

here. Now, we will increase that number on January 3. But the 11 colleagues and friends who leave this institution are among those 1,853 individuals who have served and are now serving.

I think it is worthy to bring some note to these 11 individuals. They have been honored and recognized throughout this year, and very appropriately so, individually by many Members of this body, but I wish, in the few minutes I have, to maybe tie some more general themes together about why these 11 men have been so important together to this body.

We begin by asking the question: Who are these 11 bold, different, distinguished citizens?

Well, first, they are from all parts of the country. They are of different religions. They are fathers, husbands, brothers, uncles, and grandfathers. Scattered among these 11, of course, are Republicans and Democrats, maybe liberals, maybe some conservatives, and maybe some moderates.

As we look further, we find the veterans—World War II veterans, Vietnam war veterans. One among them is my friend and colleague from Nebraska, Senator BOB KERREY, who holds the Congressional Medal of Honor.

We have war heroes and veterans among these 11. We have former Governors, former attorneys general, ambassadors, businessmen, journalists, lawyers, and bankers—all representing the fiber of this country, all representing the different universes of this country that tie us together as a nation. Surely among the 11 is one of the preeminent public servants of our time, Senator MOYNIHAN from New York.

At a time when the world peers in the large window of the front room of American politics—in some cases they may be bewildered by what they are seeing in this country, that we can't seem to elect a President—it is even more important that we spend some time reflecting on these 11 individuals because, as we know, this country will produce a President. That President will govern. That President will be effective. And the institution of the U.S. Senate will be very much a part of assisting that President in governing this country, which has immense consequences for the world.

If there is a question about unsteadiness in this country or our institutions, again we need only reference the 11 Senators who will be leaving this body because there was nothing unsteady about these 11 individuals. They were anchored to a Constitution that has been the roadmap for this great country for over 200 years, and that has ensured the liberties, the privileges, and the rights that these 11 individuals fought for, debated over, and made stronger.

These 11 Senators brought unique experience and perspectives. They applied those in their own ways and in their own individual styles, which again has added to the richness of the culture of this institution and reflects the rich-

ness and the culture of this country. Every new Senator we bring on and every Senator who leaves has had a part in stitching the fabric—and continues to stitch the fabric—of this country.

At a time when we question the institutional structures, the procedures and the processes, we must not forget that it is the individual that has made this country what it is. De Tocqueville wrote about it in the mid-19th century. When he observed America and wrote at that point the most authoritative document on America, he said the most amazing thing about America was the magic of America. He said it was the individual. It was individual commitment. It was freedom. That was the magic of America.

Arnold Toynbee, who probably wrote the most definitive book on the civilization of mankind as he documented the 21 civilizations of the world, wrote that each civilization begins with a challenge and a response.

Surely, as we reflect on these 11 Senators, each of their lives is a remarkable story. Each has been, as Toynbee wrote in his study of history, a challenge and response. That is what representative government is about. But it cannot function without the individual commitment of people such as these 11 distinguished Americans who leave this body.

Yes, they helped chart a course for this country. And, yes, they helped fulfill the destiny of this country. Yes, they understood exactly what Hugh Sidey said—that hopelessness is not our heritage. They understood that as well as any 11 people in the history of this country.

But they did something equally remarkable in that they inspired others.

I suspect, as you go across those 11 States represented by these 11 Senators, and go into schools and talk to teachers and young men and women who watched PAT MOYNIHAN, BOB KERREY, FRANK LAUTENBERG, and CONNIE MACK, they would have a story. They would have some dynamic to their personal lives that somehow would be tied back to leadership and the inspiration of one of these 11 Senators. In the end, that is our highest obligation in public service. In the end, that is the most important thing we can do.

Not just for the RECORD but because it is important that we hear the list of these names, I would like to read the list of these 11 Senators:

Senator SPENCE ABRAHAM from Michigan;

Senator JOHN ASHCROFT from Missouri;

Senator RICHARD BRYAN from Nevada;

Senator SLADE GORTON from Washington;

Senator ROD GRAMS from Minnesota;

Senator BOB KERREY from Nebraska;

Senator FRANK LAUTENBERG from New Jersey;

Senator CONNIE MACK from Florida;

Senator DANIEL PATRICK MOYNIHAN from New York;

Senator CHUCK ROBB from Virginia;
And Senator BILL ROTH from Delaware.

They have accomplished, each in their own way but, more importantly, together as part of this institution, a remarkable number of things in their careers. Many will go on and do other things. All will stay active. All will stay committed to this country.

What they have done, for which we all are grateful and for which America is grateful, deserves immense recognition; that is, they leave this great institution stronger and better because of their service. Therefore, they leave America stronger and better because of their service.

Mr. President, thank you for allowing me some time to talk about our colleagues whom all of us will miss.

I reserve the remainder of my time.

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

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

ABOLISH THE ELECTORAL COLLEGE

Mr. DURBIN. Mr. President, 5 weeks ago, on November 1, I held a news conference with my colleague from Illinois, Congressman RAY LAHOOD, on the subject of the electoral college. I always preface my remarks on this issue by reminding people that that was before the November 7 election.

In 1993, I had introduced legislation with Congressman GERALD KLECZKA, of Wisconsin, as a Member of the House, to abolish the electoral college. Congressman LAHOOD and I came forward on November 1 of this year and made the same recommendation before the election on November 7. So what I am about to say and what I am about to propose, really, although it is going to take into account what happened in our last election, is motivated by a belief that the underlying mechanism in America for choosing the President of the United States is flawed and should be changed.

On that day, November 1, I came to the floor of the Senate to explain why I thought the Constitution should be amended to replace the electoral college with a system to directly elect our President. One week after the press conference, the American people went to the polls to express their will. It is worth pausing to realize that we are living through an extraordinary election, the closest by far in more than a century. As we await the outcome, it is important to remember that soon our country will have a new President. I am confident that our great Nation

will successfully navigate the difficulties of this historic election. I am concerned, however, at the loss of confidence of the American voters in the system we know as the electoral college.

If we do nothing else over the next year, let's commit to improve and reform the way we elect leaders in America. There are three critical areas of election system reform that I think we should address. The first is campaign financing. I certainly support the McCain-Feingold bipartisan approach to cleaning up the way we pay for campaigns. The second is the mechanisms of the voting process. My colleagues, Senator SCHUMER of New York and Senator BROWNBACK of Kansas, have suggested we put some money on the table for States and localities that want to put in more efficient and more accurate voting machinery. I think that is a good idea. And, of course, the third is changing the electoral college. Today I will discuss replacing that system with a direct popular vote for President.

For those who want to defend the current electoral college system, I want to ask, What are the philosophical underpinnings that lie at its foundation? I submit there are none. Instead, the electoral college was a contrived institution, created to appeal to a majority of the delegates to the Constitutional Convention in 1787, who were divided by the issue of Federal versus State powers, big State versus small State rivalries, the balance of power between branches of Government, and slavery.

James Madison was opposed to any system of electing the President that did not maintain the South's representational formula gained in an earlier compromise that counted three-fifths of the African American population toward their State totals. A direct popular election of the Chief Executive would have diluted the influence of the South and diluted the votes based on the slave population.

Many delegates opposed a direct popular election on the grounds that voters would not have sufficient knowledge of the candidates to make an informed choice. Roger Sherman, delegate from Connecticut, said during the Convention: I stand opposed to the election by the people. The people want for information and are constantly liable to be misled.

Given the slowness of travel and communication of that day, coupled with the low level of literacy, the delegates feared that national candidates would be rare and that favorite sons would dominate the political landscape. James Madison predicted that the House of Representatives would end up choosing the President 19 times out of 20.

Also, this system was created before the era of national political parties. The delegates intended the electoral college to consist of a group of wise men—and they were all men at that

time—appointed by the States, who would gather to select a President based primarily on their individual judgments. It was a compromise between election of the President by Congress and election by popular vote. Certainly, it is understandable that a young nation, forged in revolution and experimenting with a new form of government, would choose a less risky method for selecting a President.

Clearly, most of the original reasons for creating the electoral college have long since disappeared, and after 200 years of experience with democracy, the rationale for replacing it with a direct popular vote is clear and compelling.

First, the electoral college is undemocratic and unfair. It distorts the election process, with some votes by design having more weight than others. Imagine for a moment if you were told as follows: We want you to vote for President. We are going to give you one vote in selection of the President, but a neighbor of yours is going to have three votes in selecting the President.

You would say that is not American, that is fundamentally unfair. We live in a nation that is one person—one citizen, one vote.

But that is exactly what the electoral college does. When you look at the States, Wyoming has a population of roughly 480,000 people. In the State of Wyoming, they have three electoral votes. So that means that roughly they have 1 vote for President for every 160,000 people who live in the State of Wyoming—1 vote for President, 160,000 people. My home State of Illinois: 12 million people and specifically 22 electoral votes. That means it takes 550,000 voters in Illinois to vote and cast 1 electoral vote for President. Comparing the voters in Wyoming] to the voters in Illinois, there are three times as many people voting in Illinois to have 1 vote for President as in the State of Wyoming.

On the other hand, the philosophical underpinning of a direct popular election system is so clear and compelling it hardly needs mentioning. We use direct elections to choose Senators, Governors, Congressmen, and mayors, but we do not use it to elect a President. One-person, one-vote, and majority rule are supposedly basic tenets of a democracy.

I am reminded of the debate that surrounded the 17th amendment which provides for the direct election of Senators. It is interesting. When our Founding Fathers wrote the Constitution, they said the people of the United States could choose and fill basically three Federal offices: The U.S. House of Representatives, the U.S. Senate, and the President and Vice President. But only in the case of the U.S. House of Representatives did they allow the American people to directly elect that Federal officer with an election every 24 months.

I suppose their theory at the time was those running for Congress lived

closer to the voters, and if the voters made a mistake, in 24 months they could correct it. But when it came to the election of Senators in the original Constitution, those Founding Fathers committed to democracy did not trust democracy. They said: We will let State legislatures choose those who will serve in the Senate. That was the case in America until 1913. With the 17th amendment, we provided for the direct election of Senators. So now we directly elect Senators and Congressmen, but we still cling to this age-old electoral college as an indirect way of electing Presidents of the United States. The single greatest benefit of adopting the 17th amendment and providing for the direct election of Senators was that voters felt more invested in the Senate as an institution and therefore able to have more faith in it.

In my State, in that early debate about the 17th amendment, there was a Senator who was accused of bribing members of the State legislature to be elected to the Senate. There were two different hearings on Capitol Hill. The first exonerated him. The second found evidence that bribery did take place. That was part of the impetus behind this reform movement in the direct election of Senators.

Second, while it appears smaller and more rural States have an advantage in the electoral college, the reality of modern Presidential campaigns is that these States are generally ignored.

One of my colleagues on the floor said: I will fight you, DURBIN, on this idea of abolishing the electoral college. I come from a little State, and if you go to a popular vote to elect a President, Presidential candidates will pay no attention to my little State.

I have news for my colleagues. You did not see Governor Bush or Vice President GORE spending much time campaigning in Rhode Island or Idaho. In fact, 14 States were never visited by either candidate during the campaign, while 38 States received 10 or fewer visits. The more populous contested States with their large electoral prizes, such as Florida, Pennsylvania, Ohio, and Wisconsin, really have the true advantage whether we have a direct election or whether we have it by the electoral college.

Third, the electoral college system totally discounts the votes of those supporting the losing candidate in their State. In the 2000 Presidential race, 36 States were never really in doubt. The average percentage difference of the popular vote between the candidates in those States was more than 20 percent. The current system not only discounts losing votes; it essentially adds the full weight and value of those votes to the candidate those voters oppose.

If you were on the losing side in a State such as Illinois, which went for AL GORE, if you cast your vote for George Bush, your vote is not counted. It is a winner-take-all situation. All 22

electoral votes in the State of Illinois went to AL GORE, as the votes in other States, such as Texas, went exclusively to George Bush.

Fourth, the winner-take-all rules greatly increase the risk that minor third party candidates will determine who is elected President. In the electoral college system, the importance of a small number of votes in a few key States is greatly magnified. In a number of U.S. Presidential elections, third party candidates have affected a few key State races and determined the overall winner.

We can remember that Ross Perot may have cost President Bush his reelection in 1992, and Ralph Nader may have cost AL GORE the 2000 election. In fact, in 1 out of every 4 Presidential elections since 1824, the winner was one State away from becoming the loser based on the electoral college vote count.

This is a chart which basically goes through the U.S. Presidential elections since 1824 and talks about those situations where we had a minority President, which we did with John Adams in 1824, with Rutherford B. Hayes in 1876, and Benjamin Harrison in 1888. These Presidential candidates lost the popular vote but won the election, which is rare in American history. It may happen this time. We do not know the outcome yet as I speak on the floor today.

In so many other times, though, we had very close elections where, in fact, the electoral vote was not close at all. Take the extremely close race in 1960 to which many of us point: John Kennedy, 49.7 percent of the vote; Richard Nixon, 49.5 percent. Look at the electoral college breakdown: 56 percent going to John Kennedy; 40 percent to Richard Nixon. The electoral college did not reflect the feelings of America when it came to that race.

The same thing can be said when we look at the race in 1976. Jimmy Carter won with 50.1 percent of the vote over Gerald Ford with 48 percent of the vote. Jimmy Carter ended up with 55 percent of the electoral college and Gerald Ford with 44 percent. Again, the electoral college did not reflect that reality.

In comparison, under a direct popular vote system where over 100 million votes are cast, third party candidates generally would have a much more difficult time playing the spoiler. For instance, there have only been two elections since 1824 where the popular vote has been close enough to even consider a recount. Those were 1880 and 1960. In today's Presidential elections, a difference of even one-tenth of 1 percent represents 100,000 votes.

Fifth, the electoral college is clearly a more risky system than a direct popular vote, providing ample opportunity for manipulation, mischief, and litigation.

The electoral college provides that the House of Representatives choose the President when no candidate re-

ceives a majority of electoral votes. That happened in 1801 and 1825.

The electoral system allows Congress to dispute the legitimacy of electors. This occurred several times just after the Civil War and once in 1969.

In 1836, the Whig Party ran different Presidential candidates in different regions of the country. Their plan was to capitalize on the local popularity of the various candidates and then to pool the Whig electors to vote for a single Whig candidate or to throw the election to Congress.

In this century, electors in seven elections have cast ballots for candidates contrary to their State vote. Presidents have received fewer popular votes than their main opponent in 3 of the 44 elections since 1824.

In the 2000 election, I ask why the intense spotlight on Florida? The answer is simple: That is where the deciding electoral votes are. More disturbing is the fact that anyone following the election knew that Florida was the tightest race of those States with large electoral prizes. Those wishing to manipulate the election had a very clear target.

In contrast, under a direct popular vote system, there is no equivalent pressure point. Any scheme attempting to change several hundred thousand votes necessary to turn even the closest Presidential election is difficult to imagine in a country as vast and populous as the United States. Similarly, as I previously mentioned, recounts will be much more rare under a direct popular vote system given the size of the electorate.

Some people have said to me: DURBIN, if you have a direct popular vote—here we had GORE winning the vote this time by 250,000 votes—wouldn't you have contests all across the Nation to try to make up that difference? Look what happened in Florida. The original Bush margin was about 1,700 votes. It is now down to 500 votes after 4 weeks of recount efforts and efforts in court, not a very substantial change in a State with 6 million votes. So to change 250,000 votes nationwide if we go to a popular vote would, of course, be a daunting challenge.

Throughout American history, there has been an inexorable march toward one citizen, one vote. As the Thirteen Colonies were debating if and how to join a more perfect Union, only a privileged few—those with the right skin color, the right gender, and the right financial status—enjoyed the right to cast votes to select their leaders. The people even gained the right to choose their Senators by popular vote with the ratification of the 17th amendment in 1913.

As one barrier after another has fallen, we are one step away from a system that treats all Americans equally, where a ballot cast for President in Illinois or Utah or Rhode Island has the same weight as one cast in Oregon or Florida. The electoral college is the last barrier preventing us from achiev-

ing that goal. As the world's first and greatest democracy, it is time to fully trust the people of America and allow them the right to choose a President.

We would like to say, when this is all over, that the American people have spoken and chosen their President. The fact is that is not the case. With the electoral college, the American people do not make the choice. The choice is made indirectly, by electing electors in each State, on a winner-take-all basis.

I leave you with a quote from Representative George Norris of Nebraska, who said the following during the debate in 1911 in support of the direct election of U.S. Senators. I quote:

It is upon the citizens that we depend for stability as a government. It is upon the patriotic, common, industrious people of our country that our Government must always lean in time of danger and distress. To this class of people then, we should give the right to control by direct election the selection of our public officials and to permit each citizen who is part of the sinew and backbone of our Government in time of danger to exercise his influence by direct vote in time of peace.

Mr. President, I will be introducing this proposal to abolish the electoral college and to establish the direct election of a President as part of our agenda in the next Congress. I sincerely hope it will be debated and considered. This time is the right time for us to take the time and look at the way we choose the President of the United States. It will not change the outcome of what happened on November 7 in the year 2000. But if history is our guide, I hope we will learn from this past experience and make our election machinery more democratic and more responsive.

Part of my proposal will also include the requirement that anyone to be elected President has to win 40 percent of the popular vote. Failing that, the top two candidates would face a runoff election. I think it is reasonable to suggest that leading this country requires at least the approval of 40 percent of the popular vote. That is why it would be included.

I hope my colleagues in the Senate, even those from the smaller States, will pause and take a look at this proposal.

I hope, before I yield the floor to my colleague from Minnesota, to make one other comment. There is a lot of talk about how this contest is going to end when it comes to this last election and the impact it will have on the Presidency.

I continue to believe that the American people want a strong President. They want a strong leader in the White House. They want our President to succeed. Whoever is finally declared the winner in the November 7, 2000, election, that person, I believe, deserves the support not only of the American people but clearly of Congress, too. We have to rally behind our next President in support of those decisions which really do chart the course for America. I think that force, coupled with the

Senate equally divided 50-50, is going to be a positive force in bringing this Nation back together after this session of Congress comes to a close.

Mr. President, I yield the floor to my colleague from Minnesota, Senator WELLSTONE.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank my colleague from Illinois.

VICTIMS OF GUN VIOLENCE

Mr. WELLSTONE. Mr. President, I submit for the RECORD the names of those Americans who exactly 1 year ago were killed by gunfire.

It has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today:

December 6, 1999: Shyheem Abraham, 17, Philadelphia, PA; Godofredo Carminate, 70, Miami-Dade County, FL; Mike D'Alessandro, 32, Philadelphia, PA; John Davis, 18, Gary, IN; Norman Dotson, 33, Detroit, MI; Bernie Graham, 29, Fort Worth, TX; Latnaia Jefferies, 27, Gary, IN; James Jones III, 24, Baltimore, MD; Lorraine Lawhorn, 45, Knoxville, TN; Tavares Lavor McNeil, 22, Baltimore, MD; Emmett Outlaw, 76, Memphis, TN; Chester Roscoe, 28, Rochester, NY; Tavrise Tate, 20, Chicago, IL; and Antonio Thompson, 21, Charlotte, NC.

One of the victims of gun violence I mentioned, 45-year-old Lorraine Lawhorn of Knoxville, was shot and killed by one of her coworkers who recently had been fired. The gunman shot Lorraine in the back of the head.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

Mr. President, am I correct that we have 5 minutes left in morning business, and then we will be going to the bankruptcy bill?

The PRESIDING OFFICER. The Senator is correct.

HEALTH CARE

Mr. WELLSTONE. Mr. President, I will speak on the bankruptcy bill in a moment. But in the time I have in morning business, I will speak on another matter. I do not have any statistics with me, but maybe that is better; I can talk about it in more personal or human terms.

In 1997, we passed the Balanced Budget Act with much acclaim. To be very bipartisan about this, President Clinton was very much for it. I think many Democrats and Republicans voted for it. But what has happened is—with the benefit of some time for observation and, hopefully, reflection—the cuts in Medicare have been draconian and have had a very harsh effect on health care, the quality of health care in our States, for Minnesota, Rhode Island, and all across the country.

It does not do any good to look back and affix blame. The point is, last year we said we were going to fix this problem. I think Senators—Democrats and Republicans alike—have heard from people back in their States.

In my State of Minnesota, here is the effect of this. First of all, in our rural communities, in what we call greater Minnesota outside the metro area, in the absence of getting some decent Medicare reimbursement, where you have a disproportionate number of elderly people living who are dependent on health care, the cost of providing that health care runs ahead of the reimbursement. The hospitals are losing money.

Here is the problem. This is not the case of greedy hospitals or greedy doctors. As a matter of fact, they have a very low profit margin. In fact, many hospitals have gone under over the last several years. When the hospital is no longer there, that is the beginning of the death of a community because people do not raise their children in communities unless there are good schools and good hospitals and good health care.

So we are in a real crisis, which should be spelled in capital letters, in the State of Minnesota, where many of our rural health care providers will go under unless we fix this problem, which is a problem we created. The same thing can be said for nursing homes, where there is inadequate reimbursement. The same thing can be said for home health care providers. The same thing can be said for medical education, which is financed, believe it or not, in part out of Medicare. The cuts in the reimbursement have led to a very serious situation in all of our States—certainly in Minnesota.

Then there are those hospitals—Hennepin County Medical Center is a perfect example; it is a very good public hospital; there are not a lot of them left—that, in fact, provide medical care to a disproportionate number of poor people in America. These hospitals are really having a difficult time making it. They are not going to continue to be financially solvent because we have so cut the reimbursement that they do not have the financial stability.

We never should have done this, but we did.

Then last year, we passed a piece of legislation. I feel kind of guilty about this. I didn't think it 100-percent fixed the problem, but I thought it did more than it did. So I went back to meet

with people. We all go back to our States. We should. We meet with people in communities. We want to do well for people.

I said: Listen, I think this is going to really help. To the best of my ability, I talked about what this package was. But as it turns out, it, at best, I think, dealt with about 10 percent of the cuts, somewhere in that neighborhood.

We should not leave here—I want to go home, believe me. I want to go home. I would love to be back home. I would love not to be here right now, although I am always happy to be in the Senate. It is an honor. But you know what I am saying.

Mr. President, I ask unanimous consent that I have 2 more minutes.

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

Mr. WELLSTONE. If we just put everything off and have a continuing resolution until next year and we do not fix this problem, it will be irresponsible.

There is one proposal—that tends to be the Republican proposal, as I understand it—that gives a lot more of the money over the next 5 years to managed care plans without any requirement that they be accountable and that they serve senior citizens and serve people who live in rural communities, which they do not do now. Too many managed care plans have cut loose people they are supposed to be helping, and that is not the answer.

We have a package—I believe it is a Democratic package; it can be Democratic, Republican, anybody's package for all I care; I just want to get it done—which is \$40 billion over the next 5 years, which does put the emphasis on getting the resources back to our rural health care providers and home health care providers and nursing homes and public hospitals and medical education, all of which is essential to whether or not we are going to be able to provide people with humane, dignified, and quality health care.

This is an important family issue. This is an important people issue. This is an important Minnesota issue. This is an important national security issue. We ought to get the job done before we leave.

Mr. President, it is my understanding that we now have concluded with morning business.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator's time has expired.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

BANKRUPTCY REFORM ACT OF 2000—CONFERENCE REPORT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference