

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from South Carolina (Mr. HOLINGS), and the Senator from Hawaii (Mr. INOUE) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) would vote "aye."

The PRESIDING OFFICER (Mr. COLEMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 2, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—89

Akaka	Dodd	Lugar
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Dorgan	Mikulski
Baucus	Durbin	Miller
Bayh	Edwards	Murkowski
Bennett	Ensign	Murray
Biden	Enzi	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Boxer	Feinstein	Pryor
Breaux	Fitzgerald	Reed
Brownback	Frist	Reid
Bunning	Graham (FL)	Roberts
Burns	Graham (SC)	Rockefeller
Cantwell	Grassley	Santorum
Carper	Gregg	Sarbanes
Chafee	Hagel	Schumer
Chambliss	Hutchison	Sessions
Clinton	Jeffords	Shelby
Cochran	Johnson	Snowe
Coleman	Kennedy	Specter
Collins	Kerry	Stabenow
Conrad	Kohl	Stevens
Cornyn	Kyl	Sununu
Corzine	Landrieu	Talent
Craig	Lautenberg	Thomas
Crapo	Leahy	Voinovich
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
DeWine	Lincoln	

NAYS—2

Byrd Inhofe

NOT VOTING—9

Bond	Hatch	Lott
Campbell	Hollings	Nickles
Harkin	Inouye	Smith

The conference report was agreed to. Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

E-RATE PROGRAM

Mr. NELSON of Florida. Mr. President, as we are awaiting the final moments of this session of Congress, there are deliberations going on in the Capitol about an agreement to come forth with legislation—my understanding, already passed by the House—that will allow Internet service to be provided to schools and libraries. This is the very popular and widely acclaimed E-Rate Program that had been set up back in the nineties. The idea was that we lower the cost of providing Internet to schools and libraries so that students who would not otherwise have an opportunity of experience on the Internet would be able to get it at school.

I visited such a school last week in Tallahassee, FL. It is a school that is state of the art in all of the electronic provisions but yet, as part of the school system of that county, Leon County, is able to afford it because virtually all of their schools do have the Internet provided. This particular school, Roberts Elementary, in a rural section outside of Tallahassee in Leon County, has a diverse student population. It spans the socioeconomic spectrum and, indeed, there are a number of students at this school who, if they did not have Internet experience at school, would not have the opportunity to learn how to use the Internet and have available to them the services on the Internet.

The long and short of it is we would be depriving, because of socioeconomic status, a significant part of our student population an equal opportunity to an education, and that is a standard we all hold up as something that is worthwhile to strive for.

It all comes down to tonight. The E-Rate Program is going to stop, not because there is any diabolical movement here to take it away, because there certainly is not—it is widely acclaimed and widely popular—but because of a new accounting glitch in one of our agencies. I won't go into the details of this new method of accounting. It is, in essence, saying you are going to have to take away the fund that would supply the Internet to schools at a reduced rate. The alternative to that is—and this is not a very palatable alternative—that telephone rates for the Universal Service Program are going to go up to provide this money to continue to provide Internet service to schools and libraries.

It can all be taken care of so easily—and I do not know of any disagreement on the substance of the issue—if we pass this bill tonight. It is my understanding there are a couple of Senators who have a hold on this for completely different reasons unrelated to any of this subject matter. There are discussions going on in this U.S. Capitol Building right now over the lifting of those objections so at the last few minutes, the clock is showing, of this session of the Senate, we can take up the House bill and pass it. That is all we have to do and do it by unanimous consent with no objections.

If we do not do this tonight, then we are going to have to come back and go through the whole process again—pass it in the House, pass it in the Senate—and in the meantime have schools such as Roberts Elementary in Tallahassee, FL, be concerned whether they are going to have an e-rate, at the same time threatening telephone subscribers by thinking their bills are going to go up in order to pay for this worthwhile program, and none of that is necessary.

I call on cooler heads to prevail and allow this program that is so necessary for the education of so many of our children to achieve that objective we all embrace, which is an equal opportunity for an education for all children.

Before I yield the floor, Mr. President, I see the Senator from Montana has just come in. Just so I may inform him, I have just given this Senator's impassioned plea for the E-Rate Program and why we need to pass this bill tonight. I have laid out the reasons, and I want the Senator from Montana to know a specific example of a school I visited last Friday, Roberts Elementary in Tallahassee, FL.

The Senator well knows not only universal service and the importance of universal service to the rural areas of his State, as I do with mine—no matter how long the lines are that have to be run out there—but that in that Universal Service Program is this funding mechanism for providing Internet service to schools and libraries.

The final point I wish to make for the Senator, who missed my remarks earlier, is that this is so important because there are many students whose families cannot afford Internet at home, and, therefore, their only experience of this is going to be getting it at school. That was clearly evident to me at Roberts Elementary in Tallahassee, FL.

It is my hope that now with the mellifluous and golden tones coming forth from the Senator from Montana, that he would bring us some good news about the negotiations of passing this bill tonight.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I appreciate what Senator NELSON had to say, also, on this legislation. This Congress should not go sine die without passing these three pieces of legislation. All three of them are very important. In fact, I would say the E-911, the enhanced 911 bill, is probably the most glaring public safety legislation we have worked on in many years. One would think this legislation that says we are going to take the money that is collected and it has to be spent in our PSAPS—in other words, our communications centers—to upgrade their technology, so that when a 9-1-1 call comes in from a cell phone we can locate the caller. We have that in wired lines, but we do not have it so much in wireless phones. I think it is time that we do that.

This is a great piece of public safety legislation, and we have been working on it for about 4 years. One would think that would be a no-brainer. It took us long enough to pass legislation to make a 9-1-1 call go into the nearest first responder. It used to be if one was out of their home territory and their phone was in roam, they could dial 9-1-1 and they were apt to get the 600 Cafe in Miles City, MT. That does not do one a lot of good when they are on the outskirts of Tallahassee, FL. It did not know where to go, and now it does.

So we think this is very important legislation. The E-911 caucus was established by folks who work in public safety and public communications every day. We keep hearing what we

should be doing about our communications systems in our cities, but how does a fire department communicate with the police department, with the highway patrol, and with the Federal agencies? Well, not very good. We have the technology there for them to do it, and folks want to do it. The only thing we lack is the funds.

This says take those funds that are collected—when we all pay our phone bill, there is a little checkoff there around 50 cents that goes to emergency telephone technologies. Well, guess what. We sent the money to the States. The States balanced their budgets, but they did not spend the money upgrading their communications centers. We think that is just terrible. That is why this legislation needs passing. There is no objection to it. It has passed this body. It has passed the House of Representatives.

Now, for those who do not think they have a dog in this fight and they live in a rural area, take a look at another part of it, which is the Universal Service and Anti-Deficiency Act exemption. This money was collected in universal service for a specific purpose, and it should be used for a specific purpose. It is very simple to do the right thing and do it right now. What has happened is they have found some abuse, a little fraud, so across the country they shut down making their payments to every school and library on the E-rate. It affects over 70 cities and schools in my State alone.

I come from Montana, and in eastern Montana we have a lot of dirt between light bulbs. It is expensive trying to bring the new technologies to smaller schools to upgrade their technologies to take advantage of distance learning. Sometimes it is telemedicine. We know that we have an aging population, a rural population. They are getting older every day. We have to administer our health care in a different way. This also affects that.

Again, for this body and this Congress, this is an absolute no-brainer. I realize that these are not issues that are great, sexy issues that one will find above the fold in their newspaper, but this is very important at the community level and to the folks who have kids in schools in rural areas. It is important to the infrastructure from which they learn and receive goods, and most of all health care.

Also, the spectrum relocation bill is in here, too—again, a no-brainer. What do we want? What do we hear from our first responders? We need spectrum. We need emergency spectrum. We need that spectrum so that we can deploy new technologies as broadband.

Years ago, we used to hear a signal and we knew it was either television, a picture, a voice, or data. We could differentiate from the signal what it was.

We are in a different kind of a world now. It does not make any difference if it is data, audio, video, whatever. It is all ones and zeros. It is all digital. So now we do not talk about what kind of

a signal. We talk about bandwidth, bytes, megabytes, gigabytes. We talk about this ability to move information, no matter what it is, at the speed of light through fiber optics and even our new wireless technologies.

What do they say? We have to have spectrum. Even in my State of Montana, we can now take the computers that we see used by the clerk in this body, and with a little card in there, get on the Internet driving down the highway. It is not the fastest right now. It is around 56K, but these are the first steps to broadband wireless services that will be deployed in areas where it is very expensive to string a line.

All three of these issues are wrapped together in this package that should be passed, and there is no issue that is important enough that can even stand up to the importance of these issues at the closing of or the eleventh hour of this Congress. Not one I can think of. And it is needed.

Enhanced 911 services—we have already gone over that.

Mr. NELSON of Florida. Will the Senator yield?

Mr. BURNS. I will yield.

Mr. NELSON of Florida. I commend the Senator for his leadership on this issue. Just to back up, about what the Senator was saying, I have a letter to the leadership of both the House and Senate signed by 34 Senators, bipartisan, pleading that we pass these items.

So I ask the Senator, with this kind of broad support—there is really no opposition to the substance of this—what is holding it up, and what are the prospects in these final few minutes of this session of Congress that we are going to be able to disgorge this tonight?

Mr. BURNS. I say to the Senator, I don't know exactly what is going on. We know some of the things, but I do not think that is material here. I am just pleading that it gets done. Let's look at the importance of this and our priorities and let's finish our work and go home. To my knowledge, there is not anything any more important than that we finish this, for the simple reason we have schools and libraries now that are receiving no payments. There are no payments until we pass this legislation. With the support of the administration we should be moving this legislation.

There are some who think it should be an appropriated account. It was never in an appropriated account. This money was not collected as taxes. It was collected for a particular purpose.

So I say, they signed the letter. My colleague from Florida is exactly right, and the Senators who signed the letter are exactly right.

Mr. NELSON of Florida. Will the Senator further yield for a question?

Mr. BURNS. I am happy to yield.

Mr. NELSON of Florida. Mr. President, I thank the Senator. I ask the Senator regarding the objection that is being raised, what is the chance that

that objection will be lifted and that we will be able tonight to pass this legislation that is so needed?

Mr. BURNS. I tell my good friend from Florida that negotiations are currently underway.

Mr. NELSON of Florida. Very good.

Mr. BURNS. We are talking. I think we are going to get this resolved.

Mr. NELSON of Florida. Then, I say to the Senator, Godspeed.

Mr. BURNS. I want to say something. The Senator from Florida has been working with my cochair. The cochair on the Internet caucus is Senator CLINTON from New York. I will tell the Senator, the Senator from New York has just been an absolute champion on this because she understands upstate New York and she understands her rural areas. She doesn't just understand downtown New York. That might be the political base but, nonetheless, when she was elected as a Senator she all at once realized, and came to me and said: I have a rural area that I have to serve.

She has been very diligent. She has worked very hard, especially on the other side of the aisle.

I appreciate the contribution of the Senator from Florida, and I thank Senator CLINTON for her cosponsorship and her work, as well as many other colleagues who have worked with me—Senator LOTT, Senator FRIST, Senator SUNUNU, and many others who worked to improve this legislation. They, too, place it very high on the priority list of items that should be passed before we go home. The cochairs of the E-911 caucus, Representative SHIMKUS and Representative ESHOO in the House, who have been tireless advocates, along with Representative CHIP PICKERING and many other Representatives—JOE BARTON has been a champion on this issue. We have been working on E-911 issues for many years now, and we all agree this is a good product and the final product we can have this year.

Mr. President, E-911 services are about as clear an example as you can get of Congress acting in the public interest and in the interest of public safety as we could possibly have. If someone dials 9-1-1 from a cell phone, that person's location should be transmitted to a public safety answering point so the police, fire, or rescue first responders can know exactly not only what to do—they already know what to do—and where to go. How do we find this dialer of 9-1-1?

When we first started to look at emergency services, we found out that 9-1-1 was not the national norm for an emergency number. We found many numbers, in many different areas. Basically, what we did was we nationalized 9-1-1. We said no matter where you are and what your circumstances are, 9-1-1 will be the national emergency number. So when we take a look at this, this technology will save lives. It is already saving lives. E-911 services are already being rolled out in this country, and this bill authorizes some more

money, about \$250 a year for 5 years in matching grants made to appropriate entities so that progress will occur more rapidly in the next phase of implementation of those two technologies.

So I ask my colleagues to not only help us but to take these three essential parts of this piece of legislation and pass it, and let's send it to the President for his signature. I think that is about the best Christmas gift we could give to people who rely on emergency services.

RETIREMENT OF BOB GRAHAM

Mr. BURNS. Mr. President, I appreciate the good works of my good friend from Florida. I see both Florida Senators are in the Chamber. Of course, Senator GRAHAM is just about to close out his career in this Senate, and he will be missed. He was one of my neighbors when I first came here some 16 years ago, when they were living just not too far down the street. So I appreciate him and all the talents and the contributions he has made to this body and to the country.

I hope he is successful in the Black Angus business in Florida. He will be going back to his beloved ranch and probably do a little writing, get a little philosophical. I know he has done that at times. He can do it in an environment that is befitting a retired Senator. We appreciate him.

We do not say goodbye in our part of the country. We just say so long. Our trails will cross one of these days.

The PRESIDING OFFICER. The Senator from New Jersey.

I yield the floor, and I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

INTELLIGENCE REFORM BILL AND COMPREHENSIVE IMMIGRATION REFORM

Mr. CORNYN. Mr. President, I want to say a few words about what we have done here today in passing the intelligence reform bill and say that I support this effort. It was a difficult but necessary step to making America safer.

I do not believe we should fool ourselves to think we have actually finished the job. By that I mean I think some of the objections that had been made to this legislation or I should say some of the proposals for additional measures that were excluded from this bill, I believe, were well taken. Specifically, what I am talking about is some of the security challenges relative to our immigration system, our broken immigration system.

I know many Americans would be shocked to learn that the 19 9/11 hijackers had a total of 63 validly-issued U.S. driver's licenses. Because of this astounding fact, the 9/11 Commission recommended, on page 390:

The federal government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification documents is no longer just a problem of theft.

The Commissioners aptly pointed out that "For terrorists, travel documents [can be just] as important as weapons."

I am pleased the conference report that we have voted on today and passed overwhelmingly includes some needed enforcement measures. But, as I say, I do not believe we should stop there. I strongly believe that issuing driver's licenses to individuals who are not lawfully present in our country has the potential of posing a national security risk in a post-9/11 world.

The example I just mentioned about the 9/11 terrorists: It is well documented that Mohamed Atta had a driver's license that was valid beyond the date of the expiration of his visa. Inasmuch as he had been stopped for an ordinary traffic violation, a lapsed driver's license, if its lapse was concurrent with the end of his visa, would perhaps have raised a signal which would have caused some additional questions to be answered. Of course, I do not want to speculate what the outcome of that would be, but it makes sense to me, and I think it makes sense to most people, that why in the world would you issue a driver's license to someone who is not lawfully present or allow that driver's license to extend beyond the date of their visa?

Driver's licenses, after all, are used for access to airplanes all across this Nation; therefore, invalid driver's licenses held by someone not lawfully present, or perhaps even fraudulent documentation, pose a potential terrorist threat. We know that documents like a driver's license also function as a breeder document that is used to obtain other official documents, blurring the line between those who are in the United States legally and those who are not lawfully present. Without strong standards for driver's licenses, we ignore the clear security threat of fraudulent documents.

For all these reasons, I submit that our work here is not yet finished until we begin to address this potential threat.

We are a nation of immigrants, but we are, at the same time, a nation of laws, or at least we claim to be. But when America fails to enforce its own laws, it becomes more and more difficult to claim, with a straight face, that we are indeed a nation of laws.

We should have no qualms and make no excuses to anyone about enforcing our laws in pursuit of our Nation's security, and as the Commissioners of the 9/11 Commission pointed out, immigration reform goes hand in hand with protecting our security. We should not

allow ourselves to be distracted or our attention to be diverted from these critical issues. No, Mr. President, border security is not anti-immigrant. As Speaker HASTERT has said:

Immigrants to America are as victimized by terrorists as American citizens.

I hope we will work promptly next year to carefully reconsider the enforcement measures included in the House bill that are not included in today's conference report.

Let me mention some of those provisions in the bill that was passed by the House but which are not included in the conference agreement that we have passed.

No. 1, the House required, but this bill does not include, a requirement that applicants for driver's licenses show proof of legal status in the United States. It does not contain the House requirement that temporary licenses should include a requirement that a license term should expire on the same date as a visa or other temporary lawful presence authorizing document and that the face of the card should show the expiration date.

This bill does not require, but we should require in future legislation, that the Department of Homeland Security certify that States have met minimum driver's license issuance and document standards.

This bill does not contain, but should contain, or at least future legislation should contain, provisions providing for the electronic confirmation by State motor vehicle departments of the validity of other States' driver's licenses and information.

This conference report does not contain but should contain and I hope future legislation will require that half of our new immigration investigators should focus on enforcing our existing immigration laws and requiring that each State receive at least three of the new State immigration investigators.

We should also require limits on judicial review of visa revocations. We should make it more difficult for terrorists and foreign criminals to win delays of their removal from the United States. We should explicitly require verification of certain information—such as identity, mother's maiden name, or other information—for the issuance of birth certificates accepted by a Federal agency. And we should require that the States adopt standardized practices for how they secure vital records offices.

Mr. President, I believe that common sense tells us that each of these provisions should be the law of the land, and I regret they were not able to be included in this legislation. But certainly all that means is that our work is not yet done, and we have much left to do.

I support the measures in the House bill that I have mentioned that were not included in this conference report. But the truth is, we need comprehensive immigration reform. I come from a border State, one with a 1,200-mile border with Mexico, and we know that