

we can get safely and in a reliable and affordable way that will help us with our future energy needs. But let's have the debate. Let's get it done. Let's have a vote.

Then we still have the tax provision. I think Senator DASCHLE and I are going to have to both be supportive of completing this legislation. I think we are going to have to come to the floor and encourage our managers to make progress and to make more progress than has occurred. If we do not do it, we are not going to finish it next Tuesday or Wednesday; it will be later, and then everything else is moved down the line—border security, the immigration reform known as the 245(i) issue, trade legislation, the cloning issue.

We have other work we need to do. So it is approaching that time when we need to begin to be serious about amendments and be serious about getting to final passage.

No formal unanimous consent agreement was exchanged or agreed to back when we went out for the Easter recess, but we did exchange some lists prior to that recess so we could get a look at about what number of amendments we were talking. I understand there are about 160 amendments that were indicated by the Democrats, and probably over 100 by the Republicans—260 amendments? Nobody really believes that. We have numerous Senators who have five or six or seven amendments that they want. We are not going to have that. We are not going to leave that. A lot of these amendments are nonrelevant amendments. We could turn this energy bill into a debate over tax policy or over agriculture policy or you name it. But we need to keep it focused on energy.

The truth of matter is that I believe on our side of the aisle we are down to 7 to 10 serious amendments. I don't know what the situation is on the other side of the aisle. I know Senator REID is doing his usual due diligence, and he is working to try to get the list narrowed down. We don't have locked in an agreement on the list. I am worried about what appears to be a slow rolling still going on. Look at what we have done here today. We had a vote on one amendment. This afternoon, we had a couple of quorum calls. We have an amendment pending, and I guess it is possibly going to be modified.

I understand we are going to have to have some debate about ethanol. Does anybody think we are going to do that in 30 minutes? Does anybody think we are really going to change what is in this bill on ethanol? Not really. You can debate about whether it is wrong or right, but the fact is the die is cast on that issue. We need to begin to deal with reality in this area.

I don't know where these amendments are. But I was very disturbed to hear it suggested yesterday that Republicans are slow rolling this bill when, as a matter of fact, we have been offering amendments. We have been

getting votes. We have been working to narrow down our list.

We need a little help on the other side if we are going to complete this legislation. I have been encouraging Senator MURKOWSKI to go forward with the ANWR amendment. Let us have the amendment. Let us have the debate. Let us get started. After we complete that, let us move to lock in the amendment list and begin to move toward finishing this bill. In order for that to occur, we will have to make a lot more progress tomorrow, Friday, Monday, and Tuesday than we saw today.

Let us quit pointing fingers about who is not doing what. Let us quit thinking about what we might do if this bill doesn't work just to suit our particular desires. Let us get this legislation completed.

The Senate has a lot of work before it. We have over 50 bills that have been sent over here from the House of Representatives with which we haven't dealt. If we get to the middle of next week and we have not completed our work on this energy bill, or if we have this energy bill pulled for whatever reason and we have another goose egg on our ledger, shame on us.

At this time in our history and what is going on in the world, if the Senate cannot pass an energy policy for our Nation, then I really just have to wonder what we are going to be able to do together in a bipartisan way for our country.

I encourage my colleagues on both sides of the aisle. This is not intended to be partisan. I don't want it to be that way. I am saying to everybody it is time now that we begin to move to finish this bill and produce a bill that can go to conference, which hopefully can be worked out, the President can sign it, and then in the future hopefully we will have more national security and economic security than we will have without it.

I thank my colleagues for allowing me to have this moment to encourage a result. Maybe we can follow the example of what we are about to see on election reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

Mr. DODD. Mr. President, I am going to send three amendments to the desk: A managers' amendment offered by myself and Senator MCCONNELL, an amendment offered by Senator WYDEN,

which I will be offering on his behalf, and an amendment I will be offering on behalf of Mr. ROCKEFELLER. I ask unanimous consent that those three amendments, along with an amendment that my colleague and friend from Kentucky will offer on behalf of Senator HATCH, be considered en bloc.

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

AMENDMENTS NOS. 3104, 3105, AND 3106 EN BLOC

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes amendments numbered 3104, 3105, and 3106 en bloc.

The amendments are as follows:

AMENDMENT NO. 3104

(Purpose: To modify the requirements for voters who register by mail, and for other purposes)

On page 15, between lines 2 and 3, insert the following:

(b) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—Any individual who votes in an election for Federal office for any reason, including a Federal or State court order, after the time set for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a).

On page 18, strike lines 17 through 19, and insert the following:

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of section 103(a).

On page 21, strike lines 19 through 23, and insert the following:

(2) REQUIREMENT FOR VOTERS WHO REGISTER BY MAIL.—

(A) IN GENERAL.—Each State and locality shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) APPLICABILITY WITH RESPECT TO INDIVIDUALS.—The provisions of section (b) shall apply to any individual who registers to vote on or after January 1, 2003.

On page 22, strike line 17, and insert the following:

brought under this Act against such State or locality on the basis

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

SEC. ____ . MINIMUM STANDARDS.

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements, that are more strict than the requirements established under this title, so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 402.

On page 25, strike line 20, and insert the following:

existing Federal laws, as such laws relate to the provisions of this Act, including the following:

On page 27, strike line 11, and insert the following:

(c) SAFE HARBOR.—No action may be brought under this Act

On page 33, strike line 12, and insert the following:

the following laws, as such laws relate to the provisions of this Act:

On page 34, strike line 23, and insert the following:

(d) SAFE HARBOR.—No action may be brought under this Act

On page 44, strike line 1, and insert the following:

(d) SAFE HARBOR.—No action may be brought under this Act

On page 53, between lines 15 and 16, insert the following:

(1) STUDY OF FIRST TIME VOTERS WHO REGISTER BY MAIL.—

(A) STUDY.—

(i) IN GENERAL.—The Commission shall conduct a study of the impact of section 103(b) on voters who register by mail.

(ii) SPECIFIC ISSUES STUDIED.—The study conducted under clause (i) shall include—

(I) an examination of the impact of section 103(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(II) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(III) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(B) REPORT.—Not later than 18 months after the date on which section 103(b)(2)(A) takes effect, the Commission shall submit a report to the President and Congress on the study conducted under subparagraph (A)(i) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

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

(a) IN GENERAL.—Except as specifically provided in section 103(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may be construed to authorize

AMENDMENT NO. 3106

(Purpose: To modify the requirements for individuals who register to vote by mail)

On page 19, strike lines 20 through 24, and insert the following:

(B) FAIL-SAFE VOTING.—

(i) IN PERSON.—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).

(ii) BY MAIL.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 102(a).

On page 20, between lines 12 through 13, insert the following:

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official certifies that the information submitted under clause (i) matches an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

AMENDMENT NO. 3106

(Purpose: To meet the needs of both military and civilian overseas voters by providing treatment more nearly equal to that of at-home voters)

On page 68, between lines 2 and 3, insert the following:

SEC. ____ STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS; DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE; STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.

(a) STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the "Commission"), shall conduct a study on the feasibility and advisability of providing for permanent registration of overseas voters under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1279) and this title.

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

(b) DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE.—Section 102 of the Uniformed and Overseas Citizens 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) and the preceding provisions of this title, is amended by adding at the end the following new subsection:

“(c) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN THE STATE.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.”

(c) STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the "Commission"), shall conduct a study on the feasibility and advisability of making the State office designated under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (b)) responsible for the acceptance of valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from each absent uniformed services voter or overseas voter who wishes to register to vote or vote in any jurisdiction in the State.

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. ____ REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by

the preceding provisions of this title, is amended by adding at the end the following new subsection:

“(d) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 120 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government that administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Administration Commission (established under the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots that were returned by such voters and cast in the election, and shall make such report available to the general public.”

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Administration Commission shall develop a standardized format for the reports submitted by States and units of local government under section 102(d) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. ____ OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

“(e) REGISTRATION NOTIFICATION.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.”

SEC. ____ STUDY AND REPORT ON THE DEVELOPMENT OF A STANDARD OATH FOR USE WITH OVERSEAS VOTING MATERIALS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the "Commission"), shall conduct a study on the feasibility and advisability of—

(1) prescribing a standard oath for use with any document under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq) affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury; and

(2) if the State requires an oath or affirmation to accompany any document under such Act, to require the State to use the standard oath described in paragraph (1).

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. ____ STUDY AND REPORT ON PROHIBITING NOTARIZATION REQUIREMENTS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the "Commission"), shall conduct a study on the feasibility and advisability of prohibiting a State from refusing to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted

under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

The PRESIDING OFFICER. If there is no further debate the question is on agreeing to the amendments?

The amendments (Nos. 3104, 3105, and 3106) were agreed to en bloc.

Mr. MCCONNELL. Mr. President, 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.

AMENDMENT NO. 3107

Mr. MCCONNELL. I send an amendment to the desk on behalf of Senator HATCH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 3107.

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

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

(The amendment is printed in today's RECORD under "Amendments Submitted".)

Mr. HATCH. Mr. President, I rise in support of my amendment to the bipartisan Equal Protection and Voting Rights Act of 2002. First let me thank my colleagues Senators DODD, MCCONNELL, SCHUMER, MCCAIN, TORRICELLI, and BOND for all the hard work that they have put into this bill. I also want to thank Senator LEAHY and Senator CANTWELL for cosponsoring this amendment, which will lay the groundwork for integrating new technology into the political process. Their expertise on technological issues made their input invaluable.

Why is voter turnout so low? According to a recently released Census Bureau report, of the 19 million people who registered but did not vote in the 2000 election, more than one in five reported that they did not vote because they were too busy. Despite the close nature of the 2000 election, the 55 percent voter turnout rate was just barely better than the 1996 record low. Registration rates also dropped significantly between the 1996 and 2000 Presidential elections. Can technological advances, like the Internet, increase participation in the electoral process by making voter registration easier or by simplifying the method of voting itself? As the elected representatives of the people, we should consider every option available that might help involve more of our country's citizens in America's democratic process. Federal, State, and local governments are duty bound to encourage all eligible Americans to exercise their right to vote.

As many of us have seen in the recent past, more and more State are looking at ways to utilize the Internet in the political process. Proposals include online voter registration, online

access to voter information, and online voting. State and local officials around the country are anxious to use the Internet to foster civic action. I think that this is a positive step. Real questions remain, however, as to the feasibility of securely using the Internet for these functions. How can we be sure that the person who registers to vote online is whom he or she claims to be? How can we ensure that an Internet voting process is free from fraud? How much will this technology cost? There are also important sociological and political questions to consider. For example, will options like online registration and voting increase political participation, or could the Internet be equitably used in the political process? These and other questions deserve our attention.

The Hatch-Leahy amendment neutrally addresses these issues in two ways: one, it establishes a bipartisan advisory committee that will provide a necessary framework for discussing the possible uses and abuses of the Internet in the voting process; and two, it directs the Attorney General to review existing criminal statutes and penalties and report to the Senate and the advisory committee whether additional penalties for interfering with online registration and voting are needed.

No American who has exercised his or her right to vote should ever have to wonder if their properly cast vote will be counted. We must preserve the integrity of the voting process and I commend the efforts of those who have drafted this bill. The Hatch-Leahy amendment complements the bill and will help ensure the legitimacy of the voting process. As we continue to address the current problems with our voting process, we can and should take this opportunity to examine the impact of new technologies on our elections.

Mr. MCCONNELL. Mr. President, this amendment has been approved on both sides.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3107) was agreed to.

Mr. MCCONNELL. Mr. President, 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. MCCONNELL. Mr. President, the Senator from Kansas is here and prepared to offer an amendment.

Mr. DODD. Mr. President, I ask unanimous consent that at the completion of the remarks by the Senator from Kansas, the Senator from New York, Mrs. CLINTON, be recognized to debate her amendment, if that would be appropriate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2907

Mr. ROBERTS. Mr. President, I have at the desk an amendment numbered

2907, and I ask for its consideration at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. ROBERTS] proposes an amendment numbered 2907.

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

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

The amendment is as follows:

(Purpose: To eliminate the administrative procedures of requiring election officials to notify voters by mail whether or not their individual vote was counted)

On page 12, beginning with line 20, strike through page 14, line 2, and insert the following:

(5) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain through a free access system (such as a toll-free telephone number or an Internet website) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(6) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

Mr. ROBERTS. Mr. President, this amendment is offered by myself and the distinguished Senator from California, Mrs. FEINSTEIN, and the distinguished Senator from Michigan, Mr. LEVIN.

I also ask unanimous consent that the distinguished Senator from Kentucky, Mr. MCCONNELL, be added as a cosponsor.

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

Mr. ROBERTS. Mr. President, I rise today, along with my friend from California to offer an amendment to the provisional voting section under the election reform bill.

This amendment improves on the voting requirement found on Section 102 (page 13.) Specifically, current language requires—emphasize the word “requires”—election officials to notify voters in writing by mail, within 30 days after the election as to whether their provisional vote was counted.

Our amendment eliminates the 30 day mail notification requirement. Instead, it requires states to implement a free-access system so the voter can find out quickly and efficiently whether his or her vote was counted. This can be done through an Internet web site, a toll-free number, or by any means available, so long as voters have access to this information.

We think the current language on provisional voting is restrictive. By communicating through mail, we run the risk of voters never knowing whether a vote was counted. Incorrect

addresses and lost mail are all factors to consider.

Let us also remember that the Senate's own mail system was in turmoil 3 months after the anthrax attacks. So you really don't know what to expect. As we painfully discovered, the mail is very vulnerable. It is not unlikely that a similar scenario could take place during an election year.

Secondly, the whole purpose of this debate is to improve the election process. Now, I have been told, with some very good advice by my good friend, Secretary Ron Thornburg, the secretary of state in Kansas and the president of the National Association of Secretaries of State, representing all secretaries of state all throughout the country, that sending out mass mailings within 30 days of an election or primary is very burdensome and costly. He writes:

I do not believe it is reasonable or expedient to require the election officer to formally notify the voter by mail as to the disposition of the ballot. If written into law, this provision will cause unnecessary burden and expense to election officers who are very busy after the election finalizing vote tabulations and preparing for official certification of election results.

What am I talking about?

Let's just examine the duties that are performed by election officers during the 30-day period after an election all across the country. They must—and I am going to itemize some things right now—conduct campaign finance report deadlines. They must prepare a national/State election abstract for submission to the secretary of state. They must prepare ballots, and the tabulation of results, and other election materials. They must research the provisional ballots to determine whether or not they are valid. They must conduct recounts of primaries if requested. They must begin to prepare for the general election, including the finalizing of the candidate lists and ballot forms and precinct election board worker appointments. They also have to update the voter registration rolls.

Now, that is a lot of work to do immediately after an election. And those are just a few duties in a laundry list of obligations that all election officers must complete after an election. Further, in the 2000 general election, over 22,000 provisional votes were cast in the State of Kansas alone. Sending out a 30-day mass mailing is another burden added for these election officials—22,000.

We do not advocate—we do not advocate—a prohibition on anyone from obtaining information as to whether a vote was counted or not—that is absolutely essential—but let's not ignore what I call common sense. Having a free access system is not burdensome on voters.

If this is a problem in small States, it is magnified a thousand times in the larger States. Take California. This is why the distinguished Senator from California, Mrs. FEINSTEIN, is a cospon-

sor of the bill. Bradley J. Clark, president of the California Association of Clerks and Election Officials, wrote a letter expressing concern with these requirements. He wrote:

We specifically oppose the section that would establish rigid requirements and time lines for notifying hundreds of thousands of provisional voters whether or not their provisional ballots were counted. The provisional voter notification provisions currently written in the bill would do nothing more than antagonize those voters who were determined ineligible.

Election officials can make better use of their time in improving the election process rather than exerting energy and resources on mass mailings. This amendment does not eliminate the use of mass mailings. Let me repeat this: We are not saying you can't use a mass mailing. States can do this if they want. I would advise the distinguished Senator from Connecticut, who has a lot of concern about this, that States can go ahead and use the mass mailing provision if they want. It does not eliminate it. Nor does it eliminate the 10-day notification requirement. If a State wishes to contact voters by mail, they can retain that right. Our amendment simply gives the election officials that option or the State that option.

Now, some might ask, What is wrong with requiring the 30-day mailing along with the free access system? Why don't we retain both? The answer to that is very simple. It gives provisional voters a false sense of reliance that they will be notified by mail. In other words, if they believe they will receive a mailing, why would they then make an effort to check any other means of communication—either a toll-free number or, say, by simply using a Web site?

Again, change of address, loss in the mail, and the ever looming threat of some kind of attack on our postal system make mail a less reliable means of communication.

A centralized calling system does not—does not—in any form disenfranchise voters. We need to have faith in a voter's ability to make a simple phone call or visit their local library to use their computer facilities. This does not create an undue burden. Rather, it is an undue burden if we give voters false reliance that they may or may not receive any notification through the mail.

Here is something else I would really bring to the attention of the distinguished Senator from Connecticut. It is important that we register voters. Under this amendment, a voter will know within 10 days whether their vote was counted or whether they need to register. Let me repeat that. A voter is going to be informed within 10 days. With the mail, they may not know for 3 or even 4 weeks the status of their vote cast in a primary, giving them less time to register for a general election.

If we adopt this amendment, we are going to have more people registered,

more people taking part in the election process.

Finally, the goal of this bill is to improve the election process. Let's give election officials more time to improve administration, rather than burden them with more mass mailings that may or may not be received by the voter. This is a simple, commonsense approach that gives voters a greater chance of knowing whether their vote was counted. It has support from the other side of the aisle, from all election officials, all secretaries of state. I ask for its adoption.

I yield the floor.

Mr. MCCONNELL. Mr. President, This is a very simple amendment that addresses a serious concern raised by State and local election officials.

The underlying bill provides a mechanism for voters to ascertain the disposition of their ballot—through a free access system, such as a telephone or internet site or another means which they can create.

The bill goes further to require State or local officials to notify in writing if a provisional ballot is not counted. This is the provision which has caused a great deal of angst among those who administer our elections.

The administrative task and cost involved with implementing this requirement could be enormous in heavily populated States. It also will subject the individual who signs the letter to a great deal of criticism, scrutiny and potential legal action.

This amendment makes sense and does not undermine a voter's ability to determine whether their provisional ballot was counted. The free access system will provide unfettered access to this information.

I urge my colleagues to join with the bipartisan cosponsors in support of this amendment.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 3108

Mrs. CLINTON. Mr. President, I send an amendment to the desk and ask that it be called up for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 3108.

Mrs. CLINTON. Mr. President, 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 establish a residual ballot performance benchmark)

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

(5) ERROR RATES.—

(A) IN GENERAL.—The error rate of the voting system in counting ballots (determined by taking into account only those errors

which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(B) **RESIDUAL BALLOT PERFORMANCE BENCHMARK.**—In addition to the error rate standards described in subparagraph (A), the Director of the Office of Election Administration of the Federal Election Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Director shall base the benchmark issued and maintained under this subparagraph on evidence of good practice in representative jurisdictions.

(C) **HISTORICALLY HIGH INTENTIONAL UNDERVOTES.**—

(i) The Senate finds that there are certain distinct communities in certain geographic areas that have historically high rates of intentional undervoting in elections for Federal office, relative to the rest of the Nation.

(ii) In establishing the benchmark described in subparagraph (B), the Director of the Office of Election Administration of the Federal Election Commission shall—

(I) study and report to Congress on the occurrences of distinct communities that have significantly higher than average rates of historical intentional undervoting; and

(II) promulgate for local jurisdictions in which that distinct community has a substantial presence either a separate benchmark or an exclusion from the national benchmark, as appropriate.

Mrs. CLINTON. Mr. President, the amendment I offer today is very similar to the amendment I offered a number of weeks ago at the beginning of this important debate. I appreciate the great support and good suggestions my colleagues have provided. And I particularly thank a colleague who suggested that this amendment should be entitled—rather than the “Residual Vote Error Rates” amendment, which is a mouthful—the “Leave No Vote Behind” amendment.

So that is how I shall refer to it. Why? Because this amendment is about ensuring that we do just that: Leave no vote behind, that we do everything we reasonably can to ensure that everyone's vote is counted.

This amendment is neither liberal nor conservative. It is neither Democrat nor Republican. But it goes to the very heart of the reliability and accountability of our electoral system.

Every voter who goes to the polls or votes by absentee or votes in any other manner that is appropriate under our laws should know that that effort was not in vain. It is truly American to ensure that we give every one of our citizens the confidence to believe our Federal election system is the best it can be. Therefore, this amendment is critical to our deliberations because year after year—not just in 2000 but in every year—in every State, ballots were not

counted because of so-called residual votes. There are overvotes. There are undervotes. There are spoiled votes. According to the Caltech/MIT Report:

Over the past four presidential elections [going back, therefore, 16 years] the rate of residual votes in presidential elections was slightly over two percent. This means that in a typical presidential election over 2 million voters did not have a presidential vote recorded for their ballots.

The percentage of discarded ballots is even higher in a Senate election, which, I suppose, should get us all thinking.

But it is imperative we recognize that some of these are legitimate errors. Some of these are the problems that elderly people have in punching the little chad through the hole. Some of it is confusion with respect to the appropriate place to make the mark which is made.

For all the reasons that lie behind these uncounted votes, the Commission, headed by former Presidents Ford and Carter, recommended, unanimously, that Congress needs to focus not just on the machine or mechanical errors in improving our election system, but on the unintentional human errors as well. The Commission did so because only by measuring the rate of these residual vote errors will we be able to assess effectively whether the voting process as a whole is giving all of our citizens the equal opportunity to have their votes counted.

That is why I have offered this amendment, which would require the newly established Office of Election Administration to establish a residual vote error rate, a standard or benchmark with which voting systems will have to comply. It is a transfer of authority and expertise to the body that we are setting up to make determinations about our mechanical and machine errors.

Since I offered this amendment back in February, it has been improved, thanks to the suggestions made by Senator BINGAMAN, who asked to be shown as an original cosponsor. He proposed and now included in the leave no vote behind amendment language that would give the Office of Election Administration even greater flexibility in setting the residual error rate standard.

Senator BINGAMAN pointed out there are certain distinct communities in some parts of our country that have a historically high rate of intentional undervoting in elections for Federal office compared to the rest of the country. Therefore, the language added by Senator BINGAMAN requires the Office of Election Administration to report to Congress on the extent to which this is happening and permits the office either to set a separate benchmark or exclude whole areas. This gives us the requisite flexibility that the office requires, and I certainly hope our colleagues will support this amendment because, in the absence of taking some action on this issue, we are not going to be re-

sponding to what were the most serious questions raised in the past election.

This is also in keeping with the other voting system standards in the bill. The mechanical rate standard, as important as that is, does not address this human error rate.

Before I lose my voice and leave it behind, I would certainly urge my colleagues' support of this important amendment that would leave no vote behind and give greater assurance to voters no matter where they live that their votes truly will be counted.

I yield back my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I rise in strong opposition to the amendment offered by the Senator from New York. The bill currently provides for benchmark error rates for voting systems used in Federal elections. This bill appropriately provides that, in determining the error rate, only those errors which are attributable to voting machines are included. Errors attributable to an act of the voter, such as an overvote, spoiled vote, or undervote, are not included in the benchmark. This amendment would wrongly require a second benchmark error rate for voter errors. In other words, ballots intentionally or unintentionally spoiled by a voter would be included in the error rate.

As long as there have been elections, there has been voter error. State and local officials will tell you that they see voter error in every single election.

As the Ford-Carter commission acknowledged, some portion of the residual vote number comes from intentional undervotes which can vary considerably from place to place, along with local cultures and tradition. I can say for myself, I frequently have not voted in every single race on the ballot, particularly for races where I felt I didn't know enough about the candidates to cast a vote. It is an intentional act on my part.

A State can't force people to follow directions. A State can't force people to vote as we would like them to or as we think they should. This amendment will do just that.

Let's look at what the review of uncounted Florida ballots in the 2000 election revealed about intentionally spoiled ballots. Nearly 1,000 people voted for all 10 Presidential candidates in 2000. More than 3,600 people voted for every Presidential candidate except Bush, and more than 700 people voted for every Presidential candidate except Gore.

More recently, in Palm Beach, FL made infamous in the 2000 elections county election officials spent \$14 million upgrading voting equipment to touch screen computers. In an election held last month, the undervote was 3 percent. No matter what you do, some people are simply not going to participate or are going to participate in a way that we might find somewhat odd.

Primaries held in Chicago last month showed that the undervote varies widely. In Chicago, new ballot machines

give voters the chance to fix a voting mistake. The machines inform voters if they have undervoted or overvoted, and they are offered the option of correcting that ballot or casting a new one.

The Chicago Tribune reported that even with these new machines, in the Democratic primary for Governor, 6.1 percent of the voters did not vote for the race at the top of the ticket. They just chose not to. The undervote in the Republican attorney general's race was a whopping 12.5 percent. They didn't like these guys. They chose not to vote in that race.

This amendment proposes to set a number of so-called residual votes or voter errors that would be allowed. What would happen when the so-called benchmark is exceeded? The Department of Justice would sue States and localities which have residual rates above those which are permitted by the Federal Government. The practical effect is that States will calculate how many residual votes they are permitted in an election, divide those by precinct, and notify those poll workers how many residual votes they are allowed. In calculating this allowance, officials will have to account for errors on absentee ballots as there is nothing that can be done to change those ballots.

Poll workers will monitor how many residual votes they have. And when they approach their limit under threat of Department of Justice prosecution, they will force voters to vote, or change how they voted in an election. This is exactly the wrong approach.

This bill focuses our efforts on the right approach. It provides a benchmark for measuring the reliability of voting machines. It provides for increasing voter education and encouraging voter responsibility. If a voter has a question, they should ask it. If they are unsure about the voting process, they should seek assistance. We must preserve a system that values and respects the secrecy of the ballot.

Therefore, I urge my colleagues to vote against the Clinton amendment.

AMENDMENT NO. 3109

Mr. MCCONNELL. Mr. President, there is an amendment by Senator NICKLES that has been cleared on both sides. I send that amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. NICKLES, proposes an amendment numbered 3109.

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

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

The amendment is as follows:

On page 18 between lines 7 and 8; insert: (4) technological security of computerized list. The appropriate state or local official shall provide adequate technological security

measures to prevent the unauthorized access to the computerized list established under this section.

Mr. NICKLES. Mr. President, I compliment Senator MCCONNELL, Senator DODD, Senator BOND, and Senator SCHUMER on their hard work on this election reform bill. I would also like to thank them for adding what I think is a very important provision to this bill.

The bill mandates that States implement a computerized statewide voter registration list, creating a central database that will allow State and local election officials continuous access to ensure that new registered voters are added and that individuals whose names should be removed from the list are removed. This computerized list will prove to be an important tool in ensuring that only registered eligible voters be allowed to vote. In creating this interactive computerized list, though, it is important that only those officials who are authorized be granted access to this list. In furtherance of this goal, my amendment directs State and local election officials to establish and maintain reasonable procedures to protect the security and integrity of the computerized list.

As interactive computer programs become more prevalent and more personal information is transmitted and stored via such programs, we must constantly seek to protect personal information secure from theft. In our effort to create a system that allows for easier maintenance of voter rolls, we must make sure that we don't make available information that will allow computer hackers to manipulate voter rolls as well as access our bank accounts, charge accounts or other personal information.

This amendment seeks to strengthen the security and confidentiality of information displayed via the interactive computerized list. The amendment's purpose is to keep the interactive list secure. It is not meant to limit information to the public that is otherwise available. Again, I thank Senators DODD and MCCONNELL for their hard work on this bill.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3109) was agreed to.

Mr. MCCONNELL. Mr. President, 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.

AMENDMENT NO. 3110

Mr. DODD. Mr. President, I send an amendment to the desk on behalf of Senator LEVIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. LEVIN, proposes an amendment numbered 3110.

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

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

The amendment is as follows:

(Purpose: To permit voter information contained in a written affirmation to be used to verify the eligibility of an individual to vote in an election for Federal office, rather than the provisional ballot, for the purpose of determining whether that provisional ballot should be counted as a vote in that election)

On page 12, strike lines 9 through 19, and insert the following:

(3) An election official at the polling place shall transmit the ballot cast by the individual or voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote in the jurisdiction, the individual's provisional ballot shall be counted as a vote in that election.

Mr. LEVIN. Mr. President, my amendment will ensure that the Michigan system of provisional voting, a highly progressive system, will not be disturbed or disrupted by the language of this bill.

Michigan is often cited as an example of a "best practices" state in terms of elections. Provisional voting works like this in Michigan: on election day, if a voter's name does not appear on the precinct polling list; the election workers verify whether the voter is actually registered in the jurisdiction. This means that the election workers check with the computerized statewide voter file, in Michigan; this is called the Qualified Voter File, or QVF. The voter signs an affidavit asserting that a voter registration was submitted prior to the close of state registration and identifies himself or herself. The voter then completes a new voter registration application and is issued a ballot. The ballot is cast and counted on election day; however, the ballot is tagged in a manner that permits a court of law in a contested election case to connect the voter to the specific ballot if it is later determined the voter was not qualified to cast the ballots.

This provisional voting system works well in Michigan and I would like to ensure that Michigan is able to maintain its system under the pending legislation. I have spoken with several county and statewide election officials in Michigan, who have raised concerns that Michigan might be inadvertently required under the pending bill to alter the way Michigan currently conducts provisional voting.

My amendment will ensure that will not happen and I greatly appreciate the managers accepting this amendment.

Mr. DODD. Mr. President, this amendment has also been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3110) was agreed to.

AMENDMENT NO. 2907

Mr. DODD. Mr. President, if I may take a minute or so—I know Senator BOND is here; we are waiting for a couple of other Senators who may come over—for just a brief comment on Senator ROBERTS' amendment.

I don't know if there is anyone in this Chamber for whom the body has more affection than PAT ROBERTS of Kansas, let me say very loudly and clearly, having described him as the Senator from Nebraska. I apologize to him and his State for that—not that Nebraska is not a fine State, I quickly add.

Let me say to my colleague and to others on the Roberts amendment—there are a couple of other people who have joined with him on the amendment—my concern about it. We worked on this bill with provisional balloting which is a very important and significant part of this bill.

People who go in to vote are going to cast a ballot even when there is a debate about whether or not they have a right to be there. Setting aside that provisional ballot, if in fact there is that debate, if the voter is correct, that ballot will be counted; if not, it will not be counted. We will never again be faced with a system, once this provision becomes part of the law in 2004, where a person will be thrown out of line without casting a provisional ballot. In a sense, all eligible voters will be able to exercise your franchise.

The issue is this. I understand my colleague's point. The question is, once that ballot has been cast, the State or the locality can then inform the voter whether or not the provisional ballot actually was counted or not, and if it was not counted, why not, so the voter can then correct that mistake. The point Senator BOND made—and we have constantly quoted him on this—that “this bill is designed to make it easier to vote and harder to cheat.”

The particular point I am trying to make goes to the first part of that sentence—“easier to vote.” When a person goes to the poll, casts a ballot, and believe they are registered when it turns out, in fact the State or local election official has not registered the voter, then there is a 1-800 number, or something else they might call in on. I think such access is essential. It may help alleviate the need for a piece of mail going out. It may help eliminate the responsibility to notify the voter that there is a problem, that his or her vote did not count because proper action was not taken and this is what needs to be done. These kinds of mechanisms can help break the chain of continuous disenfranchisement.

I think this goes to the heart of the purpose of provisional balloting. This means that the voter does not show up again at the next election and say: I

voted the last time. And they would say: That is true, but your vote didn't count. They might say: You could have called me. You could argue which side has the responsibility. However, I don't think it is asking too much to let the voter know the circumstances. As a result, the voter can correct his or her mistake and become a fully franchised participant in the elections process. That is the heart of this matter.

For those reasons, I will be urging our colleagues to vote against the Roberts amendment when it comes up for consideration tomorrow. Again, I have great respect for my colleague from Kansas. He makes a point that is not without merit. I will not suggest this is totally without merit since because there is an attempt to try to at least stay on track with ensuring the constitutionally guaranteed right to vote to each eligible voter and to make it easier to cast a provisional ballot. However, the amendment would not serve the goal of helping such eligible voters overcome circumstances that preserve their status as a provisional voters and would not permit such voters to easily correct mistakes. That is the reason I will, with some degree of reluctance, urge defeat of the amendment. Others want to be heard.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I want to address, very briefly, the amendment of the Senator from New York. We put too much time and effort into this without taking just a moment to express my thanks to the Senator from Connecticut, the Senator from Kentucky, and their staffs for a lot of work that has gone into this effort. It is with great pride and much relief to be back on the floor today, we hope, completing work on election reform.

The 2000 election opened the eyes of many Americans to the flaws and failures of the election machinery, our voting systems, and how we determine what a vote is. We learned of hanging chads and inactive lists. We discovered our military's votes were mishandled and lost and not counted. We learned of legal voters who were turned away, while dead voters cast ballots. We discovered that many people voted twice, while too many people were not counted even once. Finally, that is why we are here today.

This final compromise bill—and it is a compromise in the truest sense of the word. I have never seen any more effort to reach a compromise, to try to accommodate the legitimate concerns on all sides, than I have seen in this effort. I believe that, while nothing we do is perfect, we have gone a long way toward meeting those concerns.

The \$3.5 billion in this bill provided in funding over the next 5 years should make a significant improvement for States and localities to improve and update their voting systems. We also provide specific minimum requirements for the voting systems so that we can be assured that the machinery

meets minimum error rates and the voters are given the opportunity to correct any errors they have made prior to their votes being cast.

The bill also provides funding to help ensure that the disabled have access to the polling place and the voting system is fully accessible to those with disabilities. Nobody has been a greater champion for assuring the ability of those with disabilities to vote than the Senator from Connecticut; his passion for this is unmatched. I believe and trust that we will see a significant improvement that will be a great benefit to all of our citizens with disabilities.

A new election administration commission is created to be a clearinghouse for the latest technologies and improvements. The Senator from Kentucky worked long and hard on that. We incorporate several recommendations by the Carter-Ford commission, and particularly the requirement that States set up a statewide voter registration system. That is going to help solve a lot of problems, from confused registration lists that lose voters' registrations to ineligible voters. It should keep the registration lists more up to date, and it will eliminate the duplicates and assist voters who move within a State.

Then the bill also goes on to address one of my key concerns, and that is the issue of fraud. Much has been said about the issue. Much more will be said, but as the Senator from Connecticut noted when we began this long journey 10 months ago, we agreed on the basic principle—we must make it easier to vote and tougher to cheat. That ought to be everybody's goal in election reform. I think this bill meets the test and the conference report will need to meet this simple test, too.

I have heard some critics—and unfortunately, it has been out there so long we have generated a backlash. Some of the critics say it is going to require every voter in America to show a photo identification before they are allowed to vote each time.

Well, I have been involved in politics for a number of years, so I know the art of the big deception, as in the belief that the bigger the deception, the greater the chance you will get away with it. So to give the public, or anybody who may be watching or listening, a fighting chance to get the facts—and I hope that somebody in the media is listening today as well—let me just go through the compromise.

First, as most of you know, in my home State of Missouri, in St. Louis, we have seen a number of interesting figures registering to vote recently. There was Albert “Red” Villa, Joline Joyce, the mother of the prosecuting attorney, or circuit attorney in St. Louis, and, of course, the famous Ritzzy Meckler. Each of these people, and dogs, pulled off their remarkable feat because they were able to register by mail. Even in St. Louis it would have been hard to believe they would have gotten on the voter rolls if they registered in person. Red Villa died 10

years ago, and Ms. Joyce died slightly more recently than that. Ritzzy Meckler, of course, is a lovable spaniel, a dog, that is registered to vote. All three of them signed "their names" on the registration rolls.

So to some who say that all we need is a signature, I say that has been the source of a lot of fraud in St. Louis and, I believe, elsewhere.

All we say is, if you choose to register by mail, you will need to provide some proof of identity to an election official at some point in the process before you vote the first time. Dead people and dogs need not apply. The proof of identity requirement only applies one time—the first time—to those who choose to register by mail. What does the individual need to provide? A photo identification. This will obviously be the simplest and easiest for many. Student identification, driver's licenses, and government identification all qualify.

As we know, requiring an identification has become a norm for Amtrak, airline passengers, buying beer or cigarettes, or to write a check at the grocery store, or to cash a check.

We recognize that everybody does not have photo identification. So we created an expansive list of alternatives: A bank statement, a paycheck, a government check, a transfer payment, a utility bill, or any other government document that is current and shows the name and address of the voter.

We have made significant dollars available to States and localities to use their best efforts to find out, if there are some people who do not have any of those documents, how they can get them registered. They can go out and help people who need help who do not have the required photo identification or an official document with their name and address on it.

Money is also available to expunge from the list those who are dead, who have moved, or who do not have any business voting in that State.

We simply do not want the names to be registered by mail and then voted in an election with no one checking to see if they are a live human being qualified to vote in that State.

It has always been a simple proposition. We must recognize that vote fraud cheats all other voters. It is a denial of a basic civil right to lose your vote because somebody not qualified to vote has cast a vote that wipes yours out. Those who took time to follow the rules, stand in line, wait their turn, and then cast their votes should not have to fear their vote will be diluted or canceled by an illegal vote.

There are those who do not believe vote fraud exists. There was a political science professor in New York who told us in that great wisdom that only academics have that vote fraud is a myth:

Stuffing the ballot box happens only in cartoons and old movies.

Perhaps you would like to talk to three recently indicted individuals in St. Louis, indicted as a result of fraud

prior to the mayoral primary in St. Louis city. Three people were charged with a combined 17 counts. They cheated by registering dead people and non-existent people by mail. I will be happy to show it to my colleagues. I ask unanimous consent that a news release from the Office of Attorney General Jennifer M. Joyce be printed in the RECORD.

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

[From the Office of the St. Louis Circuit Attorney, Mar. 4, 2002]

CIRCUIT ATTORNEY ANNOUNCES CHARGES AGAINST VOTE FRAUD OFFENDERS

ST. LOUIS, Mar. 4.—St. Louis Circuit Attorney Jennifer M. Joyce announced that her office has charged three individuals with committing class one election offenses by completing and, in most instances, signing Missouri Voter Registration Application cards in the names of others. All of these charges are related to false voter registration cards submitted for the March 2001 mayoral primary.

Joyce said that the United States Attorney's Office for the Eastern District of Missouri, the Federal Bureau of Investigation, the United States Postal Inspector's Office, the St. Louis Metropolitan Police Department and the Circuit Attorney's Office all collaborated on this investigation that has culminated in charging three different individuals with a combined 17 counts.

"As Circuit Attorney and a life-long resident of this City, I am committed to upholding the integrity of the election process. The people of this community deserve fair and clean elections. We will do whatever we can to protect the voting rights of all citizens of the City of St. Louis," Joyce said.

The Circuit Attorney's Office has charged Eliza Julion, 29, with seven felony counts of voter fraud. More specifically, the complaint asserts that Eliza Julion completed and signed voter registration cards in the names of two individuals who she made-up or manufactured. Further, she also filled out a voter registration card in the name of another fictitious person and completed and signed a voter registration card in the name of another individual, who was in prison at the time, the complaint asserts. Also, the Circuit Attorney charges that Eliza Julion completed and signed two different voter application cards for the same individual and signed the card belonging to another individual.

The Circuit Attorney has also charged Michelle Robinson, 32, with nine felony counts of vote fraud. More specifically, the complaint asserts that she completed and signed nine voter registration cards in the names of mostly former elected officials, including some of whom are deceased.

The Circuit Attorney has also charged Paul Julion, 26, with one count of felony vote fraud. The complaint asserts that Paul Julion completed and signed a voter registration card in the name of a fictitious person, a name that he manufactured.

All 17 counts are class one election offenses, which are felonies. The range of punishment for each offense is up to five years in jail or a fine between \$2,500 and \$10,000. If convicted, Eliza Julion could face a maximum punishment of up to 35 years in jail or up to \$70,000 in fines. If convicted, Michelle Robinson could face up to 45 years in jail or up to \$90,000 in fines. If convicted, Paul Julion could face up to 5 years in jail or up to \$10,000 in fines.

The charges as set forth in the complaints are merely accusations and each defendant is

presumed innocent until, and unless, proven guilty.

Mr. BOND. Mr. President, this news release will give a small idea of some of the work that has been done by law enforcement officials.

I also point out the Missouri secretary of state reviewed 1,300 judge-ordered registrations on election day in Missouri. Of those 1,300, 97 percent of them were illegal.

We have set up a provisional voting system that allows the election authorities, if somebody is not registered and believes they are registered, to cast a provisional vote. This provisional voting system should help those who are legitimate voters who registered where the election authority messed up. It will help make sure their votes are counted.

Those who try to vote without being properly registered will be discovered and their vote will not be counted; it will not be placed in the ballot box.

For those who say vote fraud does not occur, the April 4, 2002, Houston Chronicle headline reads: "2,000 Voted Illegally in City Polling":

More than 2,000 people voted illegally in the local November elections in the Houston mayoral runoff in December, including 712 who cast ballots in city races and don't live in the city. . . . There could be a major impact in close elections.

That is my point. We want to make sure the system works for those who have difficulty getting registered and those who have voted in the past have an opportunity to vote and those who have voted once do not try to vote twice.

With the amendment presented by the Senator from New York, I am afraid it oversimplifies the issue and offers a remedy which will create far more problems than it solves. She has indicated that 2 million people in each of the last four Presidential elections did not have their votes counted because of unintentional voter error. From that, we are to conclude with this fix all those votes might be counted. The problem is that this 2 million number cited is the residual vote rate for those elections, meaning those ballots which are unmarked, spoiled, or where the intent of the voter could not be determined.

There are people, as I believe the Senator has mentioned, who choose not to vote in races. The Carter-Ford commission estimates that is about .77, or almost eight-tenths of 1 percent, who chose not to cast a vote in a Presidential race. An MIT study says it is about half a percent. Clearly, it fluctuates from election to election.

This underlying bill takes significant steps to address the problems coming from machinery, the equipment, in voter errors, and sets a national standard for error rates. The Commission will assist the States in identifying the best equipment available.

Standards for notification and voter education, which is very important, are established, and there is \$3.5 billion authorized to purchase machines that

will comply with the standards and provide voter education.

The problem we have is that some people just plain make mistakes. If it is not a voting machine problem or a voting system problem, we know there are people who just choose not to vote. They may not vote for a President or they may not vote for other races down the line. If we establish some kind of standard that says if you do not meet this standard, then the Justice Department is going to come in and sue you, you have, unfortunately, created an incentive for election poll workers to look at every ballot. Ballot secrecy goes out the window because if you know you are going to get sued and your election is going to be called off because there were too many errors, the pressure is going to be on to make sure everybody voted right.

The voting officials may not be so bold as to walk into the polls and look over the voters' shoulders as they are punching the punchcard or filling out the ballot, but there is certainly a strong temptation for them to look at the ballots when they come out and to say: Excuse me, you made a mistake; you didn't vote here or you voted in too many places.

Once we do that, once we try to account for a voter error, a human error, I am afraid we are going down the road of destroying the secrecy of the ballot and saying that people who are election judges and election officials are going to have to look at the ballots of each voter. We will have poll workers reviewing ballots.

Under no circumstances do we want poll workers reviewing ballots before they are cast, destroying the secrecy and the privacy of the ballot. To make sure you do not violate the voter error standard, you would be forced into that position.

We have dealt with bringing down the error rate the best way possible in this bill—new machines, voter education, which is extremely important. We are already seeing an increase in mail voting which does offer a compromise of a secret ballot. But with this amendment, we could see the end of the secret ballot.

I am afraid it goes the wrong way. I urge my colleagues to agree to a study to determine how we can improve voter efficiency and effectiveness, but let us not set a standard that might force poll workers to reach out and touch somebody's ballot before they put it in the ballot box.

I thank the Chair, and I particularly thank my colleagues who worked on this so long and so diligently. I urge all of our colleagues to support this measure, move it to conference, and get a bill back from conference that we can send to the President so that in the shortest possible time, we will have a measure in law that will make it easier to vote and tougher to cheat.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Kentucky.

Mr. McCONNELL. Madam President, before the Senator from Missouri leaves, I wish to thank him for his absolutely indispensable contribution to this whole process from beginning to end. The Senator from Missouri is not on the Rules Committee, but he developed an interest in this issue. His interest and passion is a direct result of the voter fraud issues in his home State, which he has skillfully sought to make much more difficult to happen in the future.

The parts of this bill related to fraud are entirely the result of the tireless efforts of the Senator from Missouri, and I wanted to express my gratitude to him for his intelligence, tenacity, and effectiveness in turning this into a bill I can enthusiastically and wholeheartedly support. I wish to assure him that we are going to try very hard at the conference to make sure this bill still has the important features he has worked to have included.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I rise in support of this bill. The bill we consider today on election reform, I believe, is the most important legislation we will consider all year. Congress has a responsibility to ensure every registered American who goes to vote gets to vote and that every vote cast counts.

There are few concepts more fundamentally American than choosing our leaders, which means that even in our Nation's Capitol, in this very seat of democracy, this may truly be the great American bill.

Despite the strength of our democracy, if we do not do a good job maintaining the actual mechanism that drives it, our voting systems, we fail the voters and undermine our values, the values our Founding Fathers fought and died for, as did so many subsequent generations of Americans. That is why it is so important we pass this legislation.

I thank our chairman, Senator DODD, for his indefatigable leadership and his continuing fight for this bill. It can truly be said about certain legislation that without a single person, it would not have happened. In this case, Senator DODD's leadership clearly puts him in that category.

I also thank Senator McCONNELL from Kentucky who worked hard on this bill. Since he and I originally put in a proposal to deal with the core of the bill, which is funding these new voting systems, he has always been a pleasure to work with and he has been steadfast. I thank Senator BOND for his contribution and Senator WYDEN for his commitment to improving the Nation's election system as well.

This bill will make voting easier and more accurate. It allows many more people to participate in our democratic processes and that is what this country is all about. As with most bipartisan legislation, which is the only way we

really get anything passed, this bill is a compromise. There are some things in this bill that, if it were up to me entirely, I would change, but that is not what the people in our States sent us to do, to say it is my way or no way.

This bill is a good and fair compromise, and I am proud of it. The most important result is that, after more than 200 years, we are finally giving our democracy the resources it needs and the respect it deserves.

I voted for the first time in 1969 and I used the same type of machine when I voted in 2001, some 32 years later. Instead of being faced with deciding between good candidates, voters are faced with a host of problems ranging from out of date machines and inadequately maintained registration lists, confusingly designed ballots, and phone lines that are so busy the voters cannot get through to confirm their registration status.

In New York, we use these pretty clunky, old voting machines. They are cumbersome. They take a long time. As I have told my colleagues before, to see the painful look on the face of someone who is coming out of the factory, going to vote, waiting in line for an hour, finally doing their duty and finding they are not on the right list or that the machine does not work or that it was so confusing they missed an important part of the ballot, their disappointment has stayed with me throughout my career, and I am glad we are able to do something about it.

The fact is, just because we are the oldest democracy in the world does not mean we have to use the oldest technology in the world. The problem does not end with machines. In my home State of New York, November 2000, as I mentioned, people waited in line for hours to vote. Many voters, those who could not afford to be late for work, had to get home to the children or go on to a second job and vote in between the two, ultimately left the polling place without being able to participate in one of the most critical and closest elections in our time. Others waited and waited only to be confronted with the cruel reality that the machine in their precinct was broken or that the polling place had run out of emergency ballots.

Voting should be accessible, accurate, and speedy in all places, all of the time. This bill provides the funds and standards to make sure that is exactly what happens. There are also provisions we have agreed to that address some of the concerns raised by my and Senator WYDEN's amendment. Most importantly, we have aligned the effective dates of the photo identification, provisional voting, and computerized statewide voter registration database requirements. This means that first-time voters who do not have photo identification will be able to vote provisionally, and that is really important.

This change also allows us to define first-time voters as people moving

from State to State rather than jurisdiction to jurisdiction, which means that many fewer people will trigger the photo identification requirement, and this was possible because States with databases will be able to track voters across jurisdictions.

We have agreed also to allow voters to provide their drivers license number, at least the last four digits of their Social Security number, when they register. If these numbers match an existing State record that confirms the voter's identity, then they are exempted from the photo identification provisions.

Ultimately, these changes mean many of the people we were worried about would have been adversely affected by the identification provision, and they will be OK one way or the other. Is that 100 percent? No, but we cannot let the perfect be the enemy of the good, especially not when the alternative is allowing our democracy to sputter along, disappointed voter after disappointed voter.

I strongly urge my colleagues to support the bill. We often have the opportunity to support legislation that makes things better, and that is why we are here, but today we have an opportunity to make a little bit of history, and that is something we will never forget.

I also thank my staff who worked so long and hard on this legislation.

I yield back my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. We have a couple more amendments that may be agreed to. In the meantime, I wish to make a point. While I did not get an opportunity to do so when he was in the Chamber, I would like to commend our colleague from Missouri, Senator BOND. I have said this on numerous occasions, and I will say it again, without Senator BOND's participation and contribution we would not be on the brink of passing this bill. He brought a very important issue to the table, one that is not a part of the House-passed bill, not because they opposed it, they did not consider it. Had it not been for Senator BOND, I am not sure it would be in this particular product. So we owe him a very deep sense of gratitude concerning a very legitimate issue that I think complements the bill in a very fine way. I will later add further remarks about his contribution, but I wanted to publicly thank him.

I also commend my dear friend and colleague from New York. Senator SCHUMER was, again, a very long and valiant participant in extensive negotiations on this bill, bringing us to the point we are this evening. I wish to thank him publicly for his work.

Early on, he and Senator MCCONNELL offered one of the very first measures to deal with election reform. He immediately saw the need to do something, as the Senator from Kentucky did. His willingness to back up and to work with us on a slightly different version

is something I will always be very grateful to him for. His contribution has been significant.

Mr. SCHUMER. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. SCHUMER. I thank the Senator for his kind words. It has been a pleasure to work with him. I mentioned while he was out of the room, it is rare to say on an important piece of legislation without a single person this legislation would not have passed. In the case of the Senator from Connecticut, that is true. Everyone tips their hat to the Senator for the great job he has done.

I also mentioned the Senator from Kentucky has been steadfast and principled in this effort. We didn't always agree on exactly what was the right thing to do, but he wanted to get this bill done and he played a valuable part.

I thank both the Senator from Connecticut and the Senator from Kentucky. They are in large part responsible for the fine improvement in voting we will have when this bill becomes law.

Mr. MCCONNELL. If I could speak briefly, one of the wonderful things that happen in putting together legislation: You get to know people better. I had not known the Senator from New York very well. He came to the Senate in the beginning of 1999. I enjoyed getting to know him in the process. I enjoyed working with him.

This legislation is a classic example, with Senator DODD's leadership, and Senator TORRICELLI was deeply involved; the five of us had a bonding experience here. We managed to come together on a very worthwhile piece of legislation which I anticipate will pass tomorrow by a very large margin, if not unanimously.

I thank the Senator from New York for his friendship and on this bill.

Mr. DODD. I will have more kind comments about my friend from Kentucky, but I will wait until tomorrow so we can clean up some of the amendments.

AMENDMENT NO. 3111

Mr. MCCONNELL. I have an amendment by Senator GRASSLEY which I send to the desk and ask for its immediate consideration. It is cleared on both sides.

The PRESIDING OFFICER. Without objection the clerk will report.

The assistant bill clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. GRASSLEY, proposes an amendment numbered 3111.

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

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

The amendment is as follows:

(Purpose: To permit States to coordinate the computerized statewide voter registration list with Federal records relating to death and identity)

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

(4) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of Social Security shall provide, upon request from a State or locality maintaining a computerized centralized list implemented under paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State. Any State or locality that receives information under this clause may only share such information with election officials.

(ii) PROCEDURE.—The information under clause (i) shall be provided in such place and such manner as the Commissioner determines appropriate to protect and prevent the misuse of information.

(B) APPLICABLE INFORMATION.—For purposes of this subsection, the term "applicable information" means information regarding whether—

(i) the name and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records; and

(ii) such individual is shown on the records of the Commissioner as being deceased.

(C) EXCEPTION.—Subparagraph (A) shall not apply to any request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

Mr. GRASSLEY. Mr. President, there is a very serious issue concerning the proper functioning of elections—the integrity of voter lists.

All eligible voters should be given every opportunity to vote.

In fact, much of this bill is aimed at doing just that.

However, without integrity in our voting lists, the door is wide open to many kinds of voting irregularities.

Every ineligible vote denigrates the efforts of every eligible voter to cause participatory democracy to work.

When votes are cast by individuals who are not legally entitled to vote, whether it be because they are using a false identity or because they are dead, the value of all properly cast votes is diminished.

We have all heard reports of people who are registered to vote and should not be or who voted illegally.

Senator BOND has already mentioned during the debate on this bill an investigation by the Missouri secretary of state which determined that, in the 2000 election, votes were cast in the St. Louis area by 14 dead people.

Senator BOND has also told us about troubling instances in St. Louis where large numbers of voter registration forms were submitted to election officials using false identities.

In Georgia, the Atlanta Journal-Constitution conducted a study comparing voting records and death records from the state Department of Human Resources and the Social Security Administration.

The investigation revealed that 5,412 dead people voted over the past 20 years and that the number of registered dead voters has increased dramatically in recent years.

As of November 2000, 15,000 dead people remained on the active voting rolls in Georgia.

Sometimes we hear these anecdotes about instances of voter fraud and they take on the character of a cynical joke, but I don't think it is very funny.

Such cases erode public confidence in the electoral process and are an affront to all those who cast votes legally.

The bill before us already takes an important step in ensuring the integrity of States' voter rolls by providing for interactive, computerized, statewide voter registration lists.

This will enable States to check for duplicates and coordinate with State agencies to verify that registered voters are legally able to vote under State law.

However, more can and should be done.

My amendment would give States a much needed tool to check the accuracy of their voter roles against information possessed by the Social Security Administration.

Specifically, my amendment allows a State to coordinate its statewide voter registration list with social security records to check identity, and to see if a voter has died.

The commissioner of Social Security would be required to provide, upon request from a State, applicable information for the purpose of determining the eligibility of an individual to vote.

This amendment would not require States to undertake any action nor would it affect State laws governing eligibility of individuals to vote.

It simply gives the States a valuable tool in their efforts to maintain clean and accurate lists of eligible voters.

The State decides when and whether to use this tool.

Over the last decade, it has become increasingly easy for people to register and vote due in large part to the National Voter Registration Act of 1993, also called the motor voter law.

This trend has increased voter registration across the board, including registrations by individuals who are not eligible to vote.

Along with the relaxation of voter registration requirements comes the responsibility to provide for safeguards to preserve the integrity of the voter rolls.

I can think of no reason why individuals who are not eligible to vote should be allowed to remain untouched on State voter lists.

A State can decide to do that.

But, today, if States want to be extra careful in preserving the integrity of their voter lists, they lack some very important information.

Give them the tools!

This amendment is just one more way that we can help the States maintain the most accurate, reliable list possible of eligible voters.

This is a commonsense, good government reform and I would urge my colleagues to join me in this effort.

Mr. McCONNELL. This amendment has been cleared on both sides.

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

The amendment (No. 3111) 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.

Mr. DODD. 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. McCONNELL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 3112

Mr. McCONNELL. Madam President, I send an amendment, which has been cleared, by Senator BOB SMITH to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. SMITH of New Hampshire, proposes an amendment numbered 3112.

Mr. McCONNELL. Madam President, 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 provide for a study into the broadcasting of false election information)

At the appropriate place, add the following:

SEC. . BROADCASTING FALSE ELECTION INFORMATION.

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 issues regarding the broadcasting or transmitting by cable of federal election results including broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3112) 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.

AMENDMENT NO. 3113

Mr. McCONNELL. Madam President, I have another amendment that has been cleared by Senator CRAIG THOMAS of Wyoming. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. THOMAS, proposes an amendment numbered 3113.

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

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

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding changes made to the electoral process and how such changes impact States)

At the end, add the following:

SEC. ____ SENSE OF THE SENATE REGARDING CHANGES MADE TO THE ELECTORAL PROCESS AND HOW SUCH CHANGES IMPACT STATES.

It is the sense of the Senate that—

(1) the provisions of this Act, shall not prohibit States to use curbside voting as a last resort to satisfy the voter accessibility requirements under section 101(a)(3);

(2) the provisions of this Act, permit States—

(A) to use Federal funds to purchase new voting machines; and

(B) to elect to retrofit existing voting machines in lieu of purchasing new machines to meet the voting machine accessibility requirements under section 101(a)(3);

(3) nothing in this Act requires States to replace existing voting machines;

(4) nothing under section 10(a) of this Act specifically requires States to install wheelchair ramps or pave parking lots at each polling location if the State otherwise provides for the accessibility needs of individuals with disabilities; and

(5) the Election Administration Commission, the Attorney General, and the Architectural and Transportation Barriers Compliance Board should the differences that exist between urban and rural areas with respect to the administration of Federal elections under this Act.

The PRESIDING OFFICER. If there is no further debate, without objection the amendment is agreed to.

The amendment (No. 3113) was agreed to.

Mr. McCONNELL. Madam President, 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.

NEW TECHNOLOGIES

Mr. DODD. Mr. President, I rise in support of this measure and to thank my colleagues for their hard work on this bill that will make voting in many States easier and more accurate. Before we pass this legislation, I would like to address one additional point. In drafting legislation, it is often very difficult to look to the future and anticipate the impact that legislation will have on new technologies. To truly reform the Federal election process, this legislation must remedy the infirmities of the present system. However, it also must be forward-looking in its approach. It should welcome the implementation of new election technologies. The flexibility of this legislation to accommodate innovation will be the ultimate strength of Federal election reform.

I firmly believe that voting by computer, whether by internet or some other remote electronic system, is likely to happen in many states in the near future. In fact, Arizona has already held a party caucus in which voters were permitted to vote over the

internet. At the same time, I believe that the security concerns are such that most states, mine included, are not yet ready to provide this option to voters.

However, in the interests of looking to the future, I would like to seek clarification from the chairman of the Rules Committee about how this legislation would affect internet or other forms of remote electronic voting.

Ms. CANTWELL. Mr. President, is it the Chairman's understanding that the bill as it is currently written would not prevent States from offering voters the option of voting on by the Internet, so long as the State could show that the internet voting system complied with the security protocol standards written by the new Election Administration Commission, and that the voting system also complied with the requirements of the legislation on accessibility for the disabled, providing an audit trail of ballots, and by providing voters a means to make certain they had not made a mistake?

Mr. DODD. Senator CANTWELL, I agree with you that very serious concerns remain about voting by internet. As you know, this legislation specifically requests that the new organization, the Election Administration Commission, study internet voting. I am looking forward to seeing what it learns. However, I hope very much that states will think very carefully before moving to internet voting, and will make sure that the security concerns are fully addressed.

That said, the Senator is correct that nothing is this bill prohibits states from implementing voting on a remote electronic system like the internet, as long as the system is certified by the new Election Administration Commission, and complies with the other standards in the legislation.

I agree with the Senator that it is important to welcome the development of new election technologies and it was my intent, and my cosponsors' intent to provide the states as much flexibility as possible to accommodate innovation while still implementing necessary minimum standards that will ensure that all our citizens' right to vote is protected.

Ms. CANTWELL. I agree that it is very important that any voting system, particularly an electronic voting system have very good security. However, I believe that it is likely that in the near future we will in fact have the necessary security, the necessary assurances of secrecy, and of voter authentication, to make internet voting workable and I am pleased that this bill leaves the decision about moving forward with internet voting up to the individual States.

I appreciate all the Chairman's efforts on this legislation, and I agree that this bill is drafted in a manner that will not limit the development and implementation of new election technologies so long as the new technologies satisfy security protocols and

meet the requirements of the minimum standards. I also hope that this legislation will in fact spur the development of new election technologies that are more voter friendly and more cost efficient.

Mr. DODD. Madam President, I thank my colleague from Kentucky. I thank his staff.

As I understand it, we will frame this with the two leaders' consent. We will have a period of maybe 20 or 30 minutes divided equally between my friend from Kentucky and I to make any final comments on the bill, and then there would be three votes: The amendment by Senator ROBERTS of Kansas, Senator CLINTON of New York, and final passage. All other amendments have been dealt with. We have accepted all of them here with the modifications that staffs have worked out this evening.

We can report to our leaders that we are down to two amendments and final passage, which is what we projected and promised would be the case if we could get the job done.

With that, I am unclear whether there is going to be a unanimous consent request on the time. In any event, we will take care of that.

I thank my friend from Kentucky and his staff. Of course, I thank my staff as well for working very hard tonight and the staffs of the respective Senators that worked out these agreements and made it possible to accept these remaining amendments. I look forward to final passage tomorrow.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I echo the remarks of the Senator from Connecticut. We will save our pats on each other's backs for tomorrow. I thank him for his great work and we will see everyone in the morning.

I yield the floor.

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

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

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

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

The Senator from Alabama is recognized.

TRIBUTE TO A GREAT TEACHER— DR. GORDON T. CHAPPELL

Mr. SESSIONS. Mr. President, there are persons of great importance in the lives of each of us. Outside our fami-

lies, it is often teachers that have played key roles in our lives. One teacher of mine, Dr. Gordon T. Chappell was such a person. He awakened in his students a great love of history. He taught the importance of rigorous thought, and helped us understand our heritage. On February 6, 2002, Dr. Chappell passed away.

His death was a cause for sadness for the thousands who were his students at our alma mater, Huntingdon College. Although he had lived a rich, active and happy life, the recent years had not been easy. A year ago, Dr. Chappell was preceded in death by his beloved wife, Winn Chappell. The two of them lived in a modest home on the campus, and frequently invited students over for tea, discussion or work. Mrs. Chappell was a magnificent teacher in her own right, and was loved by her students as much as any teacher who ever served at Huntingdon. I took her British Literature course and it was a rich experience, indeed.

There can be little doubt that I would not be in the Senate today but for the inspiration of Dr. Chappell. In those days, the mid '60s, all freshman students were required to take Western Civilization. Dr. Chappell, though head of the History Department, always taught one freshman class and he hand picked his students. I was by chance, or perhaps as a result of having a historical sounding name, selected for the challenge and adventure that was his class. It was taught in the basement of the oldest building on campus, Flowers Hall. Ever since that experience, I have deeply understood that a great teacher in a poor room is far to be preferred to a lesser teacher in a room with the best of everything. With his small moustache, he was constantly thought to be the very image of Clark Gable playing Rhett Butler.

Dr. Chappell, first and foremost, knew his subject. Attaining his doctorate in history at Vanderbilt during some of that department's glory days, he was exceedingly well trained. Without, I am sure, one course in "how to teach", Dr. Chappell dominated his class, commanded respect, and imparted knowledge to students in an exceptional but not flamboyant way. This was primarily because he was prepared in subject matter and because he had great wisdom. He lectured, asked questions periodically, and insisted on attention and on timeliness. This was not a class that endeavored to teach self-esteem by being easy. His students developed self-esteem as a result of mastery of difficult subjects.

In addition to the substantial textbook, each student was required to read an additional five significant books each semester. The good news was that book reports were not required. The bad news was that upon completion of the book, the student was required to get an appointment with Dr. Chappell, in his basement office, laden with books and memorabilia, to discuss the reading. Make no