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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. I am privileged to present to the Senate, and I do so with great pleasure, our guest Chaplain, Rev. Barbara Spies-Scott, of Hedgesville, WV.

PRAYER

The guest Chaplain offered the following prayer:

Our Father and our God, Creator of Heaven and Earth and all the inhabitants in it, we give You glory, honor, and praise for all You have done for us, even when we don't deserve it. The problems we face today are numerous and difficult. You told us in Luke 1:37 that ''with God nothing shall be impossible.'' You also said in Psalm 33:12, ''Blessed is the nation whose God is the Lord.'' May we humble ourselves and acknowledge You as our Lord and Saviour.

Dear God, the heart of the world is crying for peace, and the Scriptures tell us that You are the Prince of Peace and that we are to strive to be peacemakers. Lord, revive Your work of peacemaking in the hearts and minds of the men and women of this Senate. Give them the wisdom to know what is right and the courage to do it. Strengthen them in body, soul, and spirit. May each one be open to hear Your still, small voice for guidance and direction in every decision they make. May You always be their guiding force. We must, as the most powerful Nation in the world, let God be our guiding force. I pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD, led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate is going to proceed shortly to a period of morning business until 10:15 this morning. Thereafter, Senator DODD and Senator MCCONNELL will begin their managing of the election reform bill. They desire this legislation be completed today. It would really be good if we could do that. So I ask on behalf of Senator DODD that Senators who have amendments come and offer them. We had a few that were accepted last night. There is going to be an amendment offered at 10:15 today that will begin these deliberations.

CAMPAIGN FINANCE

Mr. REID. Mr. President, let me briefly say, personally this is a day of celebration for me based upon the fact when I first came down here, campaign finance laws were such that the only money people were able to obtain was the money they would get from individuals. Since then, we have developed this system where people are going around picking up money from corporations. Corporation money should not be part of Federal elections. Enron is a perfect example. I hope everyone will understand what a happy day it should be in Washington as a result of what the House did last night.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:15 a.m., with Senators permitted to speak therein for up to 10 minutes each, and with the first 20 minutes to be under the control of the Senator from North Dakota, Mr. DORGAN, and the Senator from Nebraska, Mr. HAGEL.

The Senator from North Dakota, Mr. DORGAN, is recognized.

THE NEW HOMESTEAD ECONOMIC OPPORTUNITY ACT

Mr. DORGAN. Mr. President, I am pleased to rise today to talk about S. 1860, a piece of legislation I have introduced in the Senate along with my colleague, Senator HAGEL, from the State of Nebraska. I want to describe what this legislation does and what it is.

I ask the Presiding Officer if I could be notified when I have consumed 10 minutes.

The PRESIDENT pro tempore. The Senator will be so notified.

Mr. DORGAN. Mr. President, the legislation we have introduced is the New Homestead Economic Opportunity Act. The President pro tempore will remember well the old Homestead Act in this country. We decided to try to populate the middle of this country well over a century ago by offering land to people who would move to the center of the country and work to improve the land. They would start a farm, start a family, and the Federal Government would give them 160 acres of land. That was called the Homestead Act.

Let me describe what has happened to the middle part of our country in the last 50 years or so and why there is a need for a new Homestead Act now. No, it is not to give land away, because we don't have more land to give away, but to develop unique and different approaches through a New Homestead Economic Opportunity Act.

This is a map of the United States of America. The red areas on this map are the rural counties that have lost at

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

least 10 percent of their population over the last 20 years. All of these red areas are rural counties that have lost more than 10 percent of their population.

You will see almost an egg shape in the middle of America. The middle part of America is being depopulated. People are leaving. Our rural counties are shrinking.

If you are trying to do business in one of these rural counties, you are in very big trouble; you are trying to do business in a recession and have been for some long while.

My home county is bigger than the State of Rhode Island. When I left it, there were 5,000 people. Now there are only 3,000 people—just to describe to you what is happening in the middle part of our country.

Let me also describe how I came to this county. My county is right here in the corner of North Dakota. How did I get there? A Norwegian widow named Caroline, with six children, got on a train in St Paul, MN, and went to southwestern North Dakota by train, pitched a tent with her family, built a house, started a farm, had a son who had a daughter who had me. That is how I got here. Strong people? Sure.

Can you imagine the strength of this widow with six children deciding, ''I am going to homestead. I am going to North Dakota to start a farm and raise my family.'' What a wonderful thing to have happen, and it happened all across the middle part of our country. That is the way we populated what is now called the heartland in America.

But this population is now leaving. It is shrinking dramatically.

Nearly 70 percent of the rural counties in the Great Plains have seen their populations shrink by a third over the past fifty years. Let me repeat that. Nearly 70 percent of the counties in rural America in the Great Plains have seen their population shrink by a third, despite the fact that in this part of America we have much of what people want. It is a wonderful place to raise a family. It is a wonderful place to live, with great neighbors and low crime rates. It has much of what people aspire to have in their lives. Yet rural counties in the middle part of our country are losing their economic strength, and they are losing their population at a rapid pace.

Some years ago, we had a problem in inner cities in our country called urban blight. The Congress decided to do something about that. A new program was developed called the Model Cities Program. Urban renewal was developed to try to breathe life into major cities of this country that were suffering from very difficult problems.

In introducing this bill, Senator HAGEL and I are saying, we understand that out-migration is a national problem, and we ought to do something in public policy to try to breathe life into these rural areas in the heartland of our country.

What is the heartland about? Let me describe North Dakota, and my colleague, Mr. HAGEL, will perhaps describe Nebraska.

Havana, ND, is a tiny little town. It is not big enough to keep a café unless everybody in town signs up to work for free. There is a sign-up sheet for everyone to volunteer to keep it from going out of business. This is the way the residents of Havana keep this business open in their town.

Sentinel Butte, ND, has a population of 80 people. The owner of the gas station and his wife have reached retirement age. They do not want to be open all day long. They close at about 1 o'clock. They lock the gas pumps and hang the key to the gas pumps on a nail on the front door. If you need gas and they are not there, you take the key, unlock the pumps, pump some gas, and then make a note on a little sheet of paper. That is the way it works in a small town in western North Dakota. It probably wouldn't work very well in a big city, but it works in Sentinel Butte, ND.

In Marmouth, ND, if you need a hotel, there is a hotel. Nobody works in the hotel. You check yourself into the hotel, and you have a good night's rest. When you check out in the morning, you leave your room key and some money in a cigar box that is nailed to the inside of the door. That is the place to stay if you visit Marmouth, ND. It may sound far-fetched, but it is not.

In Tuttle, ND, they lost their grocery store. The city council said: We will have to build our own grocery store. So they built a city-owned grocery store. When they cut the ribbon for the new grocery store, I was there that day, they had the high school band out on Main Street. They closed Main Street to celebrate the opening of a city-owned store in Tuttle, ND.

My point is that these are wonderful places with great people, with great qualities, and with great character. Yet all of the people in these areas are discovering that their population is shrinking and their Main Streets are dying. They are losing the economic vitality and the hope that ought to exist in communities like these.

What can we do about that? Senator HAGEL and I say the Government should play a role here, just as it did when the major cities in our country were in trouble. We have proposed the New Homestead Economic Opportunity Act. We propose that Federal policy embrace the notion that these rural areas in the heartland of America are worth saving as well. Let us provide some incentives to see if we can encourage people to move there or to come back and to live in these areas.

We propose new homestead opportunities saying to young people that if you want to stay in one of these rural counties, which is losing population as defined in the bill, we will forgive up to 50 percent of your college loans by a certain percentage each year—about 10 percent each year for 5 years that you live and work in one of those counties, and help them to rebuild.

We will offer a tax credit for home purchases in those counties that have been shrinking and losing population.

We will protect your home values by allowing you to write off on your income tax the loss of the value of that home.

These days, if you build a home in a small town of 200 people in one of our States—Nebraska, or North Dakota—the minute that home is completed, it is worth substantially less than it cost to build it. That is the way the market works in these small towns because banks and others don't want to finance in those areas. We propose that tax policy help alleviate that.

We would establish individual homestead accounts to help people build savings and have access to credit if they live in these areas. Their savings could grow tax free, and after 5 years they could be tapped into for small business loans, education expenses, first-time home purchases, and so on.

In addition to these homestead opportunities, we propose a new rural investment tax credit that says if you are doing business, investing, and creating jobs in these rural counties, you should be eligible for an investment tax credit because, as a matter of public policy, we want new opportunities for growth in the heartland.

We propose a new homestead venture capital fund to promote business development and growth in these high out-migration areas by making sure they have access to capital in order to grow the businesses they need in order to create jobs. Even if entrepreneurs are willing to work hard and take risks, they can't make it in a county that is losing its population unless they have access to capital.

Again, with respect to the middle part of America that is now losing population, let me say that when we sing that wonderful song, ''America the Beautiful,'' and talk about our country from ''sea to shining sea,'' and as we fly across America and pass over the heartland of our country and the breadbasket of America, we see wonderful values. We see wonderful people who are struggling to live in circumstances where their economy, their communities, and their schools are shrinking.

I graduated from a little school with a class of nine, Regent High School, which closed last year. They had their last high school prom, and then they combined their school with that of a town 14 miles away. It is no longer the little school that I attended.

That is happening all across the heartland. We can see the effect and the change that it causes in small communities. But can we in public policy make a difference? Can we begin to make an effort to change the future of rural America to a future of hope, opportunity, and growth? I think we can.

That is why Senator HAGEL and I have joined in proposing legislation that I think will begin to offer that hope, and that will begin to offer the

people there the tools for economic opportunity and development in the heartland.

I believe there are 10 minutes remaining. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that those 10 minutes be given to Senator HAGEL, and I ask unanimous consent to extend 5 minutes beyond the additional 10 minutes.

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

The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I rise this morning to join my friend and distinguished colleague from North Dakota to speak about the New Homestead Economic Opportunity Act, S. 1860.

We have heard Senator DORGAN speak of this act, the reasons and possibilities for changes in our lifestyle in our country, and in particular how it has affected the part of America from which Senator DORGAN and I come. But it is not just a heartland issue. This issue of outmigration has received little attention over the years.

North Dakota and Nebraska and other Midwestern States, as you saw from Senator DORGAN's map, have been more affected by this outmigration than most other States. Senator DORGAN talked with me last year about possibilities to not only address the issue but to go beyond just bringing up solutions and go beyond in an area where we think there are expansion opportunities for many people.

Many communities in rural America have not shared in much of the boom that has brought great prosperity to America over the last few years. As we look at the numbers, at least over the last 50 years, we see clearly that the nonmetropolitan counties in the Nation lost more than a third of their population during this time. You contrast this with the fact that during the same period the number of people living in metropolitan areas grew by more than 150 percent.

It is not our intention to restructure, reframe, or in any way try to dominate lifestyles and have a disproportionate effect on where people live and how they live. That is not the point. The point is to offer some incentives that might, in fact, give people more possibilities and more opportunities at a time in the history of our country where quality of life is as important as some of the other dynamics that we, as a nation, as a culture, as a society, have had to deal with over the years: Jobs, how to raise your family, how to take care of that family, education, health care.

So quality of life has become an issue, as it should. We are most blessed in this country that it is an issue. We have conquered most of the great diseases. We have conquered poverty and hunger, not in the world but certainly in this country. So we are now looking at other possibilities as we try to help make the world more just and do more for more people than history has ever recorded one nation having been able to do.

So my colleague from North Dakota and I are exploring possibilities. He noted the 1862 Homestead Act, which I think is somewhat analogous to what we are proposing. In fact, the first claim made under this act in 1862 was just outside Beatrice, NE. That first homestead under the 1862 Homestead Act is still there. It is a national park. We are very proud of that.

But, as I said earlier, as much as we have benefited—the State of Nebraska, the Midwest; and we have benefited mightily from the Homestead Act of 1862—of the 93 counties in Nebraska, 61 of those 93 had net outmigration of at least 10 percent over the last 20 years.

There is no particular mystery as to why we have seen this outmigration. Again, referring to Senator DORGAN's map, which gives a very accurate assessment of what has happened, people will go where there are opportunities. Jobs are a part of that universe of opportunities.

So as Senator DORGAN pointed out, in our legislation that we are proposing, we set out some specific areas that we think people might have an interest in exploring to incentivize their interest in not only the Midwest but all rural areas of America. And they are attached to what is important in our lives: Our families, our friends, our faiths, our sense of voluntarism, and community participation. It is being part of something larger than one's self-interest, a community spirit that in many ways is unique to America. So we would like to, in some way, offer opportunities to renew some of that.

There are currently joint capital formation projects, joint ventures, used in some States—Nebraska happens to have one of them—where, in fact, we can call upon the resources of both the public and private sectors to come together and provide those incentives. That is what we are proposing we do today in startup capital joint ventures, using private and public facilities. Senator DORGAN addressed some of those issues.

Infrastructure in these communities is critical, infrastructure such as roads and water and schools and medical facilities, hospitals, and something that Senator DORGAN has spoken of often, the Internet, access to high-speed Internet that many times we in the Midwest and many rural areas in the country get forgotten.

If we can, in fact, continue to build around and develop those infrastructures, people who want a different approach, who want maybe a style of life that isn't always found or conducive in large metropolitan areas, would have an option. I think it is worth exploring.

I am proud to be part of what Senator DORGAN and I are doing. We would hope others will have some interest as well.

One last point on this.

Later this month, the Lincoln Journal Star newspaper in Nebraska will partner with the Nebraska Educational TV Network to explore issues surrounding outmigration. In fact, the Lincoln Journal Star has done a series of articles which have been very insightful and informative on how we can deal with some of the concepts that Senator DORGAN and I are proposing in this legislation.

This presentation that will be made on educational TV will help frame the problems, solutions, and issues. When that report is completed and that program is aired, I will have that printed in the RECORD because I think it very much focuses on and frames up, in a relevant way, what we are attempting to do with this legislation.

With that, Mr. President, again, I appreciate the time and I appreciate Senator DORGAN and his staff's effort on this issue.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, let me say how much I appreciate working with Senator HAGEL on this legislation. As he indicated, the State of Nebraska has an abiding problem, just as the State of North Dakota, South Dakota, and all of the States up and down the heartland of our country. It is not just our states.

I notice the Senator from Georgia is in the Chamber. Rural counties in Georgia, as well, are shrinking like prunes.

What do we do about that? Will Rogers used to chuckle when he thought about what would get the Federal Government's attention. He said: If you have two hogs that come down with something and get sick in a barn someplace, you will have all kinds of USDA people coming down to find out what is wrong with your hogs. But not much will happen if you have other problems. No one will show up.

I have an example that I would like to share with my colleague from Nebraska. In recent months, we had a little prairie dog fight. I will not go into all of the details. But prairie dogs took over a picnic grounds in the Badlands in North Dakota. They were going to do an environmental assessment. Then they did an EA. They did a FONSI, a finding of no significant impact. They had all these studies going on, and the Federal agencies got all cranked up about the prairie dogs, and they decided to spend a quarter of a million dollars to move the picnic grounds.

I said: Look we are not short of prairie dogs in western North Dakota; we are short of people. My home county went from 5,000 people to 3,000 people in 25 years. The county next to mine is bigger than the State of Rhode Island, and it has 900 people and only had seven babies, in a recent year, born in the entire year. These are counties that are dramatically shrinking, and

losing their economic vitality. Yet you get a prairie dog problem in a picnic area, and the Federal Government mobilizes, and you have all these agencies all juiced up to do something. But what about the fact that the economy throughout the heartland of our country is in desperate trouble, and you can hardly get anybody's attention in government?

What Senator HAGEL and I are saying is, let's go at this just as we did with model cities or urban renewal, and decide that this is not only a North Dakota problem—although it is certainly ours—not only a Nebraska problem—although it is certainly theirs—but that it is a national problem. A century after we populated the middle part of our country through the Homestead Act, depopulation is a national problem.

What has happened to cause the movement of people away from the heartland? A shift of jobs from production of natural resources—farming, mining, and other industries—to work in service or technology-oriented industries that shifted the population in our country.

New industries do not necessarily need to be near the grain elevator or the mouth of a mine. New technologies allow us to make many products with far fewer people, and that includes agriculture.

Free trade agreements have made it cheaper to produce goods overseas. That, too, has shifted population.

What Senator HAGEL and I are talking about is choice, giving people a choice to be able to live in rural America if they choose to do that.

I recently gave a commencement speech to a large class at one of our colleges in North Dakota, and I know most of those students are going to leave the State following their graduation—not because they want to, but because they do not have any choice.

Those young men and women, who represent our best and brightest, are going to leave North Dakota. Many will leave Nebraska. They will end up on the west coast or the east coast or down south. And our States, in my judgment, be weakened because they left. Other States will be strengthened. We want to give them a choice to be able to stay if they would like to stay.

If we want to stop outmigration and try to bring opportunity back to the heartland, we need to do it as a nation, not just for the sake of the heartland States, but for the sake of all our country. By any measure, the rural towns and counties that suffer from outmigration and population loss are still in many respects among the strongest in our country. They have good schools, a high level of civic involvement, extremely low rates of crime, good neighbors, a good life, and are great places in which to raise children. Our Government spends a great deal of time and money trying to emulate these attributes in areas where they don't exist instead of trying to help preserve them in areas where they do exist; namely, rural counties in small-town America.

I know some might say Senator HAGEL and I have this Norman Rockwell notion of small town in our minds, and that is just wonderful, but that it is more nostalgia than it is reality. But I don't agree. In my judgment, public policy has a lot to do with where people locate. We simply want to provide additional choices. Nebraska and North Dakota and many other States just don't have the opportunities that a California, Texas, Massachusetts, or New York has.

For instance, consider that the Federal Government is the largest researcher in the world. Where do most of our research dollars go? Not to Nebraska or North Dakota. The bulk of it goes to four States: California, New York, Massachusetts, Texas. That is where, with these centers of excellence in research serving as anchors, industries and jobs locate. Public policy has a lot to do with where people live.

All Senator HAGEL and I are saying is that we can sit around and wring our hands, gnash our teeth, wipe our brow, and worry about this forever or we can decide to put together an initiative that says, let's try to do something about this shrinkage and outmigration in some of these wonderful places. Let's give people more choices, especially young people, to stay in those areas where they grew up and where they want to live, and provide them with spirit, hope, and opportunity to make their future economy a good economy. We can do that.

That is the initiative we are proposing, one to provide tools and to offer choices to those who are working hard in a wonderful part of America. We introduced the legislation in December. It is S. 1860. It is bipartisan. We will work very hard in the Senate and around the country to see if we can't get America to do for the heartland what it once did for the cities, and to get people to see that something is happening in rural America and that it needs help now. Let's join together and do that.

I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. We are.

Mr. NELSON of Florida. May I be recognized?

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, the Senators who have just spoken make a most compelling case. I take very seriously my role as Senator, in which I have a responsibility to the rest of the Nation in addition to the wonderful State I have the privilege of representing. What I would like to do is come to their respective States and see these areas where there is outmigration. This is quite a contrast to what I have experienced in the State of Florida which has been just exactly the opposite kind of experience.

As a matter of fact, my home county, Brevard County, in the early 1960s, because of the space race, when the Soviet Union surprised us with Sputnik and then surprised us by launching Yuri Gagarin, one orbit, before we could ever get to sub orbit with Alan Shepard, people were just pouring in, sleeping in cars.

As a result, a lot of development was done in a rush with tremendous mistakes, not attending to zoning and not attending to proper drainage, and so forth and so on. So the experience of Florida has been quite the opposite of their experience.

What I would like to do is to learn from them how I could help them because we are all citizens of the United States of America. I thank them for bringing this issue to the attention of the Senate. I look forward, maybe perhaps this summer, to visiting in their respective States of North Dakota and Nebraska.

CAMPAIGN FINANCE REFORM

Mr. NELSON of Florida. Mr. President, I rise to state that since the House of Representatives, at 3 in the morning, passed the campaign finance reform bill, I want to cast out some markers as the Senate will consider this legislation and no doubt will pass this legislation, my vote included. However, we have to be concerned about the flow of money in politics.

Campaign finance reform is an attempt to try to get soft money out of politics, but this campaign finance reform bill does not totally do that. It comes close.

Soft money, for those who would like a refresher, is campaign donations that are other than personal donations from individuals or from political action committees. For example, a corporate check would be an example of a soft money contribution to a candidate. Under the current law, soft money contributions can flow through the parties. That is where we have seen a great deal of abuse.

The campaign finance reform bill intends to constrict the use of that soft money. It does so by saying that it can't flow through the parties. It can't be coordinated by the campaigns or the campaign committees, such as our Democrat and Republican Senate campaign committees, but it can flow through independent groups with a message or with an issue advertisement which we know becomes just as effective for or against a candidate, almost, as a direct campaign ad that says vote for or vote against candidate A, B, or C.

However, there was an important limitation in this bill I supported vigorously. That was that soft money could not flow through independent groups for purposes of affecting an election through an issue ad 60 days

prior to a general election and 30 days prior to a primary election. That is an important reform.

The caveat is that we created a severability clause that says that if the courts strike any provision of the bill as unconstitutional, the whole bill does not fall. It leaves us with the possibility that the courts could strike the 60-day provision on independent groups.

I hope and pray that the courts will not, that they will see that this is delicately balanced to meet the constitutional test the courts have raised. But if they do, then what we are going to have is unlimited soft money in the future that is going to flow, not through the parties, as we presently have had under current law, but a proliferation of independent groups are going to arise, and campaign soft money affecting elections through the guise of issue ads is going to flow through those independent groups. And I continue to think many of us intend that to be the case. That is the caveat about which we must be concerned. Ultimately, what we should do is try to figure out how to lower the cost of elections.

The House of Representatives, unfortunately, struck the provision that the Senate had included, which said that television time for candidates has to be given at the lowest commercial rate—what is current law but which has not been obeyed. This was to enforce that provision. That was stricken last night as the House of Representatives considered campaign finance reform. That bill is going to be coming to us shortly. No doubt we are going to pass it.

I wanted to lay out these markers and these caveats as we look to a future of trying to clean up campaign finance with new campaign finance reform law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend our colleague from Florida, who has had a longstanding interest in the subject matter. He brings a wealth of knowledge about the intricacies of these laws. As the person who managed the campaign finance reform bill here on the floor of this body, along with the help of my colleague from Nevada, there is a sense of parochial pride in the House action last evening in that the major cosponsor of the legislation, CHRIS SHAYS, is a longstanding friend of mine, a member of the Connecticut delegation, a House member for some 15 years. He has been a dogged advocate of campaign finance reform. So there is a sense in those of us and the overwhelming majority of my constituents in Connecticut, as across the country, who support the notion of trying to get a handle on the issue of campaign financing, a sense of pride in the work of CHRIS SHAYS and the job he did on behalf of the entire country, not just Connecticut.

As was said by others, this is not an end-all, a piece of legislation that will solve all the problems. I express my regret that what I thought may have been one of the most effective pieces of legislation, dealing with the cost of media, was struck from the bill last evening. For those of us in this Chamber who have to go out and raise money to engage in a campaign, the one single item that absolutely drives the cost of a campaign is the cost of media. About 80 cents on the dollar goes to TV and radio advertising, but most of it is TV advertising. There have been literally pioneers and visionaries in the media industry at a local level who have found it in their own business practices to open up their media outlets for an open debate and discussion.

I think, particularly, of a gentleman who owns TV stations in Minnesota, who is a very effective leader in the television industry but has, for years, made it possible for statewide candidates in that State to have some time around the news to express themselves on why they would like to be elected to the office they are seeking. My hope is that we would adopt provisions that would make it possible for candidates to have access.

The airwaves are public property. Maybe I am old school, but I was always raised to believe that. It was a privilege that we extended to people to use the public airwaves. So the idea that the public ought not to have the opportunity to listen to people who are going to represent them, whether a Governor, Congressman, or Senator, is something I find disturbing, that they would object to the notion of having opportunities. I am sorry that was stricken. It is a very good bill over all, and I commend the other body for their leadership, and particularly my friend from Connecticut. Congratulations to my colleague from Wisconsin as well.

Mr. REID. Mr. President, the hour of 10:15 having arrived, we are now to proceed to S. 565.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 565, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Is there an amendment pending?

The PRESIDING OFFICER. There is not.

Mr. REID. Mr. President, I am going to offer one shortly.

Mr. President, as Senator DODD mentioned, he managed the bill that allowed us to send the campaign finance reform bill to the other body. I spent a lot of time with him on the floor during that period of time. I have to say, as I said after that debate and vote took place, it was a masterful display of managing legislation.

As a result, a bill was sent over there that I think they had to accept. I say publicly that I look forward to the bill coming back over here. I know that with the guidance of the chairman of the Rules Committee, Senator DODD, we will pass the legislation. There may be some efforts to slow it down, but this is a steamroller.

I must say that that steam was generated over here in this Chamber. There were many efforts to weaken or kill this legislation. I have to give credit to Senator DODD for managing it at that time.

Also present today is the Senator from Wisconsin, my friend, someone who has lived campaign reform legislation. I can't say enough about the moral aspect of this legislation. I remind people here that, in 1998, Senator FEINGOLD was behind in his reelection efforts in Wisconsin. Everyone told him that he likely could win that election if he would allow the Democratic Senatorial Campaign Committee to come to the State of Wisconsin and put money in that State and spend money on soft money issue ads. Senator FEINGOLD is not an independently wealthy man. He, of course, is a fine lawyer, with a great educational background. But he had nothing else to fall back on. He could not just go to a bank account and write big checks. He stared his morality in the face during that short period of time and said, ''No, I don't want that money. I would rather lose the election than depend on something that I don't believe in.''

I say to the Senator from Wisconsin, not only did he not take the soft money, he won the election. Not only did he win the election, he came back with added vigor to work on this campaign finance bill. So I extend to the Senator the congratulations of the people of the State of Nevada, and the people of this country, for being a person who stands for what we all believe in, and that is good government. I think every person in the U.S. Senate believes in good government. But it is not often that a book is written that will stand the test of time in the sense of the morality the Senator lends to this issue. I am very grateful to the Senator from Wisconsin for what he has done on this legislation.

AMENDMENT NO. 2879

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. SPECTER, proposes an amendment numbered 2879.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment is dispensed with.

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

The amendment is as follows:

(Purpose: To secure the Federal voting rights of certain qualified persons who have served their sentences)

At the end, add the following:

TITLE V—CIVIC PARTICIPATION

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The right to vote is the most basic constitutive act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. Basic constitutional principles of fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections.

(2) Congress has ultimate supervisory power over Federal elections, an authority that has repeatedly been upheld by the Supreme Court.

(3) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections.

(4) An estimated 3,900,000 individuals in the United States, or 1 in 50 adults, currently cannot vote as a result of a felony conviction. Women represent about 500,000 of those 3,900,000.

(5) State disenfranchisement laws disproportionately impact ethnic minorities.

(6) Fourteen States disenfranchise ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense.

(7) In those States that disenfranchise ex-offenders who have fully served their sentences, the right to vote can be regained in theory, but in practice this possibility is often illusory.

(8) In 8 States, a pardon or order from the Governor is required for an ex-offender to regain the right to vote. In 2 States, ex-offenders must obtain action by the parole or pardon board to regain that right.

(9) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. In at least 16 States, Federal ex-offenders cannot use the State procedure for restoring their voting rights. The only method provided by Federal law for restoring voting rights to ex-offenders is a Presidential pardon.

(10) Few persons who seek to have their right to vote restored have the financial and political resources needed to succeed.

(11) Thirteen percent of the African-American adult male population, or 1,400,000 African-American men, are disenfranchised. Given current rates of incarceration, 3 in 10 African-American men in the next generation will be disenfranchised at some point during their lifetimes. Hispanic citizens are also disproportionately disenfranchised, since those citizens are disproportionately represented in the criminal justice system.

(12) The discrepancies described in this subsection should be addressed by Congress, in the name of fundamental fairness and equal protection.

(b) PURPOSE.—The purpose of this title is to restore fairness in the Federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote.

SEC. 502. DEFINITIONS.

In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term ''correctional institution or facility'' means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term ''election'' means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term ''Federal office'' means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term ''parole'' means parole (including mandatory parole), or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term ''probation'' means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

SEC. 503. RIGHTS OF CITIZENS.

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; or

(2) is on parole or probation for a felony offense.

SEC. 504. ENFORCEMENT.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(b) PRIVATE RIGHT OF ACTION.—

(1) NOTICE.—A person who is aggrieved by a violation of this title may provide written notice of the violation to the chief election official of the State involved.

(2) ACTION.—Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice provided under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in such a court to obtain the declaratory or injunctive relief with respect to the violation.

(3) ACTION FOR VIOLATION SHORTLY BEFORE A FEDERAL ELECTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person shall not be required to provide notice to the chief election official of the State under paragraph (1) before bringing a civil action in such a court to obtain the declaratory or injunctive relief with respect to the violation.

SEC. 505. RELATION TO OTHER LAWS.

(a) NO PROHIBITION ON LESS RESTRICTIVE LAWS.—Nothing in this title shall be construed to prohibit a State from enacting any State law that affords the right to vote in any election for Federal office on terms less restrictive than those terms established by this title.

(b) NO LIMITATION ON OTHER LAWS.—The rights and remedies established by this title shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

Mr. DODD. Mr. President, before we turn to our colleague, I am going to propound a unanimous consent request.

Let me pose this—I will not make the unanimous consent request so staff can check with Members—I would like to get time boiled down, if we can. I know my colleague from Nevada wants to accommodate this. I suggest 45 minutes equally divided. Why don't we try that? If Members believe they can do it in a half hour, that would be even better.

We have a series of amendments, and the hope is—I will state it again—I have been told; I am not going to speak for the leader; I will let my colleague from Nevada speak for the leader or the leader can speak for himself—I am told if we can get this bill done this evening, there is a great possibility there will be no votes tomorrow and Members can head for their States. Particularly Western Senators who may have amendments, I urge you to offer your amendments so we can complete this bill today.

With that, I turn to my colleague from Nevada to see if we can constrain time, and then the Senator from Wisconsin can speak.

Mr. REID. Mr. President, Senator SPECTER and I have moved on this legislation. We have been wanting to do this for a long time. I personally would like 20 minutes. I want to make sure Senator SPECTER, who has not spoken, has all the time he wants. I certainly cannot speak for Senator SPECTER. So I say to my friends, the two managers of the bill, I will be happy to agree to any time limitation, but I have to speak to Senator SPECTER before I do that.

If it is in keeping with Senator MCCONNELL's wishes, I yield to my friend from Wisconsin for a period of 5 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

PASSAGE OF THE SHAYS-MEEHAN BILL

Mr. FEINGOLD. Mr. President, first in light of Senator REID's comments about my personal financing, which were accurate, he is buying me dinner tonight. I thank him for the lovely remarks.

Senator DODD and Senator REID were absolutely critical to the McCain-Feingold bill getting through this body.

They were the two Senators out here every day during those 2 weeks doing an absolutely masterful job managing the bill. It was very tricky. I thank them again. We need your help one more time now that it is coming back to this body. I am grateful.

As we know, in light of the papers and the comments this morning, early this morning the House of Representatives passed campaign finance reform. Thanks to the courageous leadership of CHRIS SHAYS, MARTY MEEHAN, and DICK GEPHARDT, the House voted firmly in favor of reform. The House had to weather a great storm—a storm of lobbying that rained down from the opponents of reform.

Frankly, they tried every trick in the book to kill the Shays-Meehan bill. They tried everything. Mr. President, you saw similar attempts in this House, and you helped us fight them every day.

The proponents of reform tried to love Shays-Meehan to death, they tried to make Members swallow poison pill amendments, and when all else failed, they tried old-fashioned arm twisting to get supporters to back down. But reform supporters did not back down. Instead, they were courageous and they brought about a historic moment for campaign finance reform. This was the time in the House when, as we all know, it really counted. A lot of people said it would not happen because this time, as some said, they were shooting with real bullets. But the House came through, as they have done twice before.

This really was—and I think many Americans feel this way—a soaring moment for democracy. Reform has now prevailed in both Houses of Congress. That is something for which all of us can be proud. With the passage of the Shays-Meehan bill in the House, both bodies have finally acknowledged the will of the American people, and that is that the campaign finance system must be reformed. But passage in the House, however great an achievement, does not quite get the bill to the finish line, as we know. We need to pass the Shays-Meehan bill in this body, and to do that, we need to receive the Shays-Meehan bill from the House of Representatives.

It sounds like a mechanical thing, Mr. President, but as you may recall, we had a little problem in this House with the McCain-Feingold bill being sent over to the House after it was passed. A majority in this body is eager to take up Shays-Meehan, but we cannot pass the bill until we have it in hand.

I urge the House to send the legislation to us today without delay. We cannot get this bill to the President's desk unless we can take it up and pass the legislation in this body. I urge the House to send us the bill so we can get it to the President for his signature.

I also add—and I am grateful for this—I welcome the President's remarks yesterday morning through his spokesperson that the Shays-Meehan bill would ''make progress and improve the system.'' That is what the President's spokesman said. The President seeks a bill that improves the system, and that is exactly what our bill does. I am pleased and delighted the President has signaled his support for our legislation which will finally end the corrupt soft money system once and for all.

I, of course, look forward to working with my friend and partner on this, JOHN MCCAIN, to pass Shays-Meehan in this body and send it to the President. The American people will be watching, as they watched us last year and as they watched the House this week. They want to know whether we can finally do what is right. Can we finally close the door on the soft money system that leaves us so vulnerable to an appearance of corruption? Can we finally say together as legislators, as representatives of our people, the soft money system simply is not worth the risk?

It is time for us to show that we can live up to our role as stewards of this cherished democracy. We have the power to seize this moment for reform, and I really believe we will. We have had a decisive victory this week, just as we had a decisive victory last year in the Senate. Now we have to get this legislation across the finish line so we can ban soft money and begin to restore the people's faith in us and the work we do.

I certainly look forward to working with my colleagues to do that. I am grateful for the time. I thank the Senator from Nevada, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. REID. Mr. President, my friend from New York has indicated he wishes to speak. I will yield to Senator SCHUMER from New York for a period up to 5 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my friend from Nevada for yielding. I first wish to give kudos and accolades to my friend from Wisconsin for the great job he has done on this issue. It took a particular kind of strength, a particular kind of courage to get this to happen, and he did. He had all of that, and he did. I salute him. The Nation salutes him this morning as we saw what happened on the floor of the House late last night.

I salute my House colleagues, not only, of course, Mr. SHAYS and Mr. MEEHAN and their band, and not only Minority Leader GEPHARDT, but also the new whip, NANCY PELOSI, did a great job in making this happen.

I wish to make two other points. First, is this a cure-all? No. But does it get rid of something that has grown like Topsy and has made the system far worse than what was envisioned when it passed in 1974? Absolutely. To not move forward would have been a mistake.

I join my colleague from Wisconsin in urging that the House send us the bill quickly and that we pass the bill quickly without further debate in the Senate. We all know how this bill has a unique and peculiar way of getting bogged down, for some reasons stated and some unstated. To send the House bill back to us and then we pass it is the way to proceed.

We are really close. We are on the 1-yard line. It has been a long game, and we can declare victory if the House sends us the bill and we just pass it.

I thank you, Mr. President, and I thank my friend from Nevada.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

AMENDMENT NO. 2879

Mr. REID. Mr. President, I recognize the work of Senators DODD and MCCONNELL, and others. Certainly they are the ones who run this committee and are responsible for bringing forward the legislation that is before the Senate and for crafting bipartisan legislation.

The most fundamental premise of democracy—and that is one of the reasons we have this legislation before the Senate—is that every vote counts.

The reality is that votes cast in wealthier parts of the country frequently count more than votes cast in poorer areas because wealthier districts have better, more accurate, more modern, and less error-prone counting machines than poorer precincts and districts. One can see in looking at a State, those counties within a State that have more money have more resources; they have better voting machines, more modern voting machines. The same is true in Nevada.

Reality was thrust upon us, of course, during the 2000 Presidential election after which many Americans justly questioned the trustworthiness of our Nation's electoral process. But even though Florida was beaten up very badly, if that same light had been shone on other States, the same problems would have been seen, as far as I am concerned.

In the last election I was involved in Washoe County, which is the second most populous county in the State of Nevada, a very good, well-intentioned worker in the county in the election department thought she would save a little money and print their own ballots. They did that and saved some money. They did not go to the professional, the same company that sold them the voting machines.

Well, come election time, some of the votes were not counted. They were off one-sixteenth of an inch or less, but the voting machine would not pick up that paper. So thousands of votes had to be hand counted once, twice, sometimes three times.

In that same county, I can remember very clearly, it was a close election. I

had won the election, and I get a call a week or two after the election—there is a recount going on. They found 3,000 ballots they had not counted. When the election is going to be decided by a few hundred votes, that gets your attention.

The attention was focused on Florida, but it could have happened, I believe, in any of the 50 States. Florida may not have handled what they came up with very well after the fact, but I think we have to be considerate and understand that election problems have been around in this country for a long time. What this legislation will do is allow more fair elections, and I think that is so important.

The United States is the oldest democracy in the world, but we can do better. We are an imperfect nation as I have said hundreds of times, imperfect but the best country, with the best of rules, by this little Constitution, best set of rules ever devised to rule the affairs of men and women.

The bipartisan legislation that Senators DODD and MCCONNELL have crafted, while unable to address every single issue and every single problem that was exposed in 2000, takes a giant step in that direction. So I support the efforts of my colleagues from Connecticut and Kentucky and look forward to swift passage of this legislation, hopefully today.

The amendment I have sent to the desk, and I am pleased to recognize that this is bipartisan legislation—I am very honored Senator SPECTER has joined with me in this legislation—and this is an issue that has not received the attention it deserves. Basically what this amendment does is ensure that ex-felons, people who have fully served their sentences, have completed their probation, have completed their parole, should not be denied their right to vote.

When I am doing my morning run, I always listen to public radio. On public radio this morning, they had something called Heart to Heart. It is Valentine's Day and they had examples of different organizations doing nice things for people. I listened to these two law students, two women, who were counseling and trying to teach women who were in prison about the law. They went through the Constitution and taught about the First Amendment rights and such things. Interestingly, during that interview I heard this morning, the women said the one thing they wanted to talk about and the one thing that bothered them so much is they did not know they would not be able to vote when they got out of prison, and they focused on that. That means so much to an American to be able to vote.

We do not have the voter turnout that we should have, but still it is a right that must be protected.

My parents were uneducated. They knew how important it was to vote. I can remember my mother especially, there would be somebody on the ballot and she would say: I know him; Glen Jones.

But she did not know Glen Jones. She had met Glen Jones at some political rally. But I thought she knew Glen Jones and she thought she knew Glen Jones. He was sheriff of Clark County.

Mr. President, I want to tell my colleagues . . . how I became involved in this issue. Some will say there are a lot more important things to do, and maybe that is true. In Las Vegas, we have a radio station KCEP, in a predominantly, African American part of Las Vegas. I went there 1 day to spend an hour taking phone calls, and I made a very brief statement. I took my first call and a woman said:

My brother committed a crime when he was a teenager. He completed his probation and he is now a man in his fifties and he cannot vote. He has never done anything wrong in his life other than when he was a teenager. But, he cannot vote. He supports his family. He pays his taxes. Why should he not be able to vote?

And that one phone call started for an hour people calling in saying: Senator REID, can't you do something about that? They would give example after example.

I could give scores of examples. I cannot remember everybody who called me on that radio station, but I have an e-mail that was sent to me that perhaps illustrates what these radio callers were talking about.

DEAR SENATOR REID: I heard on the news this morning that you are working on some legislation regarding the voting rights of convicted felons. I have a felony conviction from the sixties. I did my time, learned my lesson, and have been a responsible citizen since then. I moved to Las Vegas in 1982 and have lived here since that time. I have been employed all that time. I currently make over $60,000 per year. I own two houses in Las Vegas and 40 acres of land in Utah. I pay my fair share of taxes, both local and Federal, and yet I have no say in my government. I suppose I could hire a lawyer and try to get my civil rights back, but it is very confusing. I would first have to petition California where the offenses occurred, and then petition Nevada.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR SENATOR REID: I heard on the news this morning that you are working on some legislation regarding the voting rights of convicted felons. I have a felony conviction from the sixties. I did my time, learned my lesson, and have been a responsible citizen since then. I moved to Las Vegas in 1982 and have lived here since that time. I have been employed all that time, currently I gross over $60,000 per year. I own two houses in Las Vegas and forty acres of land in Utah. I pay my fair share of taxes, both local and federal and yet I have no say in my government.

I suppose I could hire a lawyer and try to get my civil rights back. But it's very confusing. I would first have to petition California where the offenses occurred and then petition Nevada.

I registered here when I first came to Nevada and got my ex-felon card. I also registered to vote. In California I was allowed to vote and I though it would be the same here. I did vote for over ten years here and then a few years ago out of the blue I received notice that I no longer could vote. I was devastated. First off I could not see where it even made sense, I was a working property owner who payed taxes and obeyed the laws. (In the past thirty years I have two traffic tickets and that's all). I still feel that I should have the right to vote. I hope that you can accomplish something that will allow me to have some say about the future of this great country.

I feel that it is not only the right of every American to vote. It is also their duty.

Thank you

MELVIN DOUGLAS MINER, Jr.

Mr. REID. He closes by saying he has paid all his taxes and obeyed all the laws. The past 30 years he had two traffic tickets which he paid. He still believes he should have the right to vote. He says:

I hope that you can accomplish something that will allow me to have some say about the future of this great country. I feel that it is not only the right of every American to vote, it is also their duty.

My constituent's name is Melvin Douglas Miner, Jr., and he is not embarrassed by the fact he has done this. He is rendering a service to the people of this country by allowing me to use his letter to me.

There are examples after examples. A man came to me who is almost 80 years old, a successful businessman in Las Vegas, with tears in his eyes, and said: I am going to close up my business and turn it over to my children.

He said: I cannot vote. Every time the election time rolls around I make excuses to my children. I got married late in life. My children are asking me questions even today. I have been able to hide from them the fact that I do not vote is because I cannot vote. Could you do something about it?

There are stories such as there all over. I don't condone people who commit felonies, but I recognize that when people pay their debt to society we should make them part of society. I am not saying the day a person gets out of prison they should be able to vote. But when he gets out of prison and has completed his parole and probation, let him vote.

The right to vote in a democracy is the most basic right of citizenship. It is a right that may not be abridged or denied, by any State, race, color, gender, or position of servitude. It is a fundamental right. It is a glaring example of what our free society represents.

Think about Nelson Mandela. Nelson Mandela spent 27 years in prison. Nelson Mandela as a young man spent his best years in prison. One would think for a man who spent 27 years in prison, many of those years in very squalid conditions, that the most important day of his life would have been walking out of that prison after 27 years, or maybe it was the day he became president of a post-apartheid South Africa. But that is not what he said. The great Nelson Mandela said the most important day of his life was the day he voted for the first time. Think about that.

Millions of people in America cannot vote. They have completed their debt to society. As elected officials who have been given the privilege to serve, we need to recognize the strength of a democracy depends on voluntary participation of its citizens. Low voter turnout is not something we should be proud of; certainly we should not compound that by having people who have fulfilled their debt to society not be allowed to vote.

States have different rules as to when a person can vote if a person committed a felony. In 14 States, ex-felons who have served their sentence, including parole on probation, are denied a right to vote; the 36 other States have various rules. But it adds up to hundreds of thousands and millions of people. Fundamental fairness dictates this policy is wrong.

The amendment that the senior Senator from Pennsylvania and I have introduced today aims to correct this injustice. In these 14 States and other States, the process by which individuals who have fully served their sentences and wish to regain their right to vote is often difficult and cumbersome. Some may have to petition a board and get a pardon. For others, Governors can give them the right to vote. In some States, ex-felons who have completed their sentences must obtain a Presidential pardon. As every Member knows, very few people have the financial or political resources needed.

This disproportionally affects ethnic minorities. According to the Sentencing Project, an estimated 13 percent of adult African Americans throughout the United States are unable to vote as a result of varying State disenfranchisement laws. The rate is, unbelievably, seven times the national average.

In some States, the numbers are more extraordinary. In Florida and Alabama, more than 31 percent of all African American men are permanently barred from ever voting in those States again. In six other States, the percentage of African American men permanently disfranchised is over 20 percent. Given current rates of incarceration, the Sentencing Project estimates that up to 40 percent of African American men may permanently lose their right to vote.

I want to make sure that not lost in this debate is the fact that criminal activity is wrong and must be punished and punished severely. I am for the death penalty. I introduced, in the State of Nevada, legislation that said if you are convicted of a crime and sentenced to life without possibility of parole, that is what it should mean. It should not mean a person gets out in 20 or 30 years. If a jury, with the approval of a judge, sentences somebody to life without the possibility of parole, that is what it should mean.

I believe in strict enforcement of the law. However, I also believe a sentence is a sentence, and when a judge gives somebody 10 years and they get out in 5 years, after 5 years of parole and any probation time they should be able to be voters in the State of Nevada and the rest of this country. Sufficient and appropriate sentences should be imposed upon those who violate our laws. We should not, however, disenfranchise those who have fully completed their prescribed sentences.

We have a saying in this country: If you do the crime, you have to do the time. I agree with that. But if you do the time, and do it completely, why should you have to do more time?

I have a number of editorials, one from October 3, 2000, in the York Daily Record, ''Voting Rights Too long Denied''; Philadelphia Inquirer, September 21, ''A Vote for Fairness, Disenfranchising Ex-felons Was Unnecessary.'' I have an editorial from the Las Vegas Review Journal, ''Felons and Voting Rights, Extended 'Second-class Citizenship' Is Counterproductive.'' I ask unanimous consent these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the York Daily Record, Oct. 3, 2000]

VOTING RIGHTS TOO LONG DENIED

Pennsylvania last week plucked some feathers from a Jim Crow-like law that denied the vote to a disproportionate number of voting-age black men.

Once common in the South, Jim Crow laws were designed to deny blacks the vote. Jim Crow was a demeaning minstrel show character, and it is in his dishonor the laws were named.

Pennsylvania's rules denying recent ex-felons the vote may not have been written with racial intentions, but it had that effect. And because of that effect, the Philadelphia NAACP successfully sued to have the law set aside.

Commonwealth Court President Judge Joseph T. Doyle said he found ''no rational basis'' for Pennsylvania's law. The statute barred convicts from registering to vote for five years after leaving prison with one major exception. Felons who were registered before entering prison were allowed to vote.

Strangely, the law even allowed them to run for office while still serving their sentence. Former Republican state senator Bill Slocum, fresh from a federal pen and on house arrest, is campaigning for his old job on ''work release'' while still wearing an electronic monitoring device. Mr. Slocum has not yet finished his term, and voters should cast their ballots accordingly.

But someone who has paid his debt to society should not be stripped of a right of citizenship for five years, as was the case in Pennsylvania.

Judge Doyle was right to issue a temporary order allowing ex-felons to register to vote in the upcoming election. The law itself should be struck down, and other states have statutes even more in need of change. Those with felony records face a lifetime disenfranchisement in Florida, Alabama, Mississippi, Virginia, Iowa, Kentucky, Nevada, New Mexico and Wyoming—that's 2 percent of all Americans and 13 percent of adult black men.

The nation's war on drugs has claimed a disproportionate number of people of color. Based on current rates of incarceration, 28.5 percent of black males will likely serve time in a state or federal prison for a felony conviction, a rate seven times than for whites.

That doesn't mean African-Americans commit a disproportionate number of crimes. It is necessary to look beyond the surface statistics. Although blacks and whites have about the same rate of drug use, for example, about a third of those arrested for drug offenses are African-Americans. Fifty-nine percent of those convicted are black, and their sentences are almost 50 percent longer than for whites.

Not being able to vote is among the least of the problems in a system so fraught with injustice. But it needs to be addressed.

About 14 million African-Americans had lost their right to vote because of felony convictions. But those statistics will have to be adjusted downward now that 40,000 black Pennsylvanians have regained their right to vote.

State Attorney General Mike Fisher said he will not appeal the court's decision. The newly enfranchised, as everyone else, have until Oct. 10 to register to vote in the November election.

IT'S EASY TO REGISTER

If you didn't vote during the past two federal elections, don't plan to vote on Nov. 4—unless you register to vote.

It's easy to register, there's no fee; and you still have time. But not much.

Forms are available at the Voter Registration Office at 1 Marketway West, at post offices, municipal buildings, from political activists and at libraries. Or pick up your phone and call the Voter Registration office at 771–9604. They'll mail a form to you.

Just make sure the completed form reaches the Voter Registration office by 4:30 p.m. Oct. 10. That's one week from today.

[From the Philadelphia Inquirer, Sept. 21, 2000]

A VOTE FOR FAIRNESS

DISENFRANCHISING EX-FELONS WAS UNNECESSARY

Goodness, what perils must lie in permitting convicted felons to vote after their release from jail. After all, two-thirds of the 50 states limit or even ban felons for life from the voting booth.

Why, convicts might shed their prison blues and rush out to the polls with all manner of wild ideas—like voting for any candidate (should one ever appear) who opposes inhumane prison conditions.

Just imagine the deplorable state of democracy if the nearly 4 million people banned from voting now were allowed to fulfill this duty of citizenship, while rebuilding their lives.

Yeah, right

Disenfranchising felons who served their time is purely a punitive measure. It's surely no deterrent to crime, imagine a thug declining to stick up a convenience store because it might jeopardize his voting rights.

One thing a voting ban might deter, though, is a rehabilitated convict from feeling like part of the community of the law-abiding and feeling a greater personal stake in staying part of it.

Yet tough-on-crime state lawmakers love to mix voting bans in with their mandatory sentencing statutes and the like. The 35 states that prohibit former inmates from voting include Pennsylvania and New Jersey, with Delaware among the 14 with lifetime voting bans.

Sadly, the message society conveys with such measure is that we don't much believe in second chances, much less redemption. That's why it's a relief—if likely temporary—to see a Pennsylvania Commonwealth Court judge talk some sense on this subject.

In a ruling filed Monday, Judge Joseph T. Doyle ruled unconstitutional the 1995 Pennsylvania law that prohibits convicted felons

from voting for five years after their release from jail.

The ban had ''no rational basis,'' Judge Doyle wrote, since it applied only to felons not registered to vote when jailed. For now, the law is dead. And good riddance.

While it might be irresistible for state Attorney General Mike Fisher to appeal, or for Harrisburg lawmakers to attempt constitutional repairs on the law, the best course would be to let the ruling stand. And who knows? Other states might follow that lead.

That's the hope of the Philadelphia NAACP, which aided ex-felons suing over the Pennsylvania law. With African Americans comprising a third of those disenfranchised, the voting bans hit black communities especially hard.

Losing the right to vote while behind bars is an entirely reasonable punishment, since voting is one hallmark of freedom in a democracy. Once convicts have done their time, though, it's in society's interest that they resume the habits of responsible citizenship—such as voting—as soon as possible.

[From the Las Vegas Review-Journal, Apr. 13, 2001]

FELONS AND VOTING RIGHTS

Few would expect to find a photograph of Nevada Sen. Harry Reid in the dictionary of slang next to the phrase ''pretty fly for a white guy.'' Thus, there was some laughter in the audience as Sen. Reid introduced NAACP President Kewisi Mufume to a new conference at the MGM Grand on Monday, asserting, ''He and I are soul brothers.''

Both gentlemen spoke of their ongoing efforts to restore voting rights in federal elections to convicted felons after they have served their sentences. Mr. Mfume said felon re-enfranchisement is currently one of the NAACP's top five priorities. Sen. Reid said he was inspired to push for the reform after a Las Vegas mother told Sen. Reid her son can't vote because of a crime committed 30 years ago.

The NAACP's involvement with this issue comes as no surprise. Thanks to the drug war, a whopping percentage of young black and Hispanic men will have some kind of serious run-in with the law before they turn 30. The Sentencing Project and Human Rights Watch reveals that 13 percent of all African-American males are prohibited from voting.

Even a nonviolent offense can cripple a person's ability to participate in his or her own government for the rest of his or her life—hardly an incentive for good citizenship or involvement in the community.

What is the justification for denying people who have paid their debt to society the right to vote? After all, the rights guaranteed by the Constitution are equal, inseparable and take precedence over any subsequent enactments; they are the highest law on the land. Would anyone assert a felon, once released from prison and having successfully completed parole or probation, has no right to attend a church or temple—to exercise his freedom of religion—until those specific rights are restored in writing by some executive order? Of course not.

Likewise, no one would consider barring former prisoners from writing books or letters-to-the-editor after their release pending issuance of some document formally ''restoring'' this First Amendment right.

This notion that Americans become second class citizens—some of their constitutional rights selectively and permanently impaired—even after they have ''done their time,'' is anathema in a free country, because it accustoms us to a dangerous precedent under which government bureaucrats are empowered to decide which rights shall be ''restored,'' and when.

If Sen. Reid and Mr. Mfume can succeed in restoring these federal voting rights . . . more power to them.

Mr. REID. As I am sure the manager of the bill knows well, the State of Connecticut recently voted to guarantee all ex-felons on probation the right to vote.

Nonetheless, the amendment Senator SPECTER and I have crafted is narrow in scope. It does not extend voting rights to prisoners. Some States do that. I don't believe in that. It does not extend voting rights to ex-felons on parole, even though 18 States do that. It does not extend voting rights to ex-felons on probation, even though some States do that. This legislation simply restores the right to vote to those individuals who have completely served their sentences, including probation and parole.

Finally, this legislation would only apply to Federal elections, but it would set an example for the rest of the States to follow what we do in Federal elections.

Even though we have delegated to the States time, place, and authority, Congress has retained the ultimate authority with ample precedent to set qualifications for Federal elections. We did that with motor-voter registration and others.

The revolutionary patriot, Thomas Paine, said: The right of voting for representatives is the primary right by which all other rights are protected. To take away this right is to reduce a man to slavery, for slavery consists in being subject to the will of another, and he also has not a vote in the election of representatives in this case.

We must do away with Thomas Paine's definition of slavery. People should be able to vote when they have done their time. When Mr. Miner of Las Vegas wrote to me about the fact that he could no longer vote even though he has been a model citizen for 30 years, I am sure he felt and still feels as did Thomas Paine. Those people who called me at KCEP radio, know in their heart that something is wrong. They and their relatives and friends have done their time. They have done enough. They should be able to vote.

This bipartisan amendment, in many ways is similar to the bipartisan compromise reached by Senators DODD and MCCONNELL. It does not go as far as some people would like, but it is certainly a giant step in the right direction. I hope the Members of this Senate would rally around this amendment and allow it to become law.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, with all due respect to my colleague from Nevada, this is an issue for the States, not the Federal Government. Voter qualification is generally a power the Constitution leaves within the prerogative of the States. The Constitution grants States broad power to determine voter qualification. It is highly doubtful that Congress has constitutional authority to pass legislation preempting the states with regard to this issue.

The Ford/Carter Commission agrees with this assessment. The Commission concluded, ''we doubt that Congress has the constitutional power to legislate a federal prescription'' on States prohibiting felons from voting.

In 1974 the Supreme Court held that convicted felons do not have a fundamental right to vote, and that excluding convicted felons from voting does not violate the Constitution. Federal courts have consistently dismissed lawsuits aimed at letting prisoners vote. One court even concluded that the facial validity of felon voting restrictions may be ''absolute.''

Only two States do not impose restrictions on the voting rights of felons. In fourteen States, felons convicted of a crime may lose the right to vote for life. Congress should not interpose itself between the States and their people. As the Ford/Carter Commission said in their report:

[W]e believe the question of whether felons should lose their right to vote is one that requires a moral judgement by the citizens of each state.

This proposed amendment frankly, should fail on the merits. When a person is convicted of a felony, that person should lose their right to vote. Convicted felons have been denied various privileges granted to other citizens going all the way back to ancient Rome and Greece.

Voting is a privilege; a privilege properly exercised at the voting booth, not from a prison cell. States have a significant interest in reserving the vote for those who have abided by the social contract that forms the foundation of a representative democracy. We are talking about rapists, murderers, robbers, and even terrorists or spies. Do we want to see convicted terrorists who seek to destroy this country voting in elections? Do we want to see convicted spies who cause great damage to this country voting in elections? Do we want to see ''jailhouse blocs'' banding together to oust sheriffs and government officials who are tough on crime?

Those who break our laws should not have a voice in electing those who make and enforce our laws. Those who break our laws should not dilute the vote of law-abiding citizens. Fundamentally, Mr. President, as a former Governor yourself, this is a decision made in each State by the Governor, as to whether or not to restore the rights of convicted felons. But in any event, it seems to me a Federal prescription in this area, just as the Ford/Carter Commission concluded, is not appropriate. So I hope we will not seek to preempt this area of State law in the course of our action on election reform legislation.

Mr. President, I know also Senator SESSIONS wishes to speak on this issue. I think he will be here shortly. 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. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. REID. Mr. President, the statement of the Senator from Kentucky is very typical of what happens in instances such as this. We have a situation where we have now 36 States that allow felons the right to vote in various but limited ways. I went over some of them. This legislation simply is to correct what I believe are some problems in the law.

In Federal elections, people who have the same qualifications should be able to vote. As I have said, 36 States already allow ex-felons to vote.

It is easy to talk about terrorists and rapists and all that. But the point is that people who are convicted of crimes serve time. Sometimes they serve a lifetime. Those people can't vote. Sometimes people serve 30, 40 years. Sometimes they serve 10 years. Sometimes they are on parole for many years. Sometimes they are convicted and they never go to jail; they are on probation. Whatever the sentence, they should serve it completely. But when they have done so, these people should be able to vote.

It is easy to incite people, saying this is so terrible. Thirty-six States allow ex-felons to vote right now. Is this such a wave-breaking issue?

I think it would be a terrible shame if we sent a message to millions of people in America today—people such as Mr. Miner, who in the 1960s did something wrong, but has since been a good citizen. We have a lot of people who would be better citizens if they could vote.

Categories of felons disenfranchised under State law—some States even allow people in prison who are felons the right to vote. That is the way it is today. Some States allow people to vote when they are on probation. Some States allow people to vote when they are on parole.

I am not doing that. I am saying a person who has completed his sentence and has completed his probation and parole should be able to vote. So I think it is really out of line for my friend from Kentucky to raise all these irrelevant issues, suggesting this is some big new deal that is going to cause problems. My amendment will allow millions of people to vote who deserve to vote.

It goes without saying that one reason this legislation has not been embraced much earlier is that some people are afraid—afraid of unfair and irrational statements made such as those by the Senator from Kentucky. But the fact is all these bad people who are sentenced and jailed shouldn't be able to vote. I said that. But let us not confuse the issue. Once somebody is out of prison and they have completely finished their parole and probation, let them vote. It's the right thing to do.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, I would like to share some thoughts on an issue of some importance, both as it relates to the traditional role between the States and the Federal Government and with regard to the constitutional role between the Federal and State governments, and then some personal insight into the idea that people who have been convicted of felonies in this country should be mandated the right to vote by the Federal Government in States that may not agree with that idea.

Frankly, people who violate felony laws—this does not include juvenile crimes, it does not include traffic offenses, it doesn't include DUIs, and it doesn't include petty theft and small drug offenses. It deals with people who have felony convictions, many of whom have served time in jail. Historically, we have referred to those people as being outside the law or, in short, outlaws. All the way through the beginning of the United States of America, we have believed that a person who violates serious laws of a State or the Federal Government forfeits their right to participate in those activities of that government, that their judgement and character is such that they ought not to be making decisions on the most important issues facing our country. Virtually every State in this country takes that position to one degree or another.

As a prosecutor for 15 years, I wonder about how those people I helped put in the slammer feel about me. I do not care about them voting on my election. Would it intimidate or discourage or diminish the ability of judges who run for election? Or would a prosecutor who runs for election in some way not be as aggressive? Would it be a concern to them? Would it allow votes to occur against a strong law-and-order candidate that might not otherwise occur? I do not know.

But, for a lot of reasons, our States have decided they do not want to give felons, people who have committed serious offenses in this Nation, the right to vote. That is a common practice in virtually every State in America where they have some restrictions on it.

Sometimes what we do in this Chamber is argue about what we have the power to do. But the other question is, What ought we to do? I think this Congress, with this little debate we are having on this bill, ought not to step in and, with a big sledge hammer, smash something we have had from the beginning of this country's foundation—a set of election laws in every State in America—and change those laws. To just up and do that is disrespectful to them.

At this very moment, in States throughout America, legislatures are discussing under what circumstances felons should or should not be allowed to vote. Some are allowing them to vote in any number of different ways, under certain circumstances, based on what crimes they may have committed, how long they served in jail, how long they have been out of jail, whether or not they seek a pardon and get it, whether or not they have been rearrested. Whatever they decide to do, it is going on in those legislatures.

We have not had hearings, to my knowledge, on this subject.

I am on the Judiciary Committee, which normally deals with those issues. We have not had hearings. We have not had anything but an amendment appear in this Chamber on this subject. It would be unwise for us to presume, after such a short debate, that we ought to just override the laws in every State in America. We should not do that out of respect for them.

Most Americans are familiar with President Ford's and President Carter's work together on any number of issues—a Republican President and a Democratic President. They have had some discussion about these issues. They had a commission that dealt with voting issues. They concluded—I will quote from their report—''we doubt that Congress has the Constitutional power to legislate a federal prescription'' on States prohibiting felons from voting.

In other words, they doubt that this Congress has the constitutional power—not a question of deference or propriety—to do this.

That was a bipartisan commission with two of our elder statesmen for whom people in this country have great respect.

The Supreme Court, in 1974, specifically held that felons do not have a fundamental right to vote and that excluding felons from voting does not violate the U.S. Constitution. That is clear law from the Supreme Court of the United States in 1974, and it has not been altered since.

Another Federal court has even concluded that the facial validity of felon voting restrictions may be ''absolute.''

So there may be one or two States that impose no restrictions on voting, but the overwhelming majority do. And they have given thought to it. Each State has different standards based on their moral evaluation, their legal evaluation, their public interest in what they think is important in their States. That is what I believe we should do. We should follow that.

When we allow a brief moment of debate to alter State historic principles on issues of complexity such as this, we are really stepping beyond our bounds.

I want to stay on the point a little bit about the propriety, about the deference, about the respect this Congress

should give to States. Yes, there are certain steps we take when we believe it is in the overwhelming national interest—particularly when there is a need to have uniformity in rules and regulations—to pass some regulation for health or safety, such as for railroad width or whatever we decide to do. Those things are justified.

But it ought not to come up with some last-minute vote without in-depth hearings, without hearing from secretaries of States around the country, without hearing from State legislators who may have voted on it last month or may have voted on it last year and discussed these very issues and debated them within their States. And we come in now, and we are going to tell them: We do not care what you think. We do not care about your debates. We have not had debate here, but we are going to change our mind. We are going to change the law of America. And anybody who committed acts of murder, burglaries—whatever they did—serious drug offenses, drug dealing, they can all vote now in America.

I am not for that. Somebody else may be. That is a good matter to debate. The question is, Where should it be debated? I say it should be debated where it has always been debated: In the States of America. They have set the voting qualifications for our voters, except for certain major requirements that the Constitution places on them and Federal law requires. But this should not be an expansion now into this category of voting. I strongly oppose it. I think it is a big-time mistake. It is a rush job. It is disrespectful to the hundreds, thousands of State legislators who deal with these issues regularly.

We have not had any serious suggestion, to my knowledge, that the voting process is being gummed up over this rule. It seems to be working well. Each State has its own system for identifying felons and informing them that they are not qualified to vote. To change that now on this bill would be a terrible step. It is something we would regret. If you believe President Ford and President Carter in the commission they established, it would be reversed by the Supreme Court of the United States as being unconstitutional.

When we pass legislation in this Chamber, we have sworn to uphold the Constitution. If we have evidence that it is unconstitutional, we ought not to pass it on that basis, also. So as a matter of policy, respect, and constitutional law, it ought not to be voted for.

Frankly, I do not think the American debate and American policy is going to be better informed if we have a bunch of felons in this process as opposed to them not being in this process. That is my 2 cents' worth.

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

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

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of legislation which has been offered by the Senator from Nevada, Mr. REID, and myself. Carefully and narrowly crafted, it would authorize ex-felons who have served any prison sentence—for misdemeanors as well—who have fully served their prison sentence, and any parole or probation, to have the right to vote in Federal elections.

The statistics are that there are only 15 States, and the District of Columbia, that have a prohibition limiting all felons from voting. The balance of the 50 States have various provisions that allow ex-convicts to vote in a variety of circumstances. Four States—Utah, Vermont, Massachusetts, and Maine—even allow felons to vote while they are in prison; 14 States, and the District of Columbia, only prohibit felons from voting when in prison; 32 States prohibit felons from voting while on probation and/or on parole.

This amendment would authorize ex-convicts who have fully paid their debt to society to vote in Federal elections, leaving the matter for State elections to be determined by the State.

It is my view that this provision would aid ex-convicts in being reintegrated into society and would be a fair provision on the basic proposition that these people have fully paid their debt to society. I say this with some experience in the field, having been in the prosecution line for some 12 years—8 years as district attorney of Philadelphia, and 4 years before that as an assistant district attorney. In those positions—especially in my early days as an assistant district attorney—having had the opportunity to interview many individuals incarcerated in jail, the first job I received as chief of the appeals, pardons, and parole section of the Philadelphia district attorney's office was interviewing inmates who were under the death penalty, where an application had been made for commutation.

Candidly, it was quite an experience to go to death row and talk to men and women who were under the death penalty—to talk about the offenses for which they had been convicted, talk about what they had done in prison, what they had done by way of trying to rehabilitate themselves, their reasons for believing they were worthy of having the judgment of sentence of death changed.

In the prosecutor's office, it seemed to me that our criminal justice system was not directed in the most efficient way at protecting the public, and that would be to provide for life sentences for career criminals. If you found somebody who was a career criminal—by that, I mean someone convicted of three or more serious offenses—then they get a life sentence. If, on the other hand, you deal with everybody else who is going to be released from jail—and that would be especially juveniles, but anybody else who is released from jail and comes back into society—there, with the rates of recidivism, repeat offenders, society is at risk.

It seemed to me—and I worked on this while being district attorney of Philadelphia, and since in the Senate—we needed to provide what I call realistic rehabilitation. By that, I mean literacy training and job training. If we had this division between career criminals, who commit about 70 percent of the crimes, and the other individuals who are going to be released into society, and made a real effort at rehabilitation with job training and literacy training so they can reenter the community, my professional judgment is that we could reduce violent crime in America by some 50 percent.

I think giving an ex-convict who has paid his or her debt to society the right to vote would be of significant and material assistance to reintegrating that person into society. When somebody comes out of jail, it is obviously a tough line to make it on the outside, and there is a matter of self-worth. There is a matter of where the person stands in society, if society says to that individual, You have paid your debt; we want you to come back and be a law-abiding citizen, and one facet of recognition of your having paid your debt to society is that you are restored in your citizenship the right to vote.

Some have said: What if you are dealing with a rapist? Or what if you are dealing with a terrorist? Or what if you are dealing with a murderer? What if you are dealing with somebody who has had a bad record of violence?

The criminal justice system has evaluated that person. That person has gone through a trial, and that person has been adjudicated guilty. That is the verdict. Then there has been a sentence. Sometimes the sentence is the death penalty. We are seeing more and more people who have been sentenced to death or for long periods of imprisonment being exonerated through DNA tests.

Whatever the procedure is, however the person has been adjudicated by the criminal justice system, once that person has served the sentence and is out of jail, once that person has served probation or parole, as far as the criminal justice system is concerned, that individual has paid his or her debt to society.

Having paid the debt to society, which is the common parlance term, that individual owes nothing more to society. That person, I believe, ought to have the right to vote.

The amendment has been crafted so that it covers only Federal elections, and I think that is a sensible distinction because the Congress of the United States controls voting procedures in Federal elections.

The election reform bill we have before us today is a very significant bill. It will address the concerns we had after the elections in the year 2000 when we had the question of the chads and what were people's intent to vote, and try to produce an electoral system which is calibrated and calculated to reflect the intent of the voters when they do vote.

The bill also seeks to deal with widespread problems of fraud where some people vote in more than one polling place; some people are not entitled to vote. When I was district attorney of Philadelphia, that was a particular problem I had. Philadelphia is a rough, tough city, probably challenged only by Chicago, IL—that might attract the attention of the Presiding Officer. Chicago and Philadelphia have had, I think, unique problems with voter fraud. As DA, I worked on that a great deal, and I am glad to see this bill seeks to address that problem.

The amendment I am addressing has a specific focus on people who have paid their debt to society. It makes sense. I think they are entitled to vote, to have their civil rights restored, and it could be very significant in reintegrating that person into society, saying to that person: You have paid your debt; we recognize you as a law-abiding citizen; you have a duty to remain a law-abiding citizen; we will try to assist on the rehabilitation, try to avoid your repeating a crime, a recidivist, and this is reintegration into society.

I am pleased to join the distinguished Senator from Nevada as being a cosponsor of this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I can from this place in the Chamber, I extend my appreciation to my friend from Pennsylvania and also recognize the fact that a good part of his professional life was spent putting people in jail. He was a very successful prosecutor who sent scores of people to prison for long periods of time.

Mr. SPECTER. If I may interrupt my distinguished colleague, scores is a vast understatement. We had 500 homicides a year in Philadelphia. We had some 30,000 cases a year. When I left the DA's position in January of 1974, I had 165 assistant DAs. We put people in jail in enormous numbers—robbers, rapists, murderers. I tried a good many of those cases myself, 4 years as an assistant DA. I was in the trial courts and appellate courts while DA. I prosecuted murder cases and rape cases.

The problem of violence in America today is overwhelming. In a city like Philadelphia, it is an overwhelming problem. It is also an overwhelming problem in a city like Chicago. I know Las Vegas is a more law-abiding town, and Reno, NV.

We have to tackle head on this problem of violent crime. I would like to see us address more of our attention between dividing career criminals, who commit 70 percent of the crimes, and throw away the book—they ought to be in jail for life; I wrote the armed career criminal bill which passed the Senate providing for life sentences for career criminals caught in possession of a firearm—and the balance of realistic rehabilitation, job training, literacy training, and recognizing them as citizens.

I thank my colleague from Nevada for being the originator of this idea of giving them the right to vote, to help them be reintegrated.

Mr. REID. Mr. President, I say to my friend from Pennsylvania, the reason I mentioned this, historically he is one of the prosecutors we know about in this country. I say that because the two sponsors of this legislation are not people who are soft on crime. I, personally, as I stated earlier today, when I was in the State legislature, introduced legislation to make life without the possibility of parole mean what it says; that if you are sentenced to life without the possibility of parole, that is what it should be.

I want the record to be spread with the fact that REID and SPECTER are for tough sentencing. We will do everything we can to put people in prison and jail who deserve to be in prison and jail. They should complete their sentences, but after that has been done and they have paid their debt to society, shouldn't they have the right to vote? That is what it is all about.

Mr. SPECTER. I thank my distinguished colleague from Nevada for those kind remarks. It surprised me. When I complimented him earlier, I did not know he was in the Chamber. I would have been just as effusive in my compliments, but to have him on the Republican side and to find him on the back bench is a surprise.

I will be glad to work with Senator REID on this amendment. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Virginia.

AMENDMENT NO. 2858

Mr. ALLEN. Mr. President, we are now debating the issue of voting rights. Let's put it in perspective. Yesterday evening, an amendment offered by Senator ALLARD of Colorado, which I cosponsored, was adopted. It is a very good amendment. It improves and clarifies the laws surrounding voting by those who serve in the military.

Senator ALLARD's amendment is certainly needed. We saw in the 2000 election that some voters in our armed services were not able to participate or have their votes counted; in effect, not being able to vote for their prospective Commander in Chief.

The issues we are discussing today are very important, but one of the more important improvements was addressing the needs of our military voters. These are people who honorably serve our country, and we want to make sure the votes they cast for their elected officials are counted. Indeed, their service to protect our freedoms should not diminish their rights to participate in representative democracy.

Senator ALLARD's amendment is an effort to make sure those votes are cast. Some of the postmark problems make no sense when people are overseas and on ships. It also makes sure State and local jurisdictions are better informed of performing their important duties in administering elections fairly.

All of this recognizes the important role of the localities and the States in making sure the elections are administered fairly and, indeed, making sure those who serve overseas can exercise their constitutional right to vote in Federal elections.

Who does the Allard amendment apply to? It applies to over 2.7 million members of the military and their families who are stationed away from their home today in service to the people and the principles of our Republic.

Many of these men and women are residents of the Commonwealth of Virginia, the birthplace of American liberty and indeed home of the first legislative body in the western hemisphere which was formed in 1619, long before this body was formed.

I was proud to lend my name and my voice to Senator ALLARD's amendment because it ensures that those who serve our country honorably and with distinction have their voices heard, not just in Virginia but in every State of the Union.

We go from protecting those who honorably serve to a debate on this pending amendment, which advocates undesirable Federal meddling into the so-called voting rights of convicted felons. Indeed, throughout the Senate, our colleagues care about people across the spectrum of responsibility, from those citizens who are more responsible to even those who are less responsible.

I refer my colleagues to an article recently published in the Fredericksburg Free Lance-Star on February 5 of this year which deals with the issue of voting rights for felons in Virginia and has been mentioned by both its proponents and its opponents. The various States have differing approaches to the restoration of voting rights or any rights to those who have been convicted of felonies.

Now I will say that in Virginia—before I get to this article—having been Governor of Virginia, I took the responsibility very seriously when reviewing the petitions of those who had been convicted of felonies. It struck me in a very interesting way. In the midst of a campaign, I was down in Buchanan County, which is far southwestern Virginia. It is on the Kentucky/West Virginia border. It is a coal county. I was campaigning early in my campaign for Governor at this country store called Pentley's, which, sadly, has since closed down. At any rate, I went in there shaking hands, handing out cards. It was such a memorable event in that Mrs. Pentley, the lady who ran the store, thought it was wonderful

that a candidate for statewide office actually came to her store, in Buchanan County. She said: You are the most famous person who has come here since the guy who invented 10,000 flushes came here, because he was on TV and we did not have enough money at the time to be on TV.

As I left that store all charged up because she put my little card up, there was a fellow leaning up against the drink machine where the ice is kept, and he said: I like you. You are a good guy.

I said: Well, thank you. I hope you will vote for me.

He said: Well, I cannot.

I said: Well, why not? Are you not registered?

No, I am not registered.

I said: Why not?

He said: I cannot get registered.

I said: Of course you can. What is your excuse? What are you, a convicted felon?

He said: Yes.

I said: Okay. Well, talk to your friends and neighbors and folks you might influence.

With this, I left and I told this story all around Virginia.

Fortunately, I was elected by the good people of Virginia to serve as Governor, and I thought it was always important to take the Governor's office to the people, so I said: Let's go back to Pentley's Store and thank Mrs. Pentley for all her inspiration. Mrs. Pentley does not know how much I would talk about her.

We were in an RV. As we got out of the RV—this was 2 or 3 years later—there was this same fellow who looked as if he had grown some teeth and had a nicer shirt, one that did not have a hole in it. He said: Do you remember me?

I said: I sure do. I do remember you. You are looking good today.

He said: I voted for you.

When you win an election, everyone says they voted for you.

I said: I do remember you. You told me you were a convicted felon. I know you could not have voted for me.

He said: But I did.

I said: What happened? Did Governor Wilder restore your voting rights?

He said: Yes, he did, and I voted for you.

That is a personal story about treating everyone with dignity and respect. Who would have known that Governor Wilder, who is not in the same party I am, would have restored this gentleman's right to vote before the election and he voted for me?

In Virginia, I would look at these situations very seriously, not just because of this gentleman in Buchanan County but because those who petitioned me would talk about their sacred right to vote.

Let's look at how Virginia is compared to other States. Virginia is 1 of 10 States that permanently prevent—and this is according to the Fredericksburg Free Lance-Star in Fredericksburg—ex-felons from voting. Alabama, Delaware, Florida, Iowa, Kentucky, Mississippi, Nevada, New Mexico, and Wyoming are others. Maryland cuts it off for second-time felons. That does not mean their rights can never be restored. Their rights can be restored.

In Virginia, this is not an issue of first impression. It is being debated now as it has been for many years. In fact, in 1982, in Virginia, there was a referendum asking voters to let the State legislature, rather than the Governor, restore the voting rights of felons. The people of Virginia voted on whether or not to ease this process, which I will say is fairly cumbersome and it failed by nearly 300,000 votes.

This amendment, if it were to become law, would abrogate the express will of the people of Virginia and also the will of many other States, whether it is by a referendum or by their elected State legislatures.

In the Commonwealth of Virginia, the legislature recommended streamlining the petition process for nonviolent felons who did their time, finished probation, and waited another 5 years. It would have allowed the local circuit court to restore those rights, taking that burden off the Governor.

Of course, many ex-felons did get their rights back. There is the record of my successor, he restored the rights of 210 people during his 4-year term. That is less than half of what was restored during the previous three administrations. While I was Governor, I restored 459 ex-felons' rights to vote.

The understanding of who is best in a position to administer these laws and determine when ex-felons ought to have their rights restored, clearly lies with the States. This amendment, if passed, would preempt the States with regard to this important function.

The Ford-Carter Commission agrees with this assessment. The Commission concluded: We doubt Congress has the constitutional power to legislate a Federal prescription on States prohibiting felons from voting.

Virginia allows ex-felons to petition for restoration of voting rights 5 years after they have completed all of their probation or all of their parole. If they have been convicted of a drug offense, it is 7 years, because there are people who not only commit crimes, but they repeat crimes. Also, if the offense is related to drugs, you want to make sure they are completely off their addiction to drugs.

The things most Governors would look at, regardless of party, is what kind of life has the ex-felon led since serving their time? I would consider whether or not they were involved in wholesome community-based activities, or just leading the life of a law-abiding citizen and not committing any crimes.

Governors will want to see what kind of a positive life the person has led since leaving prison. The petitioner would oftentimes write to me explaining why they wanted their rights restored. As Governor I considered that in my assessment of each individual case as well.

Another thing missing from this amendment is the issue of restitution and court costs. I always looked at restitution and court costs in my assessment.

In Virginia, I cared a great deal about restitution and court costs. With regard to some of these folks, you would say, well, these are not important crimes. But embezzlement, to the extent there can be restitution, that is usually ordered by a judge in sentencing. You would want to see if restitution has been made. You would want to see if they have paid back their court costs. If it were a robbery or a burglary, you would want to see if restitution has been made. There are certain situations where, as a condition of probation or suspension of a sentence, they want medical costs associated with the rape or malicious wounding to be paid.

None of that is in this amendment. It is only probation and the parole. But restitution and the payment of court costs ought to be considered. At least I considered it as Governor.

The reason why people want rights restored is interesting. Generally, there are three categories. One is they want to feel like a full-fledged citizen again. They have led a good life. They want to be part of the community. Some of it was job-related. They have not had their rights restored. They wanted their kids to feel better about themselves.

A second reason they want to vote is to participate in elections. The third reason, as often as the rest, is to go hunting. When you lose your rights, you lose your right to carry a firearm. I suppose you could throw rocks at deer, but usually people want a shotgun or a rifle to go deer or duck hunting.

Now the Federal Government in this amendment is saying that the States will have to restore rights, notwithstanding the will of the people, notwithstanding the prerogatives of their duly elected representatives in the legislature. For Federal elections only, you will have to allow them to vote.

In the Commonwealth of Virginia, the Commonwealth of Kentucky, and maybe a few other States, our State elections are different than Federal elections. You will need two sets of registration for the State elections and local elections. To keep the laws in place in Virginia or any other State, there are dual roles for registered voters that would be a cost to the States and localities.

In Virginia, where Federal elections do not run at the same time as State elections, this is probably not too big of an issue. But imagine in the States where Federal elections and State elections are conducted at the same time. That is undoubtedly true in over 40 States. There will be two sets of ballots for people to use when they vote. If

they want to keep their rights and prerogatives and reflect the desires of the people of their State, two ballots will be needed. When you have Federal and State elections, there are names of Presidential candidates, candidates for Congress, maybe the Senate, along with State legislators, Governor, Lieutenant Governor, whoever else is being elected. We will need a separate ballot for those who have the right to vote in State and Federal, and a separate ballot for those only in Federal elections. In effect, what we would need at the polling place is a separate voting booth.

I guess we would have an ex-felon voting booth where they would only vote in Federal elections, while the vast majority of the other voters would vote in the others.

This causes a great deal of unnecessary cost and imposes many impractical problems on the State. The goal of the bill is to help voting fairness in the States, respecting the rights of States, not putting on unfounded mandates as has been done previously. This amendment will cause consternation and confusion.

Most importantly, understanding the basic jurisdiction, I object to this amendment in that it usurps the rights of the States. It usurps and preempts and dictates contrary to the will of the people not only of the Commonwealth of Virginia but it exceeds the scope and breadth of what the Federal Government should be involved in.

I hope my colleagues will allow this issue to be properly debated in the way the framers of our Constitution thought it should be debated and decided. That is, in the State legislatures, as opposed to meddling from the Federal Government.

We care about the voting of military personnel overseas. I don't see where we have any business meddling in trying to get ex-felons the right to vote.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I missed part of the Senator's remarks. I ask the Senator from Virginia, I believe he raised the issue, how this would work in a year in which there were both Federal candidates on the ballot and State candidates on the ballot. Did the Senator from Virginia discuss that issue?

I am having a hard time figuring out how it could possibly work. Does the Senator from Virginia have any thought about that?

Mr. ALLEN. I say to the Senator from Kentucky, my good friend from the Commonwealth of Kentucky, born in Virginia, formerly a part of the Commonwealth of Virginia and voluntarily seceded, as well as the President's State of Indiana, regardless, the States, for a variety of reasons, have State elections different from Federal elections. So not to have undue Federal influence or national issues affecting issues that matter most to people in those communities and localities, you would still have a problem. Over 40 States run Federal elections at the same time as they run State and local or perhaps even municipal elections.

In the event that the people in the States who are perfectly capable of debating and deciding this issue as they see fit for people who have raped, murdered, robbed, or maliciously wounded individuals in their States and been convicted in their State courts. In the event they want to keep their law in effect, what will have to happen is you will have to have a role of registered voters for Federal elections only and a role of voters who are registered for all elections.

Then when you go into that election, assuming the States—once you actually conduct the election on election day—want to keep their rules where restitution is important, in a period of years to show they are leading a good life. Whatever the reasons, they want to do what they think is right, as opposed to what people in Washington think is right for them. Assuming they want to do it, you have to have a separate voting booth. The ballots in those States, where you have Federal and State elections the same year, all the names on there—Members of Congress, a President in Presidential year, as well as, the Governor, State representatives, and so forth—so you will need a separate voting booth.

Mr. MCCONNELL. So it will be a voting booth for felons?

Mr. ALLEN. Ex-felons. I don't think the proponents want to go so far as felons but ex-felons, which would be, I think, a nightmare and insulting, as well.

Mr. MCCONNELL. Whereas under the current system, is it not true, I ask the Senator and former Governor, there is a procedure for getting the rights restored, which many people who have served their time go through, and is it not typically the case that Governors review those and restore rights from time to time based upon the record?

Mr. ALLEN. I say to my friend, the Senator from Kentucky, and I expect the President may have done this, as well when he served as Governor of Indiana, as Governor, at least in our State, you get many petitions. Some are to restore rights, and also some to say that they never committed a crime and they want an absolute pardon.

Every Governor has a conscience to do his or her duty properly. Those governors have the record of the individual telling what he or she has done since the time of serving.

Mr. MCCONNELL. It is true in every State there is an opportunity for someone who has served their time to get those rights restored?

Mr. ALLEN. Correct.

Mr. MCCONNELL. Through a petition.

Mr. ALLEN. In some States, it is not by the Governor. In Virginia, they amended the laws, and nonviolent felons can go to the circuit court for petitioning to have their rights restored.

Mr. MCCONNELL. There is a procedure, so it is not hopeless.

Mr. ALLEN. Absolutely, there is a procedure.

Mr. MCCONNELL. It is not a hopeless situation.

Mr. ALLEN. It is not a hopeless situation. Sometimes it can be cumbersome, and it is time consuming for the Governor as well as those in the Secretary of the Commonwealth's office, the attorney general's office, the Governor's staff and others to assemble this information, and also for the petitioner, as well.

That is part of the price one pays when they commit a felony and they are convicted beyond a reasonable doubt by a judge and a jury of that crime. This is one of the many rights one gives up. I heard this being compared to slavery. It is not like slavery. Slavery is wrong and the worst thing that has ever occurred in this country. It is a willful act. Many of the felony cases were vile, premeditated, deliberate acts to commit a felony—not a misdemeanor, a felony—and this is one of the prices and penalties that one pays. A person loses their liberty, obviously, while incarcerated. To get all of their liberties and rights back, they have to demonstrate good behavior. In each State, that demonstration may be slightly different.

But these are State laws being violated. It is a proper role of the people in the States to determine when these rights should be restored, as well as, under what conditions and circumstances the rights are restored.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from Virginia, as a former Governor, for adding his unique perspective on that. I say unique; there are other Governors who have had similar experiences, but I think that does help us understand what I hope will be the conclusion on this amendment. I know it is well intentioned, but it seems to me it should be defeated. I thank the Senator from Virginia for his support and contribution to this debate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I think we are about to vote on this amendment. I believe the Senator from Nevada is going to ask for a recorded vote.

I happen to agree with the thrust of the amendment of my dear friend, offered with the Senator from Pennsylvania, Mr. SPECTER. When people have paid their dues to society, they have completed their probation and whatever else is required of them, the restoration of their rights is something we ought to embrace and encourage. I think it may contribute, in fact, to the rehabilitation of people who may otherwise become recidivists and rejoin the criminal element.

The fact that 36 States have already, to one degree or another, embraced that concept, some more so than others, is an indication of the direction in which the country is clearly heading

when it comes to how we treat former felons, even those who commit crimes that are highly objectionable, to put it mildly, to any average citizen of the country.

I have made an appeal to my good friend from Nevada. We have worked very hard on this bill. One of the features of this bill that I like, offered by my friend and colleague from Kentucky, is the establishment of a permanent commission on elections. We do not attempt to resolve every issue in the election lexicon in this bill. I know there are, among my colleagues, some who feel strongly about having a holiday for election day. Others would like to see election day occur on a weekend. There are good arguments. Some would like to just keep it as it is. We do not attempt, in this bill, to deal with that.

It seems to me we have taken on a lot with this bill. To try to move the process forward I am, therefore, going to urge colleagues, under this circumstance, to put this issue aside for another day.

I urge that the commission itself take a look at the very provisions the Senator from Nevada and the Senator from Pennsylvania have raised; that is, how we might do a better job of restoring the rights of people who have paid their dues to society.

I will be very blunt with my colleagues. My fear is that the adoption of this amendment would provide those who do not like what we have done on all the other parts of the bill a justification for undermining the significant improvements in the election laws of our country. Again, 36 States are moving in that direction; 14 are not doing anything. Some States still make it rather difficult. But it seems to me the trend lines are pretty good for moving in that direction.

My fear is, as I say, from a purely rhetorical standpoint, that I can hear the arguments of people who do not like the minimum standards on provisional voting, statewide voter registration, dealing with access for the disabled community, the right to review your ballot when overvotes occur, establishment of the commission, dealing with some of these other broad provisions. These are major accomplishments and ones I know my friend from Nevada thoroughly endorses.

So I am in a very awkward position because I am attracted to the thrust of what he wants to do, with Senator SPECTER. But my fear is, if this were to be adopted on this bill it would make it very difficult for my friend from Kentucky and I and others to convince people who might otherwise vote for the bill to do so.

With that expression of my thoughts, I will oppose the Reid amendment—not because I disagree with what he is trying to do, but I think this is not the right place for us to be dealing with that idea.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. FEINGOLD. Mr. President, I rise today to support the felony voter reenfranchisement amendment offered by my distinguished colleague from Nevada, Senator REID.

The American people have long recognized voting and participating in elections as one of our greatest rights and responsibilities as citizens. Over the course of our Nation's history many Americans have struggled for this right. African Americans, women, the uneducated, and the poor have all, at some time or another, been excluded from the voting population. Our Nation looks back at these dark times in our history with great embarrassment. All of these groups are now included in our country's great democratic process. But we continue to exclude one other group of American citizens—rehabilitated felons.

In 13 States, a felony conviction can result in disenfranchisement for life. Other States have procedures by which a rehabilitated felon can regain his right to vote. Those procedures, however, often have many hurdles. Several States require a pardon before a person who has served his or her sentence is able to regain the right to vote. Many former felons do not have the financial, legal, or educational abilities to pursue the restoration of their rights.

It is time to eliminate this disparity and to ensure equality in felony voter laws. It is time to create a level playing field so that people who serve their time for felony convictions can regain their right to vote in Federal elections. Senator REID's amendment would reestablish this fundamental right for persons who have fully served their time in prison, and who have completed their probation or parole. Senator REID's amendment would appropriately restore this basic right of citizenship to those who have paid their debt to society.

According to the Americans for Democratic Action Education Fund, an estimated 4.2 million Americans, or 1 in 50 adults, have currently or permanently lost their voting rights as a result of a felony conviction. A majority of these Americans are no longer incarcerated. One million four hundred thousand Americans are ex-offenders who have fully completed their sentences. Another 1.5 million of the disenfranchised are on parole or probation. Only 1.2 million of the disenfranchised are actually still serving their sentences. With the increasing number of persons who are entering our criminal justice system, the number of disenfranchised voters is growing as well.

There are many reasons why this amendment makes sense. Over 95 percent of prisoners will return to our communities after serving their sentences. We return rehabilitated felons to our communities because Americans expect that they will reintegrate themselves as productive citizens. Yet, without the right to vote, rehabilitated felons are already a step behind in regaining a sense of civic responsibility and commitment to their communities. If we want rehabilitated felons to succeed at becoming better citizens, who both abide by the law and act as responsible individuals, then our country needs to restore this most fundamental right.

State disenfranchisement laws also disproportionately impact ethnic minorities. Approximately 13 percent of the African-American adult male population is disenfranchised. This reflects a rate of disenfranchisement that is seven times the national average. More then one-third, 36 percent, of the total disenfranchised population are African-American males. In 10 States, more than 1 in 5 black men are currently disenfranchised. As a result of the current rates of felony convictions and incarceration, it is estimated that in the next generation of black men, 30 to 40 percent will lose the right to vote for some or all of their adult lives. Thirty to forty percent. That is both an astonishing and deeply troubling figure. Constitutional principles of fundamental fairness and equal protection require us to address this discrepancy.

Denying the right to vote should not be a continued punishment for people who have served their sentences. When people are convicted and sentenced for felony crimes, they are expected to serve their time. The disenfranchisement of felons who have completed their court-imposed sentence serves only as a continuing punitive measure.

Given the importance to our democracy of an actively participating citizenry, it should be of great concern to our country that so many citizens are losing one of their most basic rights as Americans: the right to participate in our political process. Rehabilitated felons, who have served their sentences to completion and have paid their debt to society, should be able to exercise this right. Basic constitutional principles of fundamental fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections. Felony disenfranchisement laws that deny the right to vote to people who have served their sentences run counter to these principles. I urge my colleagues to support Senator REID's amendment.

Mr. REID. Mr. President, there is no one in the Chamber—not only in the Chamber, in the Senate—for whom I have more respect than the Senator from Connecticut, but I must disagree with my friend. We are asking people who deserve the right to vote to wait. They have been waiting for too long.

As Thomas Paine said:

> The right of voting for representatives is a primary right by which all other rights are protected. To take away this right is to reduce this man to slavery for slavery consists of being subject to the will of another, and he who has not a vote in the election of representatives is in this case.

Sure, 36 States have done something. But how many of the people who called me on KCEP radio can go to a circuit judge and get their right to vote? How many can obtain a pardon from the Governor or the President? Very, very

few. Does this mean that everything that is not in this bill is going to kill the bill? I think it is really a shame that someone who has been convicted of a crime, who has served the sentence, whether 1 year or 100 years, after that person gets out he can't vote.

This affects millions of people. Who is affected more than anyone else? Minorities. Unfair practices have been established in many States, most of the time, making it extremely difficult if not impossible for these people to vote. In a Federal election in the greatest country in the world, what are we trying to prove?

I had a letter printed in the RECORD earlier today, and I could enter in the RECORD scores of these letters. This is a communication from a man in Las Vegas who was convicted of a crime in the 1960s. He makes a lot of money now. He wants to be able to vote. He can't vote because he was convicted of a crime when he was a young man.

With all due respect to my friend from Connecticut, he is going to oppose this legislation because it is going to affect this bill? This will improve the bill.

I have been approached by several people today, and in the past—members of my staff, other Senators—saying: Don't have us vote on this. It is a tough vote.

Sure it is a tough vote. We vote easy all the time around here. We have very few tough votes. Let's have a tough vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 2879. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from New Mexico Mr. DOMENICI), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. CAMPBELL), the Senator from Oregon (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Utah (Mr. HATCH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 63, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—31

Akaka	Feingold	Mikulski
Bingaman	Hollings	Miller
Boxer	Inouye	Murray
Cantwell	Jeffords	Reed
Cleland	Kennedy	Reid
Clinton	Kerry	Santorum
Corzine	Kohl	Sarbanes
Daschle	Leahy	Specter
Dayton	Levin	Wellstone
DeWine	Lieberman	
Durbin	Lincoln	

NAYS—63

Allard	Breaux	Carper
Allen	Brownback	Chafee
Baucus	Bunning	Cochran
Bayh	Burns	Collins
Biden	Byrd	Conrad
Bond	Carnahan	Craig
Crapo	Helms	Roberts
Dodd	Hutchinson	Rockefeller
Dorgan	Hutchison	Schumer
Edwards	Inhofe	Sessions
Ensign	Johnson	Shelby
Enzi	Kyl	Smith (NH)
Feinstein	Landrieu	Snowe
Fitzgerald	Lott	Stabenow
Frist	Lugar	Thomas
Graham	McCain	Thompson
Gramm	McConnell	Thurmond
Grassley	Murkowski	Torricelli
Gregg	Nelson (FL)	Voinovich
Hagel	Nelson (NE)	Warner
Harkin	Nickles	Wyden

NOT VOTING — 6

Bennett	Domenici	Smith (OR)
Campbell	Hatch	Stevens

The amendment (No. 2879) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, again, I will request of Members who have amendments to come and talk to staff. I understand the Senator from Arizona has an amendment.

Mr. MCCONNELL. Mr. President, I believe the junior Senator from Arizona is here and he has an amendment.

Mr. DODD. I ask unanimous consent that the next amendment be the one offered by the Senator from Arizona.

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

Mr. DODD. Mr. President, let me urge Members to come over and to please speak with the staffs, Senator MCCONNELL's and mine. Many of the amendments are just technical in nature, and we can move this bill along. Some will require votes. But if we can at least get the numbers down pretty quickly, there is no reason we can't deal with the overwhelming majority of the amendments that look to be fairly straightforward and acceptable. Some are actually duplicates, where they have offered the same idea with slight variations. Perhaps we can combine them and reduce the number.

Hope springs eternal, Mr. President, that we might actually get this bill done. I realize that may get harder as the afternoon wears on. I urge Members, if they have amendments, don't wait until 5 or 6 o'clock to come over. Bring them over and we will try to clear them or work them out and accept them. If we can't, we will try to arrange for a time for you to consider the amendment and vote on it.

My colleague from Arizona is ready.

AMENDMENT NO. 2891

Mr. KYL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2891.

Mr. KYL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To permit the use of social security numbers for the purposes of voter registration and election administration)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

''(I)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if such individual has more than one such number) issued to such individual by the Commissioner of Social Security.

''(ii) For purposes of clause (i), an agency of a State (or political subdivision thereof) charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2002, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause.

''(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of the Equal Protection of Voting Rights Act of 2002 is inconsistent with the policy set forth in clause (i), such provision shall, on and after the date of the enactment of such Act, be null, void, and of no effect.''.

AMENDMENT NO. 2892 TO AMENDMENT NO. 2891

Mr. MCCONNELL. Mr. President, I send a second-degree amendment to the Kyl amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2892 to amendment No. 2891.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To permit the use of social security numbers for the purposes of voter registration and election administration)

At the end of the amendment, add the following:

(b) CONSTRUCTION.—Nothing in this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I am aware of the second-degree amendment. I will speak to it in a moment. I want to describe this amendment. It is very

straightforward. It authorizes—it does not mandate—that Social Security numbers may be used by States to validate voter registration. I believe that there are currently seven States that do this. Because of the way the Privacy Act was enacted several years ago, those States were grandfathered. Other States don't have that ability. This would provide that ability. It can prevent duplication and fraud.

Current law allows State officials access to a person's Social Security number for a variety of identification-related purposes. We are all familiar with that. This would simply add to that list of items verification for voter registration purposes.

The amendment is important to resolving a widespread problem in election administration which is, of course, the problem of verifying the identity of the person registered to vote. While the Social Security number is not an absolute guarantee, it is deemed to be good enough for a variety of other purposes for which we need identification, and it would provide a much more accurate voter identification, which, of course, is key to an honest and fair election.

We all know that the rationale for that most sacred of our democratic rights, the right to vote, is that our vote counts 100 percent, that it is not diluted by virtue of other people's votes that were cast fraudulently, diluting that 100 percent vote that we have. So we want to make sure there is not fraud in the election process—that people who should not be voting, in fact, are not permitted to vote. That is why validating the registration with the Social Security number is important.

This is a unique number that is issued by the U.S. Government, which is precisely why the Federal, State, and local governments use the Social Security number to identify individuals for a variety of programs and services. I will remind my colleagues of what some of these are. While they are all important, I submit that none is more important than our sacred right to vote. If you want to check into a Veterans Administration hospital, you have to show your Social Security number. If you want to receive food stamps, you must show it. In many States, you need to show it to apply for a driver's license and register a motor vehicle. Certainly, you need your Social Security number to register for the draft and to register for Medicaid. You need it to apply for a student loan and to donate blood. You need it to receive unemployment compensation. You need it to apply for a passport or a green card. You need it to purchase certain U.S. savings bonds. You need it to apply for Federal crop insurance. Many States require this to apply for professional licenses. One that I found interesting is, if you are a boxer seeking to register with the State boxing commission, you have to show your Social Security number. These are some of the countless ways in which governments have ensured the identity of people by requiring validation through their Social Security number.

As I said, while the integrity of these processes is very important, I don't think we would argue that any is more important than maintaining the integrity of our sacred right to vote. If the election officials can positively identify the voter with a Social Security number, then two protections are codified: First, the integrity of the election is protected because duplicate registrations can be removed. Secondly, full access to the election by all of those registered is ensured.

I will repeat that because this will be very important to my friends on the other side. Social Security number verification will help prevent the wrong person from being removed from voter lists when those lists are checked against felony citizenship records.

Without the certainty Social Security numbers provide, election officials have no foolproof way to differentiate among voters with same or similar numbers.

As a means of voter identification, this has been approved by Federal courts. Current law provides an element of protection against the public disclosure of those Social Security numbers. The second-degree amendment of the Senator from Kentucky is a further guarantee of that privacy protection. Frankly, I support the Senator's amendment because we don't want there to be any doubt that privacy is protected here, that those numbers cannot be disclosed other than for this purpose. This amendment restates those guarantees. The second-degree amendment will restate it a second time in a more specific way.

Mr. SCHUMER. If the Senator will yield for a question, this is not a mandate. States could use Social Security numbers as a means of identification. Could a State, under the ambit of this amendment, require that it be a Social Security number? In other words, I don't know about the privacy parts of it yet. But the crux of it is I want to make the right to vote as broad as possible, as unencumbered as possible. So adding another way that people could choose to identify themselves is fine but if some State, under the ambit of this law, said you must have a Social Security number, or if you have one, only these three ways of identification are allowed, that might be restrictive.

I guess the question is—I understand it is voluntary within the State; the State doesn't have to use the Social Security number—but what about the other side? Could the State require the Social Security number as a means of identification?

Mr. KYL. Mr. President, the answer to that question is yes. There are seven States that currently do this. This would simply authorize other States to do the same.

Mr. SCHUMER. If I may elaborate so I get this clear, so under this amendment a State could say you must identify yourself by a Social Security number; other means of identification would not work?

Mr. KYL. Mr. President, I say to the Senator from New York, that is correct. This is for voter registration, I want to reiterate that.

Mr. SCHUMER. I understand. I thank the Senator for his direct and candid insight.

Mr. KYL. I point out there are cases—in fact, one case in the Virginia system was invalidated because it did not provide adequate protection in the use of these Social Security numbers. Clearly, our authorization of this does not put a stamp of approval on any particular system. It is going to have to withstand any kind of judicial or legal attack that it is too restrictive, that it does not contain adequate protections, the number itself or any other number of challenges that might be issued.

Mr. SCHUMER. I thank the Senator.

Mr. KYL. Mr. President, let me continue. Incidentally, if there are any concerns along those lines my colleagues would like to address, I am happy to work with them on it.

Mr. MCCONNELL. Mr. President, will the Senator yield?

Mr. KYL. Certainly.

Mr. MCCONNELL. Mr. President, I was listening to what he said. I do not know if the Senator from New York, Mr. SCHUMER, has left the Chamber or not. I think the Senator said also it prevents people from being wrongfully removed from a list. I hope the Senator from New York, who obviously is concerned about the broader franchise, listened carefully to what the Senator from Arizona had to say: that it would also prevent wrongful removal. Did I hear that correctly?

Mr. KYL. Mr. President, to the Senator from Kentucky, that is exactly correct. I tried to repeat myself. I noticed there was conversation going on, so I am not sure my colleagues did pick up on that. Obviously, that can be used for any of the legitimate purposes for registration, including preventing wrongful removal. It is a good voter protection. I am not sure we need to talk a lot more about it. I am happy to do that if my colleagues would like.

To reiterate, it is voluntary, not mandatory. It allows for use of Social Security numbers as one additional element of which the States could take advantage. It does have a privacy protection, but with the second-degree amendment of the Senator from Kentucky, it provides an additional element of privacy protection.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Connecticut.

Mr. DODD. Mr. President, we will take a further look at the amendment and discuss this with the Senator from Arizona.

Let me raise the concern my colleague from New York has already expressed. Senator BOND said it; he really gets credit for coining this phrase. Others of us have repeated this over the

last number of months. And that is, what we are trying to achieve with this bill is to make it as easy as possible for people to cast a ballot in America, to exercise their most fundamental right, and simultaneously make it hard to cheat the system.

My concern with the amendment of the Senator from Arizona is that it could set up a situation where, while it is protecting a voter, to some degree, from being unceremoniously denied the right to vote, it could make it much harder for that individual to actually register to vote because a State may decide that this is the only way you can register to vote.

There are literally millions of people in this country who do not have a Social Security card. If that were the case, they could be denied in that State the opportunity to register. I do not think any of us want to do that.

I understand if they make this one of the criteria, but we could have other criteria. That would be one set of circumstances. But as the Senator from Arizona very candidly—and I appreciate it—said in response to the Senator from New York when asked the question, Could a State then mandate this is the only criterion? we would then create a hurdle while we are trying to diminish the hurdles as much as possible.

Mr. KYL. Mr. President, if the Senator understood me to say a State could mandate this as the only method of identification, that is not correct. If I said that, I certainly did not mean to say it. It is not correct.

Let me again read the language because it is very important. If you do not have a Social Security number, they cannot force you to present a Social Security number as the means of identification. The language of the amendment that ''the Social Security account number issued to such individual by the Commissioner of Social Security. . . .''

If you do not have a Social Security number issued, there is nothing in the amendment that authorizes the State to require you to have one, and there is nothing in the amendment that authorizes the State to mandate as the only method of identification the presentation of a Social Security number.

If I may reiterate what I thought the Senator from New York was asking—perhaps I misunderstood—it was, Can a State mandate that an individual must present a Social Security number for his registration validation? And the answer to that is, a State could pass a law that used the Social Security requirement for voter registration. But would that mean they could require somebody who does not have a Social Security card to present one? Not under the wording in the amendment.

Does it say it is the only way you can validate your identification? Absolutely not; that is not what this says.

Mr. SCHUMER. Will the Senator—I guess the Senator from Connecticut has the floor.

Mr. DODD. I will be happy to yield.

Mr. SCHUMER. May I ask the Senator from Arizona a question. I am personally reading the amendment for the first time. It does not seem to say actually yes or no. I understand what the Senator from Arizona pointed out, but that just talks about presenting the Social Security card if you have it.

If the intent of the Senator from Arizona is not to allow a Social Security number to be considered the only way to identify yourself but, rather, be an additional way then maybe we can make sure the language is clear about that, and that will help the amendment.

If that is acceptable to the Senator from Arizona, I will be happy to work with him, the Senator from Connecticut, and the Senator from Kentucky to try to make that happen.

Mr. KYL. Mr. President, I think the Senator from Connecticut has the floor. I am happy to sit down and work out additional language right now, discuss it further, or go on to other business. I am not sure what the pleasure of the bill managers is. I am willing to dispose of this as quickly as we can.

Mr. DODD. We are not going to be able to have recorded votes until after 2 o'clock because of the conference lunches. I suggest we lay it aside temporarily and see if there are amendments to be offered and try to work out language that may make this an acceptable amendment.

The Senator understands the problem. He identified the problem area for us. My suggestion to the Senator from Kentucky is to try to do that.

Mr. MCCONNELL. Mr. President, I think temporarily laying aside the Kyl amendment is a good idea. I ask unanimous consent that the Kyl amendment be temporarily laid aside.

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

Mr. DODD. Mr. President, I suggest the absence of a quorum. We have to round up another amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I am holding this loose-leaf binder in my hand. These are all amendments that various Members have suggested they would like to offer. Many of them I think we can accept, but I cannot accept them if they do not come over and offer them. So I am making an appeal. We have an hour when we are not going to be able to vote because of the lunches that are occurring, but if there are Members who would like to be heard on this bill, I am urging them to please come over and offer their amendments. We cannot vote on it right away, but they can explain the amendment. They can submit it. We could lay it aside and go through a number of these and then try to work them out, either accept them or set up the time for recorded votes or vote on them, but we cannot get through the bill if we lose an hour or so sitting in a quorum call.

I appeal to my colleagues on both sides of the aisle to come to the Chamber and offer their amendments if they have gone to the extent of drafting an amendment and going to legislative counsel. Many of the amendments are very good ideas and I think would strengthen and make this a better bill, but I need to have them offered.

So as I am sitting in the Chamber, I will wait for Senators to take the time and come over in the next few minutes and we will consider their proposals.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWNBACK. Mr. President, what is the current state of business?

The PRESIDING OFFICER. The pending amendments, McConnell and Kyl, have been laid aside.

Mr. BROWNBACK. I ask unanimous consent to speak for up to 10 minutes on the pending bill.

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

Mr. BROWNBACK. Mr. President, the 2000 Presidential election demonstrated the need to improve the instruments of voting and the means of electing our Federal officeholders. Protecting and enhancing this basic right to vote fairly, clearly, and easily is both critical and necessary.

Early last year, Senator SCHUMER, Senator TORRICELLI, Senator MCCONNELL, and I worked on a compromise bill to observe three key objectives: Respect for the primary role of the States and localities in election administration; second, establishing an independent, bipartisan commission appointed by the President to provide nonpartisan election assistance to the States; third, to enforce strong antifraud provisions.

Supporting this bipartisan effort was a diverse group of organizations, such as Common Cause and League of Women Voters, because the issue is bipartisan. In crafting the compromise bill, we were mindful of the fact that both rural and urban areas have unique difficulties not only with accessibility but funding improvements to their voting systems. Heavily rural States such as mine or that of the Presiding Officer have issues relating to voting procedures that are different than those faced by large urban areas. For this reason, any compromise effort must not impose an unfunded election mandate upon the States or, in the alternative, give State flexibility to determine how it can use the funds.

I am quite pleased that the chairman and the ranking members of the Rules Committee were able to preserve all three of the elements in the substitute to S. 565. I think the Dodd-McConnell Bill is a thoughtful, bipartisan attempt to provide grant moneys to States to implement alternative means and instruments of voting that provide swifter and more accurate results and are less susceptible to partisan interference and difference of opinion.

However, I continue to have concerns regarding the degree to which States are given enough flexibility to implement the changes they believe are best for them. I look forward to working on an agreement that will accommodate reasonable changes in this respect.

As I think a number of people have noted in speaking on this issue, there is a lot of difference between a large urban area and a rural area. In rural areas in my State, some of the voting is done far differently from the urban areas, but they are able to do it quickly and accurately. We need to work to make sure we provide options to localities to be able to implement this in a way that is most useful to them.

Under the legislation, a new election administration commission will be established, composed of four Members recommended by the Senate majority leader, the Senate minority leader, the House Speaker, and the House minority leader. This commission will begin implementation of new voting requirements starting in 2006. These requirements will permit voters to verify their ballot choice and correct errors before ballots are cast, and allow notification to voters if there is more than one choice made on ballots, among others.

In addition, the bill authorizes $3.5 billion for grant and matching programs to allow States and localities to meet the voting requirements under the bill. The grants will be administered by the Attorney General in consultation with the FEC, until the new election commission is operating.

The grants will be used to buy new voting equipment, train poll workers, implement various other recommendations, or make other improvements approved by the commission. In order to receive funding, States and localities will have to demonstrate compliance with the Voting Rights Act and other civil rights laws, institute provisional balloting and other safeguards to assure accuracy during the transition to new systems, establish poll worker training, voter education programs, provide disabled voters with the opportunity to vote under the same conditions of privacy and independence as the nondisabled.

Again, however, I must mention a concern I have for rural States such as mine, Kansas, and the Presiding Officer's, Nebraska, that would be at a disadvantage under a competitive bidding process as is contemplated in the Dodd-McConnell bill. I hope a formula process can be worked out that will make the grant-making process fairer for rural States such as my own.

I am pleased to see one of our key requirements was adopted by the Senate that assures all military and overseas votes are counted. I believe this is important legislation that will instill confidence in our voting system. Not only should we do everything possible to ensure that every qualified American is able to vote, but that we are able to do so with certainty, accuracy, and confidence.

Again, I commend the chairman and the ranking member for their tireless efforts in regard to this bill. I am hopeful we can get through a good, bipartisan piece of legislation that will improve our ability to vote in this country, will shorten the timespan for us to get an accurate vote taken. Clearly, in this age where we have rockets going all sorts of places in outer space, surely we can find a way to count votes quickly and accurately. This bill will help move us forward in that regard.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. HOLLINGS. Mr. President, the distinguished Senator from Nevada, Mr. REID, and myself are cosponsoring an amendment that I think will be agreed to because it is merely a study. Our hope is to try to change the day the elections are, so as to really promote campaign reform

In my experience over the years, the first Tuesday after the first Monday in November is just an arbitrary choice of the middle of the week, whereby we have less than half of our electorate actually participating.

For industrialized countries, you might say we have the least. The only other countries I have been able to find that have a middle-of-the-week election day are the Dominican Republic and Belize. The industrialized countries all have far greater participation by the electorate.

Right to the point, it is really inconvenient to hold an election on a workday. It is not a holiday. People come early in the morning, before going to work, and already there is a long line. So they leave, and the next thing you know they go to work and say they couldn't get off in time at night to go and vote.

The Senator from Nevada and I are convinced we can select a better day. We all thought, of course, of Saturday. But our religious friends who do not participate in civic activities on a Saturday would have some misgiving about that particular selection. Similarly, people would have misgivings with respect to the selection of a Sunday, which is the day used in many industrialized countries.

The bottom line is, I think perhaps Veterans Day, which is already a holiday, could be an alternative. The whole idea is to get a day that is a holiday. No one wants to add another holiday to the calendar year. But if we put it on Veterans Day, veterans couldn't have any better celebration than participating in democracy. They have given their lives to preserve democracy in wars overseas. What better way to celebrate, in addition to Veterans Day parades and other kinds of celebrations, than to also celebrate by going to the polls and voting. Take that particular day—Armistice Day, November 11—and open the polls. Of course, the idea here is to proclaim a day, other than Saturday or Sunday, so as not to get into the same problem.

This year, for example, I think election day is November 5, and then November 11 is Veterans Day, which is the next Monday.

I hope, given a deliberate study and consensus being developed, we can very promptly put in this particular reform. It is not just machines and chads and other things down in Florida that causes election problems. The problem is the working population. In many instances, they do not want to irritate their bosses by taking time off to vote.

The attitude is developed by us in public life that there is something wrong in participating in politics. That has to be changed. One quick way to change it and one quick way to really enhance the participation of our electorate in these elections is to have it a holiday and perhaps select Veterans Day. It could be the study would recommend another approach on Saturday or Sunday or whatever, but the important thing is that we do have a day off so we can participate in the most important function of our entire democracy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its proper filing with our distinguished chairman of the Rules Committee and the principal author of our election reform bill, and I suggest the absence of a quorum.

Mr. DODD. Mr. President, let me inquire—the Kyl amendment has been temporarily laid aside. Is my colleague filing this or is he offering it?

Mr. HOLLINGS. No, filing it for your consideration because I have been working with Senator SPECTER—it is a study, not an actual requirement.

Mr. DODD. Let me say, in the absence of my colleague from Kentucky—he will be back shortly—there are a number of our colleagues who expressed the same interest as the Senator from South Carolina. I think Senator BOXER from California has expressed an interest in the same subject

matter. There may be others who will want to take a look at this. I think the Senator from South Carolina is making a very fine suggestion. This is a legitimate issue.

I heard some of his comments as I was making my way up here. The point he makes is a worthwhile one. There are people who, because of their work obligations, find it difficult. Other countries have tried this. We can learn from others who have been able to increase voter participation by making the time available to them. There are a lot of different ideas.

As he pointed out, there is the holiday idea, using existing holidays, weekends. There are objections people raise to almost any idea you bring up as well. But I think it will be worthwhile. With the establishment of this permanent commission, they can gather information and come back in 6 months or a year and make a recommendation to us and let us deal with this issue. It really ought to be confronted. It is long overdue, and I commend him immensely for raising the idea and turning it over to the commission for their analysis and reporting back to us.

I hope many of our colleagues on the other side would agree with this proposal and we can accept the amendment.

Mr. HOLLINGS. I thank the distinguished Senator.

Mr. DODD. I heard the comments of my friend from Kansas, Senator BROWNBACK, talking about the bill and one of his concerns that has to do with the issue of how the $400 million authorizing grant money would be allocated.

Again, Senator JEFFORDS, I think maybe Senator REID, certainly Senator BROWNBACK, and maybe others, have raised the issue of having some floor so every State would have an opportunity to receive some of the grant money to modernize their election equipment. That is a very fine suggestion. Let me say that those Members who are interested—Senator COLLINS of Maine, I think, as well, is interested in a similar idea—I think we could very quickly put together a proposal that will be accepted by both sides as a way to guarantee that every State would qualify for some of this assistance so it wouldn't all be absorbed by just large States.

There are four amendments that will be very similar. If they come over, we can accommodate them.

I see my friend from Illinois is here, and I know he has a number of ideas he wants to raise on this bill. I yield to him.

AMENDMENT NO. 2895

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. NELSON of Florida, proposes an amendment numbered 2895.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To eliminate the special treatment of punchcard voting systems under the voting systems standards)

Beginning on page 3, line 9, strike through page 5, line 14, and insert the following:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, direct recording electronic voting system, or punchcard voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system or a central count voting system (including mail-in absentee ballots or mail-in ballots) may meet the requirements of subparagraph (A) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

Mr. DURBIN. Mr. President, let me at the outset commend my colleague, Senator DODD. This was an amazingly difficult issue to tackle because when he decided to tackle it, America was in flames over the last Presidential election. There were strong feelings among Democrats and Republicans about the outcome of that election and the decision of the Supreme Court. In America, it seemed for weeks that there were abuses of the election, and we heard charges and countercharges. Frankly, I think the Senator stepped in where angels fear to tread and came up with an excellent piece of legislation which I am more than happy to cosponsor. In fact, I am proud to cosponsor it.

I commend the Senator because I know this piece of legislation doesn't embody everything he wants nor everything the cosponsors want. But it is his best good-faith effort to put forward a bill which will significantly change and significantly improve elections across America. For that, I not only commend him but I think he has done a great public service to this Nation. The fact that several Republican Senators have stood up in support of this effort—I hope there will be many who will vote for it—is evidence that we can solve problems in America. And certainly the Senate should be in the forefront of solving the problem and basically making certain that the right of Americans to vote is protected.

The preamble to the bill we are considering today I really think says it all. The first finding of this bill says the right to vote is a fundamental, incontrovertible right under the Constitution. It goes on to spell out exactly what that means in terms of Congress's obligation once we have acknowledged that fundamental, incontrovertible right under the Constitution.

I think this bill in so many ways addresses that. It creates a commission to try to find more efficient and modern ways for fraud-free voting and that serve the American people.

The amendment I bring to the floor addresses an issue which I hope my colleagues will consider. The issue is this: If you decide to exercise your civic duty, you have listened to all the people exhorting you to get out and vote, that your vote counts, and you believe it in your heart and are willing to make a sacrifice of your time, and perhaps to leave your family or your job to go to the polling place and vote, the basic question in my mind is whether or not we are going to help in that circumstance, make certain that people have their chance to express their political will or whether we are going to put obstacles in their paths. There are already obstacles in the system. You have to register to vote. We want to try to eliminate as much fraud as possible when it comes to voter registration.

Of course, you have to follow the rules of voting when you turn up at the polling place or apply for your absentee ballot, which I did a few minutes ago at my desk here in Washington for our primary election in Illinois on March 19th. You have to follow the rules when it comes to voting and then put your ballot, as instructed, in the appropriate receptacle for it to be counted. That is the basic system for paper and punch card ballots, and a number of other systems do it differently.

But there was language added to this bill which troubles me greatly. The provision says when it comes to overvoting—in other words, when it comes to a situation where you have made a mistake, you have spoiled your ballot, you have voted, for example, twice for the same office—originally it was my intention and hope that we would say to a voter in that circumstance, if you made a mistake, to err is human; we will give you another chance to vote.

But language was inserted—the Senator from Missouri, Republican Senator from Missouri offered it—which says that we will make an exception when it comes to those errors and those mistakes in punchcard systems.

I need not remind you what punchcard systems are all about. With the

phrase ''hanging chad,'' all the lexicon of the last election comes to mind immediately. In my home State of Illinois, in all but a few counties we use punchcard systems—not only in the city of Chicago but all across the State.

So you walk in there, and they give you this card that has all of these little windows on it. You go into your polling booth and put the matrix on top, which is the ballot. Then you punch the hole next to the candidate of your choice. I have come to learn, having been a lawyer in the State capitol for years and watching election contests, that when I finished voting I always lifted that ballot up to look for hanging chads to make sure that the numbers I punched corresponded with the names on the ballot. I think that is an extra effort, but I want my vote to count. I believe every American thinks the same way.

But when it came time to compromise on this bill, language was offered which said if you make a mistake in your voting in a punchcard precinct in America, we are not going to tell you about it; we are not going to notify you; we are not going to inform you. So the net result of that is a person who in good faith is trying to exercise their civic duty and their constitutional right to vote is discriminated against when it comes to whether they will be notified of mistakes.

We included paper ballots in this exception. I can understand the practical reason for that. If you have made a mistake on a paper ballot, you have to manually count the whole ballot in a polling place. You can't do that and preserve ballot confidentiality. That is not practical. That is not going to work. I understand that exception.

We also made an exception, primarily for the States of Washington and Oregon, and said because you have a system where everybody mails in their ballots, how in the world can we receive the ballots, count them, and send back the ones that are in error? It is practically impossible to make that work.

But look at the rest of the world and the rest of the United States. At least thirty-four percent of voters in America use the punchcard system. For the vast majority of those voters, we are saying if you have over-voted and spoiled your ballot, it is going to be thrown out and not counted, and we are not going to tell you. It is a ''gotcha'': You went in and did your best. But you didn't do good enough. Sorry. Go home and try again in 2 or 4 years.

I do not buy that. The premise of this bill is that the right to vote is a fundamental and incontrovertible right under the Constitution and we should do everything in our power to assist voters in exercising that right. How important is that?

There is a study I have had a chance to look at by Caltech and MIT called the Voting Technology Project. They go into an analysis of voting systems and people who have spoiled their ballots where they are not counted.

I will tell you that the No. 1 voting system for spoiled ballots in Presidential elections in America is the punchcard system, the very system for to which this bill creates an exception. Here we know that the most problematic voting system is the punchcard system, and we have said in this bill, that has pledged itself to protect the right of American's to vote, that we are not going to tell you in a punchcard system if you make a mistake: That's your problem, buddy; come around next year. I don't think that is right. Not only is it not right, but it destroys confidence in the process.

Let me give you some statistics which you might be interested in. This comes from the same study to which I am making reference.

Punchcards lose at least 50 percent more votes than optically scanned paper ballots. Punchcards have an average residual vote—a spoiled ballot—of 2.5 percent in Presidential elections and 4.7 percent for other offices. Over 30 million voters in America used punchcards in the year 2000 election. Had those voters used optical scanning, there would have been 300,000 more votes recorded in the 2000 Presidential election. In addition, 420,000 more votes would have been counted in Senate and gubernatorial elections.

Let me tell you that this strikes close to home. One hundred and twenty thousand of my constituents in the State of Illinois in the County of Cook went to the polls and cast their ballots in the November Presidential election of 2000 and had those ballots thrown out. They might as well have stayed home. They didn't vote for anybody. They thought they did. They took the time. They registered. They went to the polling place. They deliberated the candidates' names and made their choices, but they made a mistake. How can you make a mistake on a ballot? You saw the butterfly ballot in Florida. We all know what that looked like. Try to look at the right place to punch on that ballot. A lot of voters testified afterwards that they were totally confused by that ballot, and they have been prohibited and banned from use ever since. They might have voted for the wrong candidate. But in some situations, you would have someone come in to vote for Mr. Gore, or Mr. Bush, and would mistakenly write in their names in the write-in space at the bottom of the ballot, and the ballot would be tossed out. Any mistake in the process disenfranchises the voters.

That is why I hope this amendment will be accepted, because we are saying with this amendment that we value your vote however you vote in America. We understand the paper ballot problem. We understand the central-count, mail-in voting that occurs in Washington and Oregon. But for that situation, we are going to stand behind the voters and help them vote.

How big a problem is this in America? As I said, one of three voters is faced with a punchcard system, and that is what they have to live with. Also, how difficult is it to notify me that I have overvoted on my ballot? There is a simple little machine—we are going to have some of them in our State in the next election—called the PBC–2100. With these machines—no larger than a typewriter—you would finish voting on your punchcard, you would walk out of the booth, and in your own privacy, without the world looking in, push your ballot into the tabulating machine, and it would tell you whether you have a spoiled, voided ballot that is illegal and cannot be counted. You can then make a decision. You can say to the election judge: I did something wrong here. Tear this one up, and let me try again before I leave the polling place.

That is reasonable, and most States say: That is our standard. We do not want to trick people. We want to give them a chance.

But if you decide, for whatever reason—it is a spoiled ballot—I don't have time, I don't care, take it. That is your choice, too. But what we should do is let people know rather than putting them in this trick bag situation.

The thing that troubles me is that the jurisdictions that rely heavily on punchcards are jurisdictions which have had these systems in place for decades. In Illinois, I think it has been almost 40 years with a punchcard system. This was the state of the art back in the 1960s, the IBM punchcards. Well, the world has changed, but a lot of election jurisdictions do not have the money to change with it. So they are using the old system.

So where do you find these punchcard systems? You find them overwhelmingly used in, for example, inner-city areas, such as the city of Chicago, the city of St. Louis, Kansas City, and others. I should correct my statement. I am not certain that St. Louis and Kansas City have them. I can certainly speak for Illinois.

In these situations, you find that the overwhelming majority of African-American and Hispanic voters use punchcard systems, systems that are antiquated. As we know from Florida, with even the best of intentions, you may not get the result you want using a punchcard system.

So if you do not tell these voters they have made a mistake, you are basically disenfranchising them, or, to put it more moderately, you are stacking the deck against them, and not doing it for other election systems. That, to me, is unfair.

Let me just tell you the lay of the land in Illinois so you understand where I am coming from. We have a court order in Cook County which says that we will, in fact, look at all the punchcards to make sure, if there is an overvote, the voter is notified. I think that is fair. But, frankly, it should be fair across the board.

Cook County leans Democratic. We should say to the 101 other counties in

Illinois, the same rules apply, the same law applies. Whether you are voting in a Republican-dominated county downstate or in a Democratic county, such as Cook County, the same rules should apply. That is what this amendment would say: Punchcard systems, whether in rural Republican areas or in Democratic inner-city areas, should be systems we can trust and count on.

We should accept our responsibility under this law to help the voter, not to make it more difficult. That is why I have offered this amendment.

I sincerely hope my colleagues following this debate will stop and reflect on what happened in America with the last Presidential election.

I can recall a cabdriver in Chicago. I asked him where he was from. He said: Africa.

I asked him: What do you do for a living besides driving a cab?

He said: I am an engineer. I am trying to make a living here in the United States.

We were in the middle of the Florida recount.

I asked him: What do you think about all this?

He said: In my home country, people would be killed in the streets over the dispute you are having in this Presidential election.

Thank God that never happened, and I hope it never does. But we know that, though there might not have been lives taken in the streets, a lot of people left that November 2000 Presidential voting experience with a bitter taste in their mouth. They thought the system of voting in America was not a friendly system, it was not a system dedicated to what we have called this ''incontrovertible constitutional right to vote.'' They thought it was a system that was designed to catch you if you didn't play by every single rule and go by every single instruction. If it caught you, it would disenfranchise you.

This amendment gets us back to establishing confidence again in a system that I think will say to all Americans: If you are in punchcard jurisdictions—and one out of three Americans is in a punchcard voting jurisdiction—we are going to help you make a decision so your vote will count. That is so basic. I think it really reflects the intention originally of the sponsor, Senator DODD, in this legislation, that we make this commitment to the system.

I hope my colleagues will join me in supporting this amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Connecticut.

Mr. DODD. First of all, Madam President, I commend my colleague and friend from Illinois for his support on the underlying bill. I am very grateful to him for helping us craft this proposal and lending his name as a cosponsor of the bill. He has been tremendously helpful.

The Senator from Illinois makes a compelling case. We have tried, in this legislation, to strike a balance. I suppose it is a painful lesson we all have to learn from time to time. But we would like to write our own bills. We all have our own ideas of exactly what we would do if we could just write the bill ourselves.

Coming to the floor with a bill that is endorsed and cosponsored by the chairman and the ranking member of the Rules Committee, and others, obviously did not happen miraculously. It happened through the work of trying to offer proposals and negotiating out provisions that will allow people to achieve a level of comfort with a product to which they are willing to lend their names, and to be able to present it to our colleagues for their overall support.

That is where we find ourselves and where I find myself with this particular proposal. Again, I am one who believes, wherever possible, where the equipment allows, that people ought to be able to know if there is an overvote. The Senator from Illinois makes an irrefutable case for it, in my view.

While memories fade a bit, and other events have overtaken the events of 14 months ago, it is not that hard for people to remember how distraught this country was over the fact that we could not seem to get a Presidential election straight.

We discovered—obviously, not just in Florida, and it was not just for this race—that all across the country there were serious problems with the election systems and that voting systems were outdated. Depending on what community you lived in—how affluent it was—you might have better equipment than other communities. There have been all sorts of problems that have been identified by every single study and commission that has looked at election processes in the country.

What the Senator from Illinois has proposed is that when we are talking about punchcard systems—and there is a machine that can indicate over-votes on a punchcard. Under our bill, we provide grant money to States and localities to help them acquire equipment. The $3 billion is there for that purpose. You can actually buy a voting system that does exactly what the Senator from Illinois would like to see done.

When I wrote the bill with Senator BOND and Senator MCCONNELL, there were tradeoffs. I had to give up on some things I did not like giving up on—and this is one of them—in order to get support for other provisions of the bill. I am not going to speak for my colleagues from Missouri and Kentucky, but there were things they did not want to particularly give up on. So we struck an agreement on this overvote issue that presently does not require as a matter of national law that punchcard systems must report an overvote.

But let me also say, there is nothing in this legislation which prohibits any State from doing exactly what my friend from Illinois wants to do. In fact, I think the State of Illinois does require that there be an overvote requirement—or there is a court order pending that——

Mr. DURBIN. In Cook County.

Mr. DODD. In Cook County, excuse me—that is requiring they do just that.

So I say to people who are wondering about this issue, while we do not go to the extent that my colleague from Illinois would like us to in this bill, by requiring, as one of the minimum standards in this legislation, national standards that every jurisdiction in the country that uses a punchcard system must use a punchcard system that would allow the voter to be able to determine whether or not an overvote has occurred. We say nothing in this legislation that would, in any way, restrict a State from requiring exactly what the Senator from Illinois is seeking. In fact, I would encourage States to do it, to use the grant funding and acquire them because I think it is a great service to be able to provide for your voters, and to avoid exactly the situation the Senator from Illinois describes.

We all remember, very vividly, the pictures every night on television of people holding up these butterfly ballots where to say it was a confusing situation was a mild description of those ballots. And there were the punchcards that were also very difficult to read. People were holding them up to the light and showing hanging chads and the like.

So the Senator's point is an excellent one.

It is not a point with which I disagree. But anyone who has ever had to manage a bill on the floor, where you have 99 other colleagues and you are trying to put together a compromise bill that includes some very important changes and advances in the law, then you know how difficult that can be. This is exactly one of those points.

I agree with what my colleague wants to do, but I also know in putting this bill together, the decision was made to allow States to do that but not require in the punchcard system that it be done. I am in an awkward position because I agree with my colleague, but I am in a tough position because I am trying to work out a bill.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DODD. I am happy to yield.

Mr. DURBIN. Let me counsel my friend and colleague from Connecticut to follow his heart.

Is it not true in this bill with the Bond exception that we do say to jurisdictions across America that we want them to tell people if they have overvoted and spoiled their ballot, if they have cast other than a paper ballot, a punchcard ballot, or a mail-in central counting system, like Washington or Oregon? So for other methods of voting, the optical scan, the standard lever machines, the direct recording electronic, this bill says: We want to save you from making a mistake. We

want you to have your vote count. Isn't that true? We have said for those systems that we really want to have this protection, but not the punchcard system.

Mr. DODD. The Senator from Illinois is exactly correct. That is exactly what the bill does. As I said before, he urges me to follow my heart. I would be very much inclined to do so. He also is a very accomplished legislator and knows how difficult it is. In fact, he has been in this very chair I now find myself in where he has been confronted with not dissimilar proposals where his heart said one thing and, as he tried to cobble together a piece of legislation that enjoyed the bipartisan support I am seeking with this bill, he was torn between trying to produce an underlying bill and agreeing with the proposal that one of his dear friends offered.

I have no argument whatsoever with the proposal, but he knows the quandary his friend is in.

Mr. DURBIN. I ask my friend and colleague from Connecticut, if you can't follow your heart, can you at least take a walk?

Mr. DODD. I thank my colleague from Illinois. Again, I urge Members to follow what he has proposed here. He said it very well. We do require in this bill that there be overvotes, not undervotes. I don't know if my colleague from Illinois made that distinction. There is nothing in this bill that requires that a person be notified of an undervote. Senator MCCAIN, in fact, raised this issue with me. I thought he brought up a very good point. There are many of us—we can all identify with this—who have gone in to vote and there were some positions where we just did not know the people. We did not know anything about them whatsoever. So from time to time, we do not cast a ballot on those particular races. We make the conscious decision not to cast a ballot.

We don't want to necessarily be notified that we have not voted for the deputy sheriff in some place. So we have excluded any reference to undervote references, only to overvote where, again, everyone wants to be notified if they voted for two candidates for President or two candidates for Senate, or Governor. The overvote issue is extremely important.

Mr. DURBIN. I have spoken to the ranking minority leader on the Senate Rules Committee, Senator MCCONNELL. Once again, I make this offer on the floor. If there are any who wish to speak for or against this amendment, I want to give them ample opportunity to do so at this moment. But if there are no requests for debate, in the interest of completing the bill today, I will ask for the yeas and nays. But I will withhold that in the interest of having a free and open debate on this.

Mr. MCCONNELL. Regretfully, I am going to join Senator DODD in opposing this amendment. We had a carefully crafted compromise on this whole issue of whether or not to, by either direction or indirection, require certain voting machines in jurisdictions. I think that is, in effect, what this does. We don't want to dictate to any State what form or what kind of machine they choose to take. This was a significant point of negotiation between the five principals on this bill, who were Senator DODD, myself, and Senators BOND, TORRICELLI, and SCHUMER.

This would mandate a certain kind of punchcard machine, one that notifies the voter of overvotes. This is a decision which the five of us concluded should best be left to the States. In crafting this bill, we were careful to avoid mandating any particular system out of existence, and that, in effect, is what this amendment would do. Our bill seeks to address the Senator's concerns. It does it in such a way that we don't eliminate any system.

Regretfully, I join the chairman of the committee in saying if this amendment is approved, I think it takes away any argument we can make in opposing any other amendment if somebody says you think you ought to use this kind of machine or that kind. Regretfully, I, too, have to oppose the amendment.

Mr. DURBIN. Will the Senator yield for a question.

Mr. MCCONNELL. I am happy to yield the floor.

Mr. DURBIN. In response to the Senator from Kentucky, if he would like to engage me in dialog, I invite him to do it.

In your bill, as currently written, it says if people have overvoted and spoiled their ballots, we will notify them in jurisdictions that don't have paper ballots, that don't have punchcards and in States such as Washington and Oregon where there are mail-in ballots. I say to my friend from Kentucky, you are, in this bill, already establishing a standard of care for every voting system but three. Why do you make an exception for a punchcard system where one out of three Americans vote with that system, a system we saw in Florida that was rife with problems, where people voted with the best of intentions, and where we lost 120,000 voters in Cook County, IL? Why would you say, if you happen to have an optical scanning system, you have to notify voters if they spoiled their ballots? If you have a lever machine, you have to notify people. If you have an electronic device, you must notify people. But when it comes to the punchcard system, the oldest one, the one fraught with more problems than any others, you have carved out an exception. Why do you make that distinction?

Mr. MCCONNELL. More Americans voted on punchcards than any other way in 2000. So if we want to start mandating certain kinds of punchcard voting systems, we are going to have to pay if you want to have funded mandates and not unfunded mandates; we are going to have to pay, in effect, to replace, apparently—most places except Illinois—all of these punchcard machines. I suspect that is a simple answer to the question of the Senator from Illinois.

Mr. DURBIN. I may be mistaken, but I thought this bill not only created a commission, but created a Federal grant system to do just what we are talking about, to modernize election systems across America so they are more trustworthy and consistent with this so-called incontrovertible constitutional right to vote.

Mr. MCCONNELL. You can't overvote on a lever machine, and you can't overvote on these optical touch-screen voting machines. So it is really not a problem with those kinds of machines.

Mr. DURBIN. If you accept the premise of the bill you brought to us that this is an incontrovertible constitutional right, think about what you have just said. Is this really equal justice under the law, that we have a slot machine culture when it comes to voting? If you happen to be in the right jurisdiction with the right machine, we will correct your mistakes; but if you happen to be one of those poor people with a 40-year-old punchcard system, good luck. If your vote doesn't count, try it again in 2 or 4 years from now.

Mr. MCCONNELL. One short answer to the Senator's concern is that of these millions of people who voted on punchcards, almost nobody complained except in Florida. Nobody demanded a recount. Nobody went to court. The practical effect of what the Senator is suggesting here is that we mandate a certain kind of punchcard voting system. It seems to me that clearly wrecks the fundamental concept of the bill.

Mr. DURBIN. With all due respect to my colleague, if I have cast a spoiled ballot, they don't give me a call or send me a note in the mail. I never know it. Those 120,000 people, who thought they had done the right thing and performed their civic duty, went home proudly after voting in Cook County, and 300,000 who voted across America went home and said to their kids: This is what you have to do, you have to vote. Their ballots were tossed because they were punchcard voters who got caught in hanging chads and a system that was over 40 years old.

Are we really serious about giving people their constitutionally protected, incontrovertible right to vote, or is this going to be a haphazard system? I hope not.

Mr. NELSON of Florida. Will the Senator from Illinois yield?

Mr. DURBIN. Yes.

Mr. NELSON of Florida. Madam President, I bring to this debate the very painful experience we had in Florida. Because of the trouble with the punchcard ballots, the Florida legislature has wisely eliminated punchcard ballots for the future, but many other places in the country still have punchcard ballots.

I would never want voters in other places to have the confusion, mystification, and belief that their constitutional right of being able to vote

had been taken away by virtue of having realized after the fact that their ballot had been punched twice, because of incorrect instructions, or incoherent instructions, or an incoherent way in which the ballot was designed that confused, not intentionally, but had the bottom line result of confusing the voter.

If it is so easy with technology to notify a voter that they have, in fact, overvoted, why should we not give that almost God-given right—certainly, that American right of the ballot —to notify them that their ballot isn't going to count because it has been overpunched?

So I lend my voice, having been borne out of the painful experience of the Presidential election in Florida in 2000, in support of the Senator from Illinois and his amendment.

Mr. DURBIN. I thank the Senator.

I ask unanimous consent that Senator GRAHAM of Florida be added as a cosponsor.

Mr. HARKIN. If the Senator will yield, I thank him for his leadership. I ask the Senator if he agrees, and maybe he doesn't; I didn't confer with him. But we really ought to be in the position of saying that States and local voting jurisdictions in a Federal election simply can't use punchcards. I think we ought to get rid of them all. I am proud that my State of Iowa, 28 years ago, got rid of the punchcards for the very reason that too many people were making mistakes. That was 28 years ago. I am very proud of that. I think this is an old technology, fraught with all kinds of errors. I don't care what anybody says, they ought to be done away with. Again, I suppose we are not in a position to do that here, but at least we can do it in the Senator's State of Illinois.

Mr. DURBIN. Madam President, I thank the Senator from Iowa. The fact is, the highest incidence of spoiled ballots in Presidential elections in America is on punchcard systems. It makes the point of the Senator from Iowa.

Look at the last Presidential election, what a handful of votes would have meant in one State or another, and to have a report that over 300,000 more votes should have been recorded in that Presidential election that were lost to punchcards. This bill, which is supposed to be about election modernization and election reform, turns a blind eye to the voting system used by one out of every three Americans. I do not think that is consistent. I do not think you can say it is an incontrovertible constitutional right and ignore one out of three voters when it comes to saving them from a mistake.

Mr. DODD. Madam President, will my colleague yield? I want to make a point. I said to my colleague, I certainly do not disagree with what he wants to do. Let me make the case again. One is, nothing in this legislation, in fact, prohibits any State from making a decision requiring this equipment and notifying voters of an overvote. In fact, in Cook County there is a court order that requires that very result. Other States may do the same.

Again, I make the point to my colleagues, this was putting together a bill with a lot of different features to get a bipartisan product. Unlike the other body, the Rules Committee in the Senate does not control the debate and whether there are no amendments. They just bring the product out and you vote for or against it. Here we have already dealt with seven or eight amendments, and I have a book thick with amendments people may offer on this issue.

Senator BOND, Senator MCCONNELL, and myself tried to work something out that will move us along on some very important underlying provisions.

Again, this equipment is not inexpensive. States can apply through the grant program to get the money to buy this equipment. They can put it in place. There is nothing here that prohibits people from doing that whatsoever. In fact, I encourage them to do exactly that.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DODD. Certainly.

Mr. DURBIN. If we accept what the Senator has said, that it is really up to every State to modernize their system and to make it a more trustworthy system, I have two questions for Senator Dodd: First, why did he preface this bill by saying this is an incontrovertible right under our Constitution; and second, why did the Senator include any reference at all in the bill requiring that you permit the voter to verify the votes selected by the voter, and go on to say provide the voter with the opportunity to change the ballot or correct any error?

If it is the Senator's belief that this is about States rights, then why does he have any language in this bill regarding standards?

Mr. DODD. I say to my colleague, we do, but it is about balance. No one has claimed perfection. We are trying to strike a balance where the Federal Government, for the first time, becomes a better partner with our States and simultaneously saying, in exchange for that partnership, there are certain minimum requirements—certain ones, not every one I would like, not every one one might imagine, but certain ones on which a majority—hopefully a large majority—of Democrats and Republicans, with very different points of view on this issue, can find common ground. That is what we try to do when we legislate, and that is what I tried to do with this bill.

I could think of 20 more minimum Federal requirements I would write into this bill if I were king. But I am not king, yet. So I am working with my friend from Kentucky. If he were writing this bill, he would have a very different set, I presume, and it would be the same with my colleague from Missouri.

I say to my friend, this is not easy, I admit. It is complicated, and we are not writing this bill in tablets. We have established a commission so there will be an ongoing process. We do not have to wait another 40 years to talk about changes to be made in the system.

I urge States to do this. If I were writing the bill alone, I would have written exactly the provision my friend from Illinois has suggested, but in trying to cobble together provisions that will allow us to take a major step forward in improving the election system of this country, I urge my colleagues to reject this amendment without rejecting the idea.

Mr. NELSON of Florida. Will the Senator yield?

Mr. DODD. Certainly.

Mr. NELSON of Florida. Given the experience we had in Florida, what could any of the three Senators have as an objection to notifying someone that they had overvoted on a punchcard ballot? What is the objection?

Mr. DODD. The bill does not prohibit that.

Mr. NELSON of Florida. Given what we went through.

Mr. DODD. What my colleagues are requesting is that we mandate that in this bill. There is nothing in this legislation that says Florida is going to insist—the State of Florida has abandoned their punchcard system, but in the case of Illinois, which is a live example, under a court order, the State has said you must notify voters of an overvote. That is fine. No one here is suggesting in this bill that the State of Illinois should not be able to do that.

What is missing, what the Senator from Illinois would like, is that we absolutely require in every jurisdiction where a punchcard system is located that that system notify the voter of that overvote. I do not disagree with him in that sense, but understand in putting this bill together, I was not able to get that far. We had to compromise.

Mr. NELSON of Florida. I understand the Senator's discomfiture. It just seems to me it is common sense to assure a person's right to have their ballot counted given the awful experience we had in the State of Florida on ballots not being counted. I just do not understand the opposition.

Mr. MCCONNELL. Will the Senator yield?

Mr. DODD. I yield the floor. Does the Senator from Missouri want to be heard?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DURBIN. I stated earlier and I restate—I ask the Senator from Missouri to stay in the Chamber. I hope we can reach an agreement that those in opposition have ample opportunity to speak and I have a few minutes to close, and we can bring this to a vote at a specific time. If I can have a suggestion from the ranking member or the Senator from Missouri as to how much they would like to have, I would like to propound that unanimous consent request.

Mr. DODD. May I make a suggestion? How much time does Senator BOND need?

Mr. BOND. Madam President, since most of the discussion has occurred on the other side, I think we need at least 15 minutes more on this side to discuss what I think are some alternatives. Some good questions were raised by the Senator from Illinois and the Senator from Florida. I would like to have a chance to speak about them. I hope I can have at least 15 minutes for that. I do not know how much time the distinguished Senator from Kentucky will need in addition to that.

Mr. DODD. Madam President, I ask unanimous consent that the distinguished Senator from Missouri, or his designee, be recognized for 15 minutes; that the Senator from Illinois, Mr. DURBIN, be recognized for 5 minutes; that the Senator from Kentucky, Mr. MCCONNELL, be recognized for 5 minutes, and that the vote occur on or in relation to this amendment at 10 of 3, with no other amendments in order to this amendment, with no intervening action.

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

The Senator from Missouri.

Mr. BOND. Madam President, I know there are many concerns about voting. We cannot solve all of them in this bill. I think we have reached a workable position where we will provide assistance to States and localities to improve their voting system. If a State wants to change its voting machine, or if it wants to add a new kind of machine to check punchcards, it can do that.

If the system does not work in Chicago, or if it does not work in Illinois, there is money in this bill to allow them to change it. If it works in Missouri, why should we be told we have to spend money on a whole raft of new supplementary equipment or new machines?

There is $3.5 billion in this bill. We hoped when we put this money in that it would provide enough money for at least every polling place to have a machine which was accessible to the visually impaired. We want to make sure this money goes to provide equipment that serves special needs people. That is one of the strengths of this bill.

I see no reason why we ought to tell States what kinds of general machines or systems they use. If it works, do it. If it does not work, fix it.

St. Louis County, which I represent, is one of the largest voting jurisdictions in the country with 650,000 registered voters. St. Louis County uses punchcards. Its error rate in the November 2000 election was 0.3 percent, the lowest in the country for large jurisdictions. St. Louis County is a microcosm on the United States, across the demographic and socioeconomic scale. This county manages to do it quite well, and I have not heard any concerns elsewhere in our State regarding punchcards. We vote with a punchcard. Know what you can do? A punchcard is not something where it is in the machine once you have cast the ballot. You can take the punchcard out and look at it before you put it in the box. You could look at that punchcard and see what you punched out.

Now, there is new equipment to put different colored lines on that punchcard or any other system that one wants on that card, so when you walk out of there, you can hold it up. We expect some basic competence of the voters. There is no guarantee somebody will not go in and vote for the wrong person. A total electronic ''hoo-ha'' machine is not going to prevent somebody who goes in to vote for candidate A from casting a mistaken ballot for candidate B. There is no constitutional right to say that one cannot make a mistake, but with a punchcard you can hold it up and look at it.

Certainly, after what we saw in Florida, I would imagine people could look up to see if there is a hanging chad or if there are two holes punched next to each, then that person can say they over voted or if there is no hole punched they can say they missed it.

The Ford-Carter Commission reviewed error rates of the 40 most populous voting jurisdictions in the country. Twenty-six of those jurisdictions had an error rate below the national average. Nine of them were punchcard counties. St. Louis County, King County, Orange County, CA, all had error rates less than 1 percent. Clark County, NV, home of Las Vegas, Sacramento County, Santa Clara County, San Bernardino County and San Diego County all used punchcard and had an error rate less than 2 percent. In fact, punchcards are much better represented than electronic machines. Only three of those jurisdictions that fell below the national average used electronic machines.

To conclude that punchcards are out of date and therefore responsible for the high error rates we saw in Palm Beach County is simply wrong. In Florida, there were 15 other counties that used punchcards and had a lower error rate than Palm Beach County. The problem is not punchcards. The problem was in the voting booth with the voters in Palm Beach County.

Whatever the issue, whatever the reason, whatever the problem, the people of Palm Beach, their elected officials, had the opportunity to review the problem and correct it. There are a number of ways they could do it. If they want to use money that is available to buy a checking machine, they can do that. If they want to put up signs and tell the people, look at the ballot, we are going to put lines on the ballot that show which are color coded so each office has a color code, they can do that. The fact that they need to do that in Palm Beach County, or in Cook County, IL, is not a reason why the dollars that are going to improve the voting system in our State or any other State should be required to get some kind of fancy machine that they do not have or buy equipment that they do not need.

The performance of voting machines is affected by many factors that go beyond the equipment. Some of that is the skill and training of poll workers. Mistakes made by the individual voters do occur. Some voters choose not to cast a ballot.

I have pointed out in my discussions that one time when I ran, my opponent and I, in a large suburban county, received less votes than an uncontested candidate for Congress received. Now, were those under votes? I regret to say that I cannot claim they were under votes. I think maybe the voters chose to say they did not want either one of us. That is one of the choices that voters make.

There are some administrators I have talked to who say that dollar for dollar you can get more and better results in assuring voters really cast the vote they want to cast with voter education and poll worker training. Machines do not solve all human problems. We are going to make machines available for those who have conditions that require special needs. We are going to provide assistance to those States and those areas where they think they need to use a different kind of machine.

The punchcards serve specific local needs. With a punchcard machine, each voter needs a blank punchcard. With an optical scan, they need a separate ballot. With this bill, we expand the language requirements of new voters in very large jurisdictions with many offers and propositions. It may be to provide the punchcard makes more sense than other technologies. Why should they not be able to use it?

I believe that we are on the right track by providing assistance. Where local jurisdictions find they have problems, where they do not feel a need or for some reason or another punchcards do not work, we are providing some money and they ought to step up to the plate and put in some of their own money and get something they think would work. I strongly object to saying we are in this bill going to mandate that everybody uses a certain kind of machine or has a certain kind of check and balance. We have already gotten into the business of local elections on a grand scale and, frankly, I do not think most of us who have had experience in elections want to see the Federal Government take over the function totally. We are making money available for those jurisdictions and those States which think they ought to have a different system.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, we all know, regrettably, we are going to be spending the Social Security surplus in this year's budget, and this amendment, in effect, would require us to spend some of the Social Security

surplus to buy new voting machines. It seems to me that is a particularly inappropriate use of the Social Security surplus, which is, in fact, going to be spent this year on such items as fighting the war abroad and homeland security.

I want to echo the comments of Senator KIT BOND. There are 64,337 precincts in America that use punchcards. Nearly 50 million voters vote on punchcards. The practical effect of the amendment of the Senator from Illinois is to replace the vast majority of those with some system, which is why the Senator from Connecticut, the chairman of the committee, who would otherwise be in favor of this amendment, has stated that this begins to unravel the bill.

If we mandate a particular voting system in this way, there will be lots of other amendments coming in mandating other kinds of methods of voting. So I hope this amendment will be defeated. I think it is a path we do not want to go down if we are serious about trying to enact this legislation. I know the chairman of the committee and I are certainly serious about it. We think it would be a step in the right direction and an appropriate step to take. We have managed to get together on the bipartisan basis and we hope we can keep that bipartisan spirit together and move this bill toward passage.

I am unaware of any other debate. Did Senator BOND reserve the remainder of his time?

The PRESIDING OFFICER. That is correct.

Mr. MCCONNELL. Then I will reserve the remainder of my time.

Mr. DURBIN. Madam President, how much time is remaining under the unanimous consent agreement?

The PRESIDING OFFICER. The Senator from Illinois has 5 minutes. The Senator from Missouri has 6 minutes. The Senator from Kentucky has 3 minutes.

Mr. DURBIN. I don't know if the Senator from Missouri wants additional time. I thought we were aiming for 10 minutes to 3.

Mr. DODD. There is nothing in the Constitution that prohibits the Senator from yielding back time.

Mr. DURBIN. I have not used the last 5 minutes. I thank the Senator for his always valuable advice.

The Senator from Missouri, in all fairness, was not here at the opening of my comments about the system. I want the Senator to reflect for a moment on some of the things he said and some of the things which we know to be true. The Senator undoubtedly points to St. Louis County which has an excellent record on the punchcard system. But the simple fact according to the Caltech-MIT study is that nationwide the No. 1 voting system which voided ballots cast for President in the year 2000 was the punchcard system. There was no other system as bad as the punchcard system for taking away a person's right to vote for President in the year 2000. That is a fact. They conclude 300,000 Americans went to vote for President and their votes were not counted on punchcard systems, but would have been on other systems such as optical scan. Punchcard systems didn't work as well. They spoiled their ballots.

To suggest there is no problem defies the obvious statistical information in evidence we have been given.

The Senator from Missouri also said you can check out your ballot before you leave the punchcard voting place. He is right. I have done it. It is no small feat. Remember those pictures of the judges in Florida staring at the little holes in the cards, trying to figure out which hole had been punched, what was hanging, what was pregnant, what was gone, what was here, what was there?

If we are going to turn voting in America into this kind of bunco game to see how we can stop someone from exercising their right to vote, we ought to mandate punchcard systems. We know that is the system that takes the vote away for President of the United States, whether you are a Democrat or a Republican.

I know what it means to check the ballots, the punchcard ballots. Better have good eyesight and patience to match up every hole in the card to the number next to it on the ballot in front of you.

There has been lots of talk about Federal mandates. I didn't write the compromise substitute amendment before the Senate. I believe the Senator from Connecticut, the Senator from Kentucky, and even the Senator from Missouri had a voice in this. I refer Members to the opening of this amendment. Here is what the amendment the Senator is prepared to support, the substitute bill, says: Each voting system used in an election for Federal office shall meet the following requirements.

Like it or not, that is a mandate.

Among the requirements is to have a system that notifies voters of overvotes, and to give the voter the power to verify votes and the power to correct errors. That is a mandate currently in the law.

Senator BOND's amendment said we will make an exception for punchcard machines for one out of three voters. This Federal requirement to make sure people's votes count will not apply in a punchcard system.

I don't think that is fair. I don't think it is fair to voters across America who have little voice in the process as to what kind of voting machine they will face on election day.

What I think makes sense is to treat voters as fairly as possible, whether they live in St. Louis County, St. Louis city, or in rural Missouri. The same thing is true in Illinois.

What I am doing, some can say, is not to my advantage. Cook County has a court order saying we will check the punchcards to make sure people get a chance to vote correctly. This amendment will apply to the whole State, the Republican rural areas as well as the inner-city Democratic areas.

Make no mistake, the people most likely disadvantaged by the weakness of the punchcard system are people living in cities that are overwhelmingly minority and low-income people. Once again, when it comes to voting in America, if you happen to have enough money and live in the right place in America, you are not going to have a problem on election day. But if you happen to be a hard-working, blue-collar person who comes in to vote and is stuck with a punchcard system, the deck is stacked against you. And this bill doesn't help you one darned bit.

If we are going to do anything fair across America to help the situation in Florida and ourselves, for goodness' sake, give every American an opportunity to have their vote counted.

I reserve the remainder of my time.

Mr. DODD. Madam President, with all due respect, I agree with much of what my colleague said, but I want to make a couple of corrections. The $3.5 billion, we are told, is the number if every single precinct in the country decided to change every voting machine. It has to be the most sophisticated equipment you can buy. The number we have put in this bill is not drawn out of thin air. This is a number that should accommodate virtually every jurisdiction to make changes. Obviously that will not happen in every jurisdiction. But the money will be there, provided the Appropriations Committee supports what the President asked for in this budget and what we included.

Second, I make the case again, this bill gives people the right to be able to verify how they have voted and to have the right to ask for that check to occur. It says nothing in here to prohibit that. In fact, the resources are going to the States, and in this particular case, so they can get the equipment that Illinois will have in Cook County, to be able to update its punchcard system or whatever else it wants to have.

These are very significant steps forward that come closer to addressing the problem that the Senator from Illinois identified. Not as comprehensively as he would, I add, with his amendment; his amendment goes much further than that. I am not really disagreeing except to the extent I try to present to this entire Chamber a bill that would enjoy the support of an overwhelming majority of Democrats and Republicans. That is not an easy task when it comes to election reform.

I have great respect for my colleague from Illinois, and I urge our colleagues to vote their conscience, although on this issue I happen to disagree.

If there is no further requests for time, I urge we get to a vote on this amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I concur with the Senator from Connecticut we should move along as quickly as possible.

There were a number of items raised. Apparently, there was a misunderstanding. The Senator from Illinois claimed I said some things I didn't say. I didn't say there were no problems. I didn't say they didn't have a problem in Cook County. They have a court order. Apparently, they do have a problem. They may well have a problem in Palm Beach County.

I said we provide some money that can assist them in curing their problem. We want to see elections honestly and fairly conducted and do everything we can to assist the voter to make the right choice and be able to cast their ballots as they wish. There is no requirement in this bill that if you have a paper ballot you have to have a machine to check it. If you have a mail-in ballot, you don't have to send it back if it is overvoted or undervoted. If you have an optical scan, there is no way to check it.

On these things where there is a piece of paper, optical scan or a punchcard, we say we are putting money for voter education to tell voters how to do it. It is not like the poor people trying to come up with ideas about what is a hanging chad or what is a pregnant chad. With a little voter education you can tell them, if you are not sure after you punched the ballot, you look at it. If you do not think you got it right, you can get another one and do it right.

There is an obligation on the voter and there are all different kinds of voting equipment and systems to make sure he or she makes the right choice. As I said, part of that is making sure if you want to vote for candidate A, you vote for candidate A. This is not a big brother nation where we go in and guarantee everybody is going to make every right choice. There are lots of errors.

As a matter of fact, some of the most expensive equipment we have, the DRE equipment, a whiz-bang machine, the error rate is equal to the error rate on punchcards. By the way, the studies that have been done show there is no link whatsoever between the kind of system or the technology available and the economic status of the voting area. That is what I would call a red herring.

St. Louis County, MO, has some of the wealthiest and some of the poorest voters in our State. They all get to use a punchcard.

In Audrain County, MO, we don't have a lot on the high end. We have a lot in the low end. We have a lot in the middle. We use a punchcard. I don't think we ought to be saying that because folks in Cook County or Palm Beach have had problems with punchcards—given the fact that our county clerk in Audrain County makes the system work for the people who vote there, we should not have to go back and tell them: Whoa, you have to spend some money, take the available Federal resources, match it, because you need to have a different kind of equipment to check the punchcard. Most of the folks back home at the coffee shop would say, after all this whoop-de-la in Florida, they are going to look at the ballot and make sure they punched the things out that they wanted to punch out.

I do not believe we need to intrude further on the management of elections by saying you can't use a punchcard machine unless you have another form of device. I urge my colleagues to defeat the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I thank, again, the Senator from Missouri for his contributions to this debate and reiterate that the key to this is voter education, as Senator BOND pointed out, and with the punchcard there is an opportunity to correct.

Assuming the amendment of the Senator from Illinois is agreed to, this is going to use up close to $1 billion of the $3.5 billion authorized in this bill. Then I wouldn't be surprised to see other Senators coming over, offering amendments to mandate other kinds of voting machines.

So I think this amendment should be opposed. I think it begins to unravel the bill. I hope our colleagues will not support the Durbin amendment.

Is all time yielded back?

I reserve the time.

The PRESIDING OFFICER. The Senator from Illinois has 30 seconds.

Mr. DURBIN. Madam President, the debate we just heard is probably a replay of many arguments over the Voting Rights Act of 1965: It is a matter of States' rights. It isn't the Congress's responsibility. This is too big a job.

But we decided in the 1960s that the accident of birth or color would not deny you your right to vote in America. Today, by turning down this amendment, we would say the accident of the voting machine that you face wherever you happen to be registered can turn away your right to vote, can deny you this basic constitutional franchise.

One out of three voters will not have the protection of this law because the compromise legislation doesn't provide for notification in punchcard systems.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MCCONNELL. I would like my colleagues to understand that voting for the Durbin amendment means spending Social Security surplus to buy voting machines—spending Social Security surplus to buy voting machines. I hope that is a step we will not take, and I urge my colleagues to oppose the Durbin amendment.

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri has time remaining.

Mr. BOND. Madam President, briefly, this is not, as has been characterized, a replay of the basic Voting Rights Act. We assure everyone has a right to education. We are just not mandating a new machine be purchased in every jurisdiction, whether they need it or not. They work in many jurisdictions. If they do not work, let those jurisdictions fix them. We are not going to mandate that everybody spend money on them.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 2895. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Montana (Mr. BAUCUS) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. CAMPBELL) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

The PRESIDING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 50, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—44

Bayh	Durbin	Lieberman
Biden	Edwards	Mikulski
Bingaman	Feingold	Miller
Boxer	Feinstein	Murray
Breaux	Graham	Nelson (FL)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carper	Inouye	Rockefeller
Cleland	Jeffords	Sarbanes
Clinton	Kennedy	Schumer
Conrad	Kerry	Stabenow
Corzine	Kohl	Torricelli
Daschle	Landrieu	Wellstone
Dayton	Leahy	Wyden
Dorgan	Levin	

NAYS—50

Allard	Frist	Nelson (NE)
Allen	Gramm	Nickles
Bond	Grassley	Roberts
Brownback	Gregg	Santorum
Bunning	Hagel	Sessions
Burns	Helms	Shelby
Carnahan	Hutchinson	Smith (NH)
Chafee	Hutchison	Smith (OR)
Cochran	Inhofe	Snowe
Collins	Johnson	Specter
Craig	Kyl	Stevens
Crapo	Lincoln	Thomas
DeWine	Lott	Thompson
Dodd	Lugar	Thurmond
Ensign	McCain	Voinovich
Enzi	McConnell	Warner
Fitzgerald	Murkowski	

NOT VOTING—6

Akaka	Bennett	Domenici
Baucus	Campbell	Hatch

The amendment (No. 2895) was rejected.

Mr. BOND. Madam President, I move to reconsider the vote and move to lay that motion on the table

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BURNS. Madam President, I believe the Senator from Montana is ready to call up an amendment.

AMENDMENT NO. 2887

Mr. BURNS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 2887.

Mr. BURNS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the ability of election officials to remove registrants from official list of voters on grounds of change of residence)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: '', except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar's jurisdiction.''.

Mr. BURNS. Madam President, this is a very simple amendment.

Mr. DODD. Madam President, I know the Senators from Florida had a proposal they want to present and on which we are prepared to rule. The Senator from Connecticut also had a proposal, as well as the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BURNS. Madam President, if I am out of line, I could be put back in line very easily.

Mr. DODD. That would be a first, Madam President.

How much time does the Senator from Montana want on his amendment?

Mr. BURNS. I don't think it is going to take much more than 15 minutes. If you had somebody scheduled in front of me, I say to the Senator from Connecticut, I would facilitate that.

Mr. DODD. I appreciate the Senator's consideration. What we might do is proceed with the Senator from Connecticut, then the two Senators from Florida—they need a very short amount of time on their proposal, and it may be accepted—then the Senator from Montana. We will try to get some time agreements and see if we can't get some other Senators to come forward. We will move these things in order. We will move in that fashion, if that is all right.

Mr. BOND. Madam President, I might suggest, we just had an amendment from your side. If this amendment could be handled in 15 minutes, why don't we work on getting time agreements, go back and forth to the extent that we have an equal number of amendments?

Mr. DODD. I am prepared to do that as well. In the meantime, my colleague from Montana very graciously has offered to wait because I did make a commitment to my colleague from Connecticut. You don't want to get me in trouble in Connecticut. Let me turn to my colleague from Connecticut.

AMENDMENT NO. 2889

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Connecticut, the distinguished chair and manager of this very critical piece of legislation. I thank Senator DODD and Senator MCCONNELL for the bipartisan agreement they have that brings forth this historic reform legislation.

As the Presiding Officer knows well, I have a particularly personal and poignant series of memories related to the election of 2000, most of them really quite good until post-election day. As my mother, if I may quote her in this great Chamber, said: There must have been a reason that happened.

Maybe one of the reasons was to lead to the election reform proposal that is before this Chamber which I think will take significant strides forward in making sure that if we ever have a national election as close as the one in 2000 again, there will be a series of laws and procedures in place, an ongoing commission in place that will make certain, one, that the right of citizens to vote is not just the right to cast their ballot but the right to have that vote counted, of which millions were not counted throughout the country, and that there be a more orderly process for determining, without resort to courts, what the result of that election was.

Bottom line: I thank Senator DODD and Senator MCCONNELL for bringing this bill forward.

I call up amendment No. 2889, which I have placed at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. FEINGOLD, proposes an amendment numbered 2889.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for full voting representation in Congress for the citizens of the District of Columbia, to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

Notwithstanding any other provision of law, the community of American citizens who are residents of the District constituting the seat of Government of the United States shall have full voting representation in Congress.

SEC. ___. EXEMPTION FROM TAX FOR INDIVIDUALS WHO ARE RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 138 the following new section:

''SEC. 138A. RESIDENTS OF THE DISTRICT OF COLUMBIA.

''(a) EXEMPTION FOR RESIDENTS DURING YEARS WITHOUT FULL VOTING REPRESENTATION IN CONGRESS.—This section shall apply with respect to any taxable year during which residents of the District of Columbia are not represented in the House of Representatives and the Senate by individuals who are elected by the voters of the District and who have the same voting rights in the House of Representatives and the Senate as Members who represent States.

''(b) RESIDENTS FOR ENTIRE TAXABLE YEAR.—An individual who is a bona fide resident of the District of Columbia during the entire taxable year shall be exempt from taxation under this chapter for such taxable year.

''(c) TAXABLE YEAR OF CHANGE OF RESIDENCE FROM DISTRICT OF COLUMBIA.—

''(1) IN GENERAL.—In the case of an individual who has been a bona fide resident of the District of Columbia for a period of at least 2 years before the date on which such individual changes his residence from the District of Columbia, income which is attributable to that part of such period of District of Columbia residence before such date shall not be included in gross income and shall be exempt from taxation under this chapter.

''(2) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

''(A) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions), or

''(B) any credit,

properly allocable or chargeable against amounts excluded from gross income under this subsection.

''(d) DETERMINATION OF RESIDENCY.—

''(1) IN GENERAL.—For purposes of this section, the determination of whether an individual is a bona fide resident of the District of Columbia shall be made under regulations prescribed by the Secretary.

''(2) INDIVIDUALS REGISTERED TO VOTE IN OTHER JURISDICTIONS.—No individual may be treated as a bona fide resident of the District of Columbia for purposes of this section with respect to a taxable year if at any time during the year the individual is registered to vote in any other jurisdiction.''.

(b) NO WAGE WITHHOLDING.—Paragraph (8) of section 3401(a) of such Code is amended by adding at the end the following new subparagraph:

''(E) for services for an employer performed by an employee if it is reasonable to

believe that during the entire calendar year the employee will be a bona fide resident of the District of Columbia unless section 138A is not in effect throughout such calendar year; or''.

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 138 the following new item:

''Sec. 138A. Residents of the District of Columbia.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

(2) WITHHOLDING.—The amendment made by subsection (b) shall apply to remuneration paid after the date of enactment of this Act.

Mr. LIEBERMAN. Madam President, this is an amendment that I am introducing and will then withdraw. I thought it was important to put this issue before the Chamber while we are considering comprehensive election reform legislation because in our country the right to vote is a sacred right. The vote is a civic entitlement of every American citizen. We believe the vote to be democracy's most essential tool. Not only is the vote the indispensable sparkplug of our democracy, the vote is the sine qua non of democracy and equality because each person's vote is of equal weight, no matter what their wealth is or their station in life—or is it?

That is the question this amendment poses. As we engage in this debate to remedy the voting problems that arose in the election of 2000, we have to acknowledge the most longstanding denial of voting representation in our country, and that is the denial of voting rights to the citizens who live right here in our Nation's Capital. The nearly 600,000 people who live in the Nation's Capital are denied voting representation in the Congress of the United States. Citizens of DC have a nonvoting delegate in the House who may vote in committees but not on the House floor. DC citizens—our fellow citizens—are not represented in this body at all. Yet, as we speak, residents of the District of Columbia are engaged abroad and at home in the current war against terrorism alongside other Americans.

The people who live here in our Nation's Capital have always met each and every obligation of citizenship. They have fought and died in all of our wars, often in greater numbers proportionately, and even absolutely, than larger States. In fact, sadly, the casualties of District residents in our wars have been increasing.

In World War I, the district suffered more casualties than three States. In World War II, it suffered more casualties than four States. In Korea, it suffered more casualties than eight States. And in Vietnam, more residents of the District of Columbia were casualties than in 10 States.

I am the sponsor of legislation before the Finance Committee at this point which is called the No Taxation Without Representation Act. Its name is taken, of course, from our own revolution because our forebears went to war rather than pay taxes without being represented. Citizens of our Capital believe in the principles of the Nation's revolutionary heroes established as a result of our own revolution. Today, they are using the only tools of democracy available to them to secure voting representation in Congress. They are seeking redress of their legitimate grievances from us in Congress.

Madam President, despite the bill's title—No Taxation Without Representation Act—the people of the District seek voting representation, not exemption from taxes. I must admit there are employees of our office who are residents of the District who have been tempted to have the exclusion go the other way. The tax provision is in the bill for effect—perhaps an ironic effect—to remind us of the American principle that gave birth to the Nation—that no man or woman should be required to pay taxes to a government until represented by a vote on what that government does or requires.

No other taxpaying Americans are required to pay taxes without representation in Congress. Indeed, residents of the District of Columbia are second per capita in taxes paid to the Federal Government—comparing them to all the States of the Union. Tax issues, of course, are some of the most contentious issues that come before the Congress. We cannot even begin to contemplate how our own constituents would react if we could not vote one way or another on pending tax legislation that would have so personal an effect on them.

I support voting rights for District residents for the same reason I support the historic election reform bill before us today. The great principle of voting rights is riding on both bills. I know the American people believe their national credo requires that no taxpaying Americans are to be excluded from voting representation in Congress. A national public opinion poll suggests as much. The majority of Americans believe that DC residents already have congressional voting rights. When informed that they do not, 80 percent say, around the country, that DC residents should have full representation.

Like the bill before us, our No Taxation Without Representation Act seeks to vindicate the precious right of voting representation. As I said at the outset, I do not intend to press for a vote on this amendment at this time. That is a decision that I have made in cooperation with those in the District who most advocate voting rights, including ELEANOR HOLMES NORTON. I raise voting rights for the citizens of our Capital during this discussion because these rights are a related issue of great importance to our country.

Last year was the 225th anniversary of the American Revolution, and the 200th anniversary of the establishment of the Nation's Capital. The revolutionaries who fought to establish our country, and later the wise Framers who wrote our Constitution, did not intend to penalize and deny basic rights to the citizens who settled and built our Capital into a great American city. The city had not yet been established or come under congressional jurisdiction when the Constitution was signed. In fact, the first DC residents continued to vote in Maryland and Virginia, the States from which the land for the District was ceded, for 10 years following the ratification of the Constitution.

In placing our Capital under the jurisdiction of the Congress, the Framers intended to pass to us the responsibility, I believe, to assure the rights of the citizens of the Capital once the city was established.

Unfortunately, Congress has failed to meet this obligation for more than 200 years.

So I intend to withdraw this amendment. As I do, I ask that we reconsider the denial of voting representation to the citizens of our Nation's Capital, those who live here at the heart of our democracy. The time has long since passed for Congress to extend voting representation to those who live where we do the people's business. I hope we will find a way to remedy this wrong soon.

I want to state that Senator FEINGOLD is my cosponsor and, at the appropriate time, we will submit a statement for the record in support of this amendment. I now withdraw the amendment.

Mr. DODD. Before he does that, I want to be added as a cosponsor as well.

Mr. LIEBERMAN. I am honored to do it.

The amendment (No. 2889) was withdrawn.

Mr. DODD. There have been a number of proposals such as this throughout the years for the District of Columbia to have representation. It is one of the great travesties, in my view. Many people live here. It has the population of many States, and they don't have a vote or a voice in the Senate. They have a voice, but no vote, in the House of Representatives.

I appreciate the fact that we are not going to press the issue on this bill. I commend the Senator for raising the issue, for articulating the point of view that I think many Americans, when confronted with the facts, embrace. I think they are shocked to see that this many people are excluded from representation.

Mr. FEINGOLD. Mr. President, there is no value we can attach to the most basic right of every citizen living in a democracy. The right to vote is much more than dropping a ballot in a box. The right to vote symbolizes freedom, equality, and participation in the government that creates the laws and policies under which we all live. This is why I rise today, in support of Senator LIEBERMAN's D.C. voting rights amendment.

Under our representational democracy, every American is entitled to a voting voice in Congress, a voice that seeks to speak for their interests and present their needs, unless you live in the District of Columbia.

When the District of Columbia was created as the United States Capital 200 years ago, its residents lost their right to congressional representation. It is time for us to right this wrong.

District of Columbia residents serve in the U.S. armed forces, and some of them are currently overseas fighting in our war on terrorism. D.C. residents fought and died in the Vietnam war. They keep our Federal Government and capital city running, day and night. They pay Federal taxes. And yet they have no voice. We fail to give them a say on even basic administrative matters that other states and cities decide for themselves. D.C. residents can fight and die in the name of their country, but they can't implement a local budget without the approval of Congress.

What makes this inequity particularly egregious is that District of Columbia residents, like all Americans, pay Federal taxes. So while the rest of the Nation benefits from our victory in the Revolutionary War, the voice of D.C. residents continues the rallying cry, ''No taxation without representation.'' This founding principle of our Nation, which so vigorously carried us to our Nation's independence, has still not been honored for this group of Americans.

There are approximately 490,000 Americans living in the State of Wyoming. Residents of Wyoming have three voting voices in Congress. There are 550,000 Americans living in Washington, D.C. These Americans, however, purely due to the location of their residence, have no representative with full voting authority in either the House or Senate. D.C. has one delegate, Eleanor Holmes Norton, but she does not enjoy the same right to participate in decision-making as her colleagues. And, of course, D.C. has no representation in the Senate. This is not equal representation. It is unequal representation. It is wrong. It is un-American. And it should end.

Virtually every other nation, from Albania to Zimbabwe, grants the residents of their capital cities equal representation in their legislature. It is simply an embarrassment that in these modern times, we, as the world's most powerful democracy, are denying suffrage to half a million Americans.

Since the ratification of the Constitution in 1788, the United States has forged its own suffrage history, overcoming the denial of access and extending voting rights to all Americans regardless of race, gender, wealth, marital status, or land ownership. Through our interpretation of the one-person/one-vote doctrine, we have made great strides in overcoming inequality and underrepresentation. There remains, however, this suffrage hurdle: the disenfranchisement of 550,000 District of Columbia residents.

This hurdle has been recognized by Republicans and Democrats alike. In 1978, Congress debated and passed a Constitutional amendment granting D.C. voting representation. Then-Senator Bob Dole said:

The Republican party supported DC voting representation because it was just, and in justice we could do nothing else.

The 1976 Democratic and Republican platforms were almost identical on this issue, the Republican platform stating:

We support giving the District of Columbia voting representation in the U.S. Senate and House of Representatives.

The Democratic platform echoed:

We support full Home Rule for the District of Columbia, including full voting representation in the Congress.

Unfortunately, since 1978, the Senate has not considered this important issue.

President Lincoln spoke of a ''government of the people, by the people, and for the people.'' This guiding principle has sustained America throughout some of her most trying times. Shouldn't the people who work and reside in the presence of this former president's monument, and who have contributed so much to making our Nation the great nation that it is, have the right to live by this ideal?

It is time to address this injustice. At a time when the Senate is debating election reform and reflecting on issues like antiquated voting machines, the Senate should also address one of the oldest and most egregious violations of the fundamental right to vote—the lack of full voting representation in Congress for D.C. residents.

I thank Senator LIEBERMAN for offering this important amendment, and I urge my colleagues to join our effort to allow D.C. residents to enjoy the full rights and privileges of American citizenship.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Connecticut for his kind words and for his leadership.

I ask unanimous consent that the amendment offered by Senator BURNS be set aside for a moment so I may offer an amendment.

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

Mr. BOND. Madam President, is this another amendment?

Mr. LIEBERMAN. That is correct.

Mr. BOND. Madam President, I thought that the Senator from Montana was going to be able to go after the first amendment. I had an amendment on the death tax and small business depreciation. We were trying to expedite the procedure. I ask how long this amendment will take.

Mr. LIEBERMAN. My statement will take, at most, 10 minutes. I think the understanding, I say through the Chair, is that I would make a statement on behalf of DC voting rights and withdraw it and then proceed to an amendment, which may engender debate on the floor.

AMENDMENT NO. 2890

Madam President, I have amendment No. 2890 at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 2890.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize administrative leave for Federal employees to perform poll worker service in Federal elections)

At the end of title IV, add the following:

SEC. 402. AUTHORIZED LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) SHORT TITLE.—This section may be cited as the ''Federal Employee Voter Assistance Act of 2002''.

(b) LEAVE FOR FEDERAL EMPLOYEES.—Chapter 63 of title 5, United States Code, is amended by inserting after section 6328 the following:

''§ 6329. Leave for poll worker service

''(a) In this section, the term—

''(1) 'employee' means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

''(2) 'political appointee' means any individual who—

''(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate;

''(B) is employed in a position on the executive schedule under sections 5312 through 5316;

''(C) is a noncareer appointee in the senior executive service as defined under section 3132(a)(7); or

''(D) is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

''(3) 'poll worker service'—

''(A) means—

''(i) administrative and clerical, nonpartisan service relating to a Federal election performed at a polling place on the date of that election; and

''(ii) training before or on that date to perform service described under clause (i); and

''(B) shall not include taking an active part in political management or political campaigns as defined under section 7323(b)(4).

''(b)(1)(A) Subject to subparagraph (B), the head of an agency shall grant an employee paid leave under this section to perform poll worker service.

''(B) The head of an agency may deny any request for leave under this section if the denial is based on the exigencies of the public business.

''(2) Leave under this section—

''(A) shall be in addition to any other leave to which an employee is otherwise entitled;

''(B) may not exceed 3 days in any calendar year; and

''(C) may be used only in the calendar year in which that leave is granted.

''(3) An employee requesting leave under this section shall submit written documentation from election officials substantiating the training and service of the employee.

''(4) An employee who uses leave under this section to perform poll worker service may not receive payment for that poll worker service.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than June 1, 2005, the Office of Personnel Management shall submit a report to Congress on the implementation of section 6329 of title 5, United States Code (as added by this section), and the extent of participation by Federal employees under that section.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—Not later than 6 months after the date of each general election for the Office of the President, the Office of Personnel Management shall submit a report to Congress on the participation of Federal employees under section 6329 of title 5, United States Code (as added by this section), with respect to all Federal elections which occurred in the 54-month period preceding that submission date.

(B) EFFECTIVE DATE.—This paragraph shall take effect on January 1, 2008.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6328 the following:

''6329. Leave for poll worker service.''.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect 6 months after the date of enactment of this Act.

Mr. LIEBERMAN. I thank the Chair.

Madam President, this amendment will address one of the most critical problems in our electoral process. It is consistent with the overall purpose of the bill, and that is the pressing need for more trained and able poll workers to serve during Federal elections.

Obviously, our democracy is run by a cast of millions of voters who deserve to cast their ballots in the full confidence that they will be counted. This landmark legislation will provide much needed funding to States and localities to improve voting systems and standards, to create computerized statewide voter registration systems, to improve accessibility for voters with disabilities, and it will provide provisional voting so that all eligible voters who go to the polls can be assured they can cast their vote.

These are all very important improvements, the fruit of constructive, broad-ranging, and bipartisan discussion on election reform that has been conducted over the last 14 months and led with great purpose and ability by my friend and colleague from Connecticut.

However, comparatively little attention has been paid to solving another problem that affects our electoral process, and that is the difficulty that local jurisdictions have in recruiting and training enough people to work at the polls on election day.

We need an army of trained, responsible, reliable, experienced people to work at the polls on election day to ensure that the laws we adopt, including the one before us, are implemented fully and that the elections are conducted efficiently and fairly. Right now, from all that the experts tell us, that army of poll workers is without sufficient support. There are not enough troops to carry out the responsibilities that they have. In fact, the General Accounting Office, the National Commission on Election Reform, which was chaired by former Presidents Carter and Ford, and a host of others who have examined the whole question of the way we cast our votes, have documented the extent of this problem of inadequacy of numbers of poll workers.

In most locations, the recruiting and training of qualified poll workers is one of the most crucial, yet difficult, tasks that election officials face. Fifty-seven percent of local election officials responding to a GAO mail survey said they encountered major problems in conducting the 2000 election.

GAO estimated that more than half of the election jurisdictions encountered problems finding a sufficient number of poll workers. I repeat that. GAO estimated that more than half of the election jurisdictions in the United States in the 2000 Presidential election had problems finding a sufficient number of poll workers.

There are many reasons why local jurisdictions have had these difficulties. Obviously, the hours are long, the pay is low, and funding for training workers is in short supply. That is a particular problem given the fact that advanced new voting systems that will be unfamiliar to many voters will soon be deployed in many jurisdictions as a result of the difficulties in the 2000 election and, in fact, hopefully as a result of the funding and requirements established and provided for in this bill.

Many poll workers are now drawn from the ranks of senior citizens and retirees. This legislation already addresses some of these issues by providing States with additional funding and holding them accountable for improving management of the polling place, but we can and should do more.

We often lament how voter turnout rates have fallen in our democracy. I regret today that given our shortage of poll workers, if our dreams of civic participation were to become true and voter turnout were to surge upward, it would present a logistical nightmare in many jurisdictions because the poll workers are stretched, stressed, and strained as it is, and they need their ranks to be bolstered.

I support such efforts as those in the legislation passed by our colleagues in the other body to encourage students to become active in politics and work at the polls. However, I do not think that is enough. We need to do more.

Fortunately, there is an able reserve force of civic-minded people. I am speaking of Federal employees. I am convinced many are ready to spring into action if they are encouraged to do so by a law and their agencies. I believe the Federal Government should welcome its employees' service on the front lines of our democracy.

This amendment would allow Federal civil servants, not political appointees, to take time off with pay for training and then to work as nonpartisan poll workers in Federal elections. We are not talking about election workers for either party but nonpartisan poll workers. Most civil servants demonstrate daily they have the temperament and maturity necessary to serve citizens at the polls.

Moreover, because many Federal employees are bilingual, they would be a particular asset to foreign-language-speaking voters, addressing yet another problem facing many jurisdictions as they organize elections.

I stress that this amendment would authorize civil servants to be paid by their agency only to work in nonpartisan capacities. Anyone who wants to serve in a partisan capacity must do so on their own time at their own expense.

I am also not proposing in this amendment that we establish a general election day holiday for all Federal employees. That is a separate question which we are not touching in this amendment.

Under the amendment, employees who want to participate would be allowed to do so unless their absence would impede the agency's ability to accomplish its mission. That is an exception written into the amendment which would be exercised by their supervisors.

Employees' service at the polls would have to be substantiated in writing by election officials and would be limited to up to 3 days with pay in any single calendar year. The Office of Personnel Management would be required to draft regulations to provide guidance to agencies and employees on how to fulfill the intent of this amendment and to report to Congress on how they are doing.

It is important to note that there is some precedent for this idea. Federal employees under law are now serving in nonpartisan capacities as examiners and observers under a provision of the 1965 Voting Rights Act. During fiscal year 2000, the Office of Personnel Management provided some 550 observers and 40 examiners, either current or retired employees, to work in 10 States. They worked in areas where there were allegations of racial or ethnic discrimination in the voting process or in areas where jurisdictions have not provided the required language assistance or ballot translation. So there is a precedent for what I am proposing.

There is no way to predict with any degree of certainty how many of the 2.8 million Federal civilian employees who live and work in jurisdictions across the country would be willing to receive training and work at polls under this amendment, but Los Angeles County

has already implemented a similar program for its employees, and the results have been very encouraging. In fact, because of those results, the State of California passed legislation encouraging its employees to serve as poll workers as well.

If the Federal Government leads by example and implements this amendment, I am hopeful we will see the same thing happen across America, and State and local governments, perhaps even private employers, will follow suit to strengthen the implementation of our election laws, their fairness, and the health of our democracy.

I believe we would be remiss in passing this excellent broad legislation aimed at improving our election system without also providing a way to have an influx of new, trained, experienced workers to implement the rights we are securing with this proposal.

I urge my colleagues on both sides of the aisle to support this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. First of all, let me again commend my colleague from Connecticut for a very helpful proposal. I do not know if we are going to adopt this today. I do not know how the votes would come out on all of this, but I think the idea of making elections more accessible and making available the opportunity for people to participate more is a good idea. As the Senator pointed out, Congressman HOYER in the House-passed version of this bill has a provision that actually encourages the participation of college students in the electoral process, volunteers.

Our colleague from Maryland, Senator SARBANES, has a similar proposal he intends to offer at some point before final passage of this bill, as well as Senator HOLLINGS and Senator BOXER. I can think of several others who have proposed the idea. Senator BYRD has had a strong interest in the idea of a holiday or a day other than the first Tuesday after the first Monday as a way to increase citizen participation in elections.

What the Senator from Connecticut has offered is, of course, a way in the interim period for people who will be able to take time away from their jobs to deal obviously with Federal elections and to be volunteers. So I am very attracted to his proposal.

What I am going to recommend is we might set aside this amendment while we consider two or three other amendments, and then ask for these votes, if the Senator so insists on a recorded vote, to occur at a time we can determine shortly after we consider the Burns amendment, the Nelson and Graham amendments, maybe those three, as a way of trying to deal with some amendments en bloc.

My colleague from Connecticut and the Senator from Missouri may want to respond, or the Senator from Kentucky, to the amendment of the Senator from Connecticut.

In the interim, let me say it is about 10 minutes of 4 p.m. I urge Members to come or send staff over. We have a long list of amendments. I have shown the list before. There are Senators who have indicated they may be interested in offering amendments. I also know they may not be interested. But at 5 p.m., if I have not heard from Senators, I am going to draw the conclusion that they are not necessarily interested in offering it at this time or on this bill. So Senators have an hour to let us know whether or not they intend to move forward so we can come up with a list of amendments, maybe settle on some times and resolve many of them.

I think we can probably come to agreement on some of the amendments without votes in order to move this product along. So by 5 p.m., if I have not heard from Senators, I am going to assume that their amendment would not be offered.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank my colleague from Connecticut. I would turn over the time arrangements to the distinguished Senator from Kentucky, who is the ranking member and is responsible on this side for managing the bill, but I wanted to comment on a few items.

My good friend from Connecticut, the other Senator from Connecticut, has raised some points. I come at it from a very different perspective. I want to share that very briefly.

No. 1, I wholeheartedly agree that many of the problems we have in elections today arise from the lack of dedicated, partisan poll workers and watchers looking over each other's shoulders in the election booth. This is where a lot of the problems can be cleaned up.

I am most interested and will look with a great deal of interest on any recommendations where we can get the young college Democrats and Republicans to be involved in the elections because what elections need are partisans who are aggressive and informed and will provide a check on each other to make sure the voter hears both sides and makes sure nobody who may vote for one side or another is not given full information.

Precisely for that reason, I question whether we ought to be releasing a whole group of Federal employees, who have important responsibilities serving us on a day-to-day basis, from their responsibilities to be nonpartisan poll workers. I want the biggest partisans in the world.

We had a mess in Missouri, as I have described, when I ran for Governor in 1972. I vowed to clean it up. I got the meanest Republicans I could find to serve on the election board as my representatives in the major metropolitan areas. I went to my friends who were the Democratic leaders of the Missouri General Assembly and I got them to nominate for me some of the meanest partisan—well, they were nice people but some of the very toughest, most committed partisan Democrats. They watched each other, and the system worked. That is how the system works. It is the partisans.

I think there is a great role, and I respect those who are totally nonpartisan, but I do not want them looking out for my interests in the polling booth. So I have real reservations about trying to put nonpartisans into partisan elections.

One other thing: We have so many of the folks back in the country where I am from who, if they thought Federal employees were coming in to their local elections, would think of civil disturbances because this would not sit well in a few areas of my State, and I perhaps would suggest Montana might find that to be a bit objectionable.

So I commend the Senator from Connecticut for his idea, but I think it is searching for a question rather than a solution to the problems we have.

I turn it over to the managers to determine any arrangements that need to be made, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, in response to my friend from Missouri, I suppose I should start by saying I admire his respect for checks and balances, and there are some partisan workers at polling places, but the problem highlighted by the GAO study and by the commission headed by Presidents Carter and Ford was the simple inability for a lot of local jurisdictions around the country to find an adequate number of people to staff the polls, not partisan positions, and there is a way in which there is enough political battle, partisan battle, that goes on to excess that when one gets to the polling place, they would like to believe there were some people there whose responsibility simply was to protect their right to vote and make sure their vote was counted, and those are the nonpartisan officials in every election jurisdiction across this country. So that is what these Federal employees would be able to do.

I assure my friend from Missouri this is not going to be a Federal invasion of the local election process. This is very much a voluntary issue, which is, if local election officials want someone living in their town, their neighbor presumably, maybe even their friend, though a Federal worker, perhaps even a trusted friend, to work in the polling place, then that would give the Federal employee the opportunity to take the day off with pay. They would not receive any pay from the localities. This would actually be a help to the local governments. They would get not only first-class, nonpartisan poll workers but would not have to pay for them. That is what this is all about.

I thank Senator DODD for the time he has given me. I will move in a moment to set the amendment aside, but I do want a recorded vote, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LIEBERMAN. I ask unanimous consent that the amendment now be set aside.

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

Mr. DODD. Madam President, we have been talking about poll workers, and we would be remiss if we did not point out, because there are literally thousands of people across this country every election day, not just on the first Tuesday after the first Monday but also referenda that occur in our States and communities all during the year, that these are dedicated volunteers. It is really a remarkable thing, despite the shortcomings in the process today, that from the beginning of our Nation's history it has been voluntary citizens who have offered their time at all the polling precincts across the country to participate in the election process of the country.

I would not want the day nor the discussion to end and not point out that we have great respect and admiration for these people throughout the years who have given so much of their time and effort to see to it that the election process works in this country.

The Senator from Connecticut, my colleague, made a wonderful suggestion for expanding the ranks of people who would like to do this. Senator SARBANES, I believe, will offer an amendment to encourage young people in college to get involved. We ought to applaud the efforts while we simultaneously thank those who have given so much.

I urge Members—and I think my colleague from Kentucky will do the same—if Members have amendments, get them over here and talk to our staffs to shorten the list and complete the bill, hopefully.

I yield 20 minutes to my colleague from Montana, and I ask unanimous consent to consider the amendment of the Senator from Montana, with the 20 minutes equally divided on both sides, pros and cons.

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

AMENDMENT NO. 2887

Mr. BURNS. I thank my good friend from Connecticut. I call up my amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BURNS. This is a simple amendment that allows clerks and recorders and election directors in each of the counties to purge their lists. I am sure all States have college towns with a transient population. In Missoula County, there are currently 86,266 registered voters. What is noteworthy about that is, of the 86,266 registered voters, there are only 76,067 eligible voters. We have over 10,000 voters, 1 out of 8 registered, that our election officials are required to keep on the list but who cannot vote in the county. That is only one county in one State across this Nation.

If we are going to suggest changes in the way we cast our votes on the national level, it makes sense to allow election administrators to purge their lists in less than 8 years. Right now, the legislation calls for that purge every other Presidential election, or every 8 years. I suggest in my amendment we do it after two Federal elections to make sure the list they have is accurate and it is not outdated. Not purging leads to mischief, it invites fraud, but it also jeopardizes the integrity of one of our basic fundamental rights; that is, the right to vote. It is a simple amendment. It is an amendment that needs to be implemented.

We have counties that have a population of only 1,800 people with 2,500 square miles in the county, and we cannot purge those lists in those counties.

We have some polling places that have no electricity.

Everybody found that sort of humorous. Imagine the migration from the rural areas to cities, which is quite evident in my State. Some old country schoolhouses have been maintained but have no electricity. The only heat is an old potbellied stove. But they become a polling place during elections. There is no telephone, no electricity, and they are lit by lantern. It works very well. We do not want to change that.

This amendment calls for the purge of the lists after every other Federal election is held, meaning it would be purged after 4 years. And that is a long time. It makes good sense. It is common sense that we do it this way. It helps out in handling the expenses of counties in conducting elections.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 6 minutes 16 seconds remaining.

Mr. DODD. I say to my good friend from Montana, with whom all Members enjoy a wonderful relationship, a basic problem is not only should the people have the right to vote, they should all have the right not to vote. If people decide they do not want to vote—we would like them to vote, we hope they do, but citizens from time to time decide, for whatever reason, they do not want to participate in an election or two. That should not automatically result in their being purged from the list in the community in which they reside.

We worked hard in this bill to come up with a centralized, statewide voter registration system, which is going to be a major step, as the Senator from Missouri has pointed out, in dealing with fraud. As part of that, we drafted a uniform standard for purging those lists so we have the same standards to apply around the country. Obviously, we know there are differences in the country from one place to the next.

This is not an onerous burden at all, in our view. It is a provision that took a lot of time to work out. This would flip motor-voter on its head and allow jurisdictions to purge voters for not voting. That has never been the intent.

With a great deal of respect for my colleague from Montana, I urge the defeat of this amendment. I think this would be a major setback for a carefully crafted bill. I point out to my colleagues, we tried to craft a piece of bipartisan legislation. In so doing, it means we have to accept provisions that you might not have written yourself, and you fight to have provisions you care deeply about to be included. That is what this legislation reflects. To change the purging requirements on this basis would be a major setback in that effort.

For those reasons, I urge the rejection of the amendment.

The PRESIDING OFFICER. The Senator from Connecticut has consumed approximately 2 minutes.

Mr. BOND. If the Senator from Connecticut would yield me 1 minute, Madam President, as the Senator mentioned, this is one of the provisions on which we worked long and hard. I advocated greater flexibility for purging. But at the same time, I was asking for more controls over mail-in registrations, making sure we had live people voting once, not dead people, not dogs. We came to a compromise in our negotiations that obviously went further than the other side would like on verifying mail-in registration and didn't go as far as I would like on the punching.

I will vote with my friend from Connecticut, although I believe and I am quite confident that the Senator from Montana has pointed out some real problems. I hope perhaps we could in conference continue the discussion to make sure we keep the voting lists clean. That is not just a problem for preventing fraud, that is a problem for assuring there is not unnecessary hassle or delay with the people who want to vote.

Clean, adequate, statewide registration rolls make it easier to vote and tougher to cheat. I hope we can have further discussions in this area to make sure we provide the best tools possible to the State and local officials while maintaining the basic goals of the Federal legislation.

Mr. BURNS. Mr. President, I think this gets down to where we really want to be in cleaning up this situation on voting lists, registrations, and everything that goes with elections. Whenever you have a list that is inaccurate, whether it be by address or by name or by whatever, and there is a huge list of names on the inactive list, this absolutely invites fraud and mischief. It also invites the situation where, if you are a voter and you want to vote and that list is inaccurate, you may not be able or allowed to vote.

That is why the purge of the list at least every 4 years is necessary. I am adamant on this because I come out of county government. I was just a little, old county commissioner, but I understand the challenges one has putting on elections. I also understand the cost. I also understand what it costs to

maintain a database that is accessible and easy to change as the times or the circumstance would suggest.

This may be a part of our problem in facing the challenges of elections, trying to keep ''one vote, one person'' and making sure that person is on the list and can vote.

I ask support of my amendment. I understand the work the managers have done on this legislation. I fully understand that and I fully understand where they come from. But as we move forward, if we have difficulties and we see the difficulties of maintaining the lists, then we can also reconsider this at a later time.

I appreciate the cooperation of the managers, and my good friend from Connecticut, and I will yield the remainder of my time, but first I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. I yield back my time as well. I ask unanimous consent the amendment of the Senator from Montana be temporarily laid aside so we can stack some votes. We will turn now to my colleague from Florida to offer another amendment.

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

The Senator from Florida.

AMENDMENT NO. 2904

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk. This is an amendment offered by Senator GRAHAM and me.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. GRAHAM, proposes an amendment numbered 2904.

Mr. NELSON of Florida. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require the Attorney General to submit to Congress reports on the investigation of the Department of Justice regarding violations of voting rights in the 2000 elections for Federal office)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. DEPARTMENT OF JUSTICE REPORTS ON VOTING RIGHTS VIOLATIONS IN THE 2000 ELECTIONS.

(a) STATUS REPORTS.—

(1) IN GENERAL.—Not later than the date that is 60 days after the date of enactment of this Act, and each 60 days thereafter until the investigation of the Attorney General regarding violations of voting rights that occurred during the elections for Federal office conducted in November 2000 (in this section referred to as the ''investigation'') has concluded, the Attorney General shall submit to Congress a report on the status of the investigation.

(2) CONTENTS.—The report submitted under subsection (a) shall contain the following:

(A) An accounting of the resources that the Attorney General has committed to the investigation prior to the date of enactment of this Act and an estimate of the resources that the Attorney General intends to commit to the investigation after such date.

(B) The date on which the Attorney General intends to conclude the investigation.

(C) A description of the measures that the Attorney General has taken to ensure that the voting rights violations that are the subject of the investigation do not occur during subsequent elections for Federal office.

(D) A description of any potential prosecutions for voting rights violations resulting from the investigation and the range of potential punishments for such violations.

(b) FINAL REPORT.—Not later than the date that is 60 days after the date of the conclusion of the investigation, the Attorney General shall submit to Congress a final report on the investigation that contains a summary of each preventive action and each punitive action taken by the Attorney General as part of the investigation and a justification for each action taken.

Mr. NELSON of Florida. Mr. President, Senator GRAHAM and I are offering an amendment which would require the Attorney General to report to Congress on the status of the Justice Department's investigation into alleged voting rights violations during the 2000 election.

The Attorney General promised to deliver this information during his Senate confirmation, but 1 year later we are still in the dark. We have not been getting these reports. Senator GRAHAM and I have sent letters. That did produce a meeting with Justice Department officials.

We asked that a report be sent to us monthly. It has not. One or at most two reports out of 12 months have been sent to us.

I regret this legislation is necessary, but the Department has left us with no other option. Senator GRAHAM and I have repeatedly asked the Voting Rights Office to fulfill the Attorney General's promise, and each time we have requested this status report the Voting Rights Office has promised to comply, yet we have received almost nothing over a 12-month period. That is not the way government is supposed to work.

So we come to the Senate today to ask that the Department's behavior change. We think it is unacceptable. It directly contravenes the Senate's ability to exercise its oversight authority over these investigations.

As we have discussed earlier today on the election reform bill, our State is certainly riveted to the subject matter that we are discussing today and particularly now the amendment Senator GRAHAM and I offer. The people of Florida deserve answers about what went wrong in that 2000 election, and we want to get some answers.

Basically, we want to know, how is the Justice Department investigation going? We want a status report. In our bill, we are asking for one every 2 months. Then we say, after the Attorney General's office concludes their own investigation, that within 60 days they report that to the Congress.

I express my support for the underlying bill and my thanks to Senators DODD and MCCONNELL for crafting a bill that will greatly improve the election process. Nothing is more fundamental than the right to vote. We saw in the experience in Florida that there were some flaws in the system.

I thank the Senator from Missouri, the ranking member, Senator MCCONNELL, and Senator DODD for bringing such an important piece of legislation to the floor.

I yield to my colleague from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, we are here this afternoon largely because of the events which surrounded the election in November of 2000. Had there not been the degree of turmoil and controversy and allegations, it is unlikely there would have been the public momentum that led to the development of this very constructive national legislation that I hope we are about to adopt.

There have been other arenas which have been touched by the events of November 2000. Many of our State legislatures have adopted new procedures, including voting machines, means by which voters will have an opportunity to have second ballot checks, and other methods, all of which are intended to assure that Americans will have the maximum opportunity within the law to participate in our democracy.

There is another forum, as my good friend and colleague has indicated, which has not been functioning as it indicated it would. That is the executive responsibility.

In the past, this Congress has adopted a set of laws which represent the national standards for elections. They are particularly sensitive to those voters who, maybe in the past, had a history of not having full access to voting rights. As part of that process, if there are allegations of irregularities, they are referred to the Department of Justice for a review and then what action that review indicates is appropriate.

Florida was not the only State that was affected by the turmoil of 2000. But because we happen to be the last State to have its turmoil pacified, we received a particular amount of national attention. So this issue is one especially deeply felt by the citizens of our State.

There is concern about what has happened to these allegations of irregularities that were submitted to the Department of Justice that have not yet come to closure. As Senator NELSON has indicated, we have made requests on a number of occasions to try to get an indication of where these reviews were and how close we were to getting a final resolution of these matters, and we have largely been rebuffed. I am disappointed, frankly, that we have to offer this amendment which will require that in all of the areas where there is still an outstanding unresolved allegation of violation of Federal standards of election, and where the Department of Justice has not come to final closure, there be, on a 60-day clock basis, a report to the Congress

which wrote these laws that the Department of Justice is supposed to be enforcing, as to what is happening, and how close we are to getting to a completion of this review.

This is intended to be a means by which the Congress can carry out its oversight responsibility and protect its laws—laws that, as I said, were particularly designed to protect the voting interests of all Americans, especially those Americans who in the past have not had equal access to our democratic system.

I believe this is an appropriate congressional request for information which I hope will have the result of motivating the Department to complete its review, come to closure, and let us close the chapter on the executive responsibility for the election. And I hope the Congress is soon going to, by adoption of this legislation, be closing the chapter on our responsibility for this legislation.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, for the life of me, I cannot understand. I have just spoken to one of the floor managers of the bill. I thought this was an amendment that was noncontroversial. It is my understanding that there is some objection to it.

Senator GRAHAM and I have had a meeting with the staff of the Department of Justice. They have promised us on several occasions that they would report to us on the status of the investigation as to potential voting rights violations in the Florida 2000 election.

The Department of Justice has not come through or followed up on this promise to report to us. The report was to be monthly. They haven't even reported to us in the last 6 months. It is about as noncontroversial as anything.

Senator GRAHAM and I are utilizing this vehicle to try to send a message that the executive branch of Government, when it makes a promise, has got to come through and honor their promise. This doesn't have anything to do with partisan politics. It has to do with us wanting to know that, in fact, the investigation is being conducted and that they are not sitting on their hands; that when they render their conclusions, they would deliver those conclusions to the Congress.

That can't be controversial. I don't want it to be controversial.

I am somewhat mystified that someone would put a partisan cast on that.

If the manager of the bill is not going to be willing to accept what is on its face a noncontroversial amendment, then my statements have been very mild and very nonpartisan.

What we are trying to do is make government work. The executive branch has a duty to respond to us in our oversight capacity. The two Senators from Florida have an interest in knowing that the investigation is continuing and that they are not sitting on their hands and report to the Congress once the conclusion is reached. We don't say how long they have to do it. All we do in our amendment is say every 2 months give a status report to the Congress. Then we say that at the end of their investigation when they draw their conclusion, send that report to the Congress.

I hope this is something that we don't have to spend time on. I ask the Senator from Missouri and the Senator from Kentucky to please recognize the bipartisan spirit in which this amendment is being offered and not have us go through a harangue here. I urgently plead, please accept the amendment.

The PRESIDING OFFICER. Who seeks time?

Mr. BOND. Mr. President, we have worked hard and long on a bipartisan basis to try to fix a lot of problems we saw in the past without going back to look at the problems that arose in the 2000 election, the 2001 election in my State, and others.

Frankly, there is some concern on this side of the aisle. The amendment is designed with the likelihood of reigniting a controversy that we thought we put aside. I agree 100 percent that Congress has a right, in its oversight responsibilities, to ask for reports from every agency of the executive branch. Frankly, that is what oversight hearings are for in the authorizing committees. That is what oversight hearings are for in the Appropriations Committee.

I have asked very difficult questions of agencies, both under Democratic and Republican Presidents. I think, frankly, in the last 8 years I didn't get a heck of a lot of answers. But I don't think that we bring the oversight fights to this body and try to get the body on record with what has been in the past a very political controversy.

Frankly, the Department of Justice has under consideration the allegations of criminal activity engaged in by the Gore-Lieberman campaign in both St. Louis and Kansas City. We pointed out that in those two areas, almost identical petitions were filed within 14 minutes of each other. Fortunately, the lawsuit was thrown out in Kansas City. But the judge initially ruled in favor of Gore-Lieberman in St. Louis. That is the time we found out that the person who was alleged to have been denied a right to vote had been dead for 15 months, which was probably a slightly greater impediment to him voting. That matter has been referred to the Department of Justice.

I don't think we need to go down the path of making a formal legislative finding that they should report on that. I am disappointed that we seem to be getting back into this battle by opening up the controversies of the 2000 election.

I urge my colleagues to ask in oversight committees when the representatives of the Department of Justice are there to speak for themselves, what the status is or why there is no report. I think we should not burden the bill that we are fighting to keep a bipartisan bill with something that smells to some on my side as an effort to reinject a partisan battle. This is all very partisan, I know, when it gets to elections. I believe you need to have good Republicans and good Democrats on both sides.

I just hope the distinguished Senators from Florida, for whom I have great admiration, would use the oversight hearings to ask the questions of the Department of Justice.

Mr. DODD. Mr. President, I don't believe in negotiating in public. This is not just an intellectual exercise for our colleagues from Florida because the entire world inhabited their State for a number of weeks, and the entire world watched on an excruciating basis, hour after hour of voting precincts, what they went through. It was a tremendous ordeal that the State of Florida went through.

My colleagues are being mild in their expression of the frustration their constituents felt.

I also understand the point my friend from Missouri raised. We said over and over again that this bill is about the future and not about the past. We are trying to deal with not only the situation in Florida, or one election, but, rather, a condition that has grown over the years of a corroding and deteriorating condition of the election process in America, that was reflected by what happened in the year 2000 but not exclusively so. We wanted to get away from the notion of examining, through this vehicle anyway, what had happened last year.

I think there is some frustration that my colleagues feel, however, about whether or not the Department of Justice is going to respond to inquiries they have made.

I recommend that maybe there ought to be a willingness to sign onto a letter asking them to give answers, rather than getting involved in a debate, and a vote, however it breaks down on party lines, inviting more action.

We all know the frustration in asking an agency of the Government to respond to us, and they do not do it. If that has been the case here, then maybe our colleagues, as coequals, deserve to be heard. If they are not responding to our colleagues, that is wrong. Whatever the results may be, they deserve answers. I think that is what they are asking; to be heard from and given answers.

So I might suggest that maybe a letter could be crafted, on a bipartisan basis, which we could sign and get to the Department of Justice, and ask for those answers to come back to our two colleagues. If any of our States went through what they went through, we would want nothing less. So it is a way of maybe getting away from this particular process.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, as usual, the Senator from Connecticut

has found a reasoned way to resolve this issue and avoid some of the concerns that the Senator from Missouri expressed.

As we mentioned during the conversation we had in the Senator's office about 10 days ago, Senator NELSON and I are very supportive of the underlying legislation. We do not want to be, in any way, an obstacle to its successful passage.

We do have this issue. I might say, Florida is not the only State where there are unresolved allegations of irregularities.

Mr. DODD. No.

Mr. GRAHAM. The amendment we offered was not State specific. We are requesting wherever there is yet an open file of an allegation of irregularity in the Department of Justice, the Department periodically report as to how they are progressing so that eventually there will be closure. We do not want to get to 2004 and still have open cases from the year 2000 election.

The Senator's committee is the committee that has jurisdiction over these issues. Witness the fact you produced this excellent piece of legislation. So if your committee could accomplish what, frankly, Senator NELSON and I have been frustrated in our efforts to do for the last several months, which is to get a status report—I would hope you would be asking for all States, but we would particularly urge that you do it for our State—that would satisfy our goal, which is to get to closure, not to do so in a particular process, whether it is legislation or otherwise.

The Senator has suggested a process that seems very reasonable. If you think you would be willing to do so, we will be pleased to accept the Senator's generous offer and leave.

Mr. DODD. I appreciate my colleague's comments.

I turn to my colleague from Kentucky for his comments.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Connecticut, the chairman of the committee, for an excellent suggestion.

I also thank the Senators from Florida for being willing to take this particular path. It certainly simplifies our lives and hopefully gets the response the Senators are seeking as well.

I have talked to Senator BOND. He also agrees.

So it seems to me that is a good solution to the issue.

Mr. DODD. I thank the Senator.

AMENDMENT NO. 2904 WITHDRAWN

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to withdraw the amendment based on the representations by the Rules Committee.

The PRESIDING OFFICER. The Senator has that right. Without objection, it is so ordered.

Mr. NELSON of Florida. What we are looking for are some answers. We thank you for helping us achieve that.

Mr. DODD. Mr. President, they have every right to those answers. We will do everything we can to craft a request to see to it they get those answers.

Mr. President, the pending amendment is the Kyl amendment, as I understand it. And we made a request earlier that Senator KYL of Arizona come to the Chamber.

The PRESIDING OFFICER. The pending amendment is the Lieberman amendment.

Mr. DODD. Lieberman is pending.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I say to my friend from Connecticut, we may be in a position to dispose of the Kyl amendment. I am sure that Senator LIEBERMAN would not mind if we set his amendment aside in order to achieve that.

I understand Senator KYL is on his way and should be in the Chamber momentarily.

Mr. DODD. Why don't we wait for Senator KYL to come. He is going to be here shortly.

I would like to engage in a colloquy with him about some concerns about his amendment, ones I think he may be able to address in a colloquy. We might be able to then accept that amendment and then go to the Lieberman amendment and then the Burns amendment and vote on those. I think that is where we would be at that point. We would have cleaned up at least existing matters.

We still obviously have outstanding issues. I made the point earlier, and would ask my colleague from Kentucky to join me in this request to our colleagues, please bring over or have your staff bring over amendments, if you care about them.

We have a long list. It may be that you have decided you do not particularly want to offer your amendment, but I have it here. If I do not hear from you by 5 o'clock, I am going to assume you decided you will wait for another day.

We can get a list made up so that either tonight—we may not have votes after 5:30, 6 o'clock, but that will be up to the leaders, but at least we will be able to dispose of some amendments that we can get an agreement on, or set up a schedule tomorrow, very early, so we might be able to dispose of this bill. I still hope that is possible. I realize that diminishes as each hour passes, but that may be the case.

So unless you feel a burning, overwhelming desire to bring your amendment up—and if that is the case, please let us know immediately—we are going to assume that you have decided to defer to another time.

My colleague may want to join me in that request while we are waiting for Senator KYL.

Mr. MCCONNELL. Yes. I say to my friend from Connecticut, we originally hoped we would finish today. That may be fading on us, but hope springs eternal, and I suppose the possibility of having the recess begin tomorrow is not completely over but looking unlikely.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I ask unanimous consent that the Lieberman amendment be temporarily set aside.

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

Mr. DODD. What is the pending business before the Senate?

The PRESIDING OFFICER. The McConnell second-degree amendment.

Mr. DODD. Let me describe what I think may occur. One is to accept the McConnell amendment to the Kyl amendment, first of all. That would be routine. Then I would like to engage my friend from Arizona in a colloquy about his amendment and what it does—there was some confusion about what the effect of the amendment would be in the earlier debate—and to raise some issues which he and I have already discussed in private around this amendment. He is very sensitive to these questions.

My intention is to accept this amendment with the McConnell second-degree amendment and then have a colloquy as to what the effect of this amendment would be, with the further understanding that between now and the completion of this bill, we may not be able to get all the answers we would like from the Social Security Administration of their views on this and what the effect of it could be. We will try and do that before we get to conference. If there are problems we can't identify at this moment that may emerge, we will try to address those in conference. That is really the gist of what I want to get to.

Let me turn to my colleague to once again briefly describe his amendment. We will have a colloquy, and then we can move to accept that, my hope is, and then have the two recorded votes on the Lieberman and Burns amendments.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2891

Mr. KYL. Mr. President, I certainly appreciate the comments of the Senator from Connecticut. I will describe again what we intend this to do. The language does do it, especially with the second-degree amendment that has been accepted that the Senator from Kentucky offered.

This amendment allows what 11 States currently are allowed to do and 7 actually do do, which is to use Social Security numbers to validate people for voter registration purposes. When the Privacy Act was adopted, those States were grandfathered. The other States were prohibited from doing this. There are several States that request

Social Security numbers but don't require them. This would simply allow but not mandate States to request or to require Social Security numbers as one of the methods of identification.

To the two specific points Senator DODD raised, it is our intention, I reiterate—it is clear in the amendment language—that this is voluntary, not mandatory. No State would have to do this. And, of course, any State that did do it would have to meet all constitutional requirements, could not violate any privacy requirements, and so forth.

Secondly, it is not our intention that this would be in any way an exclusive method of identification and that States should not, as a result, use Social Security numbers as the only way of validating the identity of the person being registered or the person whose name is being expunged from the rolls or for whatever purpose they would use it.

The Senator from Connecticut is correct in his understanding. I think the language is clear. We need to work with the Social Security Administration or others during the continued progress of this bill. It is certainly our intention to do that to ensure that this intention is carried out.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Arizona. I have said it already—he has repeated it—but just to clarify, there is nothing in this amendment that would mandate the use of the Social Security identification number by any State; is that correct?

Mr. KYL. The Senator from Connecticut is exactly correct.

Mr. DODD. Secondly, any State that would use only a Social Security number as a means of identification would also be prohibited under the law; is that not correct?

Mr. KYL. It would be our intention to ensure that is the case, with only one caveat. The seven States that currently do this legally, I am not sure exactly what their laws say, and it is not our intention here to deal with those one way or the other. Those are all grandfathered in. I suspect they at least require an address, if not something else. The State should require something else.

It is our intention, at least prospectively, with our amendment, that they should and would.

Mr. DODD. If we look at this, maybe if it is in conference or before the conclusion of the bill, with a technical amendment to accomplish whatever it may be, I ask my colleague if he would be willing to accept such language in order to clarify that.

Mr. KYL. For that explicit purpose, yes.

Mr. DODD. I thank my colleague for his answers to those questions.

I point out, the Social Security Administration doesn't like the Social Security card being used for identification purposes. I know people do it, but it makes them nervous. Obviously, there are a lot of problems with it. I gather my colleague from Arizona, before coming over to the floor, was engaged in a hearing dealing with the issue of stolen Social Security numbers, the problem of 9–11 where people actually voted in the last election who, I am told, at least in some cases may have been terrorists themselves who were using Social Security identification numbers.

There are real problems with this. We have tried to solicit from the Social Security Administration why they have, beyond what I have expressed, reservations about the use of the Social Security identification. I can understand from the secretary of state's standpoint why this identifier is attractive. It is there. It is one that is easily used. It is national in scope. But there are concerns about it.

I say to my friend from Arizona, as we solicit from the Social Security Administration what these additional concerns may be, that we will certainly take that into consideration in conference as we craft a final version of this bill. And if there are some reasons with which I am not familiar, I would say we would certainly be amenable to listening to those concerns to modify this amendment so as to accommodate, to the extent possible, if it is reasonable, the Social Security Administration's concerns.

Mr. KYL. Mr. President, obviously, we will listen to those concerns. I need to go back and mention one thing I mentioned when I introduced it earlier. There is a long list of things for which the law permits us to use Social Security numbers precisely because the Federal Government does need to verify identity. If you apply for food stamps, if you apply for Medicaid, if you apply for a green card, a passport, a lot of things that the Federal Government and in some cases State governments do, we really need to be sure that the person who is applying for the benefit or applying for the activity involved is in fact who he says he is.

We don't have a national ID card, and the card that has more closely approximated a government identifier than anything else of uniform use is the Social Security card. That is why the Federal Government does in fact require it. Obviously, our right to vote is one of our most sacred. We don't want that diluted by people who should not be voting. We want to ensure that people who are voting are in fact who they say they are. This is one of the better ways of doing it, through the Social Security card.

It can be stolen. There are fraudulent Social Security cards in circulation, to be sure. It is not a perfect identifier. The Social Security Administration is concerned that the more uses there are to which the Social Security card is put, the more incentive there is to steal cards or make invalid cards. Until we have a different kind of identifier, perhaps one that involves biometric data or some other way to ensure that the person appearing before the Federal agency requesting the benefit is in fact the person he says he is or she says she is, the Social Security card is about the best thing we have.

If nothing else, this points up the fact that the Government, for all kinds of purposes, needs to know who people really are. We need to consider what kind of identifier would work best.

The argument is not that we should not have it, it is what will be the best one. For our purposes today, about the best we can do is the Social Security card. Some States already use it. We want to make that opportunity available to the other States.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Connecticut for agreeing to accept the amendment and say to the Senator from Arizona, when the secretaries of state were asked what is the single most effective thing they could be given to combat fraud and to pare down lists and remove from those lists people who are not supposed to be there, they said the Social Security number. So while the Social Security Administration may have some reservations, the secretaries of state have no reservations.

They think it would be an extraordinary step in the right direction. I commend the Senator from Arizona for offering the amendment. I thank the Senator from Connecticut for accepting it.

Mr. DODD. Mr. President, we have the McConnell second-degree amendment, which we are going to accept, and then we are accepting the Kyl amendment, as amended, by the McConnell amendment. How do you want to proceed?

The PRESIDING OFFICER. Is there further debate on the second-degree amendment of Senator MCCONNELL?

The question is on agreeing to the amendment.

The amendment (No. 2892) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on the——

Mr. DASCHLE. Mr. President, before we go to the pending amendment, I have some comments.

These will be the last two votes of the evening. I wanted to give ample opportunity for our colleagues to spend some time with their spouses tonight and wish them a happy Valentines Day.

We will be in session tomorrow, of course. There will be no votes on Monday when we come back. I am not sure what day that is. But on Monday we will not have votes.

CAMPAIGN FINANCE REFORM

UNANIMOUS CONSENT REQUEST

Mr. DASCHLE. Mr. President, after consultation with the Republican colleagues, there is a unanimous consent request I wish to propound prior to this vote, if I may.

Last night, late, the House passed the campaign finance reform bill. We are very appreciative of the tremendous work done by so many of our colleagues on the House side and are very pleased now that we are at a point where, hopefully, we can take this bill to the Senate floor and then send it off to the President. My hope is that we can do it with a minimum amount of additional debate, given the fact that the bill is virtually the same one we passed in the Senate.

I ask unanimous consent that the majority leader, after consultation with the Republican leader, may, at any time after the Senate has received the bill from the House, turn to the consideration of H.R. 2356, the campaign finance reform bill; that there be 4 hours of debate equally divided between the two leaders or their designees; that no amendments or motions be in order to the bill; that upon the use or yielding back of the time, the bill be read the third time and the Senate vote on final passage of the bill, the preceding occurring without any intervening action or debate.

Mr. MCCONNELL. Mr. President, reserving the right to object—and I will object—I just wanted to say to the majority leader, and particularly to Senators McCain and Feingold, I congratulate them for their success to date on this issue. There was certainly an overwhelming victory in the House yesterday. But, as we all know, this legislation kept being rewritten during the night. It finally passed at 3 a.m.

We have people on my side of this issue who did not prevail in the House yesterday, and they would like to have an adequate time to read the legislation. Fortunately, we are not in session next week, which gives everybody on both sides an opportunity to look at the fine print, because at this stage, I say to my friend from Arizona, we are shooting with real bullets. This could well become law. I don't think any harm is done by simply leaving the majority leader in the same position he would be in a week from Tuesday, to propound a similar unanimous consent request.

For the moment, pending a thorough scrutiny of the legislation that passed at 3 o'clock this morning, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Mr. President, I hope everybody will take the time to look at the legislation with whatever care they wish to use in addressing the concerns raised by the Senator from Kentucky. It is my intention to bring this to the floor as quickly as possible when we return. I will accommodate requests for additional time if the 4 hours isn't adequate. We can move to a longer period of time. But I do hope, given the fact that we had good and very healthy debate almost a year ago, given the fact now that the House has adopted virtually the bill that we passed in the Senate, we can have a debate without indefinite delay. So I hope we can reach some unanimous consent request when we return. I will propound another one as soon as we return. But I appreciate the involvement of our colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the Senator from Kentucky and comment again that he has fought a good fight. The opponents of this bill have fought tenaciously, honorably, and I believe they certainly have a right to examine legislation that was passed as late as 3 o'clock in the morning.

I want to point out also that, of the 140 bills that have become law during the 107th Congress, only 19 necessitated conference committees between the 2 Houses of Congress. Eighty-six percent of the bills that became law during the 107th Congress did not require a conference committee between the Houses.

Some of these bills, obviously, are not of great importance. Some are of great importance, such as the Victims of Terrorism Tax Relief Act and the Railroad Retirement and Survivors Act. There are many very important pieces of legislation that did not require a conference. I believe that, upon examination, my colleagues will see that the bill is basically the same as the one that was passed by the Senate, with the exception of the Torricelli amendment, which had to do with the lowest unit rate requirement for the purchase of television ads.

Frankly, in the interest of straight talk, I have never seen any way you can emerge victorious over the broadcasters. The broadcasters have $70 billion worth of spectrum. They win no matter what. If anybody thinks we can beat the broadcasters, I would like to interest you in some desert land in Arizona.

Aside from that amendment, the bill is really in its original form as passed by the Senate. Again, I want to say not only to my colleagues in the Senate but to those in the other body, this has been a very emotional, spirited debate. A great deal is at stake. As the Senator from Kentucky said, we are shooting with real bullets here. The President's spokesperson said the President would sign this bill if it was passed by both Houses. It has been passed by both Houses, and I look forward to the opportunity of seeing it pass. We did have several weeks of debate and amendments on the floor of the Senate. So I am not sure it would show any particular improvement by further debate and votes because we have been over this ground pretty thoroughly.

Again, I thank the majority leader for his attention and priority of this issue. I will point out, I think the Senator from Kentucky knows the effective date is November 6, rather than the date of enactment as passed through the Senate. There are a number of reasons for that, but primarily we are so late in the campaign season, it would be very difficult to sort out moneys that are spent and obligated. There would be a lot of court challenges and questions as to the whole financing structure of the campaign of 2002. So I thank the majority leader.

I yield to my colleague from Kentucky.

Mr. MCCONNELL. I say to my friend from Arizona, I don't know whether we will end up not having these annual dances we have had over the last decade or so. But if in fact that is the way it is, I have enjoyed the debates we have had over the years. If it ends up that we don't have these anymore, I will sort of miss them in a perverse sort of way.

I want to say that, with regard to the hard money issue, which the Senator from Arizona knows I care deeply about—and he has been supportive of that as well—I think great progress has been made on that subject in the bill of which the Senator from Arizona was a principal sponsor, which left the Senate and passed the House. Both candidates and parties have been operating under hard dollar limits set at a time when a Mustang cost $2,700. We did a study of the cost to candidates over a 6-year term, and for the typical candidate in America over a 6-year term, the cost of running the same campaign he ran 6 years before is up 40 percent. So certainly that is a good feature in the bill.

Again, I commend the Senator from Arizona for his steadfast interest in this issue, and he has been a great competitor.

I admire him greatly. We will be prepared to deal with this issue after the recess.

Mr. MCCAIN. I thank my friend from Kentucky for his kind words. I do want to say, I may not miss it at all.

(Laughter.)

My friend from Wisconsin is here. We shared the very wonderful moment last night with our colleagues in the House and Congressman MEEHAN and Congressman SHAYS. It was quite a remarkable time. I am glad to have been able to be a part of this process.

I say again, the opposition has been principled, honorable, and ferocious. That is in the tradition of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I spoke this morning of the great victory of campaign finance reform in the House last night and the importance of taking up a bill quickly in the Senate so we can send it to the President. I expressed concern that games might be played by the House leadership in transmitting the bill to the Senate so we can consider it. I was pleased by the announcement this afternoon by

Speaker HASTERT that the bill should come over to us in a matter of days. That is good news, and I am pleased to hear it.

I, too, thank the Senator from Kentucky. He was very gracious in his remarks today. Whether or not we miss this process in the future is one issue. Certainly that has been the nature of the experience over these many years, and I sincerely thank him for that.

The possibility of delay still exists in this body. I sincerely thank the majority leader for his tremendous commitment today to bring up the bill in the Senate as soon as it comes over and to lead us in fighting through whatever procedural hoops might be placed in our path to try to stop the Senate from acting on the bill.

We had a long, fair, and good debate last year on this legislation. Any effort to prevent the Senate from acting on the bill I think will simply delay the inevitable; it would frustrate the will of the Senate and the will of the American people.

Yesterday's strong bipartisan vote in the House after marathon debate demonstrates once again the time has come to pass the bill. As much as some tried to deny or rationalize it, the soft money system taints all of us in this body, and it truly undermines our credibility with the American people.

There does come a time when we have to say enough. That time is now. As soon as the bill comes to us from the House, let's take it up; let everyone say a final word about their positions, and then send it to the President to be signed into law.

Again, I thank the majority leader. I thank my good friend, Senator MCCAIN. I yield the floor.

The PRESIDING OFFICER (Mr. REED). The majority leader.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Wisconsin and the distinguished Senator from Arizona for their incredible leadership. History will be written, and when it is, these two outstanding Senators will be acknowledged for the tremendous contribution they have made to the improvement of our political system.

Once again, and not for the last time, I acknowledge their leadership and appreciate very much the effort they have made to get us to this point.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

Mr. DASCHLE. Mr. President, I want to make sure that I clarify something. Just because we are not having additional votes does not mean Senators could not come over and offer additional amendments. Senator DODD has indicated a desire to stay here for as long as there are those who have amendments. We may be able to obtain a finite list. I hope we can continue to chip away at those amendments tonight and tomorrow.

I want to accommodate Senators who have dates with spouses and significant others, but there may be those who have neither and would be more than willing to come over and talk about election reform. If that is the case, we are ready. I know Senator McConnell is every bit as interested in moving this legislation along.

I applaud our managers and thank them for their willingness to stay here and continue this effort. Please, if Senators have amendments, come to the floor. We will do these two votes and we are interested in doing more, even though we will not have additional rollcall votes tonight.

I yield the floor.

VOTE ON AMENDMENT NO. 2891, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2891, as amended.

The amendment (No. 2891), as amended, was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2890

Mr. DODD. Mr. President, is the pending business now the Lieberman amendment?

The PRESIDING OFFICER. The Senator is correct.

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

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 6 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

(The remarks of Mr. BINGAMAN are printed in today's RECORD under ''Morning Business.'')

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut.

Mr. DODD. Mr. President, I am about to propound a unanimous consent request which has been cleared on both sides. I ask unanimous consent that at 5:16 p.m. today the Senate resume consideration of the Lieberman amendment, No. 2890; that there be 2 minutes of explanation and the Senate then vote in relation to the amendment; that following the vote, regardless of the outcome, the Senate resume consideration of the Burns amendment and there be 2 minutes of explanation prior to a vote in relation to the amendment; that no second-degree amendments be in order to either of the two amendments prior to the vote, with all time equally divided and controlled in the usual form; and that if an amendment is not disposed of, it recur in the order in which it was voted, without further intervening action or debate.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2890, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I ask unanimous consent I be allowed to modify the amendment. Apparently one of the pages of the amendment was inadvertently left off.

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

The amendment will be so modified.

The amendment, as modified, is as follows:

(Purpose: To authorize administrative leave for Federal employees to perform poll worker service in Federal elections)

At the end of title IV, add the following:

SEC. 402. AUTHORIZED LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) SHORT TITLE.—This section may be cited as the ''Federal Employee Voter Assistance Act of 2002''.

(b) LEAVE FOR FEDERAL EMPLOYEES.—Chapter 63 of title 5, United States Code, is amended by inserting after section 6328 the following:

''§ 6329. Leave for poll worker service

''(a) In this section, the term—

''(1) 'employee' means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

''(2) 'political appointee' means any individual who—

''(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate;

''(B) is employed in a position on the executive schedule under sections 5312 through 5316;

''(C) is a noncareer appointee in the senior executive service as defined under section 3132(a)(7); or

''(D) is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

''(3) 'poll worker service'—

''(A) means—

''(i) administrative and clerical, nonpartisan service relating to a Federal election performed at a polling place on the date of that election; and

''(ii) training before or on that date to perform service described under clause (i); and

''(B) shall not include taking an active part in political management or political campaigns as defined under section 7323(b)(4).

''(b)(1)(A) Subject to subparagraph (B), the head of an agency shall grant an employee paid leave under this section to perform poll worker service.

''(B) The head of an agency may deny any request for leave under this section if the denial is based on the exigencies of the public business.

''(2) Leave under this section—

''(A) shall be in addition to any other leave to which an employee is otherwise entitled;

''(B) may not exceed 3 days in any calendar year; and

''(C) may be used only in the calendar year in which that leave is granted.

''(3) An employee requesting leave under this section shall submit written documentation from election officials substantiating the training and service of the employee.

''(4) An employee who uses leave under this section to perform poll worker service may not receive payment for that poll worker service.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than June 1, 2005, the Office of Personnel Management shall submit a report to Congress on the implementation of section 6329 of title 5, United States Code (as added by this section), and the extent of participation by Federal employees under that section.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—Not later than 6 months after the date of each general election for the Office of the President, the Office of Personnel Management shall submit a report to Congress on the participation of Federal employees under section 6329 of title 5, United States Code (as added by this section), with respect to all Federal elections which occurred in the 54-month period preceding that submission date.

(B) EFFECTIVE DATE.—This paragraph shall take effect on January 1, 2008.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6328 the following:

''6329. Leave for poll worker service.''.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect 6 months after the date of enactment of this Act.

Mr. LIEBERMAN. Mr. President, very briefly, this amendment responds to a problem that exists with implementing the election laws of our country which will be greatly strengthened if we pass the bill that is before the Senate now. That problem is the shortage of nonpartisan poll workers, documented by the GAO and the commission headed by Presidents Carter and Ford. This amendment builds on a successful program started, at least one I know of, in Los Angeles County and in the State of California to allow civil servants—not political appointees but civil servants—to take election day off at the request of local election officials, to work as nonpartisan poll workers while continuing to be paid for their Federal employment, receiving no compensation from the election officials of local jurisdiction.

I have the feeling I have sufficiently described what I believe is a very meritorious amendment. I urge its adoption.

Mr. MCCONNELL. With all due respect to my friend from Connecticut, he is not talking about election officers; every State has an equal number of Democrats and Republicans who put on the election and keep it honest. What my friend from Connecticut is talking about is poll workers; in other words, workers who will go work for one candidate or another. We know Federal employees are overwhelmingly Democratic, Federal employee unions are overwhelmingly on the Democratic side.

In effect, what the Senator from Connecticut is suggesting is that Federal union employees be given a paid holiday by the taxpayers of the United States to go out and work for Democratic officials on election day. I strongly urge this amendment be defeated.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Connecticut, Mr. LIEBERMAN, No. 2890.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. HATCH), and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 49, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—46

Akaka	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Miller
Bingaman	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Breaux	Harkin	Reed
Byrd	Hollings	Reid
Cantwell	Inouye	Rockefeller
Carnahan	Jeffords	Sarbanes
Carper	Johnson	Schumer
Cleland	Kennedy	Stabenow
Clinton	Kerry	Torricelli
Corzine	Landrieu	Wellstone
Daschle	Leahy	Wyden
Dayton	Levin	
Dodd	Lieberman	

NAYS—49

Allard	Crapo	Helms
Allen	DeWine	Hutchinson
Bond	Dorgan	Hutchison
Brownback	Ensign	Inhofe
Bunning	Enzi	Kohl
Burns	Fitzgerald	Kyl
Chafee	Frist	Lott
Cochran	Gramm	Lugar
Collins	Grassley	McCain
Conrad	Gregg	McConnell
Craig	Hagel	Murkowski
Nelson (NE)	Smith (NH)	Thompson
Nickles	Smith (OR)	Thurmond
Roberts	Snowe	Voinovich
Santorum	Specter	Warner
Sessions	Stevens	
Shelby	Thomas	

NOT VOTING—5

Baucus	Campbell	Hatch
Bennett	Domenici	

The amendment (No. 2990), as modified, was rejected.

Mr. CRAIG. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2887

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Burns amendment.

The Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I understand there is a minute on each side on the Burns amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. I yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my good friend.

Mr. President, this amendment is pretty simple. It allows the director of elections in each county or the secretary of state to purge the list every 4 years, or every other Federal election.

Right now, they cannot purge it but every other Presidential election. So you are carrying dead weight for 8 years. It costs Missoula County $16,000 just to maintain these big lists. It also makes a lot of people ineligible to vote even though they are on the list.

This is strongly supported by the secretaries of state of your States. I ask for your support. This makes more sense. This is where the mischief is in elections.

I yield the floor.

Mr. DODD. Mr. President, I yield 1 minute to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise in opposition to this amendment. Right now, the voter lists have to be purged every 8 years. The Burns amendment would conflict with the motor-voter law; furthermore, many people would be needlessly purged. People who did not vote in two elections would be purged from the list and would have to reregister

In a bill where we are trying to make it easier for people to vote, this takes

two steps backwards and makes it harder.

We have taken care of this in the bill. The lists are purged at some point, but it should be a longer period of time. Simply because you miss two elections should not take you off the rolls.

I urge defeat of the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, very simply stated, you have the right to vote, but you also have the right not to vote in two elections and not be purged. If the Burns amendment were adopted, and you missed two elections because you didn't want to vote, you would be off the list. That is too extreme.

I urge rejection of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2887. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. CAMPBELL), and the Senator from New Mexico (Mr. DOMENICI), are necessarily absent.

The PRESIDING OFFICER. (Mr. DAYTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—40

Allard	Grassley	Santorum
Allen	Gregg	Sessions
Brownback	Hagel	Shelby
Bunning	Helms	Smith (NH)
Burns	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Craig	Inhofe	Specter
Crapo	Kyl	Stevens
DeWine	Lott	Thomas
Ensign	Lugar	Thompson
Enzi	McConnell	Thurmond
Fitzgerald	Murkowski	Warner
Frist	Nickles	
Gramm	Roberts	

NAYS—55

Akaka	Dodd	Lincoln
Bayh	Dorgan	McCain
Biden	Durbin	Mikulski
Bingaman	Edwards	Miller
Bond	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Graham	Nelson (NE)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Inouye	Rockefeller
Carper	Jeffords	Sarbanes
Chafee	Johnson	Schumer
Cleland	Kennedy	Stabenow
Clinton	Kerry	Torricelli
Collins	Kohl	Voinovich
Conrad	Landrieu	Wellstone
Corzine	Leahy	Wyden
Daschle	Levin	
Dayton	Lieberman	

NOT VOTING—5

Baucus	Campbell	Hatch
Bennett	Domenici	

The amendment (No. 2887) was rejected.

Mr. REID. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2906

Mrs. CLINTON. Mr. President, I call up the amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment No. 2906.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a residual ballot performance benchmark)

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

(5) ERROR RATES.—

(A) IN GENERAL.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(B) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in subparagraph (A), the Director of the Office of Election Administration of the Federal Election Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Director shall base the benchmark issued and maintained under this subparagraph on evidence of good practice in representative jurisdictions.

Mrs. CLINTON. Mr. President, I rise to do two things. The first is to thank my colleagues, Senators DODD and MCCONNELL. I thank my colleagues for the extraordinary work they have done in crafting an election reform bill that will significantly improve our Federal election system.

I am very pleased that in this legislation we call for national standards for voting systems. I appreciate greatly the call for national standards for voting systems, provisional voting, and statewide voter registration lists in all voting systems used in Federal elections. I believe these national standards are critically important because the rights of citizens in one State to exercise their constitutional right to vote should not be any greater or lesser than the rights of a citizen in any other State.

In considering and passing this bill, we are also making a statement of our values and, in a direct way, repudiating those who attacked our country on September 11 because of our commitment to a free and democratic system that we would like to see replicated in every nation of the world. But the only way we can demonstrate to the rest of the world that we put our values into practice is if each and every American has faith that our election system is the best and fairest.

I rise to offer an amendment that will provide a greater assurance that the rights of voters to vote and have their votes counted in Federal elections will not vary widely from State to State.

As we know, the bill we are considering requires by 2006 that all voting systems used in Federal elections have an error rate that does not exceed the standards established by the Director of the Office of Election Administration. That refers to the rate that voting machines make mistakes in reading ballots.

This standard is important because it means that by 2006 all voting systems used in Federal elections will have to use technology and equipment that does not result in more than a minimum percentage of votes being discarded.

Yet as important as this standard is, it deals with only one of the two pieces of the problem of discarded ballots because this standard concerns votes uncounted due to mechanical errors of the voting system, but it does not address at all the major problem of residual votes which are overvotes, undervotes, or spoiled votes that are discarded due to unintentional human error.

Residual votes, not mechanical errors, are by far the most common reason why ballots are discarded and not counted and why, therefore, voters who thought they were doing the right thing ended up being disenfranchised.

Over the past four Presidential elections, the total rate of residual vote errors has been slightly more than 2 percent. This translates into more than 2 million voters in these elections not having their votes counted. The percentage of residual votes is even higher in Senate elections.

With respect to last year's Presidential election, the Caltech-MIT voting technology project reports that voting ballot problems led to an estimated 2 million votes never being counted because ballots were ambiguous, spoiled, or unmarked. Though 500,000 of these ballots represented abstentions, the remaining 1.5 million ballots represented votes where the voters actually believed they had recorded a vote for President even though their votes were ultimately discarded.

In addition to the Caltech-MIT study, the U.S. Commission on Civil Rights found that in some precincts as many as 20 percent or more of the ballots were discarded.

Other researchers and media analysts found the same results, and many of these discarded votes were actually what we call residual votes.

For these reasons, the Election Reform Commission, chaired by our distinguished former Presidents, President Carter and President Ford, the so-called Carter-Ford Commission, recommended unanimously that we focus not just on machine errors in improving our election system, but on these unintentional human errors as well.

The Commission members from both parties from all regions of the country did so because they knew that focusing only on mechanical errors was not good enough; that only by measuring residual votes will we be able to assess effectively whether the voting process as a whole is giving citizens an equal opportunity to have their votes counted.

The bottom line is that there is no dispute that residual votes are a major problem. The question is, What are we going to do about it?

The amendment I have offered provides a fair, reasonable, and effective answer. This amendment calls upon the Office of Election Administration to establish a national performance benchmark for residual votes, measured as the percentage of residual errors at the top of the ballot, excluding an estimate based upon the best available research of intentional undervotes.

Like the other benchmarks in the bill, voting systems used in Federal elections would have to meet it. This amendment mirrors the language already in the bill that calls upon the Office of Election Administration to set a benchmark with respect to mechanical error rates. The amendment, however, puts in the final piece of the puzzle for requiring this benchmark for residual votes as well.

For any who might be concerned that the benchmark is measured by subtracting an estimated number of intentional undervotes, that is not the case.

In considering this particular issue, the Carter-Ford Commission noted there has been considerable progress in determining how often intentional undervotes occur. We can take this data from the National Election Studies, from the Voter News Service, and we can then use it for the determination as to how we consider this remaining problem.

The Caltech/MIT study, for example, said exit polls suggested approximately 30 percent of residual votes, less than 1 percent of all votes, are intentional. Individually and collectively, therefore, we can estimate these intentional undervotes and knock them out and only focus on the unintentional where someone thought they were actually marking the ballot.

I hope when we establish these national standards, we recognize this is an important issue. Yes, we need to take care of those mechanical errors but we also have to take care of the unintentional human errors. We have learned in election after election, not just in 2000 but in many of our elections, that hundreds of thousands of our fellow Americans have gone to the polls believing they were exercising the most fundamental of their constitutional rights. They cast their ballots and they never knew their ballots were not counted and their voices were never heard.

I hope the Senate will consider this problem and will favorably act upon my amendment so we can, at the end of this process, say clearly and unequivocally to all Americans we have put into place the best possible system we can to ensure every vote truly counts and that our election system matches our values.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2908 TO 2910, EN BLOC

Mr. MCCONNELL. Mr. President, I have three amendments that have been cleared on both sides: one by Senator CHAFEE, one by Senator JUDD GREGG, one by Senator JOHN MCCAIN. I send the three amendments to the desk and ask that they be considered en bloc.

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

The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments Nos. 2908 to 2910, en bloc.

Mr. MCCONNELL. I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 2908

(Purpose: To clarify that States and localities with multi-year contracts are eligible to apply for grants under the Act)

At the end of section 206(b), added the following: ''A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 203 for payments made on or after January 1, 2001, pursuant to that contract.''

AMENDMENT NO. 2909

(Purpose: To ensure that States that are exempt from the National Voter Registration Act of 1993 continue to remain exempt from such Act)

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 13 through 15, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 6 and 7, insert the following:

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

On page 14, between lines 2 and 3, insert the following:

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law.

AMENDMENT NO. 2910

On page 10, line 22, strike ''Commission'' and insert ''Commission, in consultation with the Architectural and Transportation Barriers Compliance Board,''.

On page 64, line 19, strike ''316(a)(2)).'' and insert ''316(a)(2)), except that—

''(1) the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 223 for the general policies and criteria for the approval of applications submitted under section 222(a); and

''(2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board.''.

Mr. DODD. I note the Chafee amendment is offered on behalf of Senator CHAFEE and Senator REED of Rhode Island. The amendment from Senator MCCAIN is offered on behalf of Senator MCCAIN and Senator HARKIN.

We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 2908 to 2910) were agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask consent I be allowed to speak as in morning business.

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

APPRECIATION OF FARM BILL STAFF

Mr. REID. Mr. President, yesterday we completed action on the farm bill. The bill is a victory for the American farmers and ranchers who will benefit from the improved commodity programs in the bill. It is a victory for families in need who will benefit from broad nutrition programs in the bill. It is a victory for rural communities

which will benefit in the economic revitalization provided in the bill. Finally, it is a victory for the environment which will benefit from the significant increase of funding new programs to help restore wildlife habitat, reduce water pollution, and resolve conflicts over water.

Together with Senator LEAHY, I spent a lot of time working on the conservation provisions of the bill. It was only part of this massive bill which was led by Senator HARKIN of Iowa. The bill is over 1,000 pages. It has separate titles dealing with commodity programs, conservation, trade, nutrition, credit, rural development, research, forestry, and energy. Countless amendments were drafted to the bill, and many were offered. Work on the bill began in earnest more than a year ago.

When we complete a bill of this size, we often thank our staff for the work they put into such an effort, and rightfully so. Chairman HARKIN, ranking member Senator LUGAR, Senator DASCHLE, and Senator LEAHY's staff, in particular, put in a tremendous amount of work on this bill.

Sometimes, though, we forget to thank people who are essential to the success of this legislation. That is the Senate legislative counsel. They do tremendous work. The bill we passed is a product of numerous drafts, revisions, alternates, and many amendments. Our legislative counsel were responsible for ensuring that all those many drafts and amendments captured our interest. They had to do so under constant time pressure. They were a great help to me and my staff on the conservation provisions and on the water provisions in particular.

It may surprise some to know that only 5 attorneys were responsible for all the work that went into the 1,000-page bill. I personally would like to thank them, not only on my behalf but on behalf of the majority leader, Senator DASCHLE, Senator LEAHY, and Chairman HARKIN, for the great work on the bill. Gary Endicott and Darcie Chan were extremely helpful to me and my staff in drafting the important new provisions of this bill, provisions that have never been in a farm bill before. Together with Tom Trushel, Janine Johnson, and Heather Flory, they put in countless hours on the bill and have worked nearly around the clock since September as the pace of deliberations quickened.

Many also handled drafting for energy, environment, and Indian affairs at the same time. They were assisted by David Grahn and Pia Ruttenberg, attorneys for the U.S. Department of Agriculture Office of General Counsel. Mr. Grahn and Ms. Ruttenberg helped ensure the provisions we drafted would be interpreted and implemented by the Department as we intended.

I have lawyers on my staff, and I am an attorney also. But I can say, without the help of the people I have just mentioned, we would have been in very difficult shape to accomplish what we did.

I particularly spread across the record of this Senate the tireless, countless hours that Lisa Moore spent on this legislation. We are so dependent as Senators on our staff. I have had the good fortune of being able to serve in the House of Representatives. In the House of Representatives, one's jurisdiction is much more limited. One is much more in tune with one's jurisdiction. We in the Senate have wide-ranging jurisdiction. We do not represent one party of our State, we represent our whole State, from the southern tip of the State of Nevada to the northern frontiers of the State of Nevada, one representing famous Las Vegas, the other representing places such as Gerlach and other small places that have totally different interests than Las Vegas. But I represent them all. I become a jack of all trades; some say a master of none.

That is the way the Senate is. We have to depend on our staff. I am so grateful for the work Lisa Moore put in on this case. Not only does our staff work a lot of time doing the things that have to be done, but they believe in these things in their heart. They convey their emotions to us. That is one reason I worked so hard on this and why I am so fortunate I was able to pass it. I would not want to disappoint Lisa, who worked so hard on this legislation.

We, too often, blame our staff for the things that go wrong. We take credit for the things that go right. Most of the time, it should be just the opposite. On this occasion, I make sure I express my appreciation to Lisa Moore and the many other people I mentioned who were so important in passing this legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

AMENDMENT NO. 2898

Mr. DAYTON. Mr. President, I offer an amendment, No. 2898, to S. 565, the election reform legislation.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment No. 2898.

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish a pilot program for free postage for absentee ballots cast in elections for Federal office)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term ''pilot program'' means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term ''Postal Service'' means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.

(2) REPORT.—

(A) IN GENERAL.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(ii) identify methods of targeting such individuals.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $1,000,000 for fiscal year 2004 to carry out this section.

(2) RESPONSIBILITIES CONTINGENT ON FUNDING.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

Mr. DAYTON. Mr. President, voting is an essential and indispensable right

of citizenship in a democracy. Throughout our Nation's history, a task of the Senate and the House has been to remove the barriers to this right to vote. We have made great progress beyond gender exclusion, poll taxes, literacy tests, and other historical barriers. Yet our society is ever changing, and this work is never complete. I applaud the authors of this legislation, Chairman DODD, Ranking Member MCCONNELL, and Senator BOND for their excellent leadership and their hard work to bring this important bipartisan legislation before us today. They have performed a great service to our Senate and to our Nation.

In our national election of the year 2000, only 51 percent of America's voting age population participated. Although this participation rate was a 2 percent improvement over the previous national election, it remains very troubling that only half the eligible citizens in our country took the time and made the effort to help choose their leaders.

I am always curious when people say their vote does not count. When possible, I like to ask, ''Your vote counts one, the same as everyone else's. How much do you think your vote should count?'' A democracy is a democracy because every person's vote counts the same as everyone else's. How much do you think your vote should count? They miss the essential point, that a democracy is a democracy precisely because every person's vote counts the same as everyone else's. When a society reaches a point where some people's votes start counting more than others, either officially or unofficially, a country is usually sliding toward rule by a political and economic elite. When only one person's vote counts, it is a dictatorship.

However, there are still real reasons why some people cannot vote. In Ely, MN, the City Clerk, Terry Lowell, recognized a problem which senior citizens and people with disabilities sometimes encounter. A mail-in ballot is frequently the only way a home-bound citizen can exercise the right to vote. Yet, something as simple as a postage stamp can stand in the way. While the cost of mailing a ballot may seem small, it can also become a matter of practicality—when a person has difficulty getting out of bed or going to the kitchen, just ''running out to get a stamp'' is not a simple task as for most of us.

There are also many senior citizens in Minnesota, and probably elsewhere, who literally watch every penny they must spend. With the costs of their prescription medicines ever rising beyond their control, they have not enough money left for food and utilities. Every additional expenditure, of any amount, is perceived as a burden.

Plus, the way they look at it and the way I look at it, it is a matter of principle. Voting should be free. Voting is free for able-bodied citizens. It should be free for everyone else, as well.

My amendment would create a one-time, pilot project in the 2004 national election, to be designed and implemented by the Postal Service with consultation with the Federal Election Commission. Postage-free absentee ballots would be provided in one State for that one election. This pilot project will measure the effect of postage-free absentee ballots on voting participation by elderly, disabled, and other citizens. We can then consider whether it would be worthwhile to expand their use in future elections.

This amendment's passage will also demonstrate that a citizen, anywhere, can have a good idea and through an elected representative, actually see that idea turned into law. For that, I salute Terry Lowell, in Ely, MN.

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. DODD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Connecticut.

Mr. DODD. Mr. President, I commend the Presiding Officer who has just offered his pilot project amendment.

First, I commend him on the creativity in suggesting a pilot program. I know his concern would be—the question is obvious—the cost of this and how well it will work. I think by running a pilot program we can answer a lot of those questions.

I think the point he made in his remarks deserves repeating. We try to make, as Senator BOND said so often—I have repeated it, Senator MCCONNELL said the same thing on many occasions—voting easy, as user friendly as we possibly can in this country. Every eligible person who has the right to vote can walk into that polling place, whether it be in rural or urban America or poor or suburban communities, walk into that polling place on election day and know he or she is being received, encouraged and offered the means by which they can cast their ballot to choose the President of the United States, down to a local commissioner or board person in their own hometown.

That wonderful right we have that is so unavailable to billions of people on the face of this Earth still is something we need to make as easy as possible, as user friendly as possible. Of course, there are millions of Americans who are homebound, who are overseas, who are in the military. To make this as free and accessible to them as possible is something all of us ought to embrace. Therefore, the idea of making absentee ballots, by which millions of Americans cast their votes, as free as possible, is something I think is deserving of support, particularly as a pilot program.

Had the Senator offered this to require it in perpetuity, across the country, I would have some reservations about what the implications of that could be. But I think the framing it in a pilot program idea for the 2004 election is an idea that is worthy of support.

I have submitted the amendment to my friend from Kentucky and his staff to take a look at it. They are going to be reviewing it. We don't have an answer yet. My hope is we can accept this and come to some agreement. I congratulate my friend from Minnesota for offering this idea to our colleagues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I am going to proceed to offer three individual amendments, and I will be asking to lay them aside. But this way they can be debated tomorrow or Monday when we come back on the 25th. They may be accepted or end up being part of a managers' amendment but disposed of somehow in order to have them before the Senate.

AMENDMENT NO. 2912

The first amendment is an amendment offered by Senator HARKIN, No. 2912. I offer that amendment on behalf of Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. HARKIN, proposes an amendment numbered 2912.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide funds for protection and advocacy systems)

On page 28 of the amendment, after line 23, add the following:

(c) PROTECTION AND ADVOCACY SYSTEMS.—

(1) IN GENERAL.—In addition to any other payments made under this section, the Attorney General shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(2) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C.

794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

On page 30, strike lines 23 through 25, and insert the following:

(b) PROTECTION AND ADVOCACY SYSTEMS.—In addition to any other amounts authorized to be appropriated under this section, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 206(c).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

Mr. DODD. Mr. President, I ask unanimous consent that the Harkin amendment be temporarily laid aside.

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

AMENDMENT NO. 2913

Mr. DODD. Mr. President, I send an amendment to the desk on behalf of Senator HARKIN and Senator MCCAIN and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] for Mr. HARKIN, for himself and Mr. MCCAIN, proposes an amendment numbered 2913.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Congress that curbside voting should be only an alternative of last resort when providing accommodations for disabled voters)

At the end add the following:

SEC. ___. VOTERS WITH DISABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) requires that people with disabilities have the same kind of access to public places as the general public.

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) requires that all polling places for Federal elections be accessible to the elderly and the handicapped.

(3) The General Accounting Office in 2001 issued a report based on their election day random survey of 496 polling places during the 2000 election across the country and found that 84 percent of those polling places had one or more potential impediments that prevented individuals with disabilities, especially those who use wheelchairs, from independently and privately voting at the polling place in the same manner as everyone else.

(4) The Department of Justice has interpreted accessible voting to allow curbside voting or absentee voting in lieu of making polling places physically accessible.

(5) Curbside voting does not allow the voter the right to vote in privacy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the right to vote in a private and independent manner is a right that should be afforded to all eligible citizens, including citizens with disabilities, and that curbside voting should only be an alternative of the last resort in providing equal voting access to all eligible American citizens.

Mr. DODD. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside.

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

AMENDMENT NO. 2914

Mr. DODD. Lastly, Mr. President, I offer an amendment on behalf of the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. SCHUMER, proposes an amendment numbered 2914.

The amendment is as follows:

(Purpose: To permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail, and for other purposes)

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

Mr. DODD. Mr. President, I ask unanimous consent that the Schumer amendment be temporarily laid aside.

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

Mr. DODD. Mr. President, I will not go into describing these amendments. We will leave that for the Members themselves when they find the time, probably either tomorrow or Monday on the 25th, to come and explain them.

In the meantime, again, I am going to suggest to Members that with the finite list of amendments we now have from both the minority and majority sides, we are going to make an effort to accommodate as many of these amendments as we can, to try to see if we can accept them or suggest maybe modifications that would make the amendments acceptable; or if that is not possible, then certainly provide the time on Monday, the 25th, or tomorrow, for these amendments to be debated, with Tuesday, the 26th, being the day on which amendments would be voted upon, those that had not been resolved or accepted or made part of a managers' amendment.

That is the idea. That is the goal, so to speak, we are trying to achieve with all of this.

So with that, Mr. President, I do not know if I have any additional amendments at this point to submit. That being the case, I note the presence of my friend and colleague from Nevada. I see he has some big, white cardboard pieces in his hands, which usually indicate a chart and a speech. So I think we are going to hear some words.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. First of all, I say to my friend from Connecticut, what a great job you have done on the bill today. We have made tremendous progress. We have a list of amendments. I will be happy to work with the Senator tomorrow, and the days after that, and, hopefully, we can pass this bill Tuesday. That would be a great mark for the American people.

SENATOR DODD'S BABY

Mr. REID. Mr. President, I also say to my friend, I had such a pleasant time about half an hour ago. I went back to Room 219 and saw Grace Dodd, his beautiful 6-month-old baby. As I said to Jackye, your lovely wife: She is a real person, little Grace. And I bet the Senator is very proud of her, as he should be.

Mr. DODD. Absolutely.

AMENDMENT NO. 2914, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the Schumer amendment No. 2914 at the desk be modified with the language at the desk.

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

The amendment, as modified, is as follows:

(Purpose: To permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail, and for other purposes)

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current

utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—

(A) IN GENERAL.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

Mr. REID. Mr. President, I ask unanimous consent that the following list of amendments that I will send to the desk be the only first-degree amendments remaining in order to S. 565, the election reform bill; that these amendments be subject to second-degree amendments which are relevant to the amendment to which it is offered; that upon disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill; that upon passage, the title amendment which is at the desk be agreed to, and the motion to reconsider be laid upon the table, without any further intervening action or debate.

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

The list is as follows:

FIRST-DEGREE AMENDMENTS TO S. 565, ELECTION REFORM

(Current as of 7:05 pm on Thursday, February 14, 2002)

Byrd: Relevant, Relevant to the list.
Cantwell: Relevant (3).
Cleland: Military and Disabled Voters (2), Amending short title.
Clinton: Residual ballot rules.
Daschle: Relevant, Relevant to the list.
Dayton: Free and Reduced Mail-In Ballots, Pilot Program (Amdt. 2897), Pilot Program (Amdt. 2898).
Dodd: Managers' Amendments, Criminal Penalties Clarification, Relevant (2), Relevant to the list.
Durbin: Photo ID Alternative, Relevant.
Feinstein: Retro Activity, Relevant (5).
Harkin: Sense of Congress re: Access to polling place, Protection & Advocacy Systems for the Disabled.
Hollings: Weekend elections, Using NIST.
Jeffords: Felon list, Minimum State funding, State plan, First-time voters, Minimum State Funding II.
Kennedy: Safe Harbor.
Kerry: Election Day Holiday (Amdt. 2860).
Kohl: Weekend voting.
Landreiu: SoS local impact (Amdt. 2869), Federal holiday (Amdt. 2868), Strike study on establishing Election Day as holiday (Amdt. 2867).
Levin: Provisional ballot, Grant funds.
Lieberman: Recount standards.
Reed: Relevant (2).
Reid: Relevant, Relevant to the list.
Rockefeller: Overseas voters.
Sarbanes: Help America vote college program.
Schumer: Lever Machines, Age Box, Voter Registration, First-Time Voters.
Torricelli: TV broadcasting.
Wyden: ID verification (Amdt 2870).
B. Smith: Military voting, Relevant.
Collins: Grant minimum.
Gramm: Military voting.
Sessions: Civic education, Mock election.
Lugar: Toll free hotline for fraud.
Enzi: Parking lot accessibility.
Grassley: Military voting, Voter registration, Overseas voters.
McCain: Polling accessibility for disabled (3).
Specter: Relevant (3).
Bond: Relevant (3).
Roberts: Provisional voting, Notify voters.
Burns: Relevant, Election technology.
Kyl: Relevant (2).
Hatch: Relevant (2).
Ensign: Grant funding, Auditing.
Chafee: State Grant Payments.
Nickles: Relevant (2), Relevant to the list (2).
Thomas: Voter registration procedures, Exempt states, Disabilities.
Stevens: Americans abroad.
McConnell: Relevant (2), Relevant to list (2).
Lott: Relevant (2), Relevant to list (2).

Mrs. CARNAHAN. Mr. President, discussions about the state of our democracy too often focus on what is wrong with our political system.

Experts bemoan low turnout; they say young people are turned off by politics; they say grassroots campaigns no longer can work in the age of 30-second television ads.

But Americans cherish their democracy. Political participation allows us to express our deepest held beliefs. When we fight for something we believe in we are true participants in our democracy. I know this is true because I saw it myself. Missourians during the last election, even in the face of grief, went to the polls to make their will known. The 2000 election, however, revealed a number of flaws in our electoral machinery.

Far too many Americans were being disenfranchised without their knowledge. Too many voters left the polling places in confusion; too often registration lists had not been properly maintained.

The promise of American democracy is that everyone has the right to vote without regard to their individual circumstance. It is our job to make that promise a reality.

The Constitution calls for a decentralized system that puts states in charge of elections. But since States hold elections for Federal offices, it is appropriate for the Federal Government to encourage and empower States to improve the voting process. I believe this bill does just that and I am pleased to support it.

I congratulate the sponsors and those who have put many hours of hard work to bringing this consensus bill to the floor.

This bill is framed around two basic premises: Those who are not properly registered to vote are not allowed to cast a ballot, but for those who are properly registered, we should make it as easy as possible for them to go to the polls, vote, and have their vote counted.

To those who say we need additional steps to eliminate voter fraud and punish those who abuse the system, you are correct. We must work harder to put systems in place that will adequately update voter rolls. Many States and local registrars are plagued by insufficient technology, and thus an inability to maintain databases that are current. There must also be adequate voter education so that our citizens understand what steps they must take to register properly. And we must make sure that poll workers receive the appropriate training so that we can reduce any potential issues at the polling places.

To those who say we must live up to the promise of our Constitution and do all within our power to bring more people into the process, I say your call must be heard.

This Nation's history is built on the fight for suffrage. To place even the lowest hurdle before someone seeking to exercise the right to vote is an affront to our democracy. This bill ensures that we go the extra mile to protect the rights of those populations most vulnerable to disenfranchisement: the elderly, the disabled, those who are not fluent in English, ethnic and racial minorities, and members of the armed services who are serving overseas.

Perhaps the most significant reform in this bill is that States will be required to implement a system of provisional voting. From now on, if someone's eligibility is challenged at the polling place, they will have the right to cast a vote. If it turns out that the voter was properly registered, his or her vote will be counted.

The bill will also prevent disenfranchisement by updating voting technology. In the future, voters will know if they unintentionally selected more than one candidate for a single office, or if their ballots are not otherwise properly marked, and they will have a chance to correct their ballots, and make sure their vote is counted. It is common sense that when a system is broken, we must mend it.

When this system concerns a fundamental and cherished right, it is not only common sense, it is vital to the health of our Nation.

Our efforts today to empower voters remind me of the words of President Franklin D. Roosevelt, who said:

Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country.

Let us renew the promise of our great Nation and enact legislation that will promote fairness, enhance participation, and increase our faith in the greatest democracy in the history of the world.

NORTH DAKOTA VOTING PROCEDURES

Mr. CONRAD. As my colleague from Connecticut knows, North Dakota currently operates a unique voting system in that we have no registration system whatsoever for our State. This is a very open system that I believe is very much in line with the intent of your legislation to ensure the maximum amount of openness and accessibility in our Nation's voting system. Am I correct in reading the language of subparagraph 103(a)(1)(B) of the substitute amendment to allow North Dakota to continue operating a registration-less voting system for Federal elections in our State?

Mr. DODD. Yes, the clear text of this provision exempts states without a registration requirement for its voters from having to implement such a computerized system consistent with section 103. Put simply, the exception provided in 103(a)(1)(B) exempts North Dakota from all provisions of the bill concerning a computerized statewide voter registration system. We simply did not want any of this bill's provisions, either directly or indirectly, to interfere with North Dakota's ability to continue operating its commendably open and accessible registration-less system of voting.

Mr. CONRAD. Mr. President, I thank the Senator from Connecticut for his aid in understanding this exemption. I also have a question with regard to Section 102 of the bill—the provisional voting section. I would like to describe the way North Dakota currently operates its ''voter challenge process'' to get my esteemed colleague's perspective on whether our State currently satisfies the requirements of this section.

In North Dakota, the members of an election board or poll challengers may challenge the right of anyone to vote whom they know or have reason to believe is not a qualified elector. A poll challenger or election board member may request that a person offering to vote provide an appropriate form of identification to address any voting eligibility concerns, such as age, citizenship, or residency requirements. If the identification provided does not adequately resolve the voter eligibility concerns of the poll challenger or election board member, the challenged person can execute an affidavit before the election inspector affirming that the challenged person is a legally qualified elector of the precinct. The affidavit must include the name and address of the challenged voter and the address of the challenged voter at the time the challenged voter last voted.

If the election inspector finds the affidavit valid on its face, the challenged person is allowed to vote as any other voter does and his or her voted ballot is deposited in the ballot box with the rest of the voted ballots from the precinct and counted by a canvassing board, or in the case of a recount by the recount board, in exactly the same manner as a ballot cast by non-challenged voters. In other words, the challenged person's voted ballot is not segregated or designated in any special way for further or future inspection by election officials, canvassing officials, recount officials, or legal authorities.

I ask my distinguished colleague the Senator from Connecticut whether this current system satisfies the requirements of section 102 of his bill.

Mr. DODD. Mr. President, I again commend the State of North Dakota's open and accessible voting system. Our intent in drafting section 102 was to require that voters who were challenged, but felt that they had the legal right to vote, were given the opportunity to cast a ballot and then have that ballot set aside and verified. North Dakota's system goes beyond this intent by being even more voter-friendly. Based on my understanding of your description of North Dakota's system, North Dakota should be able to continue operating its more voter-friendly voter challenge system.

For example, paragraphs (a)(3) and (a)(4) of section 102 requires election officials to verify the written affirmation of that voter's eligibility before the ballot is counted. Under North Dakota State law, as you have represented it to me, verification happens upon the execution of a written affidavit. The fact that the verification by the election official that is required under this bill occurs prior to the ballot being cast instead of after the ballot is cast is a function of North Dakota's registration-less system. It therefore satisfies all of the requirements of section 102(a).

I should point out that under subsection 102(a)(5), the individual who voted via affidavit will need to be provided written notification at the time he casts his or her ballot that he or she will not receive any further notification—because as a matter of state law, that person's vote has been counted. This could easily be done by handing out a generic form to each voter who votes via affidavit.

Mr. CONRAD. Mr. President, I greatly appreciate the Senator from Connecticut taking the time to answer my questions about his bill. I also want to take this time to commend the Senator for his terrific leadership and work on the very important issue of election reform.

Mr. REID. Mr. President, I ask unanimous consent to speak as in morning business.

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

YUCCA MOUNTAIN

Mr. REID. Mr. President, today the Secretary of Energy recommended to the President that Yucca Mountain, Nevada should be the site for storing all of America's nuclear waste, all 70,000 tons. This recommendation came despite the objections of all the credible independent experts who have reviewed the project. I will name just few of them. There are many others, but the credibility of those I will name cannot be refuted. These experts all say that the science is not sound.

The General Accounting Office is the watchdog of Congress and the watchdog for the American people. The GAO has been an important part of our Government for many decades and is noted for its independence and veracity. The General Accounting Office has stated that making a decision now regarding the Yucca Mountain project is neither ''prudent'' nor ''practical.'' That is pretty direct.

The Nuclear Waste Technical Review Board is an independent agency established to review what is going on with nuclear waste from a technical standpoint. It is chaired by the former dean of the Forestry School at Yale University, who is now the president of Carnegie-Mellon in Pennsylvania and is one of the foremost scientists in America. The Nuclear Waste Technical Review Board says that the scientific review that has been conducted at Yucca Mountain is ''weak.'' That is pretty direct.

The Inspector General of the Department of Energy stated that because the law firm giving advice to the Secretary of Energy on Yucca Mountain, Winston and Strawn, was the same law firm that was giving legal advice to the Nuclear Energy Institute, the umbrella for the nuclear utilities in this country, there was a clear conflict of interest. That too is pretty direct.

No one can challenge the credibility of this all-star team of independent experts: The Inspector General, the General Accounting Office, the Nuclear Waste Technical Review Board. No one can challenge their credibility.

Secretary Abraham has made a hasty, poor, and really indefensible decision. Now the question of whether a high-level nuclear waste dump will be built in Nevada lies with the President of the United States.

It is time for President Bush to fulfill the commitment he made to the people of Nevada and to the country; that is, that he would not allow nuclear waste to come to Yucca Mountain unless there was sound science justifying such a decision.

The General Accounting Office, the Nuclear Waste Technical Review Board, and the Inspector General have all said that science does not exist.

The President should demand sound science—peer-reviewed scientific evidence of the highest caliber—and wait

until he receives it before making a decision about Yucca Mountain. The President has the responsibility and the authority to fulfill the promise he made to this Nation as a candidate regarding nuclear waste.

I urge President Bush to exercise that authority and show the Nation he is a man of his word. We are depending on him.

Mr. President, this visual aid represents the proposed routes that trucks and trains would travel to Nevada carrying 70,000 tons of toxic material. One hundred thousand truckloads of nuclear waste will be hauled on these roads. And 20,000 trainloads of nuclear waste will be hauled along the railways we see here on this map.

The Department of Energy has refused to do an environmental impact statement assessing the effects of transporting all of this deadly material. Why? Because they cannot explain how it would be possible to safely haul 70,000 tons of nuclear waste over the highways and railways of this country.

Since September 11, we know that terrorists are waiting for targets of opportunity. We know now not only that they are waiting for targets of opportunity but also that they are capable of hitting their targets. The tragic events of September 11 demonstrated that in such a dramatic fashion. It would be reckless and dangerous to provide terrorists with more than a hundred thousand additional targets, which the trucks and trains carrying nuclear waste would become.

So, Mr. President, I say to you, and the rest of America, we are depending on the President of the United States, George W. Bush, to be a man of his word and not allow nuclear waste to travel across this country until there is sound science. There is not sound science, as separate reports prepared by the General Accounting Office, the Inspector General of the Department of Energy, and, of course, also by the Nuclear Waste Technical Review Board all make clear.

The President should wait until he has credible evidence and a sound scientific basis to support a plan for storing nuclear waste at Yucca Mountain and allowing it to travel across the country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 671, 672, 675, and 697; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, statements relating to the nominations be printed in the RECORD, and the Senate then return to legislative session.

Mr. President, this applies to David Bunning, to be United States District Judge; James Gritzner, to be United States District Judge; Richard Leon, to be United States District Judge; and Nancy Dorn, to be Deputy Director of the Office of Management and Budget.

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

The nominations considered and confirmed are as follows:

THE JUDICIARY

David L. Bunning, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

James E. Gritzner, of Iowa, to be United States District Judge for the Southern District of Iowa.

Richard J. Leon, of Maryland, to be United States District Judge for the District of Columbia.

EXECUTIVE OFFICE OF THE PRESIDENT

Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

The majority leader.

TEMPORARY UNEMPLOYMENT COMPENSATION ACT OF 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3090, that all after the enacting clause be stricken, that the text of the substitute amendment which is at the desk be substituted in lieu thereof, the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, I will not object.

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

The amendment (No. 2896) was agreed to as follows:

(Purpose: To provide for a program of temporary extended unemployment compensation)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Temporary Extended Unemployment Compensation Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the ''Secretary''). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this Act—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1)(B), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

The bill, H.R. 3090, as amended, was read the third time and passed.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, for the knowledge of Senators, this is the same language for unemployment insurance extension that we had passed earlier. There is no change. I wanted to make that clear.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I concur with the distinguished Republican leader in making that assertion as well. This is exactly the same language that 7 days ago we sent to the House. My only reason for renewing the request today is because, unfortunately, I think we are going to be getting a much more comprehensive package back from the House, a package that clearly doesn't today enjoy the 60 votes that it would require to move not only unemployment compensation but all the other issues that are attached.

On a bipartisan basis, both Republicans and Democrats in the Senate are clear and on record in support, at the very least, of an extension of the unemployment benefits, and for good reason. Every day, about 11,000 people are pushed off the unemployment compensation rolls. About 77,000 of these workers have been made ineligible for unemployment compensation just since we passed this resolution 7 or 8 days ago. Our proposal is simply to give the House an opportunity to take up this simple extension with an expectation at some point later that we could entertain economic stimulus legislation as well.

I thank my colleagues for their cooperation. Again, this sends a clear message. We are very hopeful we can do something to help these unemployed workers prior to the President's Day recess.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for no more than 5 minutes.

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

PRESIDENT BUSH'S NEW APPROACH TO CLIMATE CHANGE

Mr. CRAIG. Mr. President, this afternoon President Bush outlined a new approach to climate change for this Nation, and I believe for the world.

The President has thoughtfully tackled the emotionally charged issue of climate change and focused us in a pragmatic way. I believe this is a demonstration of leadership.

He has thoroughly considered the existing scientific evidence, which remains inconclusive, and determined that a slow and cautious approach to stabilizing greenhouse gas emissions is the most prudent policy.

I and many of my colleagues in the Senate have worked hard for years on this challenging issue and wholeheartedly concur with the President's decision.

The President's determination to aggressively pursue answers to many critical scientific questions and his concern about the effects of action on American jobs and our economy are well balanced.

The proposed actions in the President's plan will be effective in giving us the change we need. The voluntary nature of these proposals provides needed flexibility to achieve substantial reductions in emissions.

The President has outlined a strategy that incorporates incentives and opportunity for creative ways to achieve those reductions.

The President's plan also thoughtfully addresses the critical need to actively engage developing countries.

I have stated in the past that American policy should recognize the legitimate needs of our bilateral trading partners to use their resources and meet the needs of their people.

For too long the climate policy debate has been fixated on assigning blame and inflicting pain. The President clearly recognizes that this is harmful and counterproductive.

His plan will make our best technology available to developing countries and will refocus American research activities on developing country needs as well as our own.

During this Congress and the last I, along with many of my colleagues, worked diligently to construct a framework for national consensus on this issue. The legislation that I and several of my colleagues introduced was organized around the central notion of ''risk management.''

The President's approach is fully consistent with that notion.

It develops a ''long-term'' strategy;

It quantifies risk by improving scientific research programs;

It develops tools to improve energy efficiency and find ways to sequester carbon by funding a comprehensive R&D program;

It removes disincentives by removing barriers to deployment of energy technology; and

It encourages a global solution by aggressively pursuing international technology transfer programs.

The benefits of the President's approach are broad-based, as they must always be.

It employs a least-cost path to emissions goals by using energy technology and incentives;

It yields real emissions reductions by improving the emission reduction registry currently monitored by the DOE;

It strengthens the hands of U.S. negotiators by implementing significant domestic action;

It is more than just CO2—it encourages reductions of emissions of methane and other more powerful greenhouse gases;

It focuses on more than just the electric power sector by including the agriculture, forestry, transportation industries;

It sends the right market signals by focusing on innovation, investment in new technology—not prescriptive regulation; and

It maintains policy flexibility—our future policy response can respond to changing knowledge on technology, understanding of climate impacts and risk.

President Bush, I believe, has offered us leadership, and I thank him for it, by setting for our Nation a safe, prudent, and responsible path toward resolving this issue.

I hope all of my colleagues in the Senate, especially those who have shown great concern about climate change, join with me and seize the opportunity that our President has given us to move constructively, without rancor, to offer up the best technology, the best science, and to bring our country together—not to divide our country—and to continue to progressively achieve, in a recognizable and measurable way, reduction in greenhouse gases as we have done over the last decade, and to do so without damaging our economy.

I believe that is what President Bush has laid before this Nation today, and the world: A pragmatic and realistic challenge of leadership as it relates to addressing the question of climate change in an understandable fashion and a manageable approach.

I yield the floor.

ENERGY POLICY

Mr. BINGAMAN. Mr. President, I call to the attention of my colleagues the fact that the President announced his plan related to global warming. The plan appears to endorse some of the energy efficiency and clean energy incentives that were reported out of the Senate Finance Committee last evening. Obviously, I think all of us welcome White House support for those initiatives.

I hope we can get the same level of support from the White House for the other critical elements in the energy bill that relate to this important issue of global warming.

Unfortunately, the rest of the plan that the administration unveiled today appears to be little more than business as usual. The President's statement earlier today referenced the voluntary reporting program for greenhouse gas emissions which was established by Congress in 1992 as part of the Energy Policy Act.

The intent of that program at that time was to encourage the energy sector to begin to pay attention to greenhouse gas emissions. It was not to drive serious reductions in emissions. It was a decade ago when that legislation was passed, and we know much more now about global warming and the threat that it could pose to us.

According to a year 2000 report by the Energy Information Administration entitled ''Emissions of Greenhouse Gases in the United States,'' U.S. energy intensity—that is the energy consumed per each dollar of gross domestic product, and that is sort of the measure the President referred to—fell by an average of 1.6 percent per year from 1990 to the year 2000.

At the same time that energy intensity was falling, the carbon intensity of energy use has remained fairly constant. It is the use of less energy per unit of economic output that has kept emissions from growing at the same rate as the economy is growing, and the rate of carbon emissions per unit of energy is not decreasing—or is decreasing very little, certainly not enough.

Our economy has become increasingly oriented toward the service sector, toward intellectual, high technology sectors. We are less focused on heavy industry and manufacturing, and we are using less energy per dollar of gross domestic product, which is to be expected as our economy has evolved.

Yet as the population has grown and affluence has increased, we are using more and more energy without reducing the emissions per unit of energy consumed.

Clearly, climate change is an energy issue. We need to address it as part of this energy policy debate that we are going to have when the Congress returns after next week.

The United States committed under the framework convention on climate change that was ratified in the Senate that we would take action to reduce emissions to 1990 levels by the year 2000. Under the plan announced today, the U.S. emissions will be 30 percent above 1990 levels by the year 2012. Continued reliance on these voluntary actions, which is what the President is urging, without an overall policy framework, without specific goals, will not lead to any serious reductions in domestic emissions of greenhouse gases.

I have to ask why we would sell our technological and entrepreneurial ingenuity so short. The American people believe climate change is a critical issue. They also believe we can innovate our way to solutions to these problems. With the administration approach to addressing climate change, I fear we are communicating to the

world we no longer have confidence in our technological ability to solve these problems.

The energy bill we are going to debate when we return from the recess includes concrete energy policy provisions that will reduce carbon intensity in the energy sector. It includes increased vehicle fuel economy and provides incentives to commercialized cutting-edge vehicle technologies. It gives consumers greater information about emissions from the energy they use so they can make deliberate decisions to control their own contributions to greenhouse gas emissions. It increases the mix of technologies for power generation, including a much greater role for renewables and more efficient fossil generation technology.

The renewable portfolio standard, for example—and that is a provision in the bill we will be debating—is a market-driven approach that will force renewable projects to compete against each other for a share in the electricity market. To shift to a greater investment and combine heat and power systems could more than double the efficiency of coal-fired generation while dramatically cutting emissions.

There are many creative and thoughtful people in the private sector eager to move forward with these types of projects. The right energy policies can unleash the competitive creativity that will meet our energy needs and reduce greenhouse gas emissions. We need to agree on a framework that removes impediments to efficiency and market competition, that provides incentives for cleaner energy strategies that will reduce emissions, and a framework that empowers consumers to control their energy choices and manage their own environmental impact.

When I talk to students in my State—and I am planning to do that on several occasions this next week—they express great interest in energy and environmental issues. They want to know what they can do to affect greenhouse gas emissions. They have a much greater stake in the future than those of us here do, in fact. We need to be sure that 10 years from now we have not left them with a problem that is out of control. We need to be responsible and prudent now and not wait until 2012 to make hard decisions on this very difficult issue.

I yield the floor.

Mr. JEFFORDS. Mr. President, in the last few days, I have spoken in honor of two prominent Winter Olympians from Vermont, Kelly Clark and Ross Powers. They are extraordinary snowboarders and athletes. They have performed miracles in the air and snow in Salt Lake City.

I want Vermonters and all Americans to enjoy the Winter Olympics here and elsewhere for the foreseeable future. They bring out the best and noblest elements in human nature.

Today, the President is announcing his administration's policy to deal with the global warming that threatens the reliability of winter and therefore the enjoyment of winter sports. Unfortunately, from what I understand, this policy will do nothing to significantly reduce the greenhouse gas emissions that are contributing to global warming.

Obviously, this is a very serious matter to Vermonters who love to snowboard, ski and skate, and depend on predictable winters and snow. It is also a serious matter to the mayor of Salt Lake City, whose city is taking actions to reduce greenhouse gas emissions and increase energy efficiency. Further, I would note that the mayor and the city of Burlington, like other progressive State and local leaders and communities across the Nation, are taking similar actions to fill the void of Federal leadership on this important issue.

I don't mean to be selfish, but I would like to be certain that Vermonters can continue to win Gold Medals in the Winter Olympics for generations to come. That means taking credible action on global warming now so winter is around long enough every year for training, competing, and busting huge air, as the snowboarders say at Suicide Six Ski Area in Woodstock, VT.

Clean air is a major issue in Vermont. We want to stop acid rain, and other public health and environmental damage. So, I am glad that the President has finally put forward his multi-pollutant proposal. We have been waiting for it since he took carbon dioxide off the table about a year ago. Perhaps the administration will actually work with Congress on this issue constructively.

I hope the administration sends the proposal up the Hill right away in legislative form as was promised. That will speed our committee's deliberations and Senate passage.

The details are not clear yet, but I hope that it will not entertain reducing any existing Clean Air Act protections. That is a crucial question that Vermonters will ask, from the skiers and snowboarders to the hikers.

Unfortunately, real carbon reductions appear to have completely fallen off the table in this climate policy. In fact, all we are getting are some crumbs. Some of them even appear to be recycled crumbs that Congress never passed and probably wouldn't have worked anyway.

A year ago, the President sent several Senators a unilateral ''Dear John'' letter rejecting carbon dioxide reductions at power plants and formally rejecting the Kyoto Protocol. Today's new climate policy is like delivering the final divorce papers to the public and the world. And it is divorced from the reality of global warming. Maybe you could call it a love letter to the status quo and the polluting past.

The Framework Convention, or the Rio Agreement, that the U.S. Senate ratified under former President Bush commits us to adopting policies that will achieve 1990 levels of greenhouse gas emissions. That is our commitment to the world.

This policy breaks that commitment. And it fails to acknowledge that we are responsible for emitting 25 percent of the world's greenhouse gases. Under this policy our share would continue to grow. There would be no real reduction in our total emissions.

I have faith that American ingenuity can develop cleaner, greener and more efficient technology to reduce greenhouse gas emissions. But, without a hard target to aim at, the arrow of progress is severely blunted. Our technology edge, instead of our exports, will pass to Europe, China, and other countries.

Finally, as I told Governor Whitman yesterday, the administration's multi-pollutant bill has to improve air quality faster and better than business as usual to be really credible. We will be asking for that kind of proof in the coming days.

We will need details on how fast their bill reduces acid rain impacts in the Northeast and how quickly it saves lives being lost or damaged from particulate pollution. Every day of delay hurts the environment and public health.

I hope their numbers can help move us forward and don't drag us backward.

But, I must say, without real carbon dioxide reductions, this proposal comes up short. You don't win a race with a three-legged horse, you don't drive a car with three wheels and you don't get lucky off a three-leaf clover.

I ask unanimous consent to print in the RECORD a Washington Post editorial by Mayor Anderson from February 8, 2002.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 8, 2002]

WINTERLESS OLYMPICS

(By Ross C. ''Rocky'' Anderson and Bill McKibben)

SALT LAKE CITY.—When the Winter Olympics opens tonight, both of us will be standing on the sidelines and cheering—one as mayor of the host city, the other as merely a rabid fan of Nordic skiing. But for all the hoopla and speed and elegance, we also are both aware that the future of the Winter Games is in danger, because winter itself is in danger.

The world's scientists have issued strong warnings about climate change in the past few years, and their computer models show clearly that, of all seasons, winter may change the most. Across the West, snow levels are expected to climb hundreds of feet up the mountains. In the East, according to a recent assessment by scientific researchers, the cross-country skiing and snowmobile industries ''may become nonexistent by 2100.''

The majority of sub-Arctic glacial systems are now in rapid retreat. Sea ice in the Arctic is thinning quickly, and winter measured by dates of first and last freeze, is now almost three weeks shorter across North American latitudes than it was in 1970.

Such changes have practical implications. The weakening of winter will, for instance, mean less water stored in mountain

snowpacks for summer irrigation. The ski industry is already fearful of the economic losses from shortened seasons.

As you watch the world's finest athletes glide across your TV screen for the next two weeks, consider, too, how sad it will be to lose much of that part of the year when you can glide across ice or race down a slope.

This doesn't have to happen. We've already locked in some global warming from our profligate use of fossil fuels in the past, but it's not too late to take serious action to slow climate change. Indeed, though Washington is still in the grip of the fossil fuel lobbyists, state and local governments are beginning to lead the way to clean energy now.

Here in Salt Lake City people are committed to cutting emissions of carbon dioxide 7 percent or more, meeting the targets of the Kyoto Protocol, to which all industrialized nations except the United States (under the Bush administration) have voiced commitment.

How will it be done? By reducing energy consumption, preserving large tracts of open space and creating new guidelines for ''high performance buildings.'' Salt Lake City is changing development patterns, expanding its mass transportation system—in short, it's growing smart.

Salt Lake City is not alone. The Seattle City Council last fall pledged that the city would meet or beat the targets of the Kyoto treaty on global warming, and promised that its municipal utility would soon be ''carbon-neutral,'' generating power without contributing to the greenhouse effect. Voters in San Francisco last fall passed, by a wide margin, an initiative that commits the city to buying large amounts of solar power. And the governors of the New England states, prodded by new computer models showing that Boston's climate could resemble present-day Atlanta's by century's end, have also committed to reductions in CO_2 output.

Elsewhere, local governments are experimenting with electric cars and windmills, with gas-guzzler taxes and prime parking spaces for high-mileage cars, with new rapid transit incentives and old utility phase-outs.

All of this would be easier and more effective with committed leadership and backing from the federal government. In the meantime, others have to take the lead.

Municipalities are good competitors. Every four years, mayors around the world vie with each other to land the next Olympics. If we spent the same effort and creativity on redesigning our cities for energy efficiency, we might do more than determine who wins the next Winter Games.

We might actually save winter.

THE BIODIESEL PROMOTION ACT OF 2002

Mrs. LINCOLN. Mr. President, yesterday I introduced S. 1942, the ''Biodiesel Promotion Act of 2002,'' to provide tax incentives for the production of biodiesel from agricultural oils. I was pleased to be joined by Senators DAYTON and JOHNSON as original cosponsors of my bill.

I was also pleased yesterday to be joined by Senator GRASSLEY in offering S. 1942 in amendment form to the Senate Finance Committee Energy Tax Incentives legislation. My amendment was included in the legislation with an overwhelmingly favorable vote of 16 to 5. The amendment differs from S. 1942 only in the length of authorization of the program. Due to budget constraints, the amendment authorizes the program for three years as opposed to the bill language of a ten-year authorization.

S. 1942 is a start, but we must make sure that these incentives are not just a flash in the pan. We must ensure that biodiesel becomes a central component of this nation's automobile fuel market.

S. 1942 will provide a partial exemption from the diesel excise tax for diesel blended with biodiesel. Specifically, the bill provides a 1-cent reduction for every percent of biodiesel blended with diesel up to 20 percent.

The bill also provides for reimbursing of the Highway Trust Fund from the USDA Commodity Credit Corporation, (CCC). I believe this procedure will protect the Trust Fund from lost revenues due to the biodiesel incentive while providing a much-needed boost to our nation's biodiesel industry. The cost to the CCC would be offset at least initially by the savings under the marketing loan program.

Biodiesel, which can be made from just about any agricultural oil including oils from soybeans, cottonseed, or rice, is completely renewable, contains no petroleum, and can be easily blended with petroleum diesel. A biodiesel-diesel blend typically contains up to 20 percent renewable content. It can be added directly into the gas tank of a compression-ignition, diesel engine vehicle with no major modifications. Biodiesel in its neat or pure form is completely biodegradable and non-toxic, contains no sulfur, and it is the first and only alternative fuel to meet EPA's Tier I and II health effects testing standards.

Biodiesel also has many environmental and operational benefits. One I would like to highlight is the fuel's lubricating characteristics. Even at very low blends, biodiesel contributes operational and maintenance benefits to diesel engines by continuously cleansing the engine as it runs. This is even more significant when using ultra-low sulfur diesel. With the EPA's new rule to reduce the sulfur content of highway diesel fuel by over 95 percent, biodiesel stands ready to help us reach this requirement.

Farmers in my State of Arkansas and across the country began investing in the development of biodiesel because of the economics of the farm industry. Producing biodiesel from farm commodity oils will provide a ready new market for our farm products. Currently, agricultural oils are widely produced for use in our food markets. However, large supplies of vegetable oils in the world market have resulted in depressed commodity prices in the domestic market.

More than a decade ago, soybean growers recognized that the traditional approach of riding out a depressed market by storing surplus soybean oil until better times would no longer work. The industry had to do more. It needed a proactive and aggressive plan to develop new markets and expand existing ones. Biodiesel is one of these new markets identified with true potential for displacing large quantities of soybean oil.

For cotton, the cottonseed is presently about 20 percent of the value of the crop. Biodiesel will open new value-added uses for the cottonseed oil at a time when new uses and markets are extremely important because of these hard economic times. And for our rice farmers, biodiesel will provide additional incremental increases in value to our rice crop and open up a new outlet for the co-product of rice bran oil.

A Department of Energy and Department of Agriculture study has shown that biodiesel yields 3.2 units of fuel product energy for every unit of fossil energy consumed in its life cycle. By contrast, petroleum diesel's life cycle yields only 0.83 units of fuel product energy per unit of fossil energy consumed. Such measures confirm the ''renewable'' nature of biodiesel.

Even after years of research and market development, biodiesel is not yet cost-competitive with petroleum diesel. In order to be so, market support and tax incentives are needed. I believe the provisions provided in this bill will help in leveling the field for biodiesel blends and help jumpstart this exciting new industry.

The time is right for this investment. It is right for our rural economy, for our environment, and for our national energy security.

SHE FLIES WITH HER OWN WINGS

Mr. SMITH of Oregon. Mr. President, today I commemorate the anniversary of Oregon's statehood, which was secured this day in 1859. Oregon became the 33rd State to join the Union, and did so as a free State. At the time, there was no room for Oregon's new Senators in the Capitol, and construction immediately began on the Chamber we find ourselves in today. One hundred and forty-three years later, there seems to be plenty of room in the Congress for Oregon and the 17 States that followed her.

From ''fifty-four forty or fight!'' to my State's current motto, ''She flies with her own wings,'' Oregon has always been emblazoned with the spirit of independence. Inaugurated by the arrival of Lewis and Clark at Fort Clatsop in 1805, this spirit of self-determination brought forth the pioneers from across the plains and over the snowy peaks of the Rockies and into Oregon Country. It is the marrow of the pioneers with their axes who forged high into Oregon's forested mountains to fell the timber needed to build an empire, and the farmers in the emerald valleys who pulled their plows through the soil to grow the crops that feed a nation.

The economy that grew from those natural resources stood strong for a century, during which time we learned to build fish hatcheries and to replant

our trees to ensure a sustainable bounty from the land and the water. When the hydropower system was built on the Columbia River, rural Oregon was electrified and the agricultural products of the ''inland empire'' were launched into the world. It was at the dedication of Bonneville Dam in 1937 that President Roosevelt aptly described the growing challenge of balanced economic growth between urban and rural areas. He said that the healthiest growth of urban areas ''actually depends on the simultaneous healthy growth of every smaller community within a radius of hundreds of miles.''

The current economic downturn in my state echoes Roosevelt's challenge. Whether it is in the Silicon Forest or the Doug Fir Forest, Oregon is learning that entire industries must no longer be pitted against one another, or rural economies exchanged for urban ones. We need them all, and we have to create an environment for them to flourish. Not long ago, Oregon was the Nation's leader in high-tech and timber. Now, Oregon leads the Nation in unemployment and hunger.

The wings by which Oregon flies are heavily burdened, and much of the weight falls from the Federal Government. Congress has failed to produce a stimulus package to relieve small businesses, families and the unemployed. But federal failures like this are not new to Oregon. The government is still in default on its promise to timber communities affected by the Northwest Forest Plan. So, too, are answers due to farmers in the Klamath Basin whose livelihoods were held captive by shoddy science.

Ironically, Oregon needs both ''more'' and ''less'' of the federal government. Oregon needs the federal government to be less burdensome to commerce, less capable of wiping out resource-based communities, and less eager to carry out grand political experiements on Oregon soil. But it also needs the government to be more honest in its dealings, more accountable for its actions, more targeted in its assistance, and more respectful of local approaches to local problems. It is only in such a world that Oregon's farmers and ranchers can truly thrive, her businesses flourish, and her economy survive. On the 143rd anniversary of Oregon's statehood, I know this because I know that no bird flies too high if she flies with her own wings.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

Mrs. MURRAY. Mr. President, I rise today to express my strong support for the farm bill the Senate passed yesterday.

I want to commend Senator HARKIN for this bill. Through his leadership, the Senate has passed a Farm Bill that will establish a better economic safety net for many farmers, bolster conservation efforts, improve nutrition and food security for our poorest citizens, and encourage new opportunities in rural communities. The bill also makes critical investments in agricultural trade and research.

I will talk about the long-term policy changes in a moment, but I want to mention a critical amendment sponsored by Senator BAUCUS. The Baucus amendment provides assistance to farmers and ranchers who have been hard hit by drought and other weather events in the last year. I worked with Senator CANTWELL to include $100 million in market loss assistance for apple growers in the amendment. I am very pleased the Senate voted 69–31 in favor of the amendment, and I will work to keep it in the final bill.

This Farm Bill passed by the Senate today will restore an effective safety net for many of our Nation's farmers.

For the last several years, I have heard concerns from farmers in Washington State who grow wheat, barley, dry peas, lentils and chickpeas. They believe, as I do, that the 1996 Farm Bill failed to meet the needs of producers and rural communities. The strongest proponents of the 1996 Farm Bill argued that if we gave producers more flexibility, created the best agricultural research system in the world, and opened foreign markets, our farmers would thrive in the global marketplace.

I strongly supported more flexibility in our commodity programs. And I have strongly supported efforts to improve our research infrastructure and expand and open foreign markets.

But our actions were not enough. Congress could not wave a magic wand and create a rational world market for agricultural products. The commodity title of the 1996 Farm Bill was written for a world that simply did not, and does not, exist.

This year, in this Farm Bill, Congress has the opportunity to write a commodity title that works. And Senator HARKIN and the Senate Agriculture Committee did just that. Wheat and barley producers in Washington State will benefit from a strong safety net that includes a good balance between higher loan rates, fixed payments, and countercyclical payments when market prices fall below target prices.

In addition, the bill includes a new marketing assistance loan program for dry peas, lentils, and chickpeas. I applaud this provision in the bill. It will help restore market-based decisions and make it economical for producers across the northern-tier States to grow these important rotational crops. I have been pleased to work with my dry pea, lentil, and chickpea growers in Washington State on this important issue. I believe it is critical, and I urge, the conferees to retain this provision in the final bill.

The Senate Farm Bill makes critical investments in conservation. The conservation title creates new opportunities to conserve resources on private lands while helping farmers and ranchers with their bottom lines.

The conservation title of this bill gradually increases funding for the Environmental Quality Incentives Program from its existing authorization of $200 million a year to $1.5 billion each year. EQIP is an effective and flexible tool. It provides technical, financial, and educational assistance to producers to build animal waste management facilities, improve irrigation efficiency, or enhance wildlife habitat. The EQIP funding included in this bill will help us improve water quality and salmon habitat in the Pacific Northwest.

The bill also includes commonsense increases for the Conservation Reserve Program and the Wetlands Reserve Program. While I recognize there are some concerns in farm country with expanding these programs, I believe the CRP and WRP provisions in this bill are reasonable.

The bill includes a new water conservation program within CRP. I believe this program will lead to new opportunities to protect fish and wildlife, while respecting the rights of our farmers and ranchers. As the bill goes to conference, I look forward to working with interested organizations on this issue.

Finally, the conservation title expands our investments in the Farmland Protection Program, the Wildlife Habitat Improvement Program, the Resource Conservation and Development Program, establishes a new Conservation Security Program, and improves forestry initiatives.

The conservation changes made in this bill are particularly important to States like Washington. The farmers in my State produce approximately 230 commodities. However, only a fraction of these commodities have a direct income or price support relationship with the Federal Government.

Without new investments in the Environmental Quality Incentives Program, the Conservation Reserve Program, and the Conservation Security Program, many farmers and ranchers would not receive the financial help they need to make the conservation investments the public is demanding. This bill creates a win-win situation for the environment and for farmers and ranchers.

I believe Congress also has a responsibility to create a win-win situation for our farmers and ranchers with respect to trade. One way we can do this is to invest in trade promotion programs that will help our farmers build marketshare in foreign countries.

In 1999, and again in 2001, I introduced the Agricultural Market Access and Development Act. My legislation would increase funding in the Market Access Program to $200 million and enhance funding for the Foreign Market Development Program. I was joined on that legislation by a bipartisan coalition of members.

The Senate Farm Bill includes substantial new investments in the Market Access Program and the Foreign Market Development Program, and I was pleased to be the leading advocate in the Senate to enhance these programs.

Congress also has a responsibility to allow all commodity groups to participate in our foreign food aid programs. I worked to include a small provision in the Farm Bill that requires the U.S. Department of Agriculture to issue a report on the use of perishable commodities, like potatoes and apples, in foreign food aid programs. Specifically, my amendment requires USDA to report to the Congress on transportation and storage infrastructure problems and funding problems that have prevented greater participation in the programs by specialty crops.

Just recently, 110,000 boxes of apples arrived in Vladivostok, Russia. This is the first time USDA has funded a shipment of perishable commodities through our foreign food aid programs. I believe our fruit and vegetable producers deserve an opportunity to participate in these initiatives, and I believe this report will be an important first step in improving access to these programs.

The Farm Bill includes additional provisions that I believe will help our farmers and ranchers.

The first would require country-of-origin labeling for fruits and vegetables, meat, and farm-raised fish and shellfish. We require our farmers and ranchers to meet environmental and food safety standards that are far above many of our competitors. Country-of-origin labeling will give consumers additional information with which to make a decision on the food they buy.

The second provision would allow the Federal Government to guarantee private loans to Cuba for the purchase of U.S. agricultural products. For too long, the United States has used food as a weapon against the Cuban people. The only person that has benefitted from this policy is Fidel Castro. I strongly support the Committee's bill with respect to Cuba, and I was pleased to join with my colleagues in defeating an amendment to eliminate these new financing tools.

Trade is critical to the long-term future of our agricultural producers. One other long-term investment we need to make is in the area of agricultural research.

In my home State, we are fortunate to have an excellent working relationship between our State universities and the USDA Agricultural Research Service. Through these partnerships, our universities and USDA have been able to leverage limited resources to create new varieties of crops, enhance food safety and improve conservation. This research benefits farmers, consumers, and the environment.

I am pleased that this Farm Bill strengthens our research infrastructure and increases funding for priority research initiatives. One program that is of particular significance to researchers in Washington State is the Initiative for Future Agriculture and Food Systems, and I am pleased the Senate bill includes additional funding for it.

The Farm Bill goes far beyond agriculture and conservation. It is a critical vehicle for helping communities and the poor.

Senator HARKIN has always been a leader in rural development, and this Farm Bill shows how seriously he takes this issue.

Included in the managers' amendment is a provision I authored on rural telecommunications planning. It would simply modify the broadband telecommunications grant program in the bill to add a small planning component. I will work to include this and other rural telecommunications provisions in the final bill.

I would like to complete my remarks by commending Senators HARKIN and LUGAR for their efforts in writing a strong nutrition title in this Farm Bill. Both the Chairman and Ranking Member of the Committee have an outstanding record on these issues. During debate on the Farm Bill, I was pleased to support amendments that further strengthened the food stamp program changes included in the bill.

The underlying bill made significant improvements to the food stamp program. It provides three more months of transition food stamps for families moving off welfare. It simplifies the program for State administrators and participating families. It helps benefits keep up with inflation and addresses the needs of the poorest families. And it restores eligibility for low-income working legal immigrants and their families.

The Senate also passed amendments by Senators DURBIN, DORGAN, and MCCONNELL that expanded the nutrition title. The Durbin amendment helped restore food stamp benefits to legal immigrants who have lived in the United States for five years. The Dorgan amendment expanded access to food stamps for families with children and modified the excess shelter expense deduction. The McConnell amendment expanded access to food stamps for low-income disabled families.

I was pleased to support final passage of this legislation. I believe it is the right bill at the right time for rural America, and I look forward to working with my colleagues as the bill goes to conference.

TRIBAL FORESTRY IN THE FARM BILL

Mrs. MURRAY. Mr. President, I rise today to speak on two tribal forestry amendments that were included in the Farm Bill that passed the Senate yesterday. I was pleased to work on these amendments with Senators INOUYE, DASCHLE, CANTWELL, BAUCUS, and WELLSTONE.

The purpose of these amendments is to improve coordination between the United States Forest Service and Native Americans in managing and protecting our natural resources.

The Forest Service owns millions of acres of forests and grasslands that share borders with land owned by tribes and by individual Native Americans. It is in the national interest for the Forest Service and tribes to coordinate their efforts to protect and manage these resources. It is also the Federal Government's fiduciary responsibility to assist tribes in managing trust lands and to ensure that tribal treaty rights on Forest Service lands are upheld. While over the years the Forest Service has adopted many policies regarding relationships with tribal governments, these policies have not been implemented consistently.

In 1999, the Chief of the Forest Service created a National Tribal Relations Task Force to make recommendations to strengthen policies and improve coordination. The Task Force, which included representatives from the Forest Service, the Intertribal Timber Council and the Bureau of Indian Affairs, BIA, found that, ''Specific legal authorities, authorizing legislation, regulations, manuals, and handbooks, must be modified to expand the foundation necessary to build long-term working relationships with Indian Tribes.''

These amendments build upon the recommendations made by the Task Force. The first amendment expands the Cooperative Forestry Assistance Act to include a section creating four programs for tribal governments. Currently, tribes are eligible to participate in the Forestry Incentives and Forest Stewardship programs created by the Act, but there are significant barriers to tribal involvement in these programs, which were designed primarily for state governments.

This amendment would allow the Secretary to facilitate tribal consultation and coordination on issues related to tribal rights and interests on Forest Service land, management of shared resources, and tribal traditional and cultural expertise. It would also authorize the Secretary to provide assistance with: conservation awareness programs on tribal forest land; technical assistance for resources planning, management and conservation; and tribal acquisition of conservation interests from willing sellers.

The second amendment to the Cooperative Forestry Assistance Act would create an Office of Tribal Relations within the Forest Service. The purpose of this Office is to provide advice to the Secretary on Forest Service policies and programs affecting Native Americans, to ensure coordination between the Forest Service and tribes and to administer tribal programs set up by the Forest Service. The amendment also requires the Office to coordinate with other agencies within the Agriculture Department, as well as with the BIA and the Environmental Protection Agency. Finally, the amendment requires the Office to create an annual

report on the status of these efforts to increase partnerships between the Forest Service and Native Americans.

There is widespread support for these amendments authorizing greater collaboration between the Forest Service and Native American tribes. The Department of the Interior is in favor of these amendments, and the U.S. Department of Agriculture has signed off on them as well. I have heard from several Washington state tribes asking me to be an advocate for these additions to the Forestry Title of the Farm bill. I am especially grateful for the Makah Tribe and the Intertribal Timber Council, which brought these ideas to me last year. Also, I greatly appreciate the assistance I have received from Senators DASCHLE, INOUYE, CANTWELL, and BAUCUS in working on these amendments. I also appreciate help I received from Senators HARKIN and LUGAR so these amendments could be included in a manager's package of amendments to the Farm Bill. On behalf of the numerous tribes with forest and grasslands bordering Forest Service lands.

ENDORSEMENT OF AMENDMENT TO BAN PACKER OWNERSHIP OF LIVESTOCK

Mr. JOHNSON. Mr. President, I rise today to call to the attention of my colleagues an editorial which appeared in the Huron, SD Daily Plainsman entitled ''We Need Action, Not Another Study.'' This editorial provides a strong endorsement of the bipartisan amendment that Senator GRASSLEY and I had included in the Senate version of the farm bill to ban the ownership of livestock by packers.

This newspaper recognizes the importance of my amendment and understands the real motivation behind the lobbying efforts to replace my language with a study on vertical integration—to kill it.

This editorial speaks clearly to the importance of having a farm bill that goes after concentration and replaces government checks with dollars from a true, competitive marketplace.

Mr. President, I ask unanimous consent that the editorial published in the Huron Daily Plainsman on February 10, 2002, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Huron Daily Plainsman, Feb. 10, 2002]

WE NEED ACTION, NOT ANOTHER STUDY

An amendment to the Senate farm bill being offered by Sen. Tim Johnson, D–S.D., that would ban packer ownership of livestock 14 days prior to slaughter is running into rough resistance from the packing industry.

The latest is an amendment that would replace Johnson's proposal with a study.

Passing a farm bill that generously hands out taxpayers' dollars to producers who are caught in the mire of low services caused by corporate concentration in the agricultural industry isn't the idea. More important is a farm bill that attacks concentration and replaces government checks with dollars from the marketplace that are generated from true market competition.

The Johnson-Grassley amendment is a step in that direction. If Congress decides to study it some more, all that will do is to allow the big boys to get even bigger and continue the economic depression that has staggered rural South Dakota the last five years.

Smithfield Foods, which owns the John Morrell plant in Sioux Falls, recently placed ads in South Dakota newspapers criticizing Johnson's amendment. The ad said that if the amendment becomes law, Smithfield Foods would not rebuild the Sioux Falls plant, or build a new plant in South Dakota or make any further investment in South Dakota or any other state where public officials are hostile to their company.

The ad has been called economic blackmail and politically motivated. It appeared only in South Dakota newspapers, even though Sen. Chuck Grassley, R–Iowa, is a co-sponsor of the amendment and Smithfield owns a plant in Iowa. Johnson, who has championed a number of bills, such as the ban of packer ownership of livestock and a meat-labeling law, that brought the ire of the meat-packing industry down on him, is facing a tough re-election bid against Rep. John Thune.

But the motivation of the Smithfield ad is clear and simple—further control and dominance of the livestock industry.

It must be remembered that Smithfield is the company that bought out the Dakota Pork plant and then promptly closed it down, abruptly putting about 800 people out of work. At the time, Dakota Pork was John Morrell's main competition for South Dakota hogs.

In the Smithfield ad, not only did the company criticize Johnson's amendment, but it also said Amendment E was a restrictive law that was responsible for diminishing the supply of South Dakota hogs to its Sioux Falls plant.

But what has caused the decline of the hog industry in South Dakota was not the law that banned corporate hog farms in the state, but the vertical integration business practices of companies such as Smithfield Foods that seek to dominate the industry from the gate to the plate.

The ''it's either our way or no way'' business philosophy of giant agricultural corporations seeks to industrialize the agricultural industry at the expense of independent farmers and ranchers and rural communities.

Smithfield, which is already the world's largest producer and processor of hogs, also reflects a corporate philosophy that is troubling to independent producers and rural communities.

Grassley recently spoke of a conversation he had with the head of Smithfield, Joe Luters, when Luters said that the average farmer isn't sophisticated.

''I wish we could remember the exact words because it was very denigrating to the family farmer, not being smart enough to run his operation,'' Grassley said.

The objectives of this amendment are to increase competitive bidding, choice, market access, and bargaining power to farmers and ranchers in livestock markets.

Now, does that sound like that would destroy the pork and beef industry? Or does it sound like it would threaten large corporations in their bid to decrease independent producers' ability to have competitive bidding, choice, market access, and bargaining in livestock markets?

PLANNING GRANTS FOR RURAL TELECOMMUNICATIONS DEVELOPMENT

Mrs. MURRAY. Mr. President, I am pleased that Chairman HARKIN and Senator LUGAR accepted my amendment on rural telecommunications to the Farm Bill that passed the Senate yesterday.

My amendment simply adds a small planning component to the scope of acceptable activities for grants in the bill to help rural communities get connected to broadband telecommunications services.

Specifically, my amendment would provide access to broadband planning and feasibility grants to rural communities, with a maximum of $250,000 for statewide grants and $100,000 for regional grants. The total resources would be no more than $3 million per year for this purpose. State governments, regional consortia of local governments, tribal governments, cooperatives, and State and regional non-profit entities would be eligible to receive the grants.

As small and rural communities across the country try to get connected to advanced telecommunications services, they need help in the planning stage. And this amendment will give them the help they need.

Three years ago, I formed several working groups in my state to identify the primary needs of our rural communities and to find ways that our government can help meet those needs. We learned that many rural communities don't have access to advanced telecom services, like high speed Internet access. That lack of access is hampering their economic development and quality of life.

So I developed another working group to look for ways to help communities get connected to advanced telecommunications services. The members of my Rural Telecommunications Working Group held forums around the state that attracted hundreds of people. We tapped the ideas of experts, service providers and people from across the State who are working to get their communities connected.

They found that while urban and suburban areas have strong competition between telecommunications providers, many small and rural communities are far removed from the services they need.

We must ensure that all communities have access to advanced telecommunications like high speed Internet access. Just as yesterday's infrastructure was built of roads and bridges, today our infrastructure includes advanced telecom services.

Advanced telecommunications can enrich our lives through activities like distance-learning, and they can even save lives through efforts like telemedicine. The key is access. Access to these services is already turning some small companies in rural communities into international marketers of goods and services.

Unfortunately, many small and rural communities are having trouble getting the access they need. Before areas can take advantage of some of the help and incentives that are out there, they need to work together and go through a community planning process.

Community plans identify the needs and level of demand, create a vision for

the future, and show what all the players must do to meet the telecom needs of their community for today and tomorrow.

These plans take resources to develop. This amendment would provide those funds.

Providers say they're more likely to invest in an area if it has a plan that makes a business case for the costly infrastructure investment. Communities want to provide them with that plan, but they need help developing it.

Unfortunately, many communities get stuck on that first step. They don't have the resources to do the studies and planning required to attract service.

So the members of my Working Group came up with a solution: have the Federal Government provide competitive grants that local communities can use to develop their plans.

I took that idea and put it into a bill that I introduced in June 2001, S. 1056, the Community Telecommunications Planning Act of 2001. The basic structure of that amendment was incorporated into the Farm Bill.

When you think about it, it just makes sense. Right now the Federal Government already provides money to help communities plan other infrastructure improvements, everything from roads and bridges to wastewater facilities.

The amendment would provide rural and underserved communities with grant money for creating community plans, technical assessments and other analytical work that needs to be done.

With these grants, communities will be able to turn their desire for access into real access that can improve their communities and strengthen their economies. This amendment can open the door for thousands of small and rural areas across our state to tap the potential of the information economy.

I will work to ensure this provision is included in the final bill along with the other critical telecommunications initiatives that passed the Senate yesterday.

BUTTER/POWDER TILT

Mrs. BOXER. Mr. President, the U.S. Department of Agriculture, USDA, sets a price for the purchase of non-fat dry milk and the economic impact of USDA's decision is very important to California dairy farmers. On May 31, 2001, USDA made a decision to drop the price at which it will purchase non-fat dry milk as part of the dairy price support program.

USDA did not provide the dairy industry with an opportunity to provide information or comment on the Department's recommended decision. There was no advance notice or public hearings.

USDA conducted an economic analysis and all of the options may have been analyzed. But this information has not been released to the public, even though it was requested under the Freedom of Information Act.

In the first 6 months after USDA's decision to lower the price for non-fat dry milk took effect, California's dairy farm families lost tens of millions of dollars. In meetings with USDA, California farmers learned that another drop in the price is under consideration, which would result in millions more lost to dairy farmers. California produces 40 percent of the nation's supply of non-fat dry milk and so California could be hit hard yet again.

Transparency is a critical part of a fair and equitable decision-making process and it does not currently exist in the USDA process for setting the non-fat dry milk price. The Secretary is currently required to make a decision that includes factors such as cost reduction to USDA. The Secretary also must consider other factors that the Secretary considers appropriate. I believe additional steps should be taken during the conference to assure tranparency in the Secretary's decision-making process.

Factors that may be important to a decision to change the prices for butter and non-fat dry milk include: whether the decision will result in an intended change in milk production, whether the change will actually reduce government purchases and related costs, whether it will change producer milk prices, and whether other market factors, such as imports, have an effect.

Milk Protein Concentrate, MPC, is of particular concern. A recent GAO study documented significant increases in MPC imports that may be displacing domestic milk protein products. Since USDA is not releasing its economic analysis, we cannot know whether this important issue is being properly considered.

I would like to ask the Chairman of the Agriculture Committee, Senator HARKIN, if he would be willing to work with me on additional language to address this issue during the conference?

Mr. HARKIN. I would be pleased to work to address the concerns of the Senator from California regarding USDA procedures for the dairy support program.

PRESIDENT BUSH'S CHINA VISIT

Mr. CRAIG. Mr. President, later this month President Bush will be visiting the People's Republic of China. Clearly this is going to be an important visit. The issues the President will discuss with China's leaders are among the most important of our national agenda, including the following:

The war on terrorism, where we need China's continued support and cooperation.

The global economy and our bilateral economic relations with the PRC, a new member of the WTO.

Security relations in Asia where both of our countries have important interests and long-standing and close ties to other regional powers.

Among all these issues, though, one that will undoubtedly be raised by the PRC is Taiwan. It is a pretty safe bet that the PRC's leaders will try to use the President's visits to win some concessions on issues relating to Taiwan. They will probe for any signs that the United States is willing to compromise some of our interests in a strong U.S.-ROC relationship in exchange for real or promised strengthening of our ties with Beijing.

I know the President will be ready for this gambit, and will be fully prepared and determined to turn back any such efforts by Beijing. The President has already made it clear how important our ties with Taiwan are to the United States, and he has made it equally clear that he will not compromise our interest in regard to Taiwan in any way.

I am confident he also knows that as he pursues this strong, principled and sensible stand, he will have the full backing of the U.S. Senate. He will not stand for any Beijing attempts to undermine U.S.-ROC relations, and he knows the Senate of the United States won't, either.

The fact is, the Republic of China is one of our best friends in the region. It is also one of the region's strongest economies and most vibrant democracies. We have extensive ties to Taiwan, which are both articulated and protected in the Taiwan Relations Act. We are not going to do anything to compromise those ties.

I know I speak for all Senators when I express the wish that the President's visit to the PRC will be productive and advance our interests in Asia and the world, and when I express the confidence that U.S.-ROC relations will continue to be strong and to prosper, even as our relations with Beijing evolve.

Mr. GRASSLEY. Mr. President, in keeping with my policy on public disclosure of holds, today I placed a hold on further action on the Clean Diamond Trade Act, legislation reported out by House of Representatives.

Although this bill is very important to the continent of Africa's efforts to rid itself of rebels that use the sale of rough diamonds to overthrow legitimate governments, the measures in this legislation fall within the jurisdiction of the Finance Committee.

The proposed legislation calls for prohibiting diamond imports and should be discussed thoroughly before any rash decisions are made. With this in mind it is necessary for this bill to be referred to the Finance Committee to be heard and debated by our members before we send this legislation back to the floor.

NATIONAL DUCHENNE MUSCULAR DYSTROPHY AWARENESS WEEK

Ms. COLLINS. Mr. President, as we commemorate National Duchenne Awareness Week, I express my gratitude to my colleagues and to the Bush administration for their support late last year in passing H.R. 717, the Muscular Dystrophy Community Assistance Research and Education Act.

Sadly, at this time, there is no cure for DMD. Little boys with DMD are most often not diagnosed before the age of 2 or 3 years. Most boys with DMD walk by themselves later than average, and then in an unusual manner. They may fall frequently, have difficulty rising from the ground, or experience difficulty going up steps. Calf muscles typically look over-developed or excessively large, while other muscles are poorly developed. Use of a wheelchair may be occasional at age 9, but total dependence is usually established in the teen years. Most boys affected survive into their twenties, with relatively few surviving beyond 30 years of age.

I have heard from the parents and family of two little boys in Maine who have DMD. Their names are Matthew and Patrick Denger, and their family members are desperately hoping for a cure so they don't have to watch their sons suffer the long-term impacts of this debilitating disease. While we are far from finding a cure for DMD, I am hopeful that the MD CARE Act, signed into law by President Bush on December 18, 2001, will help Matthew and Patrick and the thousands of other young boys suffering from DMD. Specifically, the act authorizes the Secretary of Health and Human Services to expand and increase coordination of the activities by the National Institutes of Health with respect to research on muscular dystrophies, including DMD.

Efforts to improve the quality and length of life for thousands of children suffering from Duchenne muscular dystrophy are valuable beyond measure, and I commend all of my colleagues and all of the families who have worked so hard to raise awareness about this devastating disease.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 28, 1994 in Fall River, MA. A gay high school student was beaten by another teen who was heard shouting anti-gay epithets. The assailant, a minor, was charged with a hate crime and assault and battery.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

U.S. COMMISSION ON AFFORDABLE HOUSING AND HEALTH FACILITY NEEDS FOR SENIORS IN THE 21ST CENTURY

Ms. COLLINS. Mr. President, I am following with great interest the work of the U.S. Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, a Congressionally established panel co-chaired by Nancy Hooks of New York and Ellen Feingold of Massachusetts. Through a series of coast-to-coast field hearings, the ''Seniors Commission'' has launched an important nationwide dialogue on senior housing and health care issues, and the public policy challenges America is facing with the aging of the baby boom generation.

The Seniors Commission is due to deliver its recommendations to Congress by June 30, 2002. I am hopeful that the work of this panel will help to produce a more effective, coordinated and efficient approach to housing and health services for seniors. Americans—young and old—can learn more about the commission and share their views with the commissioners by viewing the Seniors Commission's website—*www.seniorscommission.gov*.

PRESIDENT BUSH'S CLEAR SKIES PROPOSAL

Mr. ENZI. Mr President, I rise to speak in support of the President Bush's Clear Skies proposal that he announced earlier today. The president's proposal is a plan that would use our nation's greatest resource, the ingenuity of our private industries, to ensure our children and grand children can inherit, not just a healthy environment, but a healthy economy as well.

The President has made this possible by giving industries a clear target to reduce emissions but will allow them to find the means and the method to reach those targets without following the traditional command and control environmental policies that have proven to be such a big failure in the past.

The goals are not going to be easy to reach. His proposal to reduce greenhouse gas emissions by 18 percent over the next ten years is going to require Industry stretch if it is going to measure up to the President's yardstick. But the goals are attainable, and, more importantly can be reached without bankrupting rural communities that rely on energy development, or by hurting those people who will suffer most by rising energy prices—people like seniors or low income families who could be forced to chose between paying their heating bills or buying food.

I also want to applaud the President for his willingness to reach out to developing nations to help work with them in developing a truly global effort to address global warming.

I have had the privilege of representing the United Senate at a number of Global Warming Conferences, starting with Kyoto, Buenos Aires, Seattle and more recently at the Hague. Those meetings provided me an opportunity to meet with global warming experts and representatives from other nations to discuss the role of the U.S. Senate in ratifying any treaty signed as a result of the United Nations negotiations.

Based on a 1997 Byrd-Hagel resolution, that passed the Senate on a final vote of 95 to 0, my message at each conference has included two important mandates that the Senate feels must be present in any global agreement affecting the United States. First, developing countries currently excluded from the framework protocol must be included in any final agreement; and second, the agreement could not result in serious harm to the United States' economy.

This is an issue that I have also been privileged to work on in my new capacity as a member of the Senate Foreign Relations Committee, where last year we passed an amendment proposed by my distinguished colleague from Massachusetts, Mr. KERRY, to the Department of State Reauthorization Act that encouraged the President to do exactly what he has done today. The President's new proposal reengages the United States as major player in the international global warming debate, this time not as the country that will bank roll all of the programs, but as a leader that will show other nations the way to improve the environment without destroying the economy.

Under the President's proposal, US companies will be able to invest in technologies to offset greenhouse gas emissions without fearing that they will not get credit for their innovations, or that they will have even greater or more difficult requirements imposed on them because of their voluntary effort. They will no longer have to worry that they will be penalized for having done the right thing.

Once again, Mr. President, I applaud the President Bush for his proposal and for his vote of confidence in the people of the United States. American know-how and ingenuity has fueled the technological advances we are already using today to make steady improvements in air and water quality. The President hit the nail right on the head when he said that it is our strong economy that makes it possible for us to make those necessary technological advances.

ADDITIONAL STATEMENTS

TRIBUTE TO BOB KRICK

• Mr. TORRICELLI. Mr. President, today I salute the retirement of Bob Krick, Chairman of the Civil War Preservation Group and Chief Historian at the Fredericksburg and Spotsylvania National Military Park. Throughout his long career, Bob has been a dedicated advocate for the preservation of American Civil War battlefields.

As a Civil War historian, Bob has written nearly a dozen books, most notably ''Stonewall Jackson at Cedar Mountain.'' Bob has also written four unit histories, including a roster of Confederate soldiers killed at the Battle of Gettysburg and a book about a Marine Corps infantryman at the Battle of Iwo Jima. His dedication to preserving Civil War sites has saved literally thousands of battlefield acres every year.

Bob, who lived in Fredericksburg when he began his career as a Civil War preservationist, did extensive work at the Fredericksburg Battlefield site, including significantly increasing the size of the park. During his time at Fredericksburg, Bob also taught the historians at nearly half of the Civil War Battlefield parks across our country. Despite the fact that Bob is retiring, his effect on preserving one of the defining periods in our Nation's history will continue to make an impact long after his departure.

Although much has been accomplished during Bob's tremendous career, there is still more to do. Therefore, Bob plans to serve on the Board of the Richmond Battlefield Association, write more books and continue advocating for the protection of Civil War Battlefields. I wish Bob the best of luck and look forward to our continued friendship.●

AMERICAN HEART MONTH

● Mr. INHOFE. Mr. President, Since it is Valentine's Day, I would like to offer a few brief comments on the heart health status of our nation. It is a serious concern in my state of Oklahoma and all across the country. Today over two thousand Americans will die from some form of cardiovascular disease, and in my state of Oklahoma, almost 45 percent of all deaths this year will be from cardiovascular disease. Heart disease is the number one leading cause of death in Oklahoma and in America. This is a sad state of affairs.

Although some children are born with heart conditions, and others may have a genetic tendency toward developing cardiovascular disease, there are many people suffering who could have prevented the onset of heart disease. A healthy diet and regular cardiovascular exercise can prevent high blood cholesterol levels, obesity, and high blood pressure, all of which are risk factors for heart disease.

I appreciate the work of the American Heart Association and others in raising awareness of the risk factors, warning signs, and preventative lifestyle behaviors that are crucial in our fight against this type of disease. This year the focus of Heart Month, which we celebrate every February, is Being Prepared in a Cardiac Emergency. I encourage all of my fellow Americans to take a CPR class, and I urge parents to teach their children how to call 9–1–1 in an emergency. Taking just a few cautionary steps can save lives.

Heart-shaped cards and candies inundate us this week and especially today. When we see these playful reminders of Valentine's Day, let us be reminded of how we must take care of our heart health and continue to fight the tragedy of heart disease in our Nation.●

TRIBUTE TO STAMFORD'S FIRST AFRICAN-AMERICAN POLICE OFFICER

● Mr. LIEBERMAN. Mr. President, James Foreman, a distinguished citizen of Stamford, CT, celebrated his 90th birthday on February 12. Raised in Stamford and a World War II Army veteran, James Foreman was the first full-time African-American police officer hired by the City of Stamford Police Department. Prior to his official hiring in 1947, Jim had served as a ''special hire,'' or auxiliary officer, for 12 years. As a police officer, he served with great courage, often in the most difficult areas of the city. Jim retired as a patrolman from the Stamford Police Department in 1977, with a total of 42 years of service. Since his 1977 retirement from the police force, Jim Foreman has remained very active and dedicated to public service in the community. He is a Justice of the Peace for the City of Stamford, and he volunteers in service to other senior citizens. Jim is well respected and greatly admired in the City of Stamford. I remember him with fondness and respect from the years of my youth, and after, in Stamford.

I am delighted to join with the current and past members of the Stamford Police Department, the citizens of Stamford, and Jim Foreman's family and friends in honoring him on his 90th birthday. We are eternally grateful to him for all the years he put his life on the line to enforce the law and protect the citizens of Stamford regardless of their race or creed. We are grateful, too, for all Jim Foreman accomplished through his long and dedicated service to help break down racial barriers in the department and throughout my home town of Stamford.●

''GUNFIGHTERS'' FROM MOUNTAIN HOME AFB

● Mr. CRAIG. Mr. President, I rise today to recognize the accomplishments of our service men and women who have served or who are serving during Operation Enduring Freedom. All who were involved in this operation have done an extraordinary job routing terrorism, defending our nation from further attacks, and making their fellow Americans proud of their efforts and accomplishments.

Let me especially thank the brave men and women of Mountain Home Air Force Base (MHAFB). The 366th Wing of MHAFB deployed three of their flying squadrons during this recent and ongoing operation, which included the 389th Fighter Squadron of F–16Cs, the 391st Fighter Squadron of F–15Es, and the 34th Bomber Squadron of B–1Bs. During their time in and around Afghanistan the 389th flew daily sorties attacking Taliban vehicles, facilities, and cave complexes. The 391st added to toppling the Taliban and al Qaeda by dropping a majority of the 500 pound precision-guided munitions. And finally, the 34th were the lead bombers of the campaign and accounted for a majority of the Air Force's 14 million pounds of munitions in the first 95 days of the air campaign.

Without these squadrons' support, justice might still have been served in Afghanistan, but it would not have been served forcefully, with authority, and with accurate and deadly precision. This was a tremendous accomplishment which demonstrated to potential evil-doers that aggression against the United States will provoke a response from Mountain Home Air Force Base and other United States entities.

While the 389th, the 391st and the 34th received well-deserved attention, let us not forget the efforts of MHAFB here at home protecting the United States. In addition to its efforts abroad, MHAFB is playing a significant role in defending our nation as part of Operation Noble Eagle. Currently, the 726th Air Control Squadron is protecting our interior air space twenty-four hours a day. And as I speak, the 726th is monitoring the air traffic over and around Salt Lake City ensuring the Olympics continue without interruption. Also helping support a safe Olympics is the 22nd Air Refueling Squadron of Mountain Home, which is flying air refueling missions for the combat air patrol fighters around Salt Lake.

Once again, I want to thank all of our men and women in uniform for their efforts and I especially want to take this opportunity to salute MHAFB. As the motto of the 366th Wing says, ''Audentes Fortuna Juvat,'' Fortune Favors the Bold. I am proud that Idaho is the home of the bold men and women of Mountain Home AFB, and I wish them good fortune in all their future endeavors.●

COMMEMORATING THE RETIREMENT OF MAJOR GENERAL WILLIAM A. MOORMAN

● Mr. DURBIN. Mr. President, I would like to bring to your attention today the exemplary work and most commendable public service of one or our country's outstanding military leaders, Major General William A. Moorman, the Judge Advocate General of the United States Air Force. General Moorman will be retiring after an especially distinguished military career on May 1, 2002.

General Moorman entered the Air Force in 1971 through the Air Force Reserve Officer Training Corps program. His early assignments included Richards-Gabaur Air Force Base, Missouri, Yokota Air Base, Japan, Homestead

Air Force Base, Florida, Luke Air Force Base, Arizona, and at the Pentagon here in Washington, D.C. He later served as the Staff Judge Advocate for 12th Air Force and U.S. Southern Command Air Forces, Bergstrom Air Force Base, Texas; as the first Staff Judge Advocate of U.S. Strategic Air Command, Offut Air Force Base, Nebraska; Staff Judge Advocate U.S. Air Forces in Europe, Ramstein Air Base, Germany; Commander Air Force Legal Services Agency, Bolling Air Force Base, Washington, D.C.; Staff Judge Advocate Air Combat Command, Langley Air Force Base, Virginia; and finally his current position as The Judge Advocate General of the United States Air Force, where he serves in the Pentagon.

General Moorman was born and raised in Chicago, and his father and mother, James and Mary Moorman, still reside in its suburbs. General Moorman earned a Bachelor's degree in history and economics at the University of Illinois, and then went on to attend the University of Illinois College of Law. He is a graduate of Squadron Officer School, a Distinguished Graduate of Air Command and Staff College, Maxwell Air Force Base, Alabama, and a graduate of the National War College, Fort McNair, Washington, D.C. General Moorman is admitted to practice before the U.S. Court of Appeals for the Armed Forces, the United States District Court for the Seventh Circuit and the Illinois State courts. His military decorations include the Distinguished Service Medal, the Legion of Merit with oak leaf cluster, the Defense Meritorious Service Medal, the Meritorious Service Medal with four oak leaf clusters, and the Armed Forces Expeditionary Medal for his service in Panama during Operation JUST CAUSE. General Moorman was also recognized as the Outstanding Young Judge Advocate of the Air Force in 1979, winning the Albert M. Kuhfeld Award, and as the Outstanding Senior Attorney of the Air Force in 1992, winning the Stuart R. Reichart Award.

Since 1999 General Moorman has served as The Judge Advocate General of the Air Force. In that capacity, he led and inspired an organization of over 3,000 military and civilian lawyers, paralegals, and support personnel. General Moorman's dynamic leadership, sound judgment, personal and professional integrity and unwavering devotion to duty were instrumental in the successful resolution of numerous difficult issues facing the JAG Department and the Air Force. At the same time, he was a key and trusted advisor to two Air Force Chiefs of Staff who relied on his sound, timely and cogent advice in resolving a host of complex legal and policy issues they encountered as the military leaders of the Department of the Air Force.

A visionary leader, Bill Moorman's tenure as The Judge Advocate General was marked by innovation and an unwavering focus on serving the needs of his Air Force client, wherever and whenever the mission required. From the outset of his assignment as the Judge Advocate General, he set about to leverage technology, particularly the use of electronic media and communications capabilities, and focus the efforts of his Department on a common vision for its evolution in the coming years. He drew upon the collective expertise of his most knowledgeable senior leaders to create several cornerstone publications, including the first ever judge advocate doctrine, and the ''TJAG Vision for the 21st Century.'' These documents articulate a common understanding of the unique and increasingly critical capabilities military legal professionals bring to bear in support of air and space operations and will ensure the momentum his efforts generated continue beyond his tenure.

Another hallmark of General Moorman's leadership was his sustained initiative to maintain the high levels of skill and competency of the legal professionals who comprise the Department. His efforts were instrumental in enactment of legislation authorizing continuation pay for judge advocates, a measure that is reversing a perennial recruiting and retention problem by ameliorating spiraling student loan financial burdens that previously had prevented many of our best and brightest law school graduates from electing to serve in the nation's armed forces.

Perhaps General Moorman's greatest legacy will be his commitment to ensuring the Air Force Judge Advocate General's Department operates in a fashion that seamlessly merges its diverse, traditional fields of practice into the Expeditionary Aerospace Force model. He orchestrated numerous programs to ensure judge advocates are skilled in advising commanders on the application of air and space power across the spectrum of military conflict and also oversaw the creation of a comprehensive guide covering the application of air and space power across the full range of combat and noncombat operations.

In the midst of the tragedy of September 11, his first thoughts turned to care for the injured at the Pentagon. He used his personal van as an ambulance and drove a wounded civilian employee to Arlington Hospital. He then returned to duty and led the remarkable effort to consider the unique legal issues involved in our homeland defense and the global war on terrorism. His efforts during and after the Pentagon attack underscore the force multiplying effect reliable legal counsel will bring to armed conflict in the 21st century.

I ask that you join me, our colleagues and General Moorman's many friends and family in saluting this distinguished officer's many years of selfless service to the United States of America. I know our Nation, his wife Bobbie, and his family are extremely proud of his accomplishments. It is fitting that the United States Senate honors him today.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2998. An act to authorize the establishment of Radio Free Afghanistan.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

At 3:25 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 97. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 980: A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes. (Rept. No. 107–137).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON (for himself, Mr. HAGEL, Mr. REED, and Mr. ENZI):

S. 1945. A bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT (for Mr. CAMPBELL (for himself, Mr. DOMENICI, Mr. BINGAMAN, and Mr. ALLARD)):

S. 1946. A bill to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mrs. CARNAHAN:

S. 1947. A bill to amend title XIX of the Social Security Act to clarify the circumstances under which a hold harmless provision does not exist with respect to a broad-based health care related tax; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. KOHL, and Mr. DAYTON):

S. 1948. A bill to establish demonstration projects under the medicare program under title XVIII of the Social Security Act to reward and expand the number of health care providers delivering high-quality, cost-effective health care to medicare beneficiaries; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. DODD, Mr. HUTCHINSON, Mr. JEFFORDS, and Mr. ENZI):

S. 1949. A bill to amend the Public Health Service Act to promote organ donation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN:

S. 1950. A bill for the relief of Richi James Lesley; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, and Mrs. BOXER):

S. 1951. A bill to provide regulatory oversight over energy trading markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER (for herself, Ms. LANDRIEU, Mrs. FEINSTEIN, and Mr. BREAUX):

S. 1952. A bill to reacquire and permanently protect certain leases on the Outer Continental Shelf off the coast of California by issuing credits for new energy production in less environmentally sensitive areas in the Western and Central Planning Areas of the Gulf of Mexico; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1953. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1954. A bill to establish a demonstration project under the medicare program under title XVIII of the Social Security Act to provide the incentives necessary to attract educators and clinical practitioners to underserved areas; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1955. A bill to amend title XVIII of the Social Security Act to require that the area wage adjustment under the prospective payment system for skilled nursing facility services be based on the wages of individuals employed at skilled nursing facilities; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. HATCH, Mr. SCHUMER, and Ms. CANTWELL):

S. 1956. A bill to combat terrorism and defend the Nation against terrorist attacks, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. DEWINE, Mr. FRIST, Mr. KENNEDY, Mr. TORRICELLI, Ms. COLLINS, Mr. BREAUX, Mr. WELLSTONE, Mr. BIDEN, Mr. INOUYE, Mr. KOHL, Ms. LANDRIEU, Mr. SPECTER, Mr. JOHNSON, Mr. DORGAN, Mr. CLELAND, Mr. GRAHAM, Mr. DODD, Mr. ENZI, Mr. LEVIN, Mr. KERRY, and Mr. REID):

S. Res. 210. A resolution designating February 14, 2002, as ''National Donor Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 258

At the request of Mrs. LINCOLN, the names of the Senator from California (Mrs. BOXER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 690

At the request of Mr. WELLSTONE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 690, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 1024

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1024, a bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes.

S. 1193

At the request of Mr. BAYH, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Minnesota (Mr. DAYTON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1193, a bill to provide for the certain of private-sector-led Community Workforce Partnerships, and for other purposes.

S. 1248

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1248, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1282

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1282, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1409, supra.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1644

At the request of Mr. CAMPBELL, the names of the Senator from Montana (Mr. BURNS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1786

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1786, a bill to expand aviation capacity in the Chicago area.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1917

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1917, supra.

S. RES. 205

At the request of Mr. CAMPBELL, the name of the Senator from New York

(Mrs. CLINTON) was added as a cosponsor of S. Res. 205, a resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections.

S. RES. 208

At the request of Mr. BREAUX, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 208, a resolution commending students who participated in the United States Senate Youth Program between 1962 and 2002.

S. CON. RES. 84

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. Con. Res. 84 , a concurrent resolution providing for a joint session of Congress to be held in New York City, New York.

AMENDMENT NO. 2268

At the request of Mr. BROWNBACK, his name was added as a cosponsor of amendment No. 2268 intended to be proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. HAGEL, Mr. REED, and Mr. ENZI):

S. 1945. A bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHNSON. Mr. President, I rise to introduce S. 1945, the Safe and Fair Deposit Insurance Act of 2002, together with my good friends and colleagues, Senator HAGEL, Senator REED and Senator ENZI. This important legislation would help to ensure that deposit insurance, which is the bedrock of our banking system, maintains its strength even when faced with economic weakness.

S. 1945 is the culmination of many years of my involvement in the issue of deposit insurance reform. I would like to recognize the banking community in South Dakota for their critical role in the process, from explaining how elements of the current system endanger local banks throughout that great State, to helping to craft solutions that make sense to the average American depositor.

The current deposit insurance system is dangerously pro-cyclical, and in a softening economy, banks are at real risk of having to absorb severe insurance premiums when they can least afford them. In the last month alone, four banks have failed, putting pressure on the insurance funds.

In addition, deposit insurance coverage was last adjusted in 1980, and its real value has eroded over the decades. S. 1945 proposes an increase in coverage, and ensures that in the future, coverage keeps pace with inflation through periodic indexing. We also increase the level of coverage for our municipalities' deposits, to reduce the risk that a bank failure will wipe out a town's financial base, as happened just last week in Ohio, and also to free up much needed capital to lend to cash-starved communities.

Our bill pays special attention to the needs of our retirees. We propose that retirement savings be covered up to $250,000, to allow our retirees to keep their money safe without being forced to search for a bank outside of their trusted communities.

So many of our retirees have spent their lives saving to make sure they can remain independent in their later years, especially given some uncertainty about the long-term health of Social Security. Many have put those savings to work in a variety of investments through tax-deferred accounts and have watched those balances mount.

Over the last few months, however, we have been reminded that while equity markets can provide unparalleled opportunities for economic growth, those opportunities come with volatility. And while many younger investors have enough time to ride out ups and downs, those of us who are closer to retirement age have to make sure we have enough savings in secure investments to provide for a comfortable retirement.

Our bill also merges the two deposit insurance funds, and gives the FDIC additional flexibility to manage the fund balance through regular insurance premiums. Since 1996, 93 percent of all insured depositories have paid nothing for their insurance coverage, which simply doesn't make sense. Under the bill, the FDIC would be permitted to resume premium assessments; however, they would also be required to keep the fund ratio within a range, with a goal of minimizing sharp swings in those assessments. FDIC is also charged with the task of building the fund up in good times, so in bad times, banks will avoid the economic pressure of steep charges that could precipitate a downward spiral.

Finally, we provide a one-time assessment credit so that institutions that have paid their fair share into the insurance funds don't end up subsidizing new entrants and fast growers. The credit will also defer premium payments for up to several years in some cases.

Before I close, I would like to comment on the remarkable bipartisan process that has allowed this bill to take shape. Partisan politics has no place in discussions of deposit insurance reform, which is so critical to America's economic foundation. Senators HAGEL, REED, ENZI and I have worked together on S. 1945, and I am proud of the results of this teamwork. This is just one more example proving that the best laws are those that are built on solid principles by bipartisan teams.

Finally, I thank FDIC Chairman Don Powell for his leadership on this issue. He has recognized the importance of reform, and it has been a pleasure working with him and his talented team at the FDIC.

By Mr. LOTT (for Mr. CAMPBELL (for himself, Mr. DOMENICI, Mr. BINGAMAN, and Mr. ALLARD)):

S. 1946. A bill to amend the National Trails Systems Act to designate the Old Spanish Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

• Mr. CAMPBELL. Mr. President, today I am introducing legislation to designate the Old Spanish Trail for addition to the National Trails System.

In 1995, I worked to commission a study of the Old Spanish Trail to assess its historic significance and determine whether it should be included in the National Trails System. That recently published study discussed the Trail in great detail, recognizing it as a benchmark of the Old West.

I would like to commend the Department of the Interior and National Park Service's scholarship in producing the ''National Historic Trail Feasibility Study and Environmental Assessment'' of the Old Spanish Trail.

The Old Spanish Trail has been called the ''longest, crookedest, most arduous pack mule route in the history of America.'' Linking two quaint pueblo outposts, Villa Real de Sante Fe de San Francisco, now known as Santa Fe, and El Pueblo de Nuestra Senora La Reina de Los Angeles, present day Los Angeles. This 1,200 mile route was a critical crossroads in trade and culture 150 years ago.

American Indians lived for thousands of years throughout the American Southwest, carving out a network of trade and travel routes. The Utes, Paiutes, Comanches, and Navajo peoples used what was known as the Old Spanish Trail.

The Old Spanish Trail played a crucial role as a crossroads for the diverse cultures in the West. Indian Tribes, Spaniards, Mexicans, Anglo settlers, including the Mormons, and other immigrants used the route extensively.

The traded commodities along the Trail were as diverse as those who used it. The Old Spanish Trail supported the fur, mule, horse, sheep, and textile trades. Demand for sheep grew dramatically in California after the Great Gold Rush. In 1849, a gold-seeker named Roberts bought 500 sheep in New Mexico for $250, and sold them in California for $8,000.

Beyond traditional commerce, Old Spanish Trail traders also traded in American Indian slaves. Tribes would raid weaker tribes and sell captives to the Spanish, and later to the Mexicans. The Indian slave trade continued as late as the 1860s.

The trail's rich history marks important events in our nation's westward expansion. For example, in 1848, Lt. George B. Brewerton recorded his journey over the Spanish Trail and the northern branch. The young lieutenant accompanied a party of thirty men including the noted scout, Kit Carson. Carson was carrying mail from Los Angeles to the East Coast. The party left Los Angeles on May 4 and reached Santa Fe via Taos on June 14, forty-one days later. Carson proceeded east, reaching Washington, DC in mid-August, bringing news of the discovery of gold in California. Carson's news effectively fired the starting gun for the great gold rush.

The study includes numerous accounts of other expeditions, experiences, and events marking our Nation's history. Thanks to a variety of public and private partnerships, we are learning more about the history of the Trail and the region everyday.

In Colorado, the Bureau of Land Management has worked on documenting and interpreting the route with local communities, such as Mesa County and the City of Grand Junction. Interested private groups have sprung up to recognize the significance of the Trail and work to preserve it for generations to come. One such group, the Old Spanish Trail Association, founded in Colorado, studies the trail to raise the public's awareness of our country's diverse cultural heritage in the region. The association has already located wagon ruts and other vestiges of the trail's heyday.

The time has come to acknowledge the national historical importance of the Old Spanish Trail.

This bill designates the Old Spanish Trail for addition to the National Trails System to promote the recognition, protection and interpretation of our history in the West. By introducing this legislation today, we pay tribute to the cultures of the West that have enriched our nation and to an important period in American history.

I urge my colleagues to support swift passage of this legislation.

I ask that the text of the bill be printed in the RECORD.

The bill is as follows:

S. 1946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Old Spanish Trail Recognition Act of 2002''.

SEC. 2. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by redesignating the second paragraph (21) as paragraph (22); and

(2) by adding at the end the following:

''(23) OLD SPANISH NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Old Spanish National Historic Trail, an approximately 3,500 mile long trail extending from Santa Fe, New Mexico, to Los Angeles, California, that served as a major trade route between 1829 and 1848, as generally depicted on the map contained in the report prepared under subsection (b) entitled ''Old Spanish Trail National Historic Trail Feasibility Study'', dated July 2001.

''(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the office of the Director of the National Park Service.

''(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, acting through the Director of the National Park Service (referred to in this paragraph as the 'Secretary').

''(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.

''(E) CONSULTATION.—The Secretary shall consult with other Federal, State, local, and tribal agencies in the administration of the trail.

''(F) ADDITIONAL ROUTES.—The Secretary may designate additional routes to the trail if—

''(i) the additional routes were included in the Old Spanish Trail National Historic Trail Feasibility Study, but were not recommended for designation as a national historic trail; and

''(ii) the Secretary determines that the additional routes were used for trade and commerce between 1829 and 1848.''.

Mr. DOMENICI. Mr. President, last year I introduced a bill that would have designated the Old Spanish Trail as a National Historic Trail. When I introduced that bill, we were waiting for the Administration to complete its work on a final study. Additionally, Senator CAMPBELL wrote a personal note to me asking that I work with him on a new bill that incorporates the new study. Today, we introduce that bill. As with my original bill this legislation will amend the National Trails System Act and designate the Old Spanish Trail; which originates in Santa Fe, New Mexico and continues to Los Angeles, California as a National Historic Trail.

Today, more than 150 years after the first settlers embarked on their western journeys via the Old Spanish Trail, we honor its historic significance and recognize its importance to our past, present and future. I am proud to introduce legislation that will help preserve the route of the trail—much of which has remained relatively unchanged since the trail period.

The United States of America has a rich history and an exciting part of that is the movement of civilization westward. Citizens who settled in the West came from all walks of life and have deep rooted cultural and historic ties to land throughout the west. Since 1829, The Old Spanish Trail has served many, from trade caravans to military expeditions. For twenty plus years the Old Spanish Trail was used as a main route of travel between New Mexico and California.

The Old Spanish Trail is also a vital part of Native American history. We know that numerous Indian pueblos were situated along the Old Spanish Trail serving as trading forums for the trail's many travelers. The majority of these pueblos are still occupied by descendants whose ancestors contributed to the labor and goods that constituted commerce on the Old Spanish Trail.

The Old Spanish Trail is a symbol of cultural interaction between various ethnic groups and nations. Further, it is a symbol of the commercial exchange that made development and growth popular, not only in the West, but throughout the country.

The National Trails System was established by the National Trails System Act of 1968 ''to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open air, outdoor areas and historic resources of the Nation.'' Designating the Old Spanish Trail as a National Historic Trail would allow for just what the act has intended, preservation, access, enjoyment and appreciation of the historic resources of our Nation.

The Old Spanish Trail has been significant in many respects to many different people and its rich history is something that should be included in our National Trails System. The intent of this legislation is to protect this historic route and its historic remnants for public use and enjoyment indefinitely.

By Mrs. CARNAHAN:

S. 1947. A bill to amend title XIX of the Social Security Act to clarify the circumstances under which a hold harmless provision does not exist with respect to a broad-based health care related tax; to the Committee on Finance.

Mrs. CARNAHAN. Mr. President, in late October, I came to the Senate floor to address a dispute between the state of Missouri and the Health Care Financing Agency, now known as the Centers for Medicare and Medicaid Services, or CMS. I felt compelled to discuss the matter because of what was at stake, the future of Missouri's Medicaid program.

Medicaid is a partnership between the Federal Government and the States to provide healthcare services to our most vulnerable citizens—low-income children and seniors. Unfortunately, the Federal partner, CMS, is behaving irresponsibly.

Since I last spoke about this issue on the Senate floor, CMS Administrator Tom Scully escalated the dispute to an unprecedented level. Not only unprecedented, but dangerous.

On November 29, he sent a harshly toned letter to Governor Holden that called Missouri's tax on hospitals illegal and threatened to withhold $1.6 billion from the State.

I am here today to call attention to an agency that is out of control. At a time when States are struggling to maintain service due to the recession, this agency has threatened to devastate Missouri's health care safety net. At a time when States and the Federal Government should be working for the common good, CMS is ignoring its own laws and regulations.

After our delegation appealed to top Administration officials, finally negotiations began on a long-term solution to the Medicaid funding issue. But just this weekend, reports emerged that CMS expects to pressure Missouri into accepting changes to the program due to its threatened legal action. I am all in favor of negotiations. But I want a bargaining table to be completely level. Our State should be free to act in the best interest of Missouri's citizens without a $1.6 billion lawsuit hanging over its head. That is why I am also introducing legislation today that seeks to put an end to this dispute once and for all.

Governor Holden has stated that one of his top Federal priorities is to clarify that Missouri's provider tax is fully consistent with Federal law. That is what my bill does.

Before I explain my legislative proposal, I want to describe the events that have brought us to this point in time. The subject of the disagreement is Missouri's provider assessment program, which is a tax on hospitals. States use the money generated from these taxes as their ''match'' for Federal Medicaid dollars. Over ten years ago, Congress became concerned that States were using provider taxes improperly to increase the Federal contributions to Medicaid programs. In response, Congress enacted a law in 1992 that placed limitations on provider assessment programs.

One specific limitation is that a provider assessment must not contain a ''hold harmless'' provision. This means that States may not guarantee that a hospital will receive back from Medicaid the amount of funds it paid to the State in provider taxes.

In 1992, under the leadership of Governor John Ashcroft, now the Attorney General, Missouri complied with the federal law by enacting the Federal Reimbursement Allowance Program law. This law created a tax on hospitals, but contained no ''hold harmless'' provision. Governor Ashcroft signed the bill into law. Governor Carnahan continued the program, and Governor Holder is continuing it.

For almost a decade, the program has been operating under the auspices of HCFA, now CMS. During this time, 100 percent of the revenues generated by the tax have been dedicated to Missouri's Medicaid program. The program has made Missouri a national model for using Federal, State, and private resources to provide health care to as many needy citizens as possible. This long-standing legal tax has assisted Missouri in creating a strong healthcare safety net for its children, pregnant women, and most vulnerable seniors.

Much of Missouri's success can be attributed to expanded enrollment of eligible citizens in Medicaid. During the 1990's, the number of Missourians covered by Medicaid more than doubled, increasing from 364,000 in 1990 to 839,000 in 2001. The number of children enrolled in Medicaid has grown at an even faster rate, increasing from 180,000 in 1990 to 474,000 in 2001.

An important step in covering more children was the enactment of the state's Children's Health Insurance Program, also known as MC Plus. Under the leadership of Governor Carnahan, MC Plus was designed to cover children up to 300 percent of the poverty level. It is a national model. Due to MC Plus, uninsured working parents could secure this previous health coverage for their children. The MC Plus program has made a difference in the lives of 75,000 children in Missouri.

This combination of initiatives has sharply reduced the number of Missouri citizens that lack health insurance. In 1999, Missouri had the fourth lowest percentage of uninsured citizens in the country.

These tremendous accomplishments, however, could be completely undermined because of a bureaucratic crusade to overturn Missouri's provider tax, a crusade that is not based on law.

Let me explain. The letter CMS Administrator Scully sent to Missouri on November 29 was significant for several reasons.

First, it was the first formal declaration from CMS that the agency found Missouri's State provider tax impermissible.

Second, the letter included a draft audit that outlined the agency's case and claimed that it would seek to take back $1.6 billion from the State.

Third, the letter opens the door for CMS to actually try to take back the money.

Until this the draft audit was sent, CMS had only threatened action against the state. Now, this letter has made it abundantly clear that the CMS case is based on a flawed legal theory.

The Federal statute says that there is a hold harmless provision with respect to the provider tax if the Secretary can determine that, and I quote from the statute: ''The State or other unit of government improving the tax providers—directly or indirectly—for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax.''

In the draft audit, Mr. Scully asserts that Missouri indirectly holds hospitals harmless. This leads one to ask the question, how is an ''indirect guarantee'' defined under the law? The answer exists, but unfortunately Mr. Scully's letter does not include it. You can find the answer in the Federal regulations that govern how the Federal provider tax law should be implemented.

On September 13, 1993, almost ten years ago, the U.S. Department of Health and Human Services issued final regulations for the new law. The regulations established an objective test to determine whether a government had an indirect guarantee. The regulations provide that if the tax on health care providers is less than 6 percent of the taxpayer's revenues, ''the tax or taxes are permissible.''

Missouri's provider tax on hospitals has always been less than 6 percent. Case closed.

The bill that I am introducing today essentially codifies this regulation into law. If CMS were willing to abide by its own regulations, then this bill would not be necessary. But I am concerned from the actions the agency has taken and its responses to my inquiries on the subject, that CMS is pursuing an ideological agenda, not fair even-handed enforcement of the law.

There is nothing wrong with the State law former Governor Ashcroft signed a decade ago. There has been no ''indirect guarantees'' to anyone. CMS should back off and allow Missouri to do what it has been doing well for over a decade, providing healthcare to its citizens.

I encourage my colleagues to take a close look at my bill and support its passage.

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. KOHL, and Mr. DAYTON):

S. 1948. A bill to establish demonstration projects under the Medicare program under title XVIII of the Social Security Act to reward and expand the number of health care providers delivering high-quality, cost-effective health care to Medicare beneficiaries; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join my colleague and dear friend from Wisconsin, Senator FEINGOLD, in introducing a ''Medicare Fairness'' package of bills that will ensure that the Medicare system rewards rather than punishes states like Maine and Wisconsin that deliver high-quality, cost-effective Medicare services to our elderly and disabled citizens.

The good people of Maine pay the same payroll taxes to Medicare, and our seniors pay the same premiums, deductibles and copayments as Medicare beneficiaries in other parts of the country. Yet Maine's patients, physicians, hospitals and other providers receive far less from the program in return when it comes to Medicare payments.

According to a recent study published in the Journal of the American Medical Association, Maine ranks third in the Nation when it comes to the quality of care delivered to our Medicare beneficiaries. Yet we are 11th from the bottom when it comes to per-beneficiary Medicare spending.

The fact is that Maine's Medicare dollars are being used to subsidize higher reimbursements in other parts of the country. Maine's Medicare patients receive, on average, $3,856 worth of Medicare services per year, far below the national average of $5,034. By way of contrast, in the District of Columbia, Medicare patients receive about $15,620 in Medicare payments a year. Moreover, these dramatically higher payments have not bought any better

care for the District's Medicare beneficiaries. According to the Journal of the American Medical Association, the District is ranked 34th out of 52, in the bottom third, when it comes to quality.

This simply is not fair. Medicare's reimbursement systems have historically tended to favor urban areas and failed to take the special needs of rural States into account. Ironically, Maine's low payment rates are also the result of its long history of providing high-quality, cost-effective care. In the early 1980s, Maine's lower than average costs were used to justify lower payment rates. Since then, Medicare's payment policies have only served to widen the gap between low and high-cost states.

As a consequence, Maine's hospitals, physicians and other providers have experienced a serious Medicare shortfall, which has forced them to shift costs on to other payers in the form of higher charges. This Medicare shortfall is one of the reasons that Maine has among the highest health insurance premiums in the nation. Small businesses, for example, are facing increases of 20 to 30 percent, jeopardizing their ability to provide coverage for their employees.

Moreover, the fact that Medicare underpays our hospitals and nursing facilities has significantly handicapped Maine's providers as they compete for nurses and other health care professionals in an increasingly tight labor market.

As a recent study by Dr. John Wennberg of the Dartmouth Medical School points out, more Medicare spending does not necessarily buy better quality health care. According to the Dartmouth study, Medicare beneficiaries in high-cost states don't live any longer or enjoy better quality care. High cost states simply provide more care. They rely on inpatient and specialist care more than outpatient and primary care, and they tend to treat the chronically ill and those near death much more aggressively, with possible adverse effects on their quality of life. According to the Dartmouth study, this pattern of practice is driven not by medical evidence, but instead by community practice patterns and the availability of hospital beds.

The legislative package we are introducing today will reform the current Medicare reimbursement system by reducing regional inequities in Medicare spending and providing incentives to hospitals and physicians to encourage the delivery of high-quality, cost-effective care.

The first bill, the Physician Wage Fairness Act of 2001, will promote fairness in Medicare payments to physicians and other health professionals by eliminating the outdated geographic physician work adjustor in the physician fee schedule that has resulted in a significant differential in payment levels to urban and rural health care providers.

We are concerned that the current formula does not accurately measure the cost of providing services. As a consequence, Medicare pays rural providers far less than it should for equal work. We also don't think that it makes sense to pay physicians more for their work in areas like New York City, which tend to have an oversupply of physicians, and pay physicians less for the same services in areas that are more likely to experience shortages. Eliminating the georgraphic physician work adjustor will bring an estimated $1 million a year in Medicare payments to physicians and other providers in Southern Maine and $3 million more to providers in the rest of Maine.

The second bill, the Medicare Value and Quality Demonstration Act of 2002, will authorize a series of demonstration programs to encourage high-quality, low-cost health care to Medicare beneficiaries. These programs would reward hospitals and physicians who deliver high quality care at a lower cost. It would also require that the states chosen for the pilot projects create a plan to increase the number of providers who deliver high-quality, cost-effective care to Medicare beneficiaries.

A third bill, the Graduate Medical Education Demonstration Act, will allow the Secretary of Health and Human Services to use existing Graduate Medical Education funds to create a program to encourage hospitals in underserved areas to host clinical rotations to encourage more medical students to practice in these areas when they graduate.

And finally, the Skilled Nursing Facility Wage Information Improvement Act will promote fairness in Medicare payments to nursing homes by collecting and using accurate nursing home wage data rather than, as is the current practice, using the inaccurate hospital wage data that discriminates against States like Maine.

As Congress works to modernize Medicare, we must also restore basic fairness to the program and find ways to reward, rather than penalize, providers of high-quality, cost-effective care. This is what our legislation will do, and I encourage all of our colleagues to join us as cosponsors.

By Mr. FRIST (for himself, Mr. DODD, Mr. HUTCHINSON, Mr. JEFFORDS, and Mr. ENZI):

S. 1949. A bill to amend the Public Health Service Act to promote organ donation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, on this Valentine's Day, National Donor Day, I rise to speak on the critical issue of organ donation. It is with great pleasure that I join with my colleagues Senators DODD, HUTCHINSON, JEFFORDS, and ENZI to introduce the Organ Donation and Recovery Improvement Act.

This far-reaching, comprehensive legislation includes a number of new steps intended to improve organ donation and recovery efforts nationwide and increase the number of organs available for transplants each year. This legislation is further complemented by a resolution that I, and a number of my colleagues are introducing today to commemorate today as National Donor Day and call attention to the important issue of organ donation.

This year, more than twenty-two thousand Americans will receive an organ transplant. This is due to the rapid and tremendous advancements in our knowledge and in the science of organ transplantation. As a heart and lung transplant surgeon before coming to the Senate, I have had the opportunity to watch the field develop tremendously over the past three decades. I remember my own experiences, of conducting some of the first transplants using hearts and lungs, and know the tremendous progress that has been made since that time. And I know the hundreds of my own patients who have benefitted from improved lives due to advances in transplantation.

Advances in our knowledge and the science have allowed us to transplant individuals who were once not considered candidates. But such advances have meant a staggering increase in the number of patients waiting for a transplant, while the number of donated organs has failed to keep pace. In fact, there are almost 80,000 patients waiting for a transplant today, a fourfold increase from just over a decade ago. Many of them may die before they can receive a transplant.

More needs to be done. We must look for other ways to improve organ donation, to identify eligible organs and work with families to help them better understand the value of donation.

Secretary Thompson already has made great progress in this area. I commend him for making organ donation a top priority at the Department of Health and Human Services. His initiative holds great promise. In particular, I applaud his call to recognize donor families through a medal of honor, something I have long supported through my own legislation, the Gift of Life Congressional Medal Act. I also welcome the Secretary's commitment to more closely scrutinize the role that organ donor registries play in the donation process.

The legislation I am introducing today builds on these efforts through a broad range of initiatives intended to improve organ donation and recovery, enhance our knowledge base in these fields, and encourage novel approaches to this growing problem.

The Organ Donation and Recovery Improvement Act is designed to improve the overall process of organ donation and recovery. The bill also seeks to remove potential barriers to donation, while identifying and focusing on best practices in organ donation.

Let me briefly highlight a few key provisions of the legislation. First, the bill establishes a grant program for demonstration projects intended to improve donation and recovery rates and

ensures that the projects' results will be evaluated quickly and disseminated broadly. The bill also provides for the placement and evaluation of organ donation coordinators in hospitals, a model that has worked with success in other countries.

In addition, the legislation expands the authority of the Agency for Healthcare Research and Quality to conduct important research, including research on the recovery, preservation and transportation of organs and tissues. As we all know, the science of organ transplantation has been improved and refined over and over again since its inception. Yet all too often organ donation efforts are conducted under the same conditions and understandings as they were twenty years ago. This must change, and the legislation Senator DODD and I are introducing today will help establish a strong evidence-based approach to enhance organ donation and recovery and improving our understanding of this process.

The bill also includes several important provisions affecting living organ donation. First, it attempts to reduce potential financial disincentives toward serving as a living donor by allowing for the reimbursement of travel and other expenses incurred by living donors and their families.

Importantly, the bill also takes steps towards evaluating the long-term health effects of serving as a living donor by asking the Institute of Medicine to report on this issue, as well as through the establishment of a living donor registry intended to track the health of individuals who have served as living organ donors. There remain important questions surrounding how this registry should be structured, and I look forward to working with my colleagues and the experts in the field to finalize the details before any legislation is enacted.

Finally, I would like to address the issue of prospective organ donor registries. I am supportive of donor registries and feel they have an important role to play in improving organ donation rates. Moreover, I am pleased by the actions taken by some states to establish and enhance such registries. However, I am concerned that too great a focus has been placed on registries at a time when a number of questions surrounding registries remain unanswered and their effectiveness has not been fully evaluated. Therefore, the bill establishes an advisory committee to study this question and to report to Congress on the usefulness and success of organ donor registries and potential roles for the federal government to play in encouraging and improving such programs.

The Frist-Dodd Organ Donation and Recovery Improvement Act is supported by a wide range of patient and organ transplantation organizations. I am pleased that the bill is supported by the American Society of Transplantation, National Kidney Foundation, American Liver Foundation, North American Transplant Coordinators Organization, Patient Access to Transplantation Coalition, TN Donor Services, New Mexico Donor Services, and Golden State Donor Services. I thank them for their hard work and dedication to this issue.

Organ donation is one of the most important issues before us today. Each year, thousands of donors and families make the important decision to give consent and give the gift of life. We must recognize and honor their sacrifice, and, in so honoring, work to increase donation rates and allow more families to receive this gift of life each year. Hundreds of my own patients are alive today because of this gift. Let us work together to allow more patients and families to experience this miracle.

I thank Senators DODD, HUTCHINSON, JEFFORDS and ENZI for joining me in this effort, and look forward to working with them and my other colleagues to pass this important legislation this year.

Mr. DODD. Mr. President, most of us know February 14 as Valentine's Day, but for the past few years, it has shared that date with another vitally important, and unfortunately less well-known, event: National Donor Day.

Thanks to the selflessness of thousands, February 14 has become our Nation's largest one-day donation event. On a day that celebrates giving the gift of life, we should make a commitment to increasing our donation rates and saving even more lives.

Today, I am pleased to introduce legislation with Senator BILL FRIST to do just that. The Organ Donation and Recovery Improvement Act will bring attention to this critical public health issue by increasing resources and coordinating efforts to improve organ donation and recovery. I am proud to be working with my friend and colleague, Senator FRIST, whose leadership and professional experience as a heart and lung transplant surgeon has been critical in making this issue a priority.

At this very moment, more than 80,000 people are waiting for an organ transplant, and one person is added to this list every thirteen minutes. This has increased from 19,095 people on waiting lists a decade ago. Unfortunately, the discrepancy between the need and the number of available of organs is growing exponentially. From 1999 to 2000 transplant waiting list grew by 10.2 percent, while the total increase in donation grew by 5.3 percent. Tragically, in 2000, approximately 5,500 wait-listed patients died waiting for an organ.

Undoubtedly, the task before us seems daunting. However, each person who makes the decision to donate can save as many as three lives. These are our mothers, fathers, brothers, sisters, friends. None of us wants to imagine the anguish of watching a family member or a friend wait for an organ transplant hoping that their name reaches the top of the list before their damaged organ fails or having to bear the emotional, physical, or financial costs of undergoing a transplant procedure. For those that do, and for all of those that will, we must improve and strengthen our systems of organ donation and recovery. We must also work to remove the barriers that stand in a donor's way as he or she seeks to help another person continue life. States need the resources to determine for themselves how best to increase donations and a vital part of increasing donations lies in education and public awareness initiatives.

We must work to improve the science of donation and recovery and address legal issues relating to donation, including consent. More than 20 states currently have registries that may prove indispensable in ensuring that we honor a donor's wishes. We should study the benefits, and potential shortcomings, of these arrangements and work to create a national sense of urgency that matches the national need for donors.

I would like to recognize the invaluable support and guidance we received, in drafting this bill, from the American Society of Transplantation, the American Liver Foundation, the Patient Access to Transplantation Coalition, North American Transplant Coordinators Organization, and the National Kidney Foundation. I would be remiss not to mention the Association of Organ Procurement Organizations and the OPOs nationwide that have worked so tirelessly to bridge the gap between the immense need and the inadequate supply. In my home state of Connecticut, we are well served by the tremendous work of the Northeast Organ Procurement Organization and the New England Donor Bank.

Finally, I look forward to working with my colleagues, including Senator KENNEDY, Senator GREGG and Senator DURBIN, whose commitment to this issue has been unparalleled. I urge Congress to take swift action on bipartisan legislation aimed at increasing organ donation and saving lives.

Mr. JEFFORDS. Mr. President, today, Valentine's Day, provides a wonderful opportunity for me to offer my support for the Organ Donation and Recovery Improvement Act. I commend my colleagues, Senator FRIST of Tennessee and Senator DODD of Connecticut, for their leadership and commitment to this important issue. Organ transplantation provides perhaps the clearest example where scientific research has been translated and applied to modern medicine. Not too many years ago organ transplantation was associated with inconsistent success and numerous complications. Today these procedures have advanced to the point where success is commonplace. Not only the duration of life, but the quality of life, is improved.

I have carried an organ donor card in my wallet for more than twenty-five years, and I am a long-time organ donation supporter. In my home State of

Vermont, Representative Johannah Donovan has introduced a bill to allow for the creation of a donor registry through the Department of Motor Vehicles. It is an excellent example of trying to make the organ donor process easier and more efficient. So, I am proud to join my colleagues as an original sponsor in this effort to increase organ donation at the national level. Even though great strides have been made in organ procurement and distribution, problems remain, and those issues are addressed by this legislation. This proposal would establish a federal inter-agency task force to coordinate organ donation efforts and transplant research; expand the Federal organ-donation grant authority and provide funds to educate lay professionals in issues surrounding organ donation; expand the Agency for Healthcare Research and Quality authority to review and improve organ recovery, preservation, and transplantation; provide for two important Institute of Medicine studies to review and document issues associated with live organ donation; and establish an advisory committee to make recommendations regarding costs, benefits, expansion, availability, and other issues involving transplantation.

In Vermont, we are fortunate to have Fletcher Allen Medical Center. This state-of-the-art institution provides quality transplantation services to the residents of my state and surrounding areas. However, despite a wonderful facility and a well-trained and experienced staff of health professionals, Fletcher Allen is limited, like all similar institutions, by the high demand for donor organs and the limited supply. This legislation will move us closer to the day when all individuals who would benefit from transplantation are able to receive appropriate care in a timely manner. I urge all of my colleagues to join me in supporting this important legislation.

By Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, and Mrs. BOXER):

S. 1951. A bill to provide regulatory oversight over energy trading markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today with Senators CANTWELL and WYDEN to make sure that all energy transactions are transparent and subject to regulatory oversight. With passage of this legislation, we can reinstate regulatory oversight to the marketplace and help ensure there is not a repeat of the energy crisis that had such a devastating impact on California and the West.

The Enron bankruptcy has uncovered many gaping holes in our regulatory structure, everything from accounting and investment practices to on-line energy transactions. Congress must take a look at all of this. The bill we are introducing today is a first step. The exemptions and exclusions to the 2000 Commodity Futures Modernization Act essentially gave EnronOnline, and the entire energy sector, the ability to operate a bilateral electronic trading forum absent any regulatory oversight or price transparency.

Let me give you an example of what that lack of transparency meant to California: On December 12, 2000, the price of natural gas on the spot market was $59 in southern California while it was $10 in nearby San Juan, NM. We know it costs less than $1 to transport gas from New Mexico to California because this was the cost when these transportation routes were transparent and regulated. So there was $48 unaccounted for that undoubtedly found its way into someone's pocket.

This problem lasted from November, 2000 to April, 2001, and all this time no one knew where all this money was going. The Senate Energy Committee looked at this issue last year but was not able to piece together all of what happened. In the wake of Enron's bankruptcy, however, we are beginning to learn a lot more. By controlling a significant number of energy transactions affecting California, some traders estimate that Enron controlled up to 50–70 percent of the natural gas transactions into southern California, and by trading in secret, Enron had the unique ability to manipulate prices and gouge customers. And the consumes, particularly those in California, ultimately bore the brunt of the costs. In fact, through the course of the crisis in California, the total cost of electricity soared from $7 billion in 1999 to $27 billion in 2000 and $26.7 billion in 2001.

A market does not function properly without transparency. Additionally, regulators need the authority and the tools to step in and do their jobs when markets have gone awry. This bill, then, is intended to close the regulatory loopholes that allowed EnronOnline to operate unregulated trading markets in secret. The Commodity Futures Modernization Act provided a regulatory exemption for bilateral transactions between sophisticated parties in nonagriculturual and nonfinancial commodities. This exclusion includes energy products and electronic trading forums. Because many of the EnronOnline transactions did not involve physical delivery, there was also no oversight by the Federal Energy Regulatory Commission. In determining which agency, FERC or the CFTC should have the proper authority, we are faced with two challenges: 1. FERC does not have the necessary expertise in derivative transactions; and 2. CFTC does not have the necessary expertise to protect consumers from out-of-control energy prices.

This bill tries to utilize the unique talents of each agency.

In summary, our legislation: 1. Repeals exemptions and exclusions provided for by the Commodity Futures Modernization Act of 2000; 2. ensures that energy dealers in derivatives markets (such as EnronOnline) cannot escape federal regulation; 3. makes sure that all multilateral markets and dealer markets in energy commodities are subject to registration, transparency, disclosure and reporting obligations; 4. gives FERC regulatory oversight authority over bilateral transactions not subject to CFTC oversight. Although CFTC would have antimanipulation authority over these transactions; 5. expands FERC jurisdiction to include derivatives transactions, which are defined to include transactions based on the cost of electricity or natural gas and include futures, options, forwards and swaps unless such transactions are under the jurisdiction of the CFTC or the state; and 6. Ensures that entities running on-line trading forums must maintain sufficient capital to carry out its operations and maintain open books and records for investigation and enforcement purposes.

This last point is also very important. Enron saw its future as a ''virtual'' company. As such it sold off many of its physical assets over the past few years. Investors lost confidence in Enron's ability to back up its trades since Enron did not have enough assets to back up its trades. This was a contributing factor in Enron's final spiral into bankruptcy.

Energy trading has gotten extremely arcane and complex over the last three decades. Very few people fully understand how swaps and other derivatives actually work. Without adequate transparency, regulatory oversight, and a regulatory agency willing to do its job, the likelihood is that consumers will pay the price. This is what happened in the California Energy Crisis and has happened with Enron. It would be unconscionable not to do everything we can to prevent the same thing from happening again.

By Mrs. BOXER (for herself, Ms. LANDRIEU, Mrs. FEINSTEIN, and Mr. BREAUX):

S. 1952. A bill to reacquire and permanently protect certain leases on the Outer Continental Shelf off the coast of California by issuing credits for new energy production in less environmentally sensitive areas in the Western and Central Planning Areas of the Gulf of Mexico; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, for decades, Californians have opposed oil and gas drilling along their coasts. Nothing sharpened this concern more than the horrific tanker spill that occurred off the coast of Santa Barbara in 1969. Californians are still living with the ecological implications of that spill and the myriad other spills and leaks associated with the rigs that are currently along our coast.

Unfortunately, 36 more leases off our coast remain eligible for oil and gas development and four additional leases remain in legal limbo.

That is the last thing Californians want or need.

California is now in a pitched legal battle with the Department of Interior over whether the State has the ability to deny these leases. I strongly support the State in this effort and have joined Representative Capps in filing an amicus brief in the case.

Every State should have the right to deny oil and gas development off their shores, as offshore activities inevitably impact the people and resources that are onshore. Last year, I reintroduced legislation, the Coastal States Protection Act, to place a moratorium on new drilling leases in Federal waters that are adjacent to State waters that have a drilling moratorium. That bill, however, addresses only the issue of future leases.

With regard to the existing leases off of California's coast, I am not completely confident that the courts will solve the problem. We must therefore act now to eliminate the threat, the threat to California's natural resources and the threat to our economy through losses in the tourism and fishing industries.

It is for this reason that I am proud to introduce today with my colleague Senator LANDRIEU, the California Coastal Protection and Louisiana Energy Enhancement Act.

Our bill would end the seemingly endless battle over the California leases and would permanently protect those areas from oil, gas, and mineral development.

Here's how it would work. Within 30 days of enactment, the Secretary of Interior would provide the oil companies holding the 40 California leases with a swap of equivalent value in the Gulf of Mexico. If all of the companies holding the California leases agree to this offer and agree to drop all pending litigation regarding those leases, then the California leases will be canceled, and the lessees will receive a credit equal to the amount paid for the leases plus the amount already spent to develop them.

These credits could be used only in the central and western Gulf, an area already open to drilling and open to further leasing. They could be used for bidding on new leases in that area or to pay royalty payments for existing drilling activities in that area.

The 40 tracts off of California's coast would then be converted to an ecological preserve, thus permanently protecting the areas from future mineral leasing and development. The tracts would be managed for the protection of traditional fishing activities as well as conservation, scientific, and recreational benefits.

I am very proud of this legislation, and this very promising proposal to end the imminent threat of additional drilling off California's coast. We have been very careful to make sure that these credits are designed in a way that will not promote new drilling in environmentally sensitive areas. Instead, these credits can only be used in non-controversial areas that have already been set aside for future development.

We have also been very careful to ensure that the Federal Government, and in turn, the Federal taxpayer are protected from any future claims by these companies regarding these leases.

And, I am very pleased to say that we have worked to ensure that the 40 California tracts will never again be threatened by offshore development.

In short, we get rid of unwanted drilling in California and permanently protect these sensitive areas. The oil companies are freed from a protracted legal battle and allowed to take their business elsewhere. And, the Federal Government is protected from expensive litigation that the companies are currently pursuing.

I believe that we have hit upon the proverbial win-win situation. And I look forward to having this bill became a reality soon.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1953. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1954. A bill to establish a demonstration project under the Medicare program under title XVIII of the Social Security Act to provide the incentives necessary to attract educators and clinical practitioners to underserved areas; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1955. A bill to amend title XVIII of the Social Security Act to require that the area wage adjustment under the prospective payment system for skilled nursing facility services be based on the wages of individual's employed at skilled nursing facilities; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I rise today to join with my colleague from Maine to introduce legislation to restore fairness to the Medicare program. This package of legislation will reduce regional inequalities in Medicare spending and support providers of high-quality, low-cost Medicare services.

Just about a month ago, I met with representatives of Wisconsin's hospitals, doctors, and seniors, who spoke passionately about how Medicare inequities have a real and serious impact on the lives of Wisconsin seniors, and on health care providers in my State. Wisconsin seniors and providers came to me with these concerns, and this legislation is a direct result of their advocacy. I thank them for their efforts.

I also want to thank my colleague from Maine, who has joined me on a number of health care initiatives that address the mutual concerns of our constituents. I am grateful for her efforts on health care issues that concern both of our States, such as home health care, access to emergency services, and this legislation on Medicare fairness.

The Medicare program should encourage the kind of high-quality, cost-effective Medicare services that we have in Wisconsin and Maine. But unfortunately, that's not the case.

To give an idea of how inequitable the distribution of Medicare dollars is, imagine identical twins over the age of 65. Both twins worked at the same company all their lives, at the same salary, and paid the same amount to the Federal Government in payroll taxes, the tax that goes into the Medicare Trust Fund. But if one twin retired to another part of the country and the other retired in Wisconsin, they would have vastly different health care options under the Medicare system.

The high Medicare payments in some areas allow Medicare beneficiaries a wide array of options, they can choose between an HMO or traditional fee-for-service plan, and, because area health care providers are reimbursed at such a high rate, those providers can afford to offer seniors a broad range of health care services. The twin in Wisconsin, however, would not have the same access to care, there is no option to choose an HMO, and there are fewer health care agencies that can afford to provide care under the traditional fee-for-service plan.

How can two people with identical backgrounds, who paid the same amount in payroll taxes, have such different options under Medicare?

They do, because the distribution of Medicare dollars among the 50 States is grossly unfair to Wisconsin, and many other states around the country. Too many Americans in Wisconsin and other States like it pay just as much in taxes as everyone else, but the Medicare funds they get in return don't come close to matching the money they pay in to the program.

Wisconsin has a lot of company in this predicament. More than 35 States are below the national average in terms of per beneficiary Medicare spending. In some States, such as Wyoming and Idaho, Medicare spends almost $2,000 less per beneficiary than the national average.

While there are different reasons for this wide range in Medicare payments, their result is often the same, higher private sector insurance costs and a loss of access to care. In Milwaukee WI, there are reports that lower Medicare reimbursement rates often causes costs to shift to the private sector. In rural parts of Wisconsin, these low reimbursement rates jeopardize access to health care services.

In the case of my home State of Wisconsin, low payment rates are in large part a result of health care proviers' historically high-quality, cost-effective health care. In the early 1980s, Wisconsin's lower-than-average cost were used

to justify lower payment rates. Since that time, Medicare's payment policies have only widened the gap between low- and high-cost States.

This package of legislation will take us a step in the right direction by reducing the inequities in Medicare payments to hospitals, physicians, and skilled nursing facilities that the majority of States across the country now face.

At the same time, our proposal would establish pilot programs to encourage high-quality, cost-effective Medicare practices. Our proposal would reward providers who deliver higher quality at lower cost. It would also require that the pilot States create a plan to increase the amount of providers providing high quality, cost-effective care to Medicare beneficiaries.

This legislation would also help to address the unique workforce needs of urban and very rural areas by encouraging clinical rotations in those areas. These rotations could help focus a workforce on the specific challenges facing these areas, so that they can deliver care that serves the unique needs that they have.

Congress must modernize Medicare. But it must also restore basic fairness to the Medicare program.

My legislation demands Medicare fairness for Wisconsin and other affected States, plain and simple. Medicare shouldn't penalize high-quality providers of Medicare services, and most of all Medicare should stop penalizing seniors who depend on the program for their health care. They have worked hard and paid into the program all their lives, and in return they deserve full access to the wide range of benefits that Medicare has to offer.

I look forward to working with my colleagues to move this legislation forward. I believe that we can rebalance the budget, while at the same time encouraging efficient, quality enhancing services, and that's what my legislation sets out to do.

Mr. KOHL. Mr. President, I rise today in strong support of the Medicare Value and Quality Demonstration Act, the Physician Wage Fairness Act, the Graduate Medical Education Demonstration Act, and the Skilled Nursing Facility Wage Information Improvement Act. I am proud to cosponsor this package of legislation that will finally begin to address the grossly distorted Medicare reimbursement system, which penalizes health care providers in States like Wisconsin for being efficient as they provide high-quality care, and penalizes seniors in Wisconsin by delivering fewer benefits than seniors in other States receive. I want to commend Senator FEINGOLD and Senator COLLINS for their hard work and commitment to fixing this problem, and I am proud to join them as an original cosponsor in this effort.

This issue points to a basic question of fairness. The current Medicare reimbursement system is extremely unfair for Wisconsin. Because Wisconsin has been successful in holding down health care costs, current Medicare payment rates are very low in comparison to higher cost States, like Florida and California. In other words, the current system effectively punishes Wisconsin providers for being more efficient, and puts Medicare beneficiaries in Wisconsin at an unfair disadvantage compared to beneficiaries in other States.

This system has to change. My constituents in Wisconsin pay the same Medicare payroll tax as people in other States. They suffer from the same illnesses; they need the same treatments; they see the same types of health providers. Yet Wisconsin Medicare beneficiaries receive on average $3,795 in Medicare benefits per year, the eighth lowest in the country. That's 25 percent below the national average of $5,034. A study conducted by the Rural Wisconsin Health Cooperative found that this costs Wisconsin nearly a billion dollars each year in Medicare dollars lost.

There is simply no logical reason why Wisconsin doctors, hospitals, nursing homes, and ultimately, Wisconsin beneficiaries, should receive less reimbursement and fewer Medicare benefits than other States receive. And there is no logical reason why Medicare tax dollars paid by Wisconsinites should instead be used to pay higher rates to providers and greater benefits to beneficiaries in other States.

And this system isn't just bad for seniors on Medicare. The current system also has major consequences for businesses and non-Medicare patients in Wisconsin. When Medicare reimbursement to hospitals or nursing homes or doctors is inadequate, somebody has to make up the difference in order for these providers to stay afloat. This means that Wisconsin employers who provide health insurance for their employees, and patients who pay all or part of their health care bills, must pay higher prices and premiums to make up the shortfall. This is unfair to all of Wisconsin's citizens and exacerbates the problem of rising health care costs.

We should all be outraged by a system that treats seniors in some States like second-class citizens. Congress must stop sanctioning the current system, which penalizes Medicare beneficiaries based on where they live, penalizes providers for being efficient, and rewards providers that do not do their part to hold the line on costs. This backward system simply makes no sense.

The package of bills introduced today will finally begin to turn this system around and ensure that health care providers in Wisconsin and similarly affected States are adequately reimbursed and rewarded for providing high quality, cost-effective care. It will eliminate outdated and inaccurate data that is currently used to determine Medicare's flawed payment rates. And most importantly, it will help level the playing field for seniors in Wisconsin by helping to ensure that they have access to the same benefits as seniors in other States.

First, the Skilled Nursing Facility Wage Information Improvement Act will create a reimbursement system for nursing homes that is actually based on accurate nursing home data. This would seem to be common sense; yet the current formula for determining Medicare nursing home payments is based on hospital wage data that is inaccurate and discriminates against many States like Wisconsin. The Centers for Medicare and Medicaid Services, CMS, is now compiling nursing home wage data but as of yet has not finalized a plan to utilize it. This bill would set October 1, 2002 as the date for which CMS must incorporate the nursing home data.

Second, the Medicare Value and Quality Demonstration Act would begin to reverse the backward incentive structure in today's Medicare system. Medicare currently penalizes low-cost, high-quality States and health care providers by delivering inadequate reimbursement for their services. It just makes no sense to penalize providers who are working hard to be cost-effective and provide high-quality care at the same time. This second bill would create 4 demonstration projects to provide bonus incentive payments to high-quality, low-cost hospitals and doctors in the demonstration States. These States would also have to implement a plan to encourage more of their providers to deliver low-cost, high-quality care.

Third, the Physician Wage Fairness Act would correct a flaw in the payment system for physicians. The current physician payment formula includes a geographic adjustor that is outdated. Many studies now point to the fact that the labor market for health professionals is actually a national labor market and therefore, a geographic adjustor simply does not match today's reality. This bill would eliminate the geographic adjustor and bring the physician payment formula up to date. Wisconsin's physicians stand to gain $8 million more in Medicare reimbursement with passage of this legislation.

Finally, the Graduate Medical Education Demonstration Act would help address the issue of shortages of health professionals in underserved areas. It allows the HHS Secretary to use Medicare Graduate Medical Education funds to create a program to give providers in underserved areas financial incentives to attract educators and clinical practitioners.

This package of legislation is not the end of the story when it comes to fixing Medicare's current flawed payment system. In addition to this package, for the past 2 years I have been a cosponsor of the Medicare Fairness in Reimbursement Act, introduced by Senators HARKIN and CRAIG. This bill also works to level the playing field between high payment States and low payment

States, with a particular emphasis on improving reimbursement rates for rural areas. And I look forward to continuing to work with Senator FEINGOLD and Senator COLLINS on additional legislation that will deal with the complicated problems of hospital reimbursement and Medicare + Choice.

But these bills are an important first step toward fixing a system that is not just unfair to my State; it is inaccurate, outdated, and creates perverse incentives for inefficient providers.

Many of us in the Congress are working to update Medicare and modernize its structure to fit today's health care system. It is critical that we add a prescription drug benefit for seniors so they don't have to choose between taking their medicine and eating their next meal. It makes sense to add more preventive benefits to keep seniors healthy at the start rather than only treating illnesses when they become more serious. I strongly support these efforts and hope that Congress will act this year. But if we don't also fix the inequities in Medicare's payment system, these new benefits could also turn out to be inequitable for Wisconsin's seniors. This is an issue that must be addressed if Congress is serious about passing real Medicare reform.

Again, I want to commend Senators FEINGOLD and COLLINS for their hard work on this package. I look forward to working with them as Medicare reform moves forward.

By Mr. KOHL (for himself, Mr. HATCH, Mr. SCHUMER, and Ms. CANTWELL):

S. 1956. A bill to combat terrorism and defend the Nation against terrorist attacks, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Safe Explosives Act. This legislation will help prevent the criminal use and accidental misuse of explosive materials.

The events of September 11 have tragically demonstrated how good terrorists are at seeking out loopholes in our Nation's defenses. Law enforcement, now more than ever, must be several steps ahead of these criminals.

Most Americans would be stunned to learn that in some States it is easier to get enough explosives to take down a house than it is to buy a gun, get a drivers' license, or even obtain a fishing license. Currently, it is far too easy for would-be terrorists and criminals to obtain explosive materials. Although permits are required for interstate purchases of explosives, there are no current uniform national limitations on the purchase of explosives within a single state by a resident of that State. As a result, a patchwork quilt of State regulations covers the intrastate purchase of explosive materials. In some States, anyone can walk into a hardware store and buy plastique explosives or a box of dynamite. No background check is conducted, and no effort is made to check whether the purchaser knows how to properly use this deadly material. In at least 12 States, there are little to no restrictions on the intrastate purchase of explosives.

Since September 11, the threat of a terrorist attack involving explosives is more real than ever. As Richard Reid, the so-called ''shoe bomber,'' recently demonstrated when he tried to take down a Boeing 767 en route from Paris to Miami, terrorists are actively trying to use explosives in pursuit of their aims. We must be more vigilant in overseeing the purchase and possession of explosives if we ever hope to prevent future potential disasters.

The Safe Explosives Act would close the deadly loophole in our current laws by requiring people who want to acquire and possess explosive materials to obtain a permit. This measure would significantly reduce the availability of explosives to terrorists, felons, and others prohibited by current federal law from possessing dangerous explosives.

Let me elaborate on what the proposal does. As I said, under current law anyone who is involved in interstate shipment, purchase, or possession of explosives must have a Federal permit. This legislation creates the same requirement for intrastate purchases. It calls for two types of permits for these intrastate purchasers: user permits and limited user permits. The user permit lasts for 3 years and allows unlimited explosives purchases. The limited user permit also expires after 3 years, but only allows six purchases per year. We created this two-tier system so that low-volume users would not be burdened by regulations. The limited permit, like the user permit, imposes commonsense rules such as a background check, monitoring of explosives purchases, secure storage, and report of sale or theft of explosives. However, the Safe Explosives Act does not subject the limited user to the record keeping requirements currently required for full permit holders.

In addition to creating the permit system, our measure makes some commonsense addition to the classes of people who are barred from buying or possessing explosives. Current Federal explosives law prohibits certain people from purchasing or possessing explosives. The list of people barred is roughly parallel to those prohibited by Federal firearms law. For example, convicted felons are not allowed to buy guns or explosives. However, while current law bars nonimmigrant aliens from buying guns, they are not prohibited from buying explosives. That makes no sense. The Safe Explosives Act would stop nonimmigrant aliens from being able to buy explosives. Since we now know that several of the September 11 terrorists were nonimmigrant aliens, and that sleeper terrorist cells made up of nonimmigrant aliens have been operating within U.S. borders for number of years, this provision is especially important.

In addition, the Safe Explosives Act improves the public's safety by requiring permit holders to adhere to proper storage and safety regulations. These provisions will help ensure the safety of explosives handlers and prevent accidental or criminal detonation of explosives. Sadly, each year, many people are seriously injured or killed by misuse and criminal use of explosives. For example, in 1997, there were 4,777 explosives incidents, killing 27 and injuring 164 people, and resulting in more than $7.3 million in property damage. Our proposal will help reduce these numbers.

This measure strikes a reasonable balance between stopping dangerous people from getting explosives and helping legitimate users obtain and possess explosives. Most large commercial users already have explosives permits because they engage in interstate explosives transport. These users would not be significantly affected by our legislation. The low-volume users will be able to quickly and cheaply get a limited permit. And high-volume intrastate purchasers who are running businesses that require explosives should easily be able to get an unlimited user permit. Also, the measure will not affect those who use black or smokeless powder for recreation, as the legislation does not change current regulations on those particular materials.

Our goal is simple. We must take all possible steps to keep deadly explosives out of the hands of dangerous individuals seeking to threaten our livelihood and security. The Safe Explosives Act is critical legislation, supported by the administration. It is designed solely to the interest of public safety. It will significantly enhance our efforts to limit the proliferation of explosives to would be terrorists and criminals. It will close a loophole that could potentially cause mass destruction of property and life. I hope my colleagues will support our efforts to pass this vital law. Thank you.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be referred to as the ''Safe Explosives Act''.

SEC. 2. PERMITS FOR PURCHASERS OF EXPLOSIVES.

(a) DEFINITIONS.—Section 841(j) of title 18, United States Code, is amended to read as follows:

''(j) 'Permittee' means any user of explosives for a lawful purpose, who has obtained either a user permit or a limited permit under the provisions of this chapter.''.

(b) PERMITS FOR PURCHASE OF EXPLOSIVES.—Section 842 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by striking ''and'' at the end;

(2) by striking subsection (a)(3) and inserting the following:

''(3) other than a licensee or permittee knowingly—

''(A) to transport, ship, cause to be transported, or receive any explosive materials; or

''(B) to distribute explosive materials to any person other than a licensee or permittee; or

''(4) who is a holder of a limited permit—

''(A) to transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials; or

''(B) to receive explosive materials from a licensee or permittee, whose premises are located within the State of residence of the limited permit holder, on more than 6 separate occasions, pursuant to regulations implemented by the Secretary.'';

(3) by striking subsection (b) and inserting the following:

''(b) It shall be unlawful for any licensee or permittee knowingly to distribute any explosive materials to any person other than—

''(1) a licensee;

''(2) a holder of a user permit; or

''(3) a holder of a limited permit who is a resident of the State where distribution is made and in which the premises of the transferor are located.''; and

(4) in the first sentence of subsection (f), by inserting '', other than a holder of a limited permit,'' after ''permittee''.

(c) LICENSES AND USER PERMITS.—Section 843(a) of title 18, United States Code, is amended—

(1) by inserting ''or limited permit'' after ''user permit'' in the first sentence;

(2) by inserting before the period at the end of the first sentence the following: '', including the names of and appropriate identifying information regarding all employees who will handle explosive materials, as well as fingerprints and a photograph of the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association)''; and

(3) by striking the third sentence and inserting ''Each license or user permit shall be valid for no longer than 3 years from the date of issuance and each limited permit shall be valid for no longer than 1 year from the date of issuance. Each license or permit shall be renewable upon the same conditions and subject to the same restrictions as the original license or permit and upon payment of a renewal fee not to exceed one-half of the original fee.''.

(d) CRITERIA FOR APPROVING LICENSES AND PERMITS.—Section 843(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end; and

(3) by adding at the end the following:

''(6) none of the employees of the applicant who will possess explosive materials in the course of their employment with the applicant is a person whose possession of explosives would be unlawful under section 842(i) of this chapter; and

''(7) in the case of a limited permit, the applicant has certified in writing that the applicant will not receive explosive materials on more than 6 separate occasions during the 12-month period for which the limited permit is valid.''.

(e) INSPECTION AUTHORITY.—Section 843(f) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking ''permittees'' and inserting ''holders of user permits''; and

(B) by inserting ''licensees and permittees'' before the words ''shall submit''; and

(2) in the second sentence, by striking ''permittee'' the first time it appears and inserting ''holder of a user permit''.

(f) POSTING OF PERMITS.—Section 843(g) of title 18, United States Code, is amended by inserting ''user'' before ''permits''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 3. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVE MATERIALS.

(a) DISTRIBUTION OF EXPLOSIVES.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''or'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''or who has been committed to a mental institution;''; and

(3) by adding at the end the following:

''(7) is an alien, other than an alien who is lawfully admitted for permanent residence (as defined in section 101 (a)(20) of the Immigration and Nationality Act) or an alien described in subsection (q)(2);

''(8) has been discharged from the armed forces under dishonorable conditions; or

''(9) having been a citizen of the United States, has renounced the citizenship of that person.''.

(b) POSSESSION OF EXPLOSIVE MATERIALS.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking ''or'' at the end; and

(2) by inserting after paragraph (4) the following:

''(5) who is an alien, other than an alien who is lawfully admitted for permanent residence (as that term is defined in section 101(a)(20) of the Immigration and Nationality Act) or an alien described in subsection (q)(2);

''(6) who has been discharged from the armed forces under dishonorable conditions; or

''(7) who, having been a citizen of the United States, has renounced the citizenship of that person.''.

(c) DEFINITION.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(q) PROVISIONS RELATING TO LEGAL ALIENS.—

''(1) DEFINITION.—In this subsection, the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

''(2) EXCEPTIONS.—Subsections (d)(7) and (i)(5) do not apply to any alien who—

''(A) is in lawful nonimmigrant status, is a refugee admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or is in asylum status under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158);

''(B) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business;

''(C) is a person having the authority to direct or cause the direction of the management and policies of a corporation, partnership, or association licensed pursuant to section 843(a), and the shipping, transporting, possessing, or receiving of explosive materials relates to that authority; or

''(D) is a member of a North Atlantic Treaty Organization (NATO) or other friendly foreign military force (whether or not admitted in a nonimmigrant status) who is present in the United States under military orders for training or other authorized purpose, and the shipping, transporting, possessing, or receiving explosive materials is in furtherance of the military purpose.''.

''(3) WAIVER.—

''(A) CONDITIONS FOR WAIVER.—Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (i)(5) if—

''(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

''(ii) the Attorney General approves the petition.

''(B) PETITION.—Each petition submitted in accordance with subparagraph (A) shall—

''(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

''(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire explosives and certifying that the alien would not, absent the application of subsection (i)(5), otherwise be prohibited from such an acquisition under subsection (i).

''(C) APPROVAL OF PETITION.—The Attorney General shall approve a petition submitted in accordance with this paragraph if the Attorney General determines that waiving the requirements of subsection (i)(5) with respect to the petitioner—

''(i) would be in the interests of justice; and

''(ii) would not jeopardize the public safety.''.

SEC. 4. REQUIREMENT TO PROVIDE SAMPLES OF EXPLOSIVE MATERIALS AND AMMONIUM NITRATE.

Section 843 of title 18, United States Code, is amended by adding at the end the following:

''(h) FURNISHING OF SAMPLES.—

''(1) IN GENERAL.—Licensed manufacturers and licensed importers and persons who manufacture or import explosive materials or ammonium nitrate shall, when required by letter issued by the Secretary, furnish—

''(A) samples of such explosive materials or ammonium nitrate;

''(B) information on chemical composition of those products; and

''(C) any other information that the Secretary determines is relevant to the identification and classification of the explosive materials or to identification of the ammonium nitrate.

''(2) REIMBURSEMENT.—The Secretary may, by regulation, authorize reimbursement of the fair market value of samples furnished pursuant to this subsection, as well as the reasonable costs of shipment.''.

SEC. 5. DESTRUCTION OF PROPERTY OF INSTITUTIONS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 844(f)(1) of title 18, United States Code, is amended by inserting before the word ''shall'' the following: ''or any institution or organization receiving Federal financial assistance,''.

SEC. 6. RELIEF FROM DISABILITIES.

Section 845(b) of title 18, United States Code, is amended to read as follows:

''(b) RELIEF FROM DISABILITIES.—

''(1) IN GENERAL.—A person who is prohibited from possessing, shipping, transporting, receiving purchasing, importing, manufacturing, or dealing in explosive materials may make application to the Secretary for relief from the disabilities imposed by Federal law with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of explosive materials, and the Secretary may grant that relief, if it is established to the satisfaction of the Secretary that—

''(A) the circumstances regarding the disability, and the record and reputation of the applicant are such that the applicant will not be likely to act in a manner dangerous to public safety; and

''(B) that the granting of the relief will not be contrary to the public interest.

''(2)PETITION FOR JUDICIAL REVIEW.—Any person whose application for relief from disabilities under this section is denied by the Secretary may file a petition with the United States district court for the district in which that person resides for a judicial review of the denial.

''(3) ADDITIONAL EVIDENCE.—The court may, in its discretion, admit additional evidence where failure to do so would result in a miscarriage of justice.

''(4) FURTHER OPERATIONS.—A licensee or permittee who conducts operations under this chapter and makes application for relief from the disabilities under this chapter, shall not be barred by that disability from further operations under the license or permit of that person pending final action on an application for relief filed pursuant to this section.

''(5) NOTICE.—Whenever the Secretary grants relief to any person pursuant to this section, the Secretary shall promptly publish in the Federal Register, notice of that action, together with reasons for that action.''.

SEC. 7. THEFT REPORTING REQUIREMENT.

Section 842 of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

''(r) THEFT REPORTING REQUIREMENT.—

''(1) IN GENERAL.—A holder of a limited user permit who knows that explosive materials have been stolen from that user, shall report the theft to the Secretary not later than 24 hours after the discovery of the theft.

''(2) PENALTY.—A holder of a limited user permit who does not report a theft in accordance with paragraph (1), shall be fined not more than $10,000, imprisoned not more than 5 years, or both.''.

SEC. 8. APPLICABILITY.

Nothing in this Act shall be construed to affect the exception in section 845(a)(4) (relating to small arms ammunition and components of small arms ammunition) or section 845(a)(5) (relating to commercially manufactured black powder in quantities not to exceed 50 pounds intended to be used solely for sporting, recreational, or cultural purposes in antique firearms) of title 18, United States Code.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 210—DESIGNATING FEBRUARY 14, 2002, AS ''NATIONAL DONOR DAY''

Mr. DURBIN (for himself, Mr. DEWINE, Mr. FRIST, Mr. KENNEDY, Mr. TORRICELLI, Ms. COLLINS, Mr. BREAUX, Mr. WELLSTONE, Mr. BIDEN, Mr. INOUYE, Mr. KOHL, Ms. LANDRIEU, Mr. SPECTER, Mr. JOHNSON, Mr. DORGAN, Mr. CLELAND, Mr. GRAHAM, Mr. DODD, Mr. ENZI, Mr. LEVIN, Mr. KERRY, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 210

Whereas more than 80,000 individuals await organ transplants at any given moment;

Whereas another man, woman, or child is added to the national organ transplant waiting list every 13 minutes;

Whereas despite progress in the last 16 years, more than 16 people die each day because of a shortage of donor organs;

Whereas almost everyone is a potential donor of organs, tissue, bone marrow, or blood;

Whereas transplantation has become an element of mainstream medicine that prolongs and enhances life;

Whereas for the fifth consecutive year, a coalition of health organizations is joining forces for National Donor Day;

Whereas the first 3 National Donor Days raised a total of nearly 30,000 units of blood, added more than 6,000 potential donors to the National Marrow Donor Program Registry, and distributed tens of thousands of organ and tissue pledge cards;

Whereas National Donor Day is America's largest 1-day organ, tissue, bone marrow, and blood donation event; and

Whereas a number of businesses, foundations, and health organizations and the Department of Health and Human Services have designated February 14, 2002, as National Donor Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideas of National Donor Day;

(2) encourages all Americans to learn about the importance of organ, tissue, bone marrow, and blood donation and to discuss such donation with their families and friends; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for organ, tissue, bone marrow, and blood donation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2878. Mr. DURBIN (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2879. Mr. REID (for himself, Mr. SPECTER, and Mr. FEINGOLD) proposed an amendment to the bill S. 565, supra.

SA 2880. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2881. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2882. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2883. Mr. CLELAND (for himself and Mr. MILLER) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2884. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2885. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2886. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2887. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2888. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2889. Mr. LIEBERMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2890. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2891. Mr. KYL proposed an amendment to the bill S. 565, supra.

SA 2892. Mr. MCCONNELL proposed an amendment to amendment SA 2891 proposed by Mr. KYL to the bill (S. 565) supra.

SA 2893. Mr. ENSIGN (for himself, Mr. HATCH, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2894. Mr. HOLLINGS (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2895. Mr. DURBIN (for himself, Mr. NELSON, of Florida, and Mr. GRAHAM) proposed an amendment to the bill S. 565, supra.

SA 2896. Mr. DASCHLE proposed an amendment to the bill H.R. 3090, to provide tax incentives for economic recovery.

SA 2897. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2898. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2899. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2900. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2901. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2902. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2904. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) proposed an amendment to the bill S. 565, supra.

SA 2905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2906. Mrs. CLINTON proposed an amendment to the bill S. 565, supra.

SA 2907. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2908. Mr. MCCONNELL (for Mr. CHAFEE (for himself and Mr. REED)) proposed an amendment to the bill S. 565, supra.

SA 2909. Mr. MCCONNELL (for Mr. GREGG) proposed an amendment to the bill S. 565, supra.

SA 2910. Mr. MCCONNELL (for Mr. MCCAIN (for himself and Mr. HARKIN)) proposed an amendment to the bill S. 565, supra.

SA 2911. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2912. Mr. DODD (for Mr. HARKIN) proposed an amendment to the bill S. 565, supra.

SA 2913. Mr. DODD (for Mr. HARKIN (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 565, supra.

SA 2914. Mr. DODD (for Mr. SCHUMER) proposed an amendment to the bill S. 565, supra.

SA 2915. Ms. COLLINS (for herself, Mr. JEFFORDS, Mr. BURNS, Mr. LEAHY, Mr. ROBERTS, Mr. BROWNBACK, Mrs. LINCOLN, Mr. NELSON, of Nebraska, and Mr. NICKLES) submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2878. Mr. DURBIN (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, line 9, strike through page 5, line 7, and insert the following:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, optical scanning voting system, direct recording electronic voting system, or punchcard voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system may meet the requirements of subparagraph (A) by—

SA 2879. Mr. REID (for himself, Mr. SPECTER, and Mr. FEINGOLD) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end, add the following:

TITLE V—CIVIC PARTICIPATION

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The right to vote is the most basic constitutive act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. Basic constitutional principles of fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections.

(2) Congress has ultimate supervisory power over Federal elections, an authority that has repeatedly been upheld by the Supreme Court.

(3) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections.

(4) An estimated 3,900,000 individuals in the United States, or 1 in 50 adults, currently cannot vote as a result of a felony conviction. Women represent about 500,000 of those 3,900,000.

(5) State disenfranchisement laws disproportionately impact ethnic minorities.

(6) Fourteen States disenfranchise ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense.

(7) In those States that disenfranchise ex-offenders who have fully served their sentences, the right to vote can be regained in theory, but in practice this possibility is often illusory.

(8) In 8 States, a pardon or order from the Governor is required for an ex-offender to regain the right to vote. In 2 States, ex-offenders must obtain action by the parole or pardon board to regain that right.

(9) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. In at least 16 States, Federal ex-offenders cannot use the State procedure for restoring their voting rights. The only method provided by Federal law for restoring voting rights to ex-offenders is a Presidential pardon.

(10) Few persons who seek to have their right to vote restored have the financial and political resources needed to succeed.

(11) Thirteen percent of the African-American adult male population, or 1,400,000 African-American men, are disenfranchised. Given current rates of incarceration, 3 in 10 African-American men in the next generation will be disenfranchised at some point during their lifetimes. Hispanic citizens are also disproportionately disenfranchised, since those citizens are disproportionately represented in the criminal justice system.

(12) The discrepancies described in this subsection should be addressed by Congress, in the name of fundamental fairness and equal protection.

(b) PURPOSE.—The purpose of this title is to restore fairness in the Federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote.

SEC. 502. DEFINITIONS.

In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term ''correctional institution or facility'' means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term ''election'' means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term ''Federal office'' means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term ''parole'' means parole (including mandatory parole), or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term ''probation'' means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

SEC. 503. RIGHTS OF CITIZENS.

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; or

(2) is on parole or probation for a felony offense.

SEC. 504. ENFORCEMENT.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(b) PRIVATE RIGHT OF ACTION.—

(1) NOTICE.—A person who is aggrieved by a violation of this title may provide written notice of the violation to the chief election official of the State involved.

(2) ACTION.—Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice provided under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in such a court

to obtain the declaratory or injunctive relief with respect to the violation.

(3) ACTION FOR VIOLATION SHORTLY BEFORE A FEDERAL ELECTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person shall not be required to provide notice to the chief election official of the State under paragraph (1) before bringing a civil action in such a court to obtain the declaratory or injunctive relief with respect to the violation.

SEC. 505. RELATION TO OTHER LAWS.

(a) NO PROHIBITION ON LESS RESTRICTIVE LAWS.—Nothing in this title shall be construed to prohibit a State from enacting any State law that affords the right to vote in any election for Federal office on terms less restrictive than those terms established by this title.

(b) NO LIMITATION ON OTHER LAWS.—The rights and remedies established by this title shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

SA 2880. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, strike line 22 and all that follows through line 13 on page 6, and insert the following:

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—

(A) IN GENERAL.—The voting system shall—

(i) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(ii) except as provided in subparagraph (B), satisfy the requirement of clause (i) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(iii) meet the voting system standards for disability access if purchased with funds made available under title II on or after January 1, 2007.

(B) ACCESS TO VOTING SYSTEMS IN RURAL AREAS.—The requirement of subparagraph (A)(ii) shall not apply to a city, town, or unincorporated area in a State if—

(i) pursuant to the most recent Decennial Census (including any supplemental surveys thereto), the city, town, or area is determined to have a population of less than 50,000 inhabitants (other than an urbanized area immediately adjacent to a city, town, or unincorporated area that has a populations in excess of 50,000 inhabitants); and

(ii) the State submits, as part of the State plan submitted under section 202, a plan demonstrating that individuals with disabilities in the city, town, or unincorporated areas involved will be permitted to vote through the use of—

(I) direct recording electronic voting systems or other voting systems equipped for individuals with disabilities that are located at the office of each county clerk within the areas involved, or the office of each chief election official with jurisdiction over the areas involved, and that are available to such individuals during normal business hours for the entire period in which absentee ballots for the election involved are permitted to be submitted; or

(II) other voting systems determined to be appropriate to provide voting accessibility to individuals with disabilities.

SA 2881. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 14 through 16, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 8 and 9, insert the following:

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

SA 2882. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2002 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, between lines 2 and 3, insert the following: ''Nothing in this subsection shall be construed to limit a State's ability to provide for additional requirements for the casting, challenging, and counting of provisional ballots, including requirements for identification and allowing third parties to challenge voter eligibility. States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law.''

SA 2883. Mr. CLELAND (for himself and Mr. MILLER) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2002 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 1(a) to read as follows:

(a) SHORT TITLE.—This Act may be cited as the ''Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2001''.

SA 2884. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 103(b)(3)(B) to read as follows:

(B) who is—

(i) an absent uniformed services voter or an overseas voter, as defined in section 107 of the Uniform and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—6);

(ii) a handicapped or elderly voter, as defined in section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee—6); or

(iii) described in a subparagraph of section 6(c)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg—4(c)(2)).

SA 2885. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, between lines 7 and 8, insert the following:

(4) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of Social Security, the Attorney General, and the Commissioner of the Immigration and Naturalization Service shall provide, upon request from a State or locality maintaining a computerized centralized list implemented under paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State or locality. Any State or locality that receives information under this clause may only share such information with election officials.

(ii) PROCEDURE.—The records under clause (i) shall be provided in such place and such manner as the applicable agency head determines appropriate to protect and prevent the misuse of information.

(iii) DUPLICATIVE INFORMATION.—If a State or locality is provided with access to applicable records under clause (i), any other State or locality may access such records through the State or locality that had access to the records under such clause.

(B) APPLICABLE RECORDS.—For purposes of this subsection, the term ''applicable records'' means—

(i) in the case of the Social Security Administration, information needed to verify—

(I) the social security number of an individual; or

(II) whether such individual is shown on the records of the Commissioner of Social Security as being alive or deceased;

(ii) in the case of the Immigration and Naturalization Service, information needed to verify whether or not an individual is a citizen of the United States or lawfully admitted for permanent residence; and

(iii) in the case of the Attorney General, information regarding felony convictions of individuals.

(C) EXCEPTION.—Subparagraph (A) shall not apply to any request for a record of an individual if the applicable agency head determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

SA 2886. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.

Notwithstanding any other provision of this title, no State or locality shall be required to meet a requirement of this title prior to the date on which funds are appropriated pursuant to the authorization contained in section 209.

SA 2887. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: '', except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar's jurisdiction.''.

SA 2888. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. MINIMUM STANDARDS FOR WHAT CONSTITUTES A VOTE.

(a) IN GENERAL.—The chief State election official of each State shall certify in writing to the Election Administration Commission that the State has enacted legislation that establishes uniform standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(b) METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.—The specific choices on the methods of implementing the legislation enacted pursuant to subsection (a) shall be left to the discretion of the State.

(c) ENFORCEMENT.—

(1) REPORT BY COMMISSION TO ATTORNEY GENERAL.—If a State does not provide a certification under subsection (a) to the Election Administration Commission, or if the Commission has credible evidence that a State's certification is false or that a State is carrying out activities in violation of the terms of the certification, the Commission shall notify the Attorney General.

(2) ACTION BY ATTORNEY GENERAL.—After receiving notice from the Commission under paragraph (1), the Attorney General may bring a civil action against a State in an appropriate district court for such declaratory or injunctive relief as may be necessary to remedy a violation of this section.

(d) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this section, the term ''chief State election official'' means, with respect to a State, the individual designated by that State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

(e) GRANTS.—

(1) IN GENERAL.—The Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program established by section 201(a) is authorized to make grants, in the manner described in subtitle A of title II, to States and localities to pay the costs of activities necessary to meet the requirements of this section.

(2) STATE PLANS.—A State plan under section 202 shall include a description of how the State will use the funds made available under subtitle A of title II to meet the requirements of this section.

(3) AUTHORIZED ACTIVITIES.—A State or locality may use grant payments received under subtitle A of title II to meet the requirements of this section.

(4) RETROACTIVE PAYMENTS.—The Attorney General may make retroactive payments to States and localities having an application approved under section 203 for any costs for activities necessary to meet the requirements of this section that were incurred during the period referred to in section 206(b).

(f) EFFECTIVE DATE.—The requirements of this section shall take effect upon the expiration of the 2-year period which begins on the date of enactment of this Act, except that if the chief State election official of a State certifies that good cause exists to waive the requirements of this section with respect to the State until the date of the regularly scheduled general election for Federal office held in November 2004, the requirements shall apply with respect to the State beginning on the date of such election.

SEC. ___. STUDIES AND REPORTS ON STATE RECOUNT AND CONTEST PROCEDURES.

(a) STUDIES.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 (in this section referred to as the ''Commission'') shall conduct periodic studies that systematically examine the laws and procedures used by States that govern—

(A) recounts of ballots cast in elections for Federal office; and

(B) contests of determinations regarding whether votes are counted in such elections.

(2) ISSUES.—As part of the study conducted under paragraph (1), the Commission shall—

(A) identify the best practices used by States with respect to the recounts and contests described in paragraph (1); and

(B) study whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(b) REPORTS TO THE PRESIDENT AND CONGRESS.—The Commission shall submit to the President and Congress a report on each study conducted under subsection (a)(1) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

(c) RECOMMENDATIONS TO THE STATES.—

(1) REPORTS TO STATES.—If the Commission determines that the laws or procedures of a State with respect to the recounts and contests described in subsection (a)(1) could be improved, the Commission shall submit to the chief executive of that State a report that—

(A) identifies the best practices used by States with respect to such recounts and contests; and

(B) recommends ways in which the laws or procedures of that State with respect to such recounts and contests could be improved based on such practices.

(2) FOLLOW-UP REPORTS TO STATES.—Not later than 1 year after the Commission submits a report under paragraph (1), the Commission shall, after consulting with State and local election officials of the State to which the report was submitted, issue a follow-up report to the chief executive of that State describing the progress of the State in implementing the recommendations of the Commission, or (if applicable), the reasons that the State is not implementing such recommendations.

SA 2889. Mr. LIEBERMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

Notwithstanding any other provision of law, the community of American citizens who are residents of the District constituting the seat of Government of the United States shall have full voting representation in Congress.

SEC. ___. EXEMPTION FROM TAX FOR INDIVIDUALS WHO ARE RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 138 the following new section:

''SEC. 138A. RESIDENTS OF THE DISTRICT OF COLUMBIA.

''(a) EXEMPTION FOR RESIDENTS DURING YEARS WITHOUT FULL VOTING REPRESENTATION IN CONGRESS.—This section shall apply with respect to any taxable year during which residents of the District of Columbia are not represented in the House of Representatives and the Senate by individuals who are elected by the voters of the District and who have the same voting rights in the House of Representatives and the Senate as Members who represent States.

''(b) RESIDENTS FOR ENTIRE TAXABLE YEAR.—An individual who is a bona fide resident of the District of Columbia during the entire taxable year shall be exempt from taxation under this chapter for such taxable year.

''(c) TAXABLE YEAR OF CHANGE OF RESIDENCE FROM DISTRICT OF COLUMBIA.—

''(1) IN GENERAL.—In the case of an individual who has been a bona fide resident of the District of Columbia for a period of at least 2 years before the date on which such individual changes his residence from the District of Columbia, income which is attributable to that part of such period of District of Columbia residence before such date shall not be included in gross income and shall be exempt from taxation under this chapter.

''(2) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

''(A) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions), or

''(B) any credit,

properly allocable or chargeable against amounts excluded from gross income under this subsection.

''(d) DETERMINATION OF RESIDENCY.—

''(1) IN GENERAL.—For purposes of this section, the determination of whether an individual is a bona fide resident of the District of Columbia shall be made under regulations prescribed by the Secretary.

''(2) INDIVIDUALS REGISTERED TO VOTE IN OTHER JURISDICTIONS.—No individual may be treated as a bona fide resident of the District of Columbia for purposes of this section with respect to a taxable year if at any time during the year the individual is registered to vote in any other jurisdiction.''.

(b) NO WAGE WITHHOLDING.—Paragraph (8) of section 3401(a) of such Code is amended by adding at the end the following new subparagraph:

''(E) for services for an employer performed by an employee if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of the District of Columbia unless section 138A is not in effect throughout such calendar year; or''.

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 138 the following new item:

''Sec. 138A. Residents of the District of Columbia.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

(2) WITHHOLDING.—The amendment made by subsection (b) shall apply to remuneration paid after the date of enactment of this Act.

SA 2890. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of title IV, add the following:

SEC. 402. AUTHORIZED LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) SHORT TITLE.—This section may be cited as the ''Federal Employee Voter Assistance Act of 2002''.

(b) LEAVE FOR FEDERAL EMPLOYEES.—Chapter 63 of title 5, United States Code, is amended by inserting after section 6328 the following:

''§ 6329. Leave for poll worker service

''(a) In this section, the term—

''(1) 'employee' means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

''(2) 'political appointee' means any individual who—

''(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate;

''(B) is employed in a position on the executive schedule under sections 5312 through 5316;

''(C) is a noncareer appointee in the senior executive service as defined under section 3132(a)(7); or

''(D) is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

''(3) 'poll worker service'—

''(A) means—

''(i) administrative and clerical, nonpartisan service relating to a Federal election performed at a polling place on the date of that election; and

''(ii) training before or on that date to perform service described under clause (i); and

''(B) shall not include taking an active part in political management or political campaigns as defined under section 7323(b)(4).

''(b)(1)(A) Subject to subparagraph (B), the head of an agency shall grant an employee paid leave under this section to perform poll worker service.

''(B) The head of an agency may deny any request for leave under this section if the denial is based on the exigencies of the public business.

''(2) Leave under this section—

''(A) shall be in addition to any other leave to which an employee is otherwise entitled;

''(B) may not exceed 3 days in any calendar year; and

''(C) may be used only in the calendar year in which that leave is granted.

''(3) An employee requesting leave under this section shall submit written documentation from election officials substantiating the training and service of the employee.

''(4) An employee who uses leave under this section to perform poll worker service may not receive payment for that poll worker service.''.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than June 1, 2005, the Office of Personnel Management shall submit a report to Congress on the implementation of section 6329 of title 5, United States Code (as added by this section), and the extent of participation by Federal employees under that section.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—Not later than 6 months after the date of each general election for the Office of the President, the Office of Personnel Management shall submit a report to Congress on the participation of Federal employees under section 6329 of title 5, United States Code (as added by this section), with respect to all Federal elections which occurred in the 54-month period preceding that submission date.

(B) EFFECTIVE DATE.—This paragraph shall take effect on January 1, 2008.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6328 the following:

''6329. Leave for poll worker service.''.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect 6 months after the date of enactment of this Act.

SA 2891. Mr. KYL proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

''(I)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if such individual has more than one such number) issued to such individual by the Commissioner of Social Security.

''(ii) For purposes of clause (i), an agency of a State (or political subdivision thereof) charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2002, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause.

''(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of the Equal Protection of Voting Rights Act of 2002 is inconsistent with the policy set forth in clause (i), such provision shall, on and after the date of the enactment of such Act, be null, void, and of no effect.''.

SA 2892. Mr. MCCONNELL proposed an amendment to amendment SA 2891 proposed by Mr. KYL to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of the amendment, add the following:

(b) CONSTRUCTION.—Nothing in this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.

SA 2893. Mr. ENSIGN (for himself, Mr. HATCH, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.

Notwithstanding any other provision of this title, no State or locally shall be required to meet a requirement of this title prior to the date on which funds are appropriated at the full authorized level contained in section 209.

SA 2894. Mr. HOLLINGS (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . ELECTION DAY HOLIDAY STUDY.

(a) IN GENERAL.—In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment, shall provide a detailed report to the Congress on the merits of establishing an election day holiday, including options for holding elections for Federal offices on an existing legal public holiday such as Veterans Day, as proclaimed by the President.

(b) FACTORS CONSIDERED.—In conducting that study, the Commission shall take into consideration the following factors:

(1) Only 51 percent of registered voters in the United States turned out to vote during the November 2000 Presidential election—well-below the worldwide turnout average of 72.9 percent for Presidential elections between 1999 and 2000. After the 2000 election, the Census Bureau asked thousands of nonvoters why they did not vote. The top reason for not voting, given by 22.6 percent of the respondents, was that they were too busy or had a conflicting work or school schedule.

(2) One of the recommendations of the National Commission on Election Reform led by former President's Carter and Ford is ''Congress should enact legislation to hold presidential and congressional elections on a national holiday''. Holding elections on the legal public holiday of Veterans Day, as proclaimed by the President and observed by the Federal government, would allow election day to be a national holiday without adding the cost and administrative burden of an additional holiday.

(3) Holding elections on a holiday or weekend could allow more working people to vote more easily. It could increase the pool of available poll workers and make public buildings more available for use as polling places.

(4) Several proposals to make election day a holiday or to shift election day to a weekend have been offered in the 107th Congress. Some have argued against weekend voting because people of many faiths would have a religious objection to such civic participation on the Sabbath.

SA 2895. Mr. DURBIN (for himself, Mr. NELSON of Florida, and Mr. GRAHAM) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations

regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 3, line 9, strike through page 5, line 14, and insert the following:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, direct recording electronic voting system, or punchcard voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system or a central count voting system (including mail-in absentee ballots or mail-in ballots) may meet the requirements of subparagraph (A) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

SA 2896. Mr. DASCHLE proposed an amendment to the bill H.R. 3090, to provide tax incentives for economic recovery; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Temporary Extended Unemployment Compensation Act of 2002''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the ''Secretary''). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this Act—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1)(B), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that

account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms ''compensation'', ''regular compensation'', ''extended compensation'', ''additional compensation'', ''benefit year'', ''base period'', ''State'', ''State agency'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

SA 2897. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term ''pilot program'' means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term ''Postal Service'' means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.

(2) REPORT.—

(A) IN GENERAL.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(ii) identify methods of targeting such individuals.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $1,000,000 for fiscal year 2004 to carry out this section.

(2) RESPONSIBILITIES CONTINGENT ON FUNDING.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

SA 2898. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term ''pilot program'' means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term ''Postal Service'' means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.

(2) REPORT.—

(A) IN GENERAL.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(ii) identify methods of targeting such individuals.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $1,000,000 for fiscal year 2004 to carry out this section.

(2) RESPONSIBILITIES CONTINGENT ON FUNDING.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

SA 2899. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements to the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. TELEVISION MEDIA RATES.

(a) LOWEST UNIT CHARGE.—Subsection (b) of section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by striking ''(b) The charges'' and inserting the following:

''(b) CHARGES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the charges'';

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

''(2) TELEVISION.—The charges made for the use of any television broadcast station, or by a provider of cable or satellite television service, to any person who is a legally qualified candidate for any public office in connection with the campaign of such candidate for nomination for election, or election, to such office shall not exceed, during the periods referred to in paragraph (1)(A), the lowest charge of the station (at any time during the 365-day period preceding the date of the use) for the same amount of time for the same period.''.

(b) RATE AVAILABLE FOR NATIONAL PARTIES.—Section 315(b)(2) of such Act (47 U.S.C. 315(b)(2), as added by subsection (a)(3), is amended by inserting '', or to a national committee of a political party making expenditures under section 315(d) of the Federal Election Campaign Act of 1971 on behalf of such candidate in connection with such campaign,'' after ''such office''.

(c) PREEMPTION.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

''(c) PREEMPTION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a television broadcast station, or a provider of cable or satellite television service, by an eligible candidate or political committee of a political party who has purchased and paid for such use pursuant to subsection (b)(2).

''(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a television broadcast station, or a provider of cable or satellite television service, is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program may also be preempted.''.

(d) RANDOM AUDITS.—Section 315 of such Act (47 U.S.C. 315), as amended by subsection (c), is amended by inserting after subsection (c) the following new subsection:

''(d) RANDOM AUDITS.—

''(1) IN GENERAL.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct random audits of designated market areas to ensure that each television broadcast station, and provider of cable or satellite television service, in those markets is allocating television broadcast advertising time in accordance with this section and section 312.

''(2) MARKETS.—The random audits conducted under paragraph (1) shall cover the following markets:

''(A) At least 6 of the top 50 largest designated market areas (as defined in section 122(j)(2)(C) of title 17, United States Code).

''(B) At least 3 of the 51–100 largest designated market areas (as so defined).

''(C) At least 3 of the 101–150 largest designated market areas (as so defined).

''(D) At least 3 of the 151–210 largest designated market areas (as so defined).

''(3) BROADCAST STATIONS.—Each random audit shall include each of the 3 largest television broadcast networks, 1 independent network, and 1 cable network.''.

(e) DEFINITION OF BROADCASTING STATION.—Subsection (e) of section 315 of such Act (47 U.S.C. 315(e)), as redesignated by subsection (c)(1) of this section, is amended by inserting '', a television broadcast station, and a provider of cable or satellite television service'' before the semicolon.

(f) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) in subsection (a), by inserting ''IN GENERAL.—'' before ''If any'';

(2) in subsection (e), as redesignated by subsection (c)(1) of this section, by inserting ''DEFINITIONS.—'' before ''For purposes''; and

(3) in subsection (f), as so redesignated, by inserting ''REGULATIONS.—'' before ''The Commission''.

SA 2900. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements to the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 19 through 21, and insert the following:

(2) MANUAL AUDIT CAPACITY.—

(A) PERMANENT AND UNALTERABLE PAPER RECORD.—The voting system shall produce a permanent and unalterable paper record with a manual audit capacity for such system.

(B) CORRECTION OF ERRORS.—The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent and unalterable paper record is produced.

(C) OFFICIAL RECORD FOR RECOUNTS.—The printed record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election for Federal office in which the system is used.

SA 2901. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Section 205, subsection (3), insert: (4) To construct paved, asphalted, or similar surfaced parking lots, driveways, approaches, roads, roadways, streets, easements, sidewalks or similar access ways, and disabled access ramps or other access mechanisms or features necessary for accessibility for individuals with disabilities to reach or enter a voting system, if the locality providing the ''polling place'' described in subsection (a)(3)(B) is in a ''rural'' area. For the purposes of this subsection ''rural'' or ''rural area'' means a city, town, or unincorporated area that has a population of 50,000 inhabitants or less (other than an urbanized area immediately adjacent to a city, town or unincorporated area that has a population in excess of 50,000 inhabitants), as based on the most recent Decennial Census (including any supplemental surveys thereto).

SA 2902. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of

the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 3 through 13, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent; and

(3) in the case of a State or locality that is in the lowest ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

On page 45, strike lines 8 through 18, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent; and

(3) in the case of a State or locality that is in the lowest ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 3 through 13, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 100 percent;

(2) in the case of a State or locality that is in the second highest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(3) in the case of a State or locality that is in the middle ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent;

(4) in the case of a State or locality that is in the second lowest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent; and

(5) in the case of a State or locality that is in the lowest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 60 percent.

On page 45, strike lines 8 through 18, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 100 percent;

(2) in the case of a State or locality that is in the second highest ⅕ of all States or localities with respect to the number of individuals whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(3) in the case of a State or locality that is in the middle ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent;

(4) in the case of a State or locality that is in the second lowest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent; and

(5) in the case of a State or locality that is in the lowest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 60 percent.

SA 2904. Mr. NELSON of Florida (for himself and Mr. GRAHAM) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. DEPARTMENT OF JUSTICE REPORTS ON VOTING RIGHTS VIOLATIONS IN THE 2000 ELECTIONS.

(a) STATUS REPORTS.—

(1) IN GENERAL.—Not later than the date that is 60 days after the date of enactment of this Act, and each 60 days thereafter until the investigation of the Attorney General regarding violations of voting rights that occurred during the elections for Federal office conducted in November 2000 (in this section referred to as the ''investigation'') has concluded, the Attorney General shall submit to Congress a report on the status of the investigation.

(2) CONTENTS.—The report submitted under subsection (a) shall contain the following:

(A) An accounting of the resources that the Attorney General has committed to the investigation prior to the date of enactment of this Act and an estimate of the resources that the Attorney General intends to commit to the investigation after such date.

(B) The date on which the Attorney General intends to conclude the investigation.

(C) A description of the measures that the Attorney General has taken to ensure that the voting rights violations that are the subject of the investigation do not occur during subsequent elections for Federal office.

(D) A description of any potential prosecutions for voting rights violations resulting from the investigation and the range of potential punishments for such violations.

(b) FINAL REPORT.—Not later than the date that is 60 days after the date of the conclusion of the investigation, the Attorney General shall submit to Congress a final report on the investigation that contains a summary of each preventive action and each punitive action taken by the Attorney General as part of the investigation and a justification for each action taken.

SA 2905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election

technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 19 through 21, and insert the following:

AUDIT CAPACITY.—

The voting system shall produce a record with an audit capacity for such system;

(2) MANUAL AUDIT CAPACITY.—

(A) PERMANENT AND UNALTERABLE PAPER RECORD.—The voting system shall produce a permanent and unalterable paper record with a manual audit capacity for such system.

(B) CORRECTION OF ERRORS.—The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent and unalterable paper record is produced.

(C) OFFICIAL RECORD FOR RECOUNTS.—The printed record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election for Federal office in which the system is used.

SA 2906. Mrs. CLINTON proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

(5) ERROR RATES.—

(A) IN GENERAL.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(B) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in subparagraph (A), the Director of the Office of Election Administration of the Federal Election Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Director shall base the benchmark issued and maintained under this subparagraph on evidence of good practice in representative jurisdictions.

SA 2907. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, beginning with line 20, strike through page 14, line 2, and insert the following:

(5) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain through a free access system (such as a toll-free telephone number or an Internet website) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(6) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

SA 2908. Mr. MCCONNELL (for Mr. CHAFEE (for himself and Mr. REED)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of section 206(b), add the following: ''A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 203 for payments made on or after January 1, 2001, pursuant to that contract.''.

SA 2909. Mr. MCCONNELL (for Mr. GREGG) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 13 through 15, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee–1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 6 and 7, insert the following:

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

On page 14, between lines 2 and 3, insert the following:

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law.

SA 2910. Mr. MCCONNELL (for Mr. MCCAIN (for himself and Mr. HARKIN)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 10, line 22, strike ''Commission'' and insert ''Commission, in consultation with the Architectural and Transportation Barriers Compliance Board,''.

On page 64, line 19, strike ''316(a)(2)).'' and insert ''316(a)(2)), except that—

''(1) the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 223 for the general policies and criteria for the approval of applications submitted under section 222(a); and

''(2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board.''.

SA 2911. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him

to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. FULL EQUALITY FOR AMERICANS ABROAD.

(a) INCLUSION OF AMERICAN CITIZENS LIVING ABROAD IN FUTURE DECENNIAL CENSUSES.—The Secretary of Commerce shall ensure that, in each decennial census of population taken after the date of the enactment of this Act under title 13, United States Code, all American citizens living abroad shall be included for purposes of the tabulations required for the apportionment of Representatives in Congress among the several States, and for other purposes.

(b) REPORT ON RELATED ISSUES.—The Secretary of Commerce shall submit to Congress by not later than September 30, 2002, a report on any methodological, logistical, and other issues associated with the inclusion in future decennial censuses of American citizens living abroad, for apportionment, redistricting, and other purposes for which decennial census results are used. Such report shall include estimates of the number of Americans living abroad in the following categories: Federal civilian employees, military personnel, employees of business enterprises, employees of non-profit entities, and individuals not otherwise described.

SA 2912. Mr. DODD (for Mr. HARKIN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 28 of the amendment, after line 23, add the following:

(c) PROTECTION AND ADVOCACY SYSTEMS.—

(1) IN GENERAL.—In addition to any other payments made under this section, the Attorney General shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(2) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

On page 30, strike lines 23 through 25, and insert the following:

(b) PROTECTION AND ADVOCACY SYSTEMS.—In addition to any other amounts authorized to be appropriated under this section, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 206(c).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

SA 2913. Mr. DODD (for Mr. HARKIN (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end add the following:

SEC. ___. VOTERS WITH DISABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) requires that people with disabilities have the same kind of access to public places as the general public.

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) requires that all polling places for Federal elections be accessible to the elderly and the handicapped.

(3) The General Accounting Office in 2001 issued a report based on their election day random survey of 496 polling places during the 2000 election across the country and found that 84 percent of those polling places had one or more potential impediments that prevented individuals with disabilities, especially those who use wheelchairs, from independently and privately voting at the polling place in the same manner as everyone else.

(4) The Department of Justice has interpreted accessible voting to allow curbside voting or absentee voting in lieu of making polling places physically accessible.

(5) Curbside voting does not allow the voter the right to vote in privacy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the right to vote in a private and independent manner is a right that should be afforded to all eligible citizens, including citizens with disabilities, and that curbside voting should only be an alternative of the last resort in providing equal voting access to all eligible American citizens.

SA 2914. Mr. DODD (for Mr. SCHUMER) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—

(A) IN GENERAL.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

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SA 2915. Ms. COLLINS (for herself Mr. JEFFORDS, Mr. BURNS, Mr. LEAHY, Mr. ROBERTS, Mr. BROWNBACK, Mrs. LINCOLN, Mr. NELSON of Nebraska, and Mr. NICKLES) submitted an amendment

intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, strike lines 12 through 16, and insert the following:

(a) PAYMENTS .—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State having an application approved under section 203 the cost of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 203 an amount equal to 0.5 percent of the amount appropriated under section 209 for the fiscal year during which such application is submitted to be used by such State for the activities authorized under section 205.

(b) RETROACTIVE PAYMENTS.—

On page 38, strike lines 15 through 19, and insert the following:

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 213 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 212 an amount equal to 0.5 percent of the amount appropriated under section 218 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 214.

(3) RETROACTIVE PAYMENTS.—The Attorney

On page 45, strike lines 4 through 7, and insert the following:

(a) PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 223 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 222 an amount equal to 0.5 percent of the amount appropriated under section 228 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 224.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 9:30 a.m., in open and closed session to receive testimony on the results of the nuclear posture review in review of the Defense authorization request for fiscal year 2003.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet on February 14, 2002, at 10 a.m., to conduct a hearing on ''Accounting and Investor Protection Issues Raised by Enron and Other Public Companies: International Accounting Standards and Necessary Reforms to Improve Financial Reporting.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 14, at 2:30 p.m., to conduct a hearing. The purpose of the hearing is to receive testimony on the following bills:

S. 202 and H.R. 2440, to rename Wolf Trap Farm Park as Wolf Trap National Park for the Performing Arts;

S. 1051 and H.R. 1456, to expand the boundary of the Booker T. Washington National Monument, and for other purposes;

S. 1061 and H.R. 2238, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes;

S. 1649, to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks;

H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona; and

S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 10 a.m., to hear testimony on the administration's request to increase the Federal debt limit.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 2:30 p.m., to hold a hearing on HIV/AIDS in Africa.

Agenda

Witnesses

Panel 1: Dr. Eugene McCray, Director, Global AIDS Program, National Center for HIV, STD, and TB Prevention, Center for Disease Control and Prevention, Atlanta, GA, and Dr. E. Anne Peterson, Assistant Administrator, Bureau of Global Health, U.S. Agency for International Development, Washington, DC.

Panel 2: Dr. Jeffrey Sachs, Director, Center for International Development, Harvard University, Cambridge, MA; Dr. Jim Yong Kim, Director, Program in Infectious Disease and Social Change, Harvard Medical School, Boston, MA; and Mr. Martin J. Vorster, Mahyeno Tributary Mamelodi, Pretoria, South Africa.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''The Needs of the Working Poor: Helping Families To Make Ends Meet,'' during the session of the Senate on Thursday, February 14, 2002, at 10 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, February 14, 2002, for a hearing on administration's proposed budget for veterans' programs for fiscal year 2003.

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

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

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Thursday, February 14, 2002, at 2:30 p.m., in Dirksen 226.

Witness list

Panel I: The Honorable Judd Gregg.

Panel II: Richard Stana, Director, Justice Issues, General Accounting Office.

Panel III: Susan Fisher, Executive Director, Doris Tate Crime Victim's Bureau, Carlsbad, CA; Doug Comer, Director of Legal Affairs and Technology Policy, Intel Corporation, Washington, DC; John Avila, Executive Counsel, Walt Disney Company, Burbank, CA;

and Frank Torres, Legislative Counsel, Consumers Union, Washington, DC.

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

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Ben Clausen, a member of my staff, be granted the privilege of the floor during today's proceedings on the Equal Protection of Voting Rights Act.

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

ORDER FOR PRINTING OF H.R. 2646

Mr. REID. Mr. President, I ask unanimous consent that H.R. 2646, the farm bill, be printed as passed by the Senate on Wednesday, February 13.

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

SUSPENDING CERTAIN PROVISIONS PURSUANT TO SECTION 258(a)(2) OF BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

Mr. REID. Mr. President, I ask unanimous consent that previous consent with respect to S.J. Res. 31 be modified to provide that all time be yielded back; that the joint resolution be read the third time, and the Senate then vote on passage, without intervening action or debate.

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

● Mr. DOMENICI. Mr. President, once again, as was that case last November, the Senate today must consider a measure that comes to us as a result of the recession. S.J. Res. 31 is an automatic resolution, required to be introduced by the majority leader and considered by the Budget Committee and the Senate under expedited procedures.

The resolution is automatic when the Congressional Budget Office notifies the Congress of an economic slowdown.

On January 30, the Department of Commerce's advance report on real economic growth, showed the economy in the fourth quarter grew at an annual rate of 2 tenths of a percent. In the third quarter the economy shrank at an annual rate of 1.3 percent.

This report triggered the CBO notification of low-growth, and subsequently triggered the introduction of the resolution before us today.

The provision in the Balanced Budget and Emergency Deficit Control Act of 1985—sometimes referred to as the Gramm-Rudman-Hollings Act—that necessitated the reporting of this resolution, was simply that we did not want to be initiating major spending cuts in a time of recession.

I might add that the same section of that law that suspends spending cuts in the time of recessions also covers events of war.

S.J. Res. 31 was reported unfavorably from the Budget Committee yesterday. The committee is required to report the resolution without amendment or be discharged without comment.

Again, I concurred with the chairman that the committee should express its disfavor with the Resolution, to send a signal to the full Senate to disapprove it. I ask the Senate to join the chairman, Budget Committee, and me on disapproving the resolution.

If this resolution were somehow to make it to the President for his signature, which he would not sign, it would effectively eliminate all fiscal discipline, all the enforcement tools we have here in the Congress all the way through September 2003.

I do not think we need to take such drastic action.

Having taken this position on a bipartisan basis, however, does not mean that we should not act to address both the economic slow down and the war on terrorism. We should and we must.

Having said that, the business sector was the focus of the economic weakness in the fourth quarter—as it has been throughout the recession.

Businesses reduced inventories at a very rapid pace and decreased investment in new plant and equipment. These factors were such a drag on economic growth that had it not been for a large increase in government purchases, GDP would have been negative in the fourth quarter.

However, the outlook for economic growth this year is becoming increasingly positive. This morning the Labor Department reported that initial claims for unemployment insurance dropped last week to the lowest level since August. Claims are down 26 percent since the peak in October. Businesses may not be adding workers and the unemployment rate may continue to rise a bit from here, but the pace of layoffs has slowed.

The inventory cycle, productivity, monetary policy, and fiscal policy all suggest better growth this year. Having decreased inventories by more than $70 billion in 2001, business have more room to make purchases in the months ahead.

Remarkably, it seems no one told productivity that we had a recession. Productivity growth averaged more than 2 percent during the recession and it usually increases rapidly during recoveries.

With short-term interest rates at 1.75 percent, monetary policy is loose. Lower energy prices should contribute to growth this year. And, although I wish we could agree on additional policies to stimulate growth, the tax cut we enacted last year will boost the economy this year.

The tools of fiscal discipline must be contained so we can convey to the American public and the markets that we are keeping an eye not only on the current challenges we face, but also those longer term challenges.

We must maintain the provisions of the Budget Act that provide us with that future discipline, and we must deal with both tax and spending legislation today while waiving the Budget Act on a case by case basis as needed.

I appreciate the chairman's willingness to approach this issue on a bipartisan basis and I join with him in recommending that the full Senate now reject this resolution when it votes later today.●

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The joint resolution (S.J. Res. 31) was rejected.

NATIONAL DONOR DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 210 submitted earlier today by Senators DURBIN, DEWINE, FRIST, KENNEDY, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 210) designating February 14, 2002, as ''National Donor Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements thereon be printed in the RECORD with no intervening action or debate.

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

The resolution (S. Res. 210) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under ''Submitted Resolutions.'')

UNANIMOUS CONSENT AGREEMENT—S. 517

Mr. REID. Mr. President, I ask consent that the majority leader, after consultation with the Republican leader, may at any time turn to consideration of Calendar No. 65, S. 517, a bill to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships.

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

ORDERS FOR FRIDAY, FEBRUARY 15, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow at 10 a.m., February 15; that following the prayer and the pledge, the

Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the election reform bill.

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

Mr. REID. Mr. President, there will be no rollcall votes tomorrow. The next rollcall votes will occur on Tuesday, February 26, at 10 a.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:52 p.m., adjourned until Friday, February 15, 2002, at 10 a.m.

CONFIRMATONS

Executive nominations confirmed by the Senate February 14, 2002:

EXECUTIVE OFFICE OF THE PRESIDENT

NANCY DORN, OF TEXAS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

DAVID L. BUNNING, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY.

JAMES E. GRITZNER, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA.

RICHARD J. LEON, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.