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No. 15

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, February 26, 2002, at 2 p.m.

## Senate

FRIDAY, FEBRUARY 15, 2002

The Senate met at 10 a.m., and was called to order by the Hon. HARRY REID, a Senator from the State of Nevada.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

*Make a joyful noise to the Lord, all you lands! Serve the Lord with gladness; come before His presence with singing. Know that the Lord, He is God.—Psalm 100:1-3a.*

Joyous God, we praise You for Your joy that is an outward expression of Your grace. When we experience Your giving, forgiving, unqualified love, the ecstasy of the joy of Heaven fills our hearts with exuberant joy. Your joy is so much greater than happiness, which is dependent on circumstances, the attitudes of others, and being free from problems. Thank You that Your joy flows within us with artesian force regardless of what is occurring to us or around us. Fill the wells of our souls with Your joy that nothing can dampen, so that we can express joy regardless of what happens. You are by our side, You are on our side, and You are abiding inside to make us communicators of affirmation and encouragement to others. Your joy fails not; it is fresh each new day, new zest for each challenge and courage for each step of the way. Thank You for Your lasting joy! Amen.

### PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 15, 2002.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. NELSON of Florida). The acting majority leader is recognized.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

### 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.

Pending:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dayton amendment No. 2898, to establish a pilot program for free postage for absentee ballots cast in elections for Federal office.

Dodd (for Harkin) amendment No. 2912, to provide funds for protection and advocacy systems of each State to ensure full participation in the electoral process for individuals with disabilities.

Dodd (for Harkin/McCain) amendment No. 2913, to express the sense of the Congress that curbside voting should be only an alternative of last resort when providing accommodations for disabled voters.

Dodd (for Schumer) modified amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

The PRESIDING OFFICER. The Senator from Nevada.

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



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## SCHEDULE

Mr. REID. Mr. President, there will be no rollcall votes today. However, it is hoped there will be the offering of amendments during the day. The same would apply to the Monday we get back, a week from this Monday. We hope Senators will offer amendments then. It is the expectation that we could complete the finite list of amendments that are now on file on Tuesday.

I reviewed those with the two managers of the bill last night. There doesn't appear to be too much there that we could not complete on Tuesday. I am confident some of those amendments will be accepted by the managers. We will have a managers' amendment, and we are going to be very certain that is going to be reviewed prior to the offering of that amendment by a number of Senators who have expressed an interest in managers' amendments.

The next rollcall vote will occur on Tuesday, February 26, at 10 a.m.

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

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

Mr. LEAHY. Mr. President, I see nobody seeking recognition at the moment. I ask unanimous consent that I may speak as in morning business for such time as I may consume.

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

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

Mr. DODD. Mr. President, if I may, to bring our colleagues up to date as to how we are going to proceed on the election reform bill. For the purposes of reviewing the bidding here, there will be no recorded votes today and no recorded votes on Monday, the 25th of February, when we return from the Presidents Day recess.

But as the two leaders indicated last evening, there is now a finite list of amendments submitted by our colleagues on both sides of the aisle. Senator McCONNELL and I and our staffs are now going to go through those lists of amendments. When possible, we will attempt to accept amendments that have been offered. We may be able to start this process today and continue on Monday.

Some amendments may need modifications. If they can be so modified to be acceptable to both sides, Senator McCONNELL and I will try to accommodate those without having recorded votes. Some amendments will require a decision by the body. We will try to keep those amendments to a minimum. Obviously, some amendments are going to require the full membership of this body to vote.

That being the case, on Tuesday, February 26, we will complete voting on those amendments with the fervent hope that by the end of that day, or at some point on February 26, we will go to third reading and final passage of this election reform bill.

That is the plan. We hope that is exactly how it will work. There are a number of amendments that are not drafted in proper amendment form. They are concepts and explanations of what Members would like to do. It is a little difficult to try to come to some agreement on a proposal that hasn't been crafted in legislative language. As a result, if you have an amendment in that status, I urge you, over the next hour or so, to get it in legislative form sometime today. We can analyze it and determine whether or not that amendment can be accepted.

A number of Members listed relevant amendments. I don't have any idea what subject matter is contained in such relevant amendments. So Members in that status ought to communicate with us as soon as possible about the specifics of the amendment they are submitting about. Maybe some Members just wanted a placeholder and said they had a relevant amendment. These Members may have said they had a relevant amendment and really don't have any intention of offering any language to this bill. If this case, at this stage it would be very helpful if we knew this. We could then reduce the list down to a manageable number without limiting debate for our Members on all the important issues in election reform.

I urge Members on both sides to do all of these things that I discussed if they are applicable. Taking action can expedite the process to final passage. On February 26, we don't want to have a marathon voting exercise all day, with 1 or 2 minutes in advance of a series of recorded votes. I am not terribly attracted to that kind of process. I understand the value of stacking votes from time to time. But I am not sure the institution shows its best effort when we engage in a vote marathon.

I would like to resolve as many amendments as possible and leave for the floor the ones that really do require debate. I suggest that so Members understand the real importance of what we are considering.

My plea is to urge all Members here to please get us your proposals. My staff, Senator McCONNELL's staff, and Senator BOND's staff and Senator SCHUMER's staff, are all working on this bill. We can really try to resolve as many of these issues as possible today and over the next week. Then, on February 25, when we return, we can have a good debate on the remaining two, three, or four—whatever the number is amendments that deserve debate and consideration that go to the heart and core of some differences that may exist. That is how we are going to proceed.

I am grateful to colleagues for their participation over the last couple of

days. We have had quite a few amendments. We have resolved some issues that needed resolution. I am heartened over the fact that we are going to have a good bill, a bill all Members can be proud of. Approximately 14 months after the November 2000 election, we are going to return to our States and say to people in this country, who wondered whether or not this body would ever be able to grapple successfully with election reform, that yes we could.

We have come together and resolved differences. We modernize and reform an election system that was in desperate need. As the Presiding Officer knows so well because he represents the wonderful State of Florida that was the subject of such attention for not just our country but the entire world.

As I have said to him and his colleague, Senator GRAHAM, on numerous occasions, this is not only a Florida problem; this is not only a November 2000 election problem; but rather an election problem that has gone on for many years which makes the problem a national problem. The only silver lining, I suppose, in all that unfolded in the November 2000 election is that we are doing something we probably should have done years before. Absent the national crisis that developed in the year 2000, we probably would not have gotten to real election reform for years to come.

As my mother always said, there is a silver lining in every dark cloud. The dark cloud is the November 2000 election. The silver lining is we are on the brink in this institution of reforming the manner in which Federal elections are conducted by our States and localities in a incremental way, but a significant and constitutional way. This means that every eligible voter in this country who chooses to vote will have an equal opportunity to cast a vote and have that vote counted. It will be a user-friendly, accessible institution, and those who want to game, cheat or corrupt the system in some way are going to find it much more difficult to do so successfully.

If we can achieve both of those goals in the coming days, then I think the American public can rightfully say this Congress, the second session of the 107th Congress, did not fail to take and meet the challenge that the November 2000 election posed for us.

## AMENDMENT NO. 2916

Mr. DODD. Mr. President, on behalf of our colleague from Massachusetts, Senator KENNEDY, I send an amendment to the desk.

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

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. KENNEDY, proposes an amendment numbered 2916.

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