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.