

SA 2909. Mr. MCCONNELL (for Mr. GREGG) proposed an amendment to the bill S. 565, supra.

SA 2910. Mr. MCCONNELL (for Mr. MCCAIN for himself and Mr. HARKIN) proposed an amendment to the bill S. 565, supra.

SA 2911. Mr. STEVENS (for himself and Mr. INOUE) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2912. Mr. DODD (for Mr. HARKIN) proposed an amendment to the bill S. 565, supra.

SA 2913. Mr. DODD (for Mr. HARKIN for himself and Mr. MCCAIN) proposed an amendment to the bill S. 565, supra.

SA 2914. Mr. DODD (for Mr. SCHUMER) proposed an amendment to the bill S. 565, supra.

SA 2915. Ms. COLLINS (for herself, Mr. JEFFORDS, Mr. BURNS, Mr. LEAHY, Mr. ROBERTS, Mr. BROWNBACK, Mrs. LINCOLN, Mr. NELSON, of Nebraska, and Mr. NICKLES) submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2878.** Mr. DURBIN (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, line 9, strike through page 5, line 7, and insert the following:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, optical scanning voting system, direct recording electronic voting system, or punch-card voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system may meet the requirements of subparagraph (A) by—

**SA 2879.** Mr. REID (for himself, Mr. SPECTER, and Mr. FEINGOLD) proposed

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

At the end, add the following:

#### TITLE V—CIVIC PARTICIPATION

##### SEC. 501. FINDINGS AND PURPOSE.

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

(1) The right to vote is the most basic constitutive act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. Basic constitutional principles of fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections.

(2) Congress has ultimate supervisory power over Federal elections, an authority that has repeatedly been upheld by the Supreme Court.

(3) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections.

(4) An estimated 3,900,000 individuals in the United States, or 1 in 50 adults, currently cannot vote as a result of a felony conviction. Women represent about 500,000 of those 3,900,000.

(5) State disenfranchisement laws disproportionately impact ethnic minorities.

(6) Fourteen States disenfranchise ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense.

(7) In those States that disenfranchise ex-offenders who have fully served their sentences, the right to vote can be regained in theory, but in practice this possibility is often illusory.

(8) In 8 States, a pardon or order from the Governor is required for an ex-offender to regain the right to vote. In 2 States, ex-offenders must obtain action by the parole or pardon board to regain that right.

(9) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. In at least 16 States, Federal ex-offenders cannot use the State procedure for restoring their voting rights. The only method provided by Federal law for restoring voting rights to ex-offenders is a Presidential pardon.

(10) Few persons who seek to have their right to vote restored have the financial and political resources needed to succeed.

(11) Thirteen percent of the African-American adult male population, or 1,400,000 African-American men, are disenfranchised. Given current rates of incarceration, 3 in 10 African-American men in the next generation will be disenfranchised at some point during their lifetimes. Hispanic citizens are also disproportionately disenfranchised,

since those citizens are disproportionately represented in the criminal justice system.

(12) The discrepancies described in this subsection should be addressed by Congress, in the name of fundamental fairness and equal protection.

(b) PURPOSE.—The purpose of this title is to restore fairness in the Federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote.

##### SEC. 502. DEFINITIONS.

In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term “correctional institution or facility” means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term “election” means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term “Federal office” means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term “parole” means parole (including mandatory parole), or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term “probation” means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual’s freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

##### SEC. 503. RIGHTS OF CITIZENS.

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; or

(2) is on parole or probation for a felony offense.

##### SEC. 504. ENFORCEMENT.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(b) PRIVATE RIGHT OF ACTION.—

(1) NOTICE.—A person who is aggrieved by a violation of this title may provide written notice of the violation to the chief election official of the State involved.

(2) ACTION.—Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice provided under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in such a court

to obtain the declaratory or injunctive relief with respect to the violation.

(3) ACTION FOR VIOLATION SHORTLY BEFORE A FEDERAL ELECTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person shall not be required to provide notice to the chief election official of the State under paragraph (1) before bringing a civil action in such a court to obtain the declaratory or injunctive relief with respect to the violation.

**SEC. 505. RELATION TO OTHER LAWS.**

(a) NO PROHIBITION ON LESS RESTRICTIVE LAWS.—Nothing in this title shall be construed to prohibit a State from enacting any State law that affords the right to vote in any election for Federal office on terms less restrictive than those terms established by this title.

(b) NO LIMITATION ON OTHER LAWS.—The rights and remedies established by this title shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

**SA 2880.** Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, strike line 22 and all that follows through line 13 on page 6, and insert the following:

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—

(A) IN GENERAL.—The voting system shall—  
(i) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(ii) except as provided in subparagraph (B), satisfy the requirement of clause (i) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(iii) meet the voting system standards for disability access if purchased with funds made available under title II on or after January 1, 2007.

(B) ACCESS TO VOTING SYSTEMS IN RURAL AREAS.—The requirement of subparagraph (A)(ii) shall not apply to a city, town, or unincorporated area in a State if—

(i) pursuant to the most recent Decennial Census (including any supplemental surveys thereto), the city, town, or area is determined to have a population of less than 50,000 inhabitants (other than an urbanized area immediately adjacent to a city, town, or unincorporated area that has a population in excess of 50,000 inhabitants); and

(ii) the State submits, as part of the State plan submitted under section 202, a plan

demonstrating that individuals with disabilities in the city, town, or unincorporated areas involved will be permitted to vote through the use of—

(I) direct recording electronic voting systems or other voting systems equipped for individuals with disabilities that are located at the office of each county clerk within the areas involved, or the office of each chief election official with jurisdiction over the areas involved, and that are available to such individuals during normal business hours for the entire period in which absentee ballots for the election involved are permitted to be submitted; or

(II) other voting systems determined to be appropriate to provide voting accessibility to individuals with disabilities.

**SA 2881.** Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 14 through 16, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 8 and 9, insert the following:

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

**SA 2882.** Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities

in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2002 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, between lines 2 and 3, insert the following: “Nothing in this subsection shall be construed to limit a State’s ability to provide for additional requirements for the casting, challenging, and counting of provisional ballots, including requirements for identification and allowing third parties to challenge voter eligibility. States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law.”

**SA 2883.** Mr. CLELAND (for himself and Mr. MILLER) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2002 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 1(a) to read as follows:

(a) SHORT TITLE.—This Act may be cited as the “Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2001”.

**SA 2884.** Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 103(b)(3)(B) to read as follows:

(B) who is—

(i) an absent uniformed services voter or an overseas voter, as defined in section 107 of the Uniform and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6);

(ii) a handicapped or elderly voter, as defined in section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-6); or

(iii) described in a subparagraph of section 6(c)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)(2)).

**SA 2885.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

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

(4) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of Social Security, the Attorney General, and the Commissioner of the Immigration and Naturalization Service 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 or locality. Any State or locality that receives information under this clause may only share such information with election officials.

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

(iii) DUPLICATIVE INFORMATION.—If a State or locality is provided with access to applicable records under clause (i), any other State or locality may access such records through the State or locality that had access to the records under such clause.

(B) APPLICABLE RECORDS.—For purposes of this subsection, the term “applicable records” means—

(i) in the case of the Social Security Administration, information needed to verify—

(I) the social security number of an individual; or

(II) whether such individual is shown on the records of the Commissioner of Social Security as being alive or deceased;

(ii) in the case of the Immigration and Naturalization Service, information needed to verify whether or not an individual is a citizen of the United States or lawfully admitted for permanent residence; and

(iii) in the case of the Attorney General, information regarding felony convictions of individuals.

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

**SA 2886.** Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program

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

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

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

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

**SA 2887.** Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.**

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(b)(2)) is amended by striking the period at the end and inserting the following: “, except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar’s jurisdiction.”.

**SA 2888.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities

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

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

**SEC. \_\_\_\_ MINIMUM STANDARDS FOR WHAT CONSTITUTES A VOTE.**

(a) IN GENERAL.—The chief State election official of each State shall certify in writing to the Election Administration Commission that the State has enacted legislation that establishes uniform standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(b) METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.—The specific choices on the methods of implementing the legislation enacted pursuant to subsection (a) shall be left to the discretion of the State.

(c) ENFORCEMENT.—

(1) REPORT BY COMMISSION TO ATTORNEY GENERAL.—If a State does not provide a certification under subsection (a) to the Election Administration Commission, or if the Commission has credible evidence that a State’s certification is false or that a State is carrying out activities in violation of the terms of the certification, the Commission shall notify the Attorney General.

(2) ACTION BY ATTORNEY GENERAL.—After receiving notice from the Commission under paragraph (1), the Attorney General may bring a civil action against a State in an appropriate district court for such declaratory or injunctive relief as may be necessary to remedy a violation of this section.

(d) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this section, the term “chief State election official” means, with respect to a State, the individual designated by that State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-8) to be responsible for coordination of the State’s responsibilities under such Act.

(e) GRANTS.—

(1) IN GENERAL.—The Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program established by section 201(a) is authorized to make grants, in the manner described in subtitle A of title II, to States and localities to pay the costs of activities necessary to meet the requirements of this section.

(2) STATE PLANS.—A State plan under section 202 shall include a description of how the State will use the funds made available under subtitle A of title II to meet the requirements of this section.

(3) AUTHORIZED ACTIVITIES.—A State or locality may use grant payments received under subtitle A of title II to meet the requirements of this section.

(4) RETROACTIVE PAYMENTS.—The Attorney General may make retroactive payments to States and localities having an application approved under section 203 for any costs for activities necessary to meet the requirements of this section that were incurred during the period referred to in section 206(b).

(f) EFFECTIVE DATE.—The requirements of this section shall take effect upon the expiration of the 2-year period which begins on the date of enactment of this Act, except that if the chief State election official of a State certifies that good cause exists to waive the requirements of this section with respect to the State until the date of the regularly scheduled general election for Federal office held in November 2004, the requirements shall apply with respect to the State beginning on the date of such election.

**SEC. \_\_\_\_ . STUDIES AND REPORTS ON STATE RECOUNT AND CONTEST PROCEDURES.**

(a) STUDIES.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 (in this section referred to as the “Commission”) shall conduct periodic studies that systematically examine the laws and procedures used by States that govern—

(A) recounts of ballots cast in elections for Federal office; and

(B) contests of determinations regarding whether votes are counted in such elections.

(2) ISSUES.—As part of the study conducted under paragraph (1), the Commission shall—

(A) identify the best practices used by States with respect to the recounts and contests described in paragraph (1); and

(B) study whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(b) REPORTS TO THE PRESIDENT AND CONGRESS.—The Commission shall submit to the President and Congress a report on each study conducted under subsection (a)(1) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

(c) RECOMMENDATIONS TO THE STATES.—

(1) REPORTS TO STATES.—If the Commission determines that the laws or procedures of a State with respect to the recounts and contests described in subsection (a)(1) could be improved, the Commission shall submit to the chief executive of that State a report that—

(A) identifies the best practices used by States with respect to such recounts and contests; and

(B) recommends ways in which the laws or procedures of that State with respect to such recounts and contests could be improved based on such practices.

(2) FOLLOW-UP REPORTS TO STATES.—Not later than 1 year after the Commission submits a report under paragraph (1), the Commission shall, after consulting with State and local election officials of the State to which the report was submitted, issue a follow-up report to the chief executive of that State describing the progress of the State in implementing the recommendations of the Commission, or (if applicable), the reasons that the State is not implementing such recommendations.

**SA 2889.** Mr. LIEBERMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. \_\_\_\_ . REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.**

Notwithstanding any other provision of law, the community of American citizens who are residents of the District consti-

tuting the seat of Government of the United States shall have full voting representation in Congress.

**SEC. \_\_\_\_ . EXEMPTION FROM TAX FOR INDIVIDUALS WHO ARE RESIDENTS OF THE DISTRICT OF COLUMBIA.**

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 138 the following new section:

**“SEC. 138A. RESIDENTS OF THE DISTRICT OF COLUMBIA.**

“(a) EXEMPTION FOR RESIDENTS DURING YEARS WITHOUT FULL VOTING REPRESENTATION IN CONGRESS.—This section shall apply with respect to any taxable year during which residents of the District of Columbia are not represented in the House of Representatives and the Senate by individuals who are elected by the voters of the District and who have the same voting rights in the House of Representatives and the Senate as Members who represent States.

“(b) RESIDENTS FOR ENTIRE TAXABLE YEAR.—An individual who is a bona fide resident of the District of Columbia during the entire taxable year shall be exempt from taxation under this chapter for such taxable year.

“(c) TAXABLE YEAR OF CHANGE OF RESIDENCE FROM DISTRICT OF COLUMBIA.—

“(1) IN GENERAL.—In the case of an individual who has been a bona fide resident of the District of Columbia for a period of at least 2 years before the date on which such individual changes his residence from the District of Columbia, income which is attributable to that part of such period of District of Columbia residence before such date shall not be included in gross income and shall be exempt from taxation under this chapter.

“(2) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

“(A) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions), or

“(B) any credit,

properly allocable or chargeable against amounts excluded from gross income under this subsection.

“(d) DETERMINATION OF RESIDENCY.—

“(1) IN GENERAL.—For purposes of this section, the determination of whether an individual is a bona fide resident of the District of Columbia shall be made under regulations prescribed by the Secretary.

“(2) INDIVIDUALS REGISTERED TO VOTE IN OTHER JURISDICTIONS.—No individual may be treated as a bona fide resident of the District of Columbia for purposes of this section with respect to a taxable year if at any time during the year the individual is registered to vote in any other jurisdiction.”

(b) NO WAGE WITHHOLDING.—Paragraph (8) of section 3401(a) of such Code is amended by adding at the end the following new subparagraph:

“(E) for services for an employer performed by an employee if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of the District of Columbia unless section 138A is not in effect throughout such calendar year; or”.

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 138 the following new item:

“Sec. 138A. Residents of the District of Columbia.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years be-

ginning after the date of enactment of this Act.

(2) WITHHOLDING.—The amendment made by subsection (b) shall apply to remuneration paid after the date of enactment of this Act.

**SA 2890.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of title IV, add the following:

**SEC. 402. AUTHORIZED LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.**

(a) SHORT TITLE.—This section may be cited as the “Federal Employee Voter Assistance Act of 2002”.

(b) LEAVE FOR FEDERAL EMPLOYEES.—Chapter 63 of title 5, United States Code, is amended by inserting after section 6328 the following:

**“§ 6329. Leave for poll worker service**

“(a) In this section, the term—

“(1) ‘employee’ means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

“(2) ‘political appointee’ means any individual who—

“(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate;

“(B) is employed in a position on the executive schedule under sections 5312 through 5316;

“(C) is a noncareer appointee in the senior executive service as defined under section 3132(a)(7); or

“(D) is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

“(3) ‘poll worker service’—

“(A) means—

“(i) administrative and clerical, nonpartisan service relating to a Federal election performed at a polling place on the date of that election; and

“(ii) training before or on that date to perform service described under clause (i); and

“(B) shall not include taking an active part in political management or political campaigns as defined under section 7323(b)(4).

“(b)(1)(A) Subject to subparagraph (B), the head of an agency shall grant an employee paid leave under this section to perform poll worker service.

“(B) The head of an agency may deny any request for leave under this section if the denial is based on the exigencies of the public business.

“(2) Leave under this section—

“(A) shall be in addition to any other leave to which an employee is otherwise entitled;

“(B) may not exceed 3 days in any calendar year; and

“(C) may be used only in the calendar year in which that leave is granted.

“(3) An employee requesting leave under this section shall submit written documentation from election officials substantiating the training and service of the employee.

“(4) An employee who uses leave under this section to perform poll worker service may not receive payment for that poll worker service.”.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than June 1, 2005, the Office of Personnel Management shall submit a report to Congress on the implementation of section 6329 of title 5, United States Code (as added by this section), and the extent of participation by Federal employees under that section.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—Not later than 6 months after the date of each general election for the Office of the President, the Office of Personnel Management shall submit a report to Congress on the participation of Federal employees under section 6329 of title 5, United States Code (as added by this section), with respect to all Federal elections which occurred in the 54-month period preceding that submission date.

(B) EFFECTIVE DATE.—This paragraph shall take effect on January 1, 2008.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6328 the following:

“6329. Leave for poll worker service.”.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect 6 months after the date of enactment of this Act.

**SA 2891.** Mr. KYL proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

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

**SEC. \_\_\_\_ . USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.**

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

“(I)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may

require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if such individual has more than one such number) issued to such individual by the Commissioner of Social Security.

“(ii) For purposes of clause (i), an agency of a State (or political subdivision thereof) charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2002, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause.

“(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of the Equal Protection of Voting Rights Act of 2002 is inconsistent with the policy set forth in clause (i), such provision shall, on and after the date of the enactment of such Act, be null, void, and of no effect.”.

**SA 2892.** Mr. MCCONNELL proposed an amendment to amendment SA 2891 proposed by Mr. KYL to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of the amendment, add the following:

(b) CONSTRUCTION.—Nothing in this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.

**SA 2893.** Mr. ENSIGN (for himself, Mr. HATCH, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

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

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

Notwithstanding any other provision of this title, no State or locally shall be re-

quired to meet a requirement of this title prior to the date on which funds are appropriated at the full authorized level contained in section 209.

**SA 2894.** Mr. HOLLINGS (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . ELECTION DAY HOLIDAY STUDY.**

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

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

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

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

(3) Holding elections on a holiday or weekend could allow more working people to vote more easily. It could increase the pool of available poll workers and make public buildings more available for use as polling places.

(4) Several proposals to make election day a holiday or to shift election day to a weekend have been offered in the 107th Congress. Some have argued against weekend voting because people of many faiths would have a religious objection to such civic participation on the Sabbath.

**SA 2895.** Mr. DURBIN (for himself, Mr. NELSON of Florida, and Mr. GRAHAM) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations

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

Beginning on page 3, line 9, strike through page 5, line 14, and insert the following:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, direct recording electronic voting system, or punchcard voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system or a central count voting system (including mail-in absentee ballots or mail-in ballots) may meet the requirements of subparagraph (A) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

**SA 2896.** Mr. DASCHLE proposed an amendment to the bill H.R. 3090, to provide tax incentives for economic recovery; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Temporary Extended Unemployment Compensation Act of 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Federal-State agreements.
- Sec. 3. Temporary extended unemployment compensation account.
- Sec. 4. Payments to States having agreements under this Act.
- Sec. 5. Financing provisions.
- Sec. 6. Fraud and overpayments.
- Sec. 7. Definitions.
- Sec. 8. Applicability.

**SEC. 2. FEDERAL-STATE AGREEMENTS.**

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an

agreement under this Act with the Secretary of Labor (in this Act referred to as the “Secretary”). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) **PROVISIONS OF AGREEMENT.**—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) **COORDINATION RULES.**—

(1) **TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.**—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) **TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.**—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) **EXHAUSTION OF BENEFITS.**—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) **WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.**—For purposes of any agreement under this Act—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of temporary extended unemployment compensation payable

to any individual for whom a temporary extended unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

**SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.**

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) **AMOUNT IN ACCOUNT.**—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal 13 times the individual's weekly benefit amount.

(2) **WEEKLY BENEFIT AMOUNT.**—For purposes of paragraph (1)(B), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

**SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.**

(a) **GENERAL RULE.**—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) **DETERMINATION OF AMOUNT.**—Sums under subsection (a) payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) **ADMINISTRATIVE EXPENSES.**—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

**SEC. 5. FINANCING PROVISIONS.**

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) **CERTIFICATION.**—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that

account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

#### SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

#### SEC. 7. DEFINITIONS.

In this Act, the terms “compensation”, “regular compensation”, “extended compensation”, “additional compensation”, “benefit year”, “base period”, “State”, “State agency”, “State law”, and “week” have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

#### SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

**SA 2897.** Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

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

#### SEC. \_\_\_\_ . REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term “pilot program” means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term “Postal Service” means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.

(2) REPORT.—

(A) IN GENERAL.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(ii) identify methods of targeting such individuals.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$1,000,000 for fiscal year 2004 to carry out this section.

(2) RESPONSIBILITIES CONTINGENT ON FUNDING.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

**SA 2898.** Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

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

#### SEC. \_\_\_\_ . REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term “pilot program” means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term “Postal Service” means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.

## (2) REPORT.—

(A) IN GENERAL.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(ii) identify methods of targeting such individuals.

## (g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$1,000,000 for fiscal year 2004 to carry out this section.

(2) RESPONSIBILITIES CONTINGENT ON FUNDING.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

**SA 2899.** Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements to the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. . TELEVISION MEDIA RATES.**

(a) LOWEST UNIT CHARGE.—Subsection (b) of section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by striking “(b) The charges” and inserting the following:

“(b) CHARGES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the charges”;

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

“(2) TELEVISION.—The charges made for the use of any television broadcast station, or by a provider of cable or satellite television service, to any person who is a legally qualified candidate for any public office in connection with the campaign of such candidate for nomination for election, or election, to such office shall not exceed, during the periods referred to in paragraph (1)(A), the lowest charge of the station (at any time during the 365-day period preceding the date of the use) for the same amount of time for the same period.”.

(b) RATE AVAILABLE FOR NATIONAL PARTIES.—Section 315(b)(2) of such Act (47 U.S.C.

315(b)(2), as added by subsection (a)(3), is amended by inserting “, or to a national committee of a political party making expenditures under section 315(d) of the Federal Election Campaign Act of 1971 on behalf of such candidate in connection with such campaign,” after “such office”.

(c) PREEMPTION.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) PREEMPTION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a licensee shall not preempt the use of a television broadcast station, or a provider of cable or satellite television service, by an eligible candidate or political committee of a political party who has purchased and paid for such use pursuant to subsection (b)(2).

“(2) CIRCUMSTANCES BEYOND CONTROL OF LICENSEE.—If a program to be broadcast by a television broadcast station, or a provider of cable or satellite television service, is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program may also be preempted.”.

(d) RANDOM AUDITS.—Section 315 of such Act (47 U.S.C. 315), as amended by subsection (c), is amended by inserting after subsection (c) the following new subsection:

“(d) RANDOM AUDITS.—

“(1) IN GENERAL.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct random audits of designated market areas to ensure that each television broadcast station, and provider of cable or satellite television service, in those markets is allocating television broadcast advertising time in accordance with this section and section 312.

“(2) MARKETS.—The random audits conducted under paragraph (1) shall cover the following markets:

“(A) At least 6 of the top 50 largest designated market areas (as defined in section 122(j)(2)(C) of title 17, United States Code).

“(B) At least 3 of the 51–100 largest designated market areas (as so defined).

“(C) At least 3 of the 101–150 largest designated market areas (as so defined).

“(D) At least 3 of the 151–210 largest designated market areas (as so defined).

“(3) BROADCAST STATIONS.—Each random audit shall include each of the 3 largest television broadcast networks, 1 independent network, and 1 cable network.”.

(e) DEFINITION OF BROADCASTING STATION.—Subsection (e) of section 315 of such Act (47 U.S.C. 315(e)), as redesignated by subsection (c)(1) of this section, is amended by inserting “, a television broadcast station, and a provider of cable or satellite television service” before the semicolon.

(f) STYLISTIC AMENDMENTS.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) in subsection (a), by inserting “IN GENERAL.—” before “If any”;

(2) in subsection (e), as redesignated by subsection (c)(1) of this section, by inserting “DEFINITIONS.—” before “For purposes”; and

(3) in subsection (f), as so redesignated, by inserting “REGULATIONS.—” before “The Commission”.

**SA 2900.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election adminis-

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

On page 5, strike lines 19 through 21, and insert the following:

(2) MANUAL AUDIT CAPACITY.—

(A) PERMANENT AND UNALTERABLE PAPER RECORD.—The voting system shall produce a permanent and unalterable paper record with a manual audit capacity for such system.

(B) CORRECTION OF ERRORS.—The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent and unalterable paper record is produced.

(C) OFFICIAL RECORD FOR RECOUNTS.—The printed record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election for Federal office in which the system is used.

**SA 2901.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Section 205, subsection (3), insert: (4) To construct paved, asphalted, or similar surfaced parking lots, driveways, approaches, roads, roadways, streets, easements, sidewalks or similar access ways, and disabled access ramps or other access mechanisms or features necessary for accessibility for individuals with disabilities to reach or enter a voting system, if the locality providing the “polling place” described in subsection (a)(3)(B) is in a “rural” area. For the purposes of this subsection “rural” or “rural area” means a city, town, or unincorporated area that has a population of 50,000 inhabitants or less (other than an urbanized area immediately adjacent to a city, town or unincorporated area that has a population in excess of 50,000 inhabitants), as based on the most recent Decennial Census (including any supplemental surveys thereto).

**SA 2902.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of

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

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

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

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

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

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

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

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

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

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

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

**SA 2903.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration require-

ments for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(1) in the case of a State or locality that is in the highest  $\frac{1}{3}$  of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 100 percent;

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

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

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

(5) in the case of a State or locality that is in the lowest  $\frac{1}{3}$  of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 60 percent.

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

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

(1) in the case of a State or locality that is in the highest  $\frac{1}{3}$  of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 100 percent;

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

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

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

(5) in the case of a State or locality that is in the lowest  $\frac{1}{3}$  of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as de-

termined based on the 2000 Decennial Census and any supplemental survey thereto, 60 percent.

**SA 2904.** Mr. NELSON of Florida (for himself and Mr. GRAHAM) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

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

**SEC. . . . DEPARTMENT OF JUSTICE REPORTS ON VOTING RIGHTS VIOLATIONS IN THE 2000 ELECTIONS.**

(a) STATUS REPORTS.—

(1) IN GENERAL.—Not later than the date that is 60 days after the date of enactment of this Act, and each 60 days thereafter until the investigation of the Attorney General regarding violations of voting rights that occurred during the elections for Federal office conducted in November 2000 (in this section referred to as the “investigation”) has concluded, the Attorney General shall submit to Congress a report on the status of the investigation.

(2) CONTENTS.—The report submitted under subsection (a) shall contain the following:

(A) An accounting of the resources that the Attorney General has committed to the investigation prior to the date of enactment of this Act and an estimate of the resources that the Attorney General intends to commit to the investigation after such date.

(B) The date on which the Attorney General intends to conclude the investigation.

(C) A description of the measures that the Attorney General has taken to ensure that the voting rights violations that are the subject of the investigation do not occur during subsequent elections for Federal office.

(D) A description of any potential prosecutions for voting rights violations resulting from the investigation and the range of potential punishments for such violations.

(b) FINAL REPORT.—Not later than the date that is 60 days after the date of the conclusion of the investigation, the Attorney General shall submit to Congress a final report on the investigation that contains a summary of each preventive action and each punitive action taken by the Attorney General as part of the investigation and a justification for each action taken.

**SA 2905.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election

technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 19 through 21, and insert the following:

**AUDIT CAPACITY.—**

The voting system shall produce a record with an audit capacity for such system;

(2) **MANUAL AUDIT CAPACITY.—**

(A) **PERMANENT AND UNALTERABLE PAPER RECORD.—**The voting system shall produce a permanent and unalterable paper record with a manual audit capacity for such system.

(B) **CORRECTION OF ERRORS.—**The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent and unalterable paper record is produced.

(C) **OFFICIAL RECORD FOR RECOUNTS.—**The printed record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election for Federal office in which the system is used.

**SA 2906.** Mrs. CLINTON proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 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.

**SA 2907.** Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election tech-

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

On page 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.

**SA 2908.** Mr. MCCONNELL (for Mr. CHAFEE (for himself and Mr. REED)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of section 206(b), add the following: "A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 203 for payments made on or after January 1, 2001, pursuant to that contract."

**SA 2909.** Mr. MCCONNELL (for Mr. GREGG) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and

administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 13 through 15, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 6 and 7, insert the following:

(5) **CONSTRUCTION.—**Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

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

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law.

**SA 2910.** Mr. MCCONNELL (for Mr. MCCAIN (for himself and Mr. HARKIN)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 10, line 22, strike "Commission" and insert "Commission, in consultation with the Architectural and Transportation Barriers Compliance Board."

On page 64, line 19, strike "316(a)(2)." and insert "316(a)(2), except that—

"(1) the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 223 for the general policies and criteria for the approval of applications submitted under section 222(a); and

"(2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board."

**SA 2911.** Mr. STEVENS (for himself and Mr. INOUE) submitted an amendment intended to be proposed by him

to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and non-discriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. . FULL EQUALITY FOR AMERICANS ABROAD.**

(a) INCLUSION OF AMERICAN CITIZENS LIVING ABROAD IN FUTURE DECENNIAL CENSUSES.—The Secretary of Commerce shall ensure that, in each decennial census of population taken after the date of the enactment of this Act under title 13, United States Code, all American citizens living abroad shall be included for purposes of the tabulations required for the apportionment of Representatives in Congress among the several States, and for other purposes.

(b) REPORT ON RELATED ISSUES.—The Secretary of Commerce shall submit to Congress by not later than September 30, 2002, a report on any methodological, logistical, and other issues associated with the inclusion in future decennial censuses of American citizens living abroad, for apportionment, redistricting, and other purposes for which decennial census results are used. Such report shall include estimates of the number of Americans living abroad in the following categories: Federal civilian employees, military personnel, employees of business enterprises, employees of non-profit entities, and individuals not otherwise described.

**SA 2912.** Mr. DODD (for Mr. HARKIN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

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

(c) PROTECTION AND ADVOCACY SYSTEMS.—

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

general authorities as they are afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

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

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

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

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

**SA 2913.** Mr. DODD (for Mr. HARKIN (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the 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.

**SA 2914.** Mr. DODD (for Mr. SCHUMER) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 18, line 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

(i) 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

**SA 2915.** Ms. COLLINS (for herself Mr. JEFFORDS, Mr. BURNS, Mr. LEAHY, Mr. ROBERTS, Mr. BROWNBACK, Mrs. LINCOLN, Mr. NELSON of Nebraska, and Mr. NICKLES) submitted an amendment

intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and non-discriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, strike lines 12 through 16, and insert the following:

(a) PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State having an application approved under section 203 the cost of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 203 an amount equal to 0.5 percent of the amount appropriated under section 209 for the fiscal year during which such application is submitted to be used by such State for the activities authorized under section 205.

(b) RETROACTIVE PAYMENTS.—

On page 38, strike lines 15 through 19, and insert the following:

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 213 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 212 an amount equal to 0.5 percent of the amount appropriated under section 218 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 214.

(3) RETROACTIVE PAYMENTS.—The Attorney

On page 45, strike lines 4 through 7, and insert the following:

(a) PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 223 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 222 an amount equal to 0.5 percent of the amount appropriated under section 228 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 224.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 9:30 a.m., in open and closed session to receive testimony on the results of the nuclear posture review in review of the

Defense authorization request for fiscal year 2003.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet on February 14, 2002, at 10 a.m., to conduct a hearing on "Accounting and Investor Protection Issues Raised by Enron and Other Public Companies: International Accounting Standards and Necessary Reforms to Improve Financial Reporting."

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 14, at 2:30 p.m., to conduct a hearing. The purpose of the hearing is to receive testimony on the following bills:

S. 202 and H.R. 2440, to rename Wolf Trap Farm Park as Wolf Trap National Park for the Performing Arts;

S. 1051 and H.R. 1456, to expand the boundary of the Booker T. Washington National Monument, and for other purposes;

S. 1061 and H.R. 2238, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes;

S. 1649, to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks;

H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona; and

S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

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

##### COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 10 a.m., to hear testimony on the administration's request to increase the Federal debt limit.

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

##### COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to

meet during the session of the Senate on Thursday, February 14, 2002, at 2:30 p.m., to hold a hearing on HIV/AIDS in Africa.

#### Agenda

##### Witnesses

Panel 1: Dr. Eugene McCray, Director, Global AIDS Program, National Center for HIV, STD, and TB Prevention, Center for Disease Control and Prevention, Atlanta, GA, and Dr. E. Anne Peterson, Assistant Administrator, Bureau of Global Health, U.S. Agency for International Development, Washington, DC.

Panel 2: Dr. Jeffrey Sachs, Director, Center for International Development, Harvard University, Cambridge, MA; Dr. Jim Yong Kim, Director, Program in Infectious Disease and Social Change, Harvard Medical School, Boston, MA; and Mr. Martin J. Vorster, Mahyeno Tributary Mamelodi, Pretoria, South Africa.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "The Needs of the Working Poor: Helping Families To Make Ends Meet," during the session of the Senate on Thursday, February 14, 2002, at 10 a.m.

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

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, February 14, 2002, for a hearing on administration's proposed budget for veterans' programs for fiscal year 2003.

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

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

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

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Thursday, February 14, 2002, at 2:30 p.m., in Dirksen 226.

##### Witness list

Panel I: The Honorable Judd Gregg.

Panel II: Richard Stana, Director, Justice Issues, General Accounting Office.

Panel III: Susan Fisher, Executive Director, Doris Tate Crime Victim's Bureau, Carlsbad, CA; Doug Comer, Director of Legal Affairs and Technology Policy, Intel Corporation, Washington, DC; John Avila, Executive Counsel, Walt Disney Company, Burbank, CA;