

794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than \$70,000 and \$35,000, respectively.

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

(b) **PROTECTION AND ADVOCACY SYSTEMS.**—In addition to any other amounts authorized to be appropriated under this section, there are authorized to be appropriated \$10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 206(c).

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

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

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

#### AMENDMENT NO. 2913

Mr. DODD. Mr. President, I send an amendment to the desk on behalf of Senator HARKIN and Senator MCCAIN and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] for Mr. HARKIN, for himself and Mr. MCCAIN, proposes an amendment numbered 2913.

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 express the sense of the Congress that curbside voting should be only an alternative of last resort when providing accommodations for disabled voters)

At the end add the following:

#### SEC. \_\_. VOTERS WITH DISABILITIES.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) requires that people with disabilities have the same kind of access to public places as the general public.

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) requires that all polling places for Federal elections be accessible to the elderly and the handicapped.

(3) The General Accounting Office in 2001 issued a report based on their election day random survey of 496 polling places during the 2000 election across the country and found that 84 percent of those polling places had one or more potential impediments that prevented individuals with disabilities, especially those who use wheelchairs, from independently and privately voting at the polling place in the same manner as everyone else.

(4) The Department of Justice has interpreted accessible voting to allow curbside voting or absentee voting in lieu of making polling places physically accessible.

(5) Curbside voting does not allow the voter the right to vote in privacy.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the right to vote in a private and independent manner is a right that should be afforded to all eligible citizens, including citizens with disabilities, and that curbside voting should only be an alternative of the last resort in providing equal voting access to all eligible American citizens.

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

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

#### AMENDMENT NO. 2914

Mr. DODD. Lastly, Mr. President, I offer an amendment on behalf of the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. SCHUMER, proposes an amendment numbered 2914.

The amendment is as follows:

(Purpose: To permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail, and for other purposes)

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

#### (2) REQUIREMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. DODD. Mr. President, I will not go into describing these amendments. We will leave that for the Members themselves when they find the time, probably either tomorrow or Monday on the 25th, to come and explain them.

In the meantime, again, I am going to suggest to Members that with the finite list of amendments we now have from both the minority and majority sides, we are going to make an effort to

accommodate as many of these amendments as we can, to try to see if we can accept them or suggest maybe modifications that would make the amendments acceptable; or if that is not possible, then certainly provide the time on Monday, the 25th, or tomorrow, for these amendments to be debated, with Tuesday, the 26th, being the day on which amendments would be voted upon, those that had not been resolved or accepted or made part of a managers' amendment.

That is the idea. That is the goal, so to speak, we are trying to achieve with all of this.

So with that, Mr. President, I do not know if I have any additional amendments at this point to submit. That being the case, I note the presence of my friend and colleague from Nevada. I see he has some big, white cardboard pieces in his hands, which usually indicate a chart and a speech. So I think we are going to hear some words.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. First of all, I say to my friend from Connecticut, what a great job you have done on the bill today. We have made tremendous progress. We have a list of amendments. I will be happy to work with the Senator tomorrow, and the days after that, and, hopefully, we can pass this bill Tuesday. That would be a great mark for the American people.

#### SENATOR DODD'S BABY

Mr. REID. Mr. President, I also say to my friend, I had such a pleasant time about half an hour ago. I went back to Room 219 and saw Grace Dodd, his beautiful 6-month-old baby. As I said to Jackye, your lovely wife: She is a real person, little Grace. And I bet the Senator is very proud of her, as he should be.

Mr. DODD. Absolutely.

#### AMENDMENT NO. 2914, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the Schumer amendment No. 2914 at the desk be modified with the language at the desk.

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

The amendment, as modified, is as follows:

(Purpose: To permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail, and for other purposes)

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

#### (2) REQUIREMENTS.—

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

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

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

(II) presents to the appropriate State or local election official a copy of a current

utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

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

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

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

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

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

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

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

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—

(A) IN GENERAL.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the following list of amendments that I will send to the desk be the only first-degree amendments remaining in order to S. 565, the election reform bill; that these amendments be subject to second-degree amendments which are relevant to the amendment to which it is offered; that upon disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill; that upon passage, the title amendment which is at the desk be agreed to, and the motion to reconsider be laid upon the table, without any further intervening action or debate.

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

The list is as follows:

FIRST-DEGREE AMENDMENTS TO S. 565,  
ELECTION REFORM

(Current as of 7:05 pm on Thursday, February 14, 2002)

Byrd: Relevant, Relevant to the list.

Cantwell: Relevant (3).

Cleland: Military and Disabled Voters (2), Amending short title.

Clinton: Residual ballot rules.

Daschle: Relevant, Relevant to the list.

Dayton: Free and Reduced Mail-In Ballots, Pilot Program (Amdt. 2897), Pilot Program (Amdt. 2898).

Dodd: Managers' Amendments, Criminal Penalties Clarification, Relevant (2), Relevant to the list.

Durbin: Photo ID Alternative, Relevant.

Feinstein: Retro Activity, Relevant (5).

Harkin: Sense of Congress re: Access to polling place, Protection & Advocacy Systems for the Disabled.

Hollings: Weekend elections, Using NIST.

Jeffords: Felon list, Minimum State funding, State plan, First-time voters, Minimum State Funding II.

Kennedy: Safe Harbor.

Kerry: Election Day Holiday (Amdt. 2860).

Kohl: Weekend voting.

Landreiu: SoS local impact (Amdt. 2869), Federal holiday (Amdt. 2868), Strike study on establishing Election Day as holiday (Amdt. 2867).

Levin: Provisional ballot, Grant funds.

Lieberman: Recount standards.

Reed: Relevant (2).

Reid: Relevant, Relevant to the list.

Rockefeller: Overseas voters.

Sarbanes: Help America vote college program.

Schumer: Lever Machines, Age Box, Voter Registration, First-Time Voters.

Torricelli: TV broadcasting.

Wyden: ID verification (Amdt 2870).

B. Smith: Military voting, Relevant.

Collins: Grant minimum.

Gramm: Military voting.

Sessions: Civic education, Mock election.

Lugar: Toll free hotline for fraud.

Enzi: Parking lot accessibility.

Grassley: Military voting, Voter registration, Overseas voters.

McCain: Polling accessibility for disabled

(3).

Specter: Relevant (3).

Bond: Relevant (3).

Roberts: Provisional voting, Notify voters.

Burns: Relevant, Election technology.

Kyl: Relevant (2).

Hatch: Relevant (2).

Ensign: Grant funding, Auditing.

Chafee: State Grant Payments.

Nickles: Relevant (2), Relevant to the list

(2).

Thomas: Voter registration procedures, Exempt states, Disabilities.

Stevens: Americans abroad.

McConnell: Relevant (2), Relevant to list

(2).

Lott: Relevant (2), Relevant to list (2).

Mrs. CARNAHAN. Mr. President, discussions about the state of our democracy too often focus on what is wrong with our political system.

Experts bemoan low turnout; they say young people are turned off by politics; they say grassroots campaigns no longer can work in the age of 30-second television ads.

But Americans cherish their democracy. Political participation allows us to express our deepest held beliefs. When we fight for something we believe in we are true participants in our democracy. I know this is true because I saw it myself. Missourians during the last election, even in the face of grief, went to the polls to make their will known. The 2000 election, however, revealed a number of flaws in our electoral machinery.

Far too many Americans were being disenfranchised without their knowledge. Too many voters left the polling places in confusion; too often registration lists had not been properly maintained.

The promise of American democracy is that everyone has the right to vote without regard to their individual circumstance. It is our job to make that promise a reality.

The Constitution calls for a decentralized system that puts states in charge of elections. But since States

hold elections for Federal offices, it is appropriate for the Federal Government to encourage and empower States to improve the voting process. I believe this bill does just that and I am pleased to support it.

I congratulate the sponsors and those who have put many hours of hard work to bringing this consensus bill to the floor.

This bill is framed around two basic premises: Those who are not properly registered to vote are not allowed to cast a ballot, but for those who are properly registered, we should make it as easy as possible for them to go to the polls, vote, and have their vote counted.

To those who say we need additional steps to eliminate voter fraud and punish those who abuse the system, you are correct. We must work harder to put systems in place that will adequately update voter rolls. Many States and local registrars are plagued by insufficient technology, and thus an inability to maintain databases that are current. There must also be adequate voter education so that our citizens understand what steps they must take to register properly. And we must make sure that poll workers receive the appropriate training so that we can reduce any potential issues at the polling places.

To those who say we must live up to the promise of our Constitution and do all within our power to bring more people into the process, I say your call must be heard.

This Nation's history is built on the fight for suffrage. To place even the lowest hurdle before someone seeking to exercise the right to vote is an affront to our democracy. This bill ensures that we go the extra mile to protect the rights of those populations most vulnerable to disenfranchisement: the elderly, the disabled, those who are not fluent in English, ethnic and racial minorities, and members of the armed services who are serving overseas.

Perhaps the most significant reform in this bill is that States will be required to implement a system of provisional voting. From now on, if someone's eligibility is challenged at the polling place, they will have the right to cast a vote. If it turns out that the voter was properly registered, his or her vote will be counted.

The bill will also prevent disenfranchisement by updating voting technology. In the future, voters will know if they unintentionally selected more than one candidate for a single office, or if their ballots are not otherwise properly marked, and they will have a chance to correct their ballots, and make sure their vote is counted. It is common sense that when a system is broken, we must mend it.

When this system concerns a fundamental and cherished right, it is not only common sense, it is vital to the health of our Nation.

Our efforts today to empower voters remind me of the words of President Franklin D. Roosevelt, who said:

Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country.

Let us renew the promise of our great Nation and enact legislation that will promote fairness, enhance participation, and increase our faith in the greatest democracy in the history of the world.

#### NORTH DAKOTA VOTING PROCEDURES

Mr. CONRAD. As my colleague from Connecticut knows, North Dakota currently operates a unique voting system in that we have no registration system whatsoever for our State. This is a very open system that I believe is very much in line with the intent of your legislation to ensure the maximum amount of openness and accessibility in our Nation's voting system. Am I correct in reading the language of subparagraph 103(a)(1)(B) of the substitute amendment to allow North Dakota to continue operating a registration-less voting system for Federal elections in our State?

Mr. DODD. Yes, the clear text of this provision exempts states without a registration requirement for its voters from having to implement such a computerized system consistent with section 103. Put simply, the exception provided in 103(a)(1)(B) exempts North Dakota from all provisions of the bill concerning a computerized statewide voter registration system. We simply did not want any of this bill's provisions, either directly or indirectly, to interfere with North Dakota's ability to continue operating its commendably open and accessible registration-less system of voting.

Mr. CONRAD. Mr. President, I thank the Senator from Connecticut for his aid in understanding this exemption. I also have a question with regard to Section 102 of the bill—the provisional voting section. I would like to describe the way North Dakota currently operates its “voter challenge process” to get my esteemed colleague's perspective on whether our State currently satisfies the requirements of this section.

In North Dakota, the members of an election board or poll challengers may challenge the right of anyone to vote whom they know or have reason to believe is not a qualified elector. A poll challenger or election board member may request that a person offering to vote provide an appropriate form of identification to address any voting eligibility concerns, such as age, citizenship, or residency requirements. If the identification provided does not adequately resolve the voter eligibility concerns of the poll challenger or election board member, the challenged person can execute an affidavit before the election inspector affirming that the challenged person is a legally qualified

elector of the precinct. The affidavit must include the name and address of the challenged voter and the address of the challenged voter at the time the challenged voter last voted.

If the election inspector finds the affidavit valid on its face, the challenged person is allowed to vote as any other voter does and his or her voted ballot is deposited in the ballot box with the rest of the voted ballots from the precinct and counted by a canvassing board, or in the case of a recount by the recount board, in exactly the same manner as a ballot cast by non-challenged voters. In other words, the challenged person's voted ballot is not segregated or designated in any special way for further or future inspection by election officials, canvassing officials, recount officials, or legal authorities.

I ask my distinguished colleague the Senator from Connecticut whether this current system satisfies the requirements of section 102 of his bill.

Mr. DODD. Mr. President, I again commend the State of North Dakota's open and accessible voting system. Our intent in drafting section 102 was to require that voters who were challenged, but felt that they had the legal right to vote, were given the opportunity to cast a ballot and then have that ballot set aside and verified. North Dakota's system goes beyond this intent by being even more voter-friendly. Based on my understanding of your description of North Dakota's system, North Dakota should be able to continue operating its more voter-friendly voter challenge system.

For example, paragraphs (a)(3) and (a)(4) of section 102 requires election officials to verify the written affirmation of that voter's eligibility before the ballot is counted. Under North Dakota State law, as you have represented it to me, verification happens upon the execution of a written affidavit. The fact that the verification by the election official that is required under this bill occurs prior to the ballot being cast instead of after the ballot is cast is a function of North Dakota's registration-less system. It therefore satisfies all of the requirements of section 102(a).

I should point out that under subsection 102(a)(5), the individual who voted via affidavit will need to be provided written notification at the time he casts his or her ballot that he or she will not receive any further notification—because as a matter of state law, that person's vote has been counted. This could easily be done by handing out a generic form to each voter who votes via affidavit.

Mr. CONRAD. Mr. President, I greatly appreciate the Senator from Connecticut taking the time to answer my questions about his bill. I also want to take this time to commend the Senator for his terrific leadership and work on the very important issue of election reform.

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

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

#### YUCCA MOUNTAIN

Mr. REID. Mr. President, today the Secretary of Energy recommended to the President that Yucca Mountain, Nevada should be the site for storing all of America's nuclear waste, all 70,000 tons. This recommendation came despite the objections of all the credible independent experts who have reviewed the project. I will name just few of them. There are many others, but the credibility of those I will name cannot be refuted. These experts all say that the science is not sound.

The General Accounting Office is the watchdog of Congress and the watchdog for the American people. The GAO has been an important part of our Government for many decades and is noted for its independence and veracity. The General Accounting Office has stated that making a decision now regarding the Yucca Mountain project is neither “prudent” nor “practical.” That is pretty direct.

The Nuclear Waste Technical Review Board is an independent agency established to review what is going on with nuclear waste from a technical standpoint. It is chaired by the former dean of the Forestry School at Yale University, who is now the president of Carnegie-Mellon in Pennsylvania and is one of the foremost scientists in America. The Nuclear Waste Technical Review Board says that the scientific review that has been conducted at Yucca Mountain is “weak.” That is pretty direct.

The Inspector General of the Department of Energy stated that because the law firm giving advice to the Secretary of Energy on Yucca Mountain, Winston and Strawn, was the same law firm that was giving legal advice to the Nuclear Energy Institute, the umbrella for the nuclear utilities in this country, there was a clear conflict of interest. That too is pretty direct.

No one can challenge the credibility of this all-star team of independent experts: The Inspector General, the General Accounting Office, the Nuclear Waste Technical Review Board. No one can challenge their credibility.

Secretary Abraham has made a hasty, poor, and really indefensible decision. Now the question of whether a high-level nuclear waste dump will be built in Nevada lies with the President of the United States.

It is time for President Bush to fulfill the commitment he made to the people of Nevada and to the country; that is, that he would not allow nuclear waste to come to Yucca Mountain unless there was sound science justifying such a decision.

The General Accounting Office, the Nuclear Waste Technical Review Board, and the Inspector General have all said that science does not exist.

The President should demand sound science—peer-reviewed scientific evidence of the highest caliber—and wait