

Whereas barbaric acts were committed against a citizen of the United States; and

Whereas the United States is determined to vigorously pursue and punish the perpetrators of this unjustified taking of human life: Now, therefore, be it

*Resolved*, That the Senate—

(1) mourns the death of Daniel Pearl and expresses its condolences to his wife, unborn child, and family; and

(2) salutes Daniel Pearl for his principled and fearless pursuit of journalistic excellence.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2927. Mr. MCCONNELL (for Mr. GRAMM (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

SA 2928. Mr. DODD (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 565, *supra*.

SA 2929. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, *supra*; which was ordered to lie on the table.

SA 2930. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill S. 565, *supra*; which was ordered to lie on the table.

SA 2931. Mr. DODD (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 565, *supra*.

SA 2932. Mr. HATCH (for himself, Mr. ENSIGN and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, *supra*; which was ordered to lie on the table.

SA 2933. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 565, *supra*.

SA 2934. Mr. HATCH (for himself, Mr. DODD, Mr. ENSIGN, Mr. BURNS, and Mr. THOMAS) proposed an amendment to the bill S. 565, *supra*.

SA 2935. Mr. HATCH (for himself, Mr. LEAHY, and Ms. CANTWELL) proposed an amendment to the bill S. 565, *supra*.

SA 2936. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 565, *supra*.

SA 2937. Mr. SCHUMER (for himself, Mr. WYDEN, Mr. BINGAMAN, Ms. CANTWELL, Mrs. CLINTON, Mr. DURBIN, Mr. HOLLINGS, Mr. KERRY, and Mrs. MURRAY) proposed an amendment to the bill S. 565, *supra*.

SA 2938. Mr. DODD (for Mr. SARBANES) proposed an amendment to the bill S. 565, *supra*.

SA 2939. Mr. DODD (for Mr. SESSIONS) proposed an amendment to the bill S. 565, *supra*.

#### TEXT OF AMENDMENTS

**SA 2927.** Mr. MCCONNELL (for Mr. GRAMM (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting,

and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

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

#### **SEC. 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**”.

**SA 2928.** Mr. DODD (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 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”.

**SA 2929.** Ms. LANDRIEU submitted an amendment to be proposed by her to the bill S. 565, to establish the Commission on voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assist-

ance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 3 through 13, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest  $\frac{1}{3}$  of all States or localities with respect to the percentage of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle  $\frac{1}{3}$  of all States or localities with respect to the percentage of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent; and

(3) in the case of a State or locality that is in the lowest  $\frac{1}{3}$  of all States or localities with respect to the percentage of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

On page 45, strike lines 8 through 18, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest  $\frac{1}{3}$  of all States or localities with respect to the percentage of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle  $\frac{1}{3}$  of all States or localities with respect to the percentage of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent; and

(3) in the case of a State or locality that is in the lowest  $\frac{1}{3}$  of all States or localities with respect to the percentage of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

**SA 2930.** Mr. NICKLES submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections,

and for other purposes; which was ordered to lie on the table; as follows:

On page 18, between lines 7 and 8, insert the following:

(4) SECURITY AND CONFIDENTIALITY OF VOTER INFORMATION.—In implementing the requirements of this subsection, each State shall take the steps necessary to ensure that the computerized list is secure and that any voter information contained in such list is available—

(A) only to the appropriate State and local election officials; and

(B) only for the purpose of implementing and maintaining the list in accordance with this subsection.

**SA 2931.** Mr. DODD (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 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.

**SA 2932.** Mr. HATCH (for himself, Mr. ENSIGN, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

**SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.**

Notwithstanding any other provision of this title, no State or locality shall be required to meet a requirement of this title prior to the date on which funds are appropriated at the full authorized level contained in section 209.

**SA 2933.** Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

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

**SEC. . PROHIBITION ON BROADCAST OF CERTAIN FALSE AND UNTIMELY INFORMATION ON FEDERAL ELECTIONS.**

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following new section:

**“SEC. 315A. PROHIBITION ON BROADCAST OF CERTAIN FALSE AND UNTIMELY INFORMATION ON FEDERAL ELECTIONS.**

“(a) FALSE INFORMATION ON LOCATION AND OPERATING HOURS OF POLLING PLACES.—A licensee who, on the day of a Federal election, knowingly broadcasts using a facility covered by the license any false information concerning the location or time of operation of a polling place designated by the appropriate State authorities for use by electors in such election shall be fined not more than \$10,000,000, imprisoned not more than five years, or both.

“(b) UNTIMELY RESULTS OF EXIT POLLS.—A licensee who, on the day of a Federal election, knowingly broadcasts using a facility covered by the license the results of an exit poll or election projection taken within a jurisdiction covered by the license as an actual election result before all polling places in the jurisdiction designated by appropriate State authorities for use by electors in such election have closed shall be fined not more than \$10,000,000, imprisoned not more than five years, or both.”.

**SA 2934.** Mr. HATCH (for himself, Mr. DODD, Mr. ENSIGN, Mr. BURNS, and Mr. THOMAS) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. . SENSE OF THE SENATE ON COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.**

It is the sense of the Senate that full funding shall be provided to each State and local-

ity to meet the requirements relating to compliance with election technology and administration pursuant to this Act.

**SA 2935.** Mr. HATCH (for himself, Mr. LEAHY, and Ms. CANTWELL) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, strike lines 3 and 4, and insert the following:

**Subtitle C—Advisory Committee on Electronic Voting and the Electoral Process**  
**SEC. 321. ESTABLISHMENT OF COMMITTEE.**

(a) ESTABLISHMENT.—There is established the Advisory Committee on Electronic Voting and the Electoral Process (in this subtitle referred to as the “Committee”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of 16 members as follows:

(A) FEDERAL REPRESENTATIVES.—Four representatives of the Federal Government, comprised of the Attorney General, the Secretary of Defense, the Director of the Federal Bureau of Investigation, and the Chairman of the Federal Election Commission, or an individual designated by the respective representative.

(B) INTERNET REPRESENTATIVES.—Four representatives of the Internet and information technology industries (at least 2 of whom shall represent a company that is engaged in the provision of electronic voting services on the date on which the representative is appointed, and at least 2 of whom shall possess special expertise in Internet or communications systems security).

(C) STATE AND LOCAL REPRESENTATIVES.—Four representatives from State and local governments (2 of whom shall be from States that have made preliminary inquiries into the use of the Internet in the electoral process).

(D) PRIVATE SECTOR REPRESENTATIVES.—Four representatives not affiliated with the Government (2 of whom shall have expertise in election law, and 2 of whom shall have expertise in political speech).

(2) APPOINTMENTS.—Appointments to the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act and such appointments shall be made in the following manner:

(A) SENATE MAJORITY LEADER.—Two individuals shall be appointed by the Majority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(B) SENATE MINORITY LEADER.—Two individuals shall be appointed by the Minority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(C) SPEAKER OF THE HOUSE.—Two individuals shall be appointed by the Speaker of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(D) HOUSE MINORITY LEADER.—Two individuals shall be appointed by the Minority Leader of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(E) SENATE MAJORITY AND HOUSE MINORITY JOINTLY.—Two individuals described in paragraph (1)(D) shall be appointed jointly by the Majority Leader of the Senate and the Minority Leader of the House of Representatives.

(F) HOUSE MAJORITY AND SENATE MINORITY JOINTLY.—Two individuals described in paragraph (1)(D) shall be appointed jointly by the Speaker of the House of Representatives and the Minority Leader of the Senate.

(3) DATE.—The appointments of the members of the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all of the members of the Committee have been appointed, the Committee shall hold its first meeting.

(e) MEETINGS.—

(1) IN GENERAL.—The Committee shall meet at the call of the Chairperson or upon the written request of a majority of the members of the Committee.

(2) NOTICE.—Not later than the date that is 14 days before the date of each meeting of the Committee, the Chairperson shall cause notice thereof to be published in the Federal Register.

(3) OPEN MEETINGS.—Each Committee meeting shall be open to the public.

(f) QUORUM.—Eight members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The Committee shall select a Chairperson from among its members by a majority vote of the members of the Committee.

(h) ADDITIONAL RULES.—The Committee may adopt such other rules as the Committee determines to be appropriate by a majority vote of the members of the Committee.

#### SEC. 322. DUTIES OF THE COMMITTEE.

(a) STUDY.—

(1) IN GENERAL.—The Committee shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) ISSUES TO BE STUDIED.—The Committee may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during

the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) REPORT.—

(1) TRANSMISSION.—Not later than 20 months after the date of enactment of this Act, the Committee shall transmit to Congress and the Election Administration Commission established under section 301, for the consideration of such bodies, a report reflecting the results of the study required by subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Committee.

(2) APPROVAL OF REPORT.—Any finding or recommendation included in the report shall be agreed to by at least  $\frac{2}{3}$  of the members of the Committee serving at the time the finding or recommendation is made.

(3) INTERNET POSTING.—The Election Administration Commission shall post the report transmitted under paragraph (1) on the Internet website established under section 303(a)(5).

#### SEC. 323. POWERS OF THE COMMITTEE.

(a) HEARINGS.—

(1) IN GENERAL.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out this subtitle.

(2) OPPORTUNITIES TO TESTIFY.—The Committee shall provide opportunities for representatives of the general public, State and local government officials, and other groups to testify at hearings.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out this subtitle. Upon request of the Chairperson of the Committee, the head of such department or agency shall furnish such information to the Committee.

(c) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—

(1) IN GENERAL.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(2) UNUSED GIFTS.—Gifts or grants not used at the expiration of the Committee shall be returned to the donor or grantor.

#### SEC. 324. COMMITTEE PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Committee shall serve without compensation.

(b) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(2) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Committee who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMITTEE.—Subparagraph (A) shall not be construed to apply to members of the Committee.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

#### SEC. 325. TERMINATION OF THE COMMITTEE.

The Committee shall terminate 90 days after the date on which the Committee transmits its report under section 322(b)(1).

#### SEC. 326. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle not less than \$2,000,000 from the funds appropriated under section 307.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this subtitle shall remain available, without fiscal year limitation, until expended.

#### TITLE IV—CRIMINAL PENALTIES; MISCELLANEOUS

#### SEC. 401. REVIEW AND REPORT ON ADEQUACY OF EXISTING ELECTORAL FRAUD STATUTES AND PENALTIES.

(a) REVIEW.—The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(b) **REPORT.**—The Attorney General shall submit a report to the Judiciary Committees of the Senate and the House of Representatives on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

#### SEC. 402. OTHER CRIMINAL PENALTIES.

**SA 2936.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

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

#### SEC. \_\_\_\_ MAKING THE PROVISIONS OF THE VOTING RIGHTS ACT OF 1965 PERMANENT.

(a) **PERMANENCY OF PRECLEARANCE REQUIREMENTS.**—Section 4(a)(8) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a)(8)) is amended to read as follows:

“(8) The provisions of this section shall not expire.”.

(b) **PERMANENCY OF BILINGUAL ELECTION REQUIREMENTS.**—Section 203(b)(1) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a(b)(1)) is amended by striking “Before August 6, 2007, no covered State” and insert “No covered State”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of enactment of this Act.

**SA 2937.** Mr. SCHUMER (for himself, Mr. WYDEN, Mr. BINGAMAN, Ms. CANTWELL, Mrs. CLINTON, Mr. DURBIN, Mr. HOLLINGS, Mr. KERRY, and Mrs. MURRAY) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 18, line 8, strike through page 19, line 24, and insert the following:

(b) **REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.**—

(1) **IN GENERAL.**—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to

paragraphs (3) and (4), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) **REQUIREMENTS.**—

(A) **IN GENERAL.**—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official.

(B) **PROVISIONAL VOTING.**—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) **IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.**—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

On page 68, strike lines 19 and 20, and insert the following:

(a) **IN GENERAL.**—Nothing in this Act may be construed to authorize

**SA 2938.** Mr. DODD (for Mr. SARBANES) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

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

#### SEC. \_\_\_\_ HELP AMERICA VOTE COLLEGE PROGRAM.

(a) **ESTABLISHMENT OF PROGRAM.**—

(1) **IN GENERAL.**—Not later than 1 year after the appointment of its members, the Election Administration Commission (in this section referred to as the “Commission”) shall develop a program to be known as the “Help America Vote College Program” (in this section referred to as the “Program”).

(2) **PURPOSES OF PROGRAM.**—The purpose of the Program shall be—

(A) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(B) to encourage State and local governments to use the services of the students participating in the Program.

(b) **ACTIVITIES UNDER PROGRAM.**—

(1) **IN GENERAL.**—In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in subsection (a)(2).

(2) **REQUIREMENTS FOR GRANT RECIPIENTS.**—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(3) **COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.**—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any other funds authorized to be appropriated to the Commission, there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and each succeeding fiscal year.

**SA 2939.** Mr. DODD (for Mr. SESSIONS) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 47, after line 19, insert the following:

#### Subtitle D—National Student/Parent Mock Election

#### SEC. 231. NATIONAL STUDENT/PARENT MOCK ELECTION.

(a) **IN GENERAL.**—The Election Administration Commission is authorized to award

grants to the National Student/Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may—

(1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and

(2) consist of—

(A) school forums and local cable call-in shows on the national issues to be voted upon in an "issues forum";

(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

(C) quiz team competitions, mock press conferences, and speech writing competitions;

(D) weekly meetings to follow the course of the campaign; or

(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

(b) **REQUIREMENT.**—The National Student/Parent Mock Election shall present awards to outstanding student and parent mock election projects.

#### **SEC. 232. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out the provisions of this subtitle \$650,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

### **AUTHORITY FOR COMMITTEES TO MEET**

#### **COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 26, 2002, at 10 a.m., to conduct an oversight hearing on "Accounting and Investor Protection Issues Raised by Enron and Other Public Companies: Oversight of the Accounting Profession, Audit Quality and Independence, and Formulation of Accounting Principles."

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

#### **COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION**

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 26, 2002, at 9:30 a.m., on the collapse of the Enron Corporation.

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

#### **COMMITTEE ON ENERGY AND NATURAL RESOURCES**

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 26, at 9 a.m., to conduct a hearing. The purpose of the hearing is to receive testimony on the nomination of Raymond L. Orbach to be Director of the Office of Science, Department of Energy.

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

#### **COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, February 26, 2002, at 9:30 a.m., to conduct a hearing that will focus on S. 1961, the Water Investment Act, a bill to improve the financial and environmental sustainability of the water programs of the United States.

The Committee will also receive testimony on the following legislation:

S. 252: A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

S. 285: A bill to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements

S. 503: A bill to amend the Safe Water Act to provide grants to small public drinking water system.

S. 1044: A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

The hearing will be held in SD-406.

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

#### **COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS**

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Gerald Reynolds, of Missouri, to be Assistant Secretary for Civil Rights, Department of Education during the session of the Senate on Tuesday, February 26, 2002, at 3:30 p.m.

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

#### **COMMITTEE ON INDIAN AFFAIRS**

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, February 26, 2002, at 10 a.m., in room 106 of the Dirksen Senate Building to conduct an oversight hearing on the management of Indian trust funds.

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

#### **COMMITTEE ON THE JUDICIARY**

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, February 26, 2002, at 10 a.m., in Dirksen room 226.

#### *Tentative Witness List*

Panel I: Senators Ted Stevens; Arlen Specter; Frank Murkowski; Phil Gramm; Jon Kyl; Rick Santorum; and Congressman Ruben Hinojosa.

Panel II: D. Brooks Smith to the U.S. Court of Appeals for the Third Circuit.

Panel III: Ralph Beistline to be U.S. District Court Judge for the District of

Alaska; David Charles Bury to be U.S. District Court Judge for the District of Arizona; and Randy Crane to be U.S. District Court Judge for the Southern District of Texas.

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

#### **SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION**

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on "Securing our Ports Against Terror: Technology, Resources and Homeland Defense" on Tuesday, February 26, 2002, at 3:15 p.m., in Dirksen 226.

#### *Witness List*

Panel I: Capt. William G. Schubert, Maritime Administrator, Department of Transportation; Bonni G. Tischler, Assistant Commissioner, Office of Fields Operations, Customs Service; and Rear Admiral Kenneth T. Venuto, Director of Operations Policy, Coast Guard.

Panel II: Richard Steinke, Chairman of the Board, American Association of Port Authorities, and Executive Director, Port of Long Beach, Long Beach, CA; F. Amanda DeBusk, Former Assistant Secretary for Export Enforcement, Commerce Department, and Former Commissioner, Interagency Commission on Crime and Security in U.S. Seaports, Washington, DC; Kim E. Petersen, Executive Director, Maritime Security Council, Fort Lauderdale, FL; Rob Quartel, Chairman and CEO, FreightDesk Technologies, Inc., and Former Member, Federal Maritime Commission, McLean, VA; and Charles Upchurch, President & CEO, SGS Global Trade Solutions, Inc., and Representative, Global Alliance for Trade Efficiency, New York, NY.

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

### **EXPRESSING CONDOLENCES TO THE FAMILY OF DANIEL PEARL**

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 212, which was submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 212) expressing the condolences of the Senate to the family of Daniel Pearl.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 212) was agreed to.