

progress week by week. One by one, we have overcome a series of legislative obstacles and have been able to turn the lights from red to green.

Our legislative process this year has been unduly cumbersome and unresponsive; different than I have ever seen in the years I have spent here in the Senate. However, the progress we have achieved here in the Senate is a testament to the determination of many in this body who have been willing to set aside ideological imperatives and partisan differences to work together as Republicans and Democrats to accomplish the work that the American people and our constituents expect from their government.

Now, in Vermont and the other New England States, winter is not just on the horizon, it is on our doorstep. In our State last weekend, we had more than 1 foot of snow in some parts. I mention this because if you are going to repair roads and bridges, time is a significant factor, and time is slipping away.

We all know that roads and bridges are the circulatory system for commerce in the daily lives of living, breathing communities and their citizens—where people have to go to work, school or be together with their families. With many of the Federal aid disaster programs underfunded, I am especially pleased that this bill contains the \$1.9 billion that I and others worked to include to replenish the Federal Highway Disaster Relief Fund. This fund will help rebuild Vermont's vital roadways. These roadways are critical to rebuild our economy, distribute aid, and bring people to hospitals and to schools. It is of the utmost importance that this Federal aid reaches Vermont sooner rather than later, as our winters can be extremely harsh. I look at Washington, DC, which will close down with 3 inches of snow. We call that a dusting in our State. Many times we have a foot of snow overnight. Schools will still be open, commerce still goes on, but we can't rebuild roads with a foot of snow on them. We have to be working to rebuild now and we have to be prepared to work immediately when the snow stops.

I have talked with Senator SANDERS, Congressman WELCH, and Governor Shumlin, who has spent every single day working on this. My wife Marcelle and I have driven around the State. We have talked to community leaders, to those who have worked on disaster relief, and others. It is very clear, given the mammoth, unprecedented destruction of this storm, certain waivers are needed to allow States to access funds for repair work they need without going through all kinds of burdens for repairs.

I mention these waivers because if we are going to ensure that Vermont and other States can promptly design and begin emergency and permanent repairs, we have to do it now. We put the waivers into this bill, and I hope the

other body will understand we need them preserved. This bill, an investment in America's crumbling and damaged roads and bridges, is a crucial step. It will help restore the economic vitality of our country.

I am also pleased the legislation includes emergency community development block grant funding. Right now, HUD has no funding available. They cannot address the housing needs of Vermonters affected both by Hurricane Irene and the flooding of this past spring. These disaster recovery programs are woefully underfunded.

I cannot think of the number of hours that I and other members of the Appropriations Committee have worked on this, the evenings, the phone calls, the weekends, touching base, but it is all worth it. If this bill will now be accepted by the other body, we can go forward and we can start doing the rebuilding we need.

Vermont is a very special place, not just because it is my home but because of the spirit of its people. This is a State that has always supported help for other States and Americans all over the country facing similar disasters. We need that help now, and this bill is a major step forward for that help. I thank everybody involved with it. Now all we have to do is get it through the other body, get it on the President's desk, and continue the recovery work we are doing both in Vermont and other States damaged by Irene.

As we talk about the money, I will not resist the temptation to repeat what a Vermonter told me. I have said it before on the Senate floor. We spend unlimited sums to rebuild buildings and roads and bridges in Iraq and Afghanistan and somebody else comes along and blows them up. We build them in America for Americans by Americans and we Americans will keep them safe.

I yield the floor.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate is in a period of morning business.

The Senator from Florida.

#### ELECTION LAW

Mr. NELSON of Florida. Mr. President, I wish to inform the Senate of something that has just happened to a civics teacher in my State of Florida who tried to help her students register to vote. It was nothing new for this teacher, Jill Cicciarelli, to be prepping

17-year-old students for the privilege and responsibility of voting in a democracy. She has been doing this for a number of years. But it turned out that when Jill organized a drive at the start of the school year to get students preregistered to vote, she ran afoul of Florida's new election law.

How could that be? But, sure enough, the law, which is basically an attempt at voter suppression, causes her to face hefty fines. For what? For helping students to register to vote. As ridiculous as that sounds, that is what the law says.

But there is more, unfortunately. There is a lot more. I met with Jill Cicciarelli and her students last week. They are extremely concerned, and they are extremely surprised that a good government attempt to register students so they will be ready to vote in the next election has run afoul of the law. They were not happy; but, interestingly, neither was their elected Supervisor of Elections in Volusia County who, under the law, was required to report the teacher and the students to the State authorities.

The Supervisor of Elections, Ann McFall, has now publicly, openly criticized the parts of the law as being egregious and unenforceable. She has done that speaking out, she has done it in an op-ed and in the local newspaper. She has been unambiguous in her criticism that not only is it egregious in the substance of the law, but that the burdens they place on the Supervisors of Elections are unenforceable.

I have written to Governor Scott. I have talked to him personally, asking him to support the revamping or the repeal of this law. I have also just asked the Senate Judiciary Committee to conduct a congressional investigation to see if Florida's law was part of an orchestrated effort that resulted in voting law changes in 14 States thus far this year. These new voting laws could make it significantly harder for more than 5 million eligible voters in many States to cast their ballots in next year's election in 2012, and that is according to the Brennan Center for Justice at New York University School of Law.

Last month they completed the first comprehensive study of the impact of those State laws. The Florida law is probably the strongest of all the 14 States. It requires third parties who sign up new voters to register with the State first and then to submit applications from the new voters for registration within 48 hours. For almost four decades, the Florida law has been that they had 10 days in which to submit the names—for four decades. Now it is within 48 hours.

Can anybody say with a straight face that Florida isn't taking a step backwards in making it harder to vote and harder to register to vote and harder to have a person's vote count as they intended, especially a step backwards when it involves protecting one of our most fundamental rights, the right to vote?

I hope people are going to start to realize that this is not just happening in Florida, but that a number of States have passed laws that are going to make it harder to vote and harder for people to cast their ballots. We simply should not sit back and watch as a handful of lawmakers and Governors approving this legislation in those States continue to block the path of voters to the polls.

When we think back in history, when Lyndon Johnson was President there were poll taxes and literacy tests aimed at blocking African Americans from voting. President Johnson went on TV and spoke to the Nation about passing civil rights laws for African Americans, including the right to vote. He told us: “We are going to give them that right.” If he were alive today, I wonder what he would think as he watched these legislatures across the country—in what the Miami Herald recently called a disturbing trend—pass laws that place unnecessary hurdles between the voting booth and minorities, young voters and seniors.

In Florida, the so-called election reform law rapidly made its way as a legislative bill into law this past spring despite public outcry as the legislature was considering it. Here is what the law does: It reduces the number of early voting days from 14 to 8. Of course, it was explained in the guides that the Supervisors of Elections can increase the voting hours on those days. But when they do that, they have to pay overtime, time and a half. Look at the budgets of all the States and the counties. They are in distress. So they are not going to have the money to do it. So, in effect, it is reduced from 14 days for early voting to 8 days.

Why was early voting ever instituted in the first place? Remember the debacle we had in the Presidential election in Florida in the year 2000? As a result, there was an effort to increase the number of days so it would make it a convenience and make it easier to vote—14 days constricted to 8.

Oh, by the way, the 14 days goes all the way up through the Sunday before the Tuesday election. The new election law in Florida stops it on the Saturday before the Tuesday election. Well, guess who that is going to hurt? What group do we think goes in record numbers to vote after church on Sunday, the day before the Tuesday election?

The election laws were set up to make it easier to vote for seniors and for many others, so much so that it was such a tremendous success in the last several elections that 40 percent of all the people voted before Election Day. One can imagine the administrative help it was, that only 60 percent of the people voted on Election Day. But that is constricted under the theory that it was going to stop election fraud.

By the way, there has been very little election law fraud reported in Florida and in other States.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. NELSON of Florida. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NELSON of Florida. So that is a false argument, that it is going to cause any improvement on voter fraud. There is hardly any voter fraud.

That is one thing the new election law does. What is another thing? It makes it harder if a person moves their residence to another county in Florida. As a matter of fact, if a person moves to another county and they do not register to vote in that county, but they have a voter identification card that shows an address in another county in Florida where the person came from, that person will not get a regular ballot. That person will get a provisional ballot. Sadly, what we know from the experience of provisional ballots in Florida in the 2008 Presidential election is that half of the provisional ballots were not counted.

Well, what group is that going to affect? Did my colleagues hear about how young people and college students got so interested in government and politics that they went to the polls in record numbers? Where did they vote? A lot of them got interested while they were away at their colleges and universities and they registered to vote and they voted in record numbers. Don't we want to encourage that? No. Not this election law. This election law says when that college student shows up because they have suddenly gotten energized, and they have not registered to vote in that county where they go to school, when they pull out their voter registration card that has their parents' address back home in another county, they are not going to get a regular ballot. They are going to get a provisional ballot.

Is this the kind of nonsense we want going on? It is happening in front of our eyes, and it is happening in the State of Florida.

Let me tell my colleagues what else it does. It subjects voter registration drives to redtape and even fines up to \$1,000 per person, so much so that the League of Women Voters was forced to abandon its registration drives after doing it in our State for 72 years. What does the law do? It says: If you are going to register somebody to vote, you first have to register with the State of Florida that you are going to be a third party registrar, and when you register those names you have to turn them in to the supervisor's office within 48 hours.

Why, for four decades has the law been that you had 10 days to turn them in? If you don't get it in by the 48th hour and 1 minute, you are now subject to fines of \$50 per registration, up to \$1,000 that you could be fined, thus the case of the teacher at New Smyrna Beach High School, Jill Ciccarelli, who had preregistered her students and had held the registrations for more

than 48 hours. Of course, Jill did not even know about the law.

Listen to what the Orlando Sentinel said about it. This is about the new election law:

It amounts to . . . ripping apart election laws and weakening democracy.

Listen to what the Tampa Tribune said:

This bill isn't fooling anybody. It's not about clean elections.

Listen to what Florida Today, a Gannett newspaper, said. It called the law an “assault on the most cherished of American rights.”

I see you are calling my time. I ask unanimous consent for an additional 2 minutes.

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

Mr. NELSON of Florida. Mr. President, no State should have the right to make a law if it abridges people's basic rights. I have requested the Department of Justice to look into that. I requested this several months ago. At this moment, I cannot tell you to what degree the Department of Justice is questioning this. They have been engaged in a lawsuit, because the State of Florida has sued them. The State of Florida is suing them to invalidate the entire Voting Rights Act of 1964, if you can believe that.

Look back in history. After being arrested for casting an illegal vote in the Presidential election in 1872, Susan B. Anthony, a schoolteacher, called it a downright mockery to talk to women of their enjoyment of the blessings of liberty while they were being denied the use of the only means of securing that, and that is the ballot. That is what Florida's new election law and others like it around the Nation are, a downright mockery. Dr. King warned Americans that all types of conniving methods can be used to keep people from being registered voters. That is what these new so-called election reform laws amount to, democracy turned upside down. I hope the Senate will look at this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

#### SPECIAL JOINT COMMITTEE

Mr. CARDIN. Mr. President, later this month, the special joint committee will be issuing its recommendations. The special joint committee was set up for us to get recommendations on dealing with our economic problems and our budget deficit. I wanted to share with my colleagues two points I think are critically important that I hope will come out of this special joint committee.

First, I hope this joint committee will provide a way that we can advance an agenda that will create jobs in our communities. Secondly, I hope this special joint committee will come forward with a comprehensive and balanced approach for us to deal with our current unsustainable budget deficits.

Let me talk about the first issue, creating jobs. President Obama came forward with a job initiative that I do believe is entitled to debate on the floor of this body and, I would hope, passage. President Obama brought forward a bill that deals with rebuilding America so we can have the types of roads and bridges and water infrastructure and energy infrastructure that allow America to compete, at the same time creating jobs.

He has offered proposals that would help small businesses, because we know the small businesses represent the economic engine of America. Where more jobs will be created, more innovation occurs. He understands that and is encouraging us to do more to help small businesses.

The President's proposal deals with our men and women in the military service who are coming back from Iraq, coming back from Afghanistan, to have jobs available. Yesterday I was at BWI Airport as our soldiers came back from Iraq and Afghanistan. They want jobs. The President's initiative says, look, let's make sure we have jobs for our returning soldiers. All that means is we are going to create more jobs.

The joint committee needs to make sure that in its recommendations we have the wherewithal to move this Nation forward by creating jobs. The President's proposal has been evaluated by independent economists. Mark Zandi, who was Senator McCAIN's economic adviser in his Presidential campaign, points out the President's proposal would increase our gross domestic product by 2 percent and create 1.9 million additional jobs.

The President's proposal is completely paid for. It adds nothing to the deficit. I must tell you, if we are going to be able to balance our budget, if we are going to be able to get our budget in better shape, we have to have more jobs, less people using governmental services, more people paying revenues or taxes into our system. The more people who are working, the better our budgets will come into balance.

I know some here are saying there is a better way of doing it. Well, come forward with a better way of doing it. I would challenge particularly my Republican colleagues, if you have a better way, come forward with a proposal that includes at least 1.9 million jobs and does it without adding to the budget deficit. That is the proposal we have before us.

I am asking the joint committee to make sure they provide in their recommendations a way that we can create jobs so we can deal with our budget deficit.

The second point I want to make is I would hope that the joint committee's recommendations would be comprehensive and balanced. Some call that the shared sacrifice.

I know these numbers can sort of be used any way you want, but the groups that have looked at this, the Simpson-Bowles group and others, say, we need

to reduce the deficit over the next 10 years by about \$4 trillion. I think that is a number we should meet. I hope the joint committee can come in with \$4 trillion of deficit reduction over the next 10 years. We have already done the first trillion. We did that when we raised the debt limit in August. Now we need to look at another \$3 trillion. I would hope they would do it.

It starts with a realistic baseline. What does that mean? It means what numbers are we using in order to determine whether we actually get to that \$4 trillion of deficit reduction? What baseline do we use in order to determine the revenue base from which we start these discussions?

I would suggest we make a realistic baseline. I was impressed with the work of the Simpson-Bowles commission. I was impressed by the work of our colleagues in the Senate, the so-called Gang of Six, and I must tell you the overwhelming majority of my colleagues in the Senate have at least agreed to the basis of what the Gang of Six was working with, what they were trying to do. It uses a realistic baseline. It assumes that some of the tax provisions will be extended, but not all.

It also assumes we have to bring in additional revenues beyond that. Quite frankly, the number we have been talking about is that we need about \$1.2 trillion outside of this \$4 trillion package in realistic revenues using a realistic baseline. And that can be gotten. That is not so difficult to get when you realize that all of the tax deductions, exemptions, and credits equal as much revenue as we bring in in our Tax Code.

Another way to say that is, if we eliminate all of the exemptions, deductions, and credits, we get tax rates one-half of what our current tax rates are. What we are suggesting is that there are certain loopholes in the Tax Code that benefit special interest corporations. They need to be eliminated. They need to be eliminated. Everyone has to pay their fair share. We cannot just attack the middle-class families.

There was an article in the Baltimore Sun this past week which showed that during this recession the number of people earning more than \$1 million has grown dramatically. There have been economic studies done showing that the wealthiest in America during these economic times have done very well. Their incomes have grown at a faster rate than other Americans, the middle-class families. The middle-class families are falling behind.

All we are suggesting is that when we look at how we get the revenue, let's make sure it is fair and we do not again penalize the middle-class families. Let's make sure those who earn over \$1 million pay their fair share toward this comprehensive and balanced approach.

That is what we are asking the joint committee to come in with, come in with proposals that are fair, are balanced, make sure everybody pays their fair share, including those who have

done extremely well during this economic recession, those who have made over \$1 million of income.

I must tell you, everyone needs to be part of the equation. We understand that. We have to have the so-called shared sacrifice. I have taken the floor before to talk about our Federal employees. Everybody says, well, you know, the Federal employees have to help contribute to this deficit also. Our Federal employees understand that. They already have contributed. They were the first to do that with 2 years of pay freezes. We are asking them to do more with less people. We have cut their budgets and we have given them more work. And we have told them, 2 years with a pay freeze. So our Federal employees have already contributed to these deficit reduction numbers. They should not be picked on again. I believe we can come together. We need to have a comprehensive and balanced approach that allows America to create more jobs. That is what we need to do as a nation. If we come together, I am convinced it will instill confidence among the American consumers, among American investors, and our economy will take off. It is going to be good for everyone in this Nation. I hope this month we will see the joint committee come in with such recommendations that will be balanced, will be fair, and will allow us to create more jobs for Americans.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

#### CRIMINAL JUSTICE REFORM

Mr. WEBB. Mr. President, 11 days ago, all but four of the Republicans in this body filibustered a commonsense piece of legislation that would have created a national commission designed to bring together some of the best minds in America to examine our broken and frequently dysfunctional criminal justice system and to make recommendations as to how we can make it more effective, more fair, and more cost-efficient.

This legislation was the product of more than 4 years of effort. It was paid for. It would have gone out of business after 18 months. It was balanced philosophically. It guaranteed equal representation among Democrats and Republicans in its membership. It was endorsed by 70 organizations from across the country and from across the philosophical spectrum—from the National Sheriffs' Association, the Fraternal Order of Police, the International Association of Chiefs of Police, to the ACLU, the U.S. Conference of Mayors, and the Sentencing Project.