agricultural issues, and other issues. The distinguished Presiding Officer would agree with me that yesterday was something unique as we watched the opening of the session.

I was glancing through the CONGRESSIONAL RECORD. We are blessed with the finest reporters of any parliamentary body in the world; it is very accurate, but the one thing it cannot show is some of the facial expressions and some of the other features of the session.

It was such a unique situation. The First Lady was elected Senator. Her husband, the President of the United States, and daughter were in the visitors gallery. I should note for the RECORD, while they sat in the visitors gallery, they were given front row seats, probably coincidental, probably alphabetically, but somehow it was arranged.

The usual thing that happens is a motion is made to notify the President of the United States that we have gone back into session and we have assembled with a quorum present. The majority leader, Senator DASCHLE, moved to notify the President of the United States, and I heard a voice in the back of the Chamber say: Well, he's sitting right up there; you don't have to do that.

These are the interesting things, seeing so many new Members come in, the largest number of women in the Senate. When I first came to the Senate, there were none. It shows, though, even with 13 women Senators, we have a long way to go. We should have a lot more, and I expect we will. It shows a change in the Senate.

The thing I want to reflect on is the 50-50 Senate. Certainly not in the last two centuries have we seen this. This can be a glass half full or a glass half empty. I like to think of it as a glass half full.

We have fallen on very contentious times in the Senate. We had partisanship in the Senate and the other body of the most contentious nature that I have seen in my 26 years here. Fol-

lowing the impeachment process and the lame-duck House just over 2 years ago, we have never seemed to recover fully. I think all of us were hurt in some ways, but certainly the American people were hurt.

I have said many times, I believe the Senate can be and should be the conscience of the Nation. When you think of what we have here—a nation of 280 million Americans—there are only 100 of us who get the opportunity to serve at any given time. With all of our talents, with all of our frailties, only 100 of us can represent those 280 million Americans at any given time. We have a responsibility to all of them, not just to our own State—of course, we have a major responsibility to our State—but to all of the country.

I think in this 50-50 Senate we have a unique ability to carry out that responsibility. I hope we will see Senators working to form bipartisan cooperation, finding those things that unite us rather than divide us—as some have said in campaigns—that we know we should do.

The closest friendships I have had in my life have been formed in this body, with Members on both sides of the aisle. It frustrates me to think we have to either support or reject an idea simply because of its party's origin.

That does not mean Republicans should automatically adopt whatever Democrats want or Democrats ought to automatically adopt what Republicans want. But we can do something in this body to set an example for the new President, somebody who comes in carrying some nearly unique electoral factors. He received half a million votes fewer than the man he defeated. He won by one electoral vote, after the U.S. Supreme Court stopped the recount in the State of Florida. But he will be our President on January 20, and we will all accept that.

We will feel, at least initially, some of the pain from some of the campaigns and some of the elections on both sides. But ultimately we have to look out at what is, in many ways, the most wonderful country history has ever talked about—our own—and think of what we can do to make it better.

I am not suggesting a litany of areas in which to go. But we will see what happens during the hearings on Presidential nominees during the next couple weeks and those that will continue thereafter. It is a chance for us, at least in the Senate, to try to work together. Will we always agree? No. Can we agree a lot more than we have in the past? Yes.

We have two extremely hard-working leaders in Senator DASCHLE and Senator LOTT. Both have different philosophies. Both have entirely different types of caucuses to lead. But they are two leaders who respect the fact that the Senate can do better, should do better, and I believe will do better.

So I think it will be a very interesting year. I wrote in my journal yesterday, I could not think of anywhere

on Earth I would have rather been than in this body yesterday at noon. And I think of how fortunate everybody was who was in attendance to see history being made.

With that, Mr. President, I have gone over my time—although I have not seen any wild stampede of Senators coming on the floor seeking recognition—and I yield the floor and 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. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### THE ELECTORAL COLLEGE

Mr. DURBIN. Madam President, this Saturday, January 6, there will be an extraordinary event—which occurs every 4 years—created by our Constitution. There will be the count of the vote of the electoral college, the official determination of the identity of the next President of the United States.

Probably this year more than most, we are sensitive to this matter, and we understand what led up to it—a historic election where the Democratic candidate for the President, AL GORE, outpolled the Republican candidate for President, George W. Bush, by over 400,000 votes nationwide and lost the election.

It is not the first time in American history this has occurred. If I am not mistaken, it is the fourth time we have elected a President who failed to win the popular vote.

But the rules of the game and the rules of this election were dictated by those who wrote the Constitution many years ago when they made it clear that the process would not be by a popular vote but, rather, by the vote of electors in an electoral college.

What is the electoral college?

I think we can recall from our earliest civics classes that it is a creation of the Constitution which assigns to every State an elector for each Member of Congress and for the two Senators.

In my home State of Illinois, with 20 Members of the House and 2 Senators, we have 22 electoral votes. The State of Wyoming, with one Congressman and two Senators, has three electoral votes.

So the voters who cast their votes at the polls in Arkansas, Illinois, and Wyoming on November 7 were not voting for AL GORE, George Bush, Ralph Nader, or anyone else. They were voting for electors—men and women who then came and ultimately cast their votes in State capitols a week or so ago. Those votes will be counted in the House Chamber this coming Saturday.

I, for one, believe this is a system which should be abolished.

The electoral college has been in place for over 200 years. You might

wonder how men who wrote the Constitution, in their infinite wisdom, came up with this idea that the American people would not elect the President of the United States but the state legislatures would appoint electors in each State, who would then elect the President of the United States.

Today, by state laws, the people elect the electors on a winner-take-all basis in each state. There are two exceptions. Two States, Maine and Nebraska, allocate their electors by congressional districts. But, by and large, every other State has a winner-take-all situation.

The reason this was created by our Constitution is interesting. We generally think of elections in a democracy where people cast their votes and a majority will win. That applies to almost every election, whether it is for school board, or for mayor, or for county official, or for Governor, or for Senator, or for Congressman. But in the original Constitution, the men who wrote that document in the name of democracy showed a distinct fear of democracy, because they did not give the power to the people or the power to the voters in America to choose Federal offices in most cases.

In fact, in two out of three cases where the American people were given the right under this Constitution to choose a Federal officer, they were to do it indirectly, not directly—indirectly in the case of the President with the electoral college, and in the original Constitution indirectly when it came to this Chamber.

The Senators were not elected by the people of the United States under this Constitution. No. They were chosen by State legislatures. It wasn't until the 17th amendment to the Constitution in 1913, after a great deal of corruption and scandal, that we decided to change that and create a direct vote where the people of the United States each choose their two Senators to represent their States. It was a breakthrough, really, democratizing the electoral process.

When they, of course, empowered the people in each congressional district to choose a Member of the House of Representatives, that was a direct vote—the only direct vote in the Constitution given by our Founding Fathers in this democracy.

Out of the three opportunities—for President, for Senators, and for the House of Representatives—our Founding Fathers said in two out of three in this document: We don't trust the people to make this choice directly.

Why not? Why wouldn't they trust the voters in a democracy?

Their reasoning in creating the electoral college was very clear. They said first: How in the world can a voter in the State of Virginia ever come to know a candidate for President from a State as far away as Massachusetts? He—because they were all men—may never hear of this candidate and may never meet this candidate. So we had better create a system where it isn't a

direct vote by a voter for a President but, rather, an indirect vote.

Secondly, of course, there was a concern not only that there wouldn't be this knowledge of the candidate, but a concern that they had to get the Constitution ratified, and the smaller States in this new national consolidation were concerned about their power. So the people who wrote the Constitution said in the electoral college, the States will decide. We will give more power to smaller States. That is why we have an electoral college today.

Some people like the electoral college. A lot of people from smaller States like the old electoral college. Let me illustrate for a moment why. If there are 281 million people in America, which is a rough estimate of our population, and we have 538 electoral votes, which is the subtotal of the membership of the House of Representatives and the Senate plus 3 for the District of Columbia, then we roughly have about 522,000 Americans for every electoral vote cast for President. That is kind of the standard by which to judge.

On a clear equality of this system, each electoral vote should be represented by 522,000 Americans. Take a State such as Wyoming. Wyoming has a population of about 480,000 people. Wyoming has three electoral votes. So if one lives in Wyoming, you are a bonus voter for President. Every 160,000 population in Wyoming gives one electoral vote for President. I live in the State of Illinois with 12 million people and 22 electoral votes, about 550,000 people per electoral vote for President.

We can see the distinction, the difference. Why should some get a bonus in voting for President because they live in the State of Wyoming as opposed to living in any other State? That was created by the Constitution.

I am not raising this issue in this question because of this specific election. Some might think, standing on the Democratic side of the aisle, that is what it is about. I first raised the issue in 1993, and I raised it again a week before the election in November of this last year. I understood, and I hope others do, what is at issue here goes way beyond any single election and the election of any single person. I happen to believe that in a democracy, one that I respect and thank God I had a chance to be born into, that the people should speak through their votes, and a majority vote should rule, as it does in virtually every democratic institution.

That is not the case when it comes to the electoral college. In fact, we have an indirect system, a winner take all system, where States are voting in disproportionate strength based on their population. Smaller States like it because they have more power. They believe it attracts more attention to them during the course of a national campaign. From that perspective, it is hard to argue. From the perspective of a nation that is trying to say to every American, we want to be able to say

you elected the President, how can you do that under an electoral college system which gives bonus votes, triple the voting power, in some States, over other States? That is exactly what happened in this election and every single election since our Constitution was enacted so many years ago.

So on a bipartisan basis Congressman RAY LAHOOD, a Republican from Peoria, IL, and I have introduced a proposed constitutional amendment to abolish the electoral college and to say that to be elected President of the United States you will be elected by popular vote of the people nationwide, and you must win at least 40 percent of the vote. If any candidate fails to win 40 percent of the vote, then the top two candidates have a runoff election a short time after the original election.

It is different, but I think it reflects more what a democracy should represent, the voice of the people and the vote of the people, instead of an electoral college which has become a constitutional dinosaur.

I hope families across America will take some time on Saturday to turn on C-SPAN and have their children sit down and watch the vote of the electoral college. It will be like watching a dinosaur roam through the jungle because that is what we have as a system to elect the President of the United States.

Now, having stated my views on this issue and why I feel this way, let me give a candid political analysis. I don't have a chance in passing this constitutional amendment. I have to bring this amendment to the floor of the Senate where the small States have the same number of votes. The smaller States will stop us in our tracks. If there was some miracle of miracles and we passed it through the Senate and the House, where do we send it? To the States, where we need three-fourths of the States to approve it, and the smaller States will stop us there.

That is why there have been more proposed amendments to this section of the Constitution than any other, and none of them have passed. It is an interesting academic discussion. I hope it doesn't end there, because if it ends there it is academic and does not help us understand a frustration that voters feel as to what happened on November 7 of this year.

Let me suggest that what Maine and Nebraska have done, other States can do: Allocate electoral votes by congressional district that gets closer to the people's will. In those States, if a candidate for President wins the votes in a congressional district, he received that vote, and the one who won a majority of the votes in the State wins the two votes that are allocated for the Senators. At least there would be some allocation of votes within a State that would be closer to the will of the people.

Let me also add that I think we would be derelict in our duty if we overlooked the reality of the failure of

our election process on November 7, the failure of a process which generated some \$3 billion in spending by candidates and barely brought out a scant majority of voters in the United States who participated. Think of all the attention paid to that Presidential campaign and election after November 7 with the recounts, the court cases, the Supreme Court, on and on and on. Half the people in this country really didn't have much of a reason to watch it because they hadn't voted in the first place. They were observing something that was as foreign as watching an Australian rules football game, trying to understand what this is all about.

We ought to be reflecting on the fact that so few people participate in our elections. I think it is important to think anew in this new millennium, in this new century, as to how we will make America not only more democratic in name but more democratic in practice; what we can do to make our elections more effective, to bring more people to the polls. I think we ought to approach it with an open mind.

Why do we vote on Tuesday? I don't know. Somebody thought Tuesday was a good day at one point in time. But is it a good day now for most Americans, or is there a better day? Could we find a way to vote on a weekend without, perhaps, raising some religious objections from some groups? I hope so. Can we find ways to vote that are more convenient for voters? In States such as Oregon and Washington, more and more people vote by mail. In fact, in Oregon virtually all the ballots were cast by mail. My brother-in-law lives in the State of Washington. He is a permanent absentee voter. He always receives his ballot by mail and returns it. You can do that in Illinois, but it is pretty difficult. We should be trying to establish a national means by which people can vote without these obstacles.

And let's talk about the voting machinery. In my home State of Illinois, and in 40 percent of the polling places across America, they have these infamous Votomatic punch systems. I have been through enough election contests as a staffer, as an attorney, and as an elected official, that by the time I finish punching my ballot out, I stop for a minute, turn it to the light, I knock off the chads. I know what to look for. I know what can disqualify my vote. How many Americans know how to do that? Probably more today than last year. Still, an awful lot have gone to the polls and made a personal sacrifice to do their civic duty to cast their vote and have their vote be heard, when it comes to the election of the President, only to learn afterwards that tens, if not hundreds of thousands, of ballots have been voided, possibly their own. That is not fair. It is not American. It is not something we ought to tolerate. I think it is more than a coincidence that the biggest breakdown in disqualification of these ballots turns out to be

in inner-city precincts. I don't think that is any accident. In many instances, that is where we have the oldest voting equipment, we have less attention paid to the education of voters, and, as a consequence, folks who are making a genuine effort to do their best and do their civic duty are denied that opportunity.

By and large, this decision on how to run a campaign and how to manage an election is a State and local responsibility, as it should be. But my colleague from the State of New York, Senator SCHUMER, who sits next to me, has proposed that we bring forward a fund for electoral reform across America and create incentives and opportunities for States and localities to upgrade their voting equipment.

Let me tell you about a piece of voting machinery that is used in South America. It is a piece of machinery where you have indicated the name of the candidate and the office and a symbol for the candidate's party. When you vote and push on the screen for your choice, up pops the picture of the candidate to verify that you picked the person for whom you want to vote. Doesn't that sound modernistic and futuristic? You may be surprised to know the equipment is produced in the United States. It is sold in South America, but it has not become popular here in this country. But think of the unlimited possibilities for us to create a system that is honest and fair and helpful to voters, instead of one creating obstacles and problems that can be strewn in their paths so they would leave the polling place uncertain and maybe frustrated.

During this great debate over the election of November 7, 2000, with this electoral vote next Saturday and the swearing in of President George W. Bush on January 20, in just a few weeks, if we do not stop to think about the long-term impact of the integrity of voting in America, I think we are derelict in our duty as elected officials. I hope, if we are not going to amend our great Constitution to eliminate the electoral college, we will at least dedicate ourselves, on a bipartisan basis, to modernizing the machinery of elections across America so the next election in 2 years or beyond will be a fair election, a more honest election, and one that creates more opportunities.

I do not believe there is a partisan spin to this. I believe Republican candidates, Democratic candidates, and independent candidates alike can all be disadvantaged by the uncertainties of the current election system. We need to encourage more people to be involved, and we need to say to them: We are doing everything within our power to use the technology and resources of America to make elections in this country an even better experience for all Americans.

I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

#### OKLAHOMA SOONERS—2000 NATIONAL CHAMPIONS

Mr. NICKLES. Mr. President, I rise to congratulate the Oklahoma Sooners, the football team which defeated the Florida State Seminoles last night by a score of 13-2, the seventh national championship for the Sooners.

This was also the Sooners' 17th appearance in the Orange Bowl. In 1980 and 1981, our friend and colleague from the House, J.C. WATTS, was quarterback and did a great job. I remember those Orange Bowls in 1980 and 1981. J.C. WATTS was not only an outstanding quarterback but also is an outstanding Congressman. I was with him last night to watch the Sooners win their seventh, well-deserved national championship.

The Sooners went to the Orange Bowl with a perfect 12-0 record. They defeated several outstanding teams including the once number one ranked Nebraska, the University of Texas, and Kansas State. Although we did not play them before last night, Bobby Bowden, head coach for Florida State has an outstanding football team and an outstanding program.

I congratulate the Sooners.

I congratulate Coach Bob Stoops, who only in his second year at the University of Oklahoma was named the "AP Coach of the Year"—a well-deserved honor, and it is certainly a well-deserved honor for the entire Oklahoma Sooner football team.

In addition, I wish to congratulate my friend and our former colleague in the Senate, David Boren, who is the President of the University of Oklahoma. All people in Oklahoma can say he is doing a fantastic job not only scholastically but athletically as well.

My congratulations to the team and to their leader.

From the entire State, we are all very proud of the University of Oklahoma for once again becoming the national champions.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

#### THE ORGANIZATIONAL RESOLUTION

Mr. DASCHLE. Madam President, I want to give a report on the progress