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Senate

The Senate met at 10:01 a.m. and was called to order by the Honorable BILL NELSON, a Senator from the State of Florida.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rabbi Hazdan.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Sovereign of the Universe and Father of Mankind, in these soul stirring times we need Thy guidance and Thy blessing. Serious is the challenge that free countries and America face. We seek peace, but we must safeguard life and liberty from possible onslaughts of godless ruthless, and unprincipled aggressors.

Earnestly we seek Thee and we invoke Thy blessing upon all assembled here in this shrine of freedom. Thy faithful servants, the Senators who have been chosen to speak for our Nation, stand upon a pedestal of power, of privilege, and responsibility. Do Thou, O gracious guardian, ever direct their deliberations that their vision and wisdom may make America a better country in which to live, and thus strengthen the national foundations of our beloved Republic.

May we, the citizens of the United States, ever be reverent toward Thee, our loving G-d, loyal to our obligations as Americans, honorable in our dealings with our fellow men, compassionate to the unfortunate, be as brothers to the oppressed, the persecuted, and the homeless everywhere.

Gracious Sovereign who is the ruler of the universe, do Thou bless and guide and guard the President of the United States, these Senators and all associated with them who labor zealously for the welfare of our Nation and for the advancement of the cause of democracy throughout the world.

May the biblical ideals of freedom and fraternity, of justice and equality enshrined in the American Constitution become the heritage of all people of the earth.

We ask this in Thy name, our Father in heaven. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BILL NELSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 11, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BILL NELSON, a Senator from the State of Florida, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Florida thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, as the Chair announced, the Senate is now resuming the consideration of the energy reform bill. We expect the Senator from California to be here momentarily to offer an amendment. I believe the subject matter of that will deal with ethanol. This will be offered, I hope, within the next few minutes.

The consideration of this legislation will be interrupted as a result of the unanimous consent request granted last night. The Senate is slated to resume the election reform measure at 11:30 a.m. today, with 30 minutes of debate remaining prior to the Senate conducting up to three rollcall votes at 12 noon today. That 30 minutes will be equally divided between Senator DODD and Senator MCCONNELL. Once the election reform measure has been disposed of, the Senate will resume consideration of the energy bill with other votes this afternoon and this evening.

I say to all Senators, we need to move this legislation along. I sound like a broken record. We have been told on several occasions that the ANWR amendment was going to come forward. It will come forward today in some fashion or form. I think it is fair to say if this is not offered by Senator MURKOWSKI or someone of his choosing, either I or someone else will offer it. ANWR must come before the Senate and we must debate this issue; I hope everyone understands. Whoever wants to offer it wants it just right, and I think the just right time has arrived. We need to have this amendment before the Senate. As was indicated yesterday, it may become necessary to offer the same language in the House bill so we can get this debate underway and this legislation completed.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 and 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Landrieu/Kyl amendment No. 3050 (to amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment.

Graham amendment No. 3070 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Schumer/Clinton amendment No. 3093 (to amendment No. 2917), to prohibit oil and gas drilling activity in Finger Lakes National Forest, New York.

Durbin amendment No. 3094 (to amendment No. 2917), to establish a Consumer Energy Commission to assess and provide recommendations regarding energy price spikes from the perspective of consumers.

Dayton amendment No. 3097 (to amendment No. 2917), to require additional findings for FERC approval of an electric utility merger.

AMENDMENT NO. 3114 TO AMENDMENT NO. 2917

Mrs. FEINSTEIN. Mr. President, I rise today to open the debate on the so-called renewable fuels or ethanol mandate in the Senate energy bill. I strongly believe the fuel provisions in this legislation are egregious public policy, that they amount to a wish list for the ethanol industry, and the Senate has to consider the impact of these provisions on the rest of the Nation.

Frankly, I believe it is terrible public policy. Frankly, I believe this amounts to a wealth transfer of literally billions of dollars from every State in the Nation to a handful of ethanol producers. Frankly, I believe this mandate amounts to a new gas tax in the Nation.

Here are my objections to the renewable fuels requirement in the Senate energy bill: First, despite limited clean air benefits, the mandate will almost triple the amount of ethanol in our Nation's fuel.

Second, even if States do not use this ethanol, they are required—forced—to pay for it anyway.

Third, forcing more ethanol into gasoline will only drive prices up at the pump.

Fourth, since over 98 percent of the production capacity of ethanol is based in the Midwest, it is extremely difficult to transport large amounts of ethanol to States where it is not produced.

Fifth, I am very concerned the limited number of ethanol suppliers in the United States will be able to exercise their market power and drive up price. This is exactly what happened last year in the West when electricity and natural gas prices soared due to supply manipulation by out-of-State energy companies.

Sixth, there may not be enough ethanol produced in the United States to meet future demand.

Seventh, almost tripling the amount of ethanol we produce raises serious health and environmental questions. Tripling it is a big step into the unknown, environmentally and healthwise. I hope to show this in my remarks.

Finally, because ethanol is subsidized, mandating more of it will divert money from the highway trust fund. What I mean by this is there is a 5.4-cent-per-gallon tax credit for ethanol that will continue to divert more and more resources to ethanol instead of the highway trust fund where every State gets its essential resources to reduce traffic congestion and improve the safety of roads and bridges.

Let me explain each objection, one at a time. Let me begin by talking about my concerns with mandating more ethanol than is needed. This bill forces California, my State, to use 2.68 billion gallons of ethanol over the 9 years it does not need to meet clean air standards.

Look at this chart. The red is the amount of ethanol California will be forced to use from 2004 to 2012 under the mandate in the Senate energy bill. The blue is the amount of ethanol we would use without the mandate, largely in the winter months in the southern California market.

Here you see, to meet clean air standards, by 2004, we will be forced to use 126 million gallons. This bill forces us to use 276 million gallons in 2004 and it forces us to use 312 million gallons in 2005 and it ratchets up every year until we are forced to use, by the end of this mandate, 600 million gallons of ethanol in 2012 when we only need to use 143 million gallons to meet clean air standards.

What kind of public policy would do that? What kind of public policy would require a State to use a dramatic amount more of ethanol, an untested health and environmental additive to gasoline, that it doesn't really need? Is that good public policy? I do not think it is.

What makes it even more egregious—and the reason I use the word ''egregious'' is if we do not use it, if we trade it, we are forced to pay for it anyway. That is the massive transfer of wealth that takes place under this amount. No one knows how much more consumers will be forced to pay, but a recent study by the Department of Energy indicates that prices will increase 4 to 10 cents a gallon across the United States if this ethanol mandate becomes law.

A study sponsored by the California Energy Commission indicates that in a State such as California, where ethanol is not produced, gas prices could double and even reach $4 per gallon. This chart shows the real hazard this mandate is on both coasts. In California, where it is estimated the price increase is .096 cents per gallon. Then in other states: Connecticut, it will increase the price of gasoline 9 cents a gallon; Delaware, 9 cents a gallon; New Hampshire, 8 cents a gallon; New Jersey, 9 cents a gallon; New York, 7 cents a gallon; Pennsylvania, 5 cents a gallon; Rhode Island, 9 cents a gallon; Virginia, 7 cents a gallon; Massachusetts, 9 cents a gallon; Missouri, 5 cents a gallon—and on and on and on. This is bad public policy.

California does not have the infrastructure in place to be able to transport large amounts of ethanol into the State, therefore any shortfall of supply—either because of manipulation or raw market forces—will be exacerbated because the State will be reliant on ethanol from another area of the United States.

According to a recent report issued by the GAO, over 98 percent of the U.S. ethanol production capacity is located in the Midwest. Here it is: In the West, 10 million gallons—that is all we produce; in the Rocky Mountain region, 12 million gallons; the South, here, 15 million gallons; and the east coast, 4 million gallons.

In the Midwest, which is the big beneficiary of this ethanol mandate—nobody should doubt that—they produce 2.27 billion gallons of ethanol. So the ethanol is all produced in the Midwest.

There is only one ethanol plant in California today, so it is going to be impossible for California to respond to any ethanol shortage. As the GAO reports:

> Ethanol imports from other regions are vital. However, any potential price spike could be exacerbated if it takes too long for supplies from out-of-State (primarily the Midwest where virtually all the production capacity is located) to make their way to California.

Since there is no quick or effective way to send ethanol to California as of yet, more time is needed to develop the proper ethanol delivery infrastructure. One of the amendments I will be sending to the desk essentially delays the beginning of this by an additional year to give us the time to get the infrastructure.

This is why it is important. Because moisture causes ethanol to separate from gasoline, this fuel additive cannot be shipped through traditional gasoline pipelines. So it needs a whole new infrastructure. Ethanol needs to be transported separately by truck, by boat, and by rail, and blended into gasoline after arrival. Unfortunately, this makes the 1- to 3-week delivery time from the Midwest to either coast—either to California and the west coast, or to the east coast—dependent upon good weather conditions as well as

available ship, truck, and train equipped to handle large amounts of ethanol. Again, this is a tripling of the ethanol use in America over the next 9 years.

I believe everyone outside of the Midwest will have to grapple with how to bring ethanol to their States. According to the California Energy Commission:

The adequacy of logistics to deliver large volumes of ethanol to California on a consistent basis—

This is the key. Gasoline is sold every day. You can't just import it once and then forget it for 3 weeks. Every single day on a consistent basis is uncertain.

A recent report sponsored by the same energy commission predicts that there will be future logistical problems since the gasoline supply is currently constrained with demand exceeding the existing infrastructure capacity.

This means that California is already at its refining capacity. It is actually at about 98 percent of refining capacity. If there is insufficient transportation infrastructure to ship large amounts, this just makes the problem worse.

I don't see any way for California to avoid experiencing a new energy crisis. This one would be a direct result of an unnecessary Federal requirement that increases our mandatory use of ethanol far beyond what we need to use to meet the clean air standard.

The fact that there are limited numbers of suppliers in the ethanol market reminds me of the situation with electricity a year ago when prices soared in the West because of a few out-of-State generating firms dominating the market. What do I mean by that?

According to the GAO, the largest ethanol producer is Archer Daniels Midland. That is this company. They have a 41-percent share of the ethanol market. The entire ethanol market really consists of these companies: Minnesota Corn Producers, 6 percent; Williams Bio-Energy, 6 percent; Cargill, 5 percent; High Plains Corporation, 4 percent; New Energy Corporation, 4 percent; Midwest Grain, 3 percent; and, Chief Ethanol, 3 percent.

These eight companies corner the market on ethanol. There is a market concentration of ethanol. That is a danger signal for all of us—a concentrated market, and a huge mandate that triples.

ADM has a 41-percent market share. The top eight firms have a 71-percent market share. The GAO finds their market share to be ''highly concentrated.''

How can those in the West who suffered last year believe these firms will not abuse their market power to drive prices up? If we learned anything from the energy crisis last year, it is that when there is not an ample supply or adequate competition in the marketplace, prices will soar, and consumers will pay.

Mr. President, I ask unanimous consent to have printed in the RECORD an op-ed by Peter Schrag that appeared in the Sacramento Bee on January 30.

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

[From the Sacramento Bee, Jan. 30, 2002]

CAN CALIFORNIA AVOID THE NEXT ENERGY MESS?

(By Peter Schrag)

The two sets of terms aren't corollaries, but close enough. The Bush administration has ruled that without an ''oxygenate'' additive such as ethanol or MTBE, now being phased out because of water pollution problems, California gasoline won't burn cleanly enough to meet air-quality standards. It thus won't give the state a waiver from the federal requirement. But as a leading environmentalist says, the decision is based a lot more on political science than science. And it could cost California motorists close to a half-billion a year.

And that's where ADM comes in. The monster agribusiness company, which calls itself supermarket to the world, markets about half the ethanol produced in this country. ADM's contributions to politicians of both parties—some $4.5 million in the 1990s, plus some $930,000 in soft money in the 2000 election cycle alone, including $100,000 for the Bush inauguration last year—put it ahead of Enron on many lists of political-influence peddlers.

The investment, bolstered by intensive lobbying from Midwest farmers, is paying off handsomely. The president says that ethanol, a ''renewable'' fuel that comes mostly from corn, not only reduces emissions but also fosters energy independence.

The claim is dubious. Many studies indicate that ethanol, while reducing carbon monoxide emissions, increases the emission of smog-producing and other toxic compounds. A 1999 report commissioned by the U.S. Environmental Protection Agency itself called for an end to the requirement. That, the panel said, ''will result in greater flexibility to maintain and enhance emission reductions, particularly as California pursues new formulation requirements for gasoline.

The Sierra Club, the Natural Resources Defense Council, the Clean Air Trust and other environmental groups echo the findings. But Washington hasn't paid much attention. Despite evidence that ethanol has contributed nothing to energy independence, every gallon of gas with ethanol gets a 5.4-cent federal subsidy (without costs $600 million a year in federal highway funds). And as MTBE is being phased out—in California, Gov. Gray Davis has set Jan. 1, 2003, as the deadline—ADM and other ethanol producers stand to gain handsomely.

Davis has lobbied vigorously for a waiver of the ethanol requirement, arguing, with considerable evidence, that California's auto and fuel standards will achieve the same or even better results without ethanol. He's also suing the federal EPA.

According to a North American Free Trade Agreement claim by Methanex Corp., a Canadian producer of MTBE, Davis himself got $200,000 from ADM during the 1998 gubernatorial campaign and allegedly was flown to ADM headquarters in Decatur, Ill., to meet with company officials. MTBE didn't have to be phased out, Methanex says; the problem is not the compound but the flawed underground tanks from which it leaks. Davis' phaseout order, says the claim, suggests still more influence peddling.

But in this case, ADM's investment hasn't paid off. There's been overwhelming pressure in California, as elsewhere, to get MTBE out of gasoline as quickly as possible. Davis is not doing ADM's bidding; he's trying to straddle a line between cleaner water and higher gas prices. Chances are he'll extend the MTBE phaseout and try to negotiate with Congress for (at least) more flexibility on ethanol.

Unlike Enron, ADM is not likely to implode; there's no sign of accounting shenanigans, no ''partners'' where red ink can be hidden. But six years ago, ADM was forced to pay $100 million in what was then the largest price-fixing fine ever imposed. In 1998, three of its senior executives, including Chief Operating Officer Michael Andreas, son of former board chairman Wayne Andreas, were sentenced to prison.

The case, said a federal appeals court, reflects ''an inexplicable lack of business ethics and an atmosphere of general lawlessness. . . . Top executives at ADM and its Asian co-conspirators . . . spied on each other, fabricated aliases and front organizations to hide their activities, hired prostitutes to gather information from competitors, lied, cheated, embezzled, extorted and obstructed justice.'' These are not the kind of guys you want to depend on when you fill your tank.

California's gasoline situation will probably never become the crisis that electricity was last year—and in this case, no one can blame the state or its politicians. But if something doesn't give before the end of the year, the state will not only be paying for ethanol it doesn't need, but also be subject to sudden supply shortages.

California may be able to produce some of its own ethanol, but most will have to come from the Midwest, either by ship (down the Mississippi, which sometimes freezes) or by train. Without a federal waiver, every gallon of ethanol not available at the refinery means a shortage of 14 gallons of gas. If ever there was a price-spike formula, this one is it.

Last week, California's Republican gubernatorial candidates once again rehashed last year's energy crisis. Somebody ought to start asking what they'd do about the next one.

Mrs. FEINSTEIN. Mr. President, in this article, Schrag mentions:

Now that ''energy crisis'' and Enron have become household words, Californians had better get familiar with ethanol and Archer Daniels Midland.

ADM is already an admitted price-fixing firm. Three of its executives have served prison time for colluding with competitors.

In 1996, ADM pled guilty and paid a $100 million fine for conspiring to set the price of an animal feed additive. That is the company that has a 41-percent share of ethanol.

The ethanol industry tells us they will be able to produce enough ethanol to meet future demands under this mandate. But what if some of the planned ethanol plants fail to be built? This is a key point. Plants could be delayed, or not coming online at all. We are finding this with the electricity-generation facilities right now in California. Plants that said they were going to come in, because of the economy, or because of their own financial conditions, or one thing or another, have decided no—they are not really going to go ahead with it. What is to preclude that same thing from happening with respect to ethanol? The answer to the question is nothing precludes it.

The GAO reports:

Projected capacity may be lower if some plants cease production, plants under construction don't come online in time, or some new plants' plans do not materialize.

The ethanol industry is asking this Nation to make a blind leap of faith that there will be a sufficient amount of ethanol in the future. In fact, projections of the future domestic ethanol supply are based upon numbers supplied by ethanol producers themselves. We are taking a very big risk here. We should know it.

I am also particularly concerned about the long-term effect of nearly tripling the amount of ethanol in our gasoline supply. What effect will this have on our environment? What are the health risks of ethanol?

The answers are truthfully largely unknown. That is the rub, too. I believe it is bad public policy to mandate an amount of ethanol that is way above what is required to meet clean air standards before scientific and health experts can fully investigate the impact of ethanol on the air we breathe and the water we drink.

There was a 2-percent oxygenate requirement put in some time ago. One of the oxygenates that was chosen was MTBE. Now we find that MTBE has contaminated 10,000 wells in California, the water supply for Santa Monica, the Santa Clara Valley reservoirs, Lake Tahoe, and a number of other places in California. We now find that MTBE may well be a human carcinogen. We learned all of this, the horse is out, and the barn door is shut. Now we are going to do the same thing with respect to ethanol.

Just what are the environmental ramifications of more ethanol in our fuel supply?

Although the scientific opinion is not unanimous, evidence suggests that, one, reformulated gasoline with ethanol produces more smog pollution than reformulated gas without it. We have reformulated gasoline. That is why we don't need to use it. The finding is that there is more smog pollution with ethanol than if States simply went to reformulated gasoline.

Second, ethanol enables the toxic chemicals in gasoline to seep further into ground water and even faster than conventional gasoline.

Ethanol is also made out to be an ideal renewable fuel, giving off fewer emissions. Yet on balance, ethanol can be a cause of more air pollution because it produces smog in the summer months. Smog is a powerful respiratory irritant. It affects a large amount of the population. It has an especially pernicious effect on the elderly, on children, and individuals with existing respiratory problems such as asthma. And asthma is going up in America. It is time we begin to ask why.

A 1999 report from the National Academy of Sciences found:

[T]he use of commonly available oxygenates [like ethanol] in [Reformulated Gasoline] has little impact on improving ozone air quality and has some disadvantages. Moreover, some data suggests that oxygenates can lead to higher Nitrogen Oxide (NO_x) emissions.

Nitrogen oxides are known to cause smog.

The National Academy report also found that ethanol-blended gasoline will ''lead to increased emissions of acetaldehyde''—a toxic pollutant.

Thus, ethanol is both good and bad for air quality. And we triple it. That is the unknown. That is the big step into the unknown we are taking. To me, it would make sense to maximize the advantages of ethanol and minimize the disadvantages. This bill, this mandate does not do that. This is exactly why States should have flexibility to decide what goes into their gasoline in order to meet clean air standards. Ethanol should not be mandated, certainly not at this level.

Why are some forcing smog pollution into our air during the summer?

Evidence also suggests that ethanol accelerates the ability of toxins found in gasoline to seep into our ground water supplies. The EPA Blue Ribbon Panel on Oxygenates found that ethanol ''may retard biodegradation and increase movement of benzene and other hydrocarbons around leaking tanks.''

Now, benzene is a carcinogen. Just know what we are doing.

Let me quote the EPA Blue Ribbon Panel on Oxygenates. Ethanol ''may retard biodegradation and increase movement of benzene and other hydrocarbons around leaking tanks.''

According to a report by the State of California entitled, ''Health and Environmental Assessment of the Use of Ethanol as a Fuel Oxygenate,'' there are valid questions about the use of ethanol and its impact on ground and surface water. An analysis in the report found that there will be a 20-percent increase in public drinking water wells contaminated with benzene if a significant amount of ethanol is used—a 20-percent increase in public drinking water wells contaminated with benzene, a known carcinogen.

We are tripling the amount of ethanol, and we are tripling it when it isn't needed to meet clean air standards. What kind of public policy is this? It is egregious public policy. It is wrong public policy. If you think I am passionate about it, you are right.

So what is the rush to force more ethanol on the American motorists if it will only drive up the price of gasoline and produce mixed environmental results?

On top of that, how can the Senate favor protecting the ethanol industry from liability? And this is the clincher in this bill: They are protected from liability. So if you get sick from it, if it pollutes our wells, if benzene increases, you cannot sue. What kind of public policy is this?

I urge my colleagues to look at pages 204 and 205 of the energy legislation where a so-called safe harbor provision gives the ethanol industry unprecedented protection against consumers and communities that may seek legal redress against the harm ethanol may cause. I am very pleased to say that my colleague, Senator BOXER from California, will have an amendment which will eliminate this safe harbor provision.

More ethanol will force the Government to collect less gasoline tax revenue for the highway trust fund. This is a very big consideration. It is huge.

Let me argue this point. Ethanol is exempted from 5.3 cents of the Federal motor fuels tax. The Congressional Research Service has indicated that the ethanol mandate in this bill will divert $7 billion over the 9 years away from the highway trust fund, which States use to pay for essential transportation projects. And that is on top of the cut that is in the Bush budget.

So per gallon of gasoline today, 18.4 cents goes into the trust fund. With the tripled amount of ethanol, CRS estimates there will be a $7 billion loss in the highway trust fund over the next 9 years—a $7 billion loss. That is enough in itself to vote against this legislation.

California is able to produce special gasoline that is the cleanest burning gasoline in the country today. We meet clean air standards with reformulated gasoline. The State only needs to use ethanol in the winter months to meet clean air requirements. That is why the State has continually asked the Federal Government for a waiver of the 2-percent oxygenate requirement.

Yet time and time again, the ethanol industry has flexed its political muscle in the White House, in the Senate, and in the House to force California to use fuel additives the State does not need. This time is no different. And it is clear to me that all of this is merely serving to prop up an industry that would fall apart without overwhelming Government subsidy and action.

I am very concerned about the repercussions this mandate may have on the price and supply of gasoline. I cannot vote for this bill with this mandate in it. It is bad public policy. It is egregious public policy.

The California Energy Commission again points out:

The combination of limited local capacity, restrained imports, limited storage, and a strong demand, has caused the California gasoline market to become increasingly unstable, with wild price swings.

The bottom line is that my State's gasoline market is extraordinarily volatile and vulnerable. And this is the fifth largest economic engine in the world. People have to get to work, and gasoline fuels the economy as well as automobiles. And we are going to do this to it?

In 1999, fires at Tosco and Chevron refineries during the summer forced the price of gasoline to double in California.

This bill will strain California's gasoline supply even further with a Federal

ethanol mandate that risks plunging California and other States into the next energy crisis. Every indicator I have seen points to this ethanol requirement as having unanticipated side effects, such as supply problems and resulting in higher gasoline prices for the consumer.

So by passing this legislation, the Senate will be making California's and the Nation's gasoline more expensive by mandating a fuel additive with a negative value as an energy source and a mixed value for the environment.

On balance, it makes no public policy sense. I want to make clear, once again, my strong opposition to this greedy and misguided renewable fuels requirement. The mandate is a dangerous step that could force gasoline prices to soar, cause shortages of fuel, create more smog, and usher in the next energy crisis.

Plain and simple, it is bad policy to charge all consumers more to benefit a collection of very few ethanol producers. I hope this commentary will begin an honest debate in the Senate about the ethanol provisions of the Senate energy bill and what they will really do.

I know Senator SCHUMER is going to follow up on this. However, I take this opportunity to indicate that there will be a number of amendments from those of us on the west coast and those of us on the east coast. We intend to press this debate. We do not intend to let this bill go forward if we can prevent it.

I begin with one of my first amendments. Another diabolical thing in this bill is essentially to state that if a waiver is provided, if a State asks to waive—this is on page 195 of the bill—the Administrator, in consultation with the Secretary of Energy, may waive the renewable fuels requirement in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under this section based on a determination by EPA, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or the environment of a State or a region or the United States; and that based on a determination by the EPA Administrator, after public notice and opportunity, there is an inadequate domestic supply or distribution capacity to meet the requirement.

In simple English, this means that if there is an emergency, the ethanol mandate can be temporarily suspended.

This is the rub: The bill, as currently drafted, gives EPA 240 days in an emergency to make a decision. That is a good part of a year to decide whether or not to grant a waiver. This is unconscionable. In other words, if you can't obtain enough ethanol and you have an emergency and you petition to waive it, it takes 240 days. What do you do for 240 days?

This, in my view, is ridiculous. Can you imagine if in a few years there is an ethanol shortage, there are problems getting enough ethanol to New York or to California and our two Governors ask for a waiver and we have to wait 240 days to get it? Our economy would take a devastating blow if such a situation were to occur.

To make this waiver more reasonable, I am offering this amendment to require the EPA to respond in a reasonable time to an emergency request by a State for a waiver. This amendment will give the EPA 30 days to rule on a waiver so consumers will not unduly suffer. By reducing the time period, the Administrator will have not 240 days but 30 days to decide whether or not an emergency waiver should be approved. We can ensure that any price spikes or supply shortage will be as temporary as possible.

I believe that 240 days is in there for a reason: Because if your gasoline spikes in price, as we think it is, you can't stop it. It goes on for the 240 days.

I will end my remarks. I reserve the right to come back for additional remarks. One of the things I would like to go into is how energy inefficient this ethanol proposal really is because ethanol increases the need for gasoline, it does not reduce it. MTBE reduces the amount of gasoline you need. So if you are short refinery capacity, MTBE works to your advantage. Ethanol does exactly the opposite. If you don't have that refinery capacity, you are stuck. It is a big problem.

I would like to do more on that, but at the present time I send an amendment to the desk and yield the floor. I notice the distinguished senior Senator from New York is here and will continue our opposition to this ethanol mandate.

I yield the floor, if I might, to the Senator from New York.

The ACTING PRESIDENT pro tempore. Without objection, the pending amendments are set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 3114.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reduce the period of time in which the Administrator may act on a petition by 1 or more States to waive the renewable fuel content requirement)

Beginning on page 195, strike line 19 and all that follows through page 196, line 4, and insert the following:

''(B) PETITIONS FOR WAIVERS.—

''(i) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirement of paragraph (2) within 30 days after the date on which the petition is received by the Administrator.

''(ii) FAILURE TO ACT.—If the Administrator fails to approve or disapprove a petition within the period specified in clause (i), the petition shall be deemed to be approved.

AMENDMENT NO. 3030 TO AMENDMENT NO. 2917

The ACTING PRESIDENT pro tempore. The Chair recognizes the senior Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague for her strong and eloquent remarks. I ask unanimous consent to lay aside the pending amendment and call up amendment No. 3030 and ask for its consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 3030.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the section establishing a renewable fuel content requirement for motor vehicle fuel)

Beginning on page 186, strike line 9 and all that follows through page 205, line 8.

On page 236, strike lines 7 through 9 and insert the following:

is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

''(o) ANALYSES OF MOTOR VEHICLE FUEL CHANGES''.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I compliment my colleague from California for her fine remarks on this issue, which I share. We have a serious problem in this bill, a problem that most Members don't know about. There is a hidden gas tax in this bill. It is not going to be hidden after today.

This bill will raise the cost of gasoline on average in America more than the nickel gas tax did back in 1993, when I was not a Member of this distinguished body but which caused so much controversy.

I urge my colleagues to pay careful attention over the next few days as many of us bring up this issue. It is complicated. It is anti-free market, I say to my friend from Oklahoma who I know has been a strong defender of free market principles, when I agree with him and when I disagree with him. It is something that should not be in this bill. I think it could be the death knell of this bill, as the Senator from California said. I myself—and I know many others—cannot vote for this final bill with this provision included.

Let me express my concerns about this unprecedented new ethanol mandate provision which was quietly inserted into the Senate energy bill a few weeks ago without any debate. The provision accomplishes two goals not being disputed by my amendment. One

is banning the use of MTBEs which has resulted in groundwater pollution all over the country. The second is scrapping the oxygenate mandate that led so many States to make such heavy use of MTBEs in the first place.

The proposal in the bill provides an anti-backsliding provision to require continued efforts on clean air. Though those provisions could be stronger, we are not opposing any of those parts of the bill. But beyond those provisions, this new amendment adds an astonishing new anti-consumer, anti-premarket requirement that every refiner in the country, regardless of where they are located, regardless of whether the State mandates it or not, regardless of whether the State chooses a different path to get to clean air, must use an ever-increasing volume of ethanol. If they don't use the ethanol—and this is the most amazing part of the bill—they still have to pay for ethanol credits.

Now, our amendment—the amendment I have introduced—would simply strike that provision, plain, simple, and clean. As to the provision we are striking, simply put, what it does is it requires all gasoline users, our consumers, to pay for ethanol whether or not they use it. It is nothing less than an ethanol gas tax levied on every driver—the mom who is driving the kids to school, a truck driver who earns a living. Every gasoline user in this country will pay.

Under this ethanol gas tax, gas prices will rise significantly, even under the best of circumstances. I am first going to bring this part out because I think this part will get the most attention in terms of people understanding how bad this provision is. Using Department of Energy numbers, impartial Hart/IRI Fuels Information Services estimates that gasoline prices will increase by a staggering 4 cents to 9.7 cents per gallon, depending on the region. Should there be market disruptions, which my friend from California brought up, the price would go much higher because without the gasoline they need, the ethanol they need, boom, it goes way up. It also favors some regions over others, so that California would pay the most—about 9.7 cents a gallon. So would New England. My State of New York would pay about 7 cents. But every part of the country would pay more—every single part. Even in the Midwest, where there is lots of ethanol production, the average price of gasoline would go up 4 or 5 cents a gallon.

Listen to this, my colleagues. In the heart of farm country—and I want to help farmers, as I think I have shown in my few years here—both Iowa and Nebraska had a referendum on the ballot to require this kind of provision and rejected it. Well, if the voters in the heart of farm country, in the heart of ethanol country, were against this provision, how are we in the Senate imposing this on every part of the country? I don't know what their philosophy is, but let me read from the Des Moines Sun Register:

An ethanol mandate would deny Iowans a choice of fuels and short circuit the process of establishing its own worth in the marketplace. The justification is to marginally boost the price of corn. If that were the goal, other measures would be far more effective.

How about the Quad City Times editorial entitled ''Ethanol Only Proposal Doesn't Help Consumers.''

How about the Grand Island (Nebraska) Independent: ''Ethanol use should not be a forced buy.''

How about the Omaha World Herald: ''More Alcohol, Less Choice.''

These are all editorials. I don't know about these newspapers. I doubt they are philosophically like the New York Times; yet they are thinking this is a bad proposal. I want to read for you about your States. This is a low estimate, but this is how much the price of gasoline will go up if this provision is kept in the bill, if our amendment is defeated. I will read every State. I think you ought to know it. This is important. The minimum is 4 cents, and in many it is 4 cents. In many it is higher. Keep your ears perked. Alabama would go up 4 cents a gallon; Alaska, 4 cents; Arizona, 7.6 cents; Arkansas, 4 cents; California—the senior Senator from California is here—9.6 cents a gallon; Colorado, 4 cents; Connecticut, 9.7 cents a gallon; Delaware, 9.7 cents; District of Columbia, 9.7 cents; Florida, 4 cents a gallon; Georgia, 4 cents a gallon; Hawaii, 4 cents a gallon; Idaho, 4 cents; Illinois—I just read in today's newspaper how the price of gasoline is going through the roof in Illinois. That would be an additional 7.3 cents a gallon. We are going to tell the drivers in Chicago and Springfield and East St. Louis, where the price is through the roof already, we are going to impose a mandate that will raise their price 7.3 cents a gallon. How can we?

Indiana, 4.9 cents; Iowa, 4 cents; Kansas, 4 cents; Kentucky, 5.4 cents; Louisiana, 4.2 cents a gallon; Maine, 4 cents; Maryland, 9.1 cents; Massachusetts, 9.7 cents a gallon; Michigan, 4 cents a gallon; Minnesota, 4 cents a gallon; Missouri, 5.6 cents a gallon; Mississippi, 4 cents; Montana, 4 cents; Nebraska, 4 cents a gallon for a product we don't make in New York, that we might not even use?

I have spoken to some of the refiners in our area. They think we can meet the clean air mandate in a lot cheaper and better way. If we choose to, we still have to buy the ethanol credit. My goodness.

Nevada, 4 cents; North Carolina, 4 cents; North Dakota, 4 cents; Ohio, 4 cents; Oklahoma, 4 cents; Oregon, 4 cents; Pennsylvania, 5.5 cents a gallon; Rhode Island, 9.7 cents; Tennessee, 4 cents a gallon; Texas, 5.7 cents a gallon; Utah, 4 cents a gallon; Vermont, 4 cents a gallon; Virginia, 7.2 cents a gallon; Washington, 4 cents a gallon; West Virginia, 4 cents; Wisconsin, 5.5 cents a gallon; Wyoming, 4 cents a gallon.

The reason it varies, of course, is the availability of ethanol. It is very hard to ship. You can't create a pipeline—even though that could be expensive to do—the way you can for oil. So the ethanol has to be reduced, and you can see it is mainly in a few States in the heartland, where nice, hard-working people live, in the middle of the country.

If you are far away from these ethanol plants, it is hard to get to; it is hard for you to get the ethanol. It usually has to be produced, put on a truck, a barge, sent down to Mississippi, and then, by boat, sent all around the country and then loaded back, put on a truck, and put into the gasoline. You can see why it is so expensive.

Now, that is in normal times. Should there be market disruptions, of which you can be sure-as-shooting, if we are going to impose this huge mandate requiring more ethanol to be added to gasoline than we produce in the United States right now, there are going to be disruptions and the price of gasoline could double.

This is one of these quiet little amendments that could come back to haunt every one of us. I have been here in the Congress—only 4 years in the Senate but 18 in the House. Every so often, there is an amendment and people vote for it and don't pay much attention, and a year later the public gets wind and says: What the heck have those guys done? Everybody here says: I didn't know or, oh, we didn't realize it. The Senator from California, I, and the others joining us in this debate are putting you on notice: This is one of those amendments. Beware. If there was ever an amendment quietly put in a bill that should have a skull and crossbones on it, be careful, this is it. So pay attention.

Now, my State has already banned the use of MTBEs. We don't take that out in this bill. So have 12 other States, including Arizona, California, Colorado, Connecticut, Illinois, Kansas, Michigan, Minnesota, Nebraska, New Hampshire, South Dakota, and Washington. All have banned MTBEs. A number of other States are in the process of taking action as well because MTBEs pollute the ground water.

Every one of those States that has banned MTBEs is going to be in an impossible dilemma. Their citizens are demanding they ban MTBE, but with the oxygenate requirement in place, they cannot successfully do so.

Last year President Bush's administration denied California's petition to waive the oxygenate requirement, despite the State's ability to comply with air quality standards without it. In New York, we are in the same position. This denial forced the State to defer its critical ban on MTBE and suffer ground water contamination. New York State is now considering requesting a waiver, and I expect their request will be met with the same denial.

We are between a rock and a hard place. Our citizens' health and the environment are being held hostage to the desire of the ethanol lobby to make

ever larger profits. We all know one company is way ahead of everybody else in producing ethanol. That was brought out by my colleague from California. I am not going to bring it out—maybe I will since we are at the beginning of the debate.

This chart, which was prepared by my colleague from California, shows that 41 percent of the ethanol comes from one company. This is what we are doing in this great free market, capitalistic economy: We are requiring everybody to buy this stuff, and one company has 41 percent of the market—one company.

We are setting ourselves up for a huge fall, the kind of price spikes we have seen occasionally in California, in Illinois, and in other places. We are going to see them everywhere. They are going to pop up like weeds if we increase the demand for ethanol when only one company is making it and there is a natural bottleneck. It is not quite like electricity, but it is not that far away, electricity being an actual monopoly.

The bottom line is for many States that are outside the Corn Belt and lack the infrastructure to transport and refine ethanol, the most efficient method of achieving clean air goals will be to reformulate gasoline without using large amounts of ethanol.

Again, I have talked to leaders in the refining industry in my area, and they believe they can do it and do it rather easily. States outside the Corn Belt that do not currently use much ethanol will have to pay to have the ethanol, as I say, trucked across the country or floated on barges to the Gulf of Mexico and loaded on to tankers.

Those States will also have to pay to retrofit their refineries. Every refinery that does not now use ethanol will have to be refitted to add ethanol to the gasoline. Both of these would represent significant increases in costs for refineries supplying my State. Retrofitting would cost millions of dollars, and under this bill New York would incur millions more in ethanol transportation costs.

What is the public policy for mandating the use of ethanol? I have not heard one. If you believe ethanol works, as the Iowa, Nebraska, and Illinois newspapers said, let the market determine it. This is a mandate that sort of assumes we know ethanol is best for everybody, and most people do not believe it is.

We all know what is going on here. The Senator from California mentioned it. It is the ethanol lobby, their power. But we also have one other thing. They made their deal with the petroleum industry, and so we have this provision that does not allow one to sue. I am surprised that so many people on both sides of the aisle who have maintained the right to sue in every other area now say: Never mind. The provision is renewable fuels safe harbor.

There is another reason, too, and this is probably the most legitimate reason. I know many of my colleagues from the Midwest want to help their farmers who are suffering. We know that. I want to help those farmers. I have voted for large amounts of agricultural subsidies to help the farmers in the West and the South with their row crops. I did not used to do that when I was in the House, but as I traveled around my State, I learned the burdens that farmers face.

It is a heck of a lot different if the Government makes a collective decision to help support the price of a crop to keep farmers in existence than an inefficient, jerry-built contraption that does not just make this what the Government does but, rather, forces every consumer to pay. When we have done agricultural subsidies, the rationale has been cheap food. This is not cheap gasoline. This is more expensive gasoline, and it absolutely makes no sense to help our farmers in this way. If it did, I suspect this amendment would have been debated in the open, but instead, as I said, there has been no debate.

I, frankly, wrestled with my conscience whether to go forward. I do want to help my colleagues in the farm areas, but this one was so far off the charts and so deleterious to my constituents, in terms of raising the price of gasoline, that I just could not come to do that.

I say to my colleagues from the Midwest, figure out better ways we can help the farmers, and I say that as somebody who has been supportive of doing that before.

Let me show my colleagues how crazy this proposal is. Currently, refiners across the Nation use 1.7 billion gallons of ethanol. That is what refiners use right now. Starting in 2004, a mere 2 years away, they would be required to use 2.3 billion gallons of ethanol.

Right away we are asking them to use a lot more ethanol. If the production does not happen, we know what is going to happen: a price spike.

We ratchet up that number to 5 billion gallons of ethanol in 2012 and increase it every year by a percentage equivalent to the proportion of ethanol in the entire U.S. gas supply after 2012 in perpetuity. That means that from 2012 on, the Nation's ethanol producers will have a guaranteed annual market of over 5 billion gallons, which every gasoline consumer in this country will pay at the pump.

It will stifle any development and new ways of finding cleaner gasoline and cleaner burning fuels. It means if someone comes up with a better way, it does not matter. It means a huge investment in infrastructure. I would rather have that money go to build our highways, for God's sake, than to build new ethanol refineries.

In my State, our highways are hurting, and we are going to be debating in the appropriations bill whether to cut Federal highway funding.

The ethanol mandate will reduce the amount of money that goes into the highway trust fund. In addition, it will cost our consumers more as well. If we want to build a big infrastructure, do not create a whole new ethanol infrastructure which the market is not demanding, build more highways. It makes no sense.

One other point I have made already, this safe harbor provision is sort of the cherry on top of the icing on top of the cake, the evil cake it is. The safe harbor provision gives unprecedented product liability protection against consumers and communities that seek legal redress from the manufacturers and oil companies that produce and utilize defective additives in their gasoline. Not just ethanol; all of them. That was the sort of deal, I guess, that was made.

So for those who believe in their consumers, God forbid, and a refinery makes a huge mistake and puts something terrible in the gasoline that either pollutes the air or is defective, you cannot sue. We have held that insurance reform be over the right to sue. Much legislation ends up shipwrecked on the shoals of the battle of tort reform, and yet in this bill we say not only never mind, we put in a safe harbor provision that makes one's jaw drop.

The Presiding Officer was out of the room, but as I stated, it will raise the cost of gasoline in his great State of Delaware some 9.7 cents a gallon by the time this is implemented, something I think the drivers in Dover, Wilmington, Rehoboth, and all the other beautiful cities of Delaware would dare not want to pay.

For consumers throughout this country, this ethanol gas tax is a one-two punch. First, consumers will be forced to pay more at the pump to meet arbitrary goals that boost the sale of ethanol but are not necessary to achieve the bill's air quality goals.

Second, consumers will face restrictions from suing manufacturers and oil companies, and they will have less incentive to ensure the additives they manufacture and use are safe. The provision denies consumers and communities appropriate redress, eliminates an important disincentive to pollute, and creates a dangerous precedent for future environmental policy.

In conclusion, I support the antibacksliding air quality provisions. I want to see our air cleaner without dirtying our ground water. I do not want to be put between that rock and hard place, but I strongly oppose creating a mandatory ethanol market, whether it is used or not, and providing the producers of that ethanol with extraordinary legal protections to boot. The ethanol industry already benefits from billions of dollars in direct farm subsidies and a 54-cent-per-gallon subsidy. If my colleagues want to subsidize that more, let us debate that in the Senate. Who knows? I might support it. But do not make our drivers pay for it and do not mandate it.

Ethanol, which is twice as expensive as gasoline, right now would not be

economically viable but for the massive Federal subsidies it already receives. On top of that, with the phaseout of MTBEs, regardless, the demand for ethanol by free market processes is going to go up. States near the Corn Belt will probably use more ethanol. So ethanol is in good shape.

All that is not enough to satisfy the ethanol lobby. As I said, do not take the word of a New Yorker or a Californian. Look at the voters in Iowa and Nebraska, the heartland—where if anyplace on the face of this continent or in this country would benefit from this mandate, they would—they both recently defeated efforts in those States to create a statewide ethanol mandate.

They knew, as I hope we will learn in this body, that mandated ethanol is an indefensible public policy and will unnecessarily hurt consumers all across the country. To my colleagues, defeat the ethanol gas tax.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from New York for his comments. I thought they were excellent. I appreciate him naming every State that will have an effective gas tax, and stating that this methanol mandate is a tax hike anyway one looks at it. I do not think there is any doubt there is going to be an increase in gas prices. I do not doubt them at all.

I also appreciate his concern for farmers. I come from a State that is the largest farming State in the Union. I have spent time in the central valley of California. I know what farmers go through, and I appreciate it.

I am also faced with the problem in my State of forcing a tax hike for something that we do not need to meet clean air standards, which has questions about its environmental value as well as its real questions about what it might do to the public health, that prevents anybody's right to sue if there is a real hazard that comes about. This, to me, is unbelievable.

I will take a couple of moments on the subject of what ethanol does in gasoline. I mentioned in my remarks that ethanol is also fundamentally different from MTBE because the two oxygenated additives react differently when mixed with gasoline. I think this is an important point because this is not going to help the energy shortage. It is going to exacerbate it.

The same amount of ethanol, as opposed to MTBE, actually contracts fuel so it takes more to produce the same amount of gasoline.

The report, sponsored by the California Energy Commission, predicts replacement of MTBE by ethanol will result in a supply shortfall of 5 to 10 percent for the California gasoline pool as a whole. Thus, California's gasoline supply is not going to go as far as it did.

That is critical because we are at 98 percent of refining capacity. So I do not know how we meet the need without a huge price spike that will result from a shortage of gasoline, and that is why I think for my State this mandate actually produces a very egregious gas spike. It also can impact refineries very critically.

So what I have tried to point out today is that essentially this mandate triples the amount of ethanol from 1.7 billion gallons used nationally today to 5 billion gallons nationally by 2012.

Secondly, because of the way the credit situation is set up, one pays whether they use it or not.

Thirdly, what it does to gas prices.

Fourthly, the market concentration of ethanol: 41 percent from one company, 71 percent from eight companies. That in itself creates a problem that if there is a shortfall the price can be manipulated.

I have mentioned the environmental problems, that we can anticipate the smell in the summer months will get worse, not better, because of the use of ethanol. I also indicated that essentially over the 9 years everybody should know that this is a $7 billion cut in the highway trust fund.

There is another point I would like to make. The ethanol mandate essentially helps the producer. Only 30 percent goes to the farmers, and about 70 percent goes to producers. This is a windfall for those companies, any way you look at it. The New York Times ran an editorial pointing this out, mentioning that an energy economist estimated 30 percent of the cost will end up in the pockets of farmers, while about 70 percent will go to the processors, such as ADM. This mandate is a ridiculously expensive way to subsidize farmers.

Additionally, it cuts imports by about only 9,000 barrels, of about 8 million barrels. So no one can say this saves a great deal of our energy requirements related to fuel.

I ask unanimous consent this be printed in the RECORD.

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

[From the New York Times, July 8, 1994]

THIS CLEAN AIR LOOKS DIRTY

The Environmental Protection Agency has effectively ordered refiners to add corn-based ethanol to make gasoline environmentally friendly. But the added ethanol will not clean the air beyond what the 1990 Clean Air Act would already require; nor will it, as advocates claim, raise farm income very much or significantly cut oil imports.

What the E.P.A.'s rule will do is take money from consumers and taxpayers and hand it over to Archer Daniels Midland, which produces about 60 percent of the nation's supply of ethanol. It is certainly no coincidence that A.D.M.'s chief executive, Dwayne Andreas, is a major political contributor; he donated $100,000 to a recent Democratic fund-raising dinner. The Clean Air Act requires high-smog areas to phase in use of ''reformulated'' gasoline whose weight is at least 2 percent oxygen; the goal was to reduce pollution by replacing gasoline with oxygenates. The E.P.A. order would now add another requirement: 30 percent of the oxygenates would have to come from ''renewable'' resources—which in reality means corn-based ethanol.

Because the oxygen content of reformulated gasoline remains unchanged, the order will not reduce smog-creating emissions. But by forcing refiners to use ethanol rather than less expensive oxygenates like methanol, the rule will drive up the cost of gasoline. Indeed, ethanol remains a high-cost additive even though it benefits from substantial tax breaks. And some experts argue that ethanol may be environmentally damaging because coal used in producing it contributes to carbon dioxide emissions, adding to global warming.

David Montgomery, an energy economist for Charles River Associates, estimates that only 30 percent of the cost of ethanol will wind up in the pockets of farmers while about 70 percent will go to processors like A.D.M. So the rule is a ridiculously expensive way to subsidize farmers. And the addition of ethanol will cut imports by only 9,000 barrels out of about eight million barrels a day.

Carol Browner, head of the E.P.A., asserts that the policy will spur development of renewable energy sources. But the impact looms small when stacked against the obvious defects. President Clinton is twisting high-minded environmental promises into low-minded favors for special interests.

ADDITIONAL GASOLINE COSTS FROM PROPOSED RENEWABLE FUELS STANDARD FOR YEARS 2003–2007 (AVERAGE INCREASE IN $/GAL)

Hart Downstream Energy Services (Hart) compiled the following information based on the recent analysis from the Department of Energy, Energy Information Administration (EIA). According to EIA's analysis, the impact of the fuels provisions contained in S517 will cause conventional gasoline prices to rise by 4 cents per gallon, and Reformulated Gasoline (RFG) prices to rise by approximately 9.75 cents per gallon.

Assuming annual growth in U.S. gasoline demand of 2 percent, Hart measured the impact on each individual state by calculating the total gasoline cost increase and the total gallons of conventional gasoline and/or RFG sold in each state.

State	Gasoline price increase
Alabama	0.04
Alaska	0.04
Arizona	0.076
Arkansas	0.04
California	0.096
Colorado	0.04
Connecticut	0.097
Delaware	0.097
District of Columbia	0.097
Florida	0.04
Georgia	0.04
Hawaii	0.04
Idaho	0.04
Illinois	0.073
Indiana	0.049
Iowa	0.04
Kansas	0.04
Kentucky	0.054
Louisiana	0.042
Maine	0.04
Maryland	0.091
Massachusetts	0.097
Michigan	0.04
Minnesota	0.04
Missouri	0.056
Mississippi	0.04
Montana	0.04
Nebraska	0.04
New Hampshire	0.084
New Jersey	0.091
New Mexico	0.04
New York	0.071
Nevada	0.04
North Carolina	0.04
North Dakota	0.04
Ohio	0.04
Oklahoma	0.04
Oregon	0.04
Pennsylvania	0.055
Rhode Island	0.097
South Carolina	0.04
South Dakota	0.04
Tennessee	0.04

State	Gasoline price increase
Texas	0.057
Utah	0.04
Vermont	0.04
Virginia	0.072
Washington	0.04
West Virginia	0.04
Wisconsin	0.055
Wyoming	0.04
Aggregate Annual Cost Impact of All 50 States: $8,389 Billion	

Source: Energy Information Administration (EIA), ''Impact of Renewable Fuels Provisions of S1766,'' March 12, 2002. Compiled by Hart Downstream Energy Services.

AMENDMENT NO. 3115 TO AMENDMENT NO. 2917

Mrs. FEINSTEIN. I send another amendment to the desk which delays the beginning date from 2004 to 2005. It is sent to the desk on behalf of Senator BOXER and myself.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mrs. BOXER, proposes an amendment numbered 3115.

Mrs. FEINSTEIN. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the provision relating to the renewable content of motor vehicle fuel to eliminate the required volume of renewable fuel for calendar year 2004)

On page 189, line 3, strike ''2004'' and insert ''2005''.

On page 189, line 5, strike ''2004'' and insert ''2005''.

On page 189, line 8, strike ''2004'' and insert ''2005''.

On page 189, in the table between lines 10 and 11, strike the item relating to calendar year 2004.

On page 193, line 10, strike ''2004'' and insert ''2005''.

On page 194, line 21, strike ''2004'' and insert ''2005''.

On page 196, line 17, strike ''2004'' and insert ''2005''.

On page 197, line 4, strike ''2004'' and insert ''2005''.

On page 199, line 4, strike ''2004'' and insert ''2005''.

On page 199, line 17, strike ''2004'' and insert ''2005''.

Mrs. FEINSTEIN. This is modest and delays the implementation of the ethanol mandate by a year, eliminating a requirement to use 2.3 million gallons of ethanol in 2004 and will give States more time to make essential infrastructure, refinery, and storage improvements.

This is an essential modification since virtually all ethanol, as has been explained, comes by tank—not pipeline—from the Midwest.

Although the ethanol industry says they can meet the future demand, virtually every single expert we have talked with has said delivery interruptions and shortfalls are likely, if not inevitable.

I ask I be included as a cosponsor of the amendment of Senator SCHUMER to strike the renewable fuels section of this bill.

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

Mrs. FEINSTEIN. Mr. President, I send to the desk to be printed in the RECORD an editorial from the Sacramento Bee entitled ''Highway Robbery,'' which essentially characterizes what this does to the highway trust fund, how it hurts the country, how energy experts show that producing ethanol from corn requires more energy than the fuel produces, and that the ethanol mandate would make the country more fossil fuel dependent, not less.

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

[From the Sacramento Bee, Apr. 8, 2002]

HIGHWAY ROBBERY—CORN IS FOR EATING, NOT FOR DRIVING

Here's another piece of the ethanol idiocy in Washington: Not only will Californians soon have to pay more for gasoline laced with corn liquor, but as a result, we'll have less money to alleviate congestion on our roads.

Blame this nonsense on Senator Majority Leader Tom Daschle, D–S.D., and President Bush. They are pushing a provision for the Senate energy bill that would require gasoline producers to use rising amounts of ethanol. Ethanol is mostly made from corn in states that Bush would dearly like to win in the next election.

The measure would eliminate the current requirement in the Clear Air Act that smoggy areas use gasoline containing an oxygen additive—either ethanol or MTBE. But then it goes ahead to require that refineries triple their purchases of ethanol for gasoline by 2012.

The mandate hurts consumers in obvious ways: It will drive up the cost of driving, taking dollars out of the pockets of motorists and putting them into the coffers of Archer Daniels Midland, the Enron of the Corn Belt, which dominates the ethanol market. (Why is it that the politicians who are eager to give back their Enron donations seem to have no trouble taking money from—and giving billions in benefits to—a company that was convicted of price fixing a few years ago?)

The mandate will also hurt the country. Although ethanol is touted as a renewable fuel, a recent study by Cornell University scientist David Pimentel shows that producing ethanol from corn actually requires more energy than the fuel produces. The ethanol mandate would thus make the country more fossil-fuel dependent, not less.

But the mandate will also hit in a less obvious way: It will take dollars away from transportation investment. That's because ethanol already gets another federal subsidy—the federal fuel tax at the pump is a nickel less on fuel containing ethanol. If the Daschle-Bush ethanol mandate is passed, federal revenues for transportation repair, operation and construction will plummet by nearly $3 billion a year, transportation experts estimate.

So this is what Californians get from the proposed Daschle-Bush ethanol bailout—higher prices at the pump and more crowded roads. It gives the term ''highway robbery'' a whole new dimension.

Mrs. FEINSTEIN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Mr. President, I have listened to portions of the debate this morning. Obviously, on the issue of ethanol we will have extended discussion, but I am sympathetic to the concerns expressed by the Senator from California and the Senator from New York. It addresses an underlying situation in this country of which we should all be aware. The mandate on ethanol in the energy bill is quite clear, and the realization that the ethanol industry is not prepared, does not have current capacity.

As a consequence, more gasoline will have to be used. That brings into focus the reality of where our gasoline comes from; it comes from crude oil. Where does crude oil come from? Most of it comes from overseas. We are seeing a price increase for a couple of reasons. The effectiveness of the OPEC cartel, which some time ago set a floor of $22 and a ceiling of $28, is shown with the price of oil up to $27. We are seeing a situation escalate in the Middle East. Saddam Hussein, who is supplying this Nation with roughly a million barrels a day, has indicated he is going to cease production for 30 days. Venezuela, our neighbor, that we depend on from the standpoint of proximity, is on strike. It is estimated the United States, in the last few days, has lost 30 percent of its available imports. These are the underlying issues associated with the debate in the sense of price.

Where does gasoline come from? It comes from crude oil. Where does crude oil come from? From overseas, because we have increased our dependence on those sources. It gets more complex when considering the motivation occurring as a consequence of the policies of Saddam Hussein and Iraq. He is paying the families of those who sacrificed their lives to kill people in Israel. It used to be $10,000 per family; now it is $25,000 per family. This whole thing is escalating. It is escalating as a consequence of the costs of oil increasing because that is where the cashflow emanates.

Procedurally, may I make an inquiry as to where we are on the timing and so forth?

The PRESIDING OFFICER. There is an order to proceed to another measure at 11:30.

Mr. MURKOWSKI. I ask unanimous consent for 4 more minutes, until such time as I see Members are ready to proceed.

The PRESIDING OFFICER. The Chair will note the presence of the manager for the majority. Is there objection to the request to proceed for 4 minutes?

Mr. DODD. No objection.

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

Mr. MURKOWSKI. Mr. President, let me summarize the dilemma. By our own inaction, we are seeing, if you will, greater vulnerability as this country increases its dependence on imported

oil. As I have indicated, Venezuela is on strike. Iraq has terminated its production. We are told there is a grave threat in Colombia by revolutionists who are threatening to blow up the pipeline. There are complications now that the Saudis have been accused of funding, if you will, terrorist activities associated with the deaths of Israelis and the bombings, human bombings that have taken place.

As we address this vulnerability, we have to recognize the reality. It focuses in on the current debate on ethanol. As we look at where we are, we are going to have to have more gasoline in California; we are going to have to have more gasoline in New York. The price is going to go up.

Our alternatives, it seems to me, are quite obvious. We should reduce our dependence on imported sources. That brings us to the ANWR debate which will be taking place very soon.

Finally, the Schumer amendment would strike the renewable fuels standards, as we know, contained in section 819 of the bill. That portion called for mandated use of renewable motor fuels such as ethanol and biodiesel. This mandate is part of a larger package of provisions on MTBE and boutique fuels, and I am certainly supportive of reducing the boutique fuels.

I am not usually a big fan of mandates, but the renewable fuel standards will reduce our dependence on foreign oil.

I will have more to say later, but I encourage my colleagues to participate in this discussion and recognize the significance of our increased vulnerability and why we are going to be using the gasoline when in reality we will be paying for it.

I find it ironic that California is dependent on Alaska, and as Alaskan oil declines, that dependence is going to shift over to the importation of oil to California from Iran, Iraq, wherever—Saudi Arabia. Of course, New York is dependent on Venezuelan oil as well. If we do not do something domestically, we are going to pay the piper.

I yield the floor.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 565, which the clerk will report.

The senior assistant bill clerk read as follows:

A 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.

Pending:

Roberts/McConnell amendment No. 2907, to eliminate the administrative procedures of requiring election officials to notify voters by mail whether or not their individual vote was counted.

Clinton amendment No. 3108, to establish a residual ballot performance benchmark.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate equally divided between the Senator from Connecticut, Mr. DODD, and the Senator from Kentucky, Mr. MCCONNELL, or their designees.

MODIFICATION TO AMENDMENT NO. 3107

Mr. DODD. Mr. President, I ask unanimous consent that amendment No. 3107, previously agreed to, be modified with the technical correction that I now send to the desk.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The modification to the amendment is as follows:

At the appropriate place in the bill, insert page 13, line 12 through page 14, line 7 of the amendment.

Mr. MCCONNELL. Mr. President, this is a big day for the Senate. After a year and a half of discussions, negotiations, introduction, and reintroduction of legislation, we are finally prepared to pass a comprehensive, truly bipartisan election reform bill.

I say ''finally,'' but the truth is, a year and a half is lightning fast in the Senate. Senator TORRICELLI and I proposed a comprehensive election reform bill before the dust had settled in Florida. Shortly after, Senator TORRICELLI and I joined with Senator SCHUMER to put together yet another bill which garnered the support of 71 Senators—fairly evenly split between Democrats and Republicans. Senator DODD, meanwhile, introduced legislation that was supported by all Democratic Senators.

Four months ago, Senators DODD, BOND, SCHUMER, TORRICELLI, and I reached a bipartisan compromise. That was brought before this body in February. Through the passage of thoughtful amendments offered by my colleagues on both sides of the aisle, we have substantially improved the underlying bill. The final product is legislation which ensures that all Americans who are eligible to vote, and who have the right to vote, are able to do so, and to do so only once. This bill strengthens the integrity of the process so that voters know that their right to vote is not diluted through fraud committed by others. This legislation will make American election systems more accurate, more accessible, and more honest while respecting the primacy of States and localities in the administration of elections.

I look forward to a House-Senate conference so that soon we may move even closer toward enactment of a law that will improve America's election systems.

I thank Senator DODD for his steadfast and persistent leadership on this issue. He truly has been the champion of promoting accessibility in elections. My thanks to Senator BOND who gave us our rallying cry behind this bill, ''making it easier to vote, and harder to cheat.'' This bill does just that and Senator BOND deserves the lion's share of the credit for that accomplishment. I also thank Senator SCHUMER, who joined with me nearly 1 year ago to advance a new approach to this issue. Any my thanks to Senator TORRICELLI, who has been there from the beginning with me in this exercise. I thank you all for your hard work and perseverance which has brought us to this triumphant moment.

Before I yield the floor, I would like to reiterate my strong opposition to the Clinton amendment which we will vote on shortly. The amendment creates a federally mandated acceptable error rate that is a one size fits all number. This approach is completely contrary to every other provision of this legislation.

If adopted, this amendment would do three things:

No. 1, Deliver the Department of Justice into our home States to prosecute our State and local election officials for choices made by or errors committed by voters;

No. 2, Undermine the sanctity of the secret ballot and

No. 3, Force the elimination of many voting systems used across this country.

On that last point, I urge my colleagues who hail from States which use paper ballots, mail-in voting or absentee voting to take a close look at this amendment. Your States will have a choice: change their systems or recruit top notch legal talent to defend themselves in court.

This choice will also be faced by States using lever machines, punch cared systems, optical scans, and DRE machines.

If this amendment is agreed to, perhaps we should move to increase the Justice Department appropriation so that it can ready a team of lawyers for each State.

Finally, I thank my staff on the Rules Committee: Brian Lewis, Leon Sequeira, Chris Moore, Hugh Farrish, and our staff director, Tam Somerville—all of whom have been deeply involved in this issue from the beginning—and, from Senator DODD's staff, Shawn Maher, Kenny Gill, Ronnie Gillespie, we have enjoyed working with them.

Also, on Senator BOND's staff, Julile Dammann and Jack Bartling have been truly outstanding. It has been a pleasure to work with them.

On Senator SCHUMER's staff, Sharon Levin; and, on Senator TORRICELLI's staff, Sarah Wills—we appreciate the opportunity to work with all of these folks in developing this legislation.

I see my colleague from Missouri is here. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, how much time is available on this side?

The PRESIDING OFFICER. Ten minutes.

Mr. BOND. I thank the Chair. I will not require that much time, but please advise me if I go over 5 minutes.

Mr. President, I come back again to congratulate and thank the chairman and ranking member of this committee, Senator DODD and Senator MCCONNELL, for their great work.

It has been 10 long, arduous months to do something that is vitally important to the health and the vitality of our system of legislative government. The 2000 election opened the eyes of many Americans to the flaws and failures of our election machinery, our voting systems, and even how we determine what a vote is. We learned of hanging chads, inactive lists, and we discovered our military votes were mishandled and lost. We learned that legal voters were turned away while dead voters cast ballots. We discovered that many people voted twice while too many were not even counted once.

That is why we are here today. The final compromise bill—and it is a compromise in the true essence of the word—tries to address each of these fundamental problems we have discovered and to meet the basic test. That test, I trust all of my colleagues now understand, is that we must make it easier to vote but tough to cheat.

In the 2000 elections, fraud was prevalent. Fraud was too frequently found. Among the most bizarre and fraudulent efforts that occurred in St. Louis was the filing of a lawsuit by a dead man to keep the polls open beyond closing time because he feared the long lines would prevent him from voting. That probably wasn't the only problem he had. His identification was later switched to that of a partisan political operative for a congressional candidate even though evidence showed that man had already voted that day. Unfortunately, the practice of the deceased voting was not limited to the lawsuit to keep the polls open. We have had a number of ballot registrations made in the name of people who have departed this earthly veil.

Albert ''Red'' Villa registered to vote on the 10th anniversary of his death—truly a significant theological effort. The deceased mother of a prosecuting attorney in St. Louis City was also registered to vote.

This was the mayoral primary of 2001 which got people excited in St. Louis because it wasn't a minor election where we just voted for the President, the Governor, the Senators, and Congress. We were talking about relevant votes there. We were talking about the race for the mayor's office which controls votes and which controls jobs in the City of St. Louis.

We also had our own outrageous system of provisional voting underway in St. Louis City. People went to judges and said they didn't show up on the registration list so they asked for court orders to be permitted to vote. Some of the reasons given, which were accepted by our judiciary, were that they should be allowed to vote because they were legally registered. One of them said: I am him a Democrat. The other said: I wanted to vote for Gore. The other said: I was suffering from a mental illness. My favorite was: I am a convicted felon and didn't realize I had to reregister. That person, and 1,300 others, were allowed to vote even though it is against the law for a felon to vote in Missouri.

Subsequent investigation by the secretary of state in Missouri found that 97 percent of those who were ordered to vote by judges voted illegally. They were not entitled to vote.

That is why the whole structure of this bill is so important. Provisional voting will be permitted, but actually putting the ballot in the ballot box will be delayed until there has been an opportunity to ascertain that the person is a registered voter.

We have seen fraud. I think perhaps it was best described by the Missouri Court of Appeals in shutting down the fraudulent effort to keep the polls open. The argument in St. Louis City was that the Democratically controlled City Election Board in the Democratic City of St. Louis was conspiring to keep the Democratic voters in St. Louis City from voting for Democratic candidates. That was the suit filed by the dead man who said that the long lines kept him from voting. The Missouri Court of Appeals said it best in its order shutting down the polls when it said:

> Commendable zeal to protect voting rights must be tempered by the corresponding duty to protect the integrity of the voting process. Equal vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inevitably diluted.

We have seen not only people who have rightfully been denied the opportunity to vote. Unfortunately, the votes of those who have the right to vote have been diluted and have been canceled because fraud has been prevalent in St. Louis, and I believe in other areas of the country.

This bill goes a long way towards achieving the goal of making it easier to vote and harder to cheat.

I urge the support of my colleagues for this very important bipartisan measure. I extend my thanks to the chairman and the ranking member of the Rules Committee.

Mr. DODD. Mr. President, I yield 2 minutes to the distinguished Senator from Oregon, Mr. WYDEN, and 2 minutes to the distinguished Senator from New York, Mr. SCHUMER.

For the information of Members, at the conclusion of that, depending on the time left of my friend from Kentucky, we will close debate, and there will be a vote on the Roberts amendment, then a vote on the Clinton amendment, and then a vote on final passage. That is how this will play out over the next 45 minutes or an hour.

So with that, let me turn to my colleague from Oregon and thank him and the Senator from New York for their tremendous support and tireless effort on behalf of this piece of legislation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I begin by expressing my thanks to Senator DODD and Senator MCCONNELL. Both of them worked tirelessly with me and Senator CANTWELL and others.

This legislation we will vote on will now protect an innovation, a pioneering step forward that I think is going to make a huge difference for the American people; that is, voting by mail.

What we saw earlier, as the debate went forward, was various proposals that would have put new hurdles, new obstacles in front of this legislation that has empowered thousands and thousands of Americans. I am very proud that my State has led the way in this innovative approach, but I think it is the wave of the future.

There is a reason why millions of older people and disabled people and others enjoy and prefer voting by mail. They like the convenience, and they understand that it meets the test that Senator BOND and others have talked about, which would be a winning combination for the American people.

Let's make it easier to vote but not easier to cheat. Voting by mail has proven it is up to that challenge. We have shown in our State that we will come down with a every aggressive effort against those who try to abuse the system, try to exploit it. We have not seen any significant problem with it.

It is a bipartisan effort. Senator SMITH has joined with me in it. Senator CANTWELL has made the case for the State of Washington.

I close by saying that over many months Senator DODD and Senator MCCONNELL, knowing that we were camped out with their staffs, could have said, look, this is an issue that only a couple States care about, but they did not. I think they have showed their commitment not just to protecting people in Oregon or Washington who feel so passionately about this subject, but I think they understand this truly is a pioneering step forward. It is part of the wave of future. It is the next step before we see people voting online.

From the beginning of this debate, I have said that this legislation should be about deferring voter fraud and promoting voter participation. Many weeks of negotiations finally have produced an agreement that I believe will do both.

If first-time Oregon voter Mabel Barnes had mailed in her ballot under the election reform bill that was on the Senate floor 6 weeks ago, her vote probably would not have counted—even

if she were legally registered to vote. Her vote would have been tossed away simply because she failed to include with it a photo ID or other proof of identification.

Mabel Barnes would not have been alone. Under the bill that was on the Senate floor then, millions of first-time voters would have been disenfranchised just because they failed to bring a copy of their photo ID to the polls.

But Mabel Barnes and millions of other first-time voters won't have to worry about their votes counting now, and they won't have to worry about stopping by a copy center before they vote. That's because over the course of the last few weeks Senators CANTWELL, BOND, MCCONNELL, MURRAY, and I have worked out an agreement that protects Oregon's vote-by-mail system and the right to have every mail-in-vote by a legally registered first-time voter count.

The agreement Senators CANTWELL, BOND, MCCONNELL, MURRAY, and I worked out gives voters who register by mail more options to verify their identity. Instead of a photo ID or proof of residence, first-time voters in a state may put their driver's license number or the last four digits of their social security card on their registration card. This means they won't have to stop by a copy center before they register or before they vote. This will mean business as usual for the petition drives and campus registration efforts in Oregon, where thousands of first-time voters register by mail.

The agreement also guarantees that voters who cast their ballots by mail have the same provisional or replacement ballot rights as voters who go to the polls. Under the agreement if a first-time voter in a state fails to supply a driver's license number or the last four digits of their social security number when they register, their vote will still count if state election officials determine they are eligible under state law. In Oregon, this means that the vote of every legally registered Oregonian will count if an election official verifies that the signature on the ballot matches the signature on file with the registration.

Under the agreement, Oregon's pioneering vote-by-mail system will continue, unchanged.

I understand where the photo ID requirement sprang from: a concern that mail-in voter registration and balloting engender fraud. But in Oregon—the only all vote-by-mail state and the state that pioneered motor voter—there is very little fraud. No one has come forward with proof of widespread fraud in Oregon. In fact, I was elected to the United States Senate in the first all vote-by-mail special election. Senator GORDON SMITH, my opponent in that race, never raised any questions about fraud. Oregon's penalties for fraud are much tougher than federal law—up to $100,000 in fines and or 5 years in jail.

Since Oregonians voted overwhelmingly to use a vote-by-mail system, participation has gone up and fraud has gone down. In fact, in the last federal election, 80 percent of the registered voters cast a ballot. Since the May 1996 primary, 13 cases of fraud have been prosecuted; convictions were won in five and eight are still pending. In the last federal election, only 192 ballots were not counted because they failed the signature verification test. This is a pretty good record.

This legislation should be about deterring voter fraud and not voter participation. The agreement Senators CANTWELL, BOND, MCCONNELL, MURRAY, and I have reached does this. The time to fight fraud is at the beginning of the process—at the time of registration. That is what our agreement does. At the same time, I have also said that legislation should not make it harder for legally registered voters to cast a ballot, or discourage people from voting. The agreement will do this as well.

This has not been an easy task. I want to commend Senators BOND, CANTWELL, MCCONNELL, and MURRAY for sticking with the negotiations, and I especially want to thank Chairman DODD for the support he and his staff have given us in reaching the agreement and in including it in the managers' package.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from New York.

Mr. SCHUMER. Mr. President, I reiterate what I said last night. Senator DODD was indefatigable on this bill. It would not have happened without him. Senator MCCONNELL was steadfast in terms of principle, sticking to what he believed but making sure we had a bill done. I thank them both for their leadership as well as my other colleagues who worked so hard on this bill.

Mr. President, democracy works slowly—sometimes too slowly—but inexorably. We had the great scandal in Florida where people could not vote, where people's votes were not counted, where people voted for the wrong person despite their intention.

Now, almost 2 years later, we are doing something very real about it. I wish it had come sooner, but this bill has been worth waiting for.

And the problem is not just in Florida, as we learned. In my State of New York, I voted, first, in 1969. I used the same exact type of machine when I voted in 2001, despite all of our technological changes. And the lines to vote in New York are legion. Just because we are the world's oldest democracy does not mean we have to use the world's oldest technology.

At the core of this bill is a view that that changes, that we will help the States update.

Despite the strength of our democracy, if we do not do a good job maintaining the actual mechanism that drives it—our voting systems—we fail the voters and undermine the values for which our Founding Fathers fought and died.

Voting should be accessible, accurate, and speedy in all places, all of the time. This is not a someplace, some-of-the-time proposition. The right to vote is too sacred. This bill provides both the funds and the standards to make sure that exactly happens.

So I urge all my colleagues to have a rousing vote of support for this bill. We often have an opportunity to support legislation that makes our lives better. That is why we are here. But today we have an opportunity to make a little history. And it is something we will never forget.

PROVISIONAL VOTING AND VERMONT

Mr. JEFFORDS. Mr. President, I would first like to thank Senator DODD for all his hard work on this very important bill. This legislation will help ensure that the problems that occurred during the 2000 elections will not happen again, and hopefully increase the number of Americans that participate in the most sacred right of a democracy, voting. I would like to take this opportunity though to discuss the provisional voting section of the bill and its effect on the affidavit voting system we have in Vermont.

Mr. DODD. Mr. President, I thank Senator JEFFORDS for his early support of reform of the election system. I also appreciate his hard work to ensure that the good qualities of Vermont's election system are protected and replicated around the United States. I would be pleased to take the time to answer any question he may have on the provisional voting section of the bill.

Mr. JEFFORDS. In Vermont when a person arrives at the polling place to vote and their name does not appear on the voter checklist, even though they believe they have properly registered, we have a system that would allow them to cast a ballot. The voter completes an affidavit form swearing that they had properly applied but were not added to the voter checklist. The form is reviewed by the Board of Civil Authority at the polling place and unless the information appears false the person is allowed to cast a ballot. If the information appears to be false, the Board of Civil Authority will not allow the person to cast a ballot and refers them to a local judge to get added to the voter checklist for the election that day.

The ballots cast this way are counted exactly like the other ballots and included in the final totals. The information from the approved affidavits is immediately used to update the voter checklist. My question to you Senator DODD is that while this system is not called a provisional balloting system it appears to me that the affidavit voting system conforms to all the requirements in this legislation, and therefore the State of Vermont would already have satisfied the provisional balloting requirements of the bill?

Mr. DODD. I would agree with the Senator from Vermont. In mine and

my staff's review of different States' election procedures, Vermont's system of affidavit voting would satisfy the provisional balloting requirements of this legislation.

Mr. JEFFORDS. I appreciate Senator DODD's clarification of this issue, and look forward with working with him to ensure enactment of this important legislation.

MAINE'S SAME DAY REGISTRATION

Ms. COLLINS. Maine has same day registration so a voter can register at the polls or at a public office nearby and vote on the same day. If someone challenges the voter's right on that day, the ballot is marked as a challenged ballot. If a voter goes to the polls to vote and does not have identification or does not appear on the voting rolls, the presiding election official will challenge the voter, and his or her ballot will be treated as a challenged vote. The presiding election official keeps a list of voters challenged and the reason why they were challenged. After the time for voting expires, the presiding election official seals the list. The challenged votes are counted on election day. In the event of a recount, and if the challenged ballots could make a difference in the outcome of the election, the ballots and list are examined by the appropriate authority. The distinguished chairman of the Senate Committee on Rules has done excellent work crafting the important bill before us. I would ask him whether, then, Maine's system comply with this Election Reform Act?

Mr. DODD. I thank the Senator from Maine for her excellent question and for her steadfast support for election reform efforts. Let me assure her that Maine's system does comply with the Election Reform Act.

Ms. COLLINS. I would like to thank the senior Senator from Connecticut for his assistance and congratulate him on the impending passage of this bill.

ELECTION DAY AS NATIONAL HOLIDAY COLLOQUY

Mrs. BOXER. I thank my good friend from Connecticut and commend him for his hard work on this bill; I agree with him when he refers to this as ''landmark legislation.'' The Dodd-McConnell compromise makes many necessary improvements in our current elections system and moves us toward the ultimate goal that we all share of ensuring that our elections are fair, accurate and accessible to all.

In addition to securing the fairness of elections, however, I believe that it is in the best interest of our Nation, as with any representative democracy, to see that as many people as possible participate in the process. Would my friend from Connecticut agree with me that ensuring high turnout at the voting booth is also an important goal in terms of improving our electoral process?

Mr. DODD. I certainly agree with my good friend from California, and hope that this bill will help achieve that goal by improving accessibility, offering ballot materials in alternative languages and by addressing some of the things that can make the voting process intimidating or confusing.

Mrs. BOXER. One idea that has come up time and again in conversation with my constituents and various organizations in my State of California, is the possibility of creating a Federal holiday on election day. I think that this would be one of the most effective ways to ensure that as many people as possible have an opportunity to cast their vote and exercise that most fundamental democratic right. Many of the hard-working people in this country—people for whom election day represents a unique opportunity to make their voices heard—find it difficult to get to the polls. Many work long hours, or have children that they have to get to school. Would the Senator from Connecticut agree that we should make it easier for these people to cast their vote as well?

Mr. DODD. I agree with the Senator from California, and I would tell her that is the idea behind the entire legislation. We want to make sure that all eligible voters have an opportunity to cast their ballot and have it counted fairly and accurately.

Mrs. BOXER. I had considered offering an amendment to this bill that would in fact create a federal holiday on election day to help give as many people as possible the opportunity to vote. I would ask my friend from Connecticut if such a proposal was ever considered when this bill was being drafted?

Mr. DODD. I say to my friend from California that I did consider including a provision to that effect in the bill. We looked into the ramifications such a provision would have and, with time running short, ultimately concluded that there were too many variables and that we simply did not have enough information to include it as a requirement in the bill. We did, however, instruct the Election Administration Committee—the new election oversight body created by the bill—to conduct a study on conducting elections on different days, at different places, and during different hours, including the possibility of creating an election day holiday.

Mrs. BOXER. I hope that such a study would be thorough in investigating each of those possibilities and that it would be conducted as soon as reasonably possible. If such a study were to conclude that the creation of an election day holiday was possible and would indeed further the goals of this bill, we would want to begin the process of making it happen as soon as possible. Could my friend from Connecticut assure me that this study will be thorough and will be undertaken promptly upon enactment of this legislation?

Mr. DODD. I share the Senator from California's interest in moving forward with such a study as soon as is possible.

Mrs. BOXER. I look forward to working with my good friend from Connecticut in pushing the Commission to complete the study. In the meantime, I am introducing legislation to establish election day in Presidential election years as a legal public holiday.

Mr. DODD. I thank the Senator from California.

ELECTRONIC VOTING

Ms. CANTWELL. Mr. President, I take this opportunity to commend Senators DODD, MCCONNELL, SCHUMER, and BOND for their dedication and diligence in addressing what I believe to be an issue of critical importance to our country—protecting voting rights and ensuring the integrity of the electoral system in our Nation. Especially given the events in the world today, making certain that each citizen's vote is counted and promoting public trust and confidence in our election process is crucial.

The State of Washington has a long and trusted history as a leader in election administration. Through great efforts and cooperation, the state has pioneered such programs as Motor Voter, provisional balloting, vote by mail, and absentee voting.

I would like to thank Senator DODD, the chairman of the Rules committee for his support for an amendment that I offered with Senator MURRAY'S support that has been adopted. The amendment guarantees that states are able to continue using mail-in voting, while also providing new safeguards to make mail-in voters aware of how to properly fill out their ballots, and how, if needed to obtain a replacement.

Voters in my State are proud of our system that offers voters the option of voting by mail or in the polling place, and they are extremely committed to seeing it continue. The mail-in ballot, in my opinion, offers voters several advantages. First, it allows voters to cast their ballots on their own time and at their own convenience. It also allows voters to make more informed choices, as they are able to consult literature sent by the State and by the campaigns in making their decisions. Because these votes are cast without the pressure of other voters waiting in line, or without the time crunch of being late to work or to pickup the kids, voters are also less likely to make mistakes that will disqualify their ballots.

In addition, the mail-in system is very secure. Each ballot that is cast by mail requires, that the voter sign the outer envelope. This signature is then checked against the voters signature that is kept on file and only when there is agreement that the signatures match is the ballot counted. Washington State has consistently increased the number of voters choosing to vote by mail and through provisional voting without any allegations that these types of voting have involved fraud or other misconduct. In fact, the procedures in place have consistently ensured the integrity and security of our elections and led to public confidence in our system that is unparalleled anywhere in the country.

It has not always been this way. In the early 1990s, we had several close elections that pointed out the vulnerabilities in our system. These close elections led Washington to become one of the first States to adopt statewide guidelines that ensured that each jurisdiction followed the same rules in determining how ballots are verified and counted. In addition, my State also adopted other requirements for testing and procedural consistency. It is my hope that this legislation will lead other states to follow our example and institute similar guidelines and procedures that will result in more people voting and making sure that all votes are properly cast and counted.

Our challenge, at the Federal level, is to ensure that in passing legislation that reduces hurdles to civic participation across the country, we respect the role of the States in selecting types of voting that work well for their citizens and lead to maximum participation. I believe that this bill as amended does that, and I would like to thank the chairman of the Rules Committee for his commitment to this bill and to ensuring that states have the flexibility to keep their systems in place.

I would like to address one additional point. In drafting legislation, it is often very difficult to look to the future and anticipate the impact that legislation will have on new technologies. To truly reform the Federal election process, this legislation must remedy the infirmities of the present system. However, it also must be forward-looking in its approach. It should welcome the implementation of new election technologies. The flexibility of this legislation to accommodate innovation will be the ultimate strength of federal election reform.

I firmly believe that voting by computer, whether by internet or some other remote electronic system, is likely to happen in many states in the near future. In fact, Arizona has already held a party caucus in which voters were permitted to vote over the internet. At the same time, I believe that the security concerns are such that most States, mine included, are not yet ready to provide this option to voters.

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

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

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

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

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

Ms. CANTWELL. Thank you, Mr. Chairman. I appreciate all your efforts on this legislation, and I agree that this bill is drafted in a manner that will not limit the development and implementation of new election technologies so long as the new technologies satisfy security protocols and meet the requirements of the minimum standards. I also hope that this legislation will in fact spur the development of new election technologies that are more voter friendly and more cost efficient.

INTERACTIVE VOTER REGISTRATION AND FUNDING MECHANISM

Mrs. LINCOLN. Mr. President, I rise to commend the sponsors of the election reform bill that is before the Senate today. I especially want to recognize Senators DODD and MCCONNELL who have worked tirelessly to overcome many obstacles in an effort to strengthen the fundamental right of all citizens to participate in the democratic process. I wholeheartedly support their overarching goal to make it easier for every eligible American to vote and to have their voted counted and I appreciate their willingness to work with me to address some specific concerns about how the bill may impact my home State of Arkansas.

I wish to engage in a brief colloquy with Chairman DODD to clarify for the record his understanding of how two specific provisions in the legislation will work in practice. The first point I want to raise involves the requirement in the Senate bill that all States implement a statewide interactive voter registration list. Is it the Senator's understanding that States can meet this requirement by having an interactive computer containing voter registration information at each county clerk's office but not at each individual polling location?

Mr. DODD. As the lead sponsor of the Senate bill, I am pleased to reassure the Senator from Arkansas that State and local election officials would not have to place an interactive computer containing voter registration information at each polling place to meet the requirements of this legislation. As my colleague from Arkansas indicated, States could met this particular requirement if they had an interactive computer containing the States' voter registration list at each county clerk's office. I and others who crafted this language were aware that polling places in Arkansas and in many other States lack phone service and therefore it would be impractical to set up a computer network or the like at each polling location during every Federal election.

Mrs. LINCOLN. I thank my colleague for his comments. Another concern that has been brought to my attention is the funding mechanism in the Senate bill. I know my colleague from Connecticut is aware that the method through which Federal funds are distributed to State and local governments to meet the requirements in this bill is very different than the House bill. The House bill distributes Federal funding based on the proportion of eligible voters in each State. This is commonly referred to as a formula.

Conversely, the Senate bill establishes three separate discretionary grant programs to help States improve their voting systems and meet the requirements that are in this bill. I certainly support the goal of helping all States improve their voting systems. However, I also support helping all states get their fair share of federal funding. Based on my knowledge of competitive grants in other Federal programs, I am concerned about this program turning into a competition among professional grant writers. I do not think such a system helps my State nor do I believe it is good public policy when you are applying new mandates on thousands of jurisdictions in all 50 States. So I would appreciate knowing my colleague's view on how he and others who drafted this legislation envision the discretionary grant process working in practice. What if Congress only appropriates half of the funding that is authorized in this bill? Will there still be enough for all states to meet their needs, or is it first come first served?

Mr. DODD. I am certainly aware of the concerns raised by my colleague from Arkansas. I can assure my good friend and other Senators who have raised similar concerns that we have not designed a funding distribution system where only the best applications will be funded. In fact, we have carefully calculated the amount of funding we feel will be needed for all states and local jurisdictions to meet the minimum standards we have included in this legislation. Therefore, I appreciate the opportunity today to clear up any confusion surrounding

this issue by saying that I and others who crafted this bill fully intend for the Justice Department to distribute funding to all states and local governments based on the need for improvement they identify in their application.

Our intent certainly is not to enact a jobs program for professional grant writers no do we expect states or local governments to hire grant writers in order to receive Federal funding under this bill. As chairman of the Senate Rules Committee, I certainly intend to closely monitor the implementation of this legislation to ensure it is applied in practice as Congress intended. You have my word that I will be the first to object if I think the federal agency charged with distributing funding is not distributing resources to eligible recipients in a fair and equitable manner.

Mrs. LINCOLN. I thank my friend from Connecticut for his clarification on these two issues. Based on his assurance I look forward to supporting this bill.

FULL-TIME RECREATIONAL VEHICLE OWNERS

Mrs. FEINSTEIN. Mr. President, I wish to engage the chairman of the Committee on Rules and Administration, Senator DODD, in a colloquy concerning the voting rights of thousands of American citizens, many of whom are members of the Good Sam Club, which is based in California.

The citizens to whom I am referring own recreation vehicles, RVs, and live in them year round. The number of full-time ''RVers'' grows larger each year. These individuals, most of whom are retirees, have sold their conventional homes and travel around the country year round in their RVs and mobile homes. Ostensibly, they do not have a permanent address.

While nobody can question these individuals' right to travel, the fact is that this lifestyle does create a series of logistical problems, particularly as it relates to their ability to establish a domicile. While they may not remain at any one location, full-time RVers must still register their vehicles, maintain a current driver's license, obtain insurance, have some kind of legal address, and pay taxes. They also have, or should have, the right to register to vote if they so choose.

Two years ago, the voting rights of over 9,000 full-time RVers who were registered to vote in Polk County, TX, was challenged in court. The plaintiffs in this case argued that since these individuals did not reside in Polk County on a permanent basis, they constituted a significant voting block of ''nonresidents'' that was likely to have an effect on the outcome of the election, and that their votes should be disallowed. Ultimately, the full-time RVers' constitutional right to vote was upheld in court, but future challenges are likely.

The legislation that we are considering today would establish an Election Administration Commission, EAC. Among other responsibilities, this Commission is mandated to conduct a number of studies on various election issues, and report its findings to the President and Congress. Does the Senator from Connecticut agree that, at the very least, the issue of full-time RVers voting rights would be a suitable topic for the Commission to study?

Mr. DODD. Yes, I certainly agree with the Senator from California. We do not want to disenfranchise anyone, accidentally or otherwise, who is eligible to vote, and we need to address the unique set of circumstances surrounding our fellow citizens who have chosen not to live in one particular location, but rather to travel year round across our great nation. The right to vote of all full-time RVers needs to be safeguarded. Certainly this is an issue the Commission could study.

Mrs. FEINSTEIN. I thank the Senator for his remarks and for his leadership on this bill. I am pleased that he shares my strongly-held view that we need to ensure that the voting rights of all American citizens, regardless of where they reside, needs to be safeguarded.

PATH OF TRAVEL

Mr. ENZI. Mr. President, I would like to inquire of the Senator from Connecticut, Mr. DODD, on the intent of the grants to be awarded to states for the purpose of constructing ''polling places, including the path of travel.'' Is ''path of travel'' intended to cover the construction of paved, asphalted, or similarly surfaced disabled or handicapped parking spaces, as well as sidewalks, ramps, and similar disabled access ways to the buildings which house the voting system?

Mr. DODD. I thank the Senator from Wyoming for his question. The grants to be awarded to states under this act would include construction of these types of infrastructure improvements, and are intended to include things like disabled parking spaces, sidewalks, ramps, and similar access ways.

Mr. ENZI. As the chairman is aware, these grants are very important to small, rural states like Wyoming, which have polling places in some very remote or rural locations. In Wyoming, we actually have some polling places in trailers on gravel roads. Because the Act requires a special voting system for the disabled to be installed in each polling place, Wyoming needs to be sure it can accommodate the disabled by making certain the state can pay for these special systems and ensure the disabled can get into the building to vote. These types of grants will ensure that the buildings which house the special voting equipment for the disabled are ADA accessible.

I am also aware the chairman has included the Collins amendment in the manager's amendment to the act. I understand this amendment is intended to assure a minimum amount of grant money is available to each state to improve their voting systems and infrastructure. This is important to the State of Wyoming so it can afford to install these special systems and construct the infrastructure necessary to give the disabled the same opportunity to enter a voting booth and exercise their right to vote.

Mr. DODD. As the Senator has indicated, the managers' amendment includes a provision to ensure that each state will be guaranteed a minimum of one half of one percent of the grant money available under the act, which is approximately $17.5 million dollars over five years. I am glad this act will help address the concerns of small, rural States like Wyoming, and I look forward to working with the Senator form Wyoming to address any further concerns or questions he may have on to how this act will impact rural states.

DETERRING VOTER FRAUD AND PROMOTING VOTER PARTICIPATION

Ms. CANTWELL. Mr. President, I rise to thank my colleague Senator BOND for his hard work in making sure that the identification requirements for first time voters in this bill did not have the unintended consequences for people who vote by mail. I think that we all agree that any election reform passed by the U.S. Senate should be about two things: deterring voter fraud and promoting voter participation. Many weeks of negotiations finally have produced an agreement that I believe will do both. Thanks to hard work by Senator WYDEN and Senator BOND, together with the managers of the bill, Senator DODD and Senator MCCONNELL, and Senator MURRAY and Senator SMITH, we have come up with a solution. The compromise addresses Senator BOND's concerns about making certain first time voters are who they say they are, but that doesn't have an unfair and burdensome impact on progressive states like Washington and Oregon where many—and in the case of Oregon all—voters vote by mail. This compromise will not simply benefit voters who vote by mail in Washington in Oregon, but will benefit all States that allow voters to vote by mail.

This compromise does two things. First, it creates a mechanism for election officials to verify the identity of first time voters who register by mail before they get to the polls. And second, it makes clear that voters who vote by mail, just like voters who go to the polls, can still cast a provisional or replacement ballot even if they fail to provide identification in their ballot when they cast their vote by mail. The provisional or replacement ballot will be counted as long as elections officials determine the voter's eligibility under the laws of their State.

With regard to the first part of the compromise, election officials in States like Oregon and Washington will be able to satisfy themselves about the identity of a first time voter before they arrive at the pools or cast their ballot by mail for the first time. If the election official is able to compare the information that the voter provides on his or her voter registration card with

information contained in an existing state database such as the Department of Motor Vehicles, and the information matches, the voter will not be asked to produce independent identification when they vote. In fact, even if a voter fails to provide the identification information at the time they vote, the vote may still be cast as a provisional or replacement ballot and will be counted as long as State elections officials verify the voter's eligibility under the laws of the voter's State. Is that the Senator's understanding?

Mr. WYDEN. The Senator is correct. Under the agreement you and I have worked out with Senators BOND, MCCONNELL, DODD, and MURRAY, voters who register by mail are given more options to verify their identity. Our agreement protects Oregon's vote-by-mail system, as well as the majority of voters who vote by mail in Washington, and provides protections to make sure that every mail-in vote by a legally registered first-time voter can be counted.

Instead of a identification or proof to resident, first-time voters in a state may put their driver's license number or the last four digits of their Social Security card on their registration card.

If that number, along with the name and date of birth of the voter matches another State record, like the Department of Motor Vehicle's, the voter won't be required to provide any further identification. This means they won't have to stop by a copy center before they register or before they vote. This will mean business as usual for the petition drives, the campus registrations and every get-out-the-vote effort in Oregon, where thousands of first-time voters register by mail. Without this compromise, every one of these initiatives to get more citizens voting would have been stymied.

The agreement also guarantees that voters who cast their ballots by mail have the same provisional or replacement ballot rights as voters who go to the polls. Under the agreement if a first-time voter in a state fails to supply a driver's license number or the last four digits of their Social Security number when they register, their vote can still be counted even if their ballot is received without a photocopy of identification, if the state election officials determines that the voter is in fact legally registered under state law. These provisions will also not take effect until January of 2003 ensuring that this year's election will not be disrupted by new requirements.

Under the agreement, Oregon's pioneering and successful vote-by-mail system will continue, unchanged.

I understand the concerns that sparked the identification requirement: a concern that mail-in voter registration and balloting engender fraud. But in Oregon—the only all vote-by-mail state and the state that pioneered Motor Voter—there is very little fraud. No one has come forward with proof of widespread fraud in Oregon. In fact, I was elected to the Senate in the first all vote-by-mail special election. Senator GORDON SMITH, my opponent in that race, never raised any questions about fraud. Oregon's penalties for fraud are much tougher than federal law—up to $100,000 in fines and/or 5 years in jail.

Since Oregonians voted overwhelmingly in 1998 to use a vote-by-mail system, participation has gone up and fraud has gone down. In fact, in the last Federal election, 80 percent of the registered voters cast a ballot. Since the May 1996 primary, 13 cases of fraud have been prosecuted; convictions were won in five and eight are still pending. In the last federal election, only 192 ballots were not counted because they failed the signature verification test. This is a pretty good record. Has the Senator had similar results in her State?

Ms. CANTWELL. I agree completely with my colleague from Oregon. The mail in voting system in my State has allowed voters to have flexibility in deciding whether to go to the polls or vote from home. In our last election, over 65 percent opted to vote by mail.

Our system has increased participation, and has resulted in no serious allegation of fraud. Like the mail in system in Oregon, I was elected in a very close election where the majority of ballots were cast by mail, but no allegations of fraud were raised.

In addition, voting by mail allows voters to be significantly more informed. By sitting at home with their ballot and their sample voting materials, voters are able to make more informed choices without the pressures of a busy schedule or a line at the booth.

I am very pleased that this agreement provides protections that will make sure that all legally registered first time voters who vote by mail, will still have their votes counted. Their votes will be counted if State election officials determine the voter is properly registered according to Washington State law. In Washington, if a first-time voter forgets to include a photocopy in their ballot, the election official will verify whether or not the voter is in fact legally registered by following the Washington state law, and performing a careful verification of the signature on the ballot.

This compromise makes sense because it allows each state to best determine how to count provisional ballots, and because it provides the same protection to mail in voters that are already provided to voters who vote at the polls in the original election reform bill.

I ask the Senator if he agrees that this is how the compromise will work?

Mr. BOND. I agree with my colleagues Senator WYDEN and Senator CANTWELL, as to how the compromise works, and I would like to thank them for working diligently on this compromise. I am pleased we were able to make a change to the identification provision that all states can comply with.

I have said repeatedly that requiring first time voters to verify their identity is a reasonable means of preventing fraud, and in fact many States already have this requirement.

But I agree completely with the Senators from Washington and Oregon that voters who vote by mail, but fail to include a copy of their photo identification, should be able to cast a provisional ballot, just like voters who go to the polls without their identification.

By ensuring that it is a state or local election official that is making the determination about whether a provisional vote is valid, I believe we have built in significant safeguards that will prevent fraud.

I also agree that allowing election officials to verify the identity of a first time voter by matching specific information about the voter on the registration card to an existing state record with information on the voter, is a reasonable means to prevent fraud.

I am happy to support this compromise and look forward to passing the final legislation later today.

Mr. WYDEN. This agreement follows the right priorities by fighting fraud at the beginning of the process—at the time of registration. That is what our agreement does. At the same time, I have also said that legislation should not make it harder for legally registered voters to cast a ballot, or discourage people from voting. The agreement will do this as well.

This has not been an easy task. I want to commend Senators BOND, CANTWELL, MCCONNELL, and MURRAY for sticking with the negotiations, and I especially want to thank Chairman DODD for the support he and his staff have given us in reaching the agreement and in including it in the managers' package.

Mr. LIEBERMAN. Mr. President, amendment No. 2926 will ensure that the Election Administration Commission studies State recount and contest procedures, so that we lessen the chance that what happened in Florida during the November 2000 election will occur elsewhere.

That election revealed many problems in our Nation's voting procedures, the bulk of which are being addressed in this historic legislation. When states fully implement the provisions of S. 565, I am confident that Americans will have good reason to have greater confidence that their Federal elections are fair, efficient, and accurate down to the last vote.

But, we also have to be concerned about what occurs after those ballots have been cast, especially in cases when an election is excruciatingly close. In November 2000, we all found out what can happen in our electoral democracy when recounts are required or when elections are contested to determine who won and who lost. In broad terms, the system that was designed by our Founders and has evolved

over the years is a brilliant one. But given the sheer size of this country, the complexity of many State regulations, and the various ways and means of voting, we must ensure that the system we cherish is brought fully up to speed with the times in which we live.

Even after we say good riddance to chads and butterflies, we will certainly continue to have close Federal elections, and elections in which the first count has to be verified for one reason or another. Therefore I believe we will not have completed the job of election reform until we make sure that we—governments at all levels, as well as the public—better understand how States determine when votes should be recounted, how votes should be recounted, and who should do the recounting. We must not allow this window of reform to close without first enduring that we know whether or not State recount and contest procedures are adequate, so that in the future it is voters, without the intervention of the courts, who determine the winners of our elections.

In 2000, of course, it was Florida—surrounded on three sides by water and on all sides by media scrutiny—that became the poster state for recount procedures gone awry. But in frames, we must acknowledge that if other States had been placed under the same microscope as Florida, the same problems would have been revealed. Florida was not the only state that was totally unprepared to deal with a neck-and-neck election.

The National Commission on Federal Election Reform, chaired so ably by Presidents Carter and Ford, made several observations about this issue that were evident to the whole world watching events in Florida, but which could apply to many other States as well. The commission found that recount and contest laws are not designed for statewide challenges. They noted that state deadlines did not mesh well with the federal schedule. Each county in Florida made its own decisions about what, when, or whether to recount. And, perhaps most surprising to all of us involved, in performing recounts, the definition of a vote varied from county to county, and from official to official within the counties.

I do not want to recount, relieve, or rehash all of the painful debates from that election. There is no point to be served now re-enacting the legal battle that transfixed our country and the world.

But in our ongoing quest to form a more perfect union, we have to ask ourselves whether we can improve the procedures for future recounts, and how we can put in place procedures that are clear to voters, and I might add candidates, well before the election. If on the first Monday in November we are all on the same page as to what constitutes a vote on each type of voting equipment and for every kind of voting method, what recount and contest procedures are, and other critical questions, things will be much less confusion and frustrating to all Americans come the first Tuesday in November. In perfect hindsight, I think we would all agree that it is not one's benefit for us to rely on the courts or others to tell us the rules as we go along.

The amendment would simply require the new Election Administration Commission being created by this legislation to systematically examine the State laws and procedures governing recounts and contests in Federal elections, determine the best practices, and, report to the President and Congress whether or not state procedures are adequate. The commission would also study whether or not states have adopted uniform definitions for what constitutes a vote on each kind of voting machinery they use, and whether or not there is a need for more consistency in State recount and contest procedures.

This amendment recognizes that, as is appropriate under our system of government, administration of Federal elections will still remain primarily the purview of the States. However, be directing the Election Administration Commission to study State recount and contest laws and procedures and promote best practices, I hope we can help to ensure that the events in Florida following the November 2000 election are never repeated.

I want to thank the chairman and ranking member for working with us and accepting this amendment, and I urge its adoption by the Senate.

Mrs. FEINSTEIN. Mr. President, stand on the threshold of passing perhaps the most important bill of the 107th Congress. S. 565 makes a long-overdue Federal investment in the most vital infrastructure our nation has: the infrastructure of democracy.

We have neglected this infrastructure for too long, and at our peril. Problems in Florida and elsewhere during the November 2000 Presidential election underscored the effects of our years of neglect.

I was pleased to see that President Bush's fiscal year 2003 budget request included $400 million for a revolving fund for States for election improvements, and additional funds projected through fiscal year 2005, for a total of $1.2 billion over 3 years. This is commendable, but I think it falls short of what we need.

S. 565 authorizes $3.5 billion through fiscal year 2006 to help States and localities:

Meet new Federal standards for voting systems;

Replace or upgrade voting technology;

Educate and train voters, election officials, and poll workers; and

Make polling places and equipment physically accessible to the disabled.

As Senator BOND and others have said, the new standards contained in S. 565 are meant to ''make it easier to vote, and harder to vote fraudulently.'' What a laudable goal.

Under the bill, voting systems must notify voters if they ''over vote''—that is, if they vote for too many candidates for a particular office or position. Voters must be given the opportunity to change their ballot, and verify that it comports with their wishes before casting it.

Voting systems must provide nonvisual accessibility for the blind and visually impaired. They must provide ballots in other languages for voters with limited proficiency in English.

The bill requires that voters be informed of their right—and be allowed—to cast provisional ballots if their eligibility is challenged at the polling place, and to find out if their votes are counted.

The bill also requires the States to develop statewide computerized and interactive voter registration lists both to make it easier to vote and to deter fraud.

To meet these requirements, S. 565 provides a 100 percent Federal match. There is no unfunded mandate here foisted on State and local governments. We give them the money they need to do what we ask them to do.

The bill comes at an absolutely crucial time for California. Last September, California Secretary of State Bill Jones ''de-certified'' the punch-card voting systems in nine counties, which collectively have 8.6 million registered voters. That's more people than the total populations of 39 States. The counties include:

Los Angeles (4 million registered voters);

San Diego (1 million registered voters);

San Bernardino (700,000 registered voters);

Alameda (700,000 registered voters); and

Sacramento (600,000 registered voters).

The other affected counties are Mendocino, Santa Clara, Shasta, and Solano.

Secretary of State Jones gave these jurisdictions until the November 2006 elections to upgrade their systems, presumably to ''touch screen'' machines, also known as ''Direct Record Electronic''—DRE—devices.

You can imagine what a challenge it will be to get new systems in place for so many voters. In Los Angeles alone, the cost is expected to be between $90 million and $100 million. In Sacramento, it will cost $20 million to $30 million.

But there is more: civil rights groups and other plaintiffs sued to move the date up from 2006 to 2004. Just 2 months ago, U.S. District Judge Stephen V. Wilson ruled in favor of the plaintiffs.

So these counties have about 2 years—less really—to get new systems. It is absolutely imperative that we pass this bill, work out a compromise with the House, and get Federal funds to these—and other—jurisdictions as soon as possible.

Last month, California voters approved Proposition 41, a $200 million

bond measure that will provide 3-to-1 matching grants to county governments for the purchase of new election equipment. So the State is doing what it can to fix this problem. But it cannot do it by itself.

With regard to the bill before us, I want to commend Senators DODD and MCCONNELL for their hard work in negotiating the compromise we will be voting on shortly. Fixing our election systems—fixing the infrastructure of our democracy—is not a partisan issue. The chairman and ranking member of the Rules Committee have done an admirable job. I am confident that the Senate will approve the compromise amendment overwhelmingly.

I am also grateful that the Senate saw fit to approve 2 of my amendments. I offered these amendments to address concerns my staff and I heard from California election officials, notably Bradley J. Clark, the Alameda County Registrar who serves as President of the California Association of Clerks and Election Officials, and Connie B. McCormack and Mischelle Townsend, the Los Angeles County and Riverside County Registrars, respectively.

My first amendment would task the Election Administration Commission—EAC—created under the bill with studying the technical feasibility of providing ballots and other election materials in eight or more languages. Section 101(a)(4) of S. 565 as amended significantly expands the Voting Rights Act—VRA—of 1965 requirement regarding the availability of voter registration and election materials in foreign languages.

The VRA currently requires the availability of voter registration and election materials in native languages for specified ''language minority groups'' if a certain threshold is reached: No. 1, more than 5 percent of the voting-age citizens within the jurisdiction are members of a ''single language minority'' and have limited English-proficiency; or No. 2, there are at least 10,000 such voters.

The VRA restricts the term ''language minority groups/single language minority'' to people who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage.

S. 565, as amended, goes beyond the four categories above, and the registrars are concerned that it could require a larger jurisdiction like Los Angeles, San Francisco, or San Diego to prepare ballots and other election materials in languages not covered by the VRA without first assessing the need for such ballots.

We have school districts in these cities where 48 different languages are spoken.

In the November 2000 elections, Los Angeles County spent $2.2 million out of a total budget of $21 million to prepare registration materials and ballots in six languages: Spanish, Chinese, Japanese, Korean, Vietnamese, and Tagalog—the native language of Filipinos.

According to the Los Angeles County Registrar, Ms. McCormack, each language costs about $250,000 per election, and she anticipates adding Cambodian for the November 2002 election.

She certainly does not want to disenfranchise any voter, nor would I countenance such an effort. But I think it is important for the EAC to study the technical challenges the multi-lingual ballot provision places on a jurisdiction like Los Angeles.

For instance, Ms. McCormack told my staff that while the technology is improving, it is still very difficult to devise ballots in ''character'' languages such as Chinese, even on the newer machines.

Prior to the November 2000 elections, she invited companies to bid on a contract to provide a limited number of machines with multi-lingual ballot capabilities. She drew just two bids.

Another chief concern I heard about is the requirement in Section 102(a) of the substitute amendment that appropriate election officials must notify a provisional voter in writing within 30 days if his or her provisional ballot is rejected, and the reason for it being rejected.

The goal—getting voters properly registered—is certainly worthwhile, but the requirement is administratively cumbersome for some jurisdictions. Los Angeles County, for instance, received over 100,000 provisional ballots in the November 2000 elections, and rejected close to 40,000.

In addition to notifying, in writing, those voters whose provisional ballots have not been counted, the amended bill reburies election officials in each jurisdiction to establish a ''free access system'' such as a toll-free number or an official Website that voters can contact to determine if their provisional ballots have been counted.

It strikes me that establishing the free access system, informing voters about it, and allowing them to find this information out for themselves is more manageable than requiring the written notification.

In either instance, I am concerned about protecting the privacy of the data that such a free access system would contain.

S. 565, as amended—Section 102(a)(6)(BN)—is silent on that point.

Identify theft is one of the Nation's fastest growing crimes. I felt compelled to offer an amendment to the bill—which has been adopted—to direct the appropriate State or local election officials to protect the security of the personal information contained in the free access systems that will be created.

I am pleased that the Senate also adopted the amendment senators CHAFEE and REED of Rhode Island offered to ensure that State and local governments making multi-year payments for new voting equipment purchased prior to January 1, 2001 are eligible to apply for grants under this bill.

This amendment, as I understand it, ''grandfathers'' Riverside and Marin Counties so that they can tap into Section 203 grant monies to help them defray the cost of equipment they purchased prior to the November 2000 elections.

According to Ms. Townsend, the Riverside County Registrar, prior to the 2000 elections, Riverside County using Pitney Bowes for financing—purchased 4,250 touch screen machines from Sequoia, an Oakland manufacturer, at a cost of $14 million amortized over 15 years (for a total cost, including interest, of roughly $20 million).

The new DRE system was so successful that Riverside had one of the ten lowest voter error rates of all counties nationwide—less than one percent.

Ms. Townsend told my staff that much of the error rate was attributable to paper absentee ballots. ''Over-voting'' is impossible on touch screens, and ''under-voting'' is the prerogative of individual voters and, consequently, may not represent an error.

Riverside was the first county nationwide to rely exclusively on touch screens and is serving as a model for other jurisdictions. The county was commended in the report issued by the Election Reform Commission former Presidents Ford and Carter co-chaired.

Clearly, we do not want to punish Riverside County—or Marin County, which purchased DRE touch screen machines and precinct-based optical scanners in time for the November 2000 elections—for acting responsibly.

As I said a moment ago, I want to thank Senators DODD and MCCONNELL for accommodating my concerns. I think the amendments I offered and the Chafee-Reed amendment make an already outstanding bill even better.

While much of our discussion concerning specific provisions in the bill may sound arcane or parochial, there is also something much larger at stake here.

One hundred years ago, democracy was still very much a tenuous experiment around the world. Even in the United States, African-American men were largely disenfranchised and women still had to wait for 2 more decades before they could vote.

According to a 1999 report issued by Freedom House, in 1900, only 5 percent of the world's population had the right to elect their leader(s). Now, 58 percent of the world has this right.

In 1900, no nation elected its leader by universal adult suffrage; now, 119 nations do. That is 62 percent of all of the countries in the world.

According to the report, entitled Democracy's Century:

> Like economic progress, political progress has been uneven. But the general trends are hard to ignore. They reinforce the conclusion that humankind, in fits and starts, is rejecting oppression and opting for greater openness and freedom.

This report was published before the terrorist attacks on September 11. We have been reminded in a visceral way that enemies of freedom still exist. We have met those enemies on the battlefields of Afghanistan. The battle we

now wage is every bit as serious as the cold war. I fervently believe that freedom will win out. Democracy will continue its march. Respect for human rights will grow.

The newly established or emerging democracies of the world look to us for inspiration and for guidance. That is why it is so crucial that we pass S. 565 and set about mending our democracy.

I traveled abroad after the 2000 elections, and I heard an earful from foreigners. ''Don't lecture us,'' they said, and rightfully so.

While we were able to settle on the results peacefully, in our courts, the events surrounding that election shame us, diminish us in the eyes of those who aspire to be like us, and embolden our enemies, freedom's enemies.

On April 27, 1994, 43 million black South Africans—86 percent of the eligible voters—cast their first ballots. Can any of us forget the poignant images we saw on television back then of people waiting 8 hours or more to vote, of lines of voters seemingly stretching to the horizon?

Yes, democracy is on the march. But it is fragile. We have to protect and nourish it. Even here in America—especially here in America. We are a beacon to the rest of the world, especially to oppressed people everywhere.

We Americans have been complacent and neglectful with regard to our democracy. We have allowed the infrastructure that sustains it to fray around the edges. Our democracy has lost some of its marvelous luster. It is time to restore that luster.

Mr. LIEBERMAN. Mr. President, I am pleased to rise in support of this historic election reform legislation, which of course comes before the Senate at a time when our Nation is responding to new challenges at home and abroad.

I want to thank Senators DODD and MCCONNELL and other Senators for their hard work to create this bipartisan bill, and I thank the majority leader and the minority leader for working together and ensuring that this legislation is being considered at this time. Our efforts to address this issue together demonstrate to the American people that a matter as critical as election reform can and should be driven by the national interest, not by partisan, parochial or political interests.

After all, the integrity of self-governed democracies starts with the right of citizens to vote, and when that right is not shared equally, the strength of our democracy is diminished.

We must recognize and celebrate the fact that American history has been a story of continual progress in this regard. Generation after generation, voting booths have been opened and voting rights extended to groups of citizens once disenfranchised. That wonderful process of growth has, over the generations, built a broader and better America that has become a brighter beacon of equality and opportunity to people around the world.

But we can never stop forming, in the words of our Constitution, a more perfect union, and to that end we must realize that haphazard or bureaucratic disenfranchisement still occurs in America today as a result of arcane or confusing voting systems. We must realize that millions of Americans who are eligible to vote still encounter unnecessary barriers to casting their vote, and to having their votes counted. That disenfranchisement, whenever and however it occurs, is a blemish on the sanctity of our system, and it is a blemish that only we—the democratic representatives of the people—can help to heal.

The provisions in this legislation will help guarantee access and accuracy in the voting booth and ballot box by making sure that the fundamental right to vote of all citizens is protected, that the ballots of all registered voters are counted, and that only those persons who are eligible to vote can do so.

We can all agree that the November 2000 election—which I seem to recall reading a thing or two about in the newspapers—exposed serious flaws in our federal election process, and I am happy to say that this legislation has an answer for most of the flaws exposed.

Experts estimate that in November 2000, some 2.5 million Americans had their ballots for President discarded for any number of reasons. In some cases, the cause was faulty voting equipment, in others confusing ballots. This legislation will wisely require States to adopt voting systems which permit voters to verify their ballot choices and correct errors before their vote is cast. It requires states to adopt systems that address the needs of disabled voters, and of voters with limited English proficiency. And to make sure that these provisions have teeth, the bill sets Federal standards for voter error rates and requires states to meet or beat those benchmarks.

In the 2000 election, many citizens who believed they were eligible to vote were simply turned away from the polls. This legislation will make sure that all citizens who show up to vote have the right to cast provisional ballots, so that their votes can be tabulated if and when their eligibility is verified.

According to reports, in the 2000 election, other citizens were denied the right to vote because registration lists were simply not accurate. This legislation will require each State to create computerized, statewide voter registration lists and to coordinate those lists with other databases to ensure that the lists are as up-to-date and as error-free as possible.

The November 2000 election also made it painfully clear that states were being forced to bear the total financial burden for federal elections, and many states lacked the funding necessary to implement more efficient voting systems. This legislation authorizes $3.5 billion to help states and localities meet the requirements for upgrading voting systems, to improve accessibility for disabled and special needs voters, and to implement new procedures to increase voter turnout, educate voters, and identify, deter, and investigate voter fraud.

Mr. President, the revolutionary idea at the core of American democracy is that our government's power is derived from the consent of the governed. In other words, small-r republican government depends upon the small-d democratic right to vote. Two hundred years ago. Thomas Jefferson wrote, ''The will of the people . . . is the only legitimate foundation of any government, and to protect is free expression should be our first object.''

Today, the best way for us to protect the free expression of the will of the people is to build an election system that all Americans can count on, by ensuring that all their votes and only their votes are counted. This legislation furthers our progress toward that noble goal. It deserves our strong support.

Mr. GRASSLEY. Mr. President, we have before us a bill that seeks to take unprecedented steps to improve the methods by which Americans vote for our elected officials. To a large extent, Congress is charting new territory in an area where States have traditionally been left to their own devices. Congress has in the past stepped in to guarantee the right to vote for American military personnel and U.S. citizens who live abroad as well as to protect the voting rights of Americans against discrimination. Most recently, Congress has involved itself in the area of voter registration with the National Voter Registration Act of 1993. However, the Federal Government to date has had little or no role with respect to the administration of elections, which is traditionally a State and local responsibility.

Since this is new territory for Congress, we must start by asking ourselves what we are trying to accomplish. The closeness of the 2000 presidential election highlighted some of the shortcomings in the voting systems and processes that are used throughout the country. Many suggestions have been tossed around for ways we can improve elections in the United States ranging from radical constitutional reforms to minor adjustments on the local level. It is clear to me that the most important role Congress can play is to provide the resources, both financial and technical, that are necessary for states and communities to administer fair and accurate elections.

The Dodd-McConnell compromise legislation being considered by the Senate takes steps to help State and local governments achieve high standards of fairness and accuracy in elections. Still, the bill is not perfect. Because of the nature of compromise legislation, every Senator can find things they like and things they do not.

Nevertheless, this bill does accomplish one of the key objectives of Federal election reform. Central to any attempt to help States and localities improve their election systems is providing funds to do so. It's usually not lack of will but lack of funds that hinders local reform efforts. I'm pleased that this bill provides a total of $3.5 billion to States and localities to help improve the administration of elections. Funds will become available through a newly created Election Administration Commission for items like upgrading or replacing voting machines, improving accessibility for disabled voters, and simplifying voting and voter registration procedures.

On the other hand, one problem with this bill is the degree of Federal control that will be exerted on elections. It's difficult to strike the right balance between helping States and localities improve the administration of elections while still allowing for local flexibility. This bill contains a number of well intentioned but specific mandates on States and localities along with potentially heavy handed enforcement procedures if they are deemed to be out of compliance with Federal mandates. Still, the bill does provide for 100 percent funding for all Federal mandates thus lessening the impact on the State and local governments that must implement these mandates.

Finally, I'm pleased that measures were included in this bill, largely through the work of Senator BOND, to combat the problem of voter fraud. The Dodd-McConnell compromise strengthens language in current law providing penalties for giving false information with respect to voting or voter registration, or for conspiring to do so. It also clarifies that these penalties apply for giving false information with respect to naturalization, citizenship, or alien registration.

The compromise also contains carefully balanced language designed to protect against the kinds of fraud that can occur with mail-in voter registration and mail-in voting. While efforts to strip out these anti-fraud protections threatened to unravel the compromise, I am pleased that this matter was resolved and a compromise was found that protects the ability to vote by mail without weakening the bill's anti-fraud protections.

In addition, other measures have been added to the bill through amendments on the Senate floor to give States more tools to ensure the integrity of their voter lists and prevent fraud, including my amendment to allow for coordination of statewide voter lists with social security records to check for deaths and individuals registered under false identities. Voter fraud is a direct threat to the electoral process and these measures represent progress toward eliminating that threat.

At the end of the day, we have a bipartisan bill that takes concrete steps to help state and local governments improve the administration of elections. While it isn't perfect, the Dodd-McConnell legislation represents a positive move that should give Americans greater confidence in their elections and our system of government.

Mr. DOMENICI. Mr. President, I rise today to speak about Election Reform. Today is a good day for this country and the manner in which we hold federal elections.

For several weeks after the last vote was cast in the 2000 elections, Americans were inundated with image after image of ballots being counted and recounted. As the election was further scrutinized, numerous stories of voter fraud were brought to the nation's attention.

While the list of problems encountered during the last election is seemingly unending, the point is that there are improvements to the system that must be made. Today, we have taken a very big, very important step in making sure that this system works better. After all, we have no more important right as American citizens than the right to vote.

In this bill, we set forth some very important standards and procedures to protect this right. We will require systems to permit a voter to verify his ballot choices and correct errors before the ballot is cast so that the voter can be certain that his vote will be for the candidate of his choice.

In the case where an individual claims to be a registered voter who is eligible to vote but isn't on the official registration list, that individual will be allowed to cast a provisional vote. The appropriate election official must then verify the claim of eligibility. If the claim is verified, that vote will be counted. There will then be a free access system that the voter can use to check to see whether that vote was counted, and if not, the system will give the reason for that decision.

These measures, and others in the bill, are intended to make certain that the people who are eligible to vote are given that right. The other side of the coin is to make certain that people who are not eligible to vote are prevented from voting. One of the things that this bill does is require each state to implement an interactive, computerized, statewide, voter registration list. This will also help to make certain that noone is able to vote more than once.

One of the concerns that many states would have had with this piece of legislation is the cost involved in implementing these reforms. Recognizing these concerns, we have authorized $3.5 billion to make certain that the states do not bear the burden of these reforms.

This legislation represents the hard work of many members from both sides of the aisle. It is truly a testament to the good that can come from bi-partisanship and I commend all of the Senators who worked so hard to make this happen.

Mr. ROCKEFELLER. Mr. President, I thank Chairman DODD and Ranking Member MCCONNELL for working closely with me to reach agreement on an amendment to help ensure that the millions of Americans living overseas can vote in Federal elections.

Millions of Americans live abroad. Some are business people, some are military personnel, others are students, and some are Peace Corp volunteers. Their votes should count, too.

This amendment is simple and reasonable, but important. It directs the Commission created in the Election Reform package to consider the needs and concerns of millions of overseas voters, both civilian and military personnel. The amendment directs the commission to study the issue of long-term registration for overseas voters and make recommendations. It would create a single office in every state that overseas voters could contact for information about voter registration and absentee ballots. The Commission is asked to determine if this office could, and should do more. It states that when election officials reject an absentee ballot, the overseas voter should be notified and given an explanation on why their application was rejected. Finally, this amendment also ask states to report on the number of absentee ballots, within a reasonable time frame.

Early in my political career, I served as the Secretary of State for West Virginia, so I understand the importance of voting issues and the need to be sensitive to the concerns of states. But we also have an obligation to overseas Americans who deserve the chance to vote.

I deeply appreciate the interest and support of Chairman DODD, Senator MCCONNELL and their staffs. I know that the bipartisan House Election Reform legislation includes important provisions for overseas voters, both civilian and military, recognizing that they, too, deserve to vote.

Mr. MCCAIN. Mr. President, this afternoon I would like to commend my colleagues for passing S. 565, the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2001. I believe that this historic piece of legislation will resolve many of the problems that the country experienced in the Year 2000 election.

This bill includes a number of important elements that are designed to improve and safeguard the voting process across the country. The bill establishes uniform and nondiscriminatory Federal standards, including voter notification procedures and a uniform error rate for voting systems, that will reassure voters that their votes will be correctly registered. The bill also includes mandatory procedures for provisional voting that will ensure that all legitimate voters have the right to vote. Additionally, the bill establishes an interactive, computerized, statewide voter registration system that will prevent future incidents of election fraud. The

bill also includes Federal grant programs that will help the States pay for these new mandatory requirements, and provide incentives for States to replace voting machines, educate voters, and train poll workers. The bill also establishes an Election Administration Commission to improve the administration of elections across the country by using grant programs, studies, and recommendations.

Most importantly, this bill will play a role in improving the situation for disabled voters. The obstacles facing millions of disabled voters have concerned me long before the 2000 elections. I find it particularly distressing that many of our nation's disabled veterans, who sacrificed so much for our country, are confronted with too many obstacles, including inaccessible polling places and machines that cannot be used by blind and visually impaired voters. According to a 2001 GAO report, requested by Senator HARKIN and me, 84 percent of all polling places in the U.S. are not accessible to disabled voters. Additionally, no polling place visited by the GAO had a ballot or voting system available for blind or visually-impaired voters to mark a ballot without requiring assistance from a poll worker or companion.

I would like to thank my colleagues in the Senate for supporting my amendment to ensure that the Federal Access Board will be consulted on the new voting systems standards. The Access Board has a good deal of insight and experience in solving the accessibility issues facing voters with disabilities. I am also grateful to my colleagues for accepting Senator HARKIN's amendment, which I cosponsored, to make it the Sense of the Senate that ''curbside voting'' should be allowed by states only as a last resort. For many disabled voters, ''curbside voting'' strips away their sacred right to cast a private ballot. It is my hope that these amendments, combined with the $100 million grant program to improve the accessibility of polling places and the new voting systems standards, will ensure that the disabled community and our Nation's veterans will become more involved in our Nation's election process.

One major issue for the Senate was how to strike a balance between preventing voter fraud and ensuring greater participation by legitimate voters. The compromise substitute amendment included provisions that would both include mandatory Federal standards to make the election process easier for legitimate voters and prevent voter fraud. I cosponsored this amendment, because it struck the necessary bipartisan compromise that was required to ensure the passage of election reform legislation.

I voted against the Schumer-Wyden amendment and against two cloture motions regarding this amendment, because I believed that it would destroy this bipartisan compromise. The issue of election reform is so important that it requires broad bipartisan support, as was achieved in the House of Representatives with the Ney-Hoyer bill. While I understand the intentions of the proponents of the Schumer-Wyden amendment, I was concerned that this amendment would strip out the anti-fraud provisions of the compromise, and endanger passage of this bill. My hope was that this impasse would force the parties to work together to achieve meaningful election reform legislation. I am glad that Senators WYDEN and BOND were able to work together to resolve this obstacle, and that we are now voting on final passage of this bill.

Again, I would like to congratulate my colleagues on passing this legislation. It is my hope that the House-Senate Conference on this bill can be resolved soon. We owe it to the American people to ensure that they have fair, open, and accurate elections.

Mr. DASCHLE. Mr. President, I thank the distinguished chairman and ranking member of the Rules Committee, Senators DODD and MCCONNELL, for their incredible leadership, perseverence and hard work in getting us a strong bipartisan election reform bill.

I also thank Senators SCHUMER, BOND, TORRICELLI, MCCAIN and DURBIN for their tireless efforts in crafting this bipartisan substitute amendment. Without their collaboration and compromise, we would not even be considering, let alone passing, this very important piece of legislation.

It has been several months since we first began floor consideration of this bill, and I appreciate the tireless efforts, and diligence that Senator DODD has maintained. Without his leadership we would not be here today.

By working together, our colleagues have produced legislation that will protect the most basic of all American rights: the right to vote, and to have that vote counted.

This bill represents a fair, balanced, and responsible approach.

It will ensure that nondiscriminatory voting procedures exist in every polling place, while strengthening the integrity of the Federal election process.

We all know why this bill is necessary.

We remember the stories from the 2000 elections about: inadequate voter education; confusing ballots; outdated and unreliable voting machines; poll workers who were unable to assist voters who needed assistance because they were overwhelmed or undertrained, or both; and registered voters who were wrongly denied the right to vote, because their English was less than perfect, their name was mistakenly purged from a registration list, or some other equally unacceptable reason.

We heard reports of police roadblocks and other barriers that prevented some voters from even reaching the polls, not in the 1920s or 30s, or even the 1960s, but in 2000.

Today, we are celebrating the 34th anniversary of the 1968 Civil Rights Act, which prohibited discrimination in the sale, rental, or financing of housing.

In every generation, we have tried to tear down barriers to full participation in the life of this Nation.

But there is one means of participation that forms the foundation of every other: the right to vote.

And that is why we cannot allow those barriers to voting, physical or otherwise, which so tainted our democracy in the last century, to stretch into this one.

In all, it is estimated that between 4 million and 6 million Americans were unable to cast a vote, or did not have their vote counted, in the 2000 elections.

Between 4 and 6 million Americans, disenfranchised. In this day and age, that is simply unacceptable.

It is not enough for Congress to document or decry the problems we saw in the last election. We need to fix the problems before the next election.

It should not matter where you live, what color your skin is, or who you vote for. In America, the right to vote must never be compromised. Too many people have given too much to defend that right.

Our system leaves it to States to decide the mechanics of election procedures.

But the right to vote is not a State right. It is a constitutional guarantee. And it is up to us to see that it is protected.

Not all States experienced problems with voting in the last election. And some States that did have problems have taken steps to rectify them, and they are to be commended for that.

But there are still States, nearly 17 months after the 2000 elections, where equal access to the voting booth is not guaranteed. It is time for this Congress to step in and enact basic standards, to ensure that every American who is eligible to vote can vote.

That is what this bill does.

It requires States to ensure that their voting equipment meets minimum Federal standards for accuracy.

It says that voters who cast ''overvotes'' must be notified, and given a chance to correct their ballot.

It ensures that voting machines are accessible to individuals with disabilities, as well as those with limited English proficiency.

It establishes statewide computerized voter registration lists.

And it allows individuals whose names don't appear on voting lists to cast ''provisional'' ballots.

If it is determined that the person's name was left off the registration list mistakenly, the vote will then be counted. This will prevent voters from having to wait hours at the polls, or not vote at all, simply because of someone else's clerical mistake.

These are not onerous requirements, and they are not unfunded mandates. This bill includes $3.5 billion for States, to help them upgrade their voting systems. And it establishes a new,

bipartisan commission to oversee the grant program and administer voting system standards.

I commend my colleagues, particularly the sponsors of this bill, for bringing us such a fair and balanced proposal. And for committing their time and energy to seeing this through.

I am hopeful that this bill will move through conference quickly so we can implement these reforms as soon as possible.

If people are denied their right to vote on issues that affect them directly, or if they fear their votes are not counted, democracy itself is threatened. If that happens, both parties, and all Americans, lose. This bill will go a long way in restoring the integrity of our system and ensuring that all Americans will be truly able to exercise their right to vote.

Voting is the most basic right in our democracy, the one that guarantees the preservation of all other rights against governmental tyranny.

Let us now pass this bill and protect that most basic right.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. Nine minutes.

Mr. DODD. How much on the Republican side?

The PRESIDING OFFICER. Almost 4 minutes.

Mr. DODD. Almost 4 minutes.

Mr. President, why don't I yield myself 5 minutes, and then the Senator from Kentucky may want to speak for 1 minute, and then we will just move on to the amendments.

Mr. President, first of all, I explained the order of the votes that will occur.

I express my thanks to Senator DASCHLE and his staff and to Senator LOTT and his staff. I know I probably tried the patience of all the staffs of both sides over the last number of weeks as we moved this product forward to get to the point where we are today. I would not want to leave this debate without expressing publicly my sincere gratitude to both the Democratic and Republican floor staffs and the cloakroom staffs for their expression of patience—I say that diplomatically—over the last number of weeks.

Secondly, I express my gratitude to my colleagues in the other body who have worked very hard on this as well. JOHN CONYERS from Michigan is my principal co-author, if you will, of this proposal on the House side, along with my colleagues here, although Congressman NEY and Congressman HOYER also have a very important bill they passed in the House, and we will be working with them.

EDDIE BERNICE JOHNSON, SILVESTRE REYES, the respective heads of the Black Caucus and Hispanic Caucus, as well as friends from the AFL–CIO, worked hard on this.

The Leadership Conference on Civil Rights—I will have printed in the RECORD the respective members of the Leadership Conference; it is a lengthy list—but I express my gratitude to them as well for their efforts.

I join my colleague, Senator MITCH MCCONNELL, in expressing our gratitude to the members of our committee, Senator SCHUMER and Senator TORRICELLI, who worked diligently to bring us to this point. I also want to join the Ranking Member in thanking our colleagues who are not part of the committee. I say to Senator BOND, I really meant what I said last evening. I think—I say to my colleague through the Chair—but for the provisions you added, which are the antifraud provisions, I think this bill would be a far weaker bill, and I am not sure we would even have gotten a bill. So while not a member of the Rules Committee, I know Senator MCCONNELL and I are deeply appreciative of your contribution to this effort.

Senator WYDEN and Senator CANTWELL worked through the Oregon and Washington issue with their respective colleagues. GORDON SMITH was very concerned about this; PATTY MURRAY as well. We thank them for their efforts.

The staffs of our respective offices—Shawn Maher, Kennie Gill and Ronnie Gilliespie, and Carole Blessington, Sue Wright, and Jennifer Cusick who supported them as well—I thank them for their work. I also thank Tam Somerville, Brian Lewis, and Leon Sequeira of Senator MCCONNELL's staff; Julie Dammann and Jack Bartling of Senator BOND's staff; Sharon Levin and Polly Trottenberg of Senator SCHUMER's staff; Sara Wills of Senator TORRICELLI's staff; Carol Grunberg of Senator WYDEN's staff; and Beth Stein of Senator CANTWELL's staff. I thank them for their terrific work. If I have left anyone out, I will add their names before the RECORD is closed today.

I said this before, but Senator MCCONNELL and I are of different political parties. We share the distinction of having gone to the same law school. We represent the alumni association of the University of Louisville. We share that point in common.

I wish to tell him how much I appreciate his efforts. I know he has a lot of things going on. He has had a huge battle on campaign finance reform that occurred in the middle of all of this. The fact that he and his staff would find time to help us work through this election reform bill is something for which I will always be grateful to him. I know I was hounding him. I know I bothered Brian and Jack and others to get this done. And they showed patience, as well, to me and my staff. I am really grateful to them for their help on that.

Lastly—it has been said by others—I know we have a lot of important bills we deal with. We have the energy bill we are considering. We have appropriations bills. And we are dealing with homeland security and terrorism issues.

I do not minimize at all the importance of that. But this bill goes beyond any specific current issue—it goes to the heart of who and what we are as Americans. Aside from the obvious results of the 2000 elections which provoked, I suppose, this discussion and this bill—this effort is not about addressing a single issue or event. We are dealing with the underlying structure of our very Government.

Patrick Henry once said that: The right to vote is the right upon which all other rights depend. The idea that by this legislation we make it easier to vote in this country and more difficult to scam the system is not an insignificant contribution. It may not get the notoriety of other provisions, but the fact that we are proposing to spend $3.5 billion of taxpayer money on our elections system to allow States to improve equipment, to allow people who are disabled, blind to be able to cast a ballot in private and independently—the idea that we are going to have statewide voter registration lists, provisional balloting, these are major, major changes in the law. In addition this bill provides for the establishment of the independent commission on elections, as well as, of course, the antifraud provisions.

I have been proud of a lot of things with which I have been involved in my 22 years. Nothing exceeds the sense of pride I have this morning, as we close out the debate, on this bill and this Senate accomplishment.

Mr. DODD. Mr. President, today is an historic day in the Senate marked by passage of S. 565, the Martin Luther King, Jr. Equal Protection of Voting Rights Act. It has been my great honor and privilege to have served as Chairman of the Rules and Administration Committee during the pendency of this legislative effort and to have served as floor manager during the Senate consideration.

This is landmark legislation. By enacting this bipartisan bill, the Senate will have established the authority, and responsibility, of Congress to regulate the administration of Federal elections, both in terms of assuring that voting systems and procedures are uniform and nondiscriminatory for all Americans and in ensuring the integrity of federal election results. The House has already passed similar legislation and I am confident that a House-Senate conference can act expeditiously to send this measure to the White House.

While we should not underestimate the significance of this action, we have been careful not to overstate the federal role in the administration of Federal elections. This legislation does not replace the historic role of state and local election officials, nor does it create a one-size-fits-all approach to balloting.

It does establish minimum Federal requirements for the conduct of Federal elections to ensure that the most fundamental of rights in a democracy—

the right to vote and have that vote counted—is secure.

In Bush v. Gore, the Supreme Court condemned a recount process that was '' . . . inconsistent with the minimum procedures necessary to protect the fundamental right of each voter . . . ''

The basic equal protection doctrine underlying the majority opinion in Bush v. Gore is consistent with the principle of equal weight accorded to each vote and equal dignity owed to each voter. The Court stated in pertinent part:

The right to vote is protected in more than the initial allocation of the franchise. Equal protection applies as well to the manner of its exercise. Having once granted the right to vote on equal terms, the state may not, by later arbitrary and disparate treatment, value one person's vote over that of another.

This legislation ensures that every eligible American voter is assured of such minimum procedures. Only then can we be sure that every eligible American citizen has an equal opportunity to cast a vote and have that vote counted, so that the integrity of the results of our Federal elections remains unchallenged. That is the minimum that a Federal legislature should do to ensure the vitality of its democracy.

This journey to secure our democratic system of government began when the presidential November 2000 general election exposed to the citizens of this Nation, and the people of the entire world, the inadequacies of our Federal elections system. Throughout the last fifteen months of Congressional review, hearings, and legislative consideration, the efforts of this Senator have been guided by the words of Thomas Paine who described the right to vote as the ''primary right by which other rights are protected.'' I would suggest that those are the words that should guide the consideration and review of this legislative effort.

The bipartisan compromise being adopted by the Senate today is the culmination of several months of work by a dedicated group of our colleagues with strongly held and diverse views on how best to improve our system of Federal elections. The compromise is just that—it is not everything that all of us wanted, but it is something that everyone wanted. And the more than 40 amendments adopted during the debate have further improved the measure. Clearly, in the case of this legislation, the ability of the Senate to freely work its will through amendment and debate has produced a superior product.

This bill is the culmination of efforts begun by the distinguished ranking member, Senator MCCONNELL, in the fall of 2000, as then-Chairman of the Senate Rules Committee.

Shortly after the November 2000 general election, then-Chairman MCCONNELL announced a series of hearings on election reform. Under his leadership, the Committee held an initial hearing on March 14, 2001.

After the leadership of the Senate changed on June 6, 2001, I announced that election reform would continue to be the primary legislative priority of the Committee. As a result, the Rules Committee held an additional three days of hearings last year on election reform, including an unprecedented, and enlightening, field hearing in Atlanta, Georgia on July 23.

The Committee received testimony and written statements from a conglomeration of civil rights organizations, Congressional House members and caucuses, State and local election officials, study commissions, election associations, task forces, academics, and average voters.

But it was the field hearing in Atlanta that underscored this Senator's belief that this issue is not about what happened in one State or in one election. Election reform is about the systemic flaws in our Federal election system that we have long neglected—flaws which the problems in Florida in November 2000 simply brought to our nation's attention.

Prior to the Atlanta hearing, the chief election official of the State of Georgia, Cathy Cox, testified to her experience. In her words:

As the presidential election drama unfolded in Florida last November, one thought was foremost in my mind: there but for the grace of God go I. Because the thought is, if the presidential margin had been razor thin in Georgia and if our election systems had undergone the same microscopic scrutiny that Florida endured, we would have fared no better. In many respects, we might have fared even worse.

Ms. Cox testified before the Rules Committee at its field hearing in Atlanta, hosted by my good friend, the Senator from Georgia, Senator MAX CLELAND. Ms. Cox reflected what many of our state and local election officials believe—it could have been any State in the media spotlight that year—any state where the election was close.

In fact, according to the Caltech-MIT report, other States, including Georgia, Idaho, Illinois, South Carolina, and Wyoming, and other cities, such as Chicago and New York, had higher rates of spoiled and uncounted ballots than Florida. Nor were these problems limited to just the November presidential election.

The shortcomings in our election process have existed in many elections in States across this Nation. The Caltech-MIT report found that there have been approximately 2 million uncounted, unmarked or spoiled ballots in each of the last four presidential elections. During hearings before the Senate Rules Committee last year, Carolyn Jefferson-Jenkins, President of the League of Women Voters, testified that:

. . . [t]he kinds of problems that we saw in 2000 are not unusual. They represent the harvest from years of indifference that has been shown toward one of the most fundamental and important elements in our democratic system.

This concern was confirmed by the General Accounting Office, GAO, which conducted several comprehensive studies on the administration of elections. GAO found that 57 percent of voting jurisdictions nationwide experienced major problems conducting the November 2000 elections.

Following the Rules Committee hearings, the Committee met on August 2 and voted to order reported S. 565, the Equal Protection of Voting Rights Act. Shortly thereafter, I approached Senator BOND and Senator MCCONNELL and suggested that we attempt to find a bipartisan way to approach election reform. We were joined by Senator SCHUMER and Senator TORRICELLI and began meeting to craft a bipartisan compromise that could be enacted prior to the completion of this Congress.

Each of my colleagues brought a unique perspective to the table. Senator MCCONNELL has been steadfast in his pursuit of a new, bipartisan agency to ensure the continuing partnership between the Federal, State and local governments in Federal elections.

Senator BOND's long-standing interest in ensuring the integrity of Federal elections is reflected in the anti-fraud provisions contained in this compromise. Senator SCHUMER and Senator TORRICELLI were among the first members of the Rules Committee to introduce bipartisan reform measures, and their commitment to the bipartisan process is evident throughout this compromise.

I am grateful to all of them, and to their very talented staff, for the time and dedication that each one committed to ensuring that a bipartisan solution could be presented to the Senate.

Throughout this process, all of us were committed to seeing meaningful reform enacted. All of us were convinced that real reform had to make it easier to vote but harder to defraud the system.

These twin goals—making it easier to vote and harder to corrupt our Federal elections system—underpin every provision of this compromise. These goals are fundamental to ensuring that not only does every eligible American have an equal opportunity to vote and have that vote counted, but that the integrity of the results is unquestioned.

Nothing in this legislation, and no words spoken by this Senator in this debate, should be construed to call into question the results of the November 2000 elections. This effort is not about assessing whether a particular candidate was legitimately elected. The fact that Congress may ultimately enact minimum Federal requirements for the conduct of Federal elections should not imply that prior elections conducted inconsistently with such requirements are somehow less legitimate.

But what we cannot fail to recognize is that the mere closeness of the presidential election in November 2000 tested our system of Federal elections to its limits and exposed both its strengths and its failures.

To underscore the uniqueness of the November 2000 general election, the Carter-Ford National Commission on Federal Election Reform observed, and I quote in pertinent part:

In 2000 the American electoral system was tested by a political ordeal unlike any in living memory. From November 7 until December 12 the outcome of the presidential election was fought out in bitter political and legal struggles that ranged throughout the state of Florida and ultimately extended to the Supreme Court of the United States. Not since 1876–77 has the outcome of a national election remained so unsettled, for so long. The nineteenth century political crisis brought the United States close to a renewal of civil war. Fortunately, no danger of armed conflict shadowed the country in this more recent crisis. The American political system proved its resilience. Nonetheless, the . . . election shook American faith in the legitimacy of the democratic process. . . . [I]n the electoral crisis of 2000 . . . the ordinary institutions of election administration in the United States, and specifically in Florida, just could not readily cope with an extremely close election.

The legitimacy of our democratic process was called into question by a close election because some Americans—be they people of color, or language minority, or disability, or lesser economic condition—believed that the voting system they used, or the administrative processes they encountered, did not provide them an equal opportunity to cast their vote and have that vote counted.

The U.S. Commission on Civil Rights conducted an extensive study on voting irregularities that occurred in Florida during the 2000 presidential election. The Commission found that African-Americans were nearly 10 times more likely than white voters to have their ballots rejected. The Commission found that poorer counties, particularly those with large minority populations, were more likely to use voting systems with higher spoilage rates than more affluent counties with significant white populations.

Additionally, an independent review of Florida's election systems conducted by members of the media found that, quoting from the New York Times and Washington Post:

Black precincts had more than three times as many rejected ballots as white precincts in [the November 2000] presidential race in Florida, a disparity that persists even after accounting for the effects of income, education and bad ballot design . . . [s]imilar patterns were found in Hispanic precincts and places with large elderly populations.

Again, this problem was not limited to Florida. The Committee also heard testimony at the Atlanta hearing that nearly half of all black voters in Georgia used the ''least reliable equipment,'' while less than 25 percent of white voters used that same equipment.

Election reform is clearly the first civil rights battle of the 21st century. As Congresswoman MAXINE WATERS, Chairperson of the Democratic Caucus Special Committee on Election Reform, has stated, ''there is no question, that the right to vote is the most important civil rights issue facing our Nation today.'' The Committee heard testimony to this effect at the Atlanta field hearing from Reverend Dr. Joseph E. Lowery, Chairman of the Georgia Coalition for the People's Agenda. Reverend Doctor Lowery testified that:

No aspect of democracy is more sacred than the right to vote and to have those votes counted. In 1965, thousands of us marched from Selma to Montgomery to urge this nation to remove any and all barriers based on race and color and ethnicity related to the right to vote. . . . Dr. King could not have anticipated that once we secured the ballot in 1965, that we would be back here in 2001 demanding that our government now assure us that our votes are fairly and accurately counted.

And we must ensure that all Americans have an equal opportunity to have their votes counted.

That is why this Senate, and this Congress, and this President, cannot squander this opportunity to reinforce the strengths and correct the failures in our system of Federal elections. To fail to act would be nothing less than an abdication of our collective obligations.

Luckily, unlike many other challenges that are presented to the U.S. Congress, the vast majority of flaws in our federal election system are eminently fixable. As the Carter-Ford Commission found, ''the weaknesses in election administration are, to a very great degree, problems that government can actually solve.''

Further, the Rules Committee found remarkable consensus regarding the problems that exist with our Federal election systems and the statutory changes that need to be made in response. The distinguished Ranking Member, Senator MCCONNELL, noted during one of our hearings that the message to Congress was unanimous: ''Congress must act, and act soon, to come to the aid of states and localities.''

And such cannot be accomplished in a partisan manner. Only through a bipartisan effort to assess and support the strengths and identify and correct the failures can we achieve meaningful, and lasting, election reform.

I submit to my colleagues that the provisions of the bipartisan substitute we are voting on today are intended to accomplish just that.

The principle behind our approach is very simple. The Federal Government has an obligation to provide leadership, both in terms of establishing minimum Federal requirements for the conduct of Federal elections and in terms of providing financial resources to State and local governments to meet those minimum requirements.

For too long leadership at the federal level has been lacking. After the elections of November 2000, Congress can no longer afford to ignore our obligation to the States to be an equal partner in the administration of the elections that choose our national leadership.

The provisions of this bipartisan compromise attempt to meet our obligation by establishing minimum Federal requirements—not a-one-size-fits-all solution—but broad standards that can be met in different ways by every balloting system used in America today. And this bipartisan compromise provides the necessary resources to fully fund these requirements in every one of the 186,000 polling places across this Nation.

Let me first give my colleagues a broad overview of what the bill we are about to adopt does and then go through each section to more fully explain how the provisions will work.

The compromise bill, as improved by amendments adopted during Senate debate, establishes three Federal minimum requirements for Federal elections that will affect voting systems, including machines and ballots, and the administration of Federal elections. These three requirements touch the very voting systems and administrative procedures that alienated Americans across this Nation in November of 2000 and called into question the integrity of the final election results.

The first requirement sets minimum Federal standards that voting systems and election technology must meet by the federal elections of 2006. Essentially, these common sense standards are designed to provide notice and a second-chance voting opportunity for all eligible voters, including the disabled, the blind and language minorities, in case the voter's ballot was incorrectly marked or spoiled.

This requirement conforms to important recommendations from the Caltech-MIT and Carter-Ford Commission reports. As the Carter-Ford report stated, we must '' . . . seek to ensure that every qualified citizen has an equal opportunity to vote and that every individual's vote is equally effective.''

The Carter-Ford report specifically recommended that the Federal Government develop a comprehensive set of voting equipment system standards. The Commission also took great pains to encourage the use of technology and election systems that ensure the voting rights of all citizens, including language minorities. Similarly, the Caltech-MIT report emphasized the importance of equipment that allows voters to fix their mistakes, provides for an audit trail, and is accessible to the disabled and language minorities.

The second requirement provides that all voters be given a chance to cast a provisional ballot if for some reason his or her name is not included on the registration list or the voter's eligibility to vote is otherwise challenged.

Almost every organization that has examined election problems has recommended the adoption of provisional

voting, including, but not limited to the: National Association for the Advancement of Colored People (NAACP); National Commission on Federal Election Reform (Carter-Ford Commission); National Association of Secretaries of State (NASS); National Association of State Election Directors (NASED); National Task Force on Election Reform; Democratic Caucus Special Committee on Election Reform; Caltech-MIT Voting Technology Project; Constitution Project; League of Women Voters (LWV); American Association of Persons with Disabilities (AAPD); Leadership Conference on Civil Rights (LCCR); National Council of La Raza (NCLR); Asian American Legal Defense and Education Fund (AALDEF); U.S. Commission on Civil Rights; and Federal Election Commission.

The Caltech-MIT report estimates that the aggressive use of provisional ballots could cut the lost votes due to registration problems in half. The Carter-Ford Commission recommended going even farther than the compromise. The Commission noted, ''No American qualified to vote anywhere in her or his State should be turned away from a polling place in that State.''

According to a survey by the Congressional Research Service, at least 15 States and the District of Columbia have a provisional ballot statute; 17 States have statutes that provide for some aspects of a provisional balloting process; and 18 States have no provisional ballot statute but have related provisions. For example, five of these States have same-day voter registration procedures and at least one State, North Dakota, does not require any voter registration.

Studies by GAO confirm that over three-quarters of the jurisdictions nationwide had at least one procedure in place to help resolve eligibility questions for voters whose name does not appear on the registration list at the polling place. However, the procedures and instructions developed to permit provisional voting differed across jurisdictions.

Provisional voting, as defined under the bipartisan compromise, would avoid situations like the one recounted to the Democratic Caucus Special Committee on Election Reform by two citizens living in Philadelphia, Juan Ramos and Petricio Morales.

They testified that in Philadelphia, voters whose names did not appear on the precinct roster were forced to travel to police stations and go before a judge, who would then determine whether or not they had the right to vote. Not surprisingly, many voters whose names were missing from the list wound up not voting rather than face these intimidating logistical hurdles.

If an individual is motivated enough to go to the polls and sign an affidavit that he or she is eligible to vote in that election, then the system ought to protect that individual's right to cast a ballot, even if only a provisional ballot. And that right is so fundamental, as is evidenced by its widespread use across this Nation, that we must ensure that it is offered to all Americans, not in an identical process, but in a uniform and nondiscriminatory manner.

And that is what the compromise accomplished by ensuring that so long as the minimum standards were satisfied regarding the provisional voting process, it does not matter what that provisional balloting process is called so long as it is a way to ensure equal access to the ballot box. While all jurisdictions must meet this requirement, the amendment offered by the Senator from New Hampshire, Senator GREGG, further clarifies that those States which are currently exempt from the provisions of the National Voter Registration Act, or Motor-Voter, can meet the requirements for provisional balloting through their current registration systems.

The second requirement also provides that election officials post information in the polling place on election day, such as a sample ballot and voting instructions to inform voters of their rights. Provisional balloting must be available by the Federal elections of 2004, while the posting of voting information on election day must begin upon enactment of the legislation.

GAO found that the two most common ways jurisdictions provided voter information were to make it available at the election office and to print it in the local newspapers.

With respect to sample ballots, 91 percent of the jurisdictions nationwide made them available at the election office, and 71 percent printed them in the local newspaper. Nationwide, 82 percent of the jurisdictions printed a list of polling places in the local paper.

In contrast, only 18 percent to 20 percent of jurisdictions nationwide placed public service ads on local media, performed community outreach programs, and put some voter information on the Internet. Mailing voter information to all registered voters was the least used approach, with 13 percent of the jurisdictions mailing voting instructions, 7 percent mailing sample ballots; and finally, 6 percent mailing voter information on polling locations.

The third requirement is intended to facilitate the administration of elections, especially on election day, and to guard against possible corruption of the system. This requirement calls for the establishment, by Federal elections in 2004, of a statewide computerized registration list that will ensure all eligible voters can vote. It will also ensure that the names of ineligible voters will not appear on the rolls.

The Carter-Ford Commission explicitly recommended that every state adopt a system of statewide voter registration. The Caltech-MIT report similarly recommended the development of better databases with a numerical identifier for each voter. The Constitution Project also called for the development of a statewide computerized voter registration system that can be routinely updated and is accessible at polling places on election day.

Additionally, this requirement establishes identification procedures for first-time voters who have registered by mail. In order to ensure against fraud and the possibility that mail-in registrants are not eligible to vote, first-time voters unless otherwise exempted will present verification of their identify at the polling place or submit such verification with their absentee ballot. The manager's amendment adopted last evening harmonizes this provision with the 2004 effective date for provisional balloting and the creation of computerized statewide registration lists. This is an important change that recognizes the administrative burden of the provision on both States and voters and so provides adequate time for jurisdictions to come into compliance and educate voters about the new provision. This amendment also establishes a uniform effective date of January 1, 2003 for first-time voter registration subject to the first-time voter provision. This assures that all eligible voters, regardless of where they live or vote, will know that if they register to vote after that date, they will have to meet the new requirements for first-time mail-registrant voters.

In order to fund these requirements and other election reforms by the States, the bipartisan compromise establishes three grant programs. The first grant program, the requirements grant program, provides funds to State and local governments to implement these three requirements. The compromise authorizes $3 billion over 4 years, with no matching requirement, for this purpose. Under the amendment offered by Senators COLLINS, JEFFORDS and others, as adopted by the Senate, each State will receive a minimum grant equal to one-half of 1 percent of the total appropriation.

The second grant program is an incentive grant program designed to authorize $400 million in this fiscal year to allow State and local governments to begin improving their voting systems and administrative procedures, even before the requirements go into effect. These funds may also be used for reform measures, such as training poll workers and officials, voter education programs, same-day registration procedures, and programs to deter election fraud.

Finally, in response to the GAO report that 84 percent of all polling places, from the parking lot to the voting booth, remain inaccessible to the disabled, the compromise creates a third grant program to provide funds to States and localities to improve the physical accessibility of polling places. This important initiative will help assure that no matter what the physical impediment, all eligible Americans will be able to not only reach and enter the polling place, but enter the voting

booth to cast their ballot as well. While this bill does not eliminate curbside voting, the amendment offered by Senators MCCAIN and HARKIN, and incorporated into the bill, as well as provisions of the amendment by Senator THOMAS adopted last night, expresses the sense of the Senate that curbside voting be the last alternative used to accommodate disabled voters. We are hopeful that these funds will make that a reality.

The final provision of the compromise establishes a new, bipartisan Federal agency to administer the grant programs and provide on-going support to State and local election officials in the administration of Federal elections. This new entity reflects an appropriate continuing federal role in the administration of Federal elections.

This bipartisan Federal election commission will be comprised of four presidential appointees, confirmed by the Senate, who will each serve a single, 6-year term. In order to ensure that all actions taken by the commission are strictly bipartisan, including the approval of any grants and the issuance of all guidelines, every action of the commission must be by majority vote.

With that overview, let me go through the compromise and explain its provisions in greater detail. The first title of the bill lays out three uniform and nondiscriminatory election technology and administration requirements which shall be met.

Although some have advocated instituting optional reforms, others have insisted that only minimum Federal requirements would ensure that every eligible voter can cast a vote and have that vote counted. The co-author of the ''Equal Protection of Voting Rights Act'' who serves as the ranking Democrat of the House Judiciary Committee, Congressman JOHN CONYERS, cautioned in his testimony before the Rules Committee against adopting measures that would allow ''States to simply elect to opt out of any standards,'' noting that past landmark civil rights bills, including the Voting Rights Act and the Americans with Disabilities Act, also set minimum Federal standards.

As the Democratic Caucus Special Committee on Election Reform reported:

> We do not believe that funding, without some basic minimum standards, is sufficient to achieve meaningful reform. If states were allowed to opt out of the recommended changes in Federal elections, voters in those States would be denied the opportunity to participate in Federal elections on the same basis as voters in other States which adopt the reforms. In presidential elections, where the votes of citizens in one State are dependent on the votes of citizens in others, this discrepancy could diminish the impact of votes in those States that agree to implement these reforms.

The requirements approach is also supported by six members of the Carter-Ford Commission, who wrote in an additional statement following the report that Congress should insist upon certain requirements, including voting systems and practices that produce low rates of uncounted ballots, accessible voting technologies, statewide provisional balloting, and voter education and information, including the provision of sample ballots.

As Christopher Edley, Jr., a member of the Carter-Ford Commission and professor at Harvard Law School, wrote, ''At their core, their reforms are intended to vindicate our civil and constitutional rights. They are too fundamental to be framed as some intergovernmental fiscal deal, bargained out through an appropriations process.''

These requirements are not intended to produce a single uniform voting system or a single set of uniform administrative procedures. On the contrary, they are intended to ensure that any voting system and certain administrative practices meet uniform standards that result in an equal opportunity for all eligible Americans to cast a ballot and have that ballot counted.

GAO found that both a jurisdiction's voting equipment and its demographic make-up had a statistically significant effect on the percentage of uncounted votes. As a result, GAO found that counties with higher percentage of minority voters had higher rates of uncounted votes. GAO also reported that the percentages of uncounted presidential votes were higher in minority areas than in others, regardless of voting equipment. These findings underscore the importance of instituting minimum Federal requirements that will ensure that all voters have an equal opportunity to vote and have their vote counted, regardless of their race, disability or ethnicity or the state in which they reside.

The House Democratic Caucus Special Committee on Election Reform specifically recommended that Congress institute minimum national standards that require voting systems with error detection devices that are fully accessible to elderly voters, voters with physical disabilities, and visually impaired voters. Likewise, six members of the Carter-Ford Commission advised Congress to require states and localities to use voting technologies that produce low rates of uncounted ballots, are accessible to voters with disabilities, are adaptable to non-English speakers, and allow all voters to cast a secret ballot.

The first requirement establishes standards that all voting systems must meet for any Federal election held in a jurisdiction after January 1, 2006.

It is important to note, that with regard to effective dates, the actual date on which the requirements must be implemented will vary from jurisdiction to jurisdiction depending upon when the first Federal election occurs in 2006. A Federal election is intended to include a general, primary, special, or runoff election for Federal office.

There are five basic standards that all voting systems shall meet under the first requirement:

First, a notification procedure to inform a voter when he or she has overvoted, including the opportunity to verify and correct the ballot before it is cast and tabulated. This first standard is modified for voting systems in which the voter casts a paper or punch card ballot or votes are counted at a central location, as provided for in the amendment offered by Senator CANTWELL and incorporated into the bill.

Second, all voting systems must produce a record with an audit capacity, including a permanent paper record that will serve as an official record for recounts. As the Chairman of the Rules Committee, let me advise my colleagues of the importance of this feature in the unlikely event that a petition of election contest is filed with the Senate. Often, in order to resolve such contests, the Rules Committee must have access to an audit trail in order to determine which candidate received the most votes.

Third, all voting systems must be accessible to persons with disabilities.

Fourth, all voting systems must provide for alternative language accessibility; and

Fifth, all voting systems must meet a Federal error rate in counting ballots, which will be established by the new election administration commission.

A few of these standards merit additional discussion. With regard to the first standard, which requires notification to the voter of an over-vote, there has been a great deal of misunderstanding about this provision. The compromise before us made significant changes in the original bill reported by the Rules Committee. The original bill required that voting systems notify a voter of both over-votes and under-votes. This compromise deletes the required notification of an under-vote. While the new commission is charged with studying the feasibility of notifying voters of under-votes, there is no under-vote notification requirement in the compromise.

To further clarify the purpose of over-vote notification, there is no intent to have an adverse impact on any jurisdiction with election administration procedures for instant runoff or preferential voting. All jurisdictions, including Alaska, California, Florida, Georgia, New Mexico and Vermont are not prohibited from using such voting procedures to conduct instant runoff or preferential under this Act.

Notification is an essential standard because it provides an eligible voter a ''second chance'' opportunity to correct his or her ballot before it is cast and tabulated.

The Caltech-MIT report emphasized the need for voting equipment that ''. . . give[s] voters a chance to change their ballots to fix any mistakes . . .'' Similarly, the Carter-Ford Commission explicitly recommended that: ''Voters should have the opportunity to correct errors at the precinct or other polling place . . .''

With regard to the notification, it is the voting system itself, or the educational document, and not a poll worker or election official, which notifies the voter of an over-vote. The sanctity of a private ballot is so fundamental to our system of elections, that the language of this compromise contains a specific requirement that any notification under this section preserve the privacy of the voter and the confidentiality of the ballot.

The Caltech-MIT study noted that secrecy and anonymity of the ballot provides important checks on coercion and fraud in the form of widespread vote buying.

This concern for preserving the sanctity of the ballot, as well as practical differences in paper ballots versus machines, led us to create an alternative notification standard for paper ballots, punch card systems, and central count systems.

Paper ballot systems include those systems where the individual votes a paper ballot that is tabulated by hand. Central count systems includes mail-in absentee ballots and mail-in balloting, such as that used extensively in Oregon and Washington State, and to a lesser extent in Alaska, California, Colorado, Florida, Kansas, and 13 other States where a paper ballot is voted and then sent off to a central location to be tabulated by an optical scanning or punch card system. Under the bill as clarified by Senator CANTWELL's amendment, a mail-in ballot or mail-in absentee ballot is treated as a paper ballot for purposes of notification of an over-vote under section 101 of this compromise, as is a ballot counted on a central count voting system. However, if an individual votes in person on a central count system, as is used in some states which allow early voting or in-person absentee voting, for that voter, such system must actually notify the voter of the over-vote.

In the case of punch cards and paper ballot and central count systems, including mail-in ballots and mail-in absentee ballots, the state or locality need only establish a voter education program specific to that voting system in use which tells the voter the effect of casting multiple votes for a single Federal office.

Regardless of a punch card system or a paper ballot voting system, all mail-in ballots and mail-in absentee ballots must still meet the requirement of providing a voter with the opportunity to correct the ballot before it is cast and tabulated under section 101 of this compromise.

I also want to note for the record that although this compromise provides an alternative method of notifying voters of over-votes for punch card and paper ballot systems, nothing in this legislation precludes jurisdictions from going beyond what is required, so long as such methods are not inconsistent with the Federal requirements under this title or any law described in section 402 of this Act.

In fact, Cook County, Illinois uses a punch card reader that can be programmed to notify the voter of both over-votes and under-votes. It is my understanding that this technology can provide an individual voter with such notification in a completely private and confidential manner. The system allows the voter to correct his or her ballot or override the notice if the voter so desires.

As for the other types of voting systems, namely lever machines, precinct-based optical scanning systems, and direct recording electronic systems—or DREs—the voting system itself must meet the standard. Specifically, the voting system must be programmed to permit the voter to verify the votes selected, provide the voter with an opportunity to change or correct the ballot before it is cast or tabulated, and actually notify the voter if he or she casts more than one vote for a single-candidate office.

Again, it is important to understand that it is the machine itself, and not the poll worker or official, that notifies the voter.

We believe that the bill as amended recognizes the inherent differences between paper ballot systems and mechanical or electronic voting systems, and is a reasonable accommodation which nonetheless ensures that all voters will have the information and the notice necessary to avoid spoiling their ballot due to an over-vote.

Let me also take a minute to discuss the disabled accessibility standard. This is perhaps one of the most important provisions of this compromise. The fact is ten million blind voters did not vote in the 2000 elections in part because they cannot read the ballots used in their jurisdiction. In this age of technology that is simply unacceptable.

The Committee received a great deal of disturbing testimony regarding the disenfranchisement of Americans with disabilities. Mr. James Dickson, Vice President of the American Association of People with Disabilities, testified that our Nation has a ''. . . crisis of access to the polling places.'' Twenty-one million Americans with disabilities did not vote in the last election—the single largest demographic groups of non-voters.

To respond to this ''crisis of access,'' this compromise requires that by the federal elections of 2006, all voting systems must be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired. Most importantly, that accommodation must be provided in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters.

In order to assist the states and localities in meeting this standard, the bill adds an important new provision that allows jurisdictions to satisfy this standard through the use of at least one direct recording electronic (DRE) voting system in every polling place.

Let me note that these voting systems are not just for the use of the disabled. According to GAO, approximately 12 percent of registered voters nationwide used DREs in the last Federal election. Obviously, anyone in the polling place can use the system. But these machines can be manipulated by not only the blind and vision-impaired, but by paraplegic and other individuals with motor skill disabilities.

Furthermore, the Caltech-MIT study suggests that DREs have the potential to allow for more flexible user interfaces to accommodate many languages. This means that DRE voting systems can also be used to meet the accessibility requirements for language minorities as well. Moreover, the bill does not require that a jurisdiction purchase a DRE to meet the accessiblity requirements. Jurisdictions may also choose to modify existing systems to meet the needs of the disabled.

Some of my colleagues have expressed concerns that this may be a wasteful requirement for jurisdictions that have no known disabled voters. Let me make clear that the purpose of this requirement is to ensure that the disabled have an equal opportunity to vote, just as all other non-disabled Americans, with privacy and independence. It is simply not acceptable that the disabled should have to hide in their homes and not participate with other Americans on election day simply because no one knows that they exist.

I have indicated my willingness to look at the impact of the each of the bill's provisions on small communities and rural areas in conference, and the amendment by Senator THOMAS adopted last evening expresses that. With regard to the disability provisions, I will do so with the twin goals of ease of administration but equality of voting opportunity in mind.

Finally, let me touch on the issue of alternative language accessibility. This standard generally follows the procedures for determining when a language minority must be accommodated under the Voting Rights Act, with an important difference. The Voting Rights Act recognizes only four general groups of language minorities: Asian Americans, people of Spanish heritage, Native Americans and native Alaskans.

This compromise leaves in place the numerical triggers under the Voting Rights Act. It merely allows groups who otherwise do not meet the very narrow definition in the Voting Rights Act to nonetheless receive an alternative language ballot. So, if a Haitian or a Croatian population meets the numerical triggers, they, too, will have access to bilingual materials in their native language.

With the addition of section 203 in 1975 to the Voting Rights Act of 1965, Congress sought to increase voter turnout of language minorities by requiring bilingual voting assistance.

In 1992, Congress amended, reauthorized and strengthened section 203 by

passing the Voting Rights Language Assistance Act with an expiration date of 2007.

This Act requires states and political subdivisions with significant numbers of non-English speaking citizens of voting age to improve language assistance at the polls for American voters. The required bilingual assistance includes bilingual ballots, voting materials, and oral translation services.

These bilingual services are triggered when the Census Bureau determines that more than 5 percent of the voting age citizens are of a single language minority and are limited-English proficient; or more than 10,000 citizens of voting age are members of a single language minority who are limited in their English proficiency.

Here we are in 2002 with the same concerns for our language minorities. Accordingly, our compromise follows the Congressional tradition of strengthening voting assistance to our language minority citizens by including language minority groups that were not included in earlier amendments to the Voting Rights Act. It merely widens the coverage of language minorities to ensure that a large number of limited-English speakers may participate in the elections process.

This is accomplished by ensuring alternative language accessibility to voting systems, provisional balloting, and inclusion as a registered voter in the statewide voter registration lists. These safeguards provide an equal opportunity for all eligible language minorities to cast a vote and have that vote counted.

In the spirit of minority language accessibility under the Voting Rights Act, the purpose of this bill is to establish uniform, nondiscriminatory standards for voting systems and administration of elections. To continue to recognize only four distinct language minority groups is neither uniform nor nondiscriminatory.

This Act also provides for a Commission study to determine whether the voting systems are, in fact, capable of accommodating all voters with a limited proficiency in the English language and make necessary recommendations.

This compromise includes provisions specifying how lever voting systems may meet the multilingual voting requirements if it is not practicable to add the alternative language to the lever voting system and the state or locality has filed a request for a waiver.

Finally, the requirement that voting systems meet a uniform, national error rate standard is a particularly important reform. Requiring voting systems to conform to a nationwide error rate ensures the integrity of the results and greater uniformity and nondiscriminatory results in the casting and tabulating of ballots. It is important to note that error rates encompass more than just errors due to the mechanical failure of the equipment and can reflect design flaws that impede the ability of voters to accurately operate the voting system. Error rates should reflect the design, accuracy, and performance of systems under normal voting conditions.

Similarly, operating failures of the voting system, or voter confusion about how to operate technology or use various types of ballots, may be the result of unclear instructions or poor ballot design. The Committee received information from the American Institute of Graphic Arts regarding the importance of design in the voting experience. AIGA has been working with the Federal Election Commission to educate the FEC on the importance of communication design. It would be appropriate for the new Election Administration Commission to study the issue of communication design criteria and consider incorporating such ideas into its guidelines.

In order to ensure that states and localities have sufficient time to meet these requirements, the compromise directs that the Office of Election Administration—which is currently housed at the Federal Election Commission but will be transferred to the new Election Administration Commission—issue revised voting system standards by January 1, 2004, two years before the standards must be in place. This should give vendors sufficient time to modify and certify their products and allow State and local governments to procure DREs which are disable accessible for each polling place.

Most importantly, the compromise states that nothing in the language of the voting system requirements shall require a jurisdiction to change their existing voting system for another. Unlike the H.R. 3295, the bill that passed the House, this compromise presumes, protects, and preserves, all methods of balloting. And while some systems may have to be enhanced or modified to some extent, or additional voter education conducted, no jurisdiction is required by this bill to exchange the current voting system used in that jurisdiction with a new system in order to be in compliance.

However, the voting system that is in use must meet these standards in order to ensure that all eligible voters have access to a uniform, nondiscriminatory system.

It is vitally important that the Congress institute these basic voting system standards. As Congresswoman EDDIE BERNICE JOHNSON, Chair of the Congressional Black Caucus testified, ''All over the world, the United States is seen as the guarantor of democracy. This country has sent countless scores of observers to foreign lands to assure that the process of democracy is scrupulously maintained. We cannot do less for ourselves than we have done for others.''

The second Federal minimum requirement contained in the compromise provides for provisional balloting and the posting of voting information in the polling place on election day.

For Federal elections beginning after January 1, 2004, State and local election officials shall make a provisional ballot available to voters whose names do not appear on the registration rolls or who are otherwise challenged as ineligible.

In order to receive a provisional ballot, the voter must execute a written affirmation that he or she is a registered voter in that jurisdiction and is eligible to vote in that election. Once executed, the affidavit is handed over to the appropriate election official who must promptly verify the information and issue a ballot.

The election official then makes a determination, under state law, as to whether the voter is eligible to vote in the jurisdiction, or not, and shall count the ballot accordingly.

It is important to note that in some jurisdictions, the verification of voter eligibility will take place prior to the issuance of a ballot based upon the information in the written affidavit. In other jurisdictions, the ballot will be issued and then laid aside for verification later. Both procedures are equally valid under the compromise, and the amendment adopted last evening, offered by the Senator from Michigan, Senator LEVIN, reflects that. The authors of the compromise have repeatedly said that we do not require a one-size-fits-all approach to elections in this bill. The same is true for the provisional balloting requirement which provides flexibility to states to meet the needs of their communities in slightly differing ways.

In order to ensure that voters who cast provisional ballots are properly registered in time for the next election, within 30 days of the election the appropriate election official must notify, in writing, those voters whose ballots are not counted. A voter whose provisional ballot is counted does not have to be individually notified of such.

This bipartisan compromise requires all 50 States and the District of Columbia to provide for provisional balloting in Federal elections, even if a State also permits same-day registration or requires no registration. In States without voter registration requirements, provisional balloting will protect the rights of voters whose eligibility to cast a ballot is officially challenged, for whatever reason, at the polling place.

In States with same-day voter registration, the right to cast a provisional ballot will protect an eligible voter who pre-registers and whose name is not on the official list of eligible voters or whose eligibility is challenged by an election official, but who cannot re-register on Election Day. For example, a properly registered legal voter heading to the polls might not carry the identification required by the State for same-day voter registration. Under this compromise, if that voter's

name does not appear on the list of eligible voters or the voter's eligibility is officially challenged, the voter could cast a provisional ballot. If the voter does have the identification required to register on Election Day, he or she would have the option of registering again and casting a ballot in accordance with state law. Same-day registration thus not only boosts voter turnout but also offers another way that states can guard against disenfranchising voters as the result of registration problems that arise on election day.

This compromise further ensures that a voter will receive a provisional ballot if he or she needs one. The provisional ballot will be counted if the individual is eligible under State law to vote in the jurisdiction. It is our intent that the word ''jurisdiction,'' for the purpose of determining whether the provisional ballot is to be counted, has the same meaning as the term ''registrar's jurisdiction'' in section 8(j) of the National Voter Registration Act.

However, the appropriate election official must also establish a free access system, such as a toll-free phone line or Internet website, through which any voter who casts a provisional ballot can find out whether his or her ballot was counted, and if it was not counted, why it was not counted. Voters casting a provisional ballot will be informed of this notification process at the time they vote. And the compromise requires that the security, confidentiality, and integrity of the information be maintained.

In order to ensure that voters are aware of the provisional balloting process and are provided information about sample ballots and their voting rights, the compromise requires that certain election information be posted at the polling place on election day. This is a significant change from the original bill which required an actual mailing to each registered voter or the equivalent of such notice through publication and media distribution. Although some states already mail individual sample ballots to the homes of registered voters and post voting information in the polling place, the compromise will establish a national uniform standard with respect to voting information.

Like provisional voting, increased voter education is widely endorsed. The Carter-Ford report recommends the use of sample ballots and other voter education tools. The report of the Democratic Caucus Special Committee on Election Reform also urged increased voter education efforts, especially targeted to new voters.

The Caltech-MIT report advocates increased voter education, including the publication of sample ballots, providing instructional areas at polling places, and additional training for poll workers, as a way to reduce the number of lost votes. Other organizations support additional voter education, including the League of Women Voters, the Constitution Project, and the NAACP.

Voter education is particularly important for communities disproportionately impacted by the current inadequacies in our voting systems. As Anil Lewis, President of the Atlanta metropolitan chapter of the National Federation of the Blind, testified to at the Committee hearing in Atlanta:

> Many of the disenfranchised, disabled voters do not have [a] record of knowing that the polls are now accessible. Many of them, out of frustration, have refused to go to the polls to vote. They have not taken advantage of the absentee opportunity to vote as an absentee ballot, but by educating them that these accommodations are now in place, we are going to increase the vote turnout for people with disabilities.

Hilary O. Shelton, president of the Washington, D.C. chapter of the NAACP, testified before the Committee about poll workers who told African-American voters that they could not have another ballot after they had made a mistake on their first one, despite a State statutory requirement that voters be given another punch card if they needed one.

The clear message the Committee received is that voters, particularly those with special needs, simply do not know what services and voting opportunities are available to them. This requirement will ensure that voting information will be provided.

The specific information that must be posted in the polling place includes: a sample ballot with instructions, including instructions on how to cast a provisional ballot; information regarding the date and hours the polling place will be open; information on the additional verification required by voters who register by mail and are voting for the first time; and general information on voting rights under Federal and State law and instructions on how to contact the appropriate official if such rights are alleged to have been violated.

The requirement for posting voting information in the polling place is effective for federal elections which occur after the date of enactment of the legislation.

While it is not anticipated that extensive guidelines will be necessary to implement the provisional ballot requirement, any such guidelines must be issued by January 1, 2003, either by the Department of Justice, or the new Election Administration Commission if it is up and running.

The third requirement calls for the creation of a statewide computerized voter registration list and new verification procedures for first-time voters who register by mail. This requirement will facilitate the administration of election day activities and addresses concerns about possible voter registration fraud. Although GAO found there is less than a 1 percent to 5 percent incident of fraud nationwide the reality is that even an insignificant potential for fraud can undermine the confidence of voters, election officials, political parties, etc., in the results of a close election.

More specifically, GAO found as a general matter that most jurisdictions did not identify this type of fraud as a major concern, because state and local election officials have established procedures for preventing mail-in absentee fraud.

GAO estimated that less than 1 percent to 5 percent of jurisdictions nationwide experienced special problems with absentee voting fraud during recent elections. However, the absentee voting fraud concerns tend to fall into three categories, including: one, someone other than the appropriate voter casting the mail-in absentee ballot; two, absentee voters voting more than once; and three, voters being intimidated or unduly influenced while voting the mail-in absentee ballot.

GAO also reported that during the November 2000 elections, local election jurisdictions used several procedures to prevent fraud in the above three areas, including providing notice to such voters about the potential legal consequences of providing inaccurate or fraudulent information on the balloting materials.

Finally, GAO reported that some of the local election officials commented that they had referred certain cases to the local District Attorney's office for possible prosecution.

Specifically, the third requirement of the compromise provides that each State, acting through the chief State election official, shall establish an interactive computerized statewide voter registration list by the first Federal election in 2004.

This computerized list must contain the name and registration information for every legally registered voter in the State. To ensure accurate list maintenance and to deter potential fraud, the list must assign a unique identifier to each voter, and the list must be accessible to State and local election officials in the State. Furthermore, the compromise permits the use of social security numbers for voter registration while ensuring that privacy guarantees are maintained.

List maintenance must be performed regularly, and the purging of any name from the list must be accomplished in a fashion that is consistent with provisions of the National Voter Registration Act, more commonly known as the Motor-Voter law.

While this compromise reflects a belief that technology can provide an effective deterrent to fraud through the use of computerized registration lists, the amendment offered last evening by Senator NICKLES also ensures that such technology is not subject to unauthorized use by hackers or others who wish to defraud the system by use of technology. Similarly, voting system error rates doe not include system security. A voting system with a computer modem, such as used in the DRE and optical scan technology, could be compromised through a computer network. Senator NICKLES amendment requires that State and local officials address

the security of voting systems technology. It would also be appropriate for the new commission to consider developing security protocols for voting systems as a part of its overall responsibility for overseeing the creation and updating of the voluntary voting system standards.

Essentially, the compromise provides for the removal of individuals from official voter registration lists if such individuals are not eligible to vote. There are many reasons an individual might be ineligible to vote. The individual may have moved outside the State or may have died. Some may have been convicted of a felony or been adjudicated incompetent, either of which may under some State laws could end the individual's eligibility.

The compromise provides a mechanism for removing the names of such individuals from the rolls. Under this mechanism there are three essential elements. First, the individual is to be notified that the State believes he or she is ineligible. Second, the individual is to have an opportunity to correct erroneous information or to confirm that his or her status has changed. And third, if the individual has not responded to the notice, the individual is to be given an opportunity to go to the polls and correct erroneous information and then vote.

This third element is needed to ensure that the right to vote is not dependent on the mails. It allows an individual to correct erroneous information when that individual goes to the polls. These are the mechanisms outlined in the National Voter Registration Act, and these are the mechanisms that will be used under this compromise to remove any ineligible individuals from the voter registration rolls.

In addition, under this compromise, a State or its subdivisions shall complete, not later than 90 days prior to the date of an election, any program that systematically removes the names of ineligible voters from an official list of eligible voters.

And, of course, any voter removal system must be uniform, nondiscriminatory and in compliance with the Voting Rights Act. The voter removal system shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

The managers of this bill intend to ensure, and the legislation ensures, that only voters who are not registered or who are not eligible to vote are removed from the voter rolls.

As a practical matter, once the computerized list is up and running, list maintenance will be almost automatic. While many of us have read of allegations of massive duplicate registrations, the truth is that even though duplicate names appear on more than one jurisdiction's list, the vast majority of voters only live in one place and only vote in one place.

In a highly mobile society likes ours voters move constantly. And while they may remember to change their mailing address with the post office, with utility companies, and with the bank and credit card companies, they may not even think about changing their address with the local election official until it comes time to vote.

If there is no statewide system for sharing such information, voters can easily remain on lists long after they have moved. If the State or jurisdiction is not vigilant about conducting list maintenance, the number of so-called duplicate names can easily grow.

The State of Michigan has a very good system which we used as a model for judging what was possible under this requirement. As I understand it, under the Michigan system, when a voter changes his or her address, the address change is entered into the system, and it automatically notifies both jurisdictions simultaneously. This results in an automatic update which precludes the possibility of duplicate registration.

Moreover, while the compromise does not require it, many States will make this computerized list available to local officials at the polling place on election day. This tool can then be used to immediately verify registration information at the polling place, without the frustration of dialing into a toll-free number that always rings busy.

Let me also address an issue that has been raised by local election officials. Some local officials are concerned that they will lose the ability to effectively manage their voter rolls if the primary responsibility for input and list maintenance is shifted to the State.

This requirement does not specify who is responsible for the daily maintenance of the list—that is left to each State to decide as it best sees fit. However, in order to have an interactive statewide list, a central authority must have the ultimate responsibility for establishing such a computerized system.

That responsibility falls clearly to the chief State election official. This proposal envisions close cooperation and consultation with local election officials who are interacting with new voters every day.

Several States have already begun implementing such systems or have been running such systems for years. The Council of State Governments notes that the States of Oklahoma, Kentucky and Michigan have particularly good models for other States to follow.

To further guard against potential fraud, the third requirement also establishes new verification procedures for first-time voters who register by mail.

In the case of an individual who registers by mail, the first time the individual goes to vote in person in a jurisdiction, he or she must present to the appropriate election official one of the following pieces of identification: a current valid photo id; or a copy of any of the following documents: a current utility bill; a bank statement; a government check; a paycheck; or another government document with the voter's name and address.

The compromise does not specify any particular type of acceptable photo identification. Clearly, a driver's license, a student ID, or a work ID that has a photograph of the individual would be sufficient.

If the voter does not have any of these forms of identification, he or she must be allowed to cast a provisional ballot, following the procedures outlined in the second requirement of the compromise under Section 102.

In the case of a voter who registers by mail and votes absentee for the first time in the jurisdiction, the voter must include a copy of one of these pieces of identification with their absentee ballot.

It is important to note that it is the voter, and not the State or local election official, who determines which piece of identification is presented for the purposes of casting a provisional ballot.

A first-time voter may avoid producing identification at the polling place or including it with an absentee ballot by mailing in a copy of any of the listed pieces of identification with his or her voter registration card.

Additionally, as added by the amendment of the Senator from Oregon, Senator WYDEN, adopted last evening, the voter may choose to submit his or her driver's license number or the last four digits of his or her Social Security number which the State can then match against an existing database to see if the number submitted match the name, address, and number in the state file. In the event that a first-time mail-registrant voter cannot produce the required identification, he or she may cast a provisional ballot if voting in person. In the case of a mail-in ballot, if the required identification verification information is not included, the ballot will nonetheless be counted as a provisional ballot.

This is an important and common sense change to the compromise which preserves the anti-fraud provisions while at the same time providing voters with more options for verifying their identity while increasing the flexibility of State and local administrators to verify such identity. Either way, it will be easier to vote and harder to defraud the system. I am greatly appreciative to all of my colleagues, and their staff, for working so diligently to achieve this modification.

The compromise also preserves the existing exemptions under the Motor-Voter law under section 1973gg–4(c)(2) of title 42 in the implementation of this compromise. A State may not by law require a person to vote in-person if that first-time voter is: one, entitled to vote by absentee ballot under section 1973ff–1 of title 42 of the Uniformed

and Overseas Citizens Absentee Voting Act; two, provided the right to vote otherwise than in-person under section 1973ee–1(b)(2)(b)(ii) and 1973ee–3(b)(2)(b)(ii) of the Voting Accessibility for the Elderly and Handicapped Act; and three, entitled to vote otherwise than in-person under any other Federal law.

There is no question about the intent to this Senator. The exemptions under Motor-Voter are preserved under this compromise. There is no attempt to change current law with respect to preserving the long-standing practice of States permitting eligible uniform service voters and eligible American overseas voters to continue to vote by absentee ballot without this first-time voters requirement attaching.

Similarly, there is no attempt to change current law with respect to preserving the States' practice of permitting disabled voters and senior voters to continue to vote by absentee ballot without this first-time voter requirement attaching.

According to GAO, ''All states provide for one or more alternative voting methods or accommodations that may facilitate voting by people with disabilities whose assigned polling places are inaccessible.'' For example, all States have provisions allowing voters with disabilities to vote absentee without requiring notary or medical certification requirements, although the procedures for absentee voting vary among States. The GAO State survey demonstrates that all States permit absentee voting for voters with disabilities. There is no intent to change the underlying law for any of these covered individuals since covered individuals are not subject to the requirements for first-time voters under Section 103.

Finally, the compromise adds two new questions to the mail-in registration form under the Motor-Voter law. These questions are designed to assist voters in determining whether or not they are eligible to register to vote in the first place and thus reduce the number of ineligible applications. When a non-citizen fills out a voter registration form while waiting to renew a driver's license, or a 16 year-old high school senior applies to vote along with his or her classmates during the voter registration drive at the high school, it does not mean that these individuals are attempting to defraud the system. They may actually be very civic-minded individuals who are just misinformed about whether or not they are eligible to register.

These two additional questions will help alert such voters to the fact that they are not yet eligible to vote. First, the mail-in registration card must include the question with a box for checking ''yes'' or ''no'': ''Are you a citizen of the United States of America?'' Second, the mail-in registration card must include the question with a box for indicating ''yes'' or ''no'': ''Will you be 18 years of age on or before election day?'' If a voter answers ''no'' to either question, the registration card must instruct the voter not to fill out the form.

There has been an issue raised with regard to those States that allow for early registration and the impact of this provision on that. However, this bill only applies to Federal elections and a voter must be 18 years of age to vote in a Federal election. This requirement does not affect State law with regard to the minimum age for registration.

To the extent that guidelines are required to implement the statewide computerized voter list requirement or the first-time voter provision, the Department of Justice, or the new commission if it has been constituted, must issue these guidelines by October 1, 2003.

As with any such law, enforcement of the three requirements in Title I will fall to the Department of Justice, and the rights and remedies established under this bill are in addition to all others provided by law.

Title II of the measure before us contains three grant programs to assist states in meeting the minimum Federal requirements and to fund other election reform initiatives.

From the beginning of this debate it has been clear to this Senator that the Federal Government has not lived up to its responsibility to ensure adequate funding for the administration of Federal elections. The fundamental principle of this bipartisan compromise is that if the Federal Government is going to establish minimum requirements for the conduct of Federal elections, then we must provide the resources to State and local governments to meet those requirements.

Of equal importance is the principle that there should not be a one-size-fits-all approach to meeting the Federal minimum requirements. Consequently, the compromise provides broad latitude to States and localities on how they meet the minimum requirements and what specific activities they fund with the Federal grants.

The first grant program authorizes $3 billion over 4 years for grants to State and local governments to be used to meet the three minimum Federal requirements of the bill. The only limitation on the use of these funds is that they be used to ''implement'' these requirements. The compromise envisions that implementation activities may vary widely both between States and across jurisdictions within a State. Clearly, funds may be used to purchase new voting systems or enhance or modify existing ones.

Obviously, specific grant approvals will necessarily have to be made by the Department of Justice or the new Election Administration Commission once it becomes effective, in light of the overall funding requests. However, it is the intent of this Senator that States and localities be given broad latitude in making the case that the reforms they seek to fund are in direct support of the implementation of these requirements.

For example, a State may decide to upgrade an entire State from a lever voting system to an electronic system in order to meet the accessibility standard for the disabled. Clearly, the purchase of a new, statewide system would be an authorized activity used to implement the voting system standards of the first minimum requirement. But to meet the same requirement, another State might use these funds to lease one DRE machine for each polling place. That would be equally allowable and in compliance with this compromise.

Similarly, if some jurisdictions within a State use a central count punch card system, funds may be used to implement the voter education program required to notify voters of the effect of an over-vote, while other jurisdictions within that same State might use the funds to purchase precinct-based optical scan systems.

If a State or jurisdiction appears to already meet the requirements of the bill, but wishes to upgrade old equipment to newer models or add improvements to ensure that it will continue to be in compliance, such would also be an allowable use of funding.

The compromise also authorizes retroactive payments for those jurisdictions which incurred expenses on or after January 1, 2001 for costs that would otherwise have been incurred to implement the minimum requirements. An amendment offered by Senators CHAFEE and REED, which was adopted by the Senator, clarifies that multi-year contract for the purchase of voting systems can also qualify for retroactive payments.

There is no matching requirement for these grants. If we are going to require that States and localities meet certain minimum Federal standards with regard to Federal elections, then we should provide them with the Federal resources to do so.

The requirements of the grant application process are designed specifically to allow both States and localities to apply for funds without creating either overlapping funding or inconsistencies within States.

To apply for funds to implement the requirements, States must submit an application to the attorney general with a State plan.

The State plan contains four basic components.

First, a description of how the state will use the funds to meet the three minimum requirements, including a description of how State and local election officials will ensure the accuracy of voter registration lists; and the precautions the State will take to prevent eligible voters from being removed from the list.

Second, an assessment of the susceptibility of Federal elections in the State to voting fraud and a description of how the State intends to address such.

Third, assurances that the State will comply with existing Federal laws, specifically: Voting Rights Act; Voting Accessibility for the Elderly and Handicapped Act; Uniformed and Overseas Citizens Absentee Voting Act; National Voter Registration Act (or Motor-Voter); and Rehabilitation Act of 1973.

Fourth, and finally, the State plan must include a timetable for meeting the elements of the plan.

In order to ensure the broadest support for the State plan, it must be developed in consultation with State and local election officials and made available for public review and comment prior to submission with any grant application.

In addition to the State plan, each application must include a statement of how the State will use the Federal funds to implement the State plan.

Localities may also submit a separate application for funds, but the use of funds must be consistent with the State plan. The application must also contain any additional information required by the attorney general or the new commission once it is effective.

Grant recipients must keep such records as the attorney general determines and, as is usually the case for Federal grant programs, any grant recipient may be audited by the attorney general or comptroller general. Grantees may be required to submit reports, and the attorney general must report to Congress and the President annually on the activities funded under this program.

One of the goals of this legislation is to encourage states and localities to move forward with election reform initiatives and apply for Federal grants, even before the effective dates established for meeting those requirements.

This is reflected in the larger appropriations in the early years and the fact that the appropriations remain available until expended.

This is one of the provisions of the committee-reported bill which has been retained in the compromise. The requirements under this compromise are so simple and so self-explanatory, that we do not believe that complicated guidelines, much less full-blown regulations, are going to be necessary to implement the requirements.

Consequently, the original bill, and this compromise, encourages States and localities to move expeditiously by essentially providing for a grandfathering of early action.

The compromise allows jurisdictions that apply for Federal grants prior to the issuance of any guidelines or standards to nonetheless receive funding to implement the requirements of the bill. If the attorney general approves the grant, then that approval acts as a determination that the State plan, and the activities in the State plan which will be funded with the grant, are deemed to otherwise comply with the minimum requirements of the bill.

However, in encouraging quick action we did not want to deter State and local governments, much less penalize them if the early action they took turns out to be somehow inconsistent with subsequently issued guidelines. The most obvious instance in which this might occur would be with regard to the voting system standards and the not-yet-issued voting system error rate.

In order to avoid placing a State or locality at risk of non-compliance, the compromise essentially grandfathers the action that the State takes pursuant to an approved State plan and grant application and provides a safe harbor from enforcement actions on that basis.

Without such a provision, the Federal Government might end up literally funding a State or locality twice for essentially the same reform—once when the State took early action and a second time when any subsequent guidelines or standards were finally issued.

Moreover, in promoting early action, the safe harbor provision attempts to give jurisdictions a reasonable amount of time to come into compliance with any subsequently issued guidelines or standards by extending the grandfather period to 2010, except for the requirements for disability access. Although the effective dates for most of the requirements are 2004 and 2006, this additional time period provided by the grandfather provision will minimize the otherwise disruptive effect to both voters and election officials of repeated changes to systems and procedures. It will also provide those States poised to act with the assurance that the decision to take early action will not end up in an enforcement action.

With regard to the disability accessibility standard under the voting system requirement, because the bill provides for a specific compliance mechanism in the requirement of one DRE machine in every polling place, it was believed that the extended safe harbor period was unnecessary and potentially disruptive to the disabled community. Consequently, in taking early action jurisdictions will still have to meet the disability access standards by 2006.

Similarly, with this same goal of encouraging States to take early action, the compromise creates a second incentive grant program designed to fund other election reform initiatives not necessarily funded under the requirements grant program.

The incentive grant program authorizes $400 million in this fiscal year to fund such activities as: poll worker and volunteer training; voter education; same-day registration procedures; procedures to deter and investigate voting fraud; improvements to voting systems; and action to bring the jurisdiction into compliance with existing civil rights laws.

The compromise also establishes a program to recruit and train college students to serve as poll workers.

The incentive grant programs has a matching requirement of 80 percent Federal to 20 percent State or local funding. The attorney general, however, can reduce the 20 percent matching requirement for States or localities that lack resources.

Although grants cannot be used to implement reforms that are inconsistent with the minimum Federal requirements, these grants can be used to take interim action to bring voting systems into compliance.

As with the requirements grant program, early action under the incentive grant program to implement the three minimum requirements is similarly grandfathered to 2010, with the exception of the disability requirements.

To apply for incentive grant funds, a State or locality submits an application to the attorney general or the new commission upon its enactment. Patterned after the requirements of the legislation introduced by Senators MCCONNELL and SCHUMER as S. 953, applications for incentive grant funds must contain a specific showing that the jurisdiction is in compliance with a number of existing civil rights laws, including: Voting Rights Act; Voting Accessibility for the Elderly and Handicapped Act; Uniformed and Overseas Citizens Absentee Voting Act; National Voter Registration Act; Americans with Disabilities Act; and Rehabilitation Act of 1973.

Before a grant application can be approved, the assistant attorney general for civil rights must certify that the jurisdiction is either in compliance, or has demonstrated that it will be using the grant funds to come into compliance, with these laws. Entities which receive funds to come into compliance with these laws are subject to audit.

The purpose of this provision is not to penalize or place in jeopardy those jurisdictions which are attempting to overcome compliance issues. Instead, it is intended to provide a source of funds for States or localities to address compliance issues under existing civil rights laws before facing the effective dates for minimum Federal standards under this new civil rights law. To ensure that jurisdictions are not penalized by this process, the compromise prohibits action being brought against a State or local government on the basis of any information contained in the application.

In order to ensure that these funds are available this year, the attorney general must establish any general policies or criteria for the application process so that grant applications can be approved no later than October 1, 2002.

The final grant program contained in Title II of the compromise provides funds to make polling places physically accessible to the disabled. GAO found that 84 percent of all polling places in the United States are not physically accessible from the parking area to the voting room. Moreover, not one of the 496 polling places visited by GAO on election day 2000 had voting equipment adapted for blind voters.

This is a modest grant program which authorizes $100 million beginning in fiscal year 2002, with such funds to remain available until expended. States or localities may use these funds to ensure accessibility of polling places, including entrances, exits, paths of travel and voting areas of the polling facility.

Funds may also be used for education and outreach programs for those with disabilities to inform voters about the accessibility of polling places. Education programs to train election officials, poll workers and volunteers on how best to promote access and participation of individuals with disabilities can also be funded under this program.

This grant program will also be administered initially by the Department of Justice, and then by new Election Administration Commission. However, the general policies and criteria for the approval of applications for the accessibility grant program will be established by the Architectural and Transportation Barriers Compliance Board, also known as the Access Board, which was established under the Rehabilitation Act of 1973.

The Access Board is uniquely qualified to determine what physical modifications would be appropriate to make polling facilities accessible to disabled voters. The Board must establish such policies in time to ensure that applications can be approved by October 1, 2002.

Grants under the accessibility grant program are funded at an 80 percent Federal share, although the Attorney General can provide a greater share to jurisdictions which lack resources. Grantees must keep appropriate records and are subject to audit.

The final title of the compromise establishes a new independent agency within the executive branch for administering the three grant programs and providing on-going assistance to State and local governments in the administration of Federal elections.

The Election Administration Commission will be composed of four members appointed by the President and confirmed by the Senate. To reflect the need for a continuing nonpartisan approach to election administration, no more than two commissioners may be members of the same political party.

In recognition of the national significance of these appointments and to ensure the broadest bipartisan support for the President's nominees, the four respective leaders of the House and Senate, including the Speaker and the House Minority Leader and the Majority and Minority Leaders of the Senate, shall each submit a candidate recommendation to the President before the initial appointment of nominees and prior to the appointment of a vacancy.

The qualifications for appointment to the new commission reflect the desire to create a diverse and experienced commission that will bring more to the job than just experience in election administration or loyalty and service to a particular party. We would hope to also attract scholars and historians who appreciate and understand the broadest experience of voters of all backgrounds, abilities, and party affiliations.

It would be this Senator's hope that we would attract candidates who have an appreciation of the fundamental importance of the citizen vote to a democracy and are committed to ensuring both the inclusiveness and the integrity of Federal elections.

Specifically, commissioners are to be appointed on the basis of their knowledge and experience with election law, election technology, and Federal, State or local election administration, as well as their knowledge of the Constitution and the history of the United States.

Appropriately, a commissioner at the time of appointment cannot be an elected or appointed officer or employee of the Federal Government. Unlike the House bill, this is a permanent, full-time commission. Consequently, commissioners cannot engage in any other business or employment while serving on the commission.

To ensure that the best talent that America has to offer will be continually reflected in appointees, we limit each commissioner to one 6-year term. Similarly, to ensure the broadest participation in the work of the commission, the compromise provides that a chair and vice-chair must be of different parties and serve for a term of 1 year, and an individual may serve as chair only twice during his or her 6-year term.

The duties of the commission reflect the fundamental approach of this compromise—that of forming a partnership between the Federal Government and State and local election officials. The purpose of this bill is not to replace or minimize the authority or responsibilities of State and local election officials in administering Federal elections. It is, however, an attempt to provide leadership at the Federal level, in the form of both financial resources and minimum Federal requirements, to ensure uniform and nondiscriminatory participation in those elections.

Consequently, the duties of the commission augment, but do not replace, those of State and local election officials. The commission can best be viewed as a resource for election officials rather than as a regulatory or enforcement body.

Primarily, the commission shall serve as a clearinghouse on Federal election administration and technology by gathering information, conducting studies and issuing reports on Federal elections. What became evident in the Rules Committee hearings and discussions with election officials across this Nation was the apparent lack of unbiased information regarding election technology. Today, the primary source of information about the efficiency and effectiveness of voting systems and machines is often the manufacturer of the voting system or its vendor. The commission can provide a much needed role as an unbiased clearinghouse for technology assessments.

The compromise envisions that the current authority of the office of election administration, at the Federal Election Commission, to develop voluntary voting system standards would continue once this office is transferred to the new commission. While the compromise does not mandate what types of machines must be used in Federal elections, the fact that it establishes minimum requirements for voting systems, specifically acceptable error rates, necessitates that procedures for testing and assessing voting technology will be required. Such would be an appropriate activity for the new commission. To ensure that the commission has the best advice on technical and accessibility matters as it develops standards, the compromise directs the commission to consult with the National Institute of Standards and Technology and the Compliance Board in developing the standards.

The commission will also serve an important role in communicating information regarding Federal elections to the public and the media. Specifically, the compromise provides that the commission compile and make available to the public the official results of elections for Federal office and statistics regarding national voter registration and turnout. The compromise also requires that the commission establish an Internet website to facilitate public access, comment, and participation in the activities of the commission.

The compromise does not go as far as the Carter-Ford Commission recommended in this regard. As my colleagues may remember, the Carter-Ford Commission recommended that '' . . . news organizations should not project any presidential election results in any State so long as polls remain open elsewhere in the 48 contiguous States . . .'' and that Congress should consider appropriate legislation, consistent with the first amendment to encourage the media to withhold early results. While the commission is in no way intended to replace the appropriate role of responsible media in informing the public of the outcome of Federal elections, the 2000 presidential election highlighted the need for a national clearinghouse for election results. Over time, the new commission may come to be accepted as the most authoritative source of election results.

The commission will conduct ongoing studies regarding election technology and administration in addition to other subjects impacting Federal elections. Over the course of the last year, a number of excellent election reform proposals have been made that simply require more study and review before they can be enacted.

Specifically, the commission is charged with making periodic studies of the following: election technology, including both over-vote and under-vote notification capabilities of such technology; ballots designs for Federal elections; methods of ensuring accessibility to all voters; nationwide statistics on voting fraud in Federal elections and methods of identifying, deterring and investigating any such corruption; methods of voter intimidation; the recruitment and training of poll workers; the feasibility of conducting elections on different days, or for extended hours, including the advisability of establishing a uniform poll closing time or a federal holiday; Internet voting; Media reporting of election related information; Overseas voters issues; ways in which the Federal Government can assist in the administration of Federal elections; and any other matters which the commission deems appropriate.

The commission will be providing reports and recommendations for administrative and legislative action. Through the oversight process, I would anticipate that the Rules Committee will be reviewing those recommendations and acting to bring additional reform proposals to the floor in subsequent Congresses.

In addition to the study and clearinghouse authorities, the commission is empowered to hold hearings, take testimony, and administer such oaths as are necessary to carry out its responsibilities. However, since the commission is not an enforcement agency, it does not have the authority to issue subpoenas.

Most importantly, the commission will ultimately assume the ongoing responsibility for administering the three minimum Federal requirements and the three grant programs under the bill. But so as not to discourage immediate election reform or delay the flow of Federal funds to support reform, the compromise does not tie the effective dates of the minimum requirements and the grant programs to the establishment of the commission.

The compromise attempts to expedite the appointment of the commissioners by requiring that the President act within ninety days of the date of enactment. As Chairman of the Rules Committee, the committee of jurisdiction over such nominations, it is my intent to move expeditiously to consider the nominations if they occur this year.

But realistically, the President may require additional time to appoint nominees and the committee cannot act until those nominations are made. Because the compromise requires the commission to appoint both the executive director and the general counsel by majority vote, even once confirmed, it will take some time for the commissioners to create a new agency and hire staff to administer over three billion dollars in grant programs.

Consequently, the compromise initially places the administration of both the Federal minimum requirements and the three grant programs at the Department of Justice and provides for a transition of most, but not all, of those authorities to the new commission upon its establishment.

Specifically, the compromise transfers to the commission the authority to issue standards or guidelines for the three minimum Federal requirements, to issue policies and criteria for the three grant programs, and to approve by majority vote all grant applications. The Department of Justice retains the authority to approve State plans submitted under the requirements grant program and the certification authority under the incentive grant program.

In order to ensure that the transfer of authority does not impede the continuity of the requirements or the expeditious review of grant applications, the compromise sets specific dates by which the commission must act to overturn or modify any action of the Department of Justice.

If the Department of Justice has issued standards or guidelines pursuant to the Federal minimum requirements, the commission must act by majority vote within 30 days of the transition date to either affirm that action or to issue revised standards or guidelines. If the Department of Justice has not acted as of the transition date, then the commission must act by majority vote by the later of the effective date provided for in Title I or within 30 days of the transition date.

Similarly, if the Department of Justice has issued policies and criteria for the approval of grant applications, the commission must act by majority vote within thirty days of the transition date to either affirm or modify such. If the Department of Justice has not acted, the commission must similarly issue policies and criteria by the later of the date specified in Title II or within 30 days of the transition date.

The compromise defines the effective date of the transition as the earlier of sixty days after all of the commissioners have been appointed, or the date that is 1 year after the date of enactment of the act.

While the compromise attempts to coordinate the transition dates for transfer of responsibilities to the new agency with a reasonable time frame for appointing and confirming commissioners, it remains the prerogative of the President as to when he appoints and the will of the Senate as to when it confirms. And until those two actions occur, the commission will exist in name only and the Department of Justice will be left to administer the act.

In addition to assuming certain authorities of the Department of Justice under the bill, the new Election Administration Commission will also assume certain functions of the Federal Election Commission.

First, all functions of the director of the Office of Election Administration of the Federal Election Commission are transferred to the new commission. Beginning on the transition date, the director of the Office of Election Administration is named as the interim executive director of the new commission and serves until an executive director is appointed by a majority vote of the commission. The executive director is appointed for a term of 6 years and may be reappointed by majority vote of the commission for a second term.

Second, all functions of the Federal Election Commission under the National Voter Registration Act of 1993, the so-called Motor-Voter Act, are transferred to the new Election Administration Commission. Section 9 of the act provides that the Federal Election Commission shall prescribe appropriate regulations necessary to carry out the act with respect to developing a mail voter registration application form for Federal elections and submit reports. The compromise also provides for the transfer of Federal Election Commission personnel employed in connection with the offices and functions which are transferred by the act.

Finally, Title IV of the compromise clarifies the relationship of this bill to other existing civil rights laws, and makes improvements in voting procedures for members of the military.

With respect to criminal penalties, this compromise includes two provisions that track existing laws and do not constitute new law. Both provisions merely are restatements of the existing underlying laws and do not alter the specific intent element described in sections 401(a) or 401(b) of this compromise. In the amendment which I offered and was adopted by the Senate, I inserted the existing specific intent of ''knowingly and willfully'' and ''knowingly'' in the respective provisions to ensure that those standards are the explicit legal standards of review for section 1973(i)(c) of title 42 and section 1015 of title 18 and therefore are the same standards to be applied under this act.

The first provision recognizes that the criminal penalties established under the National Voter Registration Act, specifically section 1973(i)(c) of title 42 and means in plain language that it is unlawful for any individual who knowingly and willfully gives false information as to his or her name, address, or period of residence in the voting district for the purpose of establishing his or her eligibility to register or vote in an election for Federal office, or conspires with another individual for the purpose of encouraging his or her false registration to vote in an election for Federal office.

The second provision clarifies that any individual who commits fraud or makes a false statement with regard to citizenship, such as in the context of the new citizenship question on registration forms as provided for under section 103 of the compromise, is in violation of section 1015 of title 18 and

means in plain language that it is unlawful for any individual who knowingly makes a false statement relating to naturalization, citizenship or registry of aliens, for the purpose of establishing his or her eligibility to register or vote in an election for Federal office.

With regard to the effect of the bill on existing civil rights laws, the compromise is specifically not intended to impair any right guaranteed, nor require any conduct which is prohibited under the various civil rights laws, nor are the provisions of the compromise intended to supercede, restrict, or limit such other laws, including: Voting Rights Act; Voting Accessibility for the Elderly and Handicapped Act; Uniformed and Overseas Citizens Absentee Voting Act; National Voter Registration Act of 1993; Americans with Disabilities Act of 1990; and Rehabilitation Act of 1973.

This Senator intents that nothing in this compromise should be interpreted in any manner other than to protect and preserve any and all rights guaranteed by these existing civil rights and voting laws.

For example, the approval of the Attorney General of any state plan under the provisions of the requirements grant in Title II of the compromise, or any other action taken by the Attorney General or a state under the grant programs in Title II, specifically shall not have any effect on requirements for pre-clearance under section five of the Voting Rights Act.

We do not profess to have all the answers or even the best solution for reforming our system of Federal elections. But we do present a compromise that reflects an incremental step, but not a sea change, in the role of the Federal Government in our Nation's system of Federal elections. This compromise has been developed with a true sense of the historical importance of the work and a fundamental belief that only a bipartisan effort will be acceptable to the American people.

Let me address a final concern—and that is the constitutional question of whether this bipartisan legislation is on its face, constitutional. In the opinion of this Senator, this compromise is entirely consistent with the scope of Congress's authority to enact statutes regulating Federal elections.

According to the GAO study on the scope of congressional authority in election administration, Congress has constitutional authority over both congressional and Presidential elections. This report concludes that there is a role for both the State and the Federal Government. States are responsible for the administration of Federal, State and local elections. But, notwithstanding the traditional State role in elections, Congress has the authority to affect the administration of elections in certain ways.

While the Constitution does not explicitly provide the right to vote, many amendments to the Constitution protect the right to vote. Congress has previously acted under this explicit grant of constitutional power to protect the voting rights of eligible Americans.

Congress passed the landmark Voting Rights Act of 1965. More recently, Congress enacted federal legislation to remove barriers to voting for persons with disabilities, facilitate voting by those in the military and Americans living overseas, and standardize voter registration procedures under the Motor-Voter legislation.

When Congress enacted these Federal statutes, Congress legislated in the subject matter of election administration in such areas as voting rights, voter registration, absentee voting requirements, timing of Federal elections, and accessibility for elderly and disabled voters. Similarly, Congress also legislated to enforce prohibitions against specific discriminatory practices in all elections, including Federal, State, and local elections.

Congress's scope of power is derived from a number of constitutional sources, including the 15th amendment's prohibition on voting discrimination on the basis of race, color, or previous condition of servitude; the 19th amendment's prohibition on the basis of sex; and the 26th amendment's prohibition on the basis of age.

These three amendments do not grant the right to vote, but all three prohibit States from denying the franchise to individuals who are racial or ethnic minorities, women, or citizens aged 18 or older.

The Carter-Ford Task Force on Constitutional Law and Federal Election Law also concluded that Congress has great power to regulate elections. The task force makes the point that the Constitution grants to Congress broad power to directly regulate Congressional elections, less power to directly regulate Presidential elections, and less power still to directly regulate state and local elections.

But as a practical matter, Congress has great power to collaterally regulate all elections through its power over the ''time, place and manner'' of Congressional elections and through its power to determine how Federal funds are made available to States for expenditures. That same authority derives from its enforcement powers of constitutional safeguards, such as the equal protection clause and due process clause of the 14th Amendment.

Opponents of this legislation might argue that it goes too far by providing Federal requirements in the areas of voting system standards, provisional voting and statewide voter registration lists. This Senator does not believe that will prove to be the case.

While the precise parameters of Congressional authority in election administration relating to presidential elections are unsettled and have not been clearly established, the Supreme Court has recently recognized that certain measures protecting voting rights are within Congress's power to enforce the 14th and 15th Amendments, despite administrative burdens placed on the States.

In Bush v. Gore which was decided following the November 2000 Presidential election, the Supreme Court held that differing definitions of a vote within the state of Florida during the recount violated the equal protection clause and were therefore unconstitutional.

The enforcement powers from the 14th amendment alone provide adequate support for all three of the minimum Federal requirements in the bipartisan compromise bill. The reasoning of the Supreme Court in Bush v. Gore suggests that there may be a compelling governmental interest and constitutional authority for Congress to act in light of extensive evidence that African American or Asian American voters, for example, are being treated unequally with respect to their right to vote.

It should also be noted that while we take a different approach, the Carter-Ford Commission's recommendations also include voting system standards, provisional voting and a statewide voter registration system. Many other commissions and study groups also consistently recommended provisional voting.

We believe that the Constitution provides ample authority for these minimum Federal requirements and all the other provisions in this bipartisan compromise. Except in one instance, this legislation applies only to elections for Federal office, putting this urgently needed legislation beyond constitutional dispute.

I applaud the majority leader, Senator DASCHLE, for his commitment to make this measure a priority of this session of Congress and for his unfailing commitment to bring it to the floor for debate. I also commend the distinguished Republican Leader, Senator LOTT, for his assistance in facilitating consideration of this bipartisan compromise.

Our distinguished colleagues in the House, Chairman BOB NEY and Congressman STENY HOYER of the House Administration Committee have already shepherded a bipartisan reform proposal through that body. The differences between the approach in the House and our bipartisan compromise are not irreconcilable.

Both recognize that there are minimum standards that every voting system should meet. Both bills strive to ensure the greatest possible access to the polling place for disabled Americans and the blind. Both bills ensure that all eligible voters may cast a vote and have that vote counted. Both bills establish a new Federal agency to provide on-going support to State and local governments. And both approaches provide significant resources to the States and localities to underwrite the Federal share of administering Federal elections.

Not insignificantly, President Bush has also indicated his support for providing assistance to the States for election reform. Included in his fiscal year 2003 budget submission is a request for $1.2 billion over the next three fiscal years, including $400 million for fiscal year 2003, to fund an election reform initiative.

There appears to be a uniform desire in both houses of Congress to see that the Federal Government meets its obligation to be a partner with State and local election officials in the conduct of Federal elections. But time is running short and state budgets are growing thin. It is time for the Senate to enact election reform. It is time for the Senate to meet with the House to produce a bipartisan bill that is worthy of the signature of the President and the support of all the American people, regardless of color or class, gender or age, disability or native language, and party or precinct.

As this debate draws to a close, it is appropriate to recognize the significant contributions of both individuals and organizations which have provided input and expertise to the committee, and to me personally, in the course of this legislative matter. I have already expressed my gratitude to my colleagues on and off the committee and to my distinguished coauthor in the House, Congressman JOHN CONYERS, and to many other House Members who truly have made this effort their cause.

As we all know, no such effort can be undertaken without the considerable effort of our staff. In addition to those already mentioned, I want to thank Sheryl Cohen, Marvin Fast, Alex Swartsel and Tom Lenard of my personal staff, and two former Rules Committee staff members, Candace Chin and Laura Roubicek.

We have also received considerable assistance from the support offices of the Senate, including from James Fransen and Jim Scott in the Office of Legislative Counsel and from attorneys and analysts at the Congressional Research Service including Kevin Coleman, Eric Fischer, L. Paige Whitaker, and Judith Fraizer, and finally from the Government Accounting Office.

The list of organizations which have provided invaluable assistance to this effort over the last 18 months is almost too lengthy to include here. But it is important to note the breadth and depth of the input that went into crafting this historic legislation. At the risk of inadvertently leaving someone out, I want to recognize and thank the following organizations which have provided their expertise to this effort: American Association of People With Disabilities; American Civil Liberties Union; American Federation of State, County and Municipal Employees; American Institute of Graphic Arts; Asian American Legal Defense and Education Fund; Brennan Center for Justice; Center for Constitutional Rights; Common Cause; Commission on Civil Rights; Caltech-MIT Voting Technology Project; Constitution Project; Lawyers Committee for Civil Rights Under Law; Leadership Conference on Civil Rights; Mexican American Legal Defense & Education Fund; National Asian Pacific American Legal Consortium; National Association for the Advancement of Colored People; NAACP Legal Defense & Education Fund, Inc.; National Commission on Federal Election Reform (Carter-Ford Commission); National Association of Secretaries of State; National Association of State Election Directors; National Coalition on Black Civic Participation; National Congress of American Indians; National Conference of State Legislatures; National Council of La Raza; National Federation of the Blind; Paralyzed Veterans of America; People for the American Way; Public Citizen; U.S. PIRG.

It is the fervent view of this Senator that at the end of this historic process, the Senate will have made a lasting contribution to the continued health and stability of this democracy for the people, by the people and of the people in the United States.

My thanks to all who have been involved. I urge the adoption of this bill and yield back whatever time remains on this side.

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

Mr. MCCONNELL. Madam President, let me take my last minute by thanking again my friend and colleague Senator DODD. This has been a happy experience. We can proudly recommend to all Members of the Senate today that they vote in favor of an important new piece of legislation that goes right to the core of what our democracy is all about; that is, the ability to vote.

This legislation will make a positive difference in our country, and is a step forward for our democracy. This bill has been fashioned in a way that I wish we could produce more legislation, which is in a bipartisan fashion.

I enthusiastically support this bill and urge all of my Republican colleagues—in fact, all of our colleagues in the Senate—to proudly vote for this legislation.

I yield back the remainder of my time.

AMENDMENT NO. 2907

The PRESIDING OFFICER. Under the previous order, the Senate will turn to the amendment offered by the Senator from Kansas. There are 2 minutes of debate equally divided.

Mr. ROBERTS. Madam President, what we have before us is an amendment to the election reform bill that is now pending that would basically eliminate the mass mailing requirement to give local and State election officials more time and resources to improve the overall election management and to register voters and to comply with the newly enacted mandates of this bill.

This is an unfunded mandate. This amendment is supported by the National Association of Secretaries of State. It is cosponsored by the distinguished Senator from Kentucky, Mr. MCCONNELL, and Senators FEINSTEIN and LEVIN. Why? Because the secretaries of state and county election officers have indicated there is no need to put in a mandate to make sure that your voters who are provisional voters must be notified by mail within 30 days. There are other ways you can do this.

Our amendment says to States, if you want to do a mass mailing, you can do that. But at least there is an option here to use a Web site and toll-free numbers and other means of communication that will actually allow a provisional voter to know much faster than the mass mailing whether or not they are properly registered and their vote counted. As a matter of fact, it will enable local county officials and others to make sure a provisional voter is registered, so you can actually make the argument that we will make more progress.

I urge support of the amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, following the Roberts amendment, which will be the normal 15-minute vote, I ask unanimous consent that votes on the Clinton amendment and final passage be 10-minute votes.

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

Mr. DODD. Madam President, I speak with great reluctance in opposition to the amendment of the Senator from Kansas. I misidentified his State last evening. I apologize.

I appreciate the motivations behind this. Let me first say there is nothing in this bill that creates an unfunded mandate. One of the things we have provided for in this bill is that every requirement must be paid for by the Federal Government. That is very important to us. We realize if we asked otherwise, we would in fact be doing just what the Senator from Kansas has suggested. But that is simply not the case.

We are saying with regard to provisional voters—these are some of the most disadvantaged voters in the sense of where they live and their circumstances, economic and otherwise—if you show up to vote and there is a question about whether or not you have the right to vote, this bill is going to give you the right to cast a provisional ballot. If at the end of that process it is discovered you don't have the right to vote, we are saying that the state and local officials must notify that voter so they don't come back and show up the next time as a provisional voter and their vote doesn't count again.

The underlying bill already allows a state or locality to create an internet site or establish a 1–800 number, and I don't have a problem with that. But don't exclude the requirement that you must specifically notify a voter whose

ballot was not counted. Registrars of voters notify voters on all sorts of things during the year. Saying to a provisional voter, your vote didn't count for the following reasons, this is what you need to do to correct it, is a minor request. This bill truly makes it easier to vote and harder to cheat. We urge the defeat of the Roberts amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 2907. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Indiana (Mr. BAYH) is necessarily absent.

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—56

Allard	Frist	Murkowski
Allen	Gramm	Nickles
Bennett	Grassley	Reid
Boxer	Gregg	Roberts
Breaux	Hagel	Santorum
Brownback	Hatch	Sessions
Bunning	Helms	Shelby
Burns	Hutchinson	Smith (NH)
Campbell	Hutchison	Smith (OR)
Cleland	Inhofe	Snowe
Cochran	Johnson	Specter
Collins	Kyl	Stabenow
Craig	Levin	Stevens
Crapo	Lincoln	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Ensign	McCain	Voinovich
Enzi	McConnell	Warner
Feinstein	Miller	

NAYS—43

Akaka	Dodd	Leahy
Baucus	Dorgan	Lieberman
Biden	Durbin	Mikulski
Bingaman	Edwards	Murray
Bond	Feingold	Nelson (FL)
Byrd	Fitzgerald	Nelson (NE)
Cantwell	Graham	Reed
Carnahan	Harkin	Rockefeller
Carper	Hollings	Sarbanes
Chafee	Inouye	Schumer
Clinton	Jeffords	Torricelli
Conrad	Kennedy	Wellstone
Corzine	Kerry	Wyden
Daschle	Kohl	
Dayton	Landrieu	

NOT VOTING—1

Bayh

The amendment (No. 2907) was agreed to.

Mr. REID. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. So everyone is aware, the next two votes are 10-minute votes.

AMENDMENT NO. 3108

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes evenly divided for debate on amendment No. 3108.

Who yields time?

The Senator from New York.

Mrs. CLINTON. Madam President, this next amendment, called the ''leave no vote behind'' amendment, aims at making sure the Office of Election Administration has the authority to determine whether or not there are unintentional or intentional human errors. With all due respect to the ranking member, it is not a burdensome provision because election officials are going to have to sort out the ballots to determine whether there are mechanical errors or not.

Secondly, this does not have to be enforced until after January 1, 2010, and so the language that is in the bill provides more than sufficient flexibility for the Office of Election Administration to make a determination as to what benchmark standard to set. If we do not deal with this issue, we are not dealing with the underlying concern that many citizens have, that in some way their vote will not be counted.

I urge our colleagues to give the Office of Election Administration the flexibility and authority to make a determination about this kind of error, along with mechanical errors. They get to set the standard. We do the same thing in most States to try to determine whether there are unintentional errors that a citizen makes in casting a vote, and in the absence of having this provision in the underlying bill we will not have addressed one of the major concerns that citizens have; not only from the 2000 election but from many elections.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I strongly oppose the Clinton amendment. This is about the sanctity of the ballot and about the right of voters not to vote in an election if they choose. This amendment mandates a single voter error rate for all machines and all systems of voting.

Each State will be forced to calculate how many voter errors are allowed, divide that number by the number of precincts, and tell poll workers in those precincts how many errors each is allowed; all of this under threat of Department of Justice prosecution.

Those poll workers will closely monitor undervotes and overvotes, and when they approach their maximum allowable number, they will be forced to plead with voters to cast a vote or to change votes they have already made; all of this under threat of Department of Justice prosecution.

I say to my colleagues, especially the Senators from Oregon and Washington, if their home State uses paper ballots, mail-in ballots, or absentee ballots, this amendment will fundamentally alter, if not eliminate, those systems of voting. There is no way to control voter error unless one is face-to-face with the voter.

This is an amendment that essentially unravels this legislation. I strongly urge its defeat.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the question is on agreeing to amendment No. 3108 offered by the Senator from New York.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 64 Leg.]

YEAS—48

Akaka	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Miller
Boxer	Graham	Murray
Breaux	Harkin	Nelson (FL)
Byrd	Hollings	Nelson (NE)
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Cleland	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kerry	Schumer
Corzine	Kohl	Stabenow
Daschle	Landrieu	Torricelli
Dayton	Leahy	Wellstone
Dorgan	Levin	Wyden

NAYS—52

Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Baucus	Fitzgerald	Roberts
Bennett	Frist	Santorum
Bond	Gramm	Sessions
Brownback	Grassley	Shelby
Bunning	Gregg	Smith (NH)
Burns	Hagel	Smith (OR)
Campbell	Hatch	Snowe
Carnahan	Helms	Specter
Chafee	Hutchinson	Stevens
Cochran	Hutchison	Thomas
Collins	Inhofe	Thompson
Craig	Kyl	Thurmond
Crapo	Lott	Voinovich
DeWine	Lugar	Warner
Dodd	McCain	
Domenici	McConnell	

The amendment (No. 3108) was rejected.

Mr. DODD. Madam President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Madam President, I ask unanimous consent that upon the passage of S. 565, the Rules Committee be discharged from further consideration of H.R. 3295, the House companion, and that the Senate then proceed to its consideration; that all after the enacting clause be stricken and the text of S. 565, as amended, be inserted in lieu thereof; that the bill be advanced to third reading and passed; that the title amendment which is at the desk be considered and agreed to, the motion to reconsider be laid upon the table; that the Senate insist on its amendment, request a conference with the House of Representatives on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, that the ratio be 3–2; and that this action occur with no further intervening action or debate.

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

Mr. DODD. I thank the Chair.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill (S. 565) having been read the third time, the question is, Shall the bill pass?

Mr. DODD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 65 Leg.]

YEAS—99

Akaka	Durbin	Lugar
Allard	Edwards	McCain
Allen	Ensign	McConnell
Baucus	Enzi	Mikulski
Bayh	Feingold	Miller
Bennett	Feinstein	Murkowski
Biden	Fitzgerald	Murray
Bingaman	Frist	Nelson (FL)
Bond	Graham	Nelson (NE)
Boxer	Gramm	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Byrd	Harkin	Rockefeller
Campbell	Hatch	Santorum
Cantwell	Helms	Sarbanes
Carnahan	Hollings	Schumer
Carper	Hutchinson	Sessions
Chafee	Hutchison	Shelby
Cleland	Inhofe	Smith (NH)
Clinton	Inouye	Smith (OR)
Cochran	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kennedy	Stabenow
Corzine	Kerry	Stevens
Craig	Kohl	Thomas
Crapo	Kyl	Thompson
Daschle	Landrieu	Thurmond
Dayton	Leahy	Torricelli
DeWine	Levin	Voinovich
Dodd	Lieberman	Warner
Domenici	Lincoln	Wellstone
Dorgan	Lott	Wyden

NAYS—1

Burns

The bill (S. 565) was passed.

The PRESIDING OFFICER (Mr. ROCKEFELLER). Under the previous order, the Rules Committee is discharged from further consideration of H.R. 3295; all after the enacting clause is stricken, and the text of S. 565, as amended, is inserted in lieu thereof. The bill is read a third time, passed, and the motion to reconsider is laid upon the table. The title amendment is agreed to, and the motion to reconsider is laid upon the table.

Under the previous order, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair is authorized to appoint conferees on the part of the Senate.

The ratio of conferees on the bill will be 3 to 2.

The bill (H.R. 3295), as amended, was passed, as follows:

Resolved, That the bill from the House of Representatives (H.R. 3295) entitled ''An Act to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002''.

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

TITLE I—UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS

SEC. 101. VOTING SYSTEMS STANDARDS.

(a) REQUIREMENTS.—Each voting system used in an election for Federal office shall meet the following requirements:

(1) IN GENERAL.—

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

(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, a punchcard 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).

(C) The voting system shall ensure that any notification required under this paragraph preserves the privacy of the voter and the confidentiality of the ballot.

(2) AUDIT CAPACITY.—

(A) IN GENERAL.—The voting system shall produce a record with an audit capacity for such system.

(B) MANUAL AUDIT CAPACITY.—

(i) PERMANENT PAPER RECORD.—The voting system shall produce a permanent paper record with a manual audit capacity for such system.

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

(iii) 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.

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The voting system shall—

(A) 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;

(B) satisfy the requirement of subparagraph (A) 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

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

(4) MULTILINGUAL VOTING MATERIALS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the voting system shall provide alternative language accessibility—

(i) with respect to a language other than English in a State or jurisdiction if, as determined by the Director of the Bureau of the Census—

(I)(aa) at least 5 percent of the total number of voting-age citizens who reside in such State or jurisdiction speak that language as their first language and who are limited-English proficient; or

(bb) there are at least 10,000 voting-age citizens who reside in that jurisdiction who speak that language as their first language and who are limited-English proficient; and

(II) the illiteracy rate of the group of citizens who speak that language is higher than the national illiteracy rate; or

(ii) with respect to a language other than English that is spoken by Native American or Alaskan native citizens in a jurisdiction that contains all or any part of an Indian reservation if, as determined by the Director of the Bureau of the Census—

(I) at least 5 percent of the total number of citizens on the reservation are voting-age Native American or Alaskan native citizens who speak that language as their first language and who are limited-English proficient; and

(II) the illiteracy rate of the group of citizens who speak that language is higher than the national illiteracy rate.

(B) EXCEPTIONS.—

(i) If a State meets the criteria of item (aa) of subparagraph (A)(i)(I) with respect to a language, a jurisdiction of that State shall not be required to provide alternative language accessibility under this paragraph with respect to that language if—

(I) less than 5 percent of the total number of voting-age citizens who reside in that jurisdiction speak that language as their first language and are limited-English proficient; and

(II) the jurisdiction does not meet the criteria of item (bb) of such subparagraph with respect to that language.

(ii) A State or locality that uses a lever voting system and that would be required to provide alternative language accessibility under the preceding provisions of this paragraph with respect to an additional language that was not included in the voting system of the State or locality before the date of enactment of this Act may meet the requirements of this paragraph with respect to such additional language by providing alternative language accessibility through the voting systems used to meet the requirement of paragraph (3)(B) if—

(I) it is not practicable to add the alternative language to the lever voting system or the addition of the language would cause the voting system to become more confusing or difficult to read for other voters;

(II) the State or locality has filed a request for a waiver with the Office of Election Administration of the Federal Election Commission or, after the transition date (as defined in section 316(a)(2)), with the Election Administration Commission, that describes the need for the waiver and how the voting system under paragraph (3)(B) would provide alternative language accessibility; and

(III) the Office of Election Administration or the Election Administration Commission (as appropriate) has approved the request filed under subclause (II).

(5) ERROR RATES.—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) VOTING SYSTEM DEFINED.—In this section, the term ''voting system'' means—

(1) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used—

(A) to define ballots;

(B) to cast and count votes;

(C) to report or display election results; and

(D) to maintain and produce any audit trail information;

(2) the practices and associated documentation used—

(A) to identify system components and versions of such components;

(B) to test the system during its development and maintenance;

(C) to maintain records of system errors and defects;

(D) to determine specific system changes to be made to a system after the initial qualification of the system; and

(E) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

(c) ADMINISTRATION BY THE OFFICE OF ELECTION ADMINISTRATION.—

(1) IN GENERAL.—Not later than January 1, 2004, the Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) and the Director of the National Institute of Standards and Technology, shall promulgate standards revising the voting systems standards issued and maintained by the Director of such Office so that such standards meet the requirements established under subsection (a).

(2) QUADRENNIAL REVIEW.—The Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Architectural and Transportation Barriers Compliance Board and the Director of the National Institute of Standards and Technology, shall review the voting systems standards revised under paragraph (1) no less frequently than once every 4 years.

(d) CONSTRUCTION.—Nothing in this section shall require a jurisdiction to change the voting system or systems (including paper balloting systems, including in-person, absentee, and mail-in paper balloting systems, lever machine systems, punchcard systems, optical scanning systems, and direct recording electronic systems) used in an election in order to be in compliance with this Act.

(e) EFFECTIVE DATE.—Each State and locality shall be required to comply with the requirements of this section on and after January 1, 2006.

SEC. 102. PROVISIONAL VOTING AND VOTING INFORMATION REQUIREMENTS.

(a) REQUIREMENTS.—If an individual declares that such individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in an election for Federal office, but the name of the individual does not appear on the official list of eligible voters for the polling place, or an election official asserts that the individual is not eligible to vote, such individual shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the

execution of a written affirmation by the individual before an election official at the polling place stating that the individual is—

(A) a registered voter in the jurisdiction in which the individual desires to vote; and

(B) eligible to vote in that election.

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

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

(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.

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. The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (6)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

(b) VOTING INFORMATION REQUIREMENTS.—

(1) PUBLIC POSTING ON ELECTION DAY.—The appropriate State or local election official shall cause voting information to be publicly posted at each polling place on the day of each election for Federal office.

(2) VOTING INFORMATION DEFINED.—In this section, the term ''voting information'' means—

(A) a sample version of the ballot that will be used for that election;

(B) information regarding the date of the election and the hours during which polling places will be open;

(C) instructions on how to vote, including how to cast a vote and how to cast a provisional ballot;

(D) instructions for mail-in registrants and first-time voters under section 103(b); and

(E) general information on voting rights under applicable Federal and State laws, including information on the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated.

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

(d) ADMINISTRATION BY THE CIVIL RIGHTS DIVISION.—Not later than January 1, 2003, the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice shall promulgate such guidelines as are necessary to implement the requirements of subsection (a).

(e) EFFECTIVE DATE.—

(1) PROVISIONAL VOTING.—Each State and locality shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

(2) VOTING INFORMATION.—Each State and locality shall be required to comply with the requirements of subsection (b) on and after the date of enactment of this Act.

SEC. 103. COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS AND REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

(a) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—

(1) IMPLEMENTATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each State, acting through the chief State election official, shall implement an interactive computerized statewide voter registration list that contains the name and registration information of every legally registered voter in the State and assigns a unique identifier to each legally registered voter in the State (in this subsection referred to as the ''computerized list'').

(B) EXCEPTION.—The requirement under subparagraph (A) shall not apply to a State in which, under a State law in effect continuously on and after the date of enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

(2) ACCESS.—The computerized list shall be accessible to each State and local election official in the State.

(3) COMPUTERIZED LIST MAINTENANCE.—

(A) IN GENERAL.—The appropriate State or local election official shall perform list maintenance with respect to the computerized list on a regular basis as follows:

(i) If an individual is to be removed from the computerized list, such individual shall be removed in accordance with the provisions of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), including subsections (a)(4), (c)(2), (d), and (e) of section 8 of such Act (42 U.S.C. 1973gg–6).

(ii) For purposes of removing names of ineligible voters from the official list of eligible voters—

(I) under section 8(a)(3)(B) of such Act (42 U.S.C. 1973gg–6(a)(3)(B)), the State shall coordinate the computerized list with State agency records on felony status; and

(II) by reason of the death of the registrant under section 8(a)(4)(A) of such Act (42 U.S.C. 1973gg–6(a)(4)(A)), the State shall coordinate the computerized list with State agency records on death.

(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.

(B) CONDUCT.—The list maintenance performed under subparagraph (A) shall be conducted in a manner that ensures that—

(i) the name of each registered voter appears in the computerized list;

(ii) only voters who are not registered or who are not eligible to vote are removed from the computerized list; and

(iii) duplicate names are eliminated from the computerized list.

(4) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST.—The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

(5) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

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

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

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

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

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

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

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(c)) and subject to paragraph (3), a State shall require an individual to meet the requirements of paragraph (2) if—

(A) the individual registered to vote in a jurisdiction by mail; and

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

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

(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; or

(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; or

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

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

(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.

(B) FAIL-SAFE VOTING.—

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

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

(3) INAPPLICABILITY.—Paragraph (1) shall not apply in the case of a person—

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

(i) a copy of a current valid photo identification; or

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

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

(I) a driver's license number; or

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

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

(C) 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.

(4) CONTENTS OF MAIL-IN REGISTRATION FORM.—The mail voter registration form developed under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4) shall include:

(A) The question ''Are you a citizen of the United States of America?'' and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(B) The question ''Will you be 18 years of age on or before election day?'' and boxes for the applicant to check to indicate whether or not the applicant will be 18 or older on election day.

(C) The statement ''If you checked 'no' in response to either of these questions, do not complete this form''.

(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.

(c) ADMINISTRATION BY THE CIVIL RIGHTS DIVISION.—Not later than October 1, 2003, the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice shall promulgate such guidelines as are necessary to implement the requirements of subsection (a).

(d) EFFECTIVE DATE.—

(1) COMPUTERIZED STATEWIDE VOTER REGISTRATION LIST REQUIREMENTS.—Each State and locality shall be required to comply with the requirements of subsection (a) on and after January 1, 2004.

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

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

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

SEC. 104. ENFORCEMENT BY THE CIVIL RIGHTS DIVISION OF THE DEPARTMENT OF JUSTICE.

(a) IN GENERAL.—Subject to subsection (b), the Attorney General, acting through the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice, may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

(b) SAFE HARBOR.—

(1) IN GENERAL.—Except as provided in paragraph (2), if a State or locality receives funds under a grant program under subtitle A or B of title II for the purpose of meeting a requirement under section 101, 102, or 103, such State or locality shall be deemed to be in compliance with such requirement until January 1, 2010, and no action may be brought under this Act against such State or locality on the basis that the State or locality is not in compliance with such requirement before such date.

(2) EXCEPTION.—The safe harbor provision under paragraph (1) shall not apply with respect to the requirement described in section 101(a)(3).

(c) RELATION TO OTHER LAWS.—The remedies established by this section are in addition to all other rights and remedies provided by law.

SEC. 105. MINIMUM STANDARDS.

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements, that are more strict than the requirements established under this title, so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 509.

TITLE II—GRANT PROGRAMS

Subtitle A—Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program

SEC. 201. ESTABLISHMENT OF THE UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS GRANT PROGRAM.

(a) IN GENERAL.—There is established a Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program under which the Attorney General, subject to the general policies and criteria for the approval of applications established under section 204 and in consultation with the Federal Election Commission and the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)), is authorized to make grants to States and localities to pay the costs of the activities described in section 205.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND CIVIL RIGHTS DIVISION.—In carrying out this subtitle, the Attorney General shall act through the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice and the Assistant Attorney General in charge of the Civil Rights Division of that Department.

SEC. 202. STATE PLANS.

(a) IN GENERAL.—Each State that desires to receive a grant under this subtitle shall develop a State plan, in consultation with State and local election officials of that State, that provides for each of the following:

(1) UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—A description of how the State will use the funds made available under this subtitle to meet each of the following requirements:

(A) The voting system standards under section 101.

(B) The provisional voting requirements under section 102.

(C) The computerized statewide voter registration list requirements under section 103(a), including a description of—

(i) how State and local election officials will ensure the accuracy of the list of eligible voters in the State to ensure that only registered voters appear in such list; and

(ii) the precautions that the State will take to prevent the removal of eligible voters from the list.

(D) The requirements for voters who register by mail under section 103(b), including the steps that the State will take to ensure—

(i) the accuracy of mail-in and absentee ballots; and

(ii) that the use of mail-in and absentee ballots does not result in duplicate votes.

(2) IDENTIFICATION, DETERRENCE, AND INVESTIGATION OF VOTING FRAUD.—An assessment of the susceptibility of elections for Federal office in the State to voting fraud and a description of how the State intends to identify, deter, and investigate such fraud.

(3) COMPLIANCE WITH EXISTING FEDERAL LAW.—Assurances that the State will comply with existing Federal laws, as such laws relate to the provisions of this Act, including the following:

(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a).

(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(E) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(4) TIMETABLE.—A timetable for meeting the elements of the State plan.

(b) AVAILABILITY OF STATE PLANS FOR REVIEW AND COMMENT.—A State shall make the State plan developed under subsection (a) available for public review and comment before the submission of an application under section 203(a).

SEC. 203. APPLICATION.

(a) IN GENERAL.—Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time and in such manner as the Attorney General may require, and containing the information required under subsection (b) and such other information as the Attorney General may require.

(b) CONTENTS.—

(1) STATES.—Each application submitted by a State shall contain the State plan developed under section 202 and a description of how the State proposes to use funds made available under this subtitle to implement such State plan.

(2) LOCALITIES.—Each application submitted by a locality shall contain a description of how the locality proposes to use the funds made available under this subtitle in a manner that is consistent with the State plan developed under section 202.

(c) SAFE HARBOR.—No action may be brought under this Act against a State or locality on the basis of any information contained in the application submitted under subsection (a), including any information contained in the State plan developed under section 202.

SEC. 204. APPROVAL OF APPLICATIONS.

The Attorney General shall establish general policies and criteria with respect to the approval of applications submitted by States and localities under section 203(a) (including a review of State plans developed under section 202), the awarding of grants under this subtitle, and the use of assistance made available under this subtitle.

SEC. 205. AUTHORIZED ACTIVITIES.

A State or locality may use grant payments received under this subtitle for any of the following purposes:

(1) To implement voting system standards that meet the requirements of section 101.

(2) To provide for provisional voting that meets the requirements of section 102(a) and to meet the voting information requirements under section 102(b).

(3) To establish a computerized statewide voter registration list that meets the requirements of section 103(a) and to meet the requirements for voters who register by mail under section 103(b).

SEC. 206. PAYMENTS.

(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.— The Attorney General may make retroactive payments to States and localities having an application approved under section 203 for any costs for election technology or administration that meets a requirement of section 101, 102, or 103 that were incurred during the period beginning on January 1, 2001, and ending on the date on which such application was approved under such section. 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.

(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.

SEC. 207. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDITS AND EXAMINATIONS.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, may audit or examine any recipient of a grant under this subtitle and shall, for the purpose of conducting an audit or examination, have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to the grant.

SEC. 208. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the grant program established under this subtitle for the preceding year.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain the following:

(A) A description and analysis of any activities funded by a grant awarded under this subtitle.

(B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the provisions of this subtitle the following amounts:

(1) For fiscal year 2003, $1,000,000,000.

(2) For fiscal year 2004, $1,300,000,000.

(3) For fiscal year 2005, $500,000,000.

(4) For fiscal year 2006, $200,000,000.

(5) For each subsequent fiscal year, such sums as may be necessary.

(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): Provided, That none of the funds provided by this subsection shall be used to commence any litigation related to election-related disability access; notwithstanding the general authorities of the protection and advocacy systems are otherwise afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

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

SEC. 210. EFFECTIVE DATE.

The Attorney General shall establish the general policies and criteria for the approval of applications under section 204 in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.

Subtitle B—Federal Election Reform Incentive Grant Program

SEC. 211. ESTABLISHMENT OF THE FEDERAL ELECTION REFORM INCENTIVE GRANT PROGRAM.

(a) IN GENERAL.—There is established a Federal Election Reform Incentive Grant Program under which the Attorney General, subject to the general policies and criteria for the approval of applications established under section 213(a) and in consultation with the Federal Election Commission and the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)), is authorized to make grants to States and localities to pay the costs of the activities described in section 214.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND CIVIL RIGHTS DIVISION.—In carrying out this subtitle, the Attorney General shall act through—

(1) the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice; and

(2) the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice (in this subtitle referred to as the ''Assistant Attorney General for Civil Rights'').

SEC. 212. APPLICATION.

(a) IN GENERAL.—Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General shall require, consistent with the provisions of this section.

(b) CONTENTS.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought;

(2) contain a request for certification by the Assistant Attorney General for Civil Rights described in subsection (c);

(3) provide assurances that the State or locality will pay the non-Federal share of the cost of the activities for which assistance is sought from non-Federal sources; and

(4) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subtitle.

(c) REQUEST FOR CERTIFICATION BY THE CIVIL RIGHTS DIVISION.—

(1) COMPLIANCE WITH CURRENT FEDERAL ELECTION LAW.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each request for certification described in subsection (b)(2) shall contain a specific and detailed demonstration that the State or locality is in compliance with each of the following laws, as such laws relate to the provisions of this Act:

(i) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), including sections 4(f)(4) and 203 of such Act (42 U.S.C. 1973b(f)(4) and 1973aa–1a).

(ii) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(iii) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(iv) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(v) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.).

(vi) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(B) APPLICANTS UNABLE TO MEET REQUIREMENTS.—Each State or locality that, at the time it applies for a grant under this subtitle, does not demonstrate that it meets each requirement described in subparagraph (A), shall submit to the Attorney General a detailed and specific demonstration of how the State or locality intends to use grant funds to meet each such requirement.

(2) UNIFORM AND NONDISCRIMINATORY REQUIREMENTS FOR ELECTION TECHNOLOGY AND ADMINISTRATION.—In addition to the demonstration required under paragraph (1), each request for certification described in subsection (b)(2) shall contain a specific and detailed demonstration that the proposed use of grant funds by the State or locality is not inconsistent with the requirements under section 101, 102, or 103.

(d) SAFE HARBOR.—No action may be brought under this Act against a State or locality on the basis of any information contained in the application submitted under subsection (a), including any information contained in the request for certification described in subsection (c).

SEC. 213. APPROVAL OF APPLICATIONS.

(a) IN GENERAL.—Subject to subsection (b), the Attorney General shall establish general policies and criteria for the approval of applications submitted under section 212(a).

(b) CERTIFICATION PROCEDURE.—

(1) IN GENERAL.—The Attorney General may not approve an application of a State or locality submitted under section 212(a) unless the Attorney General has received a certification from the Assistant Attorney General for Civil Rights under paragraph (4) with respect to such State or locality.

(2) TRANSMITTAL OF REQUEST.—Upon receipt of the request for certification submitted under section 212(b)(2), the Attorney General shall transmit such request to the Assistant Attorney General for Civil Rights.

(3) CERTIFICATION; NONCERTIFICATION.—

(A) CERTIFICATION.—If the Assistant Attorney General for Civil Rights finds that the request for certification demonstrates that—

(i) a State or locality meets the requirements of subparagraph (A) of section 212(c)(1), or that a State or locality has provided a detailed and specific demonstration of how it will use funds received under this section to meet such requirements under subparagraph (B) of such section; and

(ii) the proposed use of grant funds by the State or locality meets the requirements of section 212(c)(2),

the Assistant Attorney General for Civil Rights shall certify that the State or locality is eligible to receive a grant under this subtitle.

(B) NONCERTIFICATION.—If the Assistant Attorney General for Civil Rights finds that the request for certification does not demonstrate that a State or locality meets the requirements described in subparagraph (A), the Assistant Attorney General for Civil Rights shall not certify

that the State or locality is eligible to receive a grant under this subtitle.

(4) TRANSMITTAL OF CERTIFICATION.—The Assistant Attorney General for Civil Rights shall transmit to the Attorney General either—

(A) a certification under subparagraph (A) of paragraph (3); or

(B) a notice of noncertification under subparagraph (B) of such paragraph, together with a report identifying the relevant deficiencies in the State's or locality's system for voting or administering elections for Federal office or in the request for certification submitted by the State or locality.

SEC. 214. AUTHORIZED ACTIVITIES.

A State or locality may use grant payments received under this subtitle—

(1) to improve, acquire, lease, modify, or replace voting systems and technology and to improve the accessibility of polling places, including providing physical access for individuals with disabilities, providing nonvisual access for individuals with visual impairments, and providing assistance to individuals with limited proficiency in the English language;

(2) to implement new election administration procedures to increase voter participation and to reduce disenfranchisement, such as ''same-day'' voter registration procedures;

(3) to educate voters concerning voting procedures, voting rights or voting technology, and to train election officials, poll workers, and election volunteers;

(4) to implement new election administration procedures such as requiring individuals to present identification at the polls and programs to identify, to deter, and to investigate voting fraud and to refer allegations of voting fraud to the appropriate authority;

(5) to meet the requirements of current Federal election law in accordance with the demonstration submitted under section 212(c)(1)(B) of such section;

(6) to establish toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations and general election information; or

(7) to meet the requirements under section 101, 102, or 103.

SEC. 215. PAYMENTS; FEDERAL SHARE.

(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 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 General may make retroactive payments to States and localities having an application approved under section 213 for the Federal share of any costs for election technology or administration that meets the requirements of sections 101, 102, and 103 that were incurred during the period beginning on January 1, 2001, and ending on the date on which such application was approved under such section.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the costs shall be a percentage determined by the Attorney General that does not exceed 80 percent.

(2) EXCEPTION.—The Attorney General may provide for a Federal share of greater than 80 percent of the costs for a State or locality if the Attorney General determines that such greater percentage is necessary due to the lack of resources of the State or locality.

SEC. 216. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General, in consultation with the Federal Election Commission, shall prescribe.

(b) AUDITS AND EXAMINATIONS.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, may audit or examine any recipient of a grant under this subtitle and shall, for the purpose of conducting an audit or examination, have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to the grant.

(c) OTHER AUDITS.—If the Assistant Attorney General for Civil Rights has certified a State or locality as eligible to receive a grant under this subtitle in order to meet a certification requirement described in section 212(c)(1)(A) (as permitted under section 214(5)) and such State or locality is a recipient of such a grant, such Assistant Attorney General, in consultation with the Federal Election Commission shall—

(1) audit such recipient to ensure that the recipient has achieved, or is achieving, compliance with the certification requirements described in section 212(c)(1)(A); and

(2) have access to any record of the recipient that the Attorney General determines may be related to such a grant for the purpose of conducting such an audit.

SEC. 217. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the grant program established under this subtitle for the preceding year.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain the following:

(A) A description and analysis of any activities funded by a grant awarded under this subtitle.

(B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 218. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $400,000,000 for fiscal year 2002 to carry out the provisions of this subtitle.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

SEC. 219. EFFECTIVE DATE.

The Attorney General shall establish the general policies and criteria for the approval of applications under section 213(a) in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.

Subtitle C—Federal Election Accessibility Grant Program

SEC. 221. ESTABLISHMENT OF THE FEDERAL ELECTION ACCESSIBILITY GRANT PROGRAM.

(a) IN GENERAL.—There is established a Federal Election Accessibility Grant Program under which the Attorney General, subject to the general policies and criteria for the approval of applications established under section 223 by the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) (in this subtitle referred to as the ''Access Board''), is authorized to make grants to States and localities to pay the costs of the activities described in section 224.

(b) ACTION THROUGH OFFICE OF JUSTICE PROGRAMS AND CIVIL RIGHTS DIVISION.—In carrying out this subtitle, the Attorney General shall act through—

(1) the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice; and

(2) the Assistant Attorney General in charge of the Civil Rights Division of that Department.

SEC. 222. APPLICATION.

(a) IN GENERAL.—Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General shall require, consistent with the provisions of this section.

(b) CONTENTS.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought;

(2) provide assurances that the State or locality will pay the non-Federal share of the cost of the activities for which assistance is sought from non-Federal sources; and

(3) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subtitle.

(c) RELATION TO FEDERAL ELECTION REFORM INCENTIVE GRANT PROGRAM.—A State or locality that desires to do so may submit an application under this section as part of any application submitted under section 212(a).

(d) SAFE HARBOR.—No action may be brought under this Act against a State or locality on the basis of any information contained in the application submitted under subsection (a).

SEC. 223. APPROVAL OF APPLICATIONS.

The Access Board shall establish general policies and criteria for the approval of applications submitted under section 222(a).

SEC. 224. AUTHORIZED ACTIVITIES.

A State or locality may use grant payments received under this subtitle—

(1) to make polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with disabilities, including 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; and

(2) to provide individuals with disabilities and the other individuals described in paragraph (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and to train election officials, poll workers, and election volunteers on how best to promote the access and participation of the individuals in elections for Federal office.

SEC. 225. PAYMENTS; FEDERAL SHARE.

(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.

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the costs shall be a percentage determined by the Attorney General that does not exceed 80 percent.

(2) EXCEPTION.—The Attorney General may provide for a Federal share of greater than 80 percent of the costs for a State or locality if the Attorney General determines that such greater percentage is necessary due to the lack of resources of the State or locality.

SEC. 226. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep

such records as the Attorney General, in consultation with the Access Board, shall prescribe.

(b) AUDITS AND EXAMINATIONS.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, may audit or examine any recipient of a grant under this subtitle and shall, for the purpose of conducting an audit or examination, have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to the grant.

SEC. 227. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the grant program established under this subtitle for the preceding year.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain the following:

(A) A description and analysis of any activities funded by a grant awarded under this subtitle.

(B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 228. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $100,000,000 for fiscal year 2002 to carry out the provisions of this subtitle.

(b) AVAILABILITY.—Any amounts appropriated pursuant to the authority of subsection (a) shall remain available without fiscal year limitation until expended.

SEC. 229. EFFECTIVE DATE.

The Access Board shall establish the general policies and criteria for the approval of applications under section 223 in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.

Subtitle D—National Student/Parent Mock Election

SEC. 231. NATIONAL STUDENT/PARENT MOCK ELECTION.

(a) IN GENERAL.—The Election Administration Commission is authorized to award grants to the National Student/Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may—

(1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and

(2) consist of—

(A) school forums and local cable call-in shows on the national issues to be voted upon in an ''issues forum'';

(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

(C) quiz team competitions, mock press conferences, and speech writing competitions;

(D) weekly meetings to follow the course of the campaign; or

(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

(b) REQUIREMENT.—The National Student/Parent Mock Election shall present awards to outstanding student and parent mock election projects.

SEC. 232. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this subtitle $650,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

TITLE III—ADMINISTRATION

Subtitle A—Election Administration Commission

SEC. 301. ESTABLISHMENT OF THE ELECTION ADMINISTRATION COMMISSION.

There is established the Election Administration Commission (in this subtitle referred to as the ''Commission'') as an independent establishment (as defined in section 104 of title 5, United States Code).

SEC. 302. MEMBERSHIP OF THE COMMISSION.

(a) NUMBER AND APPOINTMENT.—

(1) COMPOSITION.—The Commission shall be composed of 4 members appointed by the President, by and with the advice and consent of the Senate.

(2) RECOMMENDATIONS.—Before the initial appointment of the members of the Commission and before the appointment of any individual to fill a vacancy on the Commission, the Majority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives shall each submit to the President a candidate recommendation with respect to each vacancy on the Commission affiliated with the political party of the officer involved.

(b) QUALIFICATIONS.—

(1) IN GENERAL.—Each member appointed under subsection (a) shall be appointed on the basis of—

(A) knowledge of—

(i) and experience with, election law;

(ii) and experience with, election technology;

(iii) and experience with, Federal, State, or local election administration;

(iv) the Constitution; or

(v) the history of the United States; and

(B) integrity, impartiality, and good judgment.

(2) PARTY AFFILIATION.—Not more than 2 of the 4 members appointed under subsection (a) may be affiliated with the same political party.

(3) FEDERAL OFFICERS AND EMPLOYEES.—Members appointed under subsection (a) shall be individuals who, at the time appointed to the Commission, are not elected or appointed officers or employees of the Federal Government.

(4) OTHER ACTIVITIES.—No member appointed to the Commission under subsection (a) may engage in any other business, vocation, or employment while serving as a member of the Commission and shall terminate or liquidate such business, vocation, or employment not later than the date on which the Commission first meets.

(c) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than the date that is 90 days after the date of enactment of this Act.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a term of 6 years, except that, of the members first appointed, 2 of the members who are not affiliated with the same political party shall be appointed for a term of 4 years. Except as provided in paragraph (2), a member may only serve 1 term.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made. The appointment made to fill the vacancy shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission may serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) UNEXPIRED TERMS.—An individual appointed to fill a vacancy on the Commission occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the unexpired term of the member replaced. Such individual may be appointed to a full term in addition to the unexpired term for which that individual is appointed.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Commission shall elect a chairperson and vice chairperson from among its members for a term of 1 year.

(2) NUMBER OF TERMS.—A member of the Commission may serve as the chairperson only twice during the term of office to which such member is appointed.

(3) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

SEC. 303. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission—

(1) shall serve as a clearinghouse, gather information, conduct studies, and issue reports concerning issues relating to elections for Federal office;

(2) shall carry out the provisions of section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7);

(3) shall make available information regarding the Federal election system to the public and media;

(4) shall compile and make available to the public the official certified results of elections for Federal office and statistics regarding national voter registration and turnout;

(5) shall establish an Internet website to facilitate public access, public comment, and public participation in the activities of the Commission, and shall make all information on such website available in print;

(6) shall conduct the study on election technology and administration under subsection (b)(1) and submit the report under subsection (b)(2); and

(7) beginning on the transition date (as defined in section 316(a)(2)), shall administer—

(A) the voting systems standards under section 101;

(B) the provisional voting requirements under section 102;

(C) the computerized statewide voter registration list requirements and requirements for voters who register by mail under section 103;

(D) the Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program under subtitle A of title II;

(E) the Federal Election Reform Incentive Grant Program under subtitle C of title II; and

(F) the Federal Election Accessibility Grant Program under subtitle B of title II.

(b) STUDIES AND REPORTS ON ELECTION TECHNOLOGY AND ADMINISTRATION.—

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

(A) STUDY.—

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

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

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

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

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

(B) REPORT.—Not later than 18 months after the date on which section 103(b)(2)(A) takes effect, the Commission shall submit a report to the

President and Congress on the study conducted under subparagraph (A)(i) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

(2) STUDIES.—The Commission shall conduct periodic studies of—

(A) methods of election technology and voting systems in elections for Federal office, including the over-vote and under-vote notification capabilities of such technology and systems;

(B) ballot designs for elections for Federal office;

(C) methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including blind and disabled voters, and voters with limited proficiency in the English language;

(D) nationwide statistics and methods of identifying, deterring, and investigating voting fraud in elections for Federal office;

(E) methods of voter intimidation;

(F) the recruitment and training of poll workers;

(G) the feasibility and advisability of conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time and establishing election day as a Federal holiday;

(H) ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance;

(I)(i) the laws and procedures used by each State that govern—

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

(II) contests of determinations regarding whether votes are counted in such elections; and

(III) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office;

(ii) the best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i); and

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

(J) such other matters as the Commission determines are appropriate; and

(K) the technical feasibility of providing voting materials in 8 or more languages for voters who speak those languages and who are limited English proficient.

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

SEC. 304. MEETINGS OF THE COMMISSION.

The Commission shall meet at the call of any member of the Commission, but may not meet less often than monthly.

SEC. 305. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this subtitle hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, administer such oaths as the Commission or such subcommittee or member considers advisable.

(b) VOTING.—

(1) IN GENERAL.—Each action of the Commission shall be approved by a majority vote of the members of the Commission and each member of the Commission shall have 1 vote.

(2) SPECIAL RULES.—

(A) UNIFORM AND NONDISCRIMINATORY ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.—

(i) ADOPTION OR REVISION OF STANDARDS AND GUIDELINES.—If standards or guidelines have been promulgated under section 101, 102, or 103 as of the transition date (as defined in section 316(a)(2)), not later than 30 days after the transition date, the Commission shall—

(I) adopt such standards or guidelines by a majority vote of the members of the Commission; or

(II) promulgate revisions to such standards or guidelines and such revisions shall take effect only upon the approval of a majority of the members of the Commission.

(ii) ESTABLISHMENT OF STANDARDS AND GUIDELINES.—

(I) If standards or guidelines have not been promulgated under section 101, 102, or 103 as of the transition date (as defined in section 316(a)(2)), the Commission shall promulgate such standards or guidelines not later than the date described in subclause (II) and such standards or guidelines shall take effect only upon the approval of a majority of the members of the Commission.

(II) The date described this subclause is the later of—

(aa) the date described in section 101(c)(1), 102(c), or 103(c) (as applicable); or

(bb) the date that is 30 days after the transition date (as defined in section 316(a)(2)).

(B) GRANT PROGRAMS.—

(i) APPROVAL OR DENIAL.—The grants shall be approved or denied under sections 204, 213, and 223 by a majority vote of the members of the Commission not later than the date that is 30 days after the date on which the application is submitted to the Commission under section 203, 212, or 222.

(ii) ADOPTION OR REVISION OF GENERAL POLICIES AND CRITERIA.—If general policies and criteria for the approval of applications have been established under section 204, 213, or 223 as of the transition date (as defined in section 316(a)(2)), not later than 30 days after the transition date, the Commission shall—

(I) adopt such general policies and criteria by a majority vote of the members of the Commission; or

(II) promulgate revisions to such general policies and criteria and such revisions shall take effect only upon the approval of a majority of the members of the Commission.

(iii) ESTABLISHMENT OF GENERAL POLICIES AND CRITERIA.—

(I) If general policies and criteria for the approval of applications have been established under section 204, 213, or 223 as of the transition date (as defined in section 316(a)(2)), the Commission shall promulgate such general policies and criteria not later than the date described in subclause (II) and such general policies and criteria shall take effect only upon the approval of a majority of the members of the Commission.

(II) The date described this subclause is the later of—

(aa) the date described in section 101(c)(1), 102(c), or 103(c) (as applicable); or

(bb) the date that is 30 days after the transition date (as defined in section 316(a)(2)).

(c) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

SEC. 306. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission shall be compensated at the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) STAFF.—

(1) APPOINTMENT AND TERMINATION.—Subject to paragraph (2), the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint and terminate an Executive Director, a General Counsel, and such other personnel as may be necessary to enable the Commission to perform its duties.

(2) EXECUTIVE DIRECTOR; GENERAL COUNSEL.—

(A) APPOINTMENT AND TERMINATION.—The appointment and termination of the Executive Director and General Counsel under paragraph (1) shall be approved by a majority of the members of the Commission.

(B) INITIAL APPOINTMENT.—Beginning on the transition date (as defined in section 316(a)(2)), the Director of the Office of Election Administration of the Federal Election Commission shall serve as the Executive Director of the Commission until such date as a successor is appointed under paragraph (1).

(C) TERM.—The term of the Executive Director and the General Counsel shall be for a period of 6 years. An individual may not serve for more than 2 terms as the Executive Director or the General Counsel. The appointment of an individual with respect to each term shall be approved by a majority of the members of the Commission.

(D) CONTINUANCE IN OFFICE.—Notwithstanding subparagraph (C), the Executive Director and General Counsel shall continue in office until a successor is appointed under paragraph (1).

(3) COMPENSATION.—The Commission may fix the compensation of the Executive Director, General Counsel, and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the Executive Director, General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(c) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this subtitle.

Subtitle B—Transition Provisions

SEC. 311. EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001.

(a) TRANSFER OF CERTAIN FUNCTIONS OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Administration Commission established under section 301 all functions of the Federal Election Commission under section 101 and under subtitles A and B of title II before the transition date (as defined in section 316(a)(2)).

(b) TRANSFER OF CERTAIN FUNCTIONS OF THE ATTORNEY GENERAL.—

(1) TITLE I FUNCTIONS.—There are transferred to the Election Administration Commission established under section 301 all functions of the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice under sections 102 and 103 before the transition date (as defined in section 316(a)(2)).

(2) GRANTMAKING FUNCTIONS.—

(A) IN GENERAL.—Except as provided in paragraph (2), there are transferred to the Election Administration Commission established under

section 301 all functions of the Attorney General, the Assistant Attorney General in charge of the Office of Justice Programs of the Department of Justice, and the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice under subtitles A, B, and C of title II before the transition date (as defined in section 316(a)(2)).

(B) EXCEPTION.—The functions of the Attorney General relating to the review of State plans under section 204 and the certification requirements under section 213 shall not be transferred under paragraph (1).

(3) ENFORCEMENT.—The Attorney General shall remain responsible for any enforcement action required under this Act, including the enforcement of the voting systems standards through the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice under section 104 and the criminal penalties under section 502.

(c) TRANSFER OF CERTAIN FUNCTIONS OF THE ACCESS BOARD.—There are transferred to the Election Administration Commission established under section 301 all functions of the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) under section 101 and under subtitles A, B, and C of title II before the transition date (as defined in section 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.

SEC. 312. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION.—There are transferred to the Election Administration Commission established under section 301 all functions of the Director of the Office of the Election Administration of the Federal Election Commission before the transition date (as defined in section 316(a)(2)).

(b) CONFORMING AMENDMENT.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting ''and'' at the end;

(2) in paragraph (9), by striking ''; and'' and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

SEC. 313. NATIONAL VOTER REGISTRATION ACT OF 1993.

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Administration Commission established under section 301 all functions of the Federal Election Commission under the National Voter Registration Act of 1993 before the transition date (as defined in section 316(a)(2)).

(b) CONFORMING AMENDMENT.—For purposes of section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–7(a)), the reference to the Federal Election Commission shall be deemed to be a reference to the Election Administration Commission.

SEC. 314. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Administration Commission for appropriate allocation.

(b) PERSONNEL.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Administration Commission.

SEC. 315. COVERAGE OF ELECTION ADMINISTRATION COMMISSION UNDER CERTAIN LAWS AND PROGRAMS.

(a) TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.—

(1) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting ''or the Election Administration Commission'' after ''Commission''.

(2) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting ''or the Election Administration Commission'' after ''Commission''.

(b) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting '', the Election Administration Commission,'' after ''Federal Election Commission,''.

SEC. 316. EFFECTIVE DATE; TRANSITION.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—This subtitle and the amendments made by this subtitle shall take effect on the transition date (as defined in paragraph (2)).

(2) TRANSITION DATE DEFINED.—In this section, the term ''transition date'' means the earlier of—

(A) the date that is 1 year after the date of enactment of this Act; or

(B) the date that is 60 days after the first date on which all of the members of the Election Administration Commission have been appointed under section 302.

(b) TRANSITION.—With the consent of the entity involved, the Election Administration Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

Subtitle C—Advisory Committee on Electronic Voting and the Electoral Process

SEC. 321. ESTABLISHMENT OF COMMITTEE.

(a) ESTABLISHMENT.—There is established the Advisory Committee on Electronic Voting and the Electoral Process (in this subtitle referred to as the ''Committee'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of 16 members as follows:

(A) FEDERAL REPRESENTATIVES.—Four representatives of the Federal Government, comprised of the Attorney General, the Secretary of Defense, the Director of the Federal Bureau of Investigation, and the Chairman of the Federal Election Commission, or an individual designated by the respective representative.

(B) INTERNET REPRESENTATIVES.—Four representatives of the Internet and information technology industries (at least 2 of whom shall represent a company that is engaged in the provision of electronic voting services on the date on which the representative is appointed, and at least 2 of whom shall possess special expertise in Internet or communications systems security).

(C) STATE AND LOCAL REPRESENTATIVES.—Four representatives from State and local governments (2 of whom shall be from States that have made preliminary inquiries into the use of the Internet in the electoral process).

(D) PRIVATE SECTOR REPRESENTATIVES.—Four representatives not affiliated with the Government (2 of whom shall have expertise in election law, and 2 of whom shall have expertise in political speech).

(2) APPOINTMENTS.—Appointments to the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act and such appointments shall be made in the following manner:

(A) SENATE MAJORITY LEADER.—Two individuals shall be appointed by the Majority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(B) SENATE MINORITY LEADER.—Two individuals shall be appointed by the Minority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(C) SPEAKER OF THE HOUSE.—Two individuals shall be appointed by the Speaker of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(D) HOUSE MINORITY LEADER.—Two individuals shall be appointed by the Minority Leader of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(E) SENATE MAJORITY AND HOUSE MINORITY JOINTLY.—Two individuals described in paragraph (1)(D) shall be appointed jointly by the Majority Leader of the Senate and the Minority Leader of the House of Representatives.

(F) HOUSE MAJORITY AND SENATE MINORITY JOINTLY.—Two individuals described in paragraph (1)(D) shall be appointed jointly by the Speaker of the House of Representatives and the Minority Leader of the Senate.

(3) DATE.—The appointments of the members of the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all of the members of the Committee have been appointed, the Committee shall hold its first meeting.

(e) MEETINGS.—

(1) IN GENERAL.—The Committee shall meet at the call of the Chairperson or upon the written request of a majority of the members of the Committee.

(2) NOTICE.—Not later than the date that is 14 days before the date of each meeting of the Committee, the Chairperson shall cause notice thereof to be published in the Federal Register.

(3) OPEN MEETINGS.—Each Committee meeting shall be open to the public.

(f) QUORUM.—Eight members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The Committee shall select a Chairperson from among its members by a majority vote of the members of the Committee.

(h) ADDITIONAL RULES.—The Committee may adopt such other rules as the Committee determines to be appropriate by a majority vote of the members of the Committee.

SEC. 322. DUTIES OF THE COMMITTEE.

(a) STUDY.—

(1) IN GENERAL.—The Committee shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) ISSUES TO BE STUDIED.—The Committee may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) REPORT.—

(1) TRANSMISSION.—Not later than 20 months after the date of enactment of this Act, the Committee shall transmit to Congress and the Election Administration Commission established under section 301, for the consideration of such bodies, a report reflecting the results of the study required by subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Committee.

(2) APPROVAL OF REPORT.—Any finding or recommendation included in the report shall be agreed to by at least ⅔ of the members of the Committee serving at the time the finding or recommendation is made.

(3) INTERNET POSTING.—The Election Administration Commission shall post the report transmitted under paragraph (1) on the Internet website established under section 303(a)(5).

SEC. 323. POWERS OF THE COMMITTEE.

(a) HEARINGS.—

(1) IN GENERAL.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out this subtitle.

(2) OPPORTUNITIES TO TESTIFY.—The Committee shall provide opportunities for representatives of the general public, State and local government officials, and other groups to testify at hearings.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out this subtitle. Upon request of the Chairperson of the Committee, the head of such department or agency shall furnish such information to the Committee.

(c) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—

(1) IN GENERAL.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(2) UNUSED GIFTS.—Gifts or grants not used at the expiration of the Committee shall be returned to the donor or grantor.

SEC. 324. COMMITTEE PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Committee shall serve without compensation.

(b) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(2) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Committee who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMITTEE.—Subparagraph (A) shall not be construed to apply to members of the Committee.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 325. TERMINATION OF THE COMMITTEE.

The Committee shall terminate 90 days after the date on which the Committee transmits its report under section 322(b)(1).

SEC. 326. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle not less than $2,000,000 from the funds appropriated under section 307.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this subtitle shall remain available, without fiscal year limitation, until expended.

TITLE IV—UNIFORMED SERVICES ELECTION REFORM

SEC. 401. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) by striking ''Each State'' and inserting ''(a) IN GENERAL.—Each State''; and

(2) by adding at the end the following:

''(b) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

''(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter—

''(A) solely on the grounds that the ballot lacked—

''(i) a notarized witness signature;

''(ii) an address (other than on a Federal write-in absentee ballot, commonly known as 'SF186');

''(iii) a postmark if there are any other indicia that the vote was cast in a timely manner; or

''(iv) an overseas postmark; or

''(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

''(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(b) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

SEC. 402. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.

(a) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 401(a) of this Act and section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) in paragraph (3), by striking ''and'' after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

''(5) in addition to using the postcard form for the purpose described in paragraph (4), accept and process any otherwise valid voter registration application submitted by a uniformed service voter for the purpose of voting in an election for Federal office; and

''(6) permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under this section if that voter—

''(A) has registered to vote under this section; and

''(B) is eligible to vote in that election under State law.''.

(b) DEFINITIONS.—Section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

''(7) The term 'recently separated uniformed services voter' means any individual who was a uniformed services voter on the date that is 60 days before the date on which the individual seeks to vote and who—

''(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

''(B) is no longer such a voter; and

''(C) is otherwise qualified to vote in that election.'';

(3) by redesignating paragraph (10) (as redesignated by paragraph (1)) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

''(10) The term 'uniformed services voter' means—

''(A) a member of a uniformed service in active service;

''(B) a member of the merchant marine; and

''(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

SEC. 403. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.

(a) IN GENERAL.—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279), is amended by adding at the end the following new subsection:

''(e) PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.—A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

SEC. 404. DISTRIBUTION OF FEDERAL MILITARY VOTER LAWS TO THE STATES.

Not later than the date that is 60 days after the date of enactment of this Act, the Secretary of Defense (in this section referred to as the ''Secretary''), as part of any voting assistance program conducted by the Secretary, shall distribute to each State (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6) enough copies of the Federal military voting laws (as identified by the Secretary) so that the State is able to distribute a copy of such laws to each jurisdiction of the State.

SEC. 405. EFFECTIVE DATES.

Notwithstanding the preceding provisions of this title, each effective date otherwise provided under this title shall take effect 1 day after such effective date.

SEC. 406. STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS; DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE; STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.

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

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

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

(b) DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278) and the preceding provisions of this title, is amended by adding at the end the following new subsection:

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

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

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

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

SEC. 407. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

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

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

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

SEC. 408. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

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

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

SEC. 409. STUDY AND REPORT ON THE DEVELOPMENT OF A STANDARD OATH FOR USE WITH OVERSEAS VOTING MATERIALS.

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

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

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

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

SEC. 410. STUDY AND REPORT ON PROHIBITING NOTARIZATION REQUIREMENTS.

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

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

TITLE V—CRIMINAL PENALTIES; MISCELLANEOUS

SEC. 501. REVIEW AND REPORT ON ADEQUACY OF EXISTING ELECTORAL FRAUD STATUTES AND PENALTIES.

(a) REVIEW.—The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(b) REPORT.—The Attorney General shall submit a report to the Judiciary Committees of the Senate and the House of Representatives, the Senate Committee on Rules and Administration, and the House Committee on Administration on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

SEC. 502. OTHER CRIMINAL PENALTIES.

(a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION.—Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

(b) FALSE INFORMATION IN REGISTERING AND VOTING.—Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18, United States Code, shall be fined or imprisoned, or both, in accordance with such section.

SEC. 503. USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.

(a) IN GENERAL.—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.''.

(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.

SEC. 504. DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.

(a) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—

(1) ADDITIONAL DUTIES.—Section 1566(g) of title 10, United States Code, as added by section 1602(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1274), is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by striking paragraph (2) and inserting the following new paragraphs:

''(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times. The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held.

''(3) The Secretary of each military department shall, to the maximum extent practicable, provide notice to members of the armed forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.''.

(2) REPORT.—The Secretary of Defense shall submit to Congress a report describing the measures to be implemented under section 1566(g)(2) of title 10, United States Code (as added by paragraph (1)), to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1602 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1274) upon the enactment of that Act.

SEC. 505. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) by inserting ''(a) ELECTIONS FOR FEDERAL OFFICES.—'' before ''Each State shall—''; and

(2) by adding at the end the following:

''(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

''(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

''(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.''.

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking ''**FOR FEDERAL OFFICE**''.

SEC. 506. SENSE OF THE SENATE REGARDING STATE AND LOCAL INPUT INTO CHANGES MADE TO THE ELECTORAL PROCESS.

(a) FINDINGS.—Congress finds the following:

(1) Although Congress has the responsibility to ensure that our citizens' right to vote is protected, and that votes are counted in a fair and accurate manner, States and localities have a vested interest in the electoral process.

(2) The Federal Government should ensure that States and localities have some say in any election mandates placed upon the States and localities.

(3) Congress should ensure that any election reform laws contain provisions for input by State and local election officials.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Justice and the Committee on Election Reform should take steps to ensure that States and localities are allowed some input into any changes that are made to the electoral process, preferably through some type of advisory committee or commission.

SEC. 507. STUDY AND REPORT ON FREE ABSENTEE BALLOT POSTAGE.

(a) STUDY ON THE ESTABLISHMENT OF A FREE ABSENTEE BALLOT POSTAGE PROGRAM.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 shall conduct a study on the feasibility and advisability of the establishment by the Federal Election Commission and the Postal Service of a 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) that does not apply with respect to the postage required to send the absentee ballots to voters.

(2) PUBLIC SURVEY.—As part of the study conducted under paragraph (1), the Election Administration Commission shall conduct a survey of potential beneficiaries under the program described in such paragraph, including the elderly and disabled, and shall take into account the results of such survey in determining the feasibility and advisability of establishing such a program.

(b) REPORT.—

(1) SUBMISSION.—Not later than the date that is 1 year after the date of enactment of this Act, the Election Administration Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate.

(2) COSTS.—The report submitted under paragraph (1) shall contain an estimate of the costs of establishing the program described in subsection (a)(1).

(3) IMPLEMENTATION.—The report submitted under paragraph (1) shall contain an analysis of the feasibility of implementing the program described in subsection (a)(1) with respect to the absentee ballots submitted in the general election for Federal office held in 2004.

(4) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under paragraph (1) shall—

(A) include recommendations of the Federal Election Commission on ways that program described in subsection (a)(1) would target elderly individuals and individuals with disabilities; and

(B) identify methods to increase the number of such individuals who vote in elections for Federal office.

(c) POSTAL SERVICE DEFINED.—The term ''Postal Service'' means the United States Postal Service established under section 201 of title 39, United States Code.

SEC. 508. HELP AMERICA VOTE COLLEGE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the appointment of its members, the Election Administration Commission (in this section referred to as the ''Commission'') shall develop a program to be known as the ''Help America Vote College Program'' (in this section referred to as the ''Program'').

(2) PURPOSES OF PROGRAM.—The purpose of the Program shall be—

(A) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(B) to encourage State and local governments to use the services of the students participating in the Program.

(b) ACTIVITIES UNDER PROGRAM.—

(1) IN GENERAL.—In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in subsection (a)(2).

(2) REQUIREMENTS FOR GRANT RECIPIENTS.—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(3) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds authorized to be appropriated to the Commission, there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and each succeeding fiscal year.

SEC. 509. RELATIONSHIP TO OTHER LAWS.

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

be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 1994 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

(b) NO EFFECT ON PRECLEARANCE OR OTHER REQUIREMENTS UNDER VOTING RIGHTS ACT.—The approval by the Attorney General of a State's application for a grant under title II, or any other action taken by the Attorney General or a State under such title, shall not be considered to have any effect on requirements for preclearance under section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) or any other requirements of such Act.

SEC. 510. 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.

SEC. 511. 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 advisability 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, or of establishing uniform weekend voting hours.

(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 or on the weekends, may 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, potentially increasing voter turnout. It could increase the pool of available poll workers and make public buildings more available for use as polling places. Holding elections over a weekend could provide flexibility needed for uniform polling hours.

(4) Several proposals to make election day a holiday or to shift election day to a weekend have been offered in the 107th Congress. Any new voting day options should be sensitive to the religious observances of voters of all faiths and to our Nation's veterans.

SEC. 512. SENSE OF THE SENATE ON COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.

It is the sense of the Senate that full funding shall be provided to each State and locality to meet the requirements relating to compliance with election technology and administration pursuant to this Act.

SEC. 513. BROADCASTING FALSE ELECTION INFORMATION.

In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment shall provide a detailed report to the Congress on issues regarding the broadcasting or transmitting by cable of Federal election results including broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

SEC. 514. SENSE OF THE SENATE REGARDING CHANGES MADE TO THE ELECTORAL PROCESS AND HOW SUCH CHANGES IMPACT STATES.

It is the sense of the Senate that—

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

(2) the provisions of this Act permit States—

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

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

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

(4) nothing under section 101(a) of this Act specifically requires States to install wheelchair ramps or pave parking lots at each polling location for the accessibility needs of individuals with disabilities; and

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

Amend the title so as to read: ''An Act to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, and for other purposes.''.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak for up to 20 minutes on the energy bill.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator may proceed.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. ALLEN. Mr. President, I rise today to discuss the much needed energy security legislation that is before the Senate.

This week, at the very moment we debate this very important landmark legislation, we are seeing a confluence of factors in our energy supply and demand that amounts to what one might call the ''perfect storm.''

There have been few other times in the history of our nation where we have seen such a stark demonstration that our national security interests are synonymous with our energy security. And here are—in this ''perfect storm''—the various storm fronts that are coming together and colliding to produce some very ominous results for the American people, their families, and small businesses.

The travel season is heading into its annual peak as more and more Americans hit the road, and those numbers are higher than usual because of people's fear of flying or the aggravation, the stress of commercial air travel due to security concerns and desires.

Refineries are also beginning their annual changeover from winter fuels to specially formulated, cleaner burning summer fuels that cost more to produce. Those increased costs at refineries, that are already running at near capacity, will be passed on to the American consumer.

In recent weeks, the Israelis have taken strong action to defend themselves from the escalating growth of heinous suicide bombings in Israel.

In response to all of this, the dictator of Iraq, Saddam Hussein, has pledged to embargo Iraq's oil exports for 30 days or until Israel withdraws from Palestinian territories.

The Associated Press quoted Saddam as saying:

> The oppressive Zionist and American enemy has belittled the capabilities of the [Arab] nation.

Combine all of these factors together, and the price of gasoline has increased about 25 cents a gallon in just the last few weeks. This is the sharpest increase in a 4-week period since the year 1990, right before the gulf war.

The price of a barrel of oil has risen to about $26 a barrel as of yesterday, and many projections indicate the price will spike to more than $30 a barrel.

The problem is one of basic economics that a fourth grade student in Virginia would understand, or as the Presiding Officer would certainly agree, a fourth grade student in West Virginia

as well. I hope that the Senate also understands this very basic, simple matter of high demand and inadequate supply. Even as the demand for oil is rising, supply is constrained this year because the nations in OPEC have cut production since the end of the year 2000 by a total of about 5 million barrels of oil per day.

The result is financial hardship for families and enterprises that pay more out of pocket for their basic transportation needs. It is a loaded weapon aimed at our economy, which appears to be moving slowly on the road to recovery.

I wholeheartedly support a balanced energy policy, including conservation and new, advanced technologies, such as hydrogen-fuel-cell-powered vehicles, electric vehicles, hybrid vehicles, and clean coal technology. We are the ''Saudi Arabia of coal.'' I know the Chair shares my desire in working for clean coal technologies—and also solar photovoltaic technology.

But at the same time, we must increase our American-based production to become less reliant and dependent on foreign sources of oil.

Rising tensions in the Middle East will further increase our prices at the gas pump, damage job opportunities, and take more money from working people. This increased cost in fuel will ultimately cause an increase in the cost of goods and products, 95 percent of which come by truck to some store or directly to your home.

Please be aware that the United States continues to import nearly 1 million barrels a day from Saddam Hussein. This is the same man who turns around and compensates the families of suicide bombers at a rate of $25,000. You could say that the compensation for 1 murderer is equivalent to about 900 barrels of oil that the United States and other nations buy from Saddam Hussein. We can no longer afford to let Saddam Hussein quite literally put us over the barrel.

At a time when Iraq is calling for an OPEC embargo on oil sales to America, environmentally safe production in a small and desolate place on the barren Arctic Plain on the North Slope of Alaska could alone replace more than 35 years of Iraqi oil imports. The potential is enormous for large oil reserves relatively near that of the current production at Prudhoe Bay—about 16 billion barrels. Conservative estimates state that ANWR has more oil than all of Texas.

I read that the Senator from Connecticut yesterday said it would take 10 years to get oil flowing from the North Slope of Alaska and this ANWR area. Let's assume it would take 10 years. Maybe this decision should have been made 10 years ago. Indeed, this Senate, in 1995, as well as the House, passed exploration permission legislation in 1995. Unfortunately, that legislation and that permission to explore ANWR was vetoed by the President in 1995. If that had not been vetoed, that oil would be flowing and we would not have as great a dependence on foreign oil, much less Saddam Hussein.

Also, there are groups of opponents. Many of those groups were also the opponents who were against the Prudhoe Bay production several decades ago. Thank goodness, reason and security prevailed and we are getting oil through the pipeline from Prudhoe Bay.

The reality is, with the infrastructure and the Trans-Alaska Pipeline less than about 50 miles away, just a few years of work are needed to get oil flowing from ANWR. The pipeline is already built. We just need to get that 50 mile span built from Prudhoe Bay to the exploration site at ANWR. It is not quite the magnitude of a project back in the 1970s.

The amount of oil we will be getting from there is about the same as what we could replace from 30 years of Saudi Arabian imports. And on top of it all, there are estimates—I will admit this is on the high side—of the creation of as many as 735,000 new jobs. The estimated oil at ANWR is valued at more than $300 billion, which could replace a large portion of foreign oil imports and clearly create hundreds of thousands of jobs for our economy.

Again, the North Slope of Alaska, the Arctic Plain, or ANWR, is not some mountainous, beautiful sanctuary. It is a flat, barren, cold, inhospitable place, and the small local population nearby is virtually unanimous in its desire to see the utilization of the resources beneath that frozen tundra. As it is very nearby, and similar to Prudhoe Bay, and as has been seen from studies, there will be no adverse impact on caribou or mosquitoes, which are plentiful in the summer, or other flora and fauna.

I support environmentally responsible exploration and production at ANWR to help at least ameliorate our dependence on OPEC. The announcement of curtailed exports by Iraq should remind us more than ever that our economy and national security will remain bound together as long as we allow tyrants and despots to control our destiny.

In addition to the Middle East, the political dispute in Venezuela has left their oil industry crippled as labor groups have staged a nationwide strike.

Simply put, we are entirely too dependent on foreign oil and we must expand our domestic production. We must also improve our energy security by identifying and developing new energy opportunities. Diversification of energy supplies is basic to our comprehensive national energy policy. We should encourage new, cooperative trade arrangements and new resources in willing prospects throughout the world.

All of these initiatives, discussions, and cooperative efforts are aimed at fulfilling just one part of our national energy policy, which is the diversification of our international sources of supply.

A commonsense, comprehensive, long-term energy plan will get us off this roller coaster of restrictive supply and demand that we have ridden for the past several decades. We must not allow the Saddam Husseins of the world to jerk us around and actually run that roller coaster.

President Bush's energy plan is comprehensive. It combines conservation and incentives for the development of alternative energy sources. I look forward to voting for tax incentives for alternative-fueled vehicles. It also includes increased domestic production. An energy policy without all of these components will not be effective.

We have a responsibility to the American people to address these challenges head on. If you think the situation is dire today, take a look just a short time from now into the future. Over the next 20 years, U.S. oil consumption is projected to increase by 33 percent and demand for electricity is projected to increase by 45 percent. Our dependence on foreign sources of oil will grow from 55 percent today to 64 percent by the year 2020. This compares to just 42 percent from foreign sources less than 10 years ago.

Clearly, we can see that something must be done, and soon. I am committed to working for commonsense solutions based upon sound science and the best available technologies so that all Americans can have affordable, reliable access to energy to fuel our motor vehicles, our homes, our farm operations, and our business operations across America.

I am also committed to making fuller use of the resources we have within our own borders in States that are supportive. While there may be oil off the coast of California, the people of California are opposed to oil development off their coast. Therefore, I respect their desires and would not support oil exploration off California.

In Alaska, Republicans, Democrats, Eskimos, Indians, all people are overwhelmingly in favor of production in ANWR.

There are other groups that support production on the North Slope of Alaska—groups such as the Vietnam Veterans Institute. I quote from them:

> War and international terrorism have again brought into sharp focus the heavy reliance of the U.S. on imported oil. During these times of crises, such reliance threatens our national security and economic well-being. . . . It is important that we develop domestic sources of oil.

Organized labor. This is from Jerry Hood of the International Brotherhood of Teamsters:

> America has gone too long without a solid energy plan. When energy costs rise, working families are the first to feel the pinch. The Senate should follow the example passed by the House and ease the burden by sending the President supply-based energy legislation to sign.

The Hispanic community. I quote from Mario Rodriguez, president of the United States-Mexico Chamber of Commerce:

We urge the Senate leadership to pass comprehensive energy legislation. This is not a partisan issue. Millions of needy Hispanic families need your support now.

From Jewish organizations, Mort Zuckerman, chairman of the Conference of Presidents of Major American Jewish Organizations:

The [Conference] at its general meeting on November 14th unanimously supported a resolution calling on Congress to act expeditiously to pass the energy bill that will serve to lessen our dependence on foreign sources of oil.

African-American groups. Harry Alford, chairman of the National Black Chamber of Commerce, states:

Our growing membership reflects the opinion of more and more Americans all across the political spectrum that we must act now to end our dependence on foreign energy sources by addressing the nation's long-neglected energy needs.

And Bruce Josten of the U.S. Chamber of Commerce stated:

The events of September 11 lend a new urgency to our efforts to increase domestic energy supplies and modernize our nation's energy infrastructure.

The point of all this is that it has broad, bipartisan support across the country, not just in Alaska. I also add that this is not simply a matter of our economic security our physical security is also at stake.

I challenge my colleagues to join Americans in this effort. Let's make America the most technologically advanced nation in the world for new sources of energy to propel our motor vehicles and to provide clean, efficient electricity. Let's also make sure we are less dependent upon unpredictable and, in some cases, threatening foreign sources of oil. Let's control our own destiny more than we have in the past. Let's move forward united for America's bright future.

Thank you Mr. President and I yield the floor.

The PRESIDING OFFICER. The Chair heard a clap from the gallery. Those here now, or at any time in the future, if that occurs again, they will be removed by the Sergeant at Arms under the rules of the Senate. That is not allowed and will not be tolerated.

The Senator from Nebraska is recognized.

AMENDMENT NO. 3114

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent to speak for up to 15 minutes in conjunction with my opposition to the Feinstein amendment, which has been introduced on the energy bill.

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

Mr. NELSON of Nebraska. Mr. President, this amendment and other California amendments are outside the agreement and would negatively impact the renewable fuels standard contained in the bill. While I generally respect and certainly admire my colleagues from California, who are joined by my colleagues from New York in this particular situation, I must depart from their point of view and take this opportunity to explain that the facts do not support their amendment.

The renewable fuels standard is the culmination of 20 years of sound public policy. We have all worked at the State, local, and Federal levels to make sure we have brought together the best kind of public policy for energy as it relates to renewable fuels. This standard will almost triple production of biofuels over the next 10 years. The RFS, as it is known, will accelerate the biorefinery concept so that a wide range of cellulosic biomass feedstocks will cost-effectively be converted into biofuels, bioelectricity, and biochemicals.

Enactment of the RFS, along with other provisions in this bill, will emphasize new sources of energy production from biomass to wind power, as well as conservation, to further reduce our dependence upon foreign sources of energy. As the previous speaker, my colleague, Senator ALLEN, pointed out, this 100-year-old reliance on fossil fuels and on fuels from unstable parts of the world has put us in a position of instability. So this RFS is essential in helping us reverse this 100-year-old reliance on fossil fuels and on unstable governments. Enactment of this bill will strengthen national and energy security and improve our environment at the same time.

If you will look at this poster, according to a recent study conducted by AUS Consultants, adoption of the RFS will:

. . . displace 1.6 billion barrels of oil over the next decade; reduce our trade deficit by $34.1 billion; it will increase new investments in rural communities by more than $5.3 billion—and this is all domestic, all money that will inure to the benefit of Americans. It will also boost the demand for feedgrains and soybeans by more than 1.5 billion bushels over the next decade; it will create more than 214,000 new jobs throughout the U.S. economy, and it will expand household income by an additional $51.7 billion over the next decade.

These days, we are witnessing substantial increases in gasoline prices at the pump because of disruption and turmoil in the Middle East. Gasoline prices are not going up because we are using ethanol; they are rising because we are not using enough ethanol. Over the next 10 years, the renewable fuels standard in S. 517 would increase United States gasoline supplies to 5 billion gallons per year in 2012, slightly less than the volume of crude oil we currently import from Iraq. That will come from the addition of these biofuels that will come from the renewable fuels standard. It will be bad public policy for us to eliminate the existing oxygenate standard without replacing it with the renewable fuels standard. That is exactly what S. 517 does.

I congratulate California Governor Gray Davis for his support of the RFS section of S. 517. He recently declared:

Let's let the Daschle bill pass, have a nice schedule that will affect the entire country, phase in ethanol and protect the environment.

He also said:

All we need to do is use about 250 or 275 million gallons of ethanol, which we already do and are prepared to do in the future.

Governor Davis recently delayed his ban on MTBE in California for 1 year, coinciding with the initiation of the renewable fuels standard, RFS, and his acceptance of that RFS package is the best option to meet California's current and certainly its future gasoline needs. This, in large part, is due to the fact that a Federal RFG with an MTBE ban would require about 700 million gallons of ethanol annually in California.

The next alternative would be a program to eliminate the current minimum oxygen standard, a ban on MTBE, and retain the existing wintertime carbon monoxide program using ethanol. This would require about 500 million gallons of ethanol annually.

In contrast, the Daschle-Lugar-Nelson RFS requires California refiners to use only about 250 million gallons of ethanol annually.

Finally, the RFS provision contained in the bill allows ''credit training,'' which provides the option of reducing California's ethanol use to zero, with a cost of less than 2 cents per gallon.

Lest anyone thinks this is somehow a plan or decision by the States in the Midwest to support their own economies to the detriment of economies elsewhere, Governor Pataki from New York, and Governor Shaheen of New Hampshire, representing the Northeast States for Coordinated Air Use Management, and other Governors belonging to the Governors' Ethanol Coalition, have also signed a joint letter supporting the renewable fuels standards. These are Governors from all over the country.

I also remind my colleagues that the RFS agreement was unprecedented in that it was accepted through the extensive and cooperative work of the ethanol and biodiesel industries, their associations, most farm and agricultural groups, the environmental and renewable energy communities, and the American Petroleum Institute.

All of us, each and every one of us, is aware of how dangerously close we are to an overdependence on imported oil. As Senator ALLEN said, currently we are over 56 percent dependent on foreign sources, and it will rise to over 60 percent in the very near future.

Too many of these supplies come from troubled nations in the Middle East, the Caspian Basin, and Indonesia where almost 80 percent of the world's reserves are located.

As our colleague from North Dakota, Senator DORGAN, warned recently, we must recognize this vulnerability because it also extends to the potential of terrorist attacks on oil supply lines. An attack on our oil supply lines anywhere in the world would have us on our backs overnight.

The RFS is critical to the process of reducing our dependence on oil imports

through the advancement of domestically dispersed renewable and environmentally benign technologies that will generate new industries, high-quality jobs, economic activity, and rural development, while at the same time expanding national and local tax bases. This is, in fact, a win-win for everyone in America.

Ethanol opponents claim that it takes more energy to make ethanol than is contained in the fuel. This is simply not the case. The most recent USDA report shows an increase in the net energy balance of corn ethanol from 1.24 in 1995 to 1.34 in 2002, and that new technologies continue that improvement. Furthermore, only 17 percent of the energy that goes into farming and ethanol plant operations is from liquid fuels, and with the advent of biodiesel and advanced farming practices, this number continues to drop and will continue to do so into the future.

Some opponents also claim that the price of gasoline could double. The issue of consumer cost is clearly important to all sectors of our Nation, certainly to the Midwest as well as to the West and the East. But historically, ethanol serves as a buffer to higher prices. It does so by actually extending supplies. It provides an alternative to costly imported oil and leverage for independent gasoline marketers to compete against the larger, more powerful integrated oil companies.

According to the Society of Independent Gasoline Marketers of America:

> The Federal benefits afforded ethanol-blended fuels have been an important pro-competitive influence on the Nation's gasoline markets. By enhancing the ability of independent marketers to price compete with their integrated oil company competitors, this program has increased independent marketers' economic viability and reduced consumers' costs of gasoline.

On April 8 in Los Angeles, San Francisco, and the New York metropolitan areas, the price of ethanol-blended premium midgrade and regular ranged from .0133 to .0327 cents per gallon. So availability is not going to be a problem and neither is price.

Today and into the near future, ethanol will be in abundant supply because of market conditions and all the new plants that will be coming online.

This chart shows the past, present, and predicted growth of the ethanol capacity, and one can see that as it goes into this new century, the incline is rather steep. Some worry about ADM's control over the market and their ability to control prices, but their influence is dissipating, being replaced by farmer, rancher, and community-owned plants. It is not concentrated within only one industry or within one producer. It is widely spread out over all kinds of operations, from the small to the medium size to the large.

To attack some other myths, there are some claims that ethanol does not contribute to cleaner air, and that is not true. There is no question that ethanol blends reduce carbon monoxide and carbon dioxide, but most areas with polluted air are worried about ozone.

The good news is that 3 years of clean air quality data in the Chicago/Milwaukee area show that it is possible to effectively reduce ozone emissions while using ethanol blends. These blends also reduce air toxins, such as the carcinogen benzene.

The defeat of the renewable fuels standard in S. 517 would be a great loss to the national energy and economic security of the United States. The real tragedy would be a further loss to the Europeans as they advance their biorefinery technology to produce biofuels, bioelectricity, and biochemicals from a wide range of biomass, including much of which is wasted or ends up in landfills.

If there is a myth that somehow this is going to simply affect our food supply by providing alternative use, it is very clear to understand that ethanol can be made from any kind of biomass, including that which is waste, that which is garbage, that which is discarded and ends up in landfills.

As technology continues to increase, we will have more and more sources for a renewable resource that will come from those production sources that currently have other means of disposal. Unfortunately, some of them are disposed only in landfills.

The RFS provides a credit of 1.5 for biofuels made from cellulosic biomass, oilseeds, tallow, animal fat, and yellow grease compared to 1 credit for ethanol made from starch and sugar crops; that is, every gallon of these fuels is equal to 1.5 gallons in meeting the renewable fuels standards. In fact, it does go to other kinds of biomass. Consequently, the RFS will provide the stimulus and the market for biofuels needed to produce the next generation of biorefineries.

In the past, it has always been the question of how you can create the demand or whether you create the supply and hope, in fact, it will create the demand. This bill with the RFS in it creates both the demand and the opportunity and the incentive for more supplies in a cost-effective and a very environmentally friendly and very economic friendly manner.

During my two terms as Governor, I watched firsthand as the private sector invested hundreds of millions of dollars in new community-based ethanol plants. We went from one operating plant to more than seven when I left, and there continues to be more plants built around the State and a great deal of interest in further expanding the plants, depending on the passage of S. 517.

These investments occurred primarily in response to the demand created by the Clean Air Act's oxygenate requirements. Not one of those plants is owned by AD in Nebraska. Farmers and ranchers own most of them.

The ethanol industry in Nebraska has been one of the few bright spots in an otherwise underperforming agricultural economy, thereby creating quality jobs, increasing farm income, and, in some instances, maybe providing the only farm income by adding value to farmers' products and expanding local tax bases.

This is, in fact, sound public policy, and we should be doing more, not less, of it. If we are going to eliminate the oxygen requirement that has been proposed, then we must be sure to put in its place the renewable fuels standard in S. 517. The RFS is sound public policy. The provision will increase gasoline supplies and consequently serve to lower gasoline prices. It will have a positive impact on the Farm Belt economy and also reduce energy costs for other areas of the country. This is truly a national plan to control costs, spur economic activity, and reduce our dependence on foreign oil.

I ask my colleagues to vote to preserve the historic agreement manifested in the RFS. To do otherwise will certainly face us in the wrong direction, a step backwards, into deeper dependence on imported oil.

I thank the Chair, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. NELSON of Nebraska. If I still have time left, I am happy to use it.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Mr. President, earlier today, my colleagues from California and New York quoted extensively from an Energy Information Agency report which they said indicated the RFS would result in gasoline price increases from 4 cents to almost 10 cents per gallon.

We have read this report, and it is difficult for us to understand how they arrived at those cost figures when our reading of the report sets the increase at prices up to 1 cent per gallon for reformulated gasoline and up to a half a cent per gallon compared to the referenced case. This is with the reformulated fuel standard without the MTBE ban.

When there is an MTBE ban, there would then be a greater demand for gasoline that would drive prices up. The availability of ethanol to add volume as an additive and boost octane would put downward pressure on prices, which is what has been shown elsewhere in the country. So we are at a loss as to how that was arrived at.

There also was a suggestion there might be the possibility that ethanol-blended gasoline could extend the benzene plume and contaminate the ground water in the event of leaking tanks or spills.

Nebraska is the home of ethanol. It was first called gasohol. It has been

used extensively for the past 20 years. I have used it for as long as I can recall. There is absolutely no evidence of benzene-contaminated water supplies resulting from the use of ethanol in Nebraska, and we are not aware of anywhere else where ethanol has been used extensively or even modestly where there has been an increase in benzene.

It is going to boost the octane of gasoline, and I think most people looking at science will conclude it permits the reduction of aromatics, including benzene. We found that ethanol-blended gasoline in Nebraska has considerably less aromatics than unblended gasoline, and we do not understand nor do we follow the logic or the facts that have been presented.

I think it is important to consider the fact we must, indeed, reduce our reliance on foreign sources of oil, and we must, in fact, expand the opportunity for renewable resources so we are not reliant on foreign sources of oil. When we can do this in an environmentally friendly way, and at the same time have the economics of the country advanced, it seems only too sound of logic to conclude we should go the other way. We must, in fact, move forward with the RFS.

So I call on those who would have other information to return and let us debate the issue on the facts as they are.

I suggest the absence of a quorum.

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

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. HAGEL. Mr. President, I wish to speak on the Feinstein amendment for up to 15 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HAGEL. Thank you, Mr. President.

Mr. President, in the wake of September 11, America and the rest of the free world now face dramatic new challenges as certainly evidenced by our Secretary of State being in the Middle East today. There are serious consequences to these great challenges. Energy independence is one of these challenges.

Today, less than 1 percent of America's transportation fuel comes from renewable sources. In the energy bill we are debating today renewable fuel would increase to approximately 3 percent of our total transportation fuel supply by 2012.

A few weeks ago, the Senate approved the renewable portfolio standard for electricity which mandates that 10 percent of all electricity must come from certain renewable sources. I note that my colleagues from California and New York in particular voted in favor of that renewable electricity mandate which the Department of Energy has estimated will cost the ratepayers of America about $88 billion through 2020.

I note also that my colleagues from California and New York voted for a 20-percent renewable electricity standard. Yet, as I heard this morning, they oppose a 3-percent renewable fuel standard. What is the difference between the renewable fuel standard and the renewable electricity standard?

Here is the difference.

Today, we spend about $300 million per day on foreign oil imports. We are nearing 60 percent of the total use of our oil coming from other nations. We spend $12 million a day on Iraqi oil alone—we used to. We did until Saddam Hussein announced this week that Iraq would halt its exports of oil for a month.

With Iraq capping its production, Venezuela imploding, and other producers such as Iran, Libya, and Nigeria sending very troubling signals to the world, America must develop an accountable, responsible, relevant, and workable energy policy that will replace the oil we now import with alternative fuels and renewable fuels produced here in the United States.

Despite the regional differences that sometimes arise, this renewable fuel standard is good for all America. That has been highlighted by the fact that this standard has broad bipartisan support in the Congress. It has been endorsed by a majority of Governors, Democrat and Republican; the Bush administration; agricultural and environmental groups; and the oil and gas industry.

Consider that this standard would replace 66 billion gallons—1.6 billion barrels—of foreign crude oil by 2012. It would reduce the U.S. trade deficit by as much as $34 billion.

The renewable fuel standard in the energy bill we debate today would also bring a needed boost to our economy. This single provision would create 214,000 jobs nationwide—not in the Midwest but nationwide. It would create $5.3 billion in new investment nationwide. It would increase household income by $52 billion nationwide. It would increase net farm income by $6.6 billion a year, reducing the amount spent on the farm price support program that we are now debating in a conference committee, trying to resolve the differences between the House and Senate agriculture bills. Unfortunately, since this landmark agreement was announced, the opponents of renewable fuels have distorted facts and tried to undermine our bipartisan compromise.

My colleagues from California and New York stated this morning that the renewable fuel standard would result in substantially higher prices at the gas pump. However, they fail to mention that the report by the Energy Information Administration at the Department of Energy stated that over 90 percent of any increased costs would come from the phaseout of MTBE.

They also failed to note that the recent reports by the Energy Information Administration and the GAO did not take into account the important fact that 13 States have already banned the use of MTBE. The fact is, any increased cost at the pump would be very minimal at most—perhaps a half cent a gallon—if there is an increased cost.

This standard does not require a single gallon of renewable fuel be used in any particular State or region. The additional flexibility provided by the credit trading provisions will result in much lower cost to refiners, and thus, to consumers. Renewable fuels will be used where they are most cost effective.

Others claim since renewable fuels are largely produced in the Midwest, this standard will require substantial investments in increased transportation costs. Again, not true. Ethanol has already transported cost effectively from coast to coast via barge and railcar. An analysis completed in January by the Department of Energy concluded that no major infrastructure barriers exist to expanding the U.S. ethanol industry to 5.1 billion gallons per year, which is comparable to the renewable fuel standard in the energy bill.

I also would like to point out that it is 7,666 miles direct from Baghdad to Los Angeles. It is 1,150 miles from Hastings, NE—home of two ethanol plants—to Los Angeles. If we can transport oil that we pay Saddam Hussein for from Iraq to the United States, we can surely transport ethanol across the United States cost effectively and certainly in the best security interests of our country.

Some have claimed there are not adequate supplies of renewable fuel to meet the demand created by this standard. That is not true. One look at the ethanol industry shows that it has been growing substantially in recent years. It has been growing in anticipation of the phaseout of MTBE—particularly in California.

According to the Renewable Fuels Association, 16 new ethanol plants—14 of them farmer-owned cooperatives, not big companies, which I heard this morning as well, not big companies, but individuals, small farmers banding together, small businesspeople banding together to build cooperatives—several of these expansions have been completed and new ones are being built. Thirteen additional plants are now currently under construction.

A survey conducted by the California Energy Commission concluded that the ethanol industry will have the capacity to produce 3.5 billion gallons a year by the end of 2004, and that capacity could double by the end of 2005. With the standard beginning in 2004 at 2.3 billion gallons, that means there will be an adequate amount of renewable fuel to provide the additional volume needed.

Even with those assurances, we have included in this amendment additional safeguards. If the standard is likely to result in significant adverse consumer impacts, then the EPA Administrator

has the authority to reduce the volumes. Also, upon the petition of a State—any State—or by EPA's own determination, the EPA may waive the standard, in whole or in part, if it determines the standard would severely harm the economy or the environment of a State, a region, or the country.

Even more ludicrous is this claim by some who say the phaseout of MTBE will result in a shortage of fuel supplies. That is not true. Remember this agreement calls for a 4-year phaseout of MTBE.

The large expansion of the renewable fuel industry will easily cover the loss of MTBE, given this 4-year notice. As an example, in California, where polls show that more than 76 percent of the people of California support a ban on MTBE, the fuel industry is ready to make the transition from MTBE to renewable fuel. Why in the world do we think the oil companies agreed to this standard if they thought it could not be met?

All six California refiners are ready to use ethanol now, today. Both the ethanol industry and the California refining and transportation system have spent billions of dollars preparing to use ethanol.

I also keep hearing references to ethanol as an untested fuel. Ethanol has been used across this country successfully for more than 20 years. It is hardly untested. But I also note that the California Environmental Protection Agency completed a comprehensive analysis of ethanol's environmental and health impacts, giving it a clean bill of health, before approving ethanol for use as a replacement to MTBE.

Ethanol has helped the Chicago area become the only ozone nonattainment area in the country to come into compliance with the national ozone standard. Ethanol has been tested, and it has passed. And one of the reasons that Chicago has found itself in that unique position is because of its use of ethanol.

President Bush has proclaimed the promise of renewable fuels by saying recently:

> Renewable fuels are gentle on the environment, and they are made in America so they cannot be threatened by any foreign power.

As former President Clinton said during his administration:

> Ethanol production increases farm income, decreases deficiency payments, creates jobs in America, and reduces American reliance on foreign oil.

Both Presidents Clinton and Bush are absolutely right. This renewable fuel standard is good for all of America.

I, again, ask my colleagues to support the renewable fuels agreement in the Senate energy bill that we debate today. I do oppose any amendments that would undermine this carefully crafted agreement.

In conclusion, before I yield the floor, I wish to respond to a comment I heard this morning from one of my colleagues from New York. I believe he mentioned something to the effect that an ethanol bill in Nebraska failed. I am not sure what his point was. But, for the record, and for the edification of all who heard that, and especially my colleague, last year the Nebraska Legislature tried to mandate that every gas station—every gas pump—in the State sell an ethanol blend. Now, that is a bit different—completely different—if that was the parallel attempted to be drawn from this standard, this bipartisan standard that we have agreed to that is currently in the present energy bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Iowa.

Mr. GRASSLEY. Madam President, I thank the Senator from Nebraska for his leadership in opposition to this amendment, and more importantly for his leadership over the last several months in bringing together unity on this issue that is both bipartisan as well as across industry and economic sectors.

Madam President, there was a time when the States of New York and California were represented by Senators who supported requiring the use of ethanol and other domestic alternative fuels.

In fact, there was a time, less than 3 years ago, when two of the current California Senators and the senior Senator from New York, voted in favor of replacing MTBE with ethanol.

What has changed to cause these Senators to reverse themselves? I frankly don't know.

But there is one thing that has changed since the time New York and California were represented by Senators who supported replacing foreign fuel with domestic alternative and renewable fuels.

Today, more than ever, our national security is at risk because of our dependence upon foreign energy.

Today, more than ever, the Middle East oil and MTBE producers, have us literally, over the barrel.

More than ever. That is the biggest change since the time California and New York Senators supported replacing Middle East oil and MTBE with home grown renewable and alternative fuels.

Yet, today, they come to the floor of the Senate, to offer an amendment which will help assure that Middle East oil and MTBE producers maintain and increase their grip over the United States.

Today, 75 percent of the MTBE California uses, is produced by foreigners.

Saudi Arabia is the largest supplier of California MTBE.

In March of 1999, California's Governor, Gray Davis, issued an executive order, stating that by the end of 2002, all MTBE would be banned from California.

In August of 1999, Senator BOXER of California introduced a Senate resolution, calling for MTBE to be replaced by renewable ethanol. With the help of Senator FEINSTEIN and Senator SCHUMER, that resolution was adopted by the Senate. That resolution underscored that renewable ethanol should replace MTBE. Why? It specifically stated that ethanol should replace MTBE to reduce our dependence upon foreign energy. It also stated that renewable ethanol should replace MTBE because MTBE was polluting drinking water.

Patriotic American farmers and ethanol producers, in direct response to these two initiatives by California's elected officials, invested $1.4 billion of their hard earned money to increase ethanol production by 1 billion gallons a year.

By the end of this year, when MTBE was supposed to be banned in California, our Nation's farmers and ethanol producers will be able to produce 400 to 500 million gallons more than is necessary to replace all of California's MTBE.

The California Energy Commission conducted a survey and concluded that by the end of 2004, U.S. ethanol production capacity will reach 3.5 billion gallons a year.

The renewable fuels standard, which these Senators want to gut, requires only 2.3 billion gallons of ethanol to be used starting in 2004. So even by the California Energy Commission's admission, the United States will be producing 1.2 billion gallons above and beyond what is required under the renewable fuels standard.

We are awash in ethanol produced in America's Midwest, yet 3 weeks ago, the Governor of California announced that MTBE can be used for another whole year. It doesn't make sense. Some elected officials would rather force their consumers to use MTBE from the Middle East, instead of ethanol from America's Middle West. They can't seriously be worried about motor fuel prices. How can increasing and diversifying your sources of energy, increase the price of your product?

Today, California has only seven refiners, and its two largest sources for MTBE are foreign. In sharp contrast, there are 61 ethanol plants in 19 States in the United States—two of which are in California.

The California Energy Commission has determined that fuel without oxygenates, such as MTBE or ethanol, will actually be more expensive.

In a recent report, the commission explained and I quote—''non-oxygenated reformulated alternatives are not necessarily easier to produce (than ethanol RFG), would involve significant capacity loss, and would require even more complex logistics.''

A recent poll of Californian opinion, conducted by the California Renewable Fuels Partnership, found that 76 percent of likely voters support banning MTBE because we can't afford the pollution caused by MTBE. Only 13 percent of those polled thought that it was a bad idea to ban MTBE because of potential higher gasoline prices.

The concerns expressed by opponents of the renewable fuels standard don't stand up to the facts.

So it boils down to this: If you want to take a positive step toward helping our Nation become less dependent upon foreign energy and the Middle East and to encourage the development of jobs and family income here in the United States, then join me in defeating this attempt to gut the renewable fuels standard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BOND. Madam President, I rise today to address the amendment introduced by my colleagues from New York and California to do away with the renewable fuel standard. I think it is important that we correct some of the misunderstandings, misapprehensions, and misstatements of fact that have gone on in this debate.

First, what does the bill do and what does it not do? The fact is that S. 517 does not require that a single gallon of renewable fuels be used in any particular State or region. The additional flexibility provided by the RFS credit trading system provisions of S. 517 will result in a much lower cost to refiners and thus to consumers. The credit trading system will ensure that ethanol is used where it is most effective.

Now, according to one of the leaders in the petroleum industry, ChevronTexas:

> The free market will not allow a California price differential of 20–30 cents a gallon to be sustained. The market will always find a way to take advantage of a much smaller differential.

Furthermore, a nationwide Federal MTBE ban provides certainty for investments and eliminates the greater use of boutique fuels, thereby lowering gasoline prices. The continuation of current policy whereby States may ban MTBE without any regard to regional coordination is more costly than a uniform Federal ban.

Increasing the use of renewable fuels, such as ethanol and biodiesel, diversifies our energy infrastructure, making it less vulnerable to acts of terrorism and increases the number of available fuel options, increasing competition, and reducing consumer costs of gasoline.

A review of the publicly available price information demonstrates that ethanol has been consistently less expensive per gallon in net cost to refiners than MTBE for the last 3 years. In fact, the March 4 issue of Octane Week quotes MTBE at 89 cents per gallon and ethanol at just 60 cents per gallon. Instead of higher prices, ethanol would lower pump prices. While this is undeniably true in conventional gasoline, it is also true in RFG areas. Refiners do incur a small cost per gallon to produce the RFG ethanol blendstocks, but the lower ethanol price more than makes up for the difference. Thus, replacing MTBE with ethanol should lead to reduced, not increased, consumer gasoline prices.

In other words, it is not accurate to say that the price in Missouri will rise 5.9 cents per gallon or 4 cents per gallon in Wyoming.

My good friend and colleague from New York tells me that in my home State of Missouri, gas prices as a result of the RFS will increase by 5.9 cents per gallon. He went on to tell us all that the increase is based on the unavailability of ethanol, the inability of us to get ethanol in Missouri.

I want to assure the senior Senator from New York that we produce a lot of corn in Missouri, and our friends seem to be ignoring all of the residual economic benefits of ethanol use.

For example, ethanol production increases personal and business income and results in a net savings to the Federal budget of $3.6 billion annually.

Ethanol also adds over $450 million to State tax receipts. Ethanol production reduces the taxpayer burden for unemployment benefits and farm deficiency payments.

When you raise the price of corn by increasing the demand, it cuts down on the amount of payments that are made under existing farm programs to people who raise corn.

Ethanol production reduces the unfavorable U.S. trade balance in energy by $2 billion annually.

Ethanol production increases net farm income by $4.5 billion, adding 30 cents to the value of every bushel of corn.

Ethanol reduces the consumer cost of gasoline by extending supplies, providing an alternative to more costly imported oil, and leverage for independent gasoline marketers to compete against the larger, more powerful, integrated oil companies.

A recent study found that doubling ethanol production would create nearly 50,000 new jobs, $1.9 billion in economic development, and increase household incomes by $2.5 billion.

Some may say: Isn't the ethanol program just corporate welfare? The simple answer is no. The ethanol tax credit is provided to gasoline marketers and oil companies, not ethanol producers, as an incentive to blend their gasoline with clean, domestic, renewable ethanol.

It is a cost-effective program that actually returns more revenue to the U.S. Treasury than it costs due to the increased wages, taxes, reduced unemployment benefits and, most importantly, reduced farm deficiency payments, while at the same time holding down the price of gasoline and helping the American farmer.

In summary, I encourage those who support the amendment against the renewable fuels standard to come out to the heartland where the occupant of the chair and I live to see Nebraska, to see Missouri, and see what the industry is all about. They can learn the benefits of ethanol, soy diesel, biodiesel, the home-grown renewable fuels to the environment and to the communities and our economy, particularly our rural economy.

Come down to my State and see what the Missouri Corn Growers Association has done to provide value-added opportunities for Missouri farmers. The Missouri Corn Growers Association and the Missouri Corn Merchandising Council provided support for two groups of Missouri farmers seeking to add value to their corn production by processing corn into ethanol. In 1994, Golden Triangle Energy of Craig, MO, and Northeast Missouri Grain Processors of Macon, MO, organized as new generation cooperatives.

The latter, known as NEMOGP, broke ground for their plant on April 17, 1999. I was pleased, proud, and excited to be there. It is now producing 22 million gallons of ethanol per year, and they are in the process of doubling the capacity to make over 40 million gallons.

Similarly, the prospects at Craig are also very promising, and other groups of farmers are looking to build ethanol plants and to build soy diesel plants. We are growing it, we are processing it, we are producing it, and we are ready to sell it. It is going to be good for our trade balance, for our farmers, for our economy, and for the environment.

I believe when one goes to a station that offers the E85 plan—there are 100 of them nationwide: 1 in Kansas City, 2 in St. Louis, 2 in Jefferson City, MO, and they are expected to have more around the country. One can find out about the closest station by checking the Web site of the National Ethanol Vehicle Coalition. One will find one can get good cleaner burning ethanol blended gasoline, and it is available.

Before we decide we are going to back off from this very wise, multiple-benefit usage of renewable fuels, come see in the heartland what a positive deal this is and come see why we in Missouri—I assume my neighbors in States around us—are proud to be using E85 ethanol and B20 soy diesel.

I yield the floor. I urge my colleagues not to support the amendment. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. CARNAHAN. Mr. President, I rise today to add my voice to those who support the ethanol provisions in this legislation. Ethanol is one of our most promising renewable resources. By blending ethanol with gasoline, we can reduce oil imports and reduce the environmental damage of vehicle emissions.

As America struggles to meet its growing energy needs, ethanol provides extraordinary opportunities. The product is made from corn. It can be produced in abundance, unlike other fossil fuels.

The more ethanol we use to fuel our cars and trucks, the less oil we need to import from hostile countries such as Iraq. Rather than looking to the Mideast for energy, we would be far better served to look to the Midwest.

This legislation lays out a plan for increasing the amount of ethanol Americans use to meet their transportation fuel needs.

I find it absurd that some claim these provisions are included in this bill simply for the benefit of ethanol producers. Ethanol is an environmentally safe and economically efficient way to reduce our dependence on foreign sources of oil.

In short, additional use of ethanol to meet our needs for transportation fuel will be good for our environment, good for our economy, and good for our national security interests. Not only do I support the renewable fuels standard we are debating today, I look forward to supporting an amendment that will be offered by the Finance Committee. That amendment incorporates several aspects of legislation that I introduced last year.

Specifically, it will expand eligibility for the tax credit available to small producers of ethanol. These changes will ensure that farmer-owned cooperatives are eligible to receive a tax credit. It will also encourage small producers to expand the size of their operation to meet increased demand. These changes will help us meet the demand for ethanol envisioned by the bill.

Ethanol is truly a win-win solution to our energy needs. The increased use required by this legislation represents a positive step, one for our farmers, for our environment, and for our energy independence. I support the compromise in this bill that will lead to increased uses of ethanol, and I urge my colleagues to support it as well. The renewable fuels standard included in this bill is an important part of a balanced energy policy that we need.

TRANSPORT OF SPENT NUCLEAR FUEL

Mr. President, on a separate topic, I would like to discuss an amendment I will be offering next week. Two years ago, the Department of Energy proposed to send a shipment of foreign spent nuclear fuel through Missouri. The route selected went through the heavily populated areas of St. Louis, Columbia, and Kansas City, along a major highway, Interstate 70, that was undergoing major repairs. Governor Carnahan intervened, and an alternate, more rural route was selected. The shipment was completed without incident.

Then last year, Missouri was asked to accept another shipment through the State. Governor Holden raised the same objections that had been discussed the year earlier. And after he did, a curious thing happened: The Department of Energy held up shipments from a reactor inside Missouri. This reactor produced isotopes used in cancer treatment. If these shipments did not go forward as scheduled, the reactor would have to be closed, halting production of needed medicines for bone cancer patients.

I insisted these two matters—the shipments from the reactor in Missouri and the transport of spent nuclear fuel through the State—be delinked, and they were.

Eventually, Governor Holden worked out a safety protocol with the Department and the foreign spent fuel shipment went forward. Although the shipment was completed, we encountered some problems with the timing of its passage through Missouri.

Our experience in Missouri over the past 2 years suggests the Department of Energy's route selection process deserves careful study. How we deal with spent nuclear fuel in this country may be a matter of great controversy, but regardless of one's position on this topic, everyone ought to be able to agree that when spent fuel has to be transported we want it to be done in the safest possible way.

One of the key components in ensuring safe transport of spent fuel is the process for selecting the safest route. My amendment would commission the National Academy of Sciences study of the Department of Energy's route selection process for shipments of spent nuclear fuel. The National Academy would examine the way DOE picks potential routes, the factors it uses to evaluate the safety of these routes, including traffic and accident data, the quality of roads and the proximity to population centers and venues where people congregate, and the process it uses to compare the risks associated with each route.

There are a number of reasons why it makes sense to commission this study now. First, the responsibility for this program is divided among multiple agencies. The Department of Transportation sets the regulations for transportation of spent nuclear fuel. The Nuclear Regulatory Commission has oversight responsibility and the Department of Energy makes the final decision in consultation with these organizations.

A study will help ensure these agencies are working together and are properly performing their function.

Secondly, these agencies are using regulations drafted in the 1990s. The devastating events of September 11 have taught us we have to rethink all of our security procedures, and while I understand the Nuclear Regulatory Commission has issued some additional guidelines since that date, I believe a complete review is in order and an NSA study will help us ensure that our agencies are focused on the appropriate safety factors.

Finally, Congress will be considering a highway bill next year. If there are safety problems on routes that are likely to be used for cross-country shipments of spent nuclear fuel, we ought to address them in the highway bill. We need to start the study now, however, if we want to have the information in time for a debate on the highway bill.

This amendment is not intended to take sides on the controversial issue that will soon be before this Senate. Its purpose is to get a neutral, nonpartisan review of an important public safety function that has received very little scrutiny.

I yield the floor.

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

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

AMENDMENT NO. 3094, AS MODIFIED

Mr. REID. Mr. President, I ask the pending business be an amendment offered yesterday by Senator DURBIN.

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

Mr. REID. I send a modification to the desk on behalf of Senator DURBIN.

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

The amendment will be so modified.

The amendment (No. 3094), as modified, is as follows:

(Purpose: To establish a Consumer Energy Commission to assess and provide recommendations regarding energy price spikes from the perspective of consumers)

At the appropriate place in title XVII, insert:

SEC. 1704. CONSUMER ENERGY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the ''Consumer Energy Commission''.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be comprised of 11 members who shall be appointed within 30 days from the date of enactment of this section and who shall serve for the life of the commission.

(2) APPOINTMENTS IN THE SENATE AND THE HOUSE.—The majority leader and the minority leader of the Senate and the Speaker and minority leader of the House of Representatives shall each appoint 2 members—

(A) 1 of whom shall represent consumer groups focusing on energy issues; and

(B) 1 of whom shall represent the energy industry.

(3) APPOINTMENTS BY THE PRESIDENT.—The President shall appoint 3 members—

(A) 1 of whom shall represent consumer groups focusing on energy issues;

(B) 1 of whom shall represent the energy industry; and

(C) 1 of whom shall represent the Department of Energy.

(c) INITIAL MEETING.—Not later than 60 days after the date of enactment of the Act, the Commission shall hold the first meeting of the Commission regardless of the number of members that have been appointed and shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(d) ADMINISTRATIVE EXPENSES.—Members of the Commission shall serve without compensation, except for a per diem and travel

expenses which shall be reimbursed, and the Department of Energy shall pay expenses as necessary to carry out this section, with the expenses not to exceed $400,000.

(e) STUDY.—The Commission shall conduct a nationwide study of significant price spikes since 1990 in major United States consumer energy products, including electricity, gasoline, home heating oil, natural gas and propane with a focus on their causes including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, regulatory failures, demand growth, reliance on imported supplies, insufficient availability of alternative energy sources, abuse of market power, market concentration and any other relevant factors.

(f) REPORT.—Not later than 180 days after the date of the first meeting of the Commissions, the Commission shall submit to Congress a report that contains the findings and conclusions of the Commission; and recommendations for legislation, administrative actions, and voluntary actions by industry and consumers to protect consumers and small businesses from future price spikes in consumer energy products.

(g) CONSULTATION.—The Commission shall consult with the Federal Trade Commission, the Federal Energy Regulatory Commission, the Department of Energy and other Federal and State agencies as appropriate.

(h) SUNSET.—The Commission shall terminate within 30 days after the submission of the report to Congress.

Mr. REID. I ask unanimous consent that the Senate vote on or in relation to this amendment at 3:45, with the time prior to that time equally divided, and there be no amendments in order prior to that time.

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

Mr. REID. 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. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. BINGAMAN. I yield the floor to the majority leader.

UNANIMOUS CONSENT AGREEMENT—H.R. 3525 AND ANWR

Mr. DASCHLE. Mr. President, I am waiting to propound a unanimous consent request having to do with border security. I will not do that, of course, until the Republican leader returns.

My preference, as I said before on several occasions, and Senator LOTT has said, is that we take up the ANWR amendment. We have even said we are prepared to offer it ourselves in order to move this process along. I am told the sponsors of the amendment still are not prepared to offer this amendment. So I have no choice, under these circumstances, as much as I would like very much to be on it right now, but to postpone consideration of the ANWR amendment and to make the most of what time we have available to us.

I have consulted with the distinguished Republican leader. I know the administration believes, as we do, to move the border security legislation along is something in everyone's interest.

The House has passed a bill. It is my hope that we can pass the border security bill as well. The House has passed two different versions of border security, one involving the so-called 245(i) provisions, and one without those provisions included. What we are doing this afternoon would be to take up a bill that does not include 245(i), but I have indicated publicly, and indicated to Senator LOTT and to my colleagues, that it is my desire to bring up the 245(i) provisions.

I know there is opposition—I am told on both sides of the aisle. But we must address the issue. It is an important issue. It is one that should be resolved. It is one on which the Senate has acted on several other occasions. So there will come a time when we will do that.

But in order to at least pass those pieces of border security that we all agree on, I will ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 3525, the border security bill, and that the Senate proceed to its consideration on Friday, April 12, at 11:30, and that no call for the regular order serve to replace the bill; and that, upon resumption of the energy bill, S. 557, Senator MURKOWSKI be recognized to offer his ANWR amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, if Senator DASCHLE will yield, I did not object because I think, all things considered, this is a good way to proceed at this time.

I, too, would prefer we go ahead and begin consideration of the ANWR amendment with regard to oil exploration in that area of Alaska. But we have other amendments that are pending. Work has continued to be done on those issues this afternoon and perhaps, I assume, some in the morning, even while a process is worked out as to exactly how to proceed with the ANWR amendment.

One of the problems I understand—it is a legitimate one—is that the amendment Senator MURKOWSKI would like to offer has some provisions that need to have some scoring done. I think that is legitimate. They want to know what it might cost. I think Members are entitled to know that. I presume he could have offered the amendment and had the scoring done over the weekend, but I think both sides were a little bit hesitant to have it offered and just have it kind of hanging out there, not knowing what the final form would be—whether, if it would be modified, we would get into a fuss over second-degree amendments. So I think this is a good way to go. Hopefully, we will be ready to go back to this on Tuesday, deal with the ANWR provisions, deal with the tax provisions, and finish the amendments we have remaining. I still think it is absolutely essential for our country that we get an energy bill.

I understand there is a need to complete our work next week on that issue so we can move on to other issues. We are pressing Senator DASCHLE to take up other issues, including this border security and the 245(i) immigration issue and the trade legislation—other issues.

By doing it this way, we can dispose of a bill that is needed. Border security needs to be dealt with. It has bipartisan support. The administration supports it. We can do that by taking it up tomorrow, being on it Monday, and I hope we can be done with it sometime early on Tuesday, and then go back to ANWR.

I have checked this out with the sponsors of the border security bill and with Senator MURKOWSKI and it seems this is agreeable to all parties and this is the way we can get some work done while we work out the process on the other amendments.

I yield the floor.

Mr. DASCHLE. Mr. President, I thank my colleagues for their cooperation in the effort to move this legislation along. As I say, my choice would have been to have completed our work on ANWR already. We have now been on the bill about a month. We have been on it 20 legislative days, but over a month of calendar days.

There is no reason why we should continue to wait for an amendment that I thought might have been the first out of the box.

Having said that, I urge my colleagues to come down to the floor. We are about to have a vote on the Durbin amendment. There are other amendments pending on which we can have votes. And there are other amendments to be offered that we should have votes on as quickly as possible.

I ask my colleagues to offer amendments this afternoon. The floor is open for additional business. This does not preclude additional amendment consideration this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me underscore what the majority leader has said, and also the Republican leader, and indicate that I also believe we can complete action on this energy bill fairly quickly once we come back to it and once we have the ANWR-related amendment offered by Senator MURKOWSKI and the other proponents of that amendment.

I regret that we are not able to begin dealing with that today. But we are not. Therefore, I support the majority leader's decision to move to this other legislation beginning tomorrow.

AMENDMENT NO. 3094

Let me say a few words about the Durbin amendment. The Durbin amendment was offered yesterday. It would establish the Consumer Energy Commission. It provides for an 11-member Commission which would have the job of doing a 180-day study of a variety of issues related to the generation of electricity in our country and the potential failures of the system.

I think it is a good amendment. I think it is one which has the prospect of improving our understanding of this issue.

This board is to be concluded after 180 days and report back to the Congress within 30 days. At the end of the 180 days, the group goes out of existence 30 days later.

I don't think there should be any substantial objection to this. To my mind, it is a meritorious amendment. I said yesterday that I thought it should be approved. I certainly believe that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that in a moment we will vote on my amendment. I certainly thank the chairman, Senator BINGAMAN, for his kind words of support. A number of my colleagues are cosponsors of this amendment to create a Consumer Energy Commission: Senator SMITH, Senator SCHUMER, Senator JEFFORDS, and Senator STABENOW.

In this bill involving energy policy in America, there are many worthwhile issues to be considered. But I think there is one position that needs to be filled with this amendment. It is time for us to invite consumers from across America to be part of this conversation about America's energy future—the families who have to pay the heating bills, the hard-working people who have to pay for gasoline to get back and forth to work, the individuals and small businesses that may find because of price hikes they cannot keep their employees on the job, the farmers who are worried about aspects of energy price fluctuations and what that means to their lives.

This Commission is a short-term effort of limited duration and limited expense to try to invite that conversation so the consumers, small businesses, and family farmers will be part of our national strategy for energy security. We do not believe that the GAO, as good as it is, can really speak from that human and real perspective. They cannot provide the kind of study of which we are asking. The GAO and the IEA have provided plenty of studies and data on a variety of energy issues. However, they haven't brought the analysis, industry, and consumer groups together to consider particularly the problem of price spikes.

I have a chart that shows gasoline retail prices. You can see why a lot of people in the Midwest, for example, call me and call the President from time to time to ask: What is going on at the gasoline station? Today it is $1.30 a gallon and the next day it is $2 a gallon. Why would that happen? Has war broken out in the Middle East? No. It is just the Easter surprise that you have every year in the Midwest. Gasoline prices have gone out of control. For months at a time, families find they are spending extraordinary amounts for gasoline. Businesses cut back on their employees. Whether it is trucking companies, delivery services, we find a lot of sacrifices are being made.

I do not know that this Commission is going to come up with the direct answer to it, but what is wrong with inviting the consumers of America into this conversation? What is wrong with asking families and small businesses to join us in this effort?

That is why I hope we can bring all the stakeholders to the table. That is why I think we need to give consumers and small business a voice. I hope my colleagues in the Senate will join me in strong support of this amendment creating a Consumer Energy Commission.

I yield the floor.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM) is necessarily absent.

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 66 Leg.]

YEAS—69

Akaka	Domenici	Lincoln
Allard	Dorgan	McCain
Allen	Durbin	Mikulski
Baucus	Edwards	Miller
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Graham	Nelson (NE)
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Byrd	Harkin	Rockefeller
Cantwell	Hatch	Sarbanes
Carnahan	Hollings	Schumer
Carper	Hutchison	Sessions
Chafee	Inouye	Smith (OR)
Cleland	Jeffords	Snowe
Clinton	Johnson	Specter
Collins	Kennedy	Stabenow
Conrad	Kerry	Thompson
Corzine	Kohl	Torricelli
Daschle	Landrieu	Voinovich
Dayton	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden

NAYS—30

Bennett	Enzi	McConnell
Bond	Fitzgerald	Murkowski
Brownback	Frist	Nickles
Bunning	Hagel	Roberts
Burns	Helms	Santorum
Campbell	Hutchinson	Shelby
Cochran	Inhofe	Smith (NH)
Craig	Kyl	Stevens
Crapo	Lott	Thomas
Ensign	Lugar	Thurmond

NOT VOTING—1

Gramm

The amendment (No. 3094), as modified, was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3114

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to amendment No. 3114, offered by Senator FEINSTEIN, and that the time until 4:35 p.m.—for the next 20 minutes—be equally divided in the usual form, and at 4:35 the Senate vote on or in relation to the amendment, with no second-degree amendments in order prior to the vote.

Mrs. BOXER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, reserving the right to object, I believe there is objection on this side. I am happy to check on that and respond.

Mr. REID. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JOHNSON. Mr. President, I rise in opposition to the Feinstein amendment on the renewable fuels standard.

The Senate energy bill contains a landmark renewable fuels standard that is an essential part of a sound national energy policy. The bill provides for an orderly phase-down of MTBE use, removal of the oxygen content requirement for reformulated gasoline (RFG) and the establishment of a nationwide renewable fuels standard—RFS—that will be phased in over the next decade. The standard has strong bipartisan support and is the result of long and comprehensive negotiations between farm groups, the American Petroleum Institute, and coastal and Midwestern states. It is the first time that a substantive agreement has been reached on an issue that will reduce our dependency on foreign oil and greatly improve the nation's energy security. aa

Moreover, the renewable fuels standard in S. 517 provides a nationwide, cost-effective solution to address the concerns over MTBE use. Although individual states are banning or considering banning MTBE, the states are still left with meeting the federal oxygenate standard for reformulated gasoline. The provisions of S. 517 address both of these issues in a balanced manner and do so without mandating individual states to meet specific levels of renewable fuels production or use.

I have spoken in the past about the benefits of renewable fuels. These home-grown fuels will improve our energy security and provide a direct benefit for the agricultural economy of South Dakota and other rural states. The new standard is largely based on legislation that I introduced with Senator CHUCK HAGEL. The leadership of Senators DASCHLE and BINGAMAN resulted in the consensus legislation on this issue.

The consensus package would ensure future growth for ethanol and biodiesel through the creation of a new, renewable fuels content standard in all motor fuel produced and used in the U.S. Today, ethanol and biodiesel comprise less than one percent of all transportation fuel in the U.S—1.8 billion

gallons is currently produced in the US. The consensus package would require that 5 billions gallons of transportation fuel be comprised of renewable fuel by 2012 nearly a tripling of the current ethanol production.

I do not need to convince anyone in South Dakota and other rural states of the benefits of ethanol to the environment and the economies of rural communities. We have many plants in South Dakota and more are being planned. These farmer-owned ethanol plants in South Dakota, and in neighboring states, demonstrate the hard work and commitment being expended to serve a growing market for clean domestic fuels.

Today, 3 ethanol plants—Broins in Scotland and Heartland Grain Fuels in Aberdeen and Huron—produce nearly 30 million gallons per year. With the enactment of the renewable fuels standard, the production in South Dakota and other states could grow substantially, with at least 2000 farmers owning ethanol plants and producing 200 million gallons of ethanol per year or more.

I understand the concerns raised by the senators from California and New York. This is a major a major change in the makeup of our transportation fuel. The goal of the agreement that has been reached on this title is to phase in the renewable fuels standard in a manner that is fair to every region of the country. It also bans MTBE and eliminates the oxygenate standard, two changes that Californians have sought for years. The goal of this agreement is not to raise gas prices, but to diversify our energy infrastructure and increase the number of fuel options. This helps to increase our energy security, increase competition and reduce consumer costs of gasoline.

The new standard does not require that a single gallon of renewable fuel must be used in any particular state or region. Moreover, the language includes credit trading provisions that gives refiners flexibility to meet the standard's requirements. In no way is this intended to penalize California, New York or any other region in the country.

In addition, there are allegations of huge price increases at the pump should the standard be enacted. This concern is unfounded and the analysis that the figures are based upon is flawed. Two recent reports by the Energy Information Administration—EIA—and the General Accounting Office—GAO—have raised some concerns about higher gasoline costs as well supply implications of the renewable fuels standard. These reports failed to take into account several factors, resulting in conclusions that are incomplete.

The EIA report notes that 90 percent of the costs associated with the provisions of the bill are because of the ban on MTBE, not the inclusion of the renewable fuels standard. The report also states that the RFS without the MTBE ban would raise prices up to one cent a gallon for reformulated gasoline and up to .5 cents a gallon for all gasoline. However, the report failed to account for the provisions of the legislation that allow for credit banking and trading, which would lower any increase in prices.

The GAO report only evaluated a California ban on MTBE but assumed the continuation of the federal oxygenate standard. Because S. 517 eliminates the oxygen standard, the high costs in the GAO report are exaggerated. The American Petroleum Institute analysis of the effect of the RFS on gasoline costs, including the trading program and the elimination of the oxygenate standard, indicates that there are almost no additional costs.

The renewable fuels standard in S. 517 addresses the difficulties that states have encountered in meeting the makeup of federal gasoline standards, while promoting the use of home-grown fuels that will reduce the nation's dependency on foreign oil. Any attempts to reduce or eliminate the standard should be opposed so that we can move forward and improve the nation's energy security.

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

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

The question is on agreeing to the motion to table.

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

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

The question is on agreeing to the motion to table amendment No. 3114. The clerk will call the roll.

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the previous order be amended to allow 15 minutes for the parties to debate and, as indicated, the vote occur at 4:35 p.m; that the Senate resume consideration of amendment No. 3114, and the time before 4:35 p.m. be controlled equally and in the usual form; and that at 4:35 p.m. the Senate vote on or in relation to the amendment, with no second-degree amendment prior to that vote.

The PRESIDING OFFICER. Is there objection?

The Senator from New York.

Mr. SCHUMER. Mr. President, I thought we were going to be given 20 minutes, 10 on each side.

Mr. REID. That will be fine.

Mr. SCHUMER. I withdraw my objection.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REID. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. CRAIG. I object.

AMENDMENT NO. 3114

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 3114. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Texas (Mr. GRAMM) and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

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

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 67 Leg.]

YEAS—61

Akaka	Durbin	Lincoln
Baucus	Edwards	Lott
Bayh	Ensign	Lugar
Bingaman	Feingold	McConnell
Bond	Fitzgerald	Mikulski
Breaux	Frist	Murkowski
Brownback	Graham	Nelson (FL)
Bunning	Grassley	Nelson (NE)
Burns	Hagel	Reid
Byrd	Harkin	Roberts
Carnahan	Hatch	Rockefeller
Carper	Helms	Sarbanes
Chafee	Hollings	Smith (NH)
Cleland	Hutchinson	Stabenow
Cochran	Inhofe	Stevens
Conrad	Jeffords	Thomas
Craig	Johnson	Thurmond
Crapo	Kerry	Voinovich
Daschle	Landrieu	Wellstone
Dayton	Levin	
Dorgan	Lieberman	

NAYS—36

Allard	Domenici	Reed
Allen	Enzi	Santorum
Bennett	Feinstein	Schumer
Biden	Hutchison	Sessions
Boxer	Inouye	Shelby
Campbell	Kennedy	Smith (OR)
Cantwell	Kohl	Snowe
Clinton	Kyl	Specter
Collins	Leahy	Thompson
Corzine	McCain	Torricelli
DeWine	Murray	Warner
Dodd	Nickles	Wyden

NOT VOTING—3

Gramm	Gregg	Miller

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, the majority leader has authorized me to announce there will be no more rollcall votes tonight. As per the agreement we made earlier this afternoon, there will be no rollcall votes tomorrow. There will be rollcall votes on Monday, for the information of all Senators.

This has been a difficult week, but we have made significant progress. We

have completed election reform. We have gotten permission to move to the port security bill which we will start debating tomorrow. Senator BINGAMAN and Senator MURKOWSKI have slogged their way through this amendment process. I think we have made significant progress on the list of amendments we have. Although we have not gotten unanimous consent to agree to a finite list, each side has worked on amendments. We had a period when there were about 250 amendments. We are down now to probably 40 or so. Not all of those could be referred to as serious amendments. There is still a long way to go.

The amendment agreement entered into by the two leaders earlier today indicates we are going to finish the border security legislation, hopefully, by Tuesday. At that time, the Senator from Alaska will offer his amendment on ANWR. We are not going to take up the energy bill until the ANWR amendment is ready. When that is done, we will take it up.

It is my understanding in speaking with the Senator from Alaska, and several others, and also the Republican leader that they are very close to having an amendment which they feel good about and will offer. I hope that can be finalized by Tuesday.

AMENDMENTS NOS. 3119, 3120, 3121, 3122, AND 3123 EN BLOC

Mr. BINGAMAN. Mr. President, I send a series of amendments to the desk and ask for their immediate consideration en bloc.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes amendments numbered 3119, 3120, 3121, 3122, and 3123 en bloc.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3119

(Purpose: To ensure the safety of the nation's mines and mine workers)

On page 564, after line 2, insert the following:

"SEC. 1506. FEDERAL MINE INSPECTORS.

''In light of projected retirements of Federal mine inspectors and the need for additional personnel, the Secretary of Labor shall hire, train, and deploy such additional skilled mine inspectors (particularly inspectors with practical experience as a practical mining engineer) as necessary to ensure the availability of skilled and experienced individuals and to maintain the number of Federal mine inspectors at or above the levels authorized by law or established by regulation.''.

AMENDMENT NO. 3120

(Purpose: To require the Secretary of Energy to conduct a study on the effect of natural gas pipelines and other energy transmission infrastructure across the Great Lakes on the Great Lakes ecosystem)

At the end of title XVII, insert the following:

SEC. 17____. STUDY OF NATURAL GAS AND OTHER ENERGY TRANSMISSION INFRASTRUCTURE ACROSS THE GREAT LAKES.

(a) DEFINITIONS.—In this section:

(1) GREAT LAKE.—The term ''Great Lake'' means Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, Lake Ontario (including the Saint Lawrence River from Lake Ontario to the 45th parallel of latitude), and Lake Superior.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with representatives of appropriate Federal and State agencies, shall—

(A) conduct a study of—

(i) the location and extent of anticipated growth of natural gas and other energy transmission infrastructure proposed to be constructed across the Great Lakes; and

(ii) the environmental impacts of any natural gas or other energy transmission infrastructure proposed to be constructed across the Great Lakes; and

(B) make recommendations for minimizing the environmental impact of pipelines and other energy transmission infrastructure on the Great Lakes ecosystem.

(2) ADVISORY COMMITTEE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to establish an advisory committee to ensure that the study is complete, objective, and of good quality.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the findings and recommendations resulting from the study under subsection (b).

AMENDMENT NO. 3121

(Purpose: To promote the demonstration of certain high temperature superconducting technologies)

On page 408, line 8, strike ''technologies.'' and insert ''technologies; and

''(3) the use of high temperature superconducting technology in projects to demonstrate the development of superconductors that enhance the reliability, operational flexibility, or power-carrying capability of electric transmission systems or increase the electrical or operational efficiency of electric energy generation, transmission, distribution and storage systems.''

AMENDMENT NO. 3122

(Purpose: To authorize a study of the way in which energy efficiency standards are determined)

On page 301, after line 22, insert the following:

"SEC. 930. STUDY OF ENERGY EFFICIENCY STANDARDS.

''The Secretary of Energy shall contract with the National Academy of Sciences for a study, to be completed within one year of enactment of this Act, to examine whether the goals of energy efficiency standards are best served by measurement of energy consumed, and efficiency improvements, at the actual site of energy consumption, or through the full fuel cycle, beginning at the source of energy production. The Secretary shall submit the report to the Congress.''

AMENDMENT NO. 3123

(Purpose: To encourage energy conservation through bicycling)

On page 213, between lines 10 and 11, insert the following:

SEC. 8 . CONSERVE BY BICYCLING PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Conserve By Bicycling pilot program that shall provide for up to 10 geographically dispersed projects to encourage the use of bicycles in place of motor vehicles. Such projects shall use education and marketing to convert motor vehicle trips to bike trips, document project results and energy savings, and facilitate partnerships among entities in the fields of transportation, law enforcement, education, public health, environment, or energy. At least 20 percent of the cost of each project shall be provided from State or local sources. Not later than 2 years after implementation of the projects, the Secretary of Transportation shall submit a report to Congress on the results of the pilot program.

(b) NATIONAL ACADEMY STUDY.—The Secretary of Transportation shall contract with the National Academy of Sciences to conduct a study on the feasibility and benefits of converting motor vehicle trips to bicycle trips and to issue a report, not later than two years after enactment of this Act, on the findings of such study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation $5,500,000, to remain available until expended, to carry out the pilot program and study pursuant to this section.

Mr. LEVIN. Mr. President, the recent debate shows the challenges our country faces in balancing environmental protection with our Nation's energy security. Containing nearly 95 percent of our countries surface fresh water, the Great Lakes are a natural treasure which we must work to protect. Today I offered an amendment which would request that the Secretary of Energy, in consultation with representatives of the appropriate Federal and State agencies and the National Academy of Science, conduct a study of the transmission of natural gas and electricity across the Great Lakes and report back to Congress within 365 days regarding the impacts of such lines and recommendations for minimizing their environmental impact.

As the cleanest fossil fuel, natural gas will play an increasingly important role in addressing our nations energy demands. Even today, natural gas consumption is forecasted to increase at over 2 percent per year. However, the infrastructure for transporting natural gas is already strained.

To address this problem, a number of companies have applied for permits to place pipelines and electric transmission lines across the Great Lakes. One such project is a pipeline which would transport up to 700 million cubic feet of natural gas per day to New York and the northeast. The pipeline would cross the bottom of Lake Erie for 93.8 miles, from Port Stanley, Ontario to Ripley, NY. This pipeline will be constructed using a new technique called jet trenching, which will suspend two and a half million cubic yards of sediment in Lake Erie. Much of this sediment may be contaminated and the effects of its redistribution are at best, unknown. Further, no one has analyzed the capacity of the Lakes to handle suspended sediments.

It is obvious that energy transmission infrastructure is important, but it is critical that we understand

the impacts of placing this infrastructure across the lake beds. It is also imperative that we develop a long term strategy for their placement. This amendment would require the Department of Energy to examine these questions and make recommendations on how to assure that these incredible bodies of water are protected for future generations.

This amendment is simple, but its role in addressing the challenges we now face is essential. I want to thank my colleagues in supporting this amendment.

ENERGY TRANSMISSION LINES

Mr. LEVIN. Mr. President, as the Senate considers this nation's future energy policy, we would like to discuss the intent of the amendment that the Senate will adopt regarding the planning and coordination of energy transmission lines in the Great Lakes.

Mr. DEWINE. Mr. President, I would like to thank my colleagues, Mr. BINGAMAN and Mr. MURKOWSKI, for working with us to authorize the Department of Energy, in consultation with Federal and State agencies, to study the anticipated growth of energy transmission infrastructure in the Great Lakes. The Great Lakes ecosystem is complex, so it's important to understand how to minimize the possible impacts that the various energy transmission infrastructure proposals may have on the Great Lakes ecosystem.

Mr. BINGAMAN. Mr. President, I appreciate my colleagues' concerns and agree that a comprehensive study that considers the environmental impacts of energy transmission infrastructure in the Great Lakes will be useful, as will any recommendations on ways to minimize any possible impacts.

Mr. LEVIN. Mr. President, it is our intent that this amendment require the Secretary of Energy to complete a study that will include a review of the expected energy demand—including the geographic distribution of the demand—in the Great Lakes States and northeastern States for a 10-year period; a review of the proposed locations for new natural gas-fired electric generation facilities; a review of the locations and capacity of interstate and intrastate natural gas transmission pipelines in all Great Lakes states and other energy transmission infrastructure across the Great Lakes in existence or proposed as of the date of the completion of the study; a review of the potential environmental effects that could result from the construction of pipelines and other energy transmission infrastructure across the Great Lakes.

When reviewing the potential environmental effects of construction, the Secretary should consider contaminated sediment deposits, Areas of Concern as designated by the Great Lakes Water Quality Agreement, highly sensitive fisheries, and highly sensitive nearshore and coastal habitat. The Secretary should also include an analysis of potential environmental benefits of new natural gas-fired electric generation facilities and reduced consumption measure that could be undertaken; an analysis of the capacity of the Great Lakes to handle suspended sediment; takes into consideration the impacts of accommodating the energy transmission infrastructure on land use along the coasts of the Great Lakes; and takes into consideration the emergency response time for accidents in the energy transmission infrastructure. Not later than 180 days after enactment of the underlying bill, the Secretary should report his findings and recommendations for the coordination of the development of natural gas and other energy transmission infrastructure that would minimize the aggregate negative environmental effects on the Great Lakes ecosystem.

Mr. BINGAMAN. Mr. President, I want to thank the distinguished Senators from Michigan and Ohio and our colleagues from the Great Lakes states for clarifying the intent of their amendment.

Mr. DURBIN. Mr. President, today the Senate will pass by voice vote an amendment to the energy bill that would establish a Conserve by Bike Pilot Program in the Department of Transportation, as well as fund a research initiative on the potential energy savings of replacing car trips with bike trips. This program would fund up to 10 projects throughout the country, using education and marketing to convert car trips to bike trips. The research would document the energy conservation, air quality improvement, and public health benefits caused by increased bike trips. The goal is to conserve energy resources used in the transportation sector by turning some of our gas guzzling miles into bike rides.

There is no single solution for our nation's energy challenges. Every possible approach must be considered in order to solve our energy problems.

It would be unrealistic to expect most Americans to make a substantial increase in the number of trips they make by bicycle. But even a small percentage of bike trips replacing our shorter car trips could make a significant difference in oil and gas consumption.

Right now, less than one trip in one hundred—.88 percent—is by bicycle. If we can raise our level of cycling just a tiny bit: to one and a half trips per hundred, which is less than a bike trip every two weeks for the average person, we would save over 462 million gallons of gasoline in a year, worth over $721 million. That's one day a year we won't need to import any foreign oil.

In addition to conserving our energy, an increased number of bike trips can improve our air quality. Significant declines in vehicle emissions would follow from increased bike trips. A study in New York City showed that bicycling spares the city almost 6,000 tons of carbon monoxide each year. A reduced number of trips made by cars would increase this number and help to clean our nation's air.

The Federal Highway Administration estimates that 60 percent of all automobile trips are under five miles in length. And these short trips typically emit more pollutants because cars during these trips run on cold engines. Engines running cold produce five times the carbon monoxide and twice the hydrocarbon emissions per mile as engines running hot. These cold engine trips could most easily be replaced by bike rides.

Americans would experience additional advantages from increased bike usage. The decreased number of cars on our nation's highways would help reduce traffic and parking congestion. Congestion costs have reached as much as $100 billion annually according to the Federal Highway Administration. A reduction in cars on the roads will decrease the high costs associated with congestion.

The ''Conserve by Bike'' amendment will also improve public health. The exercise from more frequent bike trips would help improve our physical well-being. Biking has proven to be effective in the prevention of heart disease, our nation's number one killer. And, biking also has been shown to help individuals who are trying to give up health-impairing behaviors such as smoking and alcohol abuse.

The ''Conserve by Bike'' amendment will help America take a simple but meaningful step in energy conservation. It will help fund up to 10 pilot projects that will use education and marketing to facilitate the conversion of car trips to bike trips, and document the energy savings from these trips. These projects will facilitate partnerships among those in the transportation, energy, environment, public health, education, and law enforcement sectors. There is a requirement for a local match in funding, so that these projects can continue after the Federal resources are exhausted. In addition, this amendment will fund a research initiative with the National Academy of Sciences to examine the feasibility and benefits of converting bike trips to car trips.

It is imperative that Americans are fully informed of the entire range of benefits from biking in terms of energy conservation, air quality, and public health. We also need to provide the best resources in bike safety and convenience.

We have been spending a modest amount of Federal, State and local funds on bicycle facilities since 1991. This amendment will leverage those investments and help people take advantage of the energy conservation choices they have in getting around their communities. I am pleased that this amendment will be accepted by the Senate as part of the energy bill that Senators DASCHLE and BINGAMAN have brought to the floor.

Ms. COLLINS. Mr. President I am proud to join my colleague from Illinois in offering an amendment to recognize and promote bicycling's important impact on energy savings and public health.

With America becoming more and more dependent on foreign oil, it is vital that we look to the contribution that bike travel can make towards solving our Nation's energy challenges. This amendment would establish a Conserve By Bike pilot program that would oversee up to 10 pilot projects throughout the country designed to conserve energy resources by providing education and marketing tools to convert car trips to bike trips. By replacing even a small percentage of short car trips with bike trips, we would save over 462 million gallons of gasoline in a year, worth over $721 million.

While more bike trips would benefit our energy conservation efforts, they would also contribute to the public's health. According to the U.S. Surgeon General, less than one-third of Americans meet Federal recommendations to engage in at least 30 minutes of moderate physical activity at least five days a week. Even more disturbing is the fact that approximately 300,000 U.S. deaths a year currently are associated with being obese or overweight. By promoting biking, we are working to ensure that Americans will increase their physical activity.

Earlier this month, I had the opportunity to meet with a delegation representing the Bicycle Coalition of Maine. This group has done an outstanding job of advocating bicycling safety, education, and access throughout the State. As a result of the work of the Bicycle Coalition of Maine, people living in and visiting Maine will have accessible and safe conditions where they may comfortably and responsibly bicycle. The ''Conserve by Bike'' amendment has received support from this group and many others on the national, State, and local level, and I urge my colleagues to support this amendment.

Mr. BINGAMAN. Mr. President, these five amendments have been cleared on both sides. They include an amendment by Senator ROCKEFELLER to ensure the safety of the Nation's mines and mine workers, one by Senator LEVIN to require the Secretary of Energy to conduct a study on the effects of natural gas pipelines in the Great Lakes, one by Senator SCHUMER to promote the demonstration of certain high-temperature superconducting technologies, one by Senator SMITH of Oregon to authorize a study of energy efficiency standards, and one by Senator DURBIN to encourage energy conservation through bicycling.

I believe there is no objection to any of these amendments. I urge the Senate to adopt them at this time.

Mr. MURKOWSKI. Mr. President, speaking from the standpoint of the minority, we have worked with the majority on these amendments and find them agreeable. They have been cleared on this side.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 3119, 3120, 3121, 3122, and 3123) were agreed to en bloc.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, I want the body to note that on our side there are about 10 or 14 amendments. I have no idea what the situation is on the majority side with regard to amendments.

Mr. BINGAMAN. Mr. President, I reiterate what the Senator from Nevada said earlier, which is that we have a few more than that on the Democratic side. But we have been making very good progress in reducing the number of amendments. We are optimistic that after we conclude the debate on the amendment which the Senator from Alaska is going to offer next week, we will be able to move to complete other amendments and complete action on the bill.

I yield the floor.

Mr. MURKOWSKI. Mr. President, on a note of levity and in the spirit of Senator DURBIN with the authorization of a study on the use of bicycles as a pilot program, I am going to pilot my program home tonight on my girls' bicycle which I bought for $20. It is one which I don't have to lock up because nobody would bother to steal it. It gets me here a lot faster than driving.

I recall one day being behind an automobile of the junior Senator from New York which was stalled in the drive, and they had to push it out. I certainly recommend the amendment proposed by Senator DURBIN, which suggests obvious benefits of the bicycling. It is much easier to get through security, and when the dogs come around you only have to worry about one thing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. I thank the Chair.

(The remarks of Mr. NELSON of Nebraska are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from New York?

Mrs. CLINTON. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

Mrs. CLINTON. Mr. President, I come to the floor today to join with my colleagues in talking about the very difficult choices that are being foisted upon some of our States and all of our consumers because of the renewable fuels provisions in the energy bill now under consideration.

Now, these renewable fuels provisions do accomplish some very important goals. First, they ban the use of MTBE, which has resulted in serious ground water pollution all over our country. They revoke the oxygenate requirements that led so many States to make such heavy use of MTBE in the first place. And they do keep in place the same stringent air pollution standards mandated by the Clean Air Act.

My State has, unfortunately, experienced firsthand the effects of MTBE contamination in our drinking water sources.

While the full health and environmental impacts of MTBE are still unknown, we do know that it smells bad, it tastes bad, and the bottom line is that people do not want to be drinking MTBE-contaminated water any more than they want to be drinking water with arsenic or some other contaminant in it.

As many of my colleagues know, because of poor air quality in certain areas of the country, we are required to meet something called an ''oxygenate requirement'' under the Clean Air Act.

New York City and surrounding counties constitute one of those areas. This requirement requires that consumers use gasoline additives that aid in reducing harmful air pollution. The additives available at this time are primarily MTBE and ethanol. So those of us in the Northeast, who need to meet this oxygenate requirement, have been adding MTBE to our gasoline because we have no readily accessible, affordable, available sources of ethanol in places such as New York.

The unfortunate consequence is that, as a result of leaking underground storage tanks, other leaks, and runoffs, we are now experiencing MTBE contamination in our underground water sources.

This has been a big problem in our State, particularly on Long Island, which has an aquifer that provides drinking water that runs the full length of the island. In Suffolk County alone, MTBE has been found in both private and public wells in all 10 of the towns in that county.

This is a serious problem and the costs of cleaning up this MTBE contamination are significant. While having clean air to breathe is critically important, so is having clean water to drink. We should not have to trade off air for water. We should be able to figure out how to provide both clean air and clean water.

That is why New York State took the very bold step of banning MTBE by January 1, 2004—less than 2 years from today. In fact, I believe that about 13 States—including my own—have made the decision to restrict or ban the use of MTBE in the next couple of years.

I agree that phasing out MTBE is exactly the right thing to do from a drinking water perspective and from an overall environmental perspective. That is why, in the last session, the Environment and Public Works Committee voted out S. 950 by voice vote,

the provisions of which are incorporated in the renewable fuels provisions that we are now discussing.

S. 950 includes a phaseout of MTBE and a repeal of the Federal oxygenate requirement, as recommended by the EPA's Blue Ribbon Panel on Oxygenates in Gasoline. I strongly support these provisions, and I commend the bipartisan leadership of the EPW Committee for their work on this important issue. But the committee-passed bill did not include the ethanol mandate that we are here to discuss.

Now, I am not here—I want to make this absolutely clear—to oppose ethanol. I believe in ethanol. I think it is a great step forward for renewable fuels. And I know that it is an important use of the products that are grown in many parts of our country. It is a new market. And I believe that it does take us in the right direction.

And phasing out MTBE, even with a repeal of the oxygenate requirement, will still lead to an increase in the use of ethanol in our country. That is why a Federal mandate is not needed to ensure a continuing market for ethanol. And that is why I and my senior colleague from New York, and my colleagues from California, and others, are opposing the ethanol mandate that is included in this bill.

The energy bill we are currently debating includes what I can only describe as an astonishing new anticonsumer Government mandate: that every refiner in our country use an ever increasing volume of ethanol or pay for ethanol credits.

At first when this was described to me, I thought there had to be some mistake because I, and I guess the majority of my colleagues, support ethanol. But to be told it has to be used, and the amount of it has to increase over time, struck me as exactly the opposite of what we are trying to achieve in this new energy policy. Because regardless of the market, and whatever the demand would be for ethanol, this bill requires the use of ethanol or the purchase of ethanol credits at a set amount, an amount that will eventually exceed 5 billion gallons.

Currently U.S. refiners use approximately 1.7 billion gallons of ethanol. Starting in 2004, the Nation's refiners would be required to use 2.3 billion gallons of ethanol. And that number would ratchet up to 5 billion gallons of ethanol by 2012. And the use of a constant percentage of ethanol per volume of gasoline would be required every year thereafter no matter what kind of new breakthroughs we had in making gas both more efficient and cleaner. It would not matter. We would have a big brother, big-hand Federal Government mandate: You have to use it no matter what.

This means that from 2012 on, the Nation's ethanol producers would have a Government-guaranteed annual market of at least 5 billion gallons, or perhaps even more.

Now, oil refiners could, in a competitive market, find smarter, cleaner, and less expensive ways to reformulate gasoline, but they would be forced to keep using billions of gallons of ethanol annually nonetheless.

Refiners in States outside the Corn Belt that lack the infrastructure to transport and refine ethanol would nonetheless be forced to pay for ethanol credits. The credits would result in rising gas prices and the transfer of funds from hard-pressed consumers in one part of the country to ethanol-rich areas in the rest of the country, while doing nothing to improve air quality. In other words, consumers in every State would be forced to pay for ethanol whether they used it or not.

Make no mistake about it, this is tantamount to a new gas tax. This will cause the price of gasoline to go up anywhere from 4 cents to 10 cents a gallon. Others who spoke earlier today discussed specifically what would happen in their own States. I believe for New York this would mean more than 7 cents per gallon at the pump.

The reasons for these cost increases are manyfold. There are costs of production issues. Ethanol simply costs more to produce than gasoline or MTBE. Since ethanol is primarily made from corn, if there is a bad corn crop one year, we can expect not only food prices but gas prices as well to increase under this bill.

There are also supply issues. According to a recent report by the Congressional Research Service, in the short term ethanol is unlikely to be available in sufficient quantity. If the supply is not there, the gasoline supply can't be there, and prices will inevitably rise as a result.

There are transportation distribution issues, as has been discussed earlier. The cost of using ethanol is also influenced by the fact that almost 90 percent of ethanol production occurs in just five States: Illinois, Iowa, Nebraska, Minnesota, and Indiana. The geographic concentration of ethanol production is an obstacle to its use on either the east or west coasts, particularly because ethanol-blended gasoline cannot travel through petroleum pipelines and, therefore, it must be transported by truck, rail, or barge which significantly increases its per-unit cost.

As has already been mentioned, ethanol production is also concentrated among a few large producers. The top 5 companies that produce ethanol account for approximately 60 percent of production capacity, and the top 10 companies account for approximately 75 percent of production capacity. ADM alone markets about half of the ethanol produced in the country.

All of this is going to mean higher prices for the American consumer, particularly on the east and west coasts. There will be other costs to consumers as well.

As many know, ethanol already gets a tax break in terms of the gasoline tax. Every gallon of gas with ethanol gets a 5.4-cent Federal subsidy. The subsidy is currently costing $600 million in Federal highway funds at today's ethanol use level. That means that with a 5-billion-plus-gallon-a-year ethanol mandate, we will have even less dollars for much needed transportation projects in all of our States, resulting in more traffic congestion, less safe roadways, and other consumer costs.

Another cost to consumers will be the potential environmental cost of an increased use of ethanol, not to mention the safe harbor from liability that is included in this bill.

I have to give it to the sponsors and authors of this provision; they have thought of everything: subsidies; put a tax on everybody else who has to use it; make it even less likely that the environmental costs are going to be in any way taken care of because the environmental and public health impacts of ethanol are still not fully understood.

Studies have indicated that while reducing carbon dioxide emissions, ethanol may increase emissions of smog-producing and other toxic compounds.

Despite the questions on its environmental and public health impacts, this bill also includes a renewable fuels safe harbor provision. What does that mean? It gives product liability protection against consumers and communities that may seek legal redress from the manufacturers and oil companies that produce or utilize defective additives in their gasoline. That is adding insult to injury. First, we are going to tax you and, second, we are going to make it impossible for you to get any kind of redress if what we are making you buy makes you sick or pollutes the environment.

This means companies have less incentive to ensure that the additives they manufacture and use are safe, eliminating an important disincentive to pollute.

What is the net result? We are providing a single industry with a guaranteed market for its products—subsidies on top of subsidies on top of subsidies and, on top of that, protection from liability. What a sweetheart deal.

If the average American consumer tunes in on this debate and realizes what is happening, there will be a revolt. I dare predict that voting for this bill, which will raise gas prices in 45 of our States, will be a political nightmare for the people who end up voting for it. Higher gas prices at the pump, reduced Federal assistance for much needed transportation projects, possible negative air quality, and public health impacts, to say nothing of raiding the Federal Treasury to give this giveaway to these large producers, makes it impossible to understand why any proconsumer, prohealth, pro-environment, antigovernment mandate Member of this body would vote for this provision.

For consumers, the ethanol mandate is a one, two, three, four punch. First, consumers will pay more at the pump

to meet arbitrary goals that boost the sale of ethanol, whether we need it or not. Second, consumers will face reduced Federal assistance for transportation projects because the money is going to be going to the ethanol producers, not to fix your roads or your bridges. Third, consumers may experience potential environmental and public health impacts. But guess what. You are barred from seeking redress. Who needs tort reform, just stick this in the energy bill and forget about ever getting any kind of liability against anybody who may be intentionally or negligently causing health or environmental harm. And fourth, you can't sue the manufacturers and the oil companies.

There are some very positive aspects of these provisions to phase out MTBE and eliminate the oxygenate requirement. We have long fought for this. There are many in this body who have been working on this a lot longer than I have. I applaud those Members for doing everything possible to ban MTBE and eliminate this oxygenate requirement. With about 13 States having already taken such action, this is an issue that needs to be addressed. But this is the wrong way to do it.

New York and California are on the front lines of this battle because California had originally banned MTBE as of January 1, 2003, although the Governor was forced to push the date back a year. Now California and New York, with millions and tens of millions of consumers, are in the same boat because New York has also banned MTBE. But Arizona has also taken final action to ban MTBE. Colorado has mandated a phaseout, Connecticut has also phased it out as of 2004, and even Illinois has banned the use, sale, distribution, blending, or manufacturing of MTBE as a fuel additive, along with Kansas and Michigan. And Minnesota has prohibited the sale of gasoline containing more than .3 percent volume by weight of MTBE and required the phaseout by July 2005.

There are many States that have taken actions. They have actually passed laws. There are numbers of others who are trying to take action to phase it out.

We do need Federal action. My colleagues from New York and California and I understand that we need to pass provisions that will work. But that does not mean we should pass a 5-billion-gallon, anticonsumer, gas-price-increasing ethanol mandate.

So, Mr. President, I hope that calmer heads will prevail in this debate, that we will understand the important role of ethanol, provide an opportunity for that market to grow, but not mandate it, not interfere with the operation of the market, not provide subsidies, not require consumers to buy it whether we need it or not, and not protect the producers from public health and environmental liability.

What is going on here? Any business or any sector of the economy would love to have a mandated tax increase directly into their pocketbooks. That is not the purpose of having an energy bill that puts us on the path to self-sufficiency. I certainly don't think the tens of millions of consumers who may be following this debate think at the end of the day they are going to be transferring hard-earned money out of their pockets into the pockets of ethanol manufacturers, whether it helps or not.

So I really hope my colleagues will consider the impact of this policy and join with those of us who are looking at this from the longer term perspective to come up with an amendment that provides the kind of support for ethanol we all believe would be in our best interest, without the damaging mandates that this approach would require.

Again, I don't think anybody in this body came to this energy debate thinking they were voting to raise this gas tax, but indeed if we pass this as currently written, that is exactly what we are going to do. Those people who are going to pay that increased cost, starting in a few years, are going to turn around and say: Why is this happening?

It is going to be hard for us to explain. There is no reason for us to make this decision when there are alternatives and we can work together and make it possible for us to have a much better approach without the damaging impact this amendment on ethanol would cause to our entire country.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. I understand we have the regular order, and the Senator who is supposed to speak is not here.

The PRESIDING OFFICER. The Senator is correct. There is no order for speakers. The Senator may proceed.

Mr. DOMENICI. Mr. President, I ask unanimous consent to speak for 3 minutes as in morning business.

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

Mr. DOMENICI. Mr. President, I rise today to call attention to a very special anniversary that many in my home state of New Mexico will take time to remember this weekend. Saturday, April 13th will mark the sixty-year anniversary of the Bataan Death March. Some eighteen-hundred men from the 200th Coast Anti-Artillery Aircraft and the 515th Coast Anti-Artillery, Aircraft, New Mexico National Guard Units were involved in that infamous march.

I do not think words can fully describe the bravery of these veterans and the horrific conditions they endured. In all, more than seventy thousand American and Filipino prisoners of war were captured in April 1942 and force-marched to a Japanese work camp. Suffering from starvation and physical abuse, more than seven thousand died and only about fifty-six thousand reached the camp. Thousands later died from malnutrition and disease. Of those eighteen-hundred from the New Mexico Brigade, fewer than nine-hundred returned.

On Saturday, in Las Cruces, New Mexico, we will dedicate the Bataan Death March Memorial in memory and in honor of these men. And because New Mexicans made up such a large proportion of those prisoners involved in the march, this anniversary and dedication ceremony have stirred many emotions throughout my state. For those survivors and their families, there is a great sense of pride. Of course, there is much lingering pain, as well. But by establishing a memorial in their honor, we build a bridge to that emotion—a bridge that will allow all generations of Americans to imagine the suffering these men endured, and to remember, forever, their true valor.

For all Americans who are unable to travel to the Southwest to see the beautiful bronze statue portraying an American soldier and a Filipino soldier comforting an injured American comrade during the midst of that seven-day march, I would encourage you to take the time to learn about the horrors these men suffered—to learn their story. It is both sobering and inspiring, and I pay tribute to their heroism today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Georgia is recognized.

Mr. CLELAND. I thank the Chair.

(The remarks of Mr. CLELAND pertaining to the introduction of S. 2115 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak for not to exceed 10 minutes each.

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

ENTRY INTO FORCE OF THE INTERNATIONAL CRIMINAL COURT

Mr. DODD. Madam President, today with the deposit of the 66th instruments of ratification of the Rome Statute, the International Criminal Court is on track to enter into force on July 1. I rise to acknowledge and congratulate those who have labored to reach this moment—the creation of a permanent international forum to bring to justice heinous criminals who have committed crimes against humanity, the fulfillment of the legacy of Nuremberg. The Nuremberg Trial of the leading Nazi war criminals following World War II was a landmark in the struggle to deter and punish crimes of war and genocide, setting the stage for the Geneva and Genocide Conventions. It was also largely an American initiative. Justice Robert Jackson's team drove the process of drafting the indictments, gathering the evidence and conducting this extraordinary case.

My father, Thomas J. Dodd, served as executive trial counsel at Nuremberg, it was among his proudest accomplishments. I believe that he would have been proud today to see the International Criminal Court, ICC, come into existence. He believed that America had a special role to help make the rule of law relevant in every corner of the globe. I believe that he would have endorsed President Clinton's decision to sign the Rome Statute in December of 2000 on behalf of the United States. President Clinton did so knowing full well that much work remains to be done before the United States can become a party to the U.N. convention establishing an International Criminal Court.

Now that the establishment of the ICC is inevitable, the United States must now determine what its relationship with the Court will be. Rather than adopting a course that will pit us against our best friends and allies, I call for the United States to be actively engaged with the ICC in working to ensure that it demonstrates the highest standards of jurisprudence and integrity. Although the United States is not a party to the treaty, The United States should feel free to raise its voice and give its opinion on who should be selected to be the Court's judges and prosecutors. The United States should also use its seat on the U.N.'s Security Council to refer situations to the Court, such as the current conflict in Sudan that has already claimed over 2 million lives as a result of war crimes, genocide, and crimes against humanity. And above all, the United States should be a watchdog of the Court's integrity and keep it laser focused on its primary task, bringing to justice the worlds worst criminals.

There are those in Congress and the Administration who would have the United States repudiate the ICC, and work to tear it down. They would have us take the unprecedented step of ''unsigning'' the Rome Statute. I have just cited a number of vital American interests that are wrapped up in the Court. Those interests are not going to be erased with the name of the United States from the Rome Statute. That is why I strenuously oppose such action: it is irresponsible, isolationist, and contrary to our vital national interests. Many of our closest allies have put their faith in the vision of this new legal instrument. We should give them the benefit of the doubt that they are committed to making the court work to strengthen international respect for the rule of law. I will include the list of the States that have signed and ratified the Rome Statute at the conclusion of my remarks.

I call on the Bush administration to recognize that there is a constructive and useful role that the United States can perform without making a decision at this juncture concerning US ratification. We should be prepared to lend our expertise in grappling with the many issues that remain to be resolved before the court becomes fully functioning. That is what a global power with the stature of the United States should do.

I ask unanimous consent to print in the RECORD the list of States to which I referred.

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

ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT—PARTICIPANTS

Participant	Signature	Ratification
Albania	18 Jul 1998	
Algeria	28 Dec 2000	
Andorra	18 Jul 1998	30 Apr 2001
Angola	7 Oct 1998	
Antigua and Barbuda	23 Oct 1998	18 Jun 2001
Argentina	8 Jan 1999	8 Feb 2001
Armenia	1 Oct 1999	
Australia	9 Dec 1998	
Austria	7 Oct 1998	28 Dec 2000
Bahamas	29 Dec 2000	
Bahrain	11 Dec 2000	
Bangladesh	16 Sep 1999	
Barbados	8 Sep 2000	
Belgium	10 Sep 1998	28 Jun 2000
Belize	5 Apr 2000	5 Apr 2000
Benin	24 Sep 1999	22 Jan 2002
Bolivia	17 Jul 1998	
Bosnia and Herzegovina	17 Jul 2000	11 Apr 2002
Botswana	8 Sep 2000	8 Sep 2000
Brazil	7 Feb 2000	
Bulgaria	11 Feb 1999	11 Apr 2002
Burkina Faso	30 Nov 1998	
Burundi	13 Jan 1999	
Cambodia	23 Oct 2000	11 Apr 2002
Cameroon	17 Jul 1998	
Canada	18 Dec 1998	7 Jul 2000
Cape Verde	28 Dec 2000	
Central African Republic	7 Dec 1999	3 Oct 2001
Chad	20 Oct 1999	
Chile	11 Sep 1998	
Colombia	10 Dec 1998	
Comoros	22 Sep 2000	
Congo	17 Jul 1998	
Costa Rica	7 Oct 1998	7 June 2001
Côte d'Ivoire	30 Nov 1998	
Croatia	12 Oct 1998	21 May 2001
Cyprus	15 Oct 1998	7 Mar 2002
Czech Republic	13 Apr 1999	
Democratic Republic of the Congo	8 Sep 2000	11 Apr 2002
Denmark	25 Sep 1998	21 Jun 2001
Djibouti	7 Oct 1998	
Dominica		12 Feb 2001 [2]
Dominican Republic	8 Sep 2000	
Ecuador	7 Oct 1998	5 Feb 2002
Egypt	26 Dec 2000	
Eritrea	7 Oct 1998	
Estonia	27 Dec 1999	30 Jan 2002
Fiji	29 Nov 1999	29 Nov 1999
Finland	7 Oct 1998	29 Dec 2000
France	18 Jul 1998	9 June 2000
Gabon	22 Dec 1998	20 Sep 2000
Gambia	4 Dec 1998	
Georgia	18 Jul 1998	
Germany	10 Dec 1998	11 Dec 2000
Ghana	18 Jul 1998	20 Dec 1999
Greece	18 Jul 1998	
Guinea	7 Sep 2000	
Guinea-Bissau	12 Sep 2000	
Guyana	28 Dec 2000	
Haiti	26 Feb 1999	
Honduras	7 Oct 1998	
Hungary	15 Jan 1999	30 Nov 2001
Iceland	26 Aug 1998	25 May 2000
Iran (Islamic Republic of)	31 Dec 2000	
Ireland	7 Oct 1998	11 Apr 2002
Israel	31 Dec 2000	
Italy	18 Jul 1998	26 Jul 1999
Jamaica	8 Sep 2000	
Jordan	7 Oct 1998	11 Apr 2002
Kenya	11 Aug 1999	
Kuwait	8 Sep 2000	
Kyrgyzstan	8 Dec 1998	
Latvia	22 Apr 1999	
Lesotho	30 Nov 1998	6 Sep 2000
Liberia	17 Jul 1998	
Liechtenstein	18 Jul 1998	2 Oct 2001
Lithuania	10 Dec 1998	
Luxembourg	13 Oct 19998	8 Sep 2000
Madagascar	18 Jul 1998	
Malawi	22 Mar 1999	
Mali	17 Jul 1998	16 Aug 2000
Malta	17 Jul 1998	
Marshall Islands	6 Sep 2000	7 Dec 2000
Mauritius	11 Nov 1998	5 Mar 2002
Mexico	7 Sep 2000	
Monaco	18 Jul 1998	
Mongolia	29 Dec 2000	11 Apr 2002
Morocco	8 Sep 2000	
Mozambique	28 Dec 2000	
Nomibia	27 Oct 1998	
Nauru	13 Dec 2000	12 Nov 2001
Netherlands	18 Jul 1998	17 Jul 2001 [1]
New Zealand	7 Oct 1998	7 Sep 2000
Niger	17 Jul 1998	11 Apr 2002
Nigeria	1 Jun 2000	27 Sep 2001
Norway	28 Aug 1998	16 Feb 2000
Oman	20 Dec 2000	
Panama	18 Jul 1998	21 Mar 2002
Paraguay	7 Oct 1998	14 May 2001
Peru	7 Dec 2000	10 Nov 2001
Philippines	28 Dec 2000	
Poland	9 Apr 1999	12 Nov 2001
Portugal	7 Oct 1998	5 Feb 2002
Republic of Koera	8 Mar 2000	
Republic of Moldova	8 Sep 2000	
Romania	7 Jul 1999	11 Apr 2002
Russian Federation	13 Sep 2000	
Saint Lucia	27 Aug 1999	
Samoa	17 Jul 1998	
San Marino	18 Jul 1998	13 May 1999
Sao Tome and Principe	28 Dec 2000	
Senegal	18 Jul 1998	2 Feb 1999
Seychelles	28 Dec 2000	
Sierra Leone	17 Oct 1998	15 Sep 2000
Slovakia	23 Dec 1998	11 Apr 2002
Slovenia	7 Oct 1998	31 Dec 2001
Solomon Islands	3 Dec 1998	
South Africa	17 Jul 1998	27 Nov 2000
Spain	18 Jul 1998	24 Oct 2000
Sudan	8 Sep 2000	
Sweden	7 Oct 1998	28 Jun 2001
Switzerland	18 Jul 1998	12 Oct 2001
Syrian Arab Republic	29 Nov 2000	
Tajikistan	30 Nov 1998	5 May 2000
Thailand	2 Oct 2000	
The Formere Yugoslav Republic of Macedonia.	7 Oct 1998	6 Mar 2002
Trinidad and Tobago	23 Mar 1999	6 Apr 1999
Uganda	17 Mar 1999	
Ukraine	20 Jan 2000	
United Arab Emirates	27 Nov 2000	
United Kingdom of Great Britain and Northern Ireland.	30 Nov 1998	4 Oct 2001
United Republic of Tanzania	29 Dec 2000	
United States of America	31 Dec 2000	
Uruguay	19 Dec 2000	
Uzbekistan	29 Dec 2000	
Venezuela	14 Oct 1998	7 Jun 2000
Yemen	28 Dec 2000	
Yugoslavia	19 Dec 2000	6 Sep 2001
Zambia	17 Jul 1998	
Zimbabwe	17 Jul 1998	

[1] Acceptance.
[2] Accession.

KIDS ARE GETTING KILLED

Mr. LEVIN. Mr. President, for the third time in 6 weeks, a gunman has killed a young girl in Detroit. The first time it was a 7-year-old, killed by a man who opened fire on a car full of children. The second time it was a 3-year-old, shot while she was watching television in her room. And just this past Wednesday, an 8-year-old was shot while sleeping at home. The Detroit Police Department has one man in custody, but no one has been formally

charged. These are very tragic events. In addition to prosecuting the criminals who commit these horrific crimes, we can do more to prevent them, we should close the gun show loophole so that it is more difficult for criminals to gain access to guns.

In 1994, Congress passed the Brady Law, which requires Federal Firearm Licensees to perform criminal background checks on gun buyers. However, a loophole in this law allows unlicensed private gun sellers to sell firearms at gun shows without conducting a background check.

In April of last year, Senator JACK REED introduced the Gun Show Background Check Act which would close this loophole in the law. The Reed bill, which is supported by the International Association of Chiefs of Police, extends the Brady Bill background check requirement to all sellers of firearms at gun shows. I cosponsored that bill because I believe it is critical that we do all we can to prevent guns from getting into the hands of criminals and terrorists. I urge the Senate to debate and pass this common sense gun-safety legislation.

CELEBRATING OVER A HALF CENTURY OF SERVICE TO VETERANS

Mr. ROCKEFELLER. Madam President, I am pleased today to say a few words about the Paralyzed Veterans of America, PVA to those of us who work on veterans matters, in connection with the organization's PVA Awareness Week, which takes place next week.

PVA began in February 1947, when delegates from seven groups of paralyzed veterans from around the country met at the Hines VA Hospital in Chicago, IL. Those veterans agreed to form a national organization to address the needs of spinal cord injured veterans. They believed that veterans with spinal cord injuries would have the strongest voice in speaking for veterans with such injuries and for all who were similarly disabled, a belief that has been borne out over the years. The original members of PVA also emphasized the need both to conduct research to find a cure for spinal cord injury while, at the same time, providing for the basic, immediate needs of spinal cord injured veterans.

Since its inception, PVA has dedicated itself to the well being of some of America's most catastrophically disabled veterans as it has developed a unique expertise on a wide variety of issues involving the special needs of its members, veterans of the armed forces who have experienced spinal cord injury, SCI, or dysfunction. PVA, which received a Congressional charter as a veterans service organization in 1971, is a dynamic, broad-based organization with more than 40 chapters and subchapters nationwide and nearly 20,000 members. In addition to its Washington, D.C. headquarters, PVA operates 58 service offices around the country to serve the needs of all veterans seeking Department of Veterans Affairs' claims and benefits.

PVA is a leading advocate for quality health care not only for spinal cord injured veterans, but for all other veterans as well. They also continue to press for research and education addressing spinal cord injury and dysfunction.

PVA's commitment to research can be seen in its sponsorship of the Spinal Cord Research Foundation which supports research to alleviate, and ultimately end, medical and functional consequences of paralysis; its endowment in 1980 of a Professorship in SCI Medicine at Stanford University; its creation of the Spinal Cord Injury Education and Training Foundation to support innovative education and training programs; and its role in establishing the PVA–EPVA Center for Neuroscience and Regeneration Research at Yale University along with the Eastern Paralyzed Veterans Association, the Department of Veterans Affairs, and Yale University, with the goal of restoration of function in people with spinal cord dysfunction.

PVA also coordinates the activities of two coalitions of professional, payer, and consumer groups, the Consortium for Spinal Cord Medicine and the Multiple Sclerosis Council, which develop clinical practice guidelines defining standards of care for people with spinal cord injury and multiple sclerosis.

While PVA's Congressional charter requires it to devote substantial resources to representing veterans in their claims for benefits from VA, the PVA Veterans Benefits Department goes above and beyond the call of duty, providing assistance and representation, without charge, to veterans with a spinal cord dysfunction and other veterans seeking health care and other benefits for which they are eligible. This assistance is offered through a network of PVA national service officers across the nation who assist veterans in making claims for benefits and monitor medical care at local VA medical facilities. PVA's national service officers assist claimants through every stage of the VA claims process and also offer representation to veterans who have claims pending before the Social Security Administration.

PVA's advocacy does not stop at the Board of Veterans' Appeals. It has one of the most active presences at the U.S. Court of Appeals for Veterans Claims and the U.S. Court of Appeals for the Federal Circuit, arguing cases that have set precedents that have helped thousands, if not millions, of veterans and their families.

Other key PVA programs include its Architecture Program, which plays an important role in the lives of severely disabled veterans with quality design and construction of affordable and accessible housing; its Health Analysis Program, which keeps a constant eye on the performance of the VA health care system as well as other health care systems in the public and private sector; and its Sports and Recreation Program which is dedicated to promoting a range of activities for its members and other people with disabilities, with special emphasis on activities that enhance lifetime health and fitness, including through co-sponsorship of the National Veterans Wheelchair Games with the Department of Veterans Affairs.

For 16 years, PVA has co-authored an important, highly respected policy guide for the Congress, The Independent Budget: A Comprehensive Policy Document Created by Veterans for Veterans, with the Disabled American Veterans, AMVETS, and the Veterans of Foreign Wars which addresses the needs of veterans on issues ranging from health care to benefits and the resources required to meet these needs in the VA budget every year.

PVA's Government Relations staff is well-known here on Capitol Hill. It's Advocacy Program is a leading voice for civil rights and opportunities that maximize independence of individuals who have experienced spinal cord injury or disease, or other severe disabilities. PVA played an important role in the passage of the Americans with Disabilities Act. It continues its advocacy as an active member of the Consortium for Citizens With Disabilities. Its Legislation Program staff is directly involved in every budget, legislative, and policy initiative affecting veterans under consideration in the Congress every year.

Over the years, I have relied heavily on PVA members in my State of West Virginia to keep me informed about the issues so critical to veterans with spinal cord injuries. I am particularly grateful for the wisdom and counsel of my friend Randy Pleva, President of WV PVA and one of PVA's National vice presidents. I do not know a more dedicated and compassionate advocate for paralyzed veterans.

Those of us who work with PVA every day recognize the dedication and expertise that this organization brings to Capitol Hill. The organization is one of the top national veterans' service organizations in terms of expertise and dedication. We must acknowledge the extreme sacrifices that the members of their organization have made in service to this country and honor the fact that PVA members continue that service on behalf of veterans and all Americans with disabilities.

At a time when this country has soldiers deployed to far-off lands in defense of freedom, it is important that we recognize these men and women who have served this country in the past and continue to serve our nations' veterans today. I look forward to a continuing partnership with PVA to provide for the needs of veterans, past, present, and future.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate

crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 18, 1994 in Indianola, OH. Four lesbians women were attacked by a female teen who, encouraged by a crowd of onlookers, yelled anti-gay epithets. The assailant, Shanika Campbell, 18, was charged with four counts of assault in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

KOREAN WAR COMMEMORATION

Mr. BUNNING. Madam President, today I rise to respectfully ask my fellow colleagues join me in honoring the men and women who so bravely and fiercely fought for freedom and democracy during the Korean War and those who fight for these same freedoms today.

This week at Camp Lejeune in North Carolina, the often ''forgotten war'' will take center stage as an expected crowd of more than 10,000 will gather today at the Marine Corps Base to partake in various commemorative activities. The commemoration will begin with a full honors ceremony and address by Navy Secretary Gordon R. England and will include flyovers by vintage aircraft, modern attack helicopters, F/A—18 Hornets, AV—8B Harriers and A—10 Thunderbolts as well as a parachute jump by the Army's Golden Knights. The events, set to end next year, are part of the military's three-year commemoration of the 1950–1953 War.

On June 25, 1950, eight divisions and an armored brigade of 90,000 soldiers from the North Korean People's Army attacked in three columns across the 38th parallel and invaded the Republic of Korea. The following day, President Harry S Truman sanctioned the use of American air and naval forces below the 38th parallel. 37 long months later on July 27, 1953, an Armistice was signed and the fighting ended. In all, America lost 33,686 of its best and brightest. However, these men lost their lives safeguarding something bigger than any of us in this room, democracy.

Today, many veterans of the Korean War feel as if their sacrifice is forgotten. They believe that their place in history has been nearly erased. I urge my fellow colleagues and my fellow Americans to remember and embrace what these men and women were fighting to defend fifty years ago in North and South Korea. They were protecting the notions of freedom and democracy our forefathers so bravely brought to this great land nearly 226 years ago. In many ways, our soldiers at home and abroad are fighting to protect these same ideals today. In 1950, communists in North Korea, China, and Russia threatened to take away people's innate right to sleep under a blanket of freedom. Today, terrorists from around the globe are attempting to do the same. We must never forget those who have fought and died to ensure that our way of life continues. I applaud the efforts of the Department of Defense and the nearly 5000 partners around the world for conducting this three-year commemoration ceremony. History and the people who played such a vital part in it should never be forgotten for what they accomplished and what they sacrificed. As Winston Churchill stated, ''Out of the depths of sorrow and sacrifice will be born again the glory of mankind.''

Finally, I would like to pay a special tribute to the more than 57,000 Kentuckians who served in the military during the Korean War era, many who undoubtedly fought on the front lines. I am extremely proud to know that so many Kentuckians were willing to fight for all that this great country stands for. God Bless America.

RECOGNITION OF DR. KATHY HUDSON'S SERVICE TO NIH

Mr. KENNEDY. Madam President, I would like to take a moment to recognize the exemplary work of Dr. Kathy Hudson, who after 10 years is leaving government service. For the last 7 years Dr. Hudson has served with distinction as the Director of the Office of Policy, Planning and Communications and the Assistant Director of the National Human Genome Research Institute at the National Institutes of Health. While at the Institute, she has been responsible for communications, government relations, program planning, and education activities.

Dr. Hudson has provided focus and leadership in numerous areas for the Institute. She has played a particularly important leadership role in public policy and public affairs for the Human Genome Project, the international effort to decipher the human genetic code and apply the results to improving human health.

She has led efforts to identify barriers such as genetic discrimination that could impede the fair and equitable application of genetic information to public health and has led development of policies to protect privacy and prevent genetic discrimination. In his regard, she was instrumental in the development of an Executive Order signed in February 2000 that banned discrimination in Federal employment based on genetic information. She has also provided exceptional technical advice to my staff and many others in drafting legislation on genetic non-discrimination. I look forward to seeing that important legislation enacted soon.

Dr. Hudson received her B.A. in biology at Carleton College in Minnesota; her Masters in microbiology from the University of Chicago; and the Ph.D. in molecular biology from the University of California, Berkeley. Before joining the NIH, Dr. Hudson was a senior policy analyst in the office of the Assistant Secretary for Health at the Department of Health and Human Services. She advised the assistant secretary on national health and science policy issues involving NIH. Prior to that, Dr. Hudson worked in the Congressional Office of Technology Assessment as a congressional science fellow.

Through her signal contributions to social policy and to the Nation's health, Dr. Hudson's work has exemplified the best of government service and the difference in our Nation's well being that a dedicated scientist can make. I wish Dr. Hudson all the best in her new venture as the Director of the Genetics and Public Policy Center at the Johns Hopkins University, and on behalf of the Congress and the country, thank her for her outstanding government service.

ADDITIONAL STATEMENTS

IN RECOGNITION OF FRESNO COUNTY SUPERVISOR, JUAN ARAMBULA, RECIPIENT OF THE 2002 ROSE ANN VUICH LEADERSHIP AWARD

• Mrs. BOXER. Madam President, I rise today to bring to the Senate's attention the exemplary achievements and outstanding service of Juan Arambula, Supervisor in Fresno County, CA.

Supervisor Juan Arambula, now serving his second term as supervisor, is to receive the Rose Ann Vuich Leadership Award for his outstanding leadership and service. Supervisor Arambula is most deserving of this special recognition and the outpouring of admiration from all throughout the community.

In his many years of public service as Past President of Fresno Unified School District Board of Trustees, former member of the California School Boards Association Board of Directors and now as Supervisor for Fresno County, he has maintained a sense of honor, purpose and teamwork that not only resonated on the Fresno County Board of Supervisors, but throughout surrounding communities.

Supervisor Arambula serves Fresno County and his constituents with great distinction. I am honored to congratulate and pay tribute to him and I encourage my colleagues to join me in wishing Supervisor Arambula much continued success in his public service career.•

IN RECOGNITION OF THE NATIONAL POLICE DEFENSE FOUNDATION

● Mr. TORRICELLI. Mr. President, I rise today to extend my support and thanks to the members of the National Police Defense Foundation (NPDF). The NPDF is dedicating this year's Annual Awards Dinner to the many heroes of September 11.

The events of September 11 represent one of the most tragic events in American history. However, in the horror of the moment, many of our bravest set aside all of their conflicting emotions and rose to the occasion. Many risked and sacrificed their lives to save others, and we are grateful for all they achieved.

I would like to extend my congratulations to former NYC Police Commissioner Bernard Kerik for being honored as ''Man of the Year'' and Dr. Deborah Mandell as ''Woman of the Year.'' Both have given a great deal of themselves and provided invaluable leadership during this time of crisis. Commissioner Kerik is to be commended for his leadership and the support he provided to many in the aftermath of this tragedy. Dr. Mandell should also be commended for spearheading the NPDF's emergency response team that provided critical grief counseling and support services to many of the survivors, family members, and rescue workers.

I would also like to extend my congratulations to:

Chief Robert Caron for receiving the Special Achievement Award

Sgt. John McLaughlin and P.O. William Jimeno for receiving the Profile in Courage Award

P.O. Joseph Zarrelli and Stephanie Matoursek for receiving the Operation Kids Special Achievement Award

All of the men and women of the NYPD, NY/NJ Port Authority Police, U.S. Customs, U.S. Secret Service and the FBI for receiving the Special Unit Citation Award for their efforts on the Great Kills Landfill Task Force.

I am proud to join the NPDF in honoring these individuals and the tireless efforts of all of the men and women who on September 11 and its aftermath have worked to help their fellow Americans. They represent all that is truly great about our nation.●

CELEBRATING THE 125TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH IN STRATFORD, CONNECTICUT

● Mr. DODD. Madam President, today I congratulate the First Baptist Church of Stratford, CT, on its 125th anniversary as a Christian congregation. Reaching this commendable benchmark is testimony to the deep level of faith and social commitment shared by this community throughout its long history.

From its humble origins in 1877 as a small Sunday School for Stratford's growing African American population, the First Baptist Church has evolved into a vibrant spiritual congregation dedicated to Christian Fellowship and engaged in active social ministry. Since the middle of the 20th century, the congregants of First Baptist have willingly contributed to the advancement and well-being of their surrounding community by building and running a parsonage, establishing a Food Pantry ministry, and creating the First Baptist Church Federal Credit Union. First Baptist has also addressed the need of adequate and affordable housing through the First Baptist Church Development Corporation. Just recently, the Corporation completed construction and sale of its first affordable housing unit.

I am impressed by First Baptist's commitment to Christian discipleship. Under the leadership of Reverend William B. Sutton, III, and former Pastor, Doctor William O. Johnson, it has provided growth and development to both congregants and the surrounding community. In these difficult times, I believe the services rendered by First Baptist serve as a positive example to all religious congregations.

Once again, I congratulate the First Baptist Church of Stratford on its 125th anniversary. I hope that the congregation will keep up its important work and continue to make lasting contributions to the community of Stratford for many generations to come.●

IN RECOGNITION OF NANCY RICHARDSON, RECIPIENT OF THE EXCELLENCE IN PUBLIC SERVICE AWARD

● Mrs. BOXER. Madam President, I rise today to bring to the Senate's attention the exemplary achievements and outstanding service of Nancy Richardson, a resident of Fresno, CA.

Nancy Richardson has worked her whole adult life as a community activist and dedicated advocate for children. It is because of her superb work and commitment to the community that she is being honored with the Excellence in Public Service Award.

Nancy has a long list of achievements in the community. She was a member of the Fresno Unified School District Board of Trustees, served as a coordinator of the Interagency Council, served on the Fresno County Mental Health Board and was the first sworn Court Appointed Special Advocate, CASA, volunteer and now works on the Foster Care Oversight Committee. She is known for her integrity in all matters she undertakes. Her work is endless, and is devoted to helping children.

Nancy Richardson is most deserving of this award and the outpouring of admiration that greets her each day. I am honored to pay tribute to her, and I encourage my colleagues to join me in wishing Nancy Richardson much continued success as she continues her dedicated service.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:30 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1366. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the ''Hector G. Godinez Post Office Building.''

H.R. 3925. An act to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes.

The message also announced that pursuant to section 703 of the Social Security Act (42 U.S.C. 903), as amended by section 103 of Public Law 103–296, the Speaker appoints the following member on the part of the House of Representatives to the Social Security Advisory Board to fill the existing vacancy thereon: Mrs. Dorcas R. Hardy of Spotsylvania, Virginia.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1366. An act to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the ''Hector G. Godinez Post Office Building''; to the Committee on Governmental Affairs.

H.R. 3925. An act to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes; to the Committee on Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6440. A communication from the Deputy Director, Congressional Budget Office, transmitting, pursuant to law, the Final Sequestration Report for Fiscal Year 2002; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April

11, 1986, to the Committees on Appropriations; the Budget; Agriculture, Nutrition, and Forestry; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Health, Education, Labor, and Pensions; the Judiciary; Rules and Administration; Small Business and Entrepreneurship; and Veterans' Affairs.

EC–6441. A communication from the Deputy Director, Congressional Budget Office, transmitting, pursuant to law, the Sequestration Preview Report for Fiscal Year 2003; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on the Budget; and Governmental Affairs.

EC–6442. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Veterans' Employment and Training, received on March 21, 2002; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Health, Education, Labor, and Pensions; and Veterans' Affairs.

EC–6443. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a draft of proposed legislation to establish the crime of attempted international parental kidnapping, and for other purposes; to the Committee on the Judiciary.

EC–6444. A communication from Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Requiring Change of Status from B to F–1 or M–1 Nonimmigrant Prior to Pursuing a Course of Study'' ((RIN1115–AG60)(INS No. 2195–02)) received on April 9, 2002; to the Committee on the Judiciary.

EC–6445. A communication from Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the texts of ILO Convention No. 184 and Recommendation No. 192 concerning Safety and Health in Agriculture; to the Committee on Foreign Relations.

EC–6446. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to enhance a number of veterans' programs and the ability to manage them; to the Committee on Veterans' Affairs.

EC–6447. A communication from the Attorney General, Department of Justice, transmitting, a draft of proposed legislation entitled ''Settlement of Litigation and Prompt Utilization of Wireless Spectrum''; to the Committee on Commerce, Science, and Transportation.

EC–6448. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation to increase the borrowing authority of the Bonneville Power Administration, and to authorize Federal power marketing administrations to fund directly Army Corps of Engineers operation and maintenance activities, and for other purposes; to the Committee on Energy and Natural Resources.

EC–6449. A communication from the Secretary of Energy, transmitting, a draft of proposed legislation approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of spent high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982; to the Committee on Energy and Natural Resources.

EC–6450. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled ''Repeal of Various Reports Required of the Department of Defense''; to the Committee on Armed Services.

EC–6451. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–6452. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–6453. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, a draft of proposed legislation entitled ''Continuation of Health Benefits Coverage for Individuals Enrolled in a Plan Administered by the Overseas Private Investment Corporation''; to the Committee on Governmental Affairs.

EC–6454. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6455. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–312, ''Sidewalk and Curbing Assessment Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–6456. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–317, ''Emergency Management Assistance Compact Temporary Act of 2002''; to the Committee on Governmental Affairs.

EC–6457. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–318, ''Interim Disability Assistance Temporary Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–6458. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–319, ''Education and Examination Exemption for Respiratory Care Practitioners Temporary Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–6459. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–316, ''Tax Increment Financing Temporary Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–6460. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–315, ''Rehabilitation Services Program Establishment Temporary Act of 2002''; to the Committee on Governmental Affairs.

EC–6461. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–311, ''Misdemeanor Jury Trial Act of 2002''; to the Committee on Governmental Affairs.

EC–6462. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–313, ''Department of Transportation Establishment Act of 2002''; to the Committee on Governmental Affairs.

EC–6463. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–321, ''Tax Increment Financing Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–6464. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the Federal Managers' Financial Integrity Act Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6465. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Appropriateness of Establishing Minimum Staffing Ratios in Nursing Homes''; to the Committee on Finance.

EC–6466. A communication from the General Counsel for the Department of the Treasury, transmitting, a draft of proposed legislation entitled ''Rural Electrification Act Amendments of 2001''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6467. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Modifying Procedures and Establishing Regulations to Limit the Volume of Small Red Seedless Grapefruit'' (Doc. No. FV01–905–2 IFR) received on April 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6468. A communication from the Administrator, Agricultural Marketing Service, Cotton Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Final Rule; 2001 Final Amendment to Cotton Board Rules and Regulations Adjusting Supplemental Assessment of Imports'' (CN–01–001) received on April 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6469. A communication from the Administrator, Livestock and Seed Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pork Promotion, Research, and Consumer Information Order—Increase in Importer Assessments'' (Doc. No. LS–01–02) received on April 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6470. A communication from the Administrator, Agricultural Market Service, Poultry Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Increase in Fees and Charges for Egg, Poultry, and Rabbit Grading'' (Doc. No. PY–01–005) received on April 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6471. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches'' (Doc. No. FV02–916–1 IFR) received on April 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6472. A communication from the Principal Deputy Associate Administrator for the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Lysophospha tidelethanolamine (LPE); Exemption from the Requirement of Tolerance'' (FRL6821–4) received on April 9, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6473. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report on the Assets for Independence Demonstration (IDA) Program for Fiscal Year 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6474. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Final Report of the White House Commission on Complementary and Alternative Medicine Policy; to the Committee on Health, Education, Labor, and Pensions.

EC–6475. A communication from the Assistant Secretary, Pension and Welfare Benefits

Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Final Rules Relating to Use of Electronic Communication and Recordkeeping Technologies by Employee Pension and Welfare Benefit Plans'' (RIN1210–AA71) received on April 9, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6476. A communication from the Administrator, General Service Administration, transmitting, a draft of proposed legislation to amend the Public Buildings Act of 1959, as amended, to raise certain prospectus submission thresholds, and for other purposes; to the Committee on Environment and Public Works.

EC–6477. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Illinois'' (FRL7159–9) received on April 9, 2002; to the Committee on Environment and Public Works.

EC–6478. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Missouri'' (FRL7170–6) received on April 9, 2002; to the Committee on Environment and Public Works.

EC–6479. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Rhode Island; Negative Declarations'' (FRL7170–1) received on April 9, 2002; to the Committee on Environment and Public Works.

EC–6480. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Lake County Air Quality Management District'' (FRL7165–4) received on April 9, 2002; to the Committee on Environment and Public Works.

EC–6481. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Uses of Certain Chemical Substances'' (FRL6805–1) received on April 9, 2002; to the Committee on Environment and Public Works.

EC–6482. A communication from the Executive Vice President, Communications and Government Relations, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's Statistical Summary for Fiscal Year 2001; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CONRAD, from the Committee on the Budget:

Report to accompany S. Con. Res. 100, An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2003 and setting forth the appropriate budgetary levels for each of the fiscal years 2004 through 2012. (Rept. No. 107–141).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 924: A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Terrence L. O'Brian, of Wyoming, to be United States Circuit Judge for the Tenth Circuit.

Lance M. Africk, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Legrome D. Davis, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Patrick E. McDonald, of Idaho, to be United States Marshal for the District of Idaho for the term of four years.

Warren Douglas Anderson, of South Dakota, to be United States Marshal for the District of South Dakota for the term of four years.

James Joseph Parmley, of New York, to be United States Marshal for the Northern District of New York for the term of four years.

J. Robert Flores, of Virginia, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

Scott M. Burns, of Utah, to be Deputy Director for State and Local Affairs, Office of National Drug Control Policy.

John B. Brown, III, of Texas, to be Deputy Administrator of Drug Enforcement.

Michael Taylor Shelby, of Texas, to be United States Attorney for the Southern District of Texas for the term of four years.

Jane J. Boyle, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years.

Matthew D. Orwig, of Texas, to be United States Attorney for the Eastern District of Texas for the term of four years.

James B. Comey, of New York, to be United States Attorney for the Southern District of New York for the term of four years.

Thomas A. Marino, of Pennsylvania, to be United States Attorney for the Middle District of Pennsylvania for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TORRICELLI:

S. 2089. A bill to combat criminal misuse of explosives; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 2090. A bill to eliminate any limitation on indictment for sexual offenses and make awards to States to reduce their DNA casework backlogs; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 2091. A bill to amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 2092. A bill to extend temporarily suspension of duty on 4,4'difluorobenzophenone; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. CORZINE):

S. 2093. A bill to suspend temporarily the duty on Ezetimibe; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2094. A bill to suspend temporarily the duty on artichokes that are prepared or preserved with vinegar of acetic acid; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2095. A bill to suspend temporarily the duty on benzenepropanal, 4(1,1-Dimethylethy)-Alpha-Methyl; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2096. A bill to suspend temporarily the duty on certain light absorbing photo dyes; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2097. A bill to extend temporarily suspension of duty on certain imaging chemicals; to the Committee on Finance.

By Mr. TORRICELLI:

S. 2098. A bill to suspend temporarily the duty on artichokes that are prepared or preserved without vinegar or acetic acid; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2099. A bill to suspend temporarily the duty on bags for certain toys; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2100. A bill to suspend temporarily the duty on cases for certain toys; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2101. A bill to suspend temporarily the duty on cases for certain children's products; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2102. A bill to suspend temporarily the duty on certain children's products; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2103. A bill to suspend temporarily the duty on certain children's products; to the Committee on Finance.

By Mrs. BOXER:

S. 2104. A bill to establish election day in Presidential election years as a legal public holiday; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 2105. A bill to amend the Trade Act of 1974 to extend the Generalized System of Preferences; to the Committee on Finance.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 2106. A bill to suspend temporarily the duty on certain acrylic fiber tow; to the Committee on Finance.

By Mr. ROBERTS:

S. 2107. A bill to require the conveyance of the Sunflower Army Ammunition Plant, Kansas; to the Committee on Armed Services.

By Ms. STABENOW (for herself, Mr. DOMENICI, and Mr. LEVIN):

S. 2108. A bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 2109. A bill to suspend temporarily the duty on chondroitin sulfate; to the Committee on Finance.

By Ms. COLLINS (for herself and Mr. NELSON of Nebraska):

S. 2110. A bill to temporarily increase the Federal medicare assistance percentage for the medicaid program; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2111. A bill to suspend temporarily the duty on saccharose used for nonfood, nonnutritional purposes, as a seed kernel and in additional layers in an industrial granulation process for biocatalyst production; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2112. A bill to suspend temporarily the duty on certain filter media; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. BYRD, and Mr. SPECTER):

S. 2113. A bill to reduce temporarily the duty on N-Cyclohexylthiophthalimide; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 2114. A bill to authorize the Attorney General to carry out a racial profiling educating and awareness program within the Department of Justice and to assist state and local law enforcement agencies in implementing such programs; to the Committee on the Judiciary.

By Mr. CLELAND:

S. 2115. A bill to amend the Public Health Act to create a Center for Bioterrorism Preparedness within the Centers for Disease Control and Prevention; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 2116. A bill to reform the program of block grants to States for temporary assistance for needy families to help States address the importance of adequate, affordable housing in promoting family progress towards self-sufficiency, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Ms. SNOWE, Mr. JEFFORDS, Mr. DEWINE, Mr. BREAUX, Mr. REED, and Mr. ROCKEFELLER):

S. 2117. A bill to amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JEFFORDS:

S. 2118. A bill to amend the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act to implement the Stockholm Convention on Persistent Organic Pollutants and the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution; to the Committee on Environment and Public Works.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2119. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DAYTON (for himself and Mr. WELLSTONE):

S. Res. 236. A resolution commending the University of Minnesota-Duluth Bulldogs for winning the 2002 National Collegiate Athletic Association Division I Women's Ice Hockey National Championship; considered and agreed to.

By Mr. DAYTON (for himself and Mr. WELLSTONE):

S. Res. 237. A resolution commending the University of Minnesota Golden Gophers for winning the 2002 National Collegiate Athletic Association Division I Men's Hockey National Championship; considered and agreed to.

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. Res. 238. A resolution commending the University of Minnesota Golden Gophers for winning the 2002 NCAA Division I Wrestling National Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 166

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 166, a bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

S. 267

At the request of Mr. AKAKA, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 267, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

S. 349

At the request of Mr. HUTCHINSON, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 349, a bill to provide funds to the National Center for Rural Law Enforcement, and for other purposes.

S. 414

At the request of Mr. CLELAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 694

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 694, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 1042

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1042, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 1310

At the request of Mr. REID, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1310, a bill to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, Nevada.

S. 1346

At the request of Mr. SESSIONS, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1346, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 1408

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1662

At the request of Mr. HUTCHINSON, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1662, a bill to amend the Internal Revenue Code of 1986 to allow Coverdell educational savings accounts to be used for homeschooling expenses.

S. 1686

At the request of Mr. KENNEDY, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1686, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 1777

At the request of Mrs. CLINTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1777, a bill to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes.

At the request of Mr. CHAFEE, his name was added as a cosponsor of S. 1777, supra.

S. 1967

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program.

S. 2009

At the request of Mr. DURBIN, the name of the Senator from Washington

(Mrs. MURRAY) was added as a cosponsor of S. 2009, a bill to amend the Public Health Service Act to provide services for the prevention of family violence.

S. 2039

At the request of Mr. DURBIN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Louisiana (Mr. BREAUX), the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. AKAKA), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. 2051

At the request of Mr. REID, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. 2075

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2075, a bill to facilitate the availability of electromagnetic spectrum for the deployment of wireless based services in rural areas, and for other purposes.

AMENDMENT NO. 3030

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of amendment No. 3030 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

AMENDMENT NO. 3094

At the request of Mr. DURBIN, the names of the Senator from New York (Mr. SCHUMER), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 3094 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI:

S. 2090. A bill to eliminate any limitation on indictment for sexual offenses and make awards to States to reduce their DNA casework backlogs; to the Committee on the Judiciary.

Mr. TORRICELLI. Madam President, I rise today to introduce the Sexual Assault Prosecution Act. This legislation will ensure that no rapist will evade prosecution when there is reliable evidence of their guilt.

As Federal law is written today, a rapist can walk away scot-free if they are not charged within five years of committing their crime. This is true even if overwhelming evidence of the offender's guilt, such as a DNA match with evidence taken from the crime scene, is later discovered. Some States, including my home State of New Jersey, have recognized the injustice presented by this situation and have already abolished their statutes of limitations on sexual assault crimes, and many other States are considering similar measures. Given the power and precision of DNA evidence, it is now time that the Federal Government abolish the current statute of limitations on Federal sexual assault crimes.

The precision with which DNA evidence can identify a criminal assailant has increased dramatically over the past couple decades. Because of its exactness, DNA evidence is now routinely collected by law enforcement personnel in the course of investigating many crimes, including sexual assault crimes. The DNA profile of evidence collected at a sexual assault crime scene can be compared to the DNA profiles of convicted criminals, or the profile of a particular suspect, in order to determine who committed the crime. Moreover, because of the longevity of DNA evidence, it can be used to positively identify a rapist many years after the actual sexual assault.

The enormous advancements in DNA science have greatly expanded law enforcement's ability to investigate and prosecute sexual assault crimes. Unfortunately, the law has not kept pace with science. Given the precise accuracy and reliability of DNA testing, however, the legal and moral justifications for continuing to impose a statute of limitations on sexual assault crimes are extremely weak. To that end, I am introducing the ''Sexual Assault Prosecution Act'' which will eliminate the statue of limitations for sexual assault crimes. This legislation will not affect the burdens of proof and the government will still have to prove guilt beyond a reasonable doubt before any person could be convicted of a crime.

Currently, the statue of limitations for arson and financial institution crimes is 10 years and is 20 years for crimes involving the theft of major artwork. If it made sense to extend the traditional five-year limitations period for these offenses, surely it makes sense to do so for sexual assault crimes, particularly when DNA technology makes it possible to identify an offender many years after the commission of the crime. By eliminating this ticking clock, we can see to if that no victim of sexual assault is denied justice simply because the clock ran out. I look forward to working with each and every one of you in order to get this legislation enacted into law.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2090

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sexual Assault Prosecution Act of 2002''.

SEC. 2. SEXUAL OFFENSE LIMITATION.

(a) IN GENERAL.—Chapter 213 of title 18, United States Code, is amended—

(1) in section 3283, by striking ''sexual or''; and

(2) by adding at the end the following:

''§ 3296. Sexual offenses

''An indictment for any offense committed in violation of chapter 109A of this title may be found at any time without limitation.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''3296. Sexual offenses.''.

SEC. 3. AWARDS TO STATES TO REDUCE DNA CASEWORK BACKLOG.

(a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Director of the Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice, and after consultation with representatives of States and private forensic laboratories, shall develop a plan to grant voluntary awards to States to facilitate DNA analysis of all casework evidence of unsolved crimes.

(2) OBJECTIVE.—The objective of the plan developed under paragraph (1) shall be to—

(A) effectively expedite the analysis of all casework evidence of unsolved crimes in an efficient and effective manner; and

(B) provide for the entry of DNA profiles into the combined DNA Indexing System (''CODIS'').

(b) AWARD CRITERIA.—The Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice, shall develop criteria for the granting of awards under this section including—

(1) the number of unsolved crimes awaiting DNA analysis in the State that is applying for an award under this section; and

(2) the development of a comprehensive plan to collect and analyze DNA evidence by the State that is applying for an award under this section.

(c) GRANTING OF AWARDS.—The Federal Bureau of Investigation, in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice, shall—

(1) develop applications for awards to be granted to States under this section;

(2) consider all applications submitted by States; and

(3) disburse all awards under this section.

(d) AWARD CONDITIONS.—States receiving awards under this section shall—

(1) require that each laboratory performing DNA analysis satisfies quality assurance standards and utilizes state-of-the-art DNA testing methods, as set forth by the Federal Bureau of Investigation in coordination with the Assistant Attorney General of the Office of Justice Programs of the Department of Justice;

(2) ensure that each DNA sample collected and analyzed be made available only—

(A) to criminal justice agencies for law enforcement purposes;

(B) in judicial proceedings if otherwise admissible;

(C) for criminal defense purposes, to a criminal defendant who shall have access to samples and analyses performed in connection with any case in which such defendant is charged; or

(D) if personally identifiable information is removed, for—

(i) a population statistics database;

(ii) identification research and protocol development purposes; or

(iii) quality control purposes; and

(3) match the award by spending 15 percent of the amount of the award in State funds to facilitate DNA analysis of all casework evidence of unsolved crimes.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice $15,000,000 for each of fiscal years 2003 through 2006, for awards to be granted under this section.

By Mr. TORRICELLI:

S. 2091. A bill to amend title 18, United States Code to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

Mr. TORRICELLI. Madam President, I rise today to introduce the Gun Kingpin Penalty Act. In introducing this bill, I hope that my colleagues will soon join me in sending a clear and strong signal to gunrunners, your actions will no longer be tolerated.

Data gathered by the Bureau of Alcohol, Tobacco and Firearms clearly demonstrates what many of us already know all too well, several of our Nation's highways have become pipelines for merchants of death who deal in illegal firearms.

My own State of New Jersey is proud to have some of the toughest gun control laws in the Nation. But for far too long, the courageous efforts of New Jersey citizens in enacting these tough laws have been weakened by out of State gunrunners who treat our State like their own personal retail outlet.

ATF data shows that in 1996 New Jersey exported fewer guns used in crimes, per capita, than any other State, less than one gun per 100,000 residents, or 75 total guns. Meanwhile, an incredible number of guns used to commit crimes in New Jersey came from out of State, 944 guns were imported, a net import of 869 illegal guns used to commit crimes against the people of New Jersey.

This represents a one way street, guns come from, States with lax gun laws straight to States, like New Jersey, with strong laws. It is clear that New Jersey's strong gun control laws offer criminals little choice but to import their guns from States with weak laws. We must act on a Federal level to send a clear message that this cannot continue and will not be tolerated.

The Gun Kingpin Penalty Act would create a new Federal gunrunning offense for any person who, within a twelve-month period, transports more than 5 guns to another State with the intent of transferring all of the weapons to another person. The Act would establish mandatory minimum penalties for gunrunning as follows: a mandatory 3 year minimum sentence for a first offense involving 5–50 guns; a mandatory 5 year minimum sentence for second offense involving 5–50 guns; and a mandatory 15 year minimum sentence for any offense involving more than 50 guns.

We can never rest when it comes to gun violence. This problem will not just go away, and we cannot standby and watch as innocent men, women and children die at the hands of criminals armed with these guns. I urge my colleagues to support this bill, and I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 2091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gun Kingpin Penalty Act''.

SEC. 2. GUN KINGPIN PENALTIES.

(a) PROHIBITION AGAINST GUNRUNNING.—Section 922 of title 18, United States Code, is amended by adding at the end the following:

''(z) It shall be unlawful for a person not licensed under section 923 to ship or transport, or conspire to ship or transport, 5 or more firearms from a State into another State during any period of 12 consecutive months, with the intent to transfer all of such firearms to another person who is not so licensed.''.

(b) MANDATORY MINIMUM PENALTIES FOR CRIMES RELATED TO GUNRUNNING.—Section 924 of title 18, United States Code, is amended by adding at the end the following:

''(p)(1)(A)(i) Except as otherwise provided in this subsection, whoever violates section 922(z) shall be imprisoned not less than 3 years, and may be fined under this title.

''(ii) Except as otherwise provided in this subsection, in the case of a person's second or subsequent violation of section 922(a), the term of imprisonment shall be not less than 5 years.

''(B) If a firearm which is shipped or transported in violation of section 922(z) is used subsequently by the person to whom the firearm was shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 10 years.

''(C) If more than 50 firearms are the subject of a violation of section 922(z), the term of imprisonment for the violation shall be not less than 15 years.

''(D) If more than 50 firearms are the subject of a violation of section 922(z) and 1 of the firearms is used subsequently by the person to whom the firearm was shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 25 years.

''(2) Notwithstanding any other provision of law, the court shall not impose a probationary sentence or suspend the sentence of a person convicted of a violation of section 922(z), nor shall any term of imprisonment imposed on a person under this subsection run concurrently with any other term of imprisonment imposed on the person by a court of the United States.''.

(c) CRIMES RELATED TO GUNRUNNING MADE PREDICATE OFFENSES UNDER RICO.—Section 1961(1)(B) of title 18, United States Code, is amended by inserting before ''section 1028'' the following: ''section 922(a)(1)(A) (relating to unlicensed importation, manufacture, or dealing in firearms), section 922(a)(3) (relating to interstate transportation or receipt of firearm), section 922(a)(5) (relating to transfer of firearm to person from another State), section 922(a)(6) (relating to false statements made in acquisition of firearm or ammunition from licensee), section 922(d) (relating to disposition of firearm or ammunition to a prohibited person), section 922(g) (relating to receipt of firearm or ammunition by a prohibited person), section 922(h) (relating to possession of firearm or ammunition on behalf of a prohibited person), section 922(i) (relating to transportation of stolen firearm or ammunition), section 922(j) (relating to receipt of stolen firearm or ammunition), section 922(k) (relating to transportation or receipt of firearm with altered serial number), section 922(z) (relating to gunrunning), section 924(b) (relating to shipment or receipt of firearm for use in a crime),''.

(d) ENFORCEMENT.—Notwithstanding any limitations imposed by or under the Federal Workforce Restructuring Act (108 Stat. 111), the Secretary of the Treasury may hire and employ 200 personnel, in addition to any personnel hired and employed by the Department of the Treasury under other law, to enforce the amendments made by this section.

By Ms. STABENOW (for herself, Mr. DOMENICI, and Mr. LEVIN):

S. 2108. A bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. STABENOW. Madam President, I rise today to introduce the Senior Nutrition Act that will help prevent our seniors from having to make the choice between food and medicine as they try to balance their budgets.

That, is the most horrible of choices.

The problem, is this:

The average senior citizen pays over $1,000 per year on prescription drugs. Many of these seniors, the majority of whom are widows, depend entirely on Social Security for their income and cannot afford to buy their prescription drugs without cutting back on their food.

At the same time, many food banks and other nutrition programs are reporting an increase in participation by seniors.

These same food banks also say they are frustrated that many seniors they would like to help are not eligible because under the United States Department of Agriculture's, USDA, important nutrition program, the Commodity Supplemental Food Program, CSFP, seniors are not able to deduct the cost of their medications when seeking eligibility for food assistance.

While clearly in need of help, and clearly deserving of help, these seniors have to be turned away.

Michigan has the greatest number of CSFP participants in the country, last year over 80,000 people benefited from this important program in my State and 66,123 were seniors. I have a letter from the Director of the largest program in our State asking for help. I

would like to insert his letter for the record because he raises some very important points. Most importantly, he points out that if something is not done to fix this program, many seniors will be turned away. These are seniors just barely getting along, who rely on the modest food package provided by the CSFP.

The Senior Nutrition Act helps resolve this problem and helps the neediest seniors by amending the eligibility criteria for nutrition assistance provided through the CSFP. Most importantly, the bill acknowledges the extraordinarily high out-of-pocket medical expenses that senior citizens have and helps these seniors by making many of them eligible for the food available through the CSFP. The Senior Nutrition Act means the fewer seniors will be forced to make the tough choice between medication or food.

Nationally, 28 States and the District of Columbia participate in the CSFP, which works to improve the health of both women with children and seniors by supplementing their diets with nutritious USDA commodity foods. An average of more than 388,000 people each month participated in the CSFP during fiscal year 2000. Of those, 293,000 were elderly and that number is on the rise. This program is important for anyone who cares about making sure seniors have enough to eat.

The bill I am introducing today, the Senior Nutrition Act, makes the following important changes: one: In those areas where CSFP operates, categorical eligibility is granted for seniors for the CSFP if the individual participates or is eligible to participate in the Food Stamp Program. No further verification of income would be necessary in such cases. The Food Stamp Program provides a medical expense deduction, which seniors may use to account for their high prescription drug costs.

Two: This bill says that the same income standard that is currently used to determine eligibility for women, infants and children in the CSFP, 185 percent of the Poverty Income Guidelines, would be applied to seniors as well. The current income eligibility standard for seniors has been capped by regulation at just 130 percent. Under the current standards a single senior must earn no more than $11,518 per year to qualify. By raising the standard to 185 percent of poverty, the same senior can earn as much as $16,391 to qualify for food. This will make a major difference in the lives of so many seniors who are struggling with the high cost of prescription drugs.

Finally, this bill establishes an authorization for the CSFP that will double the current appropriation levels to $200 million over five years to accommodate any expansion that may occur in the program due to the changes in eligibility standards.

This bill has been endorsed by the National CSFP Association. I would like to submit a copy of their letter for the RECORD.

The golden years should be bright and active years for our seniors. They should not be lived in a grey dusk of indifference as we sit by and watch them make literal life and death decisions between food and medicine.

I would like to thank my colleagues who have joined me as original cosponsors of this bill, Senators LEVIN and DOMENICI. Together, I know we can make a difference for seniors.

I ask unanimous consent that the text of this bill and that the letters from Mr. Frank Kubik and Ms. Barb Packett be printed in the RECORD.

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

S. 2108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Senior Nutrition Act of 2002''.

SEC. 2. FINDINGS.

Congress finds that—

(1) senior citizens in the United States have significant out-of-pocket costs for medical expenses, especially for prescription drugs;

(2) 3 in 5 Medicare beneficiaries do not have dependable, affordable, prescription drug coverage;

(3) as medical costs continue to rise, many senior citizens are forced to make the difficult choice between purchasing prescription drugs and purchasing food;

(4) the commodity supplemental food program provides supplemental nutritious foods to senior citizens in a number of States and localities;

(5) under the commodity supplemental food program—

(A) women, infants, and children with household incomes up to 185 percent of the Federal Poverty Income Guidelines published annually by the Department of Health and Human Services may be eligible for supplemental foods; but

(B) senior citizens are ineligible for supplemental foods if their household incomes are greater than 130 percent of the Federal Poverty Income Guidelines;

(6) during fiscal year 2000—

(A) an average of more than 388,000 people each month participated in the commodity supplemental food program; and

(B) the majority of those participants, 293,000, were senior citizens; and

(7) in order to serve the neediest senior citizens, taking into account their high out-of-pocket medical (including prescription drug) expenses, the eligibility requirements for the commodity supplemental food program should be modified to make more senior citizens eligible for the supplemental foods provided under the program.

SEC. 3. ELIGIBILITY OF ELDERLY PERSONS UNDER THE COMMODITY SUPPLEMENTAL FOOD PROGRAM.

(a) IN GENERAL.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended—

(1) in the first sentence of subsection (d)(2)—

(A) by striking ''provide not less'' and inserting ''provide, to the Secretary of Agriculture, not less'';

(B) by inserting '', or such greater quantities of cheese and nonfat dry milk as the Secretary determines are necessary,'' after ''nonfat dry milk''; and

(C) by striking ''in each of the fiscal years 1991 through 2002 to the Secretary of Agriculture'' and inserting ''in each fiscal year'';

(2) in subsection (i)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively, and indenting appropriately; and

(B) by striking ''(i) Each'' and inserting the following:

''(i) PROGRAMS SERVING ELDERLY PERSONS.—

''(1) ELIGIBILITY.—An elderly person shall be eligible to participate in a commodity supplemental food program serving elderly persons if the elderly person is at least 60 years of age and—

''(A) is eligible for food stamp benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

''(B) has a household income that is less than or equal to 185 percent of the most recent Federal Poverty Income Guidelines published by the Department of Health and Human Services.

''(2) PROVISION OF INFORMATION.—Each''; and

(3) by adding at the end the following:

''(m) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out the commodity supplemental food program—

''(A) $120,000,000 for fiscal year 2003;

''(B) $140,000,000 for fiscal year 2004;

''(C) $160,000,000 for fiscal year 2005;

''(D) $180,000,000 for fiscal year 2006;

''(E) $200,000,000 for fiscal year 2007; and

''(F) such sums as are necessary for fiscal year 2008 and each fiscal year thereafter.

''(2) LIMITATION ON USE OF FUNDS.—None of the funds made available under paragraph (1) shall be available to reimburse the Commodity Credit Corporation for commodities donated to the commodity supplemental food program.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 5(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended by striking ''Secretary (1) may'' and all that follows through ''(2) shall'' and inserting ''Secretary shall''.

(2) Section 5(g) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended by striking ''(as defined by the Secretary)'' and inserting ''described in subsection (i)(1)''.

February 21, 2002.

Hon. DEBBIE STABENOW,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR STABENOW: I am writing this letter to ask for your continued support for the Commodity Supplemental Food Program. We are facing some potential problems in the upcoming months that I would like to bring to your attention.

For FY02 we may be seeing program participation threaten to exceed our assigned caseload of 42,700 here at Focus: HOPE as well as other programs nationally that are at or above their assigned caseloads due to the downturn in the economy. November saw us serve 43,553 and 42,902 participated in January. These are traditionally slow months for us and my concern is that if we continue to serve over one hundred per cent of our caseload and additional resources are not found, we may be faced with the prospect of removing senior citizens from our program. The Department of Agriculture has done an outstanding job in assigning caseload nationally to maximize its usage but if this participation trend continues they may not have the ability to meet the demand. Seniors depend heavily on the nutritious commodities provided by CSFP. In many cases this is a lifeline for them by not only giving them access to the food but also the additional services many CSFP's are able to bring to the

seniors by the strong use of volunteers and other community programs.

My hope is that we will not get to the point of removing seniors from the program and that additional caseload, if needed, can be found.

Another point I would like to bring up is the plight of senior citizens who are over the income guideline limits of one hundred and thirty per cent of the poverty level and are ineligible for CSFP. We routinely have to turn away seniors who's income is over the guidelines yet have major expenses in the way of prescriptions and other medical care that leaves very little to live on for the rest of the month. The average income of a senior on our program is around $520 a month. Even though the maximum amount for participation is $931 a month we find many who don't qualify due to the reasons I've mentioned. A possible solution is to increase the senior income guidelines to the same amount as mothers and children who are participating in CSFP of one hundred and eighty five per cent of the poverty level. Originally when the senior program was piloted in 1983, the income guidelines were the same. They were reduced after the seniors were permanently added to the program. Increasing the income guidelines would address the needs of a growing senior population while still maintaining priority to mothers and children in the program as required by regulations.

I know that this is a time of tightening budgets but I am hopeful that a way will be found to continue to support this much needed program that has made a difference in so many of our most vulnerable citzens.

I am most appreciative of all of your support for Focus: HOPE and the Commodity Supplemental Food Program.

Sincerely,

FRANK KUBIK,
CSFP Manager.

NATIONAL CSFP ASSOCIATION,
March 18, 2002.

Hon. DEBBIE STABENOW,
U.S. Senate, Hart Senate Bldg., Washington, DC.

DEAR SENATOR STABENOW: The National Commodity Supplemental Food Program (CSFP) Association strongly supports your efforts to introduce and pass The Stabenow/Domenici Senior Nutrition Act in the upcoming weeks.

CSFP enables us to reach the most vulnerable seniors along with mothers and children every month with a food package designed to supplement protein, calcium, iron and vitamin A & C. The Hunger in America 2001 study done by America's Second Harvest reports that of the people seeking emergency food assistance, 30 percent had to choose between paying for food and paying for medicine or medical care. By amending the eligibility criteria for the seniors served by CSFP, this Act will assist the neediest of seniors in receiving nutrition assistance they so desperately need to remain in better health.

On behalf of the Association, let me thank you again for all your efforts on behalf of the CSFP and the participants we serve. We are committed to supporting The Stabenow/Domenici Senior Nutrition Action.

Sincerely,

BARB PACKETT,
Legislative Affairs Chair.

Mr. LEVIN. Madam President, today I am proud to be an original cosponsor of the Senior Nutrition Act. This legislation which is cosponsored by my friend and colleague from my home state of Michigan, Senator STABENOW as well as my good friend Senator DOMENICI seeks to address in inequity in the Commodity Supplemental Food Program, CSFP, that I have long sought to address.

CSFP is an important U.S. Department of Agriculture commodity food program that serves nearly four hundred thousand individuals every month, many of whom live in my home state of Michigan. The vast majority of these individuals are senior citizens. In fact, CSFP is the primary senior commodity program of the USDA. The average senior citizen pays $1000 dollars per year to purchase prescription drugs, and many senior citizens living on fixed incomes, are forced to choose between prescription drugs and food.

Given the dire choices facing many seniors, reforming the Commodity Supplemental Food Program so that it can serve more seniors is a matter of great importance. This legislation seeks to increase the ability of seniors to get the food that they need by granting categorical eligibility for seniors if they can participate in the Food Stamp Program. Additional verification is not needed in this case. The Food Stamp Program provides a medical expense deduction which seniors may use to account for their high prescription drug costs. This legislation will also raise the CSFP eligibility level for seniors to 185 percent of the poverty level. Raising the eligibility level to 185 percent of the poverty level, from the current level of 130 percent, would make eligibility levels consistent for women with children and senior citizens. In addition this bill will raise the authorized level for CSFP to $200 million of funding over 5 years. This will ensure that all eligible to receive food under CSFP will do so while allowing for the expansion of the program beyond the 28 States and the District of Columbia which currently participate in the program.

I am proud to be an original cosponsor of this legislation, and would like to thank Senators STABENOW and DOMENICI for their hard work in crafting this legislation. I hope that my Senate colleagues will join us in supporting and assign this legislation.

By Ms. COLLINS (for herself and Mr. NELSON of Nebraska):

S. 2110. A bill to temporarily increase the Federal Medicare assistance percentage for the Medicaid Program; to the Committee on Finance.

Ms. COLLINS. Madam President, I am pleased today to rise, with my good friend Senator BEN NELSON, to introduce a bill that would assist States through a period when many are experiencing a fiscal crisis. Stated simply, for the remainder of this year and next, the bill would increase the Federal Government's share of each State's Medicaid costs by 1.5 percent and hold the Federal matching rate for each State harmless in order to provide approximately $7 billion in fiscal relief to States and allow them to expand, not contract, their Medicaid programs.

Last month, I was pleased to join with an overwhelming number of our colleagues in passing an economic recovery bill that extended benefits for unemployed workers and provide depreciation incentives for businesses to invest in new facilities and equipment. In short, the bill provided welcome relief to our unemployed workers and to our economy. But it also posed a difficult choice to State governments.

In all but a handful of States, corporate and individual income taxes are calculated based on the Federal tax code's definition of income. Thus, when we change how taxable income is calculated under the Federal code, the changes automatically affect the amount of tax collected by States. It has been estimated, for example, that the tax changes made by the economic recovery package will reduce State revenues by $14 billion. States can avoid the revenue loss by ''decoupling'' their tax policies from Federal law, but they do so at a price. Decoupling increases the complexity of paying taxes and forces businesses to devote more resources to compliance. At the most basic level, they would have to calculate taxes two different ways and would have to factor the dueling tax consequences into their business decisions.

States that automatically or affirmatively decide to conform to the tax law changes in the economic recovery package are faced with finding ways to cover the loss in expected revenue. This could mean making painful cuts in important areas such as health care, transportation, and education. My home State of Maine was faced with a $27 million revenue loss over the next two years if it chose to conform to the Federal tax law changes, and this on top of a much larger structural budget shortfall. The resulting bleak picture forced the State legislature to contemplate some extremely problematic alternatives, including cuts in the State Medicaid program.

Today, Medicaid is the fastest growing component of State budgets. While State revenues were stagnant or declined in many States last year, Medicaid costs increased 11 percent. Maine is only one of a number of States that has been forced to consider cuts in their Medicaid programs to make up for their budget shortfalls.

Earlier this year, Maine was facing a $248 million revenue shortfall. Faced with nothing but tough choices, our Governor proposed $58 million in Medicaid cuts, including reductions in payments to hospitals, nursing homes, group homes, and physicians. He was also forced to propose a delay in the enactment of legislation passed by the State Legislature last year to expand Medicaid to provide health coverage to an estimated 16,000 low-income uninsured Mainers.

While subsequent revisions in the State's revenue forecasts enabled the Governor to restore most of these Medicaid cuts, the loss of revenue due to the tax law changes in the economic recovery package could very well put

them back on the table, particularly because the Maine legislature has decided to defer a decision on whether to fully conform in 2002 to the bonus depreciation provisions of the economic recovery package until its next legislative session.

The legislation I am introducing today will help to bridge Maine's funding gap by bringing an additional $40 million to my State's Medicaid program over the next two years. This should not only forestall the need for any further cuts, but will also provide additional funds to Maine to proceed with its plans to expand its Medicaid program to provide health care coverage for more of our low-income uninsured.

I do not want Maine or other States to have to choose between helping our economy recover from recession and helping people in need. Our States need more Federal assistance in providing health care services through Medicaid, not less, which is why I am introducing this bill today. By increasing the Federal medical assistance percentage for all States this year and next, we can relieve the pressure put on States to cut spending on important programs while increasing their capacity to provide services through Medicaid. I urge our colleagues to join Senator NELSON and me in this effort.

Mr. NELSON of Nebraska. Madam President, I come to the floor to talk about a bill I plan on introducing later on today with my good friend Senator SUSAN COLLINS. I am pleased to say that our legislation could be considered the next step in economic stimulus. A little more than a month ago, this body passed and the President signed a bill to stimulate the economy and help workers. It was not a perfect bill, but few are. But the economy was hurting and it was time to act.

One of the unintended consequences of the stimulus bill was a revenue loss for many states. The final package included a provision that will stimulate business development through tax incentives. Unfortunately, because the majority of states ''couple'' their tax rates to the federal tax rates, this benefit for businesses will mean an estimated $14 billion loss in state revenues. States can avoid the revenue loss by decoupling from the federal law, but this approach is not without its own traps and pitfalls. Decoupling makes the tax codes of states just that much more confusing.

Many states have explored ways to decouple, or in simpler terms, they have searched for ways to hold their state harmless from the experienced revenue loss. In fact, the state Legislature in Nebraska is considering such a measure today, as it attempts to find a way out of it's expected $119 million budget shortfall.

We must now take steps to alleviate the unintended impact of the tax reductions on state budgets. In previously debated stimulus packages, a provision was included that would have helped state governments by increasing the federal contribution of the Federal Medicaid Assistance Percentage, FMAP, by 1.5 percent. This provision enjoyed wide support. Unfortunately, and over the objections of the crafters of the Centrist stimulus plan, it was not included in the final package signed by President Bush.

Even before the passage of the stimulus bill, Medicaid costs were rising at the same time state tax revenues were decreasing. States are now faced with the choice of either cutting Medicaid services or diverting funding from other essential programs to fund Medicaid. This ''choice'' is no choice at all either cut health care service to Medicaid recipients or cut funding for schools, roads, police and firefighters. In a time of economic turmoil this ''choice'' can stall the economic recovery the stimulus bill was meant to jump-start.

Our bill would revive the FMAP provision this body earlier considered. It would provide a direct response to the false ''choice'' faced by states. This bill will alleviate state's Medicaid liabilities by increasing the federal government's contribution to the Medicaid program by 1.5 percent for this year and next. This would mean an additional $7 billion for states. In Nebraska, the savings would amount to an estimated $42.7 million. This more than offsets the $34 million that Nebraska is expected to lose if they comply with the business tax incentives in the stimulus bill and would in fact provide $8.7 million on top of what was lost.

A month ago, we took steps to help the economy recover and to help workers. Today, we need to take an additional step to help states struggling with fiscal calamity. With this increase in federal Medicaid assistance throughout this year and next, states will be given some breathing room to deal with the difficult choices they face in balancing their budgets. I urge my colleagues to join Senator COLLINS and I in this effort and show the states that Congress is not indifferent to their budget problems and that we will step in and provide meaningful assistance at a time when governors need it most.

Mrs. CLINTON. Madam President, I commend my colleague from Nebraska for recognizing the extraordinary burdens that are being placed on our States both because of the economic slowdown and the increase in health costs, as well as the effects of the 9–11 attacks in our State particularly, but also because of the unintended consequences of some of the efforts that were undertaken in the stimulus bill to stimulate investment which have the direct effect of further cutting State revenues.

As a former Governor, I know our colleague from Nebraska understands this intimately. I very much appreciate his leadership on this issue and look forward to working with him.

Mr. NELSON of Nebraska. I thank the Senator.

By Mr. ROCKEFELLER (for himself, Mr. BYRD, and Mr. SPECTER):

S. 2113. A bill to reduce temporarily the duty on N-Cyclohexylthiophthalimide; to the Committee on Finance.

Mr. ROCKEFELLER. Madam President, I am pleased to introduce this bill today with Senators SPECTER and BYRD to temporarily suspend a portion of the tariff applicable to a specific chemical product, N-(Cyclohexylthio)-phthalimide, which is usually referred to as ''PVI,'' and thereby provide for greater economic growth.

Import duties are intimately related to the tax and trade policies of the United States. Just as Congress expressly imposes duties on imported goods to protect specific domestic industries and at the same time raise revenue, Congress abolishes, reduces, or suspends duties to encourage domestic business enterprise and export activity, particularly if a specific domestic industry will not be harmed. This is the situation applicable to PVI.

PVI stands for ''Pre-Vulcanization Inhibitor,'' which means that PVI retards the onset of the vulcanization when rubber is being processed. In other words, PVI functions as a safeguard when rubber articles are being manufactured. There is no direct substitute product for PVI.

As you might expect, there is a reasonable demand for this product in the U.S. rubber industry, particularly in the tire industry. To meet this demand, various companies around the world now manufacture PVI and export it to the United States; however, PVI is not manufactured in the United States.

Therefore, the U.S. economy is paying a duty for the use of PVI, but no domestic industry is being protected. Therefore, this tariff should be suspended to the maximum extent possible. This legislation would suspend the tariff above the 2 percent level, which will provide for greater economic growth for the United States.

I encourage my colleagues to support this initiative. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. N-CYCLOHEXYLTHIOPHTHALIMIDE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

''	9902.29.82	N-Cyclohexylthiophthalimide (CAS No. 17796–82–6) (provided for in subheading 2930.90.24)	3%	No change	No change	On or before 12/31/2005	''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 2114. A bill to authorize the Attorney General to carry out a racial profiling educating and awareness program within the Department of Justice and to assist state and local law enforcement agencies in implementing such programs; to the Committee on the Judiciary.

Mr. VOINOVICH. Madam President, we've heard all too often of situations in cities and towns across the country in which concerns over racial profiling are creating serious divisions between communities and law enforcement agencies. Despite the shared interest each have in fighting crime and making neighborhoods safer, mistrust and wariness stands in the way of cooperation.

Today I introduced a bill entitled the ''Racial Profiling Education and Awareness Act of 2002'' that I believe will put us on the road to preventing problems caused by racial profiling and help begin reconciliation in communities torn apart by racial unrest connected to police-community relations.

Rooted in the belief that education and dialogue are the most effective tools for bridging racial divides, my bill establishes a program within the Department of Justice to educate city leaders, police chiefs, and law enforcement personnel on the problems of racial profiling and the value of community outreach, as well as to recognize and disseminate information on ''best practice'' procedures for addressing police-community racial issues.

My experience as mayor of Cleveland and governor of Ohio has taught me that reaching the hearts and minds of people is the most effective means of dealing with intolerance and the problems that result.

As mayor of Cleveland I established the city's first urban coalition, the Cleveland Roundtable, to bring together representatives of the city's various racial, religious and economic groups to create a common agenda. I also established a one-week sensitivity training course for all Cleveland police officers and created six police district community relations committees to open lines of communication between police officers and community members.

As governor, I launched efforts to increase community outreach by law enforcement in order to foster a cooperative, rather than adversarial, relationship between citizens and law enforcement. Through my ''Governor's Challenge,'' I worked to bring members of local communities together with law enforcement officials and members of the business community in order to educate and break down barriers that lead to intolerance. Outstanding communities were recognized for their efforts.

On Friday, April 12, 2002, Attorney General Ashcroft is scheduled to travel to Cincinnati, Ohio to endorse a settlement agreement between the Cincinnati Police Department and the Department of Justice. The settlement is in reference to a Federal lawsuit, filed last March that alleges a 30-year pattern of racial profiling by the department. Just one month after the suit was filed, riots broke out in the city of Cincinnati after a white officer shot and killed an unarmed black teenager in a foot chase. The riots prompted Mayor Luken of Cincinnati to invite the Justice Department to review the practices and procedures of the Cincinnati Police Department and make recommendations for improvement.

What results is a settlement, endorsed by all parties, including the local Fraternal Order of Police chapter and the local ACLU chapter, which sets forth several recommendations for the department, including revising procedures governing the use of deadly force, choke holds and irritant spray; increasing training requirements; and keeping a database of all citizen-reported positive interactions with police. Most importantly in my eyes, however, is the requirement that the department works to improve relations between communities and the police.

I firmly believe that Cincinnati can become a model for turning around a difficult situation and building good community-police relations. And I believe that if other cities and towns throughout the country can open the lines of communication between their communities and law enforcement as Cincinnati is doing, they can prevent problems from ever happening.

The overwhelming majority of State and local law enforcement agents throughout the Nation discharge their duties professionally and justly. I salute them for their committed efforts in what is one of America's toughest jobs. It is unfortunate that the misdeeds of a minute few have such a corrosive effect on the police-community relationship. Through education and dialogue we can help turn situations around so that groups who once thought they had little in common can realize how much they actually have to gain by working together to make our communities safer places to live.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Racial Profiling Education and Awareness Act of 2002.''

SEC. 2. FINDINGS.

Whereas, the overwhelming majority of state and local law enforcement agents throughout the nation discharge their duties professionally and without bias.

Whereas, a large majority of individuals subjected to stops and other enforcement activities based on race, ethnicity, or national origin are found to be law-abiding and therefore racial profiling is not an effective means to uncover criminal activity.

Whereas, racial profiling should not be confused with criminal profiling, which is a legitimate tool in fighting crime.

Whereas, racial profiling violates the Equal Protection Clause of the Constitution. Using race, ethnicity, or national origin as a proxy for criminal suspicion violates the constitutional requirement that police and other government officials accord to all citizens the equal protection of the law. *Arlington Heights* v. *Metropolitan Housing Development Corporation*, 429 U.S. 252 (1977).

SEC. 3. AUTHORIZATION OF PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with law enforcement agencies and civil rights organizations, shall establish an education and awareness program on racial profiling and the negative effects of racial profiling on individuals and law enforcement.

(b) PURPOSES OF PROGRAM.—The purposes of this new educational program are to (1) encourage state and local law enforcement agencies to cease existing practices that may promote racial profiling, (2) encourage involvement with the community to address the problem of racial profiling, (3) assist state and local law enforcement agencies in developing and maintaining adequate policies and procedures to prevent racial profiling, and (4) assist state and local law enforcement agencies in developing and implementing internal training programs to combat racial profiling and to foster enhanced community relations.

(c) PROGRAM FOR LOCAL LAW ENFORCEMENT AGENCIES.—The education and awareness program and materials developed pursuant to subsections (a) and (b) shall be offered to state and local law enforcement agencies.

(d) REGIONAL PROGRAMS.—The education and awareness program developed pursuant to subsections (a) and (b) shall be offered at various regional centers across the country to ensure that all law enforcement agencies have reasonable access to the program.

SEC. 4. EVALUATION OF BEST PRACTICES.

(a) PERFORMANCE MEASURES.—The Department of Justice shall develop measures to evaluate the performance of programs implemented under Section 3(b)(4).

(b) EVALUATION ACCORDING TO PERFORMANCE MEASURES.—Applying the performance measures developed under subsection (a), the Department of Justice shall evaluate programs implemented under section 3(b)(4)—

(1) to judge their performance and effectiveness;

(2) to identify which of the programs represents the best practices to combat racial profiling; and

(3) to identify which of the programs may be replicated and used to provide assistance to other law enforcement agencies.

(c) Applying the performance measures developed under subsection (a), the Department of Justice shall work with those state and local law enforcement agencies that would most benefit from the education program and materials developed under section three in order to assist them in implementing a plan for the prevention of racial profiling within their agency.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Mr. CLELAND:

S. 2115. A bill to amend the Public Health Act to create a Center for Bioterrorism Preparedness within the Centers for Disease Control and Prevention; to the Committee on Health, Education, Labor, and Pensions.

Mr. CLELAND. Madam President, I rise today to introduce legislation to create a National Center for Bioterrorism Preparedness and Response within the Centers for Disease Control and Prevention. This center will be the first in the Federal Government to be dedicated solely to protecting the Nation against the public health threats posed by biological, chemical, and radiological weapons attacks.

The monumental importance of this task, compounded by the potentially devastating consequences of a failure to give it the national commitment it deserves, makes the creation of a single center that will focus all its energies and resources on encountering the public health threat of bioterrorism imperative and of the greatest urgency.

The events of last fall made it painfully clear that we as a nation are not as prepared as we need to be to deal with a bioterrorist attack.

The Federal response to the anthrax crisis has been variously characterized as fragmented, slow, confused, ineffectual—in a word, inadequate. This is in no way a reflection on the dedication or abilities of the men and women who performed so exceptionally well in their roles at the Federal, State, and local level in response to a threat none of us had encountered before. They did not let us down. If anything, we, the Congress of the United States, let them down through years of neglect of the public health sector and by failing to give adequate recognition sooner to the threat posed to us by bioterrorism.

It was not until 1999 that the Department of Health and Human Services launched its bioterrorism initiative. The military had understood and taken steps to counter the threat of biological warfare against our troops decades earlier. But it took the civilian sector until 3 years ago even to begin to take seriously the threat of domestic terrorism.

Today not one of us could possibly fail to understand how serious the threat posed by bioterrorism truly is. Some among us were the intended targets of last fall's bioterrorist attack. All of us keenly felt the threat.

Between 1999 and 2001, we spent in this Nation a total of $730 million on HHS's bioterrorism initiative, the lion's share of which was used by the CDC to bolster bioterrorism preparedness and response capacity of State and local health departments.

This initiative was a good start, but it is now clear that between 1999 and September 11, 2001, we continued to grossly underestimate the national commitment that would be required to counter the threat of bioterrorism.

Finally, late last year, as we finished allocating funds for fiscal year 2002 in the wake of September 11 and the anthrax attacks, we boosted HHS bioterrorism spending to $3 billion, roughly a tenfold increase.

Congress is often accused of being reactive instead of proactive, and I think that criticism is, I am sad to say, valid in this case. Certainly a dramatic ratcheting up to our commitment to bioterrorism defense was the right reaction to the events of last fall. But now we are presented with the opportunity, and I think the obligation, to take proactive steps to anticipate future threats and needs based on our recent experiences.

My proposal today is just such a step, and I exhort my colleagues in this body and in the House to support the immediate authorization of a National Center for Bioterrorism Preparedness and Response.

The CDC is on the public health front in the war against domestic terrorism, the tip of the spear. It is not the only weapon in our arsenal. The CDC joins the National Institutes of Health, the Food and Drug Administration, and Health Resources and Services Administration, the many State and local health departments, and many others on the front line. But the CDC is the one with the greatest responsibility in the event of a bioterrorist attack.

Despite the critical nature of these responsibilities, we must remember how new they are to the CDC, especially relative to the CDC's 56 years of experience addressing public health threats of a fundamentally different nature.

The threat posed by bioterrorism bears a surface resemblance to that posed by more conventional disease outputs. But closer inspection reveals real substantive differences, and a recognition of these differences can make the difference between an effective and ineffective emergency response.

The scientists and other experts at the National Center for Infectious Diseases and the National Center for Environmental Health are highly skilled in controlling and preventing disease outbreaks of a natural origin, but when it comes to bioterrorism, they are treading new ground without a compass.

CDC's rapid response personnel, in the absence of the specialized and focused bioterrorism training that a national center could provide, will inevitably bring to bear epidemiological models and methods that, while exceptionally effective in approaching naturally occurring disease outbreaks, are poorly suited to manmade outbreaks.

As my friend and former Senator Sam Nunn so wonderfully noted in testimony to Congress just months before September 11 of last year:

A biological weapons attack cuts across categories and mocks old strategies.

We need a new approach. Under the present structure, CDC's bioterrorism preparedness and response efforts exist alongside and are dispersed among its more traditional programs. This is the prevailing state of affairs because HHS's bioterrorism initiative is still relatively new, not because it is the ideal method of organizing CDC's response to bioterrorism, but the time has come to give the CDC's bioterrorism defense efforts the focus they deserve.

Counterbioterrorism activities at the CDC jumped from zero percent of the CDC's overall budget in 1998 to 4 percent in 2001 and 34 percent in 2002.

Each of the CDC's other major programs, none of which now even approaches the bioterrorism program in terms of size, has been given a national center with its own director, its own budget authority, and own accountability to Congress.

The CDC's Bioterrorism Preparedness and Emergency Response Program, by contrast, is not even funded through the CDC. Its resources come from the external public health and social service emergency fund.

In the Children's Health Act of 2000, we authorized a National Center on Birth Defects and Developmental Disabilities, not because the CDC had no prior programs relating to birth defects and developmental disabilities, but rather because only in their own dedicated center could these programs receive the focus and priority they deserve.

There is a National Center for Health Statistics, but there is right now no National Center for Bioterrorism Preparedness and Response. It seems to me that if a dedicated center is called for by the need for accurate health statistics, the urgent need for a comprehensive, effective, and focused defense against bioterrorism certainly demands one as well.

Under my legislation, the National Center for Bioterrorism Preparedness and Response would be charged with the following responsibilities: training, preparing, and equipping bioterrorism emergency response teams, who will become the special forces of the Public Health Service, for the unique purpose of immediate emergency response to a man-made assault on the public health; overseeing, expanding, and improving the laboratory response network; and that is a mission; developing response plans for all conceivable contingencies involving terrorist attacks with weapons of mass destruction, that is much needed and developing protocols of coordination and communication between Federal, State, and local actors, as well as between different Federal actors, in collaboration with these entities, for each of those contingencies,

which is highly needed; maintaining, managing, and deploying the National Pharmaceutical Stockpile, what an important challenge that is; regulating and tracking the possession, use, and transfer of dangerous biological, chemical, and radiological agents that the Secretary of HHS determines pose a threat to the public health; developing and implementing disease surveillance systems, including a nationwide secure electronic network linking doctors, hospitals, public health departments, and the CDC, for the early detection, identification, collection, and monitoring of terrorist attacks involving weapons of mass destruction; administering grants to state and local public health departments for building core capacities, such as the Health Alert Network; and organizing and carrying out simulation exercises with respect to terrorist attacks involving biological, chemical, or radiological weapons in close coordination with other relevant federal, state, and local actors.

This Center is designed specifically to complement HHS's existing structure for the coordination of its multiagency counter-bioterrorism initiative. At present, the Director of the Office of Public Health Preparedness is responsible for coordinating the bioterrorism functions of the CDC with those of the NIH, with those of the FDA and so forth. The housing of all the CDC's bioterrorism functions in one dedicated center will facilitate the Director's coordination task by providing a single point of contact within the CDC for its bioterrorism defense efforts. When the National Center for Bioterrorism Preparedness and Response goes online, the CDC will benefit from a much more focused and prioritized bioterrorism mandate; the Office of Public Health Preparedness will benefit from a streamlining of its coordination duties; and the American people will benefit from a firmer, sounder, stronger defense against bioterrorism.

Let me be clear that what I am proposing is not an added layer of bureaucracy. Most of the responsibilities that would be assigned to the National Center for Bioterrorism Preparedness and Response already accrue to the CDC in Atlanta. My legislation would gather these existing bioterrorism functions from their various locations throughout the CDC, which has 21 different buildings, I might add, and bring them all under one roof, one center—an elimination of bureaucratic layers, not an addition of a new one. There are a few new responsibilities that my legislation would charge to the Center that do not currently reside with the CDC, but I challenge anyone to claim that they constitute merely an added layer of bureaucracy. Where there are new responsibilities—for instance, the tracking and regulation not merely of the transfer but of the possession and use of deadly biological toxins—it is only in instances of national security imperatives of the highest order.

In 1947, President Truman advocated and presided over the creation of the National Military Establishment, a new department bringing the Departments of War and Navy under one aegis. In 1949, the National Military Establishment was renamed the Department of Defense. President Truman recognized in the waning days of World War II that the Nation's military as it was then structured would be incapable of meeting future threats. That is important. The Department of Defense, with its unified command structure and cohesive focus on national defense, was his solution to the problem. Today, we all know how well the Department of Defense has served us. In the 1980s, President Reagan appointed the first drug czar to lend focus to what had previously been a loosely dispersed and consequently ineffectual war on drugs. More recently, President Bush created the Office of Homeland Security because he recognized that we need one office and one director whose sole responsibility is to ensure the security of our homeland. In this same tradition, I propose a National Center for Bioterrorism Preparedness and Response. When a threat—be it our inability to win future wars, rampant drug use, or terrorist designs on our homeland—reaches critical proportions, our Nation has historically responded by creating a focal point whose sole mandate is addressing that threat. Today, I can say without fear of contradiction that the threat of bioterrorism has surpassed the critical threshold. In my view, we are therefore called upon by history and by our obligation to future generations to create a dedicated National Center for Bioterrorism Preparedness and Response.

I ask unanimous consent that the text of my legislation be printed in the RECORD.

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

S. 2115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL CENTER FOR BIOTERRORISM PREPAREDNESS AND RESPONSE.

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART R—NATIONAL CENTER FOR BIOTERRORISM PREPAREDNESS AND RESPONSE

"SEC. 399Z–1. NATIONAL CENTER FOR BIOTERRORISM PREPAREDNESS AND RESPONSE.

''(a) IN GENERAL.—There is established within the Centers for Disease Control and Prevention a center to be known as the National Center for Bioterrorism Preparedness and Response (referred to in this section as the 'Center') that shall be headed by a director appointed by the Director of the Centers for Disease Control and Prevention.

''(b) DUTIES.—The Director of the Center shall—

''(1) administer grants to State and local public health entities, such as health departments, academic institutions, and other public health partners to upgrade public health core capacities, including—

''(A) improving surveillance and epidemiology;

''(B) increasing the speed of laboratory diagnosis;

''(C) ensuring a well-trained public health workforce; and

''(D) providing timely, secure communications and information systems (such as the Health Alert Network);

''(2) maintain, manage, and in a public health emergency deploy, the National Pharmaceutical Stockpile administered by the Centers for Disease Control;

''(3) ensure that all States have functional plans in place for effective management and use of the National Pharmaceutical Stockpile should it be deployed;

''(4) establish, in consultation with the Department of Justice, the Department of Energy, and the Department of Defense, a list of biological, chemical, and radiological agents and toxins that could pose a severe threat to public health and safety;

''(5) at least every 6 months review, and if necessary revise, in consultation with the Department of Justice, the Department of Energy, and the Department of Defense, the list established in paragraph (4);

''(6) regulate and track the agents and toxins listed pursuant to paragraph (4) by—

''(A) in consultation and coordination with the Department of Justice, the Department of Energy, and the Department of Defense—

''(i) establishing procedures for access to listed agents and toxins, including a screening protocol to ensure that individual access to listed agents and toxins is limited; and

''(ii) establishing safety standards and procedures for the possession, use, and transfer of listed agents and toxins, including reasonable security requirements for persons possessing, using, or transferring listed agents, so as to protect public health and safety; and

''(B) requiring registration for the possession, use, and transfer of listed agents and toxins and maintaining a national database of the location of such agents and toxins; and

''(7) train, prepare, and equip bioterrorism emergency response teams, composed of members of the Epidemic Intelligence Service, who will be dispatched immediately in the event of a suspected terrorist attack involving biological, chemical, or radiological weapons;

''(8) expand and improve the Laboratory Response Network;

''(9) organize and carry out simulation exercises with respect to terrorist attacks involving biological, chemical, or radiological weapons, in coordination with State and local governments for the purpose of assessing preparedness;

''(10) develop and implement disease surveillance measures, including a nationwide electronic network linking doctors, hospitals, public health departments, and the Centers for Disease Control and Prevention, for the early detection, identification, collection, and monitoring of terrorist attacks involving biological, chemical, or radiological weapons;

''(11) develop response plans for all conceivable contingencies involving terrorist attacks with biological, chemical, or radiological weapons, that specify protocols of communication and coordination between Federal, State, and local actors, as well as between different Federal actors, and ensure that resources required to carry out the plans are obtained and put into place; and

''(12) perform any other relevant responsibilities the Secretary deems appropriate.

''(c) TRANSFERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, on the date described

in paragraph (4), each program and function described in paragraph (3) shall be transferred to, and administered by the Center.

''(2) RELATED TRANSFERS.—Personnel employed in connection with the programs and functions described in paragraph (3), and amounts available for carrying out such programs and functions shall be transferred to the Center. Such transfer of amounts does not affect the availability of the amounts with respect to the purposes for which the amounts may be expended.

''(3) PROGRAMS AND FUNCTIONS DESCRIBED.—The programs and functions described in this paragraph are all programs and functions that—

''(A) relate to bioterrorism preparedness and response; and

''(B) were previously dispersed among the various centers that comprise the Centers for Disease Control and Prevention.

''(4) DATE DESCRIBED.—The date described in this paragraph is the date that is 180 days after the date of enactment of this section.''.

By Mr. KERRY:

S. 2116. A bill to reform the program of block grants to States for temporary assistance for needy families to help States address the importance of adequate, affordable housing in promoting family progress towards self-sufficiency, and for other purposes; to the Committee on Finance.

Mr. KERRY. Madam President, I am pleased today to introduce the Welfare Reform and Housing Act. This bill contains measures to improve access to adequate and affordable housing for families eligible for Temporary Assistance for Needy Families, TANF, benefits.

It is essential that low-income families struggling to make the transition from welfare to work have access to affordable, quality housing options. Families with housing affordability problems are often forced to move frequently, which disrupts work schedules and jeopardizes employment. Many of the affordable housing options are located in areas that have limited employment opportunities and are located a long distance from centers of job growth. Furthermore, high housing costs can rob low-wage workers of a majority of their income, leaving insufficient funds for child care, food, transportation, and other basic necessities.

Maintaining stable and affordable housing is critically important to holding down a job, yet an alarming number of low-income families do not have access to affordable housing. The data from Massachusetts is shocking: in order to afford a two-bedroom unit at the fair market rent established by the Department of Housing and Urban Development, HUD, a minimum-wage worker would have to work 105 hours per week; in 1995, 2,900 poor families used private homeless shelters, while in 2000 the number grew to 4,300, with a majority of these families being low-wage workers who had once been on welfare. Lack of affordable housing is not a problem exclusive to Massachusetts. The Brookings Institution found that nearly three-fifths of poor renting families nationwide pay more than half of their income for rent or live in seriously substandard housing. Nationwide there are only 39 affordable housing units available for rent for every 100 low-income families needing housing. And for the fourth year in a row, rents have increased faster than inflation. We must address the issue of affordable housing during reauthorization of the welfare law because many low-income families hit this formidable roadblock on their path to employment.

Though access to affordable housing is often left out of the discussion of welfare reform, it is crucial that we address this issue during our reauthorization of the welfare reform law this year. The welfare reform legislation will not allocate considerable new funds to increase affordable housing opportunities, however, modifications to the TANF statute can be made to address the problem by other means. That is why today I am introducing the Welfare Reform and Housing Act. This legislation will address the housing issue in the context of welfare reform in six major ways:

First, the measure will make it simpler for states to use TANF funds to provide ongoing housing assistance. TANF-funded housing subsidies provided for more than four months would be considered ''non-assistance'' instead of ''assistance''. By considering these subsidies as ''non-assistance,'' states that want to implement housing assistance programs using TANF funds will not have to work within the constraints of current Health and Human Services rules surrounding ''assistance'' subsidies.

Second, the bill would encourage states to consider housing needs as a factor in TANF planning and implementation. My legislation would direct the Department of Health and Human Services to work with the Department of Housing and Urban Development to gather increased and improved data on the housing status of families receiving TANF and the location of places of employment in relation to families' housing. States will be required to consider the housing status of TANF recipients and former recipients in TANF planning.

Third, the legislation would allow states to determine what constitutes ''minor rehabilitation costs'' payable with TANF funds. It is now permissible to use TANF funds for ''minor rehabilitation'' but there is no guidance from HHS on what types or cost of repairs are allowable, making it difficult for states to determine the extent to which using TANF funds in this area is permissible. By allowing states to define what constitutes ''minor rehabilitation,'' more states with similar needs will follow suit. A recent study of the health of current and former welfare recipients found that non-working TANF recipients were nearly 50 percent more likely than working former recipients to have two or more problems with their housing conditions. Research has shown that poor housing conditions often can cause or exacerbate health problems.

Fourth, my bill would encourage cooperation among welfare agencies and agencies that administer federal housing subsidies. By improving the dialogue between public housing agencies and state welfare agencies, the two groups will be able to enter into agreements on how to promote the economic stability of public housing residents who are receiving or have received TANF benefits.

Fifth, the legislation would authorize HHS and HUD to conduct a joint demonstration to explore the effectiveness of a variety of service-enriched and supportive housing models for TANF families with multiple barriers to work, including homeless families.

Finally, my bill would clarify that legal immigrant victims of domestic violence eligible for TANF and other welfare-related benefits are also eligible for housing benefits. The proposal would ensure that abused immigrant women seeking protection under the 1994 Violence Against Women Act that are also eligible for other federal benefit programs have access to federal housing programs under section 214 of the Housing and Community Development Act.

Recent proposals made by the Administration and some members of Congress aim to increase work requirements for families receiving TANF funds. Therefore it is important that we are committed to ensuring that low-income families have a fair chance at employment. We have made progress addressing many barriers to work for low-income families such as child care, job training, and transportation. But in order to fully support families make the transition to work we must address the shortage of adequate and affordable housing. The Welfare Reform and Housing Act brings housing into the welfare reform dialogue and aims to help ameliorate the housing problem so that low-income families leaving welfare have a chance to succeed in the work force.

By Mr. DODD (for himself, Ms. SNOWE, Mr. JEFFORDS, Mr. DEWINE, Mr. BREAUX, Mr. REED, and Mr. ROCKEFELLER):

S. 2117. A bill to amend the Child Care and Development Block Grant Act of 1990 to reauthorize the Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Madam President, I am pleased to join with my colleagues Senators SNOWE, JEFFORDS, DEWINE, BREAUX, REED, ROCKEFELLER, and COLLINS. By joining together on this legislation, we are indicating a strong bipartisan consensus to invest in both improving the quality of child care and expanding assistance to low income working families.

It is significant that we are joining together today not only in a bipartisan manner, but also as members of the

HELP and Finance Committees in recognition of the support and neccessity of child care assistance.

Today we are introducing legislation to reauthorize the Child Care and Development Block Grant. We are calling this legislation the ''Access to High Quality Child Care Act'', because it's about time that we put the focus on ''Development'' back into the Child Care and Development Block Grant. Children are 20 percent of our population, but 100 percent of our future.

Today, 78 percent of mothers with school-age children are working. 65 percent of mothers with children under 6 are working. And, more than half of mothers with infants are working.

Most parents are simply not home full-time anymore. Many would like to be. For those who are, I introduced legislation in the Senate to provide a tax credit for stay-at-home parents. Because they, too, deserve support in their efforts to raise their children.

But most families don't have a choice. If the kids are going to eat, go to school, and have a roof over their heads, both parents must work. I don't know of any working parents who think that balancing work and family is easy. It's not.

Since 1996, the number of families receiving child care assistance has grown dramatically to about 2 million children today. But, for as many children who receive assistance, available child care funds reach only one out of seven eligible children.

Child care in too many communities is not affordable. And in too many more, it's not available, or, even worse, of dubious quality.

About 14 million children under the age of 6 are in some type of child care arrangement every day. This includes about 6 million infants. The cost of care averages between $4,000 and $10,000 a year, more than the cost of tuition at any state university.

Far too many of America's parents are left with far too little choice.

Nearly 20 States currently have waiting lists for child care assistance. Every State has difficulty meeting child care needs. No state serves every eligible child.

Now, I know that there are some who say that we don't need more money for child care, that during the last few years we have pumped billions more into child care. But, I think we have a responsibility to look at what has happened over the last few years as well.

The welfare caseload dropped by 1.8 million families from 1996 to 1999. The majority of welfare leavers are now employed in low wage jobs.

The share of TANF families working or participating in work-related activities while receiving TANF has soared to nearly 900,000 in fiscal year 99.

Between 1996 and 1999, the number of employed single mothers grew from 1.8 million to 2.7 million.

According to the Congressional Research Service, there has been a marked increase in single mothers working, from 63.5 percent in 1996 to 73 percent in 2001.

But, let's face it. Most welfare leavers are leaving for low wage jobs. On average, they are making $7 or $8 an hour. They are working, but they are still struggling to get by. Many low wage parents move from one low wage job to another, but rarely to a high wage job. Therefore, even over time, these parents still need child care assistance to stay employed.

I am very concerned that the Administration's welfare reauthorization plan, with no additional funds for child care, will result in States shifting assistance from the working poor to those on welfare. House Republicans joined with Secretary Thompson on Wednesday to announce the introduction of the President's welfare plan in the House. One change they made to address child care needs was to allow states additional flexibility to transfer 50 percent of TANF funds to child care instead of 30 percent under current law.

Since States are already spending all of their TANF money and the Administration's welfare plan adds significant additional work requirements for TANF recipients, I just don't see what giving the States additional flexibility buys them in child care dollars. At best, it's robbing Peter to pay Paul, taking cash assistance payments away from welfare parents to pay for child care for working TANF parents. That makes no sense. So, instead of robbing assistance from the working poor to pay for child care assistance for welfare recipients, states would rob welfare assistance directly from the worst off who are not working to pay for child care for those on welfare who are working? What's the logic? How does this help anyone?

We held two hearings on child care in March. At one hearing, a woman from Maine testified who earns about $18,000 a year, pays half her income in child care every week, but remains on a waiting list to receive assistance. In the meantime, she and her two year old sleep on her grandmother's couch because she can't afford a place of her own.

At another hearing, a woman from Florida with $13,000 in earnings a year recently lost her child care assistance because in Florida families working their way off TANF have only 2 years of transitional child care. After that, they must join the waiting list of some 48,000 children. Because she lost her child care assistance and the state waiting list is so long, this woman may have to return to welfare.

I've heard some say the answer is flexibility, that if we give the States more flexibility, then they will step up to the plate. A more realistic prediction would be that if we give states the resources, they will step up to the plate.

Let me tell you what flexibility without sufficient resources leads to: low eligibility levels, no outreach, low provider reimbursement rates, high copays, and waiting lists. Sound familiar? That's right. With the cost of child care today, even with additional resources provided over the last several years, too many of the states are forced to restrict access to low income working parents. Assistance that is provided often limits parents' choices.

We can do better than this. Too often I hear about low income families stringing together whatever care they can find so that they can hold their jobs. For many this means Grandma one day, an aunt the next day, an uncle the following day, and then maybe the aunt's boyfriend.

It's no wonder that 46 percent of kindergarten teachers report that half or more of their students are not ready for kindergarten.

We need to look at these issues in an integrated manner. The education bill that the President recently signed will require schools to test every child every year from 3rd through 8th grade, and the results of those tests will be used to hold schools accountable.

But, if we expect children to be on par by third grade, we need to look at how they start school. The learning gap doesn't begin in kindergarten, it is first noticed in kindergarten.

If we are serious about education reform, we need to look at the child care settings children are in and figure out how to strengthen them. Seventy-five percent of children under 5 in working families are in some type of child care arrangement. Too often it is of poor quality.

The bill we are introducing today is geared toward improving the quality of care to promote school readiness while expanding child care assistance to more working poor families.

The Child Care and Development Block Grant is designed to give parents maximum choice among child care providers. In our bill, we retain parental choice, but provide States with a number of ways to help child care providers improve the quality of care that they provide.

We set aside 5 percent of child care funds to promote workforce development, helping States to improve child care provider compensation and benefits, offer scholarships for training in early childhood development, initiate or maintain career ladders for childhood care professional development, foster partnerships with colleges and ''resource & referral'', R&Rs, organizations to promote teacher training in the social, emotional, physical, and cognitive development of children, including preliteracy and oral language so necessary for school readiness.

We set aside 5 percent of child care funds to help States increase the reimbursement rate for child care providers to ensure that parents have real choices among quality providers. Under current law, child care payment rates are supposed to be sufficient ''to ensure equal access for eligible children to comparable child care services in the State or substate area that are provided to children whose parents are not

eligible to receive assistance''. But, low State reimbursement rates do not offer parents comparable care.

The children of working parents need quality child care if they are to enter school ready to learn. Yet, 30 States require no training in early childhood development before a teacher walks into a child care classroom. Forty-two States require no training in early childhood development before a family day care provider opens her home to unrelated children.

Our bill would require States to set training standards, just as they are required to do now for health and safety under current law. Such training would go beyond CPR and first aid to include training in the social, emotional, physical, and cognitive development of children.

Relatives would be exempt, but through the quality funding in CCDBG, States could partner with colleges and R&Rs to provide training to relatives and informal caregivers on a voluntary basis. Initial evaluations in Connecticut of such efforts show that relatives and informal caregivers are voluntarily participating and are feeling better about themselves and their interactions with the children have improved.

Leading studies have found that early investments in children can reduce the likelihood of being held back in school, reduce the need for special education, reduce the dropout rate of high school students, and reduce juvenile crime arrest rates.

If we don't improve both the quality of child care that our children now spend so much time in and expand access to child care assistance to more of the working poor, we will be in danger of missing the boat on a whole generation of children.

I think I speak for all of the cosponsors of this legislation that we hope to mark up child care in conjunction with the Finance Committee consideration of welfare reform.

Ms. SNOWE. Madam President, I rise today to join my good friend and colleague Senator DODD, in introducing the ''Access to High Quality Child Care Act of 2002.'' This legislation seeks to build upon Congress' efforts in 1996 to reform the Nation's welfare system and with it, overhaul the Nation's largest child care assistance program, the Child Care Development Block Grant.

One of the most important tasks before Congress this session is the reauthorization of two critical public assistance laws, the landmark 1996 welfare reform law, and the Child Care Development Block Grant. Together, these two programs, which are inextricably linked, comprise the backbone for our Nation's support infrastructure for working families.

The 1996 welfare law reformed the entire nature of the welfare system, ending welfare as a way of life and making it instead a temporary program, providing a hand up instead of a hand out to families making the transition from welfare to work. The Child Care Development Block Grant, working with the welfare law, provides more than $4.8 billion for child care in 2002, giving assistance to those families that are in transition as well as those who have already successfully made it out of the welfare system, and helping them stay out of the welfare system by helping them meet the high cost of child care. The result is that since 1996, with more parents working, more children than ever before are receiving child care subsidy assistance.

The key to the successful welfare reform, as witnessed by the 52 percent decline in welfare caseloads since 1996, is the system of work supports that provides assistance to working parents to help them make ends meet while in low paying jobs, and sustain the family's successful transition from welfare to self sufficiency. And perhaps the most critical of all work supports is child care. Without access to quality child care, a parent is left with two choices, to leave their child in a unsafe, and often unsupervised situation, or to not work at all. Frankly, neither option is acceptable.

This is the underlying philosophy behind the legislation we introduce today: to ensure that working parents have access to affordable, high quality child care.

From the onset, our goal has been to reauthorize the Child Care Development Block Grant to ensure the working parents of America can continue their jobs with the peace of mind that their children are in a safe and quality child care situation, whether it is at a child care center, a relative's home, or in their own home.

We do so by increasing the amount of funding set aside to raise the quality of care, giving states the ability to improve strengthen their child care workforce. States will have the option to choose how they will do so, but options include partnering with community colleges and Resource and Referral agencies to provide training in early childhood development to the workforce, or by simply increasing child care worker's wages. Astonishingly, the national average salary for a child care worker is between $15,000 and $16,000, and usually with few benefits. This legislation would give states even greater flexibility to decide how to improve quality using even greater resources.

Additionally, our legislation simplifies and streamlines the use of federal welfare dollars for child care, whether it be spent directly on child care or whether it is transferred to the Child Care Development Block Grant, while holding these expenditures to the same health and safety standards as those under the CCDBG. As a member of the Senate Finance Committee, which has the jurisdiction over the welfare reauthorization, fixing what's wrong with the rules regarding the use of federal welfare funding for child care is a high priority of mine as welfare works its way through Committee consideration.

Approximately 14 million children under the age of six are regularly in child care, corresponding with the fact that 65 percent of mothers with children under age six are in the workforce. Considering that the goal of welfare reform is to move people off the welfare rolls and onto payrolls, offering help with the cost of child care is one sure way to ensure that parents can work. Child care is expensive and often difficult to find. In some states, child care costs as much as four years in a public college. And that's even before considering the additional cost of caring for infants, or for odd hour care for those working nights or weekends, or care for children with special needs.

And the fact is, we know child care pays off in encouraging more parents on welfare to find and keep a job. States have devoted significant funding to child care assistance, and have redirected the bulk of unspent federal welfare dollars under the Temporary Assistance for Needy Families block grant, TANF, and state Maintenance of Effort, MOE, dollars to child care assistance. In 2000 alone, states transferred $2.4 billion in TANF dollars to the Child Care and Development Block Grant, and spent an additional $1.5 billion in direct TANF dollars for child care. Why? Because they realize that child care assistance keeps parents working and that is the key to self sufficiency.

However, since parents who are making the transition from welfare to work typically hold minimum wage jobs, those workers' ability to place their children in quality child care often stretches their families' budget to the limit. And while these families may no longer be in need of, or eligible for, cash assistance, without child care assistance, they may be forced back on the welfare rolls.

The fact of the matter is, quality affordable child care remains difficult to afford for families nationwide. This reality was made clear last month, when a young woman from Maine, Sheila Merkinson, testified before Senator DODD's Health, Education, Labor and Pensions Subcommittee, that the cost of her son's child care absorbs 48 percent of her weekly income, leaving her to provide for her family with only half of her $18,000 a year earnings. Sadly, Sheila's situation is not unique.

Our legislation will help Sheila, and thousands like her, by improving the current child care delivery system, and increases the funding for the Child Care Development Fund to meet the needs established by the welfare work requirements. This link not only makes sense, it also is critical, responsible and essential for the future of our nation's children and families.

Mr. JEFFORDS. Madam President, I would like to thank Senators DODD, SNOWE, DEWINE, BREAUX, REED, ROCKEFELLER, and COLLINS for their hard work and dedication to helping provide

working families with access to high-quality child care, and I am proud to be an original co-sponsor of this important legislation. Senator DODD and I have been working together on this and other critical issues affecting children for over twenty years now. And, I look forward to continue working with him and my esteemed colleagues as we move forward in helping children and families across the country.

A recent Administration report reveals that as many as 75 percent of children under the age of five in this country are in some form of child care arrangement. And, as more mothers of young children enter the workforce, working families need even greater access to higher quality child care. In my State of Vermont, approximately 87 percent of Vermont children under the age of six live with two working parents, and only 56 percent of the estimated need for child care in Vermont is met through regulated care.

The evidence overwhelmingly demonstrates that the quality of early child care and education has a significant effect on children's health and development and their readiness for school. According to a recent study, children participating in quality, comprehensive early care and education programs had a 29 percent higher rate of high school completion, a 41 percent reduction in special education placement, a 40 percent reduction in the rate of grade retention, a 33 percent lower rate of juvenile arrest, and a 42 percent reduction in arrest for a violent offense.

All other industrialized nations acknowledge the great value of early care and education, and make the care and education of toddlers and pre-schoolers a mandatory part of their public education system, and pay for it. Unfortunately, the United States does not.

Quality child care is available in the United States to young parents, but in many cases, it costs more than ten thousand dollars per year. This is almost twice the cost of going to many public colleges.

Earlier last week, the President proposed an initiative to strengthen early learning. He stated that he wants every child to enter school ready to learn. I am pleased that the President is making the care and education of our youngest children a priority. However, if we really want to help all children enter school ready to learn, then we need to actually provide the resources to do so. The costs of quality child care exceed what most working families can afford. Yet, unbelievably, the President has proposed NO additional funding to help families gain access to quality child care. This just doesn't make any sense.

Many States across the country are working hard to improve the quality and accessibility of child care, but they simply do not have the resources to provide sufficient access and quality. For example, the State of Vermont spends approximately $33 million to provide working families with access to child care and to improve the quality of child care around the State. For a small State like Vermont, this is a lot of money, but is hardly sufficient to provide the type of access and quality necessary to make sure all kids enter school ready to learn. The State would need an additional $40 to $50 million to effectuate real change.

And further, due to the recent economic downturn, a majority of the States has reported revenues well below expected levels. Accordingly, while the States want to do more to further the quality and accessibility of child care, many States will actually have less money to spend on helping families with quality care and education. Again, the President has proposed no additional funding to help States provide families with quality child care. On the contrary, we must significantly increase funding for child care to help States and local communities provide this vital support to working families and their children.

I am proud to be an original co-sponsor of the new Access to High Quality Child Care Act of 2002.

The 2002 ACCESS Act not only helps provide families with greater access to child care, but also significantly raises the bar on the quality of child care in this country. The 2002 ACCESS Act provides States with real resources to help them improve the quality of child care for working families. It allows for great flexibility, yet holds States accountable for making real quality improvements.

Research shows that qualified and well-trained providers are critical to supporting and enhancing the cognitive and social development of children in child care. The 2002 ACCESS Act helps States strengthen the quality of the child care workforce by setting aside a dedicated portion of funds to support State initiatives that improve both the qualifications and the compensation of child care providers.

The ACCESS Act also helps States increase child care provider reimbursement rates to more accurately reflect the true cost of care. It helps States provide training and technical assistance to informal and family child care providers as well as center-based providers. It helps States develop and expand resource and referral services. It helps families gain access to quality child care for infants and toddlers, and children with special needs. It provides oversight to child care centers situated on Federal property. And, the ACCESS Act also helps States leverage funding to provide technical assistance, and share in the cost of construction and improvement of child care facilities and equipment.

I believe that we all recognize that the foundation for learning begins in the earliest years of life. However, a failure to nurture development in these early years is a lost opportunity forever. The 2002 ACCESS Act provides States and local communities with a real opportunity to nurture that development and improve the quality of care for our youngest children in this country so that all of our children enter school ready to learn. I urge my colleagues to support this bold, yet critical initiative, so that indeed, every child truly has an opportunity to learn.

Mr. DEWINE. Madam President, I rise today to join my colleagues, Senators SNOWE and DODD, in introducing the Access to High Quality Child Care Act, ACCESS. This legislation would reauthorize the Child Care and Development Block Grant through 2007 and rename it the ACCESS Act.

We all know that our children are the most vulnerable members of our population and our most valuable resources. Today, 75 percent of children less than five years of age are in some kind of regular childcare arrangement. Parents need to feel confident that the people caring for their children are giving the love and support that children deserve. The bill we are introducing today would help give parents that kind of piece of mind.

There are two pieces of the ACCESS Act that I would like to focus on because they are vital to improving the accessibility of high quality care. Last year, Senator DODD and I introduced the Child Care Facilities Financing Act, which uses small investments to help leverage existing community resources. In my home State of Ohio, and throughout the country, resources for the development or enhancement of space are extremely scarce for childcare facilities. This leveraging approach has been successful in helping expand childcare capacity. Let me give you an example.

Wonder World in Akron, OH, is an urban childcare center located in an old church. This facility was in dire need of repairs. The upstairs space was poorly lit and not well ventilated, and the downstairs was a damp basement. The childcare rooms had no windows and no direct access to bathrooms or a kitchen. There was no outdoor play space. This environment, itself, had a negative effect on the children, no matter how dedicated the caregivers. In spite of these dismal conditions, the center had a waiting list. There were no other choices for affordable childcare facilities within the community!

Fortunately, in Ohio, we have the Ohio Community Development Finance Fund, OCDFF, which is a statewide nonprofit organization that works with local organizations in low-income communities. This fund was able to coordinate public and private monies to build a new eight-room childcare facility, a facility that serves approximately 200 children! It is programs like OCDFF that are possible under the Child Care Facilities Fund. The ACCESS Act includes the language from the Child Care Facilities Fund bill that Senator DODD and I introduced, which authorizes $50 million dollars for the Child Care Facilities Fund.

The second most important part of our ACCESS Act is a section that contains vital language to help provide emergency childcare services. This section would allow parents to access quality care when their childcare provider is sick or has a family emergency. The need for this type of care was made clear by a tragic incident that happened in Ohio, when little two-year-old Charles Knight's mother had to go to work and had no one available to care for Charles and his siblings.

The boy's father was supposed to baby-sit, but he failed to show up that day. Charles' mother tried to find a neighbor or family member to care for her children, but no one was available. Tragically, she made the poor decision to leave her sleeping children unattended, so she could work her 12-hour shift. She thought her boys' father would eventually show up and baby-sit while she worked.

The father never arrived. Charles was able to climb up on the balcony. This young, unsupervised child fell nine stories off the apartment balcony to his death. His mother was charged with manslaughter, and his father was charged with child neglect.

This sad incident just might have been prevented with emergency childcare centers. With access to such a center, Charles' mother could have gone to work knowing her children were safe and secure.

Just last month, Summit County, OH, started a program called ChildCare NOW in response to an alarming spike in child death and injuries. ChildCare NOW is being offered at 17 centers in the Akron-Canton area of Ohio. These childcare centers are opening their doors to many parents whose baby-sitter cancels at the last minute. This program is not meant as a permanent childcare replacement but when an ''emergency'' arises, these are safe alternatives to parental care.

The language I have included in this bill, emphasizes that local and State childcare agencies may use funds on emergency childcare programs, programs like ChildCare NOW. More importantly, the next time a mother must chose between going to work and leaving her children all alone or staying at home and losing a day's pay, she will have a third option, to leave her children in an emergency child care center. I think that is an important option that we must give to working mothers. It is my hope that this language will prevent future tragedies like the death of two-year-old Charles Knight.

Once again, I want to thank Senator SNOWE and Senator DODD for their work on the ACCESS Act. This bill is necessary for parents who work, especially parents who have worked hard to get off welfare. They should be confident that their children are receiving quality care.

Mr. BREAUX. Madam President. I am pleased to be a cosponsor of the 2002 ACCESS Act. It is imperative that the Congress continue its commitment to low-income families by presenting the President with a bipartisan bill reauthorizing the Child Care and Development Block Grant.

I share the Administration's goal to ''Leave No Child Behind.'' Children should not be the victims of welfare reform, left behind with inconsistent child care accommodations that do not adequately prepare them for the challenges to come. It is precisely this cycle of dependency and poverty that welfare reform was intended to end.

In 1996, we fundamentally changed the mentality of welfare from dependence to independence by creating the Temporary Assistance to Needy Families TANF, block grant. At the same time, we made a commitment to poor families that were sent into the work force at low wages that they would be supported with access to quality child care.

Reliable child care is directly related to job retention. A parent cannot be in two places at once, and an employer is not likely to retain an employee that is unreliable at work due to a lack of consistent care for their child. It is not just about getting a job, this is about helping families keep their jobs and move up the career ladder.

In Louisiana, I hear over and over again about access to safe and affordable child care. The legislation being introduced today will ensure that child care provided to these families is not only affordable, but that it meets certain safety and quality standards to ensure children are placed in an environment where they can grow and learn.

Access to child care is often limited by states to families with the lowest incomes. National studies show only 12–15 percent of children eligible for federally subsidized child care get it. And in many rural areas, there are no child care providers at all. So as Congress debates increasing work requirements for people on welfare, the increasing need for working families to have quality child care must also be taken into consideration.

I commend Senators DODD and SNOWE for their efforts to increase access to child care for low income families, while improving the quality of child care services.

By Mr. JEFFORDS:

S. 2118. A bill to amend the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act to implement the Stockholm Convention on Persistent Organic Pollutants and the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Madam President, I rise today to introduce the POPs Implementation Act of 2002.

POPs, or persistent organic pollutants, are chemicals that are persistent, bioaccumulate in human and animal tissue, biomagnify through the food chain, and are toxic to humans. These substances travel across international boundaries, creating a circle of pollution requiring a global solution.

In April 2001, one year ago, President Bush announced his support for the Stockholm Convention on Persistent Organic Pollutants, POPs, and in May 2001, the U.S. signed the Convention. I share the President's enthusiasm for this sound and workable treaty that targets chemicals detrimental to human health and the environment.

The Stockholm Convention seeks the elimination or restriction of production and use of all intentionally produced POPs. The POPs that are to be initially eliminated include the pesticides aldrin, chlordane, dieldrin, endrin, heptachlor, mirex, and toxaphene, and the industrial chemicals hexachlorobenzene and polychlorinated biphenyls, PCBs. Use of the pesticide DDT is limited to disease control until safe, effective, and affordable alternatives are identified. The Convention also seeks the continuing minimization and, where feasible, ultimate elimination of releases of unintentionally produced POPs such as dioxins and furans.

Today, I am introducing a bill to amend the Toxic Substances Control Act, TSCA, and the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, to implement the Stockholm Convention on POPs and the Protocol on POPs to the Convention on Long-Range Transboundary Air Pollution. These are the first amendments to TSCA since its enactment in October 1976.

Currently in the U.S., the registrations for nine of the twelve POPs covered by the Stockholm Convention have been canceled, the manufacture of PCBs has been banned, and stringent controls have been placed on the release of the other covered chemicals. The POPs Implementation Act of 2002 provides EPA with the authority, which it currently does not have, to prohibit the manufacture for export of the twelve POPs and POPs that are identified in the future. In addition, this legislation provides a science-based process consistent with the Stockholm Convention for listing additional chemicals exhibiting POPs characteristics, thereby attempting to avoid the further production and use of POPs. To assist in this goal, the National Academy of Sciences is directed to develop new strategies to screen candidate POPs and new sampling methodologies to identify future POPs.

Although a previous EPA draft included a mechanism for adding new chemicals, the Administration's current POPs implementation package does not. The Stockholm Convention was not intended to be a static agreement, as it explicitly provides for the additional of new chemicals. If we are to be most effective in globally reducing these dangerous chemicals, we must fully commit to this treaty.

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 2119. A bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of inverted corporate entities and of transactions with such entities, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Madam President, I rise today to offer a bill on behalf of Senator BAUCUS and myself, to address the growing problem of corporate inversions. Our legislation, the ''Reversing the Expatriation of Profits Offshore,'' REPO Act, will stem the rising tide of corporate inversions.

It's tax season. Citizens across America are filing their taxes this week. They're paying their taxes. A lot of taxes. But some corporate citizens are relaxing this tax season. They've moved their mailing address out of the country. They've set up a filing cabinet and a mail box overseas. This way, they escape from millions of dollars of Federal taxes.

These corporate expatriations aren't illegal. But they're sure immoral. During a war on terrorism, coming out of a recession, everyone ought to be pulling together. But instead, these companies are using recession and terrorism to get out of the United States. If companies don't have their hearts in America, they ought to get out.

Adding insult to injury, some of these companies have fat contracts with the government. So they'll take other people's tax dollars to make a profit, but they won't pay their share of taxes to keep America strong.

The bill Chairman BAUCUS and I are introducing today will place corporate inversions on the endangered species list. Our bill requires the IRS to look at where a company has its heart and soul, not where it has a filing cabinet and a mail box. If a company remains controlled in the United States, our bill requires the company to pay its fair share of taxes, plain and simple.

When I am firmly committed to halting corporate inversions, I also recognize that the rising tide of corporate expatriations demonstrates that our international tax rules are deeply flawed. In many cases, those flaws seriously undermine an American company's ability to compete in the global marketplace. This competitive disadvantage is often cited by companies that engage in inversion transactions.

I believe that we need to bring our international tax system in line with our open market trade policies, and wish to affirm for the record that reform of our international tax laws is necessary for our U.S. businesses to remain competitive in the global marketplace. Moreover, those U.S. companies that rejected doing a corporate inversion are left to struggle with the complexity and competitive impediments of our international tax rules. This is an unjust result for companies that chose to remain in the United States of America. I am committed to remedying this inequity.

Mr. President, I ask unanimous consent that the text of the bill and a technical explanation be printed in the RECORD.

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

S. 2119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reversing the Expatriation of Profits Offshore Act''.

SEC. 2. TAX TREATMENT OF INVERTED CORPORATE ENTITIES.

(a) IN GENERAL.—Subchapter C of chapter 80 of the Internal Revenue Code of 1986 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

''SEC. 7874. RULES RELATING TO INVERTED CORPORATE ENTITIES.

''(a) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—If a foreign incorporated entity is treated as an inverted domestic corporation, then, notwithstanding section 7701(a)(4), such entity shall be treated for purposes of this title as a domestic corporation.

''(2) INVERTED DOMESTIC CORPORATION.—For purposes of this section, a foreign incorporated entity shall be treated as an inverted domestic corporation if, pursuant to a plan (or a series of related transactions)—

''(A) the entity completes after March 20, 2002, the direct or indirect acquisition of substantially all of the properties held directly or indirectly by a domestic corporation or substantially all of the properties constituting a trade or business of a domestic partnership,

''(B) after the acquisition at least 80 percent of the stock (by vote or value) of the entity is held—

''(i) in the case of an acquisition with respect to a domestic corporation, by former shareholders of the domestic corporation by reason of holding stock in the domestic corporation, or

''(ii) in the case of an acquisition with respect to a domestic partnership, by former partners of the domestic partnership, and

''(C) the expanded affiliated group which after the acquisition includes the entity does not have substantial business activities in the foreign country in which or under the law of which the entity is created or organized when compared to the total business activities of such expanded affiliated group.

''(b) PRESERVATION OF DOMESTIC TAX BASE IN CERTAIN INVERSION TRANSACTIONS TO WHICH SUBSECTION (a) DOES NOT APPLY.—

''(1) IN GENERAL.—If a foreign incorporated entity would be treated as an inverted domestic corporation with respect to an acquired entity if either—

''(A) subsection (a)(2)(A) were applied by substituting 'on or before March 20, 2002' for 'after March 20, 2002' and subsection (a)(2)(B) were applied by substituting 'more than 50 percent' for 'at least 80 percent', or

''(B) subsection (a)(2)(B) were applied by substituting 'more than 50 percent' for 'at least 80 percent',

then the rules of subsection (c) shall apply to any inversion gain of the acquired entity during the applicable period and the rules of subsection (d) shall apply to any related party transaction of the acquired entity during the applicable period. This subsection shall not apply for any taxable year if subsection (a) applies to such foreign incorporated entity for such taxable year.

''(2) ACQUIRED ENTITY.—For purposes of this section—

''(A) IN GENERAL.—The term 'acquired entity' means the domestic corporation or partnership substantially all of the properties of which are directly or indirectly acquired in an acquisition described in subsection (a)(2)(A) to which this subsection applies.

''(B) AGGREGATION RULES.—Any domestic person bearing a relationship described in section 267(b) or 707(b) to an acquired entity shall be treated as an acquired entity with respect to the acquisition described in subparagraph (A).

''(3) APPLICABLE PERIOD.—For purposes of this section—

''(A) IN GENERAL.—The term 'applicable period' means the period—

''(i) beginning on the first date properties are acquired as part of the acquisition described in subsection (a)(2)(A) to which this subsection applies, and

''(ii) ending on the date which is 10 years after the last date properties are acquired as part of such acquisition.

''(B) SPECIAL RULE FOR INVERSIONS OCCURRING BEFORE MARCH 21, 2002.—In the case of any acquired entity to which paragraph (1)(A) applies, the applicable period shall be the 10-year period beginning on January 1, 2002.

''(c) TAX ON INVERSION GAINS MAY NOT BE OFFSET.—If subsection (b) applies—

''(1) IN GENERAL.—The taxable income of an acquired entity for any taxable year which includes any portion of the applicable period shall in no event be less than the inversion gain of the entity for the taxable year.

''(2) CREDITS NOT ALLOWED AGAINST TAX ON INVERSION GAIN.—Credits shall be allowed against the tax imposed by chapter 1 on an acquired entity for any taxable year described in paragraph (1) only to the extent such tax exceeds the product of—

''(A) the amount of taxable income described in paragraph (1) for the taxable year, and

''(B) the highest rate of tax specified in section 11(b)(1).

''(3) SPECIAL RULES FOR PARTNERSHIPS.—In the case of an acquired entity which is a partnership—

''(A) the limitations of this subsection shall apply at the partner rather than the partnership level,

''(B) the inversion gain of any partner for any taxable year shall be equal to the sum of—

''(i) the partner's distributive share of inversion gain of the partnership for such taxable year, plus

''(ii) gain required to be recognized for the taxable year by the partner under section 367(a), 741, or 1001, or under any other provision of chapter 1, by reason of the transfer during the applicable period of any partnership interest of the partner in such partnership to the foreign incorporated entity, and

''(C) the highest rate of tax specified in the rate schedule applicable to the partner under chapter 1 shall be substituted for the rate of tax under paragraph (2)(B).

''(4) INVERSION GAIN.—For purposes of this section, the term 'inversion gain' means the gain required to be recognized under section 304, 311(b), 367, 1001, or 1248, or under any other provision of chapter 1, by reason of the transfer during the applicable period of stock or other properties by an acquired entity—

''(A) as part of the acquisition described in subsection (a)(2)(A) to which subsection (b) applies, or

''(B) after such acquisition to a foreign related person.

''(5) COORDINATION WITH SECTION 172 AND MINIMUM TAX.—Rules similar to the rules of paragraphs (3) and (4) of section 860E(a) shall apply for purposes of this subsection.

''(d) SPECIAL RULES APPLICABLE TO RELATED PARTY TRANSACTIONS.—

''(1) ANNUAL PREAPPROVAL REQUIRED.—

''(A) IN GENERAL.—An acquired entity to which subsection (b) applies shall enter into an annual preapproval agreement under subparagraph (C) with the Secretary for each taxable year which includes a portion of the applicable period.

''(B) FAILURES TO ENTER AGREEMENTS.—If an acquired entity fails to meet the requirements of subparagraph (A) for any taxable year, then for such taxable year—

''(i) there shall not be allowed any deduction, or addition to basis or cost of goods sold, for amounts paid or incurred, or losses incurred, by reason of a transaction between the acquired entity and a foreign related person,

''(ii) any transfer or license of intangible property (as defined in section 936(h)(3)(B)) between the acquired entity and a foreign related person shall be disregarded, and

''(iii) any cost-sharing arrangement between the acquired entity and a foreign related person shall be disregarded.

''(C) PREAPPROVAL AGREEMENT.—For purposes of subparagraph (A), the term 'preapproval agreement' means a prefiling, advance pricing, or other agreement specified by the Secretary which—

''(i) is entered into at such time as may be specified by the Secretary, and

''(ii) contains such provisions as the Secretary determines necessary to ensure that the requirements of sections 163(j), 267(a)(3), 482, and 845, and any other provision of this title applicable to transactions between related persons and specified by the Secretary, are met.

''(2) MODIFICATIONS OF LIMITATION ON INTEREST DEDUCTION.—In the case of an acquired entity to which subsection (b) applies, section 163(j) shall be applied—

''(A) without regard to paragraph (2)(A)(ii) thereof, and

''(B) by substituting '25 percent' for '50 percent' each place it appears in paragraph (2)(B) thereof.

''(e) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) RULES FOR APPLICATION OF SUBSECTION (a)(2).—In applying subsection (a)(2) for purposes of subsections (a) and (b), the following rules shall apply:

''(A) CERTAIN STOCK DISREGARDED.—There shall not be taken into account in determining ownership for purposes of subsection (a)(2)(B)—

''(i) stock held by members of the expanded affiliated group which includes the foreign incorporated entity, or

''(ii) stock of such entity which is sold in a public offering related to the acquisition described in subsection (a)(2)(A).

''(B) PLAN DEEMED IN CERTAIN CASES.—If a foreign incorporated entity acquires directly or indirectly substantially all of the properties of a domestic corporation or partnership during the 4-year period beginning on the date which is 2 years before the ownership requirements of subsection (a)(2)(B) are met, such actions shall be treated as pursuant to a plan.

''(C) CERTAIN TRANSFERS DISREGARDED.—The transfer of properties or liabilities (including by contribution or distribution) shall be disregarded if such transfers are part of a plan a principal purpose of which is to avoid the purposes of this section.

''(D) SPECIAL RULE FOR RELATED PARTNERSHIPS.—For purposes of applying subsection (a)(2) to the acquisition of a domestic partnership, except as provided in regulations, all partnerships which are under common control (within the meaning of section 482) shall be treated as 1 partnership.

''(2) EXPANDED AFFILIATED GROUP.—The term 'expanded affiliated group' means an affiliated group as defined in section 1504(a) but without regard to section 1504(b), except that section 1504(a) shall be applied by substituting 'more than 50 percent' for 'at least 80 percent' each place it appears.

''(3) FOREIGN INCORPORATED ENTITY.—The term 'foreign incorporated entity' means any entity which is, or but for subsection (a)(1) would be, treated as a foreign corporation for purposes of this title.

''(4) FOREIGN RELATED PERSON.—The term 'foreign related person' means, with respect to any acquired entity, a foreign person which—

''(A) bears a relationship to such entity described in section 267(b) or 707(b), or

''(B) is under the same common control (within the meaning of section 482) as such entity.

''(f) REGULATIONS.—The Secretary shall provide such regulations as are necessary to carry out this section, including regulations providing for such adjustments to the application of this section as are necessary to prevent the avoidance of the purposes of this section, including the avoidance of such purposes through—

''(1) the use of related persons, passthrough or other noncorporate entities, or other intermediaries, or

''(2) transactions designed to have persons cease to be (or not become) members of expanded affiliated groups or related persons.''.

(b) TREATMENT OF AGREEMENTS.—

(1) CONFIDENTIALITY.—

(A) TREATMENT AS RETURN INFORMATION.—Section 6103(b)(2) of the Internal Revenue Code of 1986 (relating to return information) is amended by striking ''and'' at the end of subparagraph (C), by inserting ''and'' at the end of subparagraph (D), and by inserting after subparagraph (D) the following new subparagraph:

''(E) any preapproval agreement under section 7874(d)(1) to which any preceding subparagraph does not apply and any background information related to the agreement or any application for the agreement,''.

(B) EXCEPTION FROM PUBLIC INSPECTION AS WRITTEN DETERMINATION.—Section 6110(b)(1)(B) of such Code is amended by striking ''or (D)'' and inserting '', (D), or (E)''.

(2) REPORTING.—The Secretary of the Treasury shall include with any report on advance pricing agreements required to be submitted after the date of the enactment of this Act under section 521(b) of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170) a report regarding preapproval agreements under section 7874(d)(1) of the Internal Revenue Code of 1986. Such report shall include information similar to the information required with respect to advance pricing agreements and shall be treated for confidentiality purposes in the same manner as the reports on advance pricing agreements are treated under section 521(b)(3) of such Act.

(c) CONFORMING AMENDMENTS.—The table of sections for subchapter C of chapter 80 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 7874. Rules relating to inverted corporate entities.''

SEC. 3. REINSURANCE OF UNITED STATES RISKS IN FOREIGN JURISDICTIONS.

(a) IN GENERAL.—Section 845(a) of the Internal Revenue Code of 1986 (relating to allocation in case of reinsurance agreement involving tax avoidance or evasion) is amended by striking ''source and character'' and inserting ''amount, source, or character''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any risk reinsured after April 11, 2002.

REVERSING THE EXPATRIATION OF PROFITS OFFSHORE, REPO, ACT—TECHNICAL EXPLANATION OF THE STAFF OF THE COMMITTEE ON FINANCE

Senate Finance Committee Ranking Member Chuck Grassley, R–IA, and Chairman Max Baucus, D–MT, today are offering their legislative response to the growing problem of corporate inversions, the ''Reversing the Expatriation of Profits Offshore'', REPO, Act. Following is a brief summary of the REPO Act.

In general, this legislation would curtail the tax benefits sought by U.S. companies undertaking inversion transactions. The legislation would apply to two types of inversion transactions, which would be subject to different regimes under the proposal.

The first type would be a ''pure'' or nearly pure inversion, in which: 1. a U.S. corporation becomes a subsidiary of a foreign corporation or otherwise transfers substantially all of its properties to a foreign corporation; 2. the former shareholders of the U.S. corporation end up with 80 percent or more (by vote or value) of the stock of the foreign corporation after the transaction; and 3. the foreign corporation, including its subsidiaries, does not have substantial business activities in its country of incorporation. The legislation would deny the intended tax benefits of this type of inversion by deeming the top-tier foreign corporation to be a domestic corporation for all purposes of the Internal Revenue Code. This proposal would be effective as to inversion transactions occurring on or after March 21, 2002.

For purposes of this proposal, corporations with no significant operating assets, few or no permanent employees, or no significant real property in the foreign country of incorporation would not be treated as meeting the substantial business activities test. In addition, companies would not be considered to be conducting substantial business activities in the country of incorporation by merely holding board meetings in the foreign country or by relocating a limited number of executives to the foreign jurisdiction.

The second type of inversion covered by the legislation would be a transaction similar to the ''pure'' inversion defined above, except that the 80 percent ownership threshold is not met. In such a case, if a greater-than-50 percent but less than 80 percent ownership threshold is met, then a second set of rules would apply to these ''limited'' inversions.

Under these rules, the inversion transaction would be respected, i.e., the foreign corporation would be respected as foreign, but: 1. the corporate-level ''toll charge'' for establishing the inverted structure would be strengthened, and 2. restrictions would be placed on the company's ability to reduce U.S. tax on U.S.-source income going forward. These measures generally would apply for a 10-year period following the inversion. This prong of the proposal would be effective as to inversion transactions in this second category occurring on or after March 21, 2002. It would also be effective as to all structures arising from pure inversions or limited inversions that are grandfathered under the legislation, but it would be applied to those structures prospectively.

Under the legislation, the corporate-level ''toll charge'' imposed under sections 304, 311(b), 367, 1001, 1248, or any other provision of the Internal Revenue Code with respect to the transfer of controlled foreign corporation stock or other assets from a U.S. corporation to a foreign corporation would be taxable, without offset by any other tax attributes, e.g., net operating losses or foreign tax credits. No similar ''walling-off'' of toll charges would apply to shareholder-level toll charges imposed under section 367(a).

In addition, no deductions or additions to basis or cost of goods sold for transactions with foreign related parties would be permitted unless the taxpayer concludes an annual pre-filing agreement, advance pricing agreement, or other agreement with the IRS, a ''preapproval agreement'', to ensure that all related-party transactions comply with all relevant provisions of the Code, including sections 482, 845, 163(j), and 267(a)(3). Similarly, the transfer or license of intangible property from a U.S. corporation to a related foreign corporation would be disregarded, and cost-sharing arrangements would not be respected unless approved under such an agreement.

The confidentiality and disclosure rules normally applicable to advance pricing agreements would apply to all preapproval agreements entered into pursuant to this legislation, and the parameters for the IRS's statutorily required annual APA report would be amended to require a summary section for inversion transactions.

The second set of measures also includes modifications to the ''earnings stripping'' rules of section 163(j) (which deny or defer deductions for certain interest paid to foreign related parties), as applied to inverted corporations. The legislation would eliminate the debt-equity threshold generally applicable under that provision and reduce the 50 percent threshold for ''excess interest expense'' to 25 percent.

The provisions of both prongs of this legislation also would apply to certain partnership transactions similar to corporate inversion transactions.

The legislation also strengthens the present-law rules of section 845(a) in a manner intended to address reinsurance transactions with foreign related parties that have the effect of stripping out earnings of a U.S. corporation, regardless of whether an inversion transaction has occurred. The legislation modifies the present-law provision permitting the Treasury Department to allocate or recharacterize items of investment income, premiums, deductions, assets, reserves, credits or other items, or to make other adjustments, under a reinsurance agreement between related parties, if necessary to reflect the proper source and character of income. The legislation permits such an allocation, recharacterization or adjustment if necessary to reflect the proper amount, source or character of income. This provision would be effective for any risk reinsured after April 11, 2002.

Mr. BAUCUS. Madam President, I am pleased to be a co-sponsor, with Senator GRASSLEY, of this important piece of legislation. Our legislation, Reversing the Expatriation of Profits Offshore, (REPO), Act, is designed to put the brakes on the potential rush to move U.S. corporate headquarters to tax havens, through increasingly popular transactions known as corporate inversions. Prominent U.S. companies are literally re-incorporating in offshore tax havens in order to avoid U.S. taxes. They are, in effect, renouncing their U.S. citizenship to cut their tax bill.

Tax avoidance costs honest taxpayers tens of billions of dollars each year. When one taxpayer, whether a corporation or an individual, doesn't pay their fair share of taxes, we all pay. The REPO Act cracks down on corporations that avoid taxes at the expense of honest, hardworking American taxpayers.

The local hardware store in Butte, MT, isn't re-incorporating in Bermuda or one of these tax haven countries. He is keeping his company an American company. The companies reincorporating in tax haven countries, and their executives, are still physically located in the United States. Their executives and employees enjoy all the privileges afforded to honest U.S. taxpayers.

I understand that the corporate inversion issue is complex. I also understand that, over the long term, we may need to consider whether the structure of the U.S. international tax rules creates an incentive for U.S. corporations to shift their operations abroad in order to remain competitive. For now, we are putting a stop to the erosion of the U.S. tax base through these tax avoidance schemes.

Our legislation distinguishes between two types of inversions, pure inversions and limited inversions. A pure inversion is when a U.S. company becomes a subsidiary of a foreign company or shifts substantially all of its properties to a foreign corporation and 80 percent of more of the shareholders in the original U.S. company are now shareholders in the new foreign company. The foreign company has no substantial business activity in the foreign tax haven country. Companies that hold board meetings in the tax haven country or send a few employees or executives to work in the tax haven country will not meet the substantial business activity standard. Under our legislation, the parent company will be treated as a U.S. company.

A limited inversion transaction is when more than 50 percent and fewer than 80 percent of the shareholders are the same. The new foreign company is recognized as a foreign company for tax purposes but there is a tax cost. The company won't be able to use tax attributes, such as net operating losses and foreign tax credits, to offset the gain incurred upon inverting. Finally, the company won't be able to strip earnings out of the U.S. to avoid U.S. taxes.

This week is the last week leading up to the April 15 tax filing deadline. Families in Montana and across the nation are sitting down at their kitchen tables, or at their home computers, and figuring out their taxes. The calculations may be complex, the tax bite may seem high, but by and large, with quiet patriotism, average Americans will step up and pay the tax they owe. They're counting on us to make sure that sophisticated corporations pay their fair share, as well.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 236—COMMENDING THE UNIVERSITY OF MINNESOTA-DULUTH BULLDOGS FOR WINNING THE 2002 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S ICE HOCKEY NATIONAL CHAMPIONSHIP

Mr. DAYTON (for himself and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 236

Whereas on March 24, 2002, the defending NCAA Women's Ice Hockey National Champion, the University of Minnesota-Duluth Bulldogs, won the National Championship for the second straight year;

Whereas Minnesota-Duluth defeated Brown University in the championship game by the score of 3-2, having previously defeated Niagara University in the semi-final by the same score;

Whereas sophomore Tricia Guest scored the unassisted game-winning goal in the third period, and assisted in the Bulldogs' opening goal in the first period;

Whereas during the 2001-2002 season, the Bulldogs won 24 games, while losing only 6, and tying 4;

Whereas forward Joanne Eustace and defensewoman Larissa Luther were both selected to the 2002 All-Tournament team;

Whereas forward and team captain Maria Rooth led the Bulldogs in scoring the last 2 years, and was named to the Jofa Women's University Division Ice Hockey All-American first team, the only first team repeat from 2001;

Whereas Minnesota-Duluth Head Coach, Shannon Miller, after winning the National Championship in 2 consecutive years, was named a finalist for the 2002 NCAA Division I Coach of the Year; and

Whereas all of the team's players showed tremendous dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota-Duluth Women's Ice Hockey Team for winning the 2002 NCAA Division I Collegiate Ice Hockey National Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) requests that the President—

(A) recognize the achievements of the University of Minnesota-Duluth Women's Ice Hockey Team; and

(B) invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this Resolution to the University of Minnesota-Duluth for appropriate display; and

(B) transmit an enrolled copy of the Resolution to every coach and member of the 2002 NCAA Division I Women's Ice Hockey National Championship Team.

SENATE RESOLUTION 237—COMMENDING THE UNIVERSITY OF MINNESOTA GOLDEN GOPHERS FOR WINNING THE 2002 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S HOCKEY NATIONAL CHAMPIONSHIP

Mr. DAYTON (for himself and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 237

Whereas on April 6, 2002, the University of Minnesota Men's Hockey Team won the National Championship for the first time in 23 years;

Whereas Minnesota defeated the University of Maine in overtime in the championship game by the score of 4–3, having previously defeated the University of Michigan in the semifinal by the score of 3–2;

Whereas Grant Potulny, from North Dakota, the team's only non-Minnesotan, scored the winning goal in overtime and was named the tournament's Most Outstanding Player;

Whereas during the 2001–2002 season, the Golden Gophers won 32 games, while losing only 8, and tying 4;

Whereas senior defenseman Jordan Leopold was named the winner of the Hobey Baker Memorial Award, given annually to the college hockey Player of the Year, and was also named an All-American for the second consecutive year;

Whereas senior forward Johnny Pohl was also named to the All-American team, and led the NCAA Division I in scoring;

Whereas senior goalie Adam Hauser was named to the ''Frozen Four'' All-Tournament team, became the all-time Western Collegiate Hockey Association leader in victories, and established Minnesota records for most wins, shutouts, and saves;

Whereas Minnesota Head Coach Don Lucia, after winning the National Championship in just his third season at Minnesota, was named a finalist for the 2002 Spencer Penrose Award, which is presented to the NCAA Division I National Hockey Coach of the Year; and

Whereas all of the team's players showed tremendous dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota Men's Hockey Team for winning the 2002 NCAA Division I Collegiate Hockey National Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) requests that the President—

(A) recognize the achievements of the University of Minnesota Men's Hockey Team; and

(B) invite the team to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this Resolution to the University of Minnesota for appropriate display; and

(B) transmit an enrolled copy of the Resolution to every coach and member of the 2002 NCAA Division I Men's Hockey National Championship Team.

SENATE RESOLUTION 238—COMMENDING THE UNIVERSITY OF MINNESOTA GOLDEN GOPHERS FOR WINNING THE 2002 NCAA DIVISION I WRESTLING NATIONAL CHAMPIONSHIP

Mr. WELLSTONE (for himself and Mr. DAYTON) submitted the following resolution; which was considered and agreed to:

S. RES. 238

Whereas the University of Minnesota wrestling team successfully defended its 2001 national title by winning the 2002 National Collegiate Athletic Association championship on March 23, 2002, in Albany, New York;

Whereas the victory was the first back-to-back national championship in an intercollegiate athletic competition in University of Minnesota history since the Golden Gophers captured 2 consecutive national championship football titles in 1940 and 1941;

Whereas the University of Minnesota won the national crown with 126.5 points, over Iowa State (103 points), Oklahoma (101.5 points), Iowa (89 points) and Oklahoma State (82.5 points);

Whereas the University of Minnesota became the first Division I wrestling team since the 1995–96 season to go undefeated in dual meets and win the National Duals, conference and NCAA team titles in a single season and the first team to win these titles in consecutive seasons since the 1994–95 and 1995–96 seasons;

Whereas the Golden Gophers wrestling team has finished in the top 3 in the Nation in the last 6 years: placing third in 1997, being the runner up in 1998 and 1999; placing third in 2000; and winning the national title in 2001 and 2002;

Whereas the University of Minnesota wrestling team has now placed in the top 10 at the NCAA Championships 25 times in the history of the program;

Whereas Coach J. Robinson, as head coach of the University of Minnesota wrestling team, now has finished in the top 10 at the NCAA Championships 10 times during his 16-year tenure;

Whereas two members of the Minnesota wrestling team, Jared Lawrence and Luke Becker, each earned an individual national crown, marking the first time in school history that two Minnesota athletes were individual champions in a single NCAA sport in the same year;

Whereas Lawrence, at 149 pounds, and Becker, at 157 pounds, captured the 13th and 14th NCAA individual titles in school history, respectively;

Whereas Ryan Lewis, at 133 pounds, was the runner-up, Owen Elzen, at 197 pounds, finished in fourth place, Damion Hahn, at 184 pounds, finished in fifth place, Garret Lowney, at heavyweight, finished in fifth place, and Chad Erikson, at 141 pounds, finished in seventh place;

Whereas seven University of Minnesota wrestlers, Chad Erikson, Jared Lawrence, Luke Becker, Damion Hahn, Owen Elzen, Ryan Lewis, and Garrett Lowney, earned All-American honors; and

Whereas the Golden Gophers have now had 68 wrestlers earn 111 All-American citations in the history of the varsity wrestling program at the University of Minnesota: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Golden Gophers of the University of Minnesota for winning the 2002 National Collegiate Athletic Association Division I Wrestling National Championship;

(2) recognizes the achievements of all the team's members, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) requests that the President recognize the achievements of the University of Minnesota wrestling team and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the President of the University of Minnesota.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3114. Mrs. FEINSTEIN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 3115. Mrs. FEINSTEIN (for herself and Mrs. BOXER) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3116. Mr. VOINOVICH (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3117. Mr. DODD (for himself and Mr. MCCONNELL) proposed an amendment to the bill S. 565, to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, and for other purposes.

SA 3118. Mr. DODD (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 3295, supra.

SA 3119. Mr. BINGAMAN (for Mr. ROCKEFELLER) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 3120. Mr. BINGAMAN (for Mr. LEVIN (for himself, Mr. DEWINE, and Ms. STABENOW)) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3121. Mr. BINGAMAN (for Mr. SCHUMER) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3122. Mr. BINGAMAN (for Mr. SMITH, of Oregon) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3123. Mr. BINGAMAN (for Mr. DURBIN (for himself and Ms. COLLINS)) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

TEXT OF AMENDMENTS

SA 3114. Mrs. FEINSTEIN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas

through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

Beginning on page 195, strike line 19 and all that follows through page 196, line 4, and insert the following:

''(B) PETITIONS FOR WAIVERS.—

''(i) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirement of paragraph (2) within 30 days after the date on which the petition is received by the Administrator.

''(ii) FAILURE TO ACT.—If the Administrator fails to approve or disapprove a petition within the period specified in clause (i), the petition shall be deemed to be approved.

SA 3115. Mrs. FEINSTEIN (for himself and Mrs. BOXER) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 189, line 3, strike ''2004'' and insert ''2005''.

On page 189, line 5, strike ''2004'' and insert ''2005''.

On page 189, line 8, strike ''2004'' and insert ''2005''.

On page 189, in the table between lines 10 and 11, strike the item relating to calendar year 2004.

On page 193, line 10, strike ''2004'' and insert ''2005''.

On page 194, line 21, strike ''2004'' and insert ''2005''.

On page 196, line 17, strike ''2004'' and insert ''2005''.

On page 197, line 4, strike ''2004'' and insert ''2005''.

On page 199, line 4, strike ''2004'' and insert ''2005''.

On page 199, line 17, strike ''2004'' and insert ''2005''.

SA 3116. Mr. VOINOVICH (for himself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION H—MISCELLANEOUS

TITLE ____—INTEGRATED REVIEW OF ENERGY DELIVERY SYSTEMS

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Integrated Review of Energy Delivery Systems Act of 2002''.

SEC. ___02. AUTHORIZATION AND ENVIRONMENTAL REVIEW OF ENERGY DELIVERY SYSTEMS UNDER FEDERAL LAW.

(a) DEFINITIONS.—In this section:

(1) APPLICANT.—The term ''applicant'' means a person that applies for, or submits notice of intent to apply for, an authorization required under Federal law for an energy delivery system.

(2) AUTHORIZATION.—The term ''authorization'' means a license, permit, exemption, or other form of authorization or reauthorization, for a construction, operation, or maintenance activity.

(3) ELECTRICITY TRANSMISSION FACILITY.—

(A) IN GENERAL.—The term ''electricity transmission facility'' means a facility used in the transmission of electricity in interstate or foreign commerce.

(B) INCLUSIONS.—The term ''electricity transmission facility'' includes a transmission line, substation, or other facility necessary to the delivery of electricity.

(C) EXCLUSION.—The term ''electricity transmission facility'' does not include a generation facility.

(4) ENERGY DELIVERY SYSTEM.—The term ''energy delivery system'' means an oil and gas pipeline or pipeline system, or an electricity transmission facility, for which an authorization issued by 1 or more Federal agencies is required under Federal law.

(5) INTEGRATED REVIEW PROCESS.—The term ''integrated review process'' means the coordinated environmental review and authorization process described in subsection (c)(2)(B) for construction, operation, or maintenance of an energy delivery system.

(6) LEAD AGENCY.—The term ''lead agency'' means the Federal agency designated under subsection (c)(1) to conduct any environmental review, prepare any environmental review document, and carry out any other activity that—

(A) is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) relates to construction, operation, or maintenance of an energy delivery system.

(7) OIL AND GAS PIPELINE OR PIPELINE SYSTEM.—

(A) IN GENERAL.—The term ''oil and gas pipeline or pipeline system'' means each part of a physical facility through which crude oil, petroleum product, or natural gas moves in transportation in interstate or foreign commerce.

(B) INCLUSIONS.—The term ''oil and gas pipeline or pipeline system'' includes—

(i) a pipe, valve, or other appurtenance attached to a pipe;

(ii) a compressor unit;

(iii) a metering station;

(iv) a regulator station;

(v) a delivery station;

(vi) a holder; and

(vii) a fabricated assembly.

(C) EXCLUSIONS.—The term ''oil and gas pipeline or pipeline system'' does not include a production or refining facility.

(8) PARTICIPATING AGENCY.—The term ''participating agency'' means a Federal or State agency that has authority to issue an authorization, or impose a condition on an authorization, for an energy delivery system under Federal law, or to participate in an environmental review relating to construction, operation, or maintenance of the energy delivery system, but that is not the lead agency with respect to construction, operation, or maintenance of the energy delivery system.

(b) PURPOSE.—The purpose of this section is to promote the timely completion of authorizations and environmental reviews under Federal law relating to construction, operation, or maintenance of energy delivery systems consistent with the public safety, energy efficiency, and socioeconomic values of—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(2) other Federal laws that further the purposes of that Act.

(c) INTEGRATED REVIEW PROCESS.—

(1) DESIGNATION OF LEAD AGENCY.—

(A) PRIMARILY RESPONSIBLE FEDERAL AGENCY.—In any case in which a single Federal agency has primary authority to issue an overall authorization for an energy delivery system under Federal law (such as the Federal Energy Regulatory Commission with respect to interstate natural gas pipelines), that Federal agency shall be the lead agency in conducting any environmental review, preparing any environmental review document, and carrying out any other activity that—

(i) is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) relates to construction, operation, or maintenance of an energy delivery system.

(B) MULTIPLE RESPONSIBLE FEDERAL AGENCIES.—In any case in which no single Federal agency has primary authority to issue an overall authorization for an energy delivery system under Federal law, but more than 1 Federal or State agency has authority to issue an authorization for the energy delivery system under Federal law—

(i) the applicant may request that the Federal agencies with that authority designate a lead agency to conduct any environmental review, prepare any environmental review document, and carry out any other activity that—

(I) is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(II) relates to construction, operation, or maintenance of an energy delivery system; and

(ii)(I) the Federal agencies shall jointly designate 1 of the Federal agencies as the lead agency, taking into account—

(aa) the extent of the involvement of each Federal agency in issuing the authorization for the energy delivery system; and

(bb) the expertise of each Federal agency concerning the energy delivery system; or

(II) if the Federal agencies do not make a joint designation under subclause (I) by the date that is 30 days after the date of the request by the applicant under clause (i), the Council on Environmental Quality established by title II of the National Environmental Policy Act of 1969 (42 U.S.C. 4341 et seq.) shall designate, not later than 45 days after the date of the request by the applicant under clause (i), 1 of the Federal agencies as the lead agency.

(2) FEDERAL AGENCY RESPONSIBILITIES.—

(A) SINGLE ENVIRONMENTAL REVIEW.—

(i) DUTIES OF LEAD AGENCY.—The lead agency shall—

(I) conduct any environmental review and prepare any environmental review document that—

(aa) is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other Federal law; and

(bb) relates to construction, operation, or maintenance of an energy delivery system;

(II) in any case in which an activity described in subclause (I) is carried out by the applicant or a third-party contractor, evaluate, and approve or complete, the activity; and

(III) communicate with other agencies, establish deadlines, and carry out any other activity required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(ii) DUTIES OF PARTICIPATING AGENCIES.—Each participating agency with respect to the energy delivery system shall—

(I)(aa) provide to the lead agency input that relates to the environmental review and other activities described in clause (i) and focuses on direct project impacts; and

(bb) submit data based on sound science necessary to substantiate that input; and

(II) in issuing the authorization for which the participating agency has authority, rely on the activities described in clause (i) carried out, approved, or completed by the lead agency for the energy delivery system.

(B) INTEGRATION OF FEDERAL ENVIRONMENTAL REVIEW AND AUTHORIZATION PROCESS.—

(i) IN GENERAL.—In consultation with each participating agency, the lead agency shall—

(I) develop and implement a single coordinated and timely process that provides such environmental review as is required under Federal law for construction, operation, or maintenance of an energy delivery system; and

(II) ensure, to the maximum extent practicable, the integration with that environmental review process of all relevant Federal, State, and local environmental protection requirements applicable to the energy delivery system.

(ii) ACTIVITIES TO BE INTEGRATED.—The integrated review process shall integrate—

(I) the preparation of an environmental impact statement, or, at the discretion of the lead agency, the preparation of an environmental assessment, if such a statement or assessment is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(II) the conduct of any other review, analysis, opinion, or determination, and the issuance of any authorization, required under Federal law.

(iii) CONSIDERATION OF ALTERNATIVES.—

(I) PROPOSAL.—The lead agency shall ensure that the applicant has the opportunity to propose an alternative to a condition that a Federal agency seeks to impose on an authorization.

(II) CONSIDERATION.—The lead agency shall give special consideration to an alternative that would—

(aa) cost less to implement; or

(bb) result in improved energy values from the energy delivery system.

(C) DEADLINES.—

(i) ESTABLISHMENT BY LEAD AGENCY.—The lead agency shall establish deadlines for—

(I) completion of environmental reviews, environmental review documents, and other activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for construction, operation, or maintenance of an energy delivery system; and

(II) issuance of all authorizations required under Federal law for the energy delivery system.

(ii) COMPLIANCE BY PARTICIPATING AGENCIES.—

(I) IN GENERAL.—Each participating agency with respect to the energy delivery system shall comply with each deadline established under clause (i).

(II) EFFECT OF FAILURE TO COMPLY.—If a participating agency fails to comply with a deadline established under clause (i), the input of the participating agency with respect to the energy delivery system under subparagraph (A)(ii)—

(aa) shall be advisory; and

(bb) shall be taken into account at the discretion of the lead agency and only to the extent that taking the input into account does not delay issuance of an authorization for the energy delivery system.

(iii) MINIMIZATION OF DUPLICATION AND DELAYS.—The integrated review process shall seek to minimize—

(I) duplication of activities carried out by the lead agency and the participating agencies; and

(II) delays in decisionmaking by those agencies.

(D) COMMUNICATION BETWEEN AGENCIES.—

(i) DUTIES OF LEAD AGENCY.—

(I) IN GENERAL.—With respect to an application for an authorization for an energy delivery system, the lead agency shall—

(aa) identify each participating agency;

(bb) notify each participating agency of the development of the application and of the role of the lead agency;

(cc) request input by each participating agency concerning the application; and

(dd) enter into a memorandum of understanding with all participating agencies concerning the issues to be considered by the lead agency and the participating agencies in conducting the integrated review process with respect to the application.

(II) DEADLINE.—The lead agency shall carry out subclause (I) not later than—

(aa) if the lead agency is designated under paragraph (1)(A), 45 days after the earlier of the date on which the applicant requests that the lead agency carry out the activities described in subclause (I) or the date on which the applicant submits the application to the lead agency; or

(bb) if the lead agency is designated under paragraph (1)(B), 45 days after the date of the designation.

(ii) DUTIES OF PARTICIPATING AGENCIES.—Unless otherwise required by law, each participating agency shall—

(I) communicate with the lead agency at the earliest practicable time concerning any potential issues relating to, or impediment to, the issuance of the authorization to the applicant;

(II) commit to early and continuous involvement and concurrence at key decision points as determined by the lead agency; and

(III) refrain from raising any additional issues with respect to an application after the date of execution of the memorandum of understanding concerning the application under clause (i)(I)(dd).

(3) PUBLIC PARTICIPATION.—

(A) IN GENERAL.—The lead agency, in conjunction with each State affected by an application for an authorization for an energy delivery system—

(i) shall provide for early environmental screening to identify and address any environmental concerns associated with the authorization for the energy delivery system; and

(ii) to the extent practicable, shall ensure public participation early in the integrated review process.

(B) PRESENTATION OF INFORMATION.—Under subparagraph (A)(ii), the lead agency shall ensure that the presentation of environmental information to the public is informative and understandable.

(4) DISPUTE RESOLUTION.—If the lead agency finds that an environmental concern relating to an authorization for an energy delivery system over which a participating agency has jurisdiction under Federal law has not been resolved, the lead agency, in consultation with the Council on Environmental Quality and the head of the participating agency, shall resolve the matter not later than 30 days after the date of the finding.

(d) DELEGATION FROM PARTICIPATING AGENCY TO LEAD AGENCY.—Notwithstanding any other provision of law, with the agreement of the lead agency, the head of any participating agency may delegate to the lead agency the authority to issue any authorization for an energy delivery system or a class of energy delivery systems.

(e) PARTICIPATION OF STATE AGENCIES.—A State agency that has jurisdiction under State law (which jurisdiction has not been preempted by Federal law) over siting, construction, or operation of energy delivery systems may elect to participate in an integrated review process under the terms and conditions established by the lead agency for all Federal agencies that participate in the integrated review process.

(f) FEDERAL DELEGATION TO STATES.—

(1) IN GENERAL.—At the request of a Governor of a State, and with the concurrence of an applicant, the lead agency may delegate to an appropriate State agency the authority to prepare an environmental impact statement or an environmental assessment relating to construction, operation, or maintenance of an energy delivery system if—

(A) such an environmental impact statement or environmental assessment is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B)(i) the energy delivery system is located entirely within the State; and

(ii) the State agency has sufficient expertise concerning energy delivery systems to prepare the environmental impact statement or environmental assessment;

(C) the responsible Federal official of the lead agency provides guidance and participates in the preparation of the environmental impact statement or environmental assessment by the State agency;

(D) the responsible Federal official independently evaluates any environmental impact statement or environmental assessment prepared by the State agency before the statement or assessment is approved; and

(E) the responsible Federal official—

(i) provides early notification to and solicits the views of any other affected State or any affected Federal land management entity of any action or alternative to the action that may have a significant impact on the State or the Federal land management entity; and

(ii) if the State agency disagrees with the assessment of the responsible Federal official with respect to an impact described in clause (i), prepares a written assessment of the impact for incorporation into the environmental impact statement or environmental assessment prepared by the State agency.

(2) EFFECT ON OTHER RESPONSIBILITIES AND STATEMENTS.—Nothing in paragraph (1)—

(A) relieves the responsible Federal official referred to in that paragraph of—

(i) any responsibility of the official for the scope, objectivity, or content of the environmental impact statement referred to in that paragraph; or

(ii) any other responsibility of the official under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) affects the legal sufficiency of any environmental impact statement prepared by a State agency with less than statewide jurisdiction.

(g) FINANCIAL ASSISTANCE.—To ensure that the policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other laws that further the purposes of that Act are most effectively implemented, the lead agency may make funds available to the Governor of a State that assumes responsibility for environmental review that would otherwise be conducted by the lead agency.

(h) PREEMPTION.—Nothing in this section preempts any Federal or State law relating to siting, construction, or operation of energy delivery systems.

SA 3117. Mr. DODD (for himself and Mr. MCCONNELL) proposed an amendment to the bill S. 565, to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration

Commission, and for other purposes; as follows:

Amend the title to read as follows: ''A bill to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, and for other purposes.''.

SA 3118. Mr. DODD (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 3295, to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, and for other purposes; as follows:

Amend the title to read as follows: ''A bill to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, and for other purposes.''.

SA 3119. Mr. BINGAMAN (for Mr. ROCKEFELLER) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 564, after line 2, insert the following:

''SEC. 1506. FEDERAL MINE INSPECTORS.

''In light of projected retirements of Federal mine inspectors and the need for additional personnel, the Secretary of Labor shall hire, train, and deploy such additional skilled mine inspectors (particularly inspectors with practical experience as a practical mining engineer) as necessary to ensure the availability of skilled and experienced individuals and to maintain the number of Federal mine inspectors at or above the levels authorized by law or established by regulation.''.

SA 3120. Mr. BINGAMAN (for Mr. LEVIN (for himself, Mr. DEWINE, and Ms. STABENOW)) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the end of title XVII, insert the following:

SEC. 17____. STUDY OF NATURAL GAS AND OTHER ENERGY TRANSMISSION INFRASTRUCTURE ACROSS THE GREAT LAKES.

(a) DEFINITIONS.—In this section:

(1) GREAT LAKE.—The term ''Great Lake'' means Lake Erie, Lake Huron (including Lake Saint Clair), Lake Michigan, Lake Ontario (including the Saint Lawrence River from Lake Ontario to the 45th parallel of latitude), and Lake Superior.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with representatives of appropriate Federal and State agencies, shall—

(A) conduct a study of—

(i) the location and extent of anticipated growth of natural gas and other energy transmission infrastructure proposed to be constructed across the Great Lakes; and

(ii) the environmental impacts of any natural gas or other energy transmission infrastructure proposed to be constructed across the Great Lakes; and

(B) make recommendations for minimizing the environmental impact of pipelines and other energy transmission infrastructure on the Great Lakes ecosystem.

(2) ADVISORY COMMITTEE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall enter into an agreement with the National Academy of Sciences to establish an advisory committee to ensure that the study is complete, objective, and of good quality.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the findings and recommendations resulting from the study under subsection (b).

SA 3121. Mr. BINGAMAN (for Mr. SCHUMER) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 408, line 8, strike ''technologies.'' and insert ''technologies; and

(3) the use of high temperature superconducting technology in projects to demonstrate the development of superconductors that enhance the reliability, operational flexibility, or power-carrying capability of electric transmission systems or increase the electrical or operational efficiency of electric energy generation, transmission, distribution and storage systems.''

SA 3122. Mr. BINGAMAN (for Mr. SMITH of Oregon) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 301, after line 22, insert the following:

''SEC. 930. STUDY OF ENERGY EFFICIENCY STANDARDS.

''The Secretary of Energy shall contract with the National Academy of Sciences for a study, to be completed within one year of enactment of this Act, to examine whether the goals of energy efficiency standards are best served by measurement of energy consumed, and efficiency improvements, at the actual site of energy consumption, or through the full fuel cycle, beginning at the source of energy production. The Secretary shall submit the report to the Congress.''

SA 3123. Mr. BINGAMAN (for Mr. DURBIN for himself and Ms. COLLINS, proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 213, between lines 10 and 11, insert the following:

SEC. 8 . CONSERVE BY BICYCLING PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a Conserve By Bicycling pilot program that shall provide for up to 10 geographically dispersed projects to encourage the use of bicycles in place of motor vehicles. Such projects shall use education and marketing to convert motor vehicle trips to bike trips, document project results and energy savings, and facilitate partnerships among entities in the fields of transportation, law enforcement, education, public health, environment, or energy. At least 20 percent of the cost of each project shall be provided from State or local sources. Not later than 2 years after implementation of the projects, the Secretary of Transportation shall submit a report to Congress on the results of the pilot program.

(b) NATIONAL ACADEMY STUDY.—The Secretary of Transportation shall contract with the National Academy of Sciences to conduct a study on the feasibility and benefits of converting motor vehicle trips to bicycle trips and to issue a report, not later than two years after enactment of this Act, on the findings of such study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation $5,500,000, to remain available until expended, to carry out the pilot program and study pursuant to this sections.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, April 11, 2002, at 2:30 p.m. to conduct an oversight hearing on ''Proposals To Improve the Housing Voucher Program.''

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

COMMITTEE ON FINANCE

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 11, 2002 at 10:00 a.m. to hear testimony on Schemes, Scams and Cons, Part II: The IRS Strikes Back.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the

Committee on Government Affairs be authorized to meet on Thursday, April 11, 2002 at 9:00 a.m. to discuss legislation to establish a Department of National Homeland Security and a White House Office to combat terrorism.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, April 11, 2002 at 3:00 p.m. to consider the nomination of Paul A. Quander, Jr. to be Director of the District of Columbia Offender Supervision, Defender, and Courts Services Agency.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. NELSON of Nebraska. Mr. President I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Capacity to Care: In a World Living with Aids during the session of the Senate on Thursday, April 11, 2002 at 10:30 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 11, 2002, at 10 a.m., in SD226.

Tentative Agenda

I. Nominations

Terrence L. O'Brien to the United States Court of Appeals for the Tenth Circuit;

Lance Africk to the United States District Court for the Eastern District of Louisiana;

Legrome Davis to the United States District Court for the Eastern District of Pennsylvania;

Mary Ann Solberg to be Deputy Director of the Office of National Drug Control Policy;

Scott Burns to be Deputy Director for State and Local Affairs, Office of National Drug Control Policy;

Barry Crane to be Deputy Director for Supply Reduction, Office of National Drug Control Policy;

John Robert Flores to be the Administrator of the Office of Juvenile Justice and Delinquency Prevention, Department of Justice; and

John Brown III to be Deputy Administrator of the Drug Enforcement Agency.

To be United States Attorney:

Jane J. Boyle for the Northern District of Texas;

James B. Comey for the Southern District of New York;

Thomas A. Marino for the Middle District of Pennsylvania;

Matthew D. Orwig for the Eastern District of Texas; and

Michael Taylor Shelby for the Southern District of Texas.

To be United States Marshal:

Warren Douglas Anderson for the District of South Dakota;

Patrick E. McDonald for the District of Idaho; and

James Joseph Parmley for the Northern District of New York.

II. Bills

S. 924, Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training In Our Neighborhoods (PROTECTION) Act of 2001. [Biden/Specter];

S. 864, Anti-Atrocity Alien Deportation Act of 2001 [Leahy/Lieberman/Levin];

S. 2031, Intellectual Property Protection Restoration Act of 2002 [Leahy/Brownback]; and

S. 2010, Corporate and Criminal Fraud Accountability Act of 2002 [Leahy/Daschle/Durbin].

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

COMMITTEE ON THE JUDICIARY

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Thursday, April 11, 2002 at 2:30 p.m. in Dirksen Room 226.

Panel I: The Honorable ARLEN SPECTER, United States Senator [R–PA]; the Honorable BOB SMITH, United States Senator [R–NH]; the Honorable PAUL WELLSTONE, United States Senator [D–MN]; the Honorable DIANNE FEINSTEIN, United States Senator [D–CA]; the Honorable BARBARA BOXER, United States Senator [D–CA]; the Honorable JUDD GREGG, United States Senator [R–NH]; the Honorable RUSSELL F. FEINGOLD, United States Senator [D–WI]; the Honorable MARK DAYTON, United States Senator [D–MN]; the Honorable JIM RAMSTAD, United States Representative [R–MN, 3rd Congressional District]; the Honorable THOMAS M. BARRETT, United States Representative [D–WI, 5th Congressional District]; and the Honorable MARK GREEN, United States Representative [R–WI, 8th Congressional District].

PANEL II: Jeffrey Howard for the United States Court of Appeals for the First Circuit; Percy Anderson for the United States District Court for the Central District of California; Michael M. Baylson for the United States District Court for the Eastern District of Pennsylvania; William C. Griesbach for the United States District Court for the Eastern District of Wisconsin; Joan E. Lancaster for the United States District Court for the District of Minnesota; Cynthia M. Rufe for the United States District Court for the Eastern District of Pennsylvania; and John F. Walter for the United States District Court for the Central District of California.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS, FOREIGN COMMERCE, AND TOURISM

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism, of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, April 11, 2002, at 9:30 a.m. on examining Enron: Electricity Market Manipulation and the Effect on the Western States.

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

SUBCOMMITTEE ON PERSONNEL

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 11, 2002, at 9:30 a.m. in open session to receive testimony on military personnel benefits in review of the Defense Authorization Request for Fiscal Year 2003.

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

SUBCOMMITTEE ON STRATEGIC

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 11, 2002, at 2:30 p.m., in open and closed session to receive testimony on the intelligence, surveillance, and reconnaissance programs of the Department of the Defense in review of the Defense Authorization Request for Fiscal Year 2003.

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

VITIATION OF ACTION—S. 565

Mr. REID. Madam President, I ask consent that the passage of S. 565 be vitiated and the measure be returned to the calendar.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask consent that the Senate proceed to Executive session to consider Calendar No. 758; that the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements be printed in the RECORD, and the Senate return to legislative session without intervening action or debate.

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

The nomination was considered and confirmed as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Robert Watson Cobb, of Maryland, to be Inspector General, National Aeronautics and Space Administration.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

COMMENDING UNIVERSITY OF MINNESOTA-DULUTH BULLDOGS

Mr. REID. Madam President, I ask consent that the Senate proceed to the consideration of S. Res. 236, submitted earlier today by Senators DAYTON and WELLSTONE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 236) commending the University of Minnesota-Duluth Bulldogs for winning the 2002 NCAA Division I Women's Ice Hockey National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 236) was agreed to.

The preamble was agreed to.

The resolution (S. Res. 236), with its preamble, reads as follows:

S. RES. 236

Whereas on March 24, 2002, the defending NCAA Women's Ice Hockey National Champion, the University of Minnesota-Duluth Bulldogs, won the National Championship for the second straight year;

Whereas Minnesota-Duluth defeated Brown University in the championship game by the score of 3-2, having previously defeated Niagara University in the semi-final by the same score;

Whereas sophomore Tricia Guest scored the unassisted game-winning goal in the third period, and assisted in the Bulldogs' opening goal in the first period;

Whereas during the 2001-2002 season, the Bulldogs won 24 games, while losing only 6, and tying 4;

Whereas forward Joanne Eustace and defensewoman Larissa Luther were both selected to the 2002 All-Tournament team;

Whereas forward and team captain Maria Rooth led the Bulldogs in scoring the last 2 years, and was named to the Jofa Women's University Division Ice Hockey All-American first team, the only first team repeat from 2001;

Whereas Minnesota-Duluth Head Coach, Shannon Miller, after winning the National Championship in 2 consecutive years, was named a finalist for the 2002 NCAA Division I Coach of the Year; and

Whereas all of the team's players showed tremendous dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota-Duluth Women's Ice Hockey Team for winning the 2002 NCAA Division I Collegiate Ice Hockey National Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) requests that the President—

(A) recognize the achievements of the University of Minnesota-Duluth Women's Ice Hockey Team; and

(B) invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this Resolution to the University of Minnesota-Duluth for appropriate display; and

(B) transmit an enrolled copy of the Resolution to every coach and member of the 2002 NCAA Division I Women's Ice Hockey National Championship Team.

COMMENDING UNIVERSITY OF MINNESOTA GOLDEN GOPHERS DIVISION I MEN'S HOCKEY NATIONAL CHAMPIONSHIP

Mr. REID. I ask unanimous consent the Senate turn to the consideration of S. Res. 237, submitted earlier today by Senators DAYTON and WELLSTONE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 237) commending the University of Minnesota Golden Gophers for winning the 2002 National Collegial Athletic Association Division I Men's Hockey National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements related thereto be printed in the RECORD.

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

The resolution (S. Res. 237) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 237

Whereas on April 6, 2002, the University of Minnesota Men's Hockey Team won the National Championship for the first time in 23 years;

Whereas Minnesota defeated the University of Maine in overtime in the championship game by the score of 4–3, having previously defeated the University of Michigan in the semifinal by the score of 3–2;

Whereas Grant Potulny, from North Dakota, the team's only non-Minnesotan, scored the winning goal in overtime and was named the tournament's Most Outstanding Player;

Whereas during the 2001–2002 season, the Golden Gophers won 32 games, while losing only 8, and tying 4;

Whereas senior defenseman Jordan Leopold was named the winner of the Hobey Baker Memorial Award, given annually to the college hockey Player of the Year, and was also named an All-American for the second consecutive year;

Whereas senior forward Johnny Pohl was also named to the All-American team, and led the NCAA Division I in scoring;

Whereas senior goalie Adam Hauser was named to the ''Frozen Four'' All-Tournament team, became the all-time Western Collegiate Hockey Association leader in victories, and established Minnesota records for most wins, shutouts, and saves;

Whereas Minnesota Head Coach Don Lucia, after winning the National Championship in just his third season at Minnesota, was named a finalist for the 2002 Spencer Penrose Award, which is presented to the NCAA Division I National Hockey Coach of the Year; and

Whereas all of the team's players showed tremendous dedication throughout the season toward the goal of winning the National Championship: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Minnesota Men's Hockey Team for winning the 2002 NCAA Division I Collegiate Hockey National Championship;

(2) recognizes the achievements of all the team's players, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) requests that the President—

(A) recognize the achievements of the University of Minnesota Men's Hockey Team; and

(B) invite the team to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Secretary of the Senate to—

(A) make available enrolled copies of this Resolution to the University of Minnesota for appropriate display; and

(B) transmit an enrolled copy of the Resolution to every coach and member of the 2002 NCAA Division I Men's Hockey National Championship Team.

COMMENDING UNIVERSITY OF MINNESOTA GOLDEN GOPHERS DIVISION I WRESTLING NATIONAL CHAMPIONSHIP

Mr. REID. I ask consent that the Senate proceed to the consideration of S. Res. 238, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 238) commending the University of Minnesota Golden Gophers for winning the 2002 NCAA Division I Wrestling National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

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

The resolution (S. Res. 238) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 238

Whereas the University of Minnesota wrestling team successfully defended its 2001 national title by winning the 2002 National Collegiate Athletic Association championship on March 23, 2002, in Albany, New York;

Whereas the victory was the first back-to-back national championship in an intercollegiate athletic competition in University of Minnesota history since the Golden Gophers captured 2 consecutive national championship football titles in 1940 and 1941;

Whereas the University of Minnesota won the national crown with 126.5 points, over Iowa State (103 points), Oklahoma (101.5 points), Iowa (89 points) and Oklahoma State (82.5 points);

Whereas the University of Minnesota became the first Division I wrestling team since the 1995–96 season to go undefeated in dual meets and win the National Duals, conference and NCAA team titles in a single season and the first team to win these titles in consecutive seasons since the 1994–95 and 1995–96 seasons;

Whereas the Golden Gophers wrestling team has finished in the top 3 in the Nation in the last 6 years: placing third in 1997, being the runner up in 1998 and 1999; placing third in 2000; and winning the national title in 2001 and 2002;

Whereas the University of Minnesota wrestling team has now placed in the top 10 at the NCAA Championships 25 times in the history of the program;

Whereas Coach J. Robinson, as head coach of the University of Minnesota wrestling team, now has finished in the top 10 at the NCAA Championships 10 times during his 16-year tenure;

Whereas two members of the Minnesota wrestling team, Jared Lawrence and Luke Becker, each earned an individual national crown, marking the first time in school history that two Minnesota athletes were individual champions in a single NCAA sport in the same year;

Whereas Lawrence, at 149 pounds, and Becker, at 157 pounds, captured the 13th and 14th NCAA individual titles in school history, respectively;

Whereas Ryan Lewis, at 133 pounds, was the runner-up, Owen Elzen, at 197 pounds, finished in fourth place, Damion Hahn, at 184 pounds, finished in fifth place, Garret Lowney, at heavyweight, finished in fifth place, and Chad Erikson, at 141 pounds, finished in seventh place;

Whereas seven University of Minnesota wrestlers, Chad Erikson, Jared Lawrence, Luke Becker, Damion Hahn, Owen Elzen, Ryan Lewis, and Garrett Lowney, earned All-American honors; and

Whereas the Golden Gophers have now had 68 wrestlers earn 111 All-American citations in the history of the varsity wrestling program at the University of Minnesota: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Golden Gophers of the University of Minnesota for winning the 2002 National Collegiate Athletic Association Division I Wrestling National Championship;

(2) recognizes the achievements of all the team's members, coaches, and support staff, and invites them to the United States Capitol to be honored;

(3) requests that the President recognize the achievements of the University of Minnesota wrestling team and invite them to the White House for an appropriate ceremony honoring a national championship team; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the President of the University of Minnesota.

Mr. REID. I would say, Madam President, those Minnesotans know how to play hockey and wrestle.

ORDERS FOR FRIDAY, APRIL 12, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m. tomorrow, April 12; that following the prayer and the pledge, the Journal of proceedings be deemed approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; and there be a period of morning business until 11:30, with Senators permitted to speak for up to 10 minutes each, with time equally divided between the two leaders or their designees.

Madam President, I also ask unanimous consent that Senator LANDRIEU be recognized for up to 30 minutes during that 1 hour of time.

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

PROGRAM

Mr. REID. Madam President, at 11:30 a.m. tomorrow, the Senate will begin consideration of the border security bill. There will be no rollcall votes on Friday.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order, following the remarks of Senator MCCONNELL and Senator VOINOVICH, and the RECORD remain open today until 6:40 p.m. for the introduction of legislation by Senator GRASSLEY.

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

Mr. MCCONNELL. Madam President, are we in morning business?

The PRESIDING OFFICER. We are.

PACE OF JUDICIAL CONFIRMATIONS: A HISTORICAL COMPARISON

Mr. MCCONNELL. Madam President, my friends on the other side of the aisle have defended the slow pace of the judicial confirmation process by saying their treatment of President Bush's nominees compares favorably with precedents. I had the Congressional Research Service look into this, and their research showed this is clearly not the case. This Congress's treatment of President Bush's judicial nominees compares quite poorly, at all stages of the confirmation process, with the treatment that prior Congresses afforded the judicial nominees of President Bush's four predecessors during their first Congress.

It has done a poor job with respect to confirming both district and appellate court nominees, but it has been particularly bad with regard to circuit court nominees, which is what I am going to talk about tonight.

From Jimmy Carter through Bill Clinton, over 90 percent of the circuit court nominees received a Judiciary Committee hearing during the President's first Congress. This is illustrated by this chart. During President Carter's term, 100 percent of his circuit court nominees received a hearing during his first Congress. Under President Reagan, 95 percent—19 out of 20 circuit court nominees—received a hearing during his first Congress. Under the first President Bush, 95.7 percent of his nominees for the circuit courts—22 out of 23—received a hearing during the first Bush's Presidency. During President Clinton's first Congress, 91 percent, or 20 of 22 circuit court nominees received a hearing during the first Congress.

Now we are in the second session of the first Congress under President George W. Bush, and only 10 of 29 circuit court nominees have even received a hearing, for a percentage of 34.5 percent.

What is going on here in the Senate with regard to even giving a hearing to circuit court judicial nominees is simply without precedent.

No President has been treated so poorly in recent memory—not even a hearing. Ten of the 29 circuit court nominees of President George W. Bush have not even received a hearing. By contrast, only about one-third of President Bush's circuit court nominees have received a hearing.

With respect to receiving a Judiciary Committee vote, looking at it a different way, from Jimmy Carter through Bill Clinton at least 86 percent of circuit court nominees received a Judiciary Committee vote.

During President Carter's first Congress, 100 percent of his nominees for the circuit court received a vote in committee.

During President Reagan's first Congress, 95 percent of his circuit court nominees—19 out of 20—received a vote of the committee.

During the first President Bush's first Congress, 22 of 23 received a committee vote. That is 95.7 percent.

During President Bill Clinton's first Congress, 86.4 percent of his circuit court nominees—19 out of 22—received a Judiciary Committee vote during his first 2 years. Of course, those were years during which his party also controlled the Senate.

During the first 2 years of President George W. Bush, only 27.6 percent—or 8 out of 29—of the nominees for circuit courts received a Judiciary Committee vote—very shabby treatment and certainly unprecedented in recent times.

With respect to Senate floor votes, at least 86 percent of circuit court nominees from the administration of President Jimmy Carter through President Bill Clinton got a full Senate vote.

Looking at President Carter's first 2 years, 100 percent of his nominees for the circuit court received a Senate vote.

Looking at President Reagan's first 2 years, 95 percent of his nominees received a Senate vote.

Looking at the first President Bush circuit court nominees during the first 2 years, 95.7—or 22 out of 23—got a full Senate vote. Of course, that was when the Senate was controlled by the opposition party under the first President Bush.

President Clinton in his first 2 years in office, 86.4 percent—or 19 out of 22—of the circuit court nominees got a full Senate vote. Of course that was during a period where President Clinton's own party controlled the Senate.

Looking at the first 2 years of President George W. Bush, to this point,

only 24.1 percent of the nominees to the circuit courts have received a full Senate vote—only 7 of 29.

This is really unprecedented, shabby treatment of President Bush's circuit court nominees.

The final chart shows comprehensively how poorly we are doing right now at all stages of the process in moving circuit court nominees.

Looking at it in terms of hearings, committee votes, or full Senate votes, during a President's first 2 years in office, the picture tells the story.

Under President Carter, 100 percent received both a hearing, a committee vote, and a full Senate vote during his first 2 years.

During President Reagan, 95 percent of his nominees received a hearing, a committee vote, and a full Senate vote.

The first President Bush, 95.7 percent of his nominees got all three—a hearing, a committee vote, and a full Senate vote.

President Clinton: 91 percent of his nominees in his first 2 years—again, remembering that President Clinton's party controlled the Senate his first 2 years—91 percent received a hearing in committee, and 86.4 percent received a vote both in committee and in the full Senate.

Then, looking at President George W. Bush, only 34.5 percent of his nominees for circuit court—a mere 10 out of 29—have even been given a hearing in committee, only 27.6 percent have been given votes in committee, and only 24 percent—a mere 7 out of 29—have been given votes in the full Senate.

This is a very poor record that I think begins to become a national issue. At the rate this is going, I think it will be discussed all across our country in the course of the Senate elections this fall.

It is pretty clear that we are not doing a very good job of filling vacancies, particularly the 19 percent of vacancies that exist at the circuit court level, and 50 percent of the vacancies that exist in my own State of Kentucky.

We did have a markup for a lone circuit court nominee this morning, and we had a confirmation hearing this afternoon for another lone circuit court nominee. I suppose that is a step in the right direction. Some progress is certainly, of course, better than none. But if we are going to address the major vacancy problem on the appellate courts, we must have more than one circuit court nominee per confirmation hearing, and we must have more than one circuit court nominee at a markup.

Furthermore, we are going to have to have regular hearings and regular markups for circuit court nominees. Before today, for example, it had been 4 weeks since we had a markup. Thus, in the 2 weeks prior to recess, we had only one markup with only one circuit court nominee on the agenda. And that nominee was, in fact, defeated on a party-line vote. When Senator HATCH was chairman, 10 times he held hearings with more than one circuit court nominee on the agenda. With the circuit court vacancy rate approaching 20 percent, this is something we should be doing now as well.

In sum, we need to do a better job in the confirmation process, particularly with respect to circuit court nominees.

These historical precedents give us a reasonable goal to which to aspire, and we need to redouble our efforts to meet past practices.

I might say in closing that we have a particular crisis in the Sixth Judicial Circuit, which includes the States of Michigan, Ohio, Kentucky, and Tennessee. The Sixth Circuit is 50-percent vacant. Eight out of 16 seats are not filled—not because there haven't been nominations. Seven of the eight nominations are before the Senate Judiciary Committee. A couple of them have been there for almost a year. No hearings have been held. We have a judicial emergency in the Sixth Circuit.

I think this needs to be talked about. Regretfully, our record is quite sorry. We have some months left to be in session. Hopefully, this will improve as the weeks roll along.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Madam President, I ask unanimous consent the order for the quorum call be rescinded and that I be recognized to speak in morning business.

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

PIPELINE AND TRANSMISSION STREAMLINING

Mr. VOINOVICH. Madam President, I would like to spend a few minutes today talking about an amendment that I filed on the energy bill, amendment No. 3116. It is titled the ''Integrated Review of Energy Delivery Systems Act of 2002.''

This amendment, which Senator LANDRIEU has cosponsored, will streamline the siting process for energy pipelines and transmission lines.

As my colleagues know, one of the biggest challenges we face in ensuring that we have a consistent energy policy is ensuring we get energy to where it is needed. One of the problems we have had in previous winters has been the inability of energy supply to meet the demand solely because of bottlenecks in the distribution system.

Unless we address the situation, each winter places such as the northeastern part of the United States will continue to face high spikes in prices because their electric power grid and their pipeline system are both severely overtaxed. Removing this bottleneck will help stem huge potential problems down the road.

The Presiding Officer knows that one of the concerns we had last year was whether or not we would be able to get electricity into New York, into the Presiding Officer's part of the country, because of the issue of transmission lines. We were fortunate last summer was not that hot and the demand was not up, so there were not any brownouts or blackouts. But it is very important we move forward with siting these transmission lines so we can get power into the areas that need them.

The amendment Senator LANDRIEU and I have written would require all Federal agencies to coordinate the environmental reviews of energy pipelines and transmission lines so that the reviews take place simultaneously and a decision can be reached quickly on whether to move forward with the projects.

This amendment does not change underlying environmental statutes, nor does it change the environmental standards used for approving these projects. All current and future environmental laws are not changed by the amendment. Let me repeat that: Current and future environmental laws are not changed.

This amendment is based on a bill I introduced last year, S. 1580, the Environmental Streamlining of Energy Facilities Act of 2001, which would have applied to all energy facilities.

The idea for this amendment is from the environmental streamlining provisions of the highway bill, TEA–21. In that legislation, an amendment offered by Senators WYDEN, GRAHAM, and BOB SMITH required the Transportation Department to coordinate all environmental reviews for highway projects so that the reviews would take place at the same time, saving years on major highway projects.

What we are trying to do today is apply this same concept to the building of pipelines and transmission lines. Today we are facing a shortage of pipelines, and it is becoming more difficult every day to site transmission lines. While this amendment would not change the laws of eminent domain or the environmental standards, what it will do is help expedite the review process.

I would like to briefly outline the provisions of my amendment.

First, we designate one lead agency to coordinate the review process. To eliminate the duplication efforts by agencies with oversight for the construction, operation, and maintenance of pipelines and transmission lines, a single Federal agency would be identified to coordinate all required paperwork and research for the environmental review of a proposed pipeline or transmission system.

The agencies involved in this process would include the Environmental Protection Agency, the Department of Energy, FERC, the Army Corps of Engineers, and the Department of Transportation's Office of Pipeline Safety.

Agencies with partial oversight for a project would provide information from their area of expertise, while the

lead agency would be responsible for establishing the deadlines, facilitating communication between the agencies, and defining the role of participating agencies during the environmental review process.

The lead agency, along with the Governor of the State where the application for the facility has been made, would work together to provide early notification to the public in order to identify and address any environmental concerns associated with the proposed system.

If there appears to be an environmental concern related to the permitting, the Council on Environmental Quality, in conjunction with the heads of the lead agency and participating agencies, would work together to resolve the matter within 30 days.

The problem is, when differences of opinion arise, it can take forever for these differences to be resolved. What we are suggesting in this legislation is that they would be brought to the Council on Environmental Quality, and they would sit down with the lead agency and participating agencies, and they would work together to get a resolution within 30 days.

The amendment directs coordination between the Federal, State, and local governments on particular projects. After a lead agency is appointed, it would be required to coordinate the environmental review process with input from Federal, State, and local governments. This includes the preparation of environmental impact statements, review analysis, opinions, determinations, or authorizations required under Federal law.

The amendment also allows for Federal delegation to the States. At the request of a Governor, and with the agreement of the applicant, a State agency may assume the role of lead agency. The Federal agency would delegate to the State agency the authority to prepare the Federal environmental impact statement or other environmental assessment following the procedures for a Federal lead agency.

Where there is a delegation of authority to the State, the lead agency continues to provide guidance and participation in preparing the final version of the environmental impact statement or environmental assessment. The lead Federal agency must also provide an independent evaluation of the statement or assessment prior to its approval.

Finally, the standard of review under State and Federal laws relating to the siting or construction or operation of a pipeline or transmission line would not be preempted, and the lead Federal agency is authorized to provide funding to the State when they assume the Federal responsibility.

It is vital that we act on the problem of expediting the siting of pipelines and transmission lines. This is a problem that plagues the entire country, including my home State of Ohio. However, in my view, the region which probably needs this provision the most is the Northeast.

According to a study by ISO New England Corporation, the nonprofit operator of New England's power grid has said that New England is increasing its natural gas demand from 16 percent in 1999, to a projected 45-percent demand in 2005. Unfortunately, they lack the local pipelines to distribute that gas to their markets.

The study says that there is no worry about any blackouts, unless nothing has changed one year from now. Three of the changes they need are: New gas-fired plants should be allowed to develop the ability to burn oil as a backup. The second is the regional pipeline system has to be expanded. And third, new compressors need to be added to existing pipelines to increase delivery capacity. So there is a genuine need there to move forward with providing pipelines so they can get gas into the Northeast, s ISO stated in its report issued in January of last year.

The chairman of the ISO New England, Mr. William Berry, said:

The long and complicated federal permitting process for building new interstate pipelines is a greater obstacle than the technical construction work.

The amendment Senator LANDRIEU and I introduced will help speed up, as Mr. Berry calls it, ''the long and complicated federal permitting process,'' and it will do so without jeopardizing any environmental protections and without changing any of our current environmental laws.

This amendment is supported by the American Gas Association, the American Chemistry Council, the Edison Electric Institute, the Interstate Natural Gas Association of America, the Association of Oil Pipelines, and the National Association of Manufacturers.

This is a commonsense approach to requiring our Federal agencies to work together to get the permitting decisions considered at the same time. According to the Interstate Natural Gas Association of America, the United States will need 49,500 miles of new natural gas transmission lines between now and 2015. That is just to keep up with the large projected increase in demand for natural gas. It is also projected that our demand for natural gas will increase by 50 percent by the year 2020.

We need to act today to ensure that our energy can be delivered to American homes tomorrow. I hope this amendment will be accepted and we can move forward with providing both industry and American consumers the confidence that the Federal Government will not be an obstacle to the delivery of energy and that this can be done without changing or undermining our environmental laws.

I yield the floor.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10:30 a.m. on Friday, April 12, 2002.

Thereupon, the Senate, at 6:32 p.m., adjourned until Friday, April 12, 2002, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 11, 2002:

POSTAL RATE COMMISSION

TONY HAMMOND, OF VIRGINIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 14, 2004, VICE EDWARD JAY GLEIMAN, RESIGNED.

DEPARTMENT OF JUSTICE

STEVEN M. BISKUPIC, OF WISCONSIN, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE THOMAS PAUL SCHNEIDER, RESIGNED.

JAN PAUL MILLER, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE FRANCES CUTHBERT HULIN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. LEON J. LAPORTE, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARY H. HUGHEY, 0000

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHAEL J. BISSONNETTE, 0000
MARK A. CLESTER, 0000
DANIEL J. MCLEAN, 0000

CONFIRMATION

Executive nomination confirmed by the Senate April 11, 2002:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ROBERT WATSON COBB, OF MARYLAND, TO BE INSPECTOR GENERAL, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.