

act is now upon us. The days of soft money are truly numbered. The American people want us to finish this job, and we are going to do it.

I again thank the majority leader for his consistent and excellent efforts to bring this bill quickly to a conclusion.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I again thank the Senator from Wisconsin and the Senator from Arizona for their determination and their resolute demonstration again today that we will see a successful conclusion of this legislation.

I do not want anybody to be mistaken; this will happen either through procedural motions available to us or with a unanimous consent agreement. We will certainly try to take the path of least resistance, and if there is a way to reach unanimous consent, I would like to do that. But we must do that this week, within the next day or so, or we will be forced to take the alternative approach. This will happen.

I appreciate the patience on the part of my two colleagues in particular who have been very supportive of our efforts to date, and hopefully we can see to it that patience is rewarded.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I say to the majority leader, Senator MCCAIN, and Senator FEINGOLD, who have labored so long on behalf of this legislation, if there were an effort to unduly delay the bill, it would probably be led by myself. I do, however, want an opportunity to talk with some of my colleagues who have returned today.

We did have an opportunity to take a look at the House-passed bill over the past week and discover what is in it; it was a mystery to many of us. Once those discussions are complete, I believe we ought to be able to come to an agreement on how to complete the bill in an orderly fashion.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Resumed

The PRESIDING OFFICER. 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 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.

Dodd (for Kennedy) amendment No. 2916, to clarify the application of the safe harbor provisions.

(The text of amendment 2894, as modified and agreed to on February 25, is as follows:)

At the appropriate place, insert the following:

SEC. . ELECTION DAY HOLIDAY STUDY.

(a) IN GENERAL.—In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment, shall provide a detailed report to the Congress on the advisability of establishing an election day holiday, including options for holding elections for Federal offices on an existing legal public holiday such as Veterans Day, as proclaimed by the President, or of establishing uniform weekend voting hours.

(b) FACTORS CONSIDERED.—In conducting that study, the Commission shall take into consideration the following factors:

(1) Only 51 percent of registered voters in the United States turned out to vote during the November 2000 Presidential election—well below the worldwide turnout average of 72.9 percent for Presidential elections between 1999 and 2000. After the 2000 election, the Census Bureau asked thousands of non-voters why they did not vote. The top reason for not voting, given by 22.6 percent of the respondents, was that they were too busy or had a conflicting work or school schedule.

(2) One of the recommendations of the National Commission on Election Reform led by former Presidents Carter and Ford is “Congress should enact legislation to hold presidential and congressional elections on a national holiday”. Holding elections on the legal public holiday of Veterans Day, as proclaimed by the President and observed by the Federal government, or on the weekends, may allow election day to be a national holiday without adding the cost and administrative burden of an additional holiday.

(3) Holding elections on a holiday or weekend could allow more working people to vote more easily, potentially increasing voter turnout. It could increase the pool of available poll workers and make public buildings more available for use as polling places. Holding elections over a weekend could provide flexibility needed for uniform polling hours.

(4) Several proposals to make election day a holiday or to shift election day to a weekend have been offered in the 107th Congress. Any new voting day options should be sensitive to the religious observances of voters of all faiths and to our Nation's veterans.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will take 2 minutes to review the bidding and give our colleagues a status report on the election reform bill—where we are, what we have accomplished, and what we can look forward to during the remainder of the day.

This could be a very historic day if we can finish work on this bill today. My hope is we can. We still have a lit-

tle less than two dozen amendments that I know of. A couple of them will require some debate. There are many I think can be resolved without much debate, and many of them could actually be accepted if we can work out some language.

After three full days of debate on the bill, over a week ago on Thursday and Friday and then yesterday, we have disposed of 22 amendments. To give my colleagues an idea of the bipartisan nature of this measure, we have adopted a total of 16 amendments by voice vote—8 by the majority, 8 by the minority—to indicate the balance we have been able to achieve so far.

We will be working through the remainder of these amendments today, and my hope is we can finish this bill this evening or by tomorrow—hopefully this evening. We still have a couple of very important amendments that will have to be debated and will probably require roll call votes.

It would be my expectation that most of the amendments that are either pending or filed can be agreed to perhaps with some minor modifications.

I again thank my colleague from Kentucky for his assistance and that of his staff in helping us move this product along. I know there are a number of other measures awaiting Senate action. I encourage my colleagues to complete debate on this bipartisan election reform compromise today so we can get to those other issues, including campaign finance reform and the energy bill.

In that spirit, let me, if I may, tell my colleagues what I think we will do. Senator GRAMM of Texas has an amendment to which we are going to agree. In fact, he has asked me to offer it on his behalf, and I will be happy to do that. Then Senator DAYTON has an amendment which he is modifying which will be a study amendment, for the information of my colleagues on the other side. He will be coming over with that amendment. We can adopt the Dayton amendment because I believe by making this a study, it becomes acceptable to the minority.

Senator HARKIN has an amendment—I am not sure which one of his he is bringing over. It is the pending amendment which may require very limited debate.

I know Senator CLINTON is presently meeting with the First Lady. She will be back as soon as possible. We then can debate her amendment.

My goal is to dispose of as many amendments as we can over the next hour and a half, and then if a couple of amendments require debate and votes, we will stack those votes just prior to the respective conferences for the traditional Tuesday luncheons. So we may have some votes just prior to lunch, but we will not ask people to break up the hearings they are engaged in this morning. We will not interrupt the hearing flow that is going on in a number of committees. That is the goal.

I see my colleague and friend from Kentucky wants to make some opening remarks. He can offer the Gramm amendment, or I will be happy to do it.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I reiterate that it is our intention to finish the bill today, and I believe we are on a glidepath to do that. I fully support the effort of the chairman to move this along.

AMENDMENT NO. 2927

Mr. MCCONNELL. Mr. President, I send and amendment on behalf of Senator's GRAMM and HUTCHISON to the desk. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. GRAMM, for himself, and Mrs. HUTCHISON, proposes an amendment numbered 2927.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be disposed of.

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

The amendment is as follows:

(Purpose: To guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections)

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

SEC. 402. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended—

(1) by inserting “(a) ELECTIONS FOR FEDERAL OFFICES.—” before “Each State shall—”; and

(2) by adding at the end the following:

“(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

“(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

“(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.”.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking “FOR FEDERAL OFFICE”.

Mr. DODD. The majority accepts the Gramm amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2927) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, we are waiting for Senator DAYTON to come

over with his modified amendment which I hope we can accept, and Senator HARKIN is coming over with an amendment that requires some debate—not much, but some; he says he can do it in a brief amount of time—and any amendments on the minority side as well, if they have people coming over.

I urge those who have filed amendments to offer them. Some Members approached me during the vote, and I am going to sit down and see if we can agree to some of these so Members do not have to actually come over, and we can offer them on their behalf.

Pending the arrival of Senator DAYTON, 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.

AMENDMENT NO. 2928

Mr. DODD. Mr. President, I send an amendment from the Senator from California, Mrs. FEINSTEIN, to the desk and ask for its consideration.

The PRESIDING OFFICER. The pending amendments will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mrs. FEINSTEIN, proposes an amendment numbered 2928.

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

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

The amendment is as follows:

(Purpose: To determine whether voting systems are able to accommodate as many voters who have a limited proficiency in the English language as possible)

On page 54, between lines 23 and 24, insert the following:

“(k) the technical feasibility of providing voting materials in 8 or more languages for voters who speak those languages and who are limited English proficient; and”.

Mr. DODD. Mr. President, this amendment calls for a study of the technical ability of voting systems to accommodate multiple languages. This bill potentially expands the number of languages which a voting system must accommodate based on the number of people within a given jurisdiction who speak those languages. It does not include every language, but would recognize certain language groups that current law does not recognize. It is a slight change from existing law. Obviously, in places such as California the number of languages has been increasing. We have all experienced this in our respective States, with the number of immigrants who have come into the country.

This is a study proposal that Senator FEINSTEIN suggests. We think it is a good amendment. It is something the

commission will look at anyway. We urge its adoption.

Mr. MCCONNELL. We are agreeable to this as well.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2928.

The amendment (No. 2928) was agreed to.

Mr. DODD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2912

Mr. HARKIN. Mr. President, I rise to speak to amendment No. 2912.

This is a very simple amendment, a very short amendment. It is one that is needed to improve full and equal access to the polls for people with disabilities. The election reform bill sponsored by my colleagues from Connecticut and Kentucky does indeed provide a good first step to equal access. It requires every polling place to have at least one fully accessible voting machine. That is a good start. What is the benefit of these voting machines if people with disabilities—say, those who are using wheelchairs—cannot get to the machines from outside or from a parking lot?

We have an anomaly. We have a voting machine that is accessible and usable; but what about from the sidewalk to the voting machine, from the parking lot to the voting machine, if that is not accessible? The bill requires nothing to ensure this access. Now, the bill does provide \$100 million in incentive grants. That is better than nothing. But I believe we need to do more.

In each State there are nonprofit agencies called protection and advocacy agencies which have been set up through the law. They work with local communities to provide equal access for people with disabilities in public places. They have been doing this for a long time. Unfortunately, they can only do so much with Federal assistance they receive. Last year, all of the P&As—as we call protection and advocacy groups—in the entire United States received \$15 million. That is for all 50 States. That means they can only focus on a few access issues. They do not have the resources to work on training or educating local election officials on polling access requirements under current law.

My amendment simply authorizes \$10 million a year to the protection and advocacy agencies to give additional focus to voting access for people with disabilities.

A GAO report that Senator MCCAIN and I requested found in the 2000 election more than 80 percent of the 496 polling places surveyed had 1 or more physical impediments. The GAO said 80 percent of the 496 that they surveyed had 1 or more physical impediments.

Consider this: 28 States do not even have curbside voting requirements. If you live in a State that does not have

a curbside voting requirement and you have a polling place that has several physical impediments to get to the polling machine, what good is it to have a polling machine that is accessible if you cannot get to it and you don't have curbside voting?

Even in the States where curbside voting must be an option, the rights of people with disabilities are still compromised. Curbside voting does not allow private or independent voting, as it does for the general public. For example, a poll worker meets the voter at the car or in the parking lot. The poll worker provides the ballot to the voter, or actually fills out the ballot for the voter, and the voter must trust the poll worker to submit the ballot inside. That is an unacceptable alternative to getting around current laws that require physical disability access to the polls, unless the voter requests curbside voting.

Again, we have a system we are about to vote on and pass that would deny equal access to many people in our communities to vote as we vote—in private, ensuring that your ballot is your ballot, making sure you can go in the voting booth like everyone else. We are only setting aside \$10 million, a very small amount of money, to be used by the protection and advocacy groups to work with local officials to help train and educate them on how you make places accessible.

Again, one might ask, why would we need someone from protection and advocacy to meet with local election officials to make sure a place is accessible when the local elected officials know how to do that? Maybe yes, maybe no.

There is a lot of expertise within the protection and advocacy groups throughout the United States as to how to do things, how to make things accessible with the least interference with the general public and at the least cost to the taxpayer.

I myself have seen instances in my State and others, because of my work in disability rights, where local elected officials think they have to do something that is going to cost several hundred thousand dollars, to change this and do all this modification, and the protection and advocacy people come up and say: You do not have to do all that. Maybe just for a couple of thousand dollars you can change some things.

One classic case that always comes to mind, and this happened some time ago, is where a local school system decided that to be compliant with the Americans With Disabilities Act, they had to change all the drinking fountains in all the public schools, that they would have to lower all of the drinking fountains so a kid using a wheelchair could have access to them; all the other ones were too high.

This was going to cost literally hundreds of thousands of dollars in all the schools, to go in and do all the plumbing and lower all these drinking fountains. This created kind of a firestorm

in the community. They said: My gosh, we are going to have to spend all this money to lower these drinking fountains for a few people using a wheelchair.

Finally, one of the P&A groups came through and said: You do not have to do that. If you would just set a paper cup dispenser by the water fountain with a wastebasket to throw it in, someone in a wheelchair could roll up, take a paper cup, fill it with water, take a drink, and throw the paper cup away, and that would not cost you very much. That is what they did. It saved them hundreds of thousands of dollars. These are the kinds of things the protection and advocacy groups can do.

A lot of local officials might think they have to do so much. Here is an example. A local elected official says: We have to make our place accessible. And they go to a local engineering group and say: What do we have to do? The local engineering group says: Hey, this is taxpayer money; we are going to knock out this wall, put in these doors, put in this ramp, do all this; we have to shift this around and maybe take this part of the lot out. All of a sudden you are into hundreds of thousands of dollars.

A protection and advocacy group, knowing the law and knowing the requirements of ADA, might come in there and say: No, you don't have to do all that. There are other ways you can meet these requirements at a much cheaper cost, and much more efficacious, not only for people with disabilities but for the general public.

This is the experience we have had in the past in many places where they have had problems of accessibility. The P&As, as we call them, have just been great, working with local officials to train and educate them about how to make places accessible. That is what this amendment does. I hope the amendment will be accepted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I regretfully rise in opposition to the Harkin amendment. This amendment proposes to add a new grant program of \$40 million to the cost of the bill over 4 years. Unlike the other grant programs authorized by this bill, this amendment proposes to fund just one organization with the \$40 million. That one entity is the protection and advocacy system, a federally mandated program currently in place and functioning with an office in each State.

In Kentucky this office is a division of State government, but I understand in other States the office functions as a nonprofit organization. The protection and advocacy system is a federally mandated program that receives funding from several different Federal sources as well as funding from each State. This organization has offices in each State, and they advocate on behalf of people with disabilities. The protection and advocacy system can

mediate, intervene, counsel, investigate, and even sue on behalf of those it represents.

I have a couple of concerns about this amendment. First, I can appreciate the important work this group does. In fact, there are numerous groups out there that provide important and meaningful assistance to people with disabilities. I wholeheartedly support their efforts. But the group singled out by this amendment is already well funded by the Federal Government. They receive funding through Health and Human Services, the Department of Education, and even the Social Security Administration. I am not sure giving this particular group another \$40 million makes sense when we can just as easily spend \$40 million on numerous other causes that are actually underfunded or not funded at all.

The States are in dire financial straits. We could certainly devote this money to helping them make additional election administration improvements and upgrades.

Protection and advocacy systems do not need this amendment to broaden their mandate to encompass accessibility. That is already included in their broad statutory mandate. This amendment seeks only to increase the funding of one organization, an increase that nearly doubles the amount this group received last year. But as I said a moment ago, there are many worthwhile groups out there that provide services to help people with disabilities. They, too, would like an additional source of Federal funding. Some of these groups have contacted my office, and I am sure my colleagues have heard from them as well.

Other groups that help the disabled are calling my office and asking the question: Why does the protection and advocacy system get additional funding? We do good work, and we could use additional funds to help ensure full participation in the electoral process.

These other groups are probably right. They do good work and could use additional money. But if we proceed down that road, we will soon deplete all the funds available under this bill. If we increase the funding for every group out there that does good work and may in fact need additional money, we will soon spend the entire Social Security surplus.

If we had unlimited funds available, this amendment would be one of several good uses for that additional money. If we had unlimited funds available, I would propose additional funding for a host of organizations that do good works, some of which are in my home State and have said they could use the money. But we do not have unlimited funds available, and for that reason I do not think we should earmark additional money exclusively for this one organization, especially when that organization already received millions—millions—in Federal and State funds.

Other disability advocacy groups see this amendment as unfairly benefiting

an organization that is already well funded by the Federal Government and already effectively advocates on behalf of those with disabilities. It seems these other advocates of the disabled have a very good point.

There is one other concern with the amendment that has been expressed by my colleagues and by several election officials. Because the protection and advocacy systems are authorized by Federal statute to sue, many are concerned that this amendment would essentially fund litigation against our State and local election officials.

There are at least two provisions in the Federal laws governing protection and advocacy systems that govern suits against States. One provision says:

Nothing in this title shall preclude a system from bringing a suit on behalf of individuals with developmental disabilities against a State, or an agency or an instrumentality of a State.

The other provision says, in part:

... such system shall have the authority to pursue legal ... remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State. ...

Now it may be that some protection and advocacy systems do not sue that often. But the fact remains that they can sue and they do sue. In fact, their broad authorization allows them to sue a State and an agency or instrumentality of a State.

Unfortunately, the election officials I have heard from are not particularly comforted by claims that these groups "don't sue that often." These groups may very well need the ability to sue when they advocate on behalf of disabled people who face illegal discrimination in employment or in housing. But when it comes to elections, this bill seeks to help States improve elections systems and comply with the law. This bill makes great efforts to encourage States to upgrade their systems and work in a cooperative manner with the Federal Government.

If this amendment is agreed to, we will essentially be giving money to the States to help them upgrade their election systems with one hand and we will be giving money to an outside group to help them potentially sue the States with the other.

Of course, States will then have to devote even more resources to defend against lawsuits, and the real cost of this amendment goes even higher. Perhaps we should set up a separate stream of funding for States to use to defend themselves against frivolous lawsuits, or, if we wanted to fund litigation, I am sure my colleague, the senior Senator from Missouri, would suggest a few groups that could use some Federal money to investigate instances of voter fraud and pursue litigation.

As I said earlier, I support the important work done by the States for the disabled, as we all do. I support making voting easier for the disabled, which

this bill does. And I think this bill makes great strides for the disabled, thanks largely to the Senator from Connecticut, Mr. DODD, who is very passionate about this issue. But I think this amendment would do some harm to the delicate balance we have achieved with the bill.

Folks with disabilities should be able to vote. There are numerous groups out there that provide education and assistance to help make that happen. In fact, this bill makes grant money available that States can use for outreach and education for the disabled. But I do not think it is wise to fund one group exclusively when there are so many other similar groups that could benefit from a special earmark.

Nothing in the underlying bill prevents the protection and advocacy system from consulting with election officials. They can and do already consult with State governments on these issues.

For all of those reasons, I hope this amendment will not be agreed to when we ultimately have the vote.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Iowa.

Mr. HARKIN. Mr. President, I would like to respond a little to the arguments made by the Senator from Kentucky regarding my amendment.

First, the Senator from Kentucky says the P&As can already handle cases dealing with access to places that are already within their purview to do so. I would say that is true. There is one P&A for each State and they do receive some state assistance. We gave \$15 million last year for 50 States. Even with some of the small amounts they get from the State or other sources, they have very little with which to operate. The average P&A's budget is \$1.2 million. Yet they have to cover the entire State in terms of working with local officials on accessibility. They have very small staffs.

Their purpose is to educate, train, and advocate for compliance under the Americans with Disabilities Act. There is no extra funding to work on voting access. They are already strapped. But now we are saying with this bill that we want to have voting access. Again, we have an anomaly here. We have within the bill a requirement that there be at least one voting machine that is acceptable for voting places. But there are no minimum standards for accessibility to the machine from the parking lot to the sidewalk from the outside. The bill is silent on that. It is absolutely silent.

Rather than just setting a minimum standard, which I don't think we ought to be doing right now, the best thing is to give a small amount of funds—this is \$10 million a year for all 50 States. An average of maybe \$150,000 per P&A to have them train, educate, and work with local officials on how to make sure the voting place is accessible.

Again, the Senator from Kentucky said there are a lot of groups out there

that would like to do this. The protection and advocacy system is set up under law—one per State. They have been there for a long time. They have the expertise and the history. They are well integrated in every State in terms of the State structure to do this.

The Senator from Kentucky went on at great length about litigation—that he didn't want to give resources to P&As to litigate because that would use money and the States would have to come up with the money to defend it. Again, we have to look at the facts. What P&As do 99 percent of the time is basically train and educate local officials on access issues. I mentioned earlier about how we have reams and reams of examples from every State on P&As, as they are called—protection and advocacy—about how they have been able to help State governments and local governments meet the requirements of the Americans with Disabilities Act at least cost and with the least interference with the general public. This is well documented.

When people call in, they provide over-the-phone advice. This is someplace where a local official can be out there, and someone could come and say: You have to do this to make something accessible. The local official does not know. They pick up the phone. They call the P&A, and they say: I have been told I have to make all of these changes to make something accessible. Do I have to do it? What do I have to do? They can get that advice. All the P&As around the country sit on local and State task forces and boards to ensure that accessibility is part of all the project planning. Remember that you have public planning for parks, recreational facilities, public buildings, courthouses, whatever. They are part of the planning process to make sure that they are accessible. They do handle individual cases. We do have data from the 50 States.

The P&As are able to take about 1 of every 10 who ask for assistance. For every 10 people who call up the P&As and ask for some kind of assistance on a personal basis, they can take only 1 of them because they typically don't have the resources. They do not have the staff, and they don't have the money.

I have a listing of all of the intervention strategies used in serving individuals by every State. Again, most of what they do is, as I said, education and technical assistance. On a lot of it, they negotiate and go to administrative hearings. But there is a column here on litigation. Here are the facts:

The Senator from Kentucky went on and on about litigation. There were 43,092 cases that came into the P&A system last year, 2001. Out of 43,092 cases, 178 wound up in litigation.

And the simple truth is, the P&As get the most bang for their buck through education and training and working with officials proactively—not through the courts.

The reason they don't litigate is that they do not have the wherewithal. I

can say without any fear of contradiction that each 1 of those 178 cases was an egregious case. This is where the P&As have gone through negotiations, they have gone through mediation, they have gone through counseling, they have gone through administrative hearings, and nothing gets done. Yet, at that point in time they litigate.

I don't think the Senator from Kentucky would like to take that right away from the P&As on the most egregious cases.

The facts belie the fear of this burgeoning litigation.

Again, just one of the things that P & A's do is handle individual cases. They only take 1 out of every 10 complaints—and then they do everything they can which is required by law—to remedy the problem. And only in those most egregious instances—3 percent of those individual cases—do they consider the courtroom as an option.

So again, what my amendment will basically do is give to a nonprofit group that has a strong record in education, training and advocacy. It is a nonprofit entity. It is recognized by the States. As I said, State governments rely on them. They sit in on State boards and local boards, work with them in the planning process, and give technical assistance to help make sure we have accessibility for people with disabilities.

Again, my amendment has been pending for over 2 weeks. It has been out there during the break and before the break. My amendment has been out there. I have not heard one complaint from any group or any election officials that this is a bad amendment. The disability community, I can tell you, is united behind this amendment.

I think it is a modest approach. As I said, the more drastic approach would be for us to demand a minimum standard on physical accessibility to the voting place. Maybe that is what we should have done. But we decided to take the perhaps more cautious approach, one that would leave the maximum amount of flexibility for States to do what they needed to do. And the P&A system can help them do that.

The funding will give the P&As the resources they need to focus on voting accessibility, which they can't do now because of their limited budgets.

That is what the P&As can do. It is not a cookie-cutter approach, but to work with local officials, find the lowest cost, least interference method of making sure we have accessibility for everyone: People with disabilities and people without disabilities.

As I said, they have great expertise. They have been doing this for a long time, going back to the 1970s, when they were created. Quite frankly, as the former chair of the Disabilities Subcommittee, and one who has been involved in this ever since, I keep close tabs on the P&A system. They are funded under the Appropriations Committee that I am privileged to chair.

So we keep pretty good tabs on the P&A groups in the United States. With

a meager amount of money, they do a great job. In fact, I hear from my secretary of state in Iowa about what a great job they do in Iowa.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me state for the uninformed—and there may not be many on this particular point—there has never been, in my view, a stronger or more articulate advocate on behalf of the disabled in this country than the Senator from Iowa, Mr. HARKIN.

He and I have known each other for a long time. We have served together for a quarter century. We arrived on the very same day in the House of Representatives, back more than 25 years ago. We served together there and now have served together here for almost two decades.

But for his advocacy, but for his determination, millions of Americans who suffer from one form of disability or another would not enjoy as many of the opportunities that they do in our country. He has made that much of a difference. When the issue is raised, Can one person make a difference? you need go no further than the name of TOM HARKIN to answer that question. Truly, for millions of people, his presence in public life has made a difference. And he is obviously living up to that reputation by suggesting the amendment he has offered to us on the election reform bill. So I commend him immensely for it. He has been a great friend, a great advocate for so many years.

I guess sometimes the personal experiences in life are what sort of galvanize one's attention. I know in both of our cases—different kinds of cases—siblings of ours have suffered from physical disabilities. We both grew up in a family knowing of the tremendous efforts our parents, respectively, made to see to it that our respective siblings would enjoy the full opportunities of life. I do not know of any more courageous a person than my sister. And I am sure the Senator from Iowa might say the same about his brother, God rest his soul, whom the Senator lost a couple years ago.

So, in fact, had the Senator not come forward and advocated this, we might wonder what was wrong here in some ways. So his standing here advocating these positions is as normal as anyone might expect. I thank him for his kind comments, and the Senator from Kentucky for his generous comments as well, on what we have tried to do in this bill.

I know there will be some efforts, to some degree, to suggest maybe we ought to make these provisions dealing with the disabled less than a requirement. But we did not do that in 1965 with the Voting Rights Act, and there are millions of Americans who do not vote because of the inaccessibility of the ballot. What we have done in this

bill is to make that an accessible ballot for the blind, the manually disabled, and others with disabilities. If we did nothing else in this bill but that, I think we can call it a major achievement in providing additional resources to everyone, make polling places more accessible, given the fact, in many places, there are still polling places that are not accessible. The discretionary grant money of \$100 million in this bill, which I know the Senator from Iowa appreciates immensely, is going to help.

So I commend the Senator for this proposal and thank him for his continuing efforts on behalf of millions of Americans who have no greater voice than his in the Congress of the United States, and I thank him for that.

Mr. HARKIN. If the Senator will yield, I thank him for his very kind and overly generous remarks. We have been, as he said, close friends for a quarter century now. We first came to the House together. We were sworn in on the same day. But I think the Senator is being overly kind in his comments about this Senator.

As we all learn, as we go through life, the famous saying, no man is an island, around here, no man or woman gets legislation through by himself or herself. It takes a team effort and takes people working together.

On all the legislation we have passed that has made lives better for people with disabilities, Senator DODD of Connecticut has been in the forefront of the fight every single time from day one. We have served together on the Labor, Health, and Human Resources Committee all these years. He is senior to me on that committee. I have been proud to follow his lead on so many of these issues that make life better for our citizens with disabilities.

I respond in kind by thanking the Senator from Connecticut. As he said, both of us, in our own individual families, have had personal experience with siblings who have had disabilities. We bring those personal experiences here. It gives us a better feel for what is happening to a lot of people around the country who want a full and fair life, want accessibility, want to be integrated in society, want education and travel, employment, and, yes, one of the most fundamental of all rights that make us uniquely American—the right of the secret ballot.

The bill before us that Senators DODD and MCCONNELL have put together is a great bill. But like anything else, there are little parts that may need to be tweaked. This is considered one of those little things we need to do to help ensure that access from the curbside or from that parking lot to that voting machine, which they have rightly done in this bill, so there has to be at least one in every voting place. I applaud the Senator from Connecticut for taking the lead on that. But this is just something that will help ensure that we are able to have the access at the least cost, least interference, and the best method possible.

Again, I thank the Senator from Connecticut for his leadership on this issue and for his friendship for a quarter of a century to me personally, but to all Americans with disabilities. I thank the Senator.

Mr. DODD. Mr. President, I thank our friend from Iowa.

We have a couple of amendments we can work on that may be accepted. There is a possibility that we might have a vote on the Harkin amendment before we break for lunch. What I would like to do, with my colleague's permission and agreement, is to go into a quorum call.

Mr. MCCONNELL. I wanted to make a couple more observations about the amendment of Senator HARKIN.

Mr. DODD. I was trying to restrain debate a bit so we might get to a couple other matters.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill 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.

AMENDMENT NO. 2869

Mr. DODD. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

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

Mr. DODD. I call up amendment No. 2869. I believe that is the amendment offered by the Senator from Louisiana, Ms. LANDRIEU. I inquire of the Chair, is that the amendment that is a sense of the Senate?

The PRESIDING OFFICER. Yes, it is. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Ms. LANDRIEU, proposes an amendment numbered 2869.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding State and local input into changes made to the electoral process)

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

SEC. ____ . SENSE OF THE SENATE REGARDING STATE AND LOCAL INPUT INTO CHANGES MADE TO THE ELECTORAL PROCESS.

(a) FINDINGS.—Congress finds the following:

(1) Although Congress has the responsibility to ensure that our citizens' right to vote is protected, and that votes are counted in a fair and accurate manner, States and localities have a vested interest in the electoral process.

(2) The Federal Government should ensure that States and localities have some say in any election mandates placed upon the States and localities.

(3) Congress should ensure that any election reform laws contain provisions for input by State and local election officials.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Justice and the Committee on Election Reform should take steps to ensure that States and localities are allowed some input into any changes that are made to the electoral process, preferably through some type of advisory committee or commission.

Mr. DODD. This amendment has been cleared on both sides. I commend the Senator from Louisiana for offering the amendment. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2869.

The amendment (No. 2869) was agreed to.

Mr. DODD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2931

Mr. DODD. Mr. President, the second amendment cleared by both sides is the amendment offered by the Senator from California, Mrs. FEINSTEIN. I send the amendment to 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. DODD], for Mrs. FEINSTEIN, proposes an amendment numbered 2931.

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

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

The amendment is as follows:

(Purpose: To ensure the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established for the purpose of permitting individuals casting provisional ballots to determine the final disposition of their vote)

On page 14, between lines 2 and 3, insert the following:

The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (6)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

Mr. DODD. Mr. President, this amendment provides that the States and localities must ensure the security and confidentiality of information made available on the free access system established for the purpose of permitting individuals casting provisional ballots to determine the final disposition of their vote. It is a privacy amendment.

I thank the Senator for offering it, and I thank my colleagues on the minority side for accepting this amendment. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2931.

The amendment (No. 2931) was agreed to.

Mr. DODD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I suggest the absence of a quorum. I think we may take care of at least one or two more amendments.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill 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.

AMENDMENT NO. 2898, AS MODIFIED

Mr. DODD. I ask that the pending amendment be temporarily laid aside.

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

Mr. DODD. Mr. President, I ask unanimous consent to call up the modified Dayton amendment, which is at the desk.

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

The amendment will be so modified.

The amendment (No. 2898), as modified, is as follows:

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

SEC. ____ . STUDY AND REPORT ON FREE ABSENTEE BALLOT POSTAGE.

(a) STUDY ON THE ESTABLISHMENT OF A FREE ABSENTEE BALLOT POSTAGE PROGRAM.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 shall conduct a study on the feasibility and advisability of the establishment by the Federal Election Commission and the Postal Service of a program under which the Postal Service shall waive the amount of postage applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code) that does not apply with respect to the postage required to send the absentee ballots to voters.

(2) PUBLIC SURVEY.—As part of the study conducted under paragraph (1), the Election Administration Commission shall conduct a survey of potential beneficiaries under the program described in such paragraph, including the elderly and disabled, and shall take into account the results of such survey in determining the feasibility and advisability of establishing such a program.

(b) REPORT.—

(1) SUBMISSION.—Not later than the date that is 1 year after the date of enactment of this Act, the Election Administration Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate.

(2) COSTS.—The report submitted under paragraph (1) shall contain an estimate of the costs of establishing the program described in subsection (a)(1).

(3) IMPLEMENTATION.—The report submitted under paragraph (1) shall contain an analysis of the feasibility of implementing the program described in subsection (a)(1) with respect to the absentee ballots submitted in the general election for Federal office held in 2004.

(4) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under paragraph (1) shall—

(A) include recommendations of the Federal Election Commission on ways that program described in subsection (a)(1) would

target elderly individuals and individuals with disabilities; and

(B) identify methods to increase the number of such individuals who vote in elections for Federal office.

(C) POSTAL SERVICE DEFINED.—The term "Postal Service" means the United States Postal Service established under section 201 of title 39, United States Code.

Mr. DODD. Mr. President, I thank the Senator from Minnesota for this amendment. Briefly, the Dayton amendment asks for a study of eliminating the need for postage requirements on absentee ballots. The suggestion initially had been that it be a pilot program to be instituted at the 2004 elections on a Federal level, utilizing some 3 million voters to determine whether or not such a pilot would be worthwhile. There were concerns which States would be included.

The commission, if this bill becomes law, would want to look at this issue. By recrafting the amendment calling for a study, it will guarantee that will be done. Then we will try and figure out the best way to conduct that study. For those reasons, the amendment is acceptable, I am told, on both sides.

I thank the Senator from Minnesota. This is a very worthwhile suggestion. It is exactly the kind of issue at which the permanent commission on elections wants to look. Because he has proposed this amendment the way he has, it will guarantee that will be done. With this modification calling for a study, rather than a pilot program, the amendment is acceptable by both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Minnesota.

The amendment (No. 2998), as modified, was agreed to.

Mr. DODD. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CARPER. Mr. President, I am delighted we finally have the opportunity to consider election reform. I am especially glad we are doing so in a way that is probably as close to bipartisan as anything we will work on this year. I commend Senator DODD. I commend Senator McCONNELL and a number of other colleagues from both sides of the aisle who have worked diligently for a year now to hammer out this compromise we are considering today.

As we all know, the 2002 elections brought to light a number of problems in the way we run elections. While Florida got a lot of attention, we found

out the problems do not reside solely in Florida but persist in a number of other States as well. The bill that we will, hopefully, adopt this week goes a long way toward fixing not all those problems but a number of them. Let me mention a few.

This legislation sets strong standards that State voting systems must meet so that all voting technology that American voters use allows them to correct mistakes and meet set error rates, acceptable lower error rates. This ensures voting machines are accessible to handicapped voters and voters with limited English proficiency. Third, this legislation provides for provisional balloting so voters mistakenly left off official registration lists are still allowed to vote. Fourth, this legislation provides for balanced antifraud measures to ensure voters are not disenfranchised.

Fortunately, in my State of Delaware there were few problems on election day in 2002. Delaware has uniform electronic voting machines with good error rates. All of our precincts are called election districts. The machines were purchased during the time that I served as Governor of our State. Delaware also has a computerized statewide voter registration list put in place under the leadership of our former Election Commissioner, Thomas Cook.

We have some work still to do in Delaware to assure our machines allow the handicapped to vote in privacy and to put a provisional voting system into place. Some States need to do a whole lot more than that. I am happy to see the bill provides the money to enable them and Delaware to do the work that needs to be done. This bill includes no unfunded mandates. This bill provides \$3 billion in grants to pay 100 percent of the costs to States for implementing the voting machines or provisional balloting and for antifraud requirements.

We must work hard to ensure, however, that the money we are promising, the money we propose to authorize, actually gets to the States and that there are enough dollars at the end for the States to meet the requirements we are placing on them, especially now that a number of States, including my own, are faced with very tight budgets.

According to the National Governors Association, combined State budget shortfalls are at \$15 billion and could go higher if State unemployment, health care, and homeland security costs continue to rise.

Most States have balanced budget requirements in their constitution and face the prospect of having to raise taxes or make budget cuts to cover the budget shortfalls.

Having said that, this is a good bill. In fact, this is more than a good bill; it is a very good bill. I am pleased to urge my colleagues to join me and others to pass it overwhelmingly. I hope at the end of the day if we begin to see in the future that States continue to have problems meeting these new standards for budgetary reasons that emanate

more from Washington than our State capitals, we find a way to get those States the resources they need or, if necessary, to amend the timing of requirements so that States can meet those requirements responsibly.

I yield.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2912, AS MODIFIED

Mr. DODD. Mr. President, I call up amendment No. 2912, the Harkin amendment, and I ask unanimous consent to lay the pending amendment aside.

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

Mr. DODD. I send a modification to the desk on behalf of Senator HARKIN.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment (No. 2912), as modified, is as follows:

(Purpose: To provide funds for protection and advocacy systems)

On page 28 of the amendment, after line 23, add the following:

(C) PROTECTION AND ADVOCACY SYSTEMS.—

(1) IN GENERAL.—In addition to any other payments made under this section, the Attorney General shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(2) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than \$70,000 and \$35,000, respectively.

On page 30, strike lines 23 through 25, and insert the following:

(b) PROTECTION AND ADVOCACY SYSTEMS.—

In addition to any other amounts authorized to be appropriated under this section, there are authorized to be appropriated \$10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 206(c): *Provided*, That none of the funds provided by this subsection shall be used to commence any litigation related to election-related disability access, notwithstanding the general authorities of the protection and advocacy systems as are otherwise afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

Mr. DODD. Mr. President, I thank the Senator and our friends on the Republican side for working out this modification. Senator HARKIN raises a very good amendment. There was concern raised by Senator McCONNELL, and

maybe others, that we would be utilizing some of these dollars to promote litigation in this bill. That has never been our intent. There is nothing in this bill that would do that.

Because it was possible that some small percentage of these dollars could be used for that purpose, there were concerns raised by the amendment. Senator HARKIN has modified his amendment with language that would explicitly prohibit any of the funds provided under this bill from being used for purposes of litigation. It does not, however, otherwise affect the use of existing funds.

That being the case, our friends on the Republican side have withdrawn their objection to this amendment. I urge its adoption as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2912), as modified, was agreed to.

Mr. DODD. 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.

Mr. DODD. I think we have done some good work. I thank Senator MCCONNELL and his staff. We are going to be breaking for the weekly luncheons by both caucuses. I think we have adopted some six amendments this morning, debated the Harkin amendment, and modified that. We are getting this list down. I am beginning to think we might actually be in a position to adopt this legislation by this evening.

We are going to be talking over lunch to see if we can't work out these amendments. Staffs will meet over the luncheon period to see if we can resolve some of the differences. But I thank the individual Senators for their cooperation. Senator MCCONNELL and I are grateful for their cooperation.

When we come back, there will be a special order period between 2:15 and 3:15, but after that we will be back on this bill—I believe that is the case—in which case we will try to line up some amendments to be debated at that time so we can move the product along a little further.

I see my friend and colleague from Arkansas who is here, I believe, not just to listen to the Senator from Connecticut but he may have something to say. I yield the floor.

Mr. HUTCHINSON. I ask unanimous consent to speak up to 2 minutes as in morning business.

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

(The remarks of Mr. HUTCHINSON pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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. WELLSTONE. 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. WELLSTONE. Mr. President, I ask unanimous consent to speak as if in morning business.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent to speak for 10 minutes even though it may be a few minutes beyond 12:30.

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

Mr. WELLSTONE. I was afraid you might object, Mr. President.

THE BERMUDA TRIANGLE TAX LOOPHOLE

Mr. WELLSTONE. Mr. President, S. 565 is a very important piece of legislation. It is good work. I thank Senator DODD and others for their good work. But there are some other issues that are hanging over us like a big cloud.

In particular, I am talking about the Federal budget. On February 5, the President sent us a blueprint for this next decade. I have to say that it is a pretty bleak picture. There are cuts in job training programs during hard economic times. There is a 50-percent cut in 7(a) programs to small businesses that leveraged, for example, \$1 billion in my State of Minnesota over the last 5 years, in hard economic times.

There is an inadequate education budget. I don't know whatever happened to the language "leave no child behind," but I know we are now getting a tin cup budget. We don't have the money for prekindergarten. We don't have the money for afterschool programs. At the same time we have the tax cuts for the top 10 percent of families with incomes of \$297,000 and over. At the same time we want to eliminate the alternative minimum tax. At the same time, in the energy bill, we want to give tax cuts maybe to the tune of \$28 billion to oil companies that had \$40 billion in profits last year.

We are going to have to make some choices. Do we put children and education first? Do we put these big corporations and more tax breaks and tax loopholes for these big corporations first? Do we put veterans first? Or are we going to have Robin-Hood-in-reverse tax cuts for the top 1 percent of the population? Are we going to balance the budget to be fiscally responsible, or are we going to be taking the money out of the trust funds?

I ask unanimous consent that this article from the New York Times be printed in the RECORD.

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

[From the New York Times, Feb. 18, 2002]

U.S. CORPORATIONS ARE USING BERMUDA TO SLASH TAX BILLS

(By David Cay Johnston)

A growing number of American companies, encouraged by their financial advisers, are

incorporating in Bermuda to lower their taxes sharply without giving up the benefits of doing business in the United States.

Insurance companies led the way, but now manufacturers and other kinds of companies are following. Stanley Works, for 159 years a Connecticut maker of hammers and wrenches, is among the latest with plans to become a corporation in Bermuda, where there is no income tax. The company estimates that it will cut its tax bill by \$30 million a year, to about \$80 million.

Tyco International, a diversified manufacturer with headquarters in Exeter, N.H., says that being a Bermuda corporation saved it more than \$400 million last year alone. Other companies that have incorporated in Bermuda or plan to do so include Global Crossing, a Beverly Hills, Calif., telecommunications company; Ingersoll-Rand and Foster Wheeler, both New Jersey industrial manufacturers; Nabors Industries, a Texas company that is the nation's largest oil well services company; and Cooper Industries, a Houston manufacturer of industrial equipment.

Becoming a Bermuda company is a paper transaction, as easy as securing a mail drop there and paying some fees, while keeping the working headquarters back in the United States.

Bermuda is charging Ingersoll-Rand just \$27,653 a year for a move that allows the company to avoid at least \$40 million annually in American corporate income taxes.

The company is not required to conduct any meetings in Bermuda and will not even have an office there, said its chief financial officer, David W. Devonshire.

"We just pay a service organization" to accept mail, he said.

Kate Barton, an Ernst & Young tax partner, said that incorporating in Bermuda "is a megatrend we are seeing in the marketplace right now." Many corporations that are planning the move have not yet announced it, she said.

In a Webcast to clients, Ms. Barton cited patriotism as the only potentially troubling issue that corporations consider before moving to Bermuda, and she said that profits trumped patriotism.

"Is it the right time to be migrating a corporation's headquarters to an offshore location?" she asked. "And yet, that said, we are working through a lot of companies who feel that it is, that just the improvement on earnings is powerful enough that maybe the patriotism issue needs to take a back seat to that."

The White House has said nothing about these moves and their effect on tax revenues. Mark A. Weinberger, chief of tax policy in the Treasury Department, said the moves to Bermuda and other tax havens showed that the American tax system might be driving companies to make such decisions. "We may need to rethink some of our international tax rules that were written 30 years ago when our economy was very different and that now may be impeding the ability of U.S. companies to compete internationally."

But others have expressed concern about the trend. Senator Charles E. Grassley of Iowa, the ranking Republican on the Senate Finance Committee, expressed alarm. "There is no business reason for doing this, other than to escape U.S. taxation. I believe the Finance Committee needs to investigate this activity."

There is no official estimate of how much the Bermuda moves are costing the government in tax revenues, and the Bush administration is not trying to come up with one.

A Bermuda address is being recommended by many legal, accounting and investment advisers. Stanley Works, for example, relied on Ernst & Young for accounting advice,