

School, where he was Editor of the Harvard Law Review. He then served as a Supreme Court law clerk. In both private practice and public service since then he has developed a reputation as a brilliant, tough, fair, and truly world class litigator, and earned the respect of his peers and adversaries. Indeed, one New Jersey paper has even suggested he might be New Jersey's "Lawyer Laureate." While I should acknowledge that we might not agree on every issue, I consider Mr. Chertoff to be one of the finest lawyers my State has to offer.

From 1990 to 1994, Mr. Chertoff served New Jersey exceptionally well as our U.S. Attorney, where he tackled organized crime, public corruption, health care fraud and bank fraud. Unlike his predecessors, as U.S. Attorney he continued to try cases himself, and his long hours and unending commitment to the job and the citizens of New Jersey were legendary. He tackled the highest-profile cases in a serious and thoughtful manner, and, despite being one of the youngest U.S. Attorneys in the Nation, raised the profile and reputation for excellence of the U.S. Attorney's Office in Newark.

More recently, Mr. Chertoff has played a critical role in helping the New Jersey State legislature investigate racial profiling. As Special Counsel to the State Senate Judiciary Committee, he helped the committee probe how top state officials handled racial profiling by the State Police. His work was bipartisan and thoroughly professional, and helped expose the fact that for too long, state authorities were aware that statistics showed minority motorists were being treated unfairly by some law enforcement officials, and yet ignored the problem.

Mr. Chertoff is one of our Nation's most competent and respected lawyers, with a very distinguished record of public and private service. I urge my colleagues to join me in support of his nomination.

Mr. LEAHY. Mr. President, I am voting in favor of Mr. Chertoff's nomination to be the Assistant Attorney General for the Criminal Division at the Department of Justice.

I have been concerned that Mr. Chertoff, like several of the President's other nominees for top positions in the Department of Justice, has a history of partisan political activities. Mr. Chertoff was special counsel to the Republicans in the Senate Whitewater investigation of President Clinton, which hardly provided a model for the apolitical and unbiased search for justice that ought to characterize the operations of the United States Department of Justice.

Fortunately, however, Mr. Chertoff also has an established track record as a Federal prosecutor apart from his involvement with the Whitewater Committee. More importantly, he has answered the committee's questions about his political activities and has given appropriate assurances that he

will not allow partisanship to influence the exercise of his judgment on the legal merits of questions he will address as the Assistant Attorney General for the Criminal Division. I credit his assurances, and for that reason I am voting for his nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael Chertoff, of New Jersey, to be an Assistant Attorney General? On this question the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont (Mr. JEFFORDS) and the Senator from Tennessee (Mr. FRIST) are necessarily absent.

Mr. REID. I announce that the Senator from Wisconsin (Mr. KOHL) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 95, nays 1, as follows:

[Rollcall Vote No. 169 Ex.]

YEAS—95

Akaka	Dorgan	McCain
Allard	Durbin	McConnell
Allen	Edwards	Mikulski
Baucus	Ensign	Miller
Bayh	Enzi	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Fitzgerald	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Santorum
Burns	Harkin	Sarbanes
Byrd	Hatch	Schumer
Campbell	Helms	Sessions
Cantwell	Hollings	Shelby
Carnahan	Hutchinson	Smith (NH)
Carper	Hutchison	Smith (OR)
Chafee	Inhofe	Snowe
Cleland	Inouye	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kyl	Thompson
Craig	Landrieu	Thurmond
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wellstone
Dodd	Lott	Wyden
Domenici	Lugar	

NAYS—1

Clinton  
NOT VOTING—4

Frist	Kohl
Jeffords	Rockefeller

The nomination was confirmed.  
● Mr. ROCKEFELLER. Mr. President, I was absent from this afternoon's three confirmation votes on Justice Department officials because of a family funeral. I regret that I was absent for these unanticipated rollcall votes.●

The PRESIDING OFFICER. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

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

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I see a number of Members who may want to speak. I am going to use about 10 minutes. If my colleague has a short statement, or the Senator from Alaska does, I don't want to keep them.

Mr. SESSIONS. Mr. President, I have about a 5-minute statement, but I am pleased to allow the Senator from Connecticut to go first.

Mr. DODD. I thank the Senator.

Mr. SESSIONS. If the Senator will yield, I ask unanimous consent to be recognized after the Senator from Connecticut.

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

The Senator from Connecticut is recognized.

A CHANGE IN THE SENATE

Mr. DODD. Mr. President, I rise for a couple of minutes to briefly discuss the change that occurred today in the Senate and to share some thoughts, if I may.

First, I think I can safely speak for virtually all of us in this Chamber on both sides of the aisle in expressing our affection for our colleague from Vermont. He has been a friend to us for many years. He is known in this body as a good and decent man. I have no doubt that the high esteem in which he has been held will continue.

Secondly, I think it bears mentioning that despite the change in the caucus ratio that will soon occur, the Senate is going about its business today much as it did yesterday and much as I am confident it will in the days to come. That is how this institution functions, and whether ratios change by 1 or 2 in one direction or the other is certainly big political news for some, I guess. My guess is that the substantive work will continue much as it has, with us having to work out differences and compromise to benefit the public at large.

This conduct of business according to established and familiar routines is a good sign that the Senate will to a large degree continue to operate on a bipartisan basis to accomplish the work the American public sent us here to do.

This change will, without a doubt, have an impact on committee ratios, on the subject of hearings and witnesses, and on the substance of legislation we will consider, to some degree. However, just as important, it should—and I believe will—cement the need for bipartisanship in how we conduct our business and in how we govern together

with the administration and the other body.

We in the Democratic Caucus now share a new responsibility with our Republican friends for addressing and advancing, as equal partners, the interests of the larger American public. I know of nobody in our caucus who shrinks from or shirks that responsibility. Indeed, I think we all welcome it.

Likewise for our Republican friends, bipartisanship will now become as much a necessity for them as it has been for us Democrats.

Perhaps most importantly, it will not be enough any longer to embrace bipartisanship in word; we will from now on have to demonstrate it in deeds as well. I look forward to beginning this new chapter in the Senate's history with all of our colleagues.

On that score, allow me to say that I hope one of the first orders of business we will take up after reorganizing will be election reform. I realize we have many important matters to consider regarding education, a Patients' Bill of Rights, prescription drugs, energy, the environment, environmental protection, minimum wage, and foreign and defense policies. The list is rather long and tremendously worthwhile.

But I submit to our colleagues that election reform is also an issue that deserves our early consideration in the Senate. It is an issue of fundamental importance for the simple reason that it concerns the most fundamental of American rights, the right to vote. I know a number of our colleagues on both sides of the aisle have given various opinions on this matter, and even drafted legislation. These include my colleague from Arizona, Senator MCCAIN, Senator HOLLINGS, Senator MCCONNELL of Kentucky, Senator SCHUMER, Senator BROWNBACK, Senator TORRICELLI, and others.

There are a lot of ideas kicking around on how we might improve the electoral process in this country. The list reflects a widespread and bipartisan recognition that the events of last November—not just in Florida and not just last November, but ones that have been ongoing for a number of years—illustrate that our electoral system is in need of repair and reform. With only one-half of all the eligible voters in this country participating in a Presidential election and one-quarter of those eligible voters choosing the President of the United States, then I think all of us recognize that, if we do nothing else, there is need for reform that would make this process more inclusive, to reach out to every American who is not participating in this process.

I hope we will act in that recognition in the weeks to come, and I hope we will pass legislation which ensures that many of the mistakes and wrongs, if you will, in the electoral process will forever be events of the past, never to be repeated.

Congressman JOHN CONYERS of Michigan and I have introduced legislation

that will establish some minimum national requirements to ensure that voters, on Presidential races and races involving the National Legislature, regardless of race, disability, or language minority, will not be turned away from the polls in the next Presidential election. This legislation has well over 100 cosponsors in the House of Representatives, the other body, and 50 cosponsors in this Chamber.

This bill would establish three commonsense requirements:

First, that all voting machines and systems used in Federal elections, starting in the year 2004, conform to uniform, nondiscriminatory standards to ensure that no voter will be disenfranchised because of race; that blind and disabled voters can vote with independence and privacy; language minorities can read ballots and instructions in their native language; and all of us can vote with the assurance that our vote will not be canceled because of overvotes, undervotes, or outdated machinery.

Second, the bill requires that all States provide for provisional voting so that no voter who goes to the polls is told he or she cannot vote because their name is not on a registration list or their identification is not good enough.

Third, and lastly, the bill provides that all voters receive a copy or sample ballot with instructions on how to vote, including their rights as voters.

In this Senator's view, with any legislation that doesn't include these three national requirements is simply unacceptable.

Bills that only offer, on a voluntary basis, funding for States to take certain actions will not ensure that Americans—African Americans, Hispanic Americans, Asian Americans, the blind and disabled, and many others—working men and women across the country, can exercise their most precious right to vote and to have their vote counted.

Forty-seven years ago this month, the Supreme Court issued its landmark decision in the case of *Brown v. Board of Education*. On that May day, the Court did not rule that States could desegregate their classrooms. It ruled that they would do so "with all deliberate speed," in the now famous words of that decision.

Thirty-seven years ago, when we wrote the Civil Rights Act, the Congress did not say that restaurants, stores, hotels, and other public accommodations could desegregate their facilities. We decreed that they would do so, and do so without delay.

When, in 1965, we passed the Voting Rights Act, the Congress did not say States could, if they so chose, do away with barriers to voting such as poll taxes and literacy tests. We said they had to do away with it because the right to vote was far too precious and too vital to be in any way denied to any American citizen based on race or ethnicity.

Lastly, when in 1990 Bob Dole and President George Bush joined with George Mitchell, TED KENNEDY, and others to enact the Americans with Disabilities Act, we did not leave it to chance as to whether public facilities would be accessible to the disabled. We decided as a country that the time had come to remove those barriers to access.

At critical moments, whether it was to go to a restroom or a restaurant or to have access to a hotel or any other public accommodation, we said that people had the right to be there, and in the case of a voting booth, it certainly ought to hold no less a status than a restaurant, restroom, hotel, or any other public accommodation. People ought to have the right to be in that voting booth, to cast their vote and have it counted.

At critical moments in our history, such as those I just enumerated, our Nation has been resolved in advancing the cause of equality and freedom. We have not settled for voluntary measures when fundamental rights were at stake. I believe the same resolve is called for at this moment in our history when we know that so many Americans, perhaps millions, were denied the right to vote and the right to have their vote counted. With the same resolve demonstrated in times past, we can assure that will never happen again in America as it was so unjustly denied to many in the previous elections.

I urge my colleagues to take a look at the proposed legislation. When we return after the break, I invite any comments, thoughts, and ideas on how this bill can be improved, but I hope there will be strong bipartisan support for this effort. I yield the floor.

THE PRESIDING OFFICER. The Senator from Alabama.

#### RETIREMENT OF NANCY BRIANI

Mr. SESSIONS. Mr. President, I rise today to recognize a member of my staff, Nancy Briani, who will be retiring from the Senate at the end of this month. She will be sorely missed by me and all who have had the opportunity to work with her.

Nancy began her career in the Senate 25 years ago when she joined the staff of Senator Jim Pearson of Kansas as a receptionist.

Following Senator Pearson's retirement in 1978, Nancy became office manager for his successor—Senator Nancy Landon Kassebaum. From the setting up of that freshman Senator's office to closing down operations and turning in the keys 18 years later, Nancy was there and remains a very close friend of Senator Kassebaum.

She has approached her job as office manager in a diligent and methodical fashion. She recognizes that well-organized support functions are a critical foundation in the hectic and fast-paced environment of a Senate office. Nancy has consistently brought to her work a