

Meehan, Meek (FL), Meeks (NY), Menendez, Mica, Millender-McDonald, Miller (CA), Miller (FL), Minge, Mollohan, Moran (VA), Morella, Murtha, Myrick, Nadler, Neal, Northup, Nussle, Oberstar, Obey, Olver, Ortiz, Owens, Oxley, Packard, Pallone, Parker, Pascrell, Paxon, Payne, Pelosi, Peterson (MN), Peterson (PA), Petri, Pickering, Pickett, Pitts, Pomeroy, Porter, Portman, Poshard, Price (NC), Quinn, Radanovich, Ramstad, Rangel, Reyes, Riley, Rodriguez, Roemer, Rogan, Rogers, Morella, Rohrabacher, Ros-Lehtinen, Rothman, Roukema, Roybal-Allard, Rush, Ryan, Sabo, Sanchez, Sandlin, Sawyer, Saxton, Schaffer, Bob, Schumer, Scott, Sensenbrenner, Serrano, Shaw, Shays, Sisisky, Skaggs, Sken, Skelton, Slaughter, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Smith, Adam, Snyder, Solomon, Souder, Spence, Spratt, Stabenow, Stark, Stearns, Stenholm, Stokes, Strickland, Stump, Stupak, Talent, Tanner, Tauscher, Tauzin, Taylor (MS), Thomas, Thompson, Thornberry, Thurman, Tierney, Turner, Upton, Velazquez, Vento, Waters, Watt (NC), Waxman, Weldon (FL), Weldon (PA), Weygand, White, Wicker, Wilson, Wise, Wolf, Woolsey, Wynn, Cunningham, Davis (VA), Deal, DeLay, Diaz-Balart, Dickey, Doolittle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Ensign, Everett, Ewing, Fawell, Fossella, Fowler, Gallegly, Gekas, Gibbons, Goode, Goodlatte, Gooding, Goss, Graham, Granger, Gutknecht, Hall (TX), Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Herger, Hilleary, Hobson, Hoekstra, Hostettler, Hulshof, Hunter, Hyde, Inglis, Jenkins, Johnson, Sam, Jones, Kasich, Kim, King (NY), Kingston, Klink, Kolbe, LaHood, Largent, Latham, LaTourrette, Lewis (CA), Lewis (KY), Linder, Livingston, Lucas, Manzullo, McCollum, McCrery, McHugh, McInnis, McIntosh, McKee, Mica, Miller (FL), Mollohan, Moran (KS), Murtha, Myrick, Nethercutt, Neumann, Ney, Northup, Norwood, Oxley, Packard, Pappas, Paul, Paxon, Pease, Peterson (MN), Peterson (PA), Pickering, Pitts, Pombo, Portman, Pryce (OH), Radanovich, Redmond, Regula, Riley, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Royce, Ryan, Salmon, Saxton, Scarborough, Schaefer, Dan, Schaffer, Bob, Scott, Sensenbrenner, Sessions, Shadegg, Shaw, Shimkus, Shuster, Skeeen, Smith (NJ), Smith (OR), Smith (TX), Snowbarger, Solomon, Spence, Stearns, Stump, Sununu, Talent, Tauzin, Taylor (NC), Thomas, Thornberry, Thune, Tiahrt, Traficant, Watkins, Watts (OK), Weldon (FL), Weller, Whitfield, Wicker, Wilson, Young (AK), Meeks (NY), Menendez, Metcalf, Millender-McDonald, Miller (CA), Minge, Mink, Moran (VA), Morella, Nadler, Neal, Nussle, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Parker, Pascrell, Pastor, Payne, Pelosi, Petri, Pickett, Pomeroy, Porter, Poshard, Price (NC), Quinn, Rahall, Ramstad, Rangel, Reyes, Rivers, Rodriguez, Roemer, Rothman, Roukema, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Sandlin, Sanford, Sawyer, Schumer, Serrano, Shays, Sherman, Sisisky, Skaggs, Skelton, Slaughter, Smith (MI), Smith, Adam, Smith, Linda, Snyder, Souder, Spratt, Stabenow, Stark, Stenholm, Stokes, Strickland, Stupak, Tanner, Tauscher, Taylor (MS), Thompson, Thurman, Tierney, Torres, Turner, Upton, Velazquez, Vento, Visclosky, Walsh, Wamp, Waters, Watt (NC), Waxman, Weldon (PA), Wexler, Weygand, White, Wise, Wolf, Woolsey, Wynn, Gonzalez, Istook, McDade, Moakley, Riggs, Towns, Wexler, Yates, Young (FL), NOT VOTING-8

NOT VOTING-9
Gonzalez, Istook, McDade, Moakley, Riggs, Towns, Wexler, Yates, Young (FL)

So the amendment to the amendment in the nature of a substitute was not agreed to.

78.27 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. DELAY to the foregoing amendment in the nature of a substitute by Mr. SHAYS:

Add at the end of section 301(20) of the Federal Election Campaign Act of 1971, as added by section 201(b) of the substitute, the following:

(C) Exception for legislative alerts: The term "express advocacy" does not include any communication which-

(i) deals solely with an issue or legislation which is or may be the subject of a vote in the Senate or House of Representatives; and

(ii) encourages an individual to contact an elected representative in Congress in order to exercise the right protected under the first amendment of the Constitution to inform the representative of the individual's views on such issue or legislation.

It was decided in the negative { Yeas 185 Nays 241

78.28 [Roll No. 365] AYES-185

Aderholt, Archer, Armey, Baker, Ballenger, Barcia, Barr, Bartlett, Barton, Bateman, Bereuter, Bilirakis, Biley, Blunt, Boehner, Bonilla, Bono, Brady (TX), Bryant, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Cannon, Chabot, Chambliss, Chenoweth, Christensen, Coburn, Collins, Combest, Cook, Cooksey, Costello, Cox, Crane, Crapo, Cubin, DeLo

DeLo, Deutsch, Dicks, Dingell, Dixon, Doggett, Dooley, Doyle, Edwards, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Fazio, Filner, Foley, Forbes, Ford, Fox, Frank (MA), Franks (NJ), Frelinghuysen, Frost, Furse, Ganske, Gejdenson, Gephardt, Gilchrest, Gillmor, Gilman, Gordon, Green, Greenwood, Gutierrez, Hall (OH), Hamilton, Harman, Hastings (FL), Hefner, Hilliard, Hinchey, Hinojosa, Holden, Hooley, Horn, Houghton, Hoyer, Hutchinson, Jackson (IL), Jackson-Lee (TX), Jefferson, John, Johnson (CT), Johnson (WI), Johnson, E.B., Kanjorski, Kaptur, Kelly, Kennedy (MA), Kennedy (RI), Kennelly, Kildee, Kilpatrick, Kind (WI), Kleczka, Klug, Knollenberg, Kucinich, LaFalce, Lampson, Lantos, Lazio, Leach, Lee, Levin, Lewis (GA), Lipinski, LoBiondo, Lofgren, Lowey, Luther, Maloney (CT), Maloney (NY), Manton, Markey, Martinez, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McDermott, McGovern, McHale, McIntyre, McKinney, McNulty, Meehan, Meek (FL)

NOES-241

Abercrombie, Ackerman, Allen, Andrews, Bachus, Baesler, Baldacci, Barrett (NE), Barrett (WI), Bass, Becerra, Bentsen, Berman, Berry, Bilbray, Bishop, Blagojevich, Blumenauer, Boehlert, Bonior, Borski, Boswell, Boucher, Boyd, Brady (PA), Brown (CA), Brown (FL), Brown (OH), Campbell, Capps, Cardin, Carson, Castle, Clay, Clayton, Clement, Clyburn, Coble, Condit, Conyers, Coyne, Cramer, Cummings, Danner, Davis (FL), Davis (IL), DeFazio, DeGette, DeLahunt, DeLauro, Jones, Kasich, Kim, King (NY), Kingston, Klink, Kolbe, LaHood, Largent, Latham, LaTourrette, Lewis (CA), Lewis (KY), Linder, Livingston, Lucas, Manzullo, McCollum, McCrery, McHugh, McInnis, McIntosh, McKee, Mica, Miller (FL), Mollohan, Moran (KS), Murtha, Myrick, Nethercutt, Neumann, Ney, Northup, Norwood, Oxley, Packard, Pappas, Paul, Paxon, Pease, Peterson (MN), Peterson (PA), Pickering, Pitts, Pombo, Portman, Pryce (OH), Radanovich, Redmond, Regula, Riley, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Royce, Ryan, Salmon, Saxton, Scarborough, Schaefer, Dan, Schaffer, Bob, Scott, Sensenbrenner, Sessions, Shadegg, Shaw, Shimkus, Shuster, Skeeen, Smith (NJ), Smith (OR), Smith (TX), Snowbarger, Solomon, Spence, Stearns, Stump, Sununu, Talent, Tauzin, Taylor (NC), Thomas, Thornberry, Thune, Tiahrt, Traficant, Watkins, Watts (OK), Weldon (FL), Weller, Whitfield, Wicker, Wilson, Young (AK), Meeks (NY), Menendez, Metcalf, Millender-McDonald, Miller (CA), Minge, Mink, Moran (VA), Morella, Nadler, Neal, Nussle, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Parker, Pascrell, Pastor, Payne, Pelosi, Petri, Pickett, Pomeroy, Porter, Poshard, Price (NC), Quinn, Rahall, Ramstad, Rangel, Reyes, Rivers, Rodriguez, Roemer, Rothman, Roukema, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Sandlin, Sanford, Sawyer, Schumer, Serrano, Shays, Sherman, Sisisky, Skaggs, Skelton, Slaughter, Smith (MI), Smith, Adam, Smith, Linda, Snyder, Souder, Spratt, Stabenow, Stark, Stenholm, Stokes, Strickland, Stupak, Tanner, Tauscher, Taylor (MS), Thompson, Thurman, Tierney, Torres, Turner, Upton, Velazquez, Vento, Visclosky, Walsh, Wamp, Waters, Watt (NC), Waxman, Weldon (PA), Wexler, Weygand, White, Wise, Wolf, Woolsey, Wynn, Gonzalez, Istook, McDade, Moakley, Riggs, Towns, Wexler, Yates, Young (FL), NOT VOTING-8

So the amendment to the amendment in the nature of a substitute was not agreed to.

78.29 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. PETERSON of Pennsylvania to the foregoing amendment in the nature of a substitute by Mr. SHAYS:

Add at the end the following new title: TITLE -VOTER ELIGIBILITY CONFIRMATION PROGRAM SEC. 01. VOTER ELIGIBILITY PILOT CONFIRMATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a pilot program to test a confirmation system through which they-

(1) respond to inquiries, made by State and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election, to verify the citizenship of an individual who has submitted a voter registration application, and

(2) maintain such records of the inquiries made and verifications provided as may be necessary for pilot program evaluation. In order to make an inquiry through the pilot program with respect to an individual, an election official shall provide the name, date of birth, and social security account number of the individual.

(b) INITIAL RESPONSE.—The pilot program shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

(d) DESIGN AND OPERATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The pilot program shall be designed and operated—

(A) to apply in, at a minimum, the States of California, New York, Texas, Florida, and Illinois;

(B) to be used on a voluntary basis, as a supplementary information source, by State and local election officials for the purpose of assessing, through citizenship verification, the eligibility of an individual to vote in Federal, State, or local elections;

(C) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

(i) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

(ii) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(D) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

(E) to permit inquiries to be made to the pilot program through a toll-free telephone line or other toll-free electronic media;

(F) subject to subparagraph (I), to respond to all inquiries made by authorized persons and to register all times when the pilot program is not responding to inquiries because of a malfunction;

(G) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, including violations of the requirements of section 205(c)(2)(C)(viii) of the Social Security Act;

(H) to have reasonable safeguards against the pilot program's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the pilot program.

(2) USE OF EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.—To the extent practicable, in establishing the confirmation system under this section, the Attorney General, in consultation with the Commissioner of Social Security, shall use the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 110 Stat. 3009-664).

(e) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—As part of the pilot program, the Commissioner of Social Security shall establish a reliable, secure method which compares the name, date of birth, and social security account number provided in an inquiry against such information maintained by the Commissioner, in order to confirm (or not confirm) the correspondence of the name, date of birth, and number provided and whether the individual is shown as a citizen of the United States on the records maintained by the Commissioner (including whether such records show that the individual was born in the United States). The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

(f) RESPONSIBILITIES OF THE COMMISSIONER OF THE IMMIGRATION AND NATURALIZATION SERVICE.—As part of the pilot program, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method which compares the name and date of birth which are provided in an inquiry against information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and date of birth, and whether the individual is a citizen of the United States.

(g) UPDATING INFORMATION.—The Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c) or in any action by an individual to use the process provided under this subsection upon receipt of notification from an election official under subsection (i).

(h) LIMITATION ON USE OF THE PILOT PROGRAM AND ANY RELATED SYSTEMS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

(2) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

(3) NO NEW DATA BASES.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of this Act.

(i) ACTIONS BY ELECTION OFFICIALS UNABLE TO CONFIRM CITIZENSHIP.—

(1) IN GENERAL.—If an election official receives a notice of final nonconfirmation under subsection (c) with respect to an individual, the official—

(A) shall notify the individual in writing; and

(B) shall inform the individual in writing of the individual's right to use—

(i) the process provided under subsection (g) for the prompt correction of erroneous information in the pilot program; or

(ii) any other process for establishing eligibility to vote provided under State or Federal law.

(2) REGISTRATION APPLICANTS.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may (subject to, and in a manner consistent with, State law) reject the application (subject to the right to reapply), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from—

(i) a source other than the pilot program established under this section; or

(ii) such pilot program, pursuant to a new inquiry to the pilot program made by the official upon receipt of information (from the individual or through any other reliable source) that erroneous or incomplete material information previously in the pilot program has been updated, supplemented, or corrected.

(3) INELIGIBLE VOTER REMOVAL PROGRAMS.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may (subject to, and in a manner consistent with, State law) remove the name of the individual from the list (subject to the right to submit another voter reg-

istration application), but only if the following conditions have been satisfied:

(A) The 30-day period beginning on the date the notice was mailed or otherwise provided to the individual has elapsed.

(B) During such 30-day period, the official did not receive adequate confirmation of the citizenship of the individual from a source described in clause (i) or (ii) of paragraph (2)(B).

(j) AUTHORITY TO USE SOCIAL SECURITY ACCOUNT NUMBERS.—Any State (or political subdivision thereof) may, for the purpose of making inquiries under the pilot program in the administration of any voter registration law within its jurisdiction, use the social security account numbers issued by the Commissioner of Social Security, and may, for such purpose, require any individual who is or appears to be affected by a voter registration law of such State (or political subdivision thereof) to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for such law, the social security account number (or numbers, if the individual has more than one such number) issued to the individual by the Commissioner.

(k) TERMINATION AND REPORT.—The pilot program shall terminate September 30, 2001. The Attorney General and the Commissioner of Social Security shall each submit to the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives and to the Committee on the Judiciary and the Committee on Finance of the Senate reports on the pilot program not later than December 31, 2001. Such reports shall—

(1) assess the degree of fraudulent attesting of United States citizenship in jurisdictions covered by the pilot program;

(2) assess the appropriate staffing and funding levels which would be required for full, permanent, and nationwide implementation of the pilot program, including the estimated total cost for national implementation per individual record;

(3) include an assessment by the Commissioner of Social Security of the advisability and ramifications of disclosure of social security account numbers to the extent provided for under the pilot program and upon full, permanent, and nationwide implementation of the pilot program;

(4) assess the degree to which the records maintained by the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service are able to be used to reliably determine the citizenship of individuals who have submitted voter registration applications;

(5) assess the effectiveness of the pilot program's safeguards against unlawful discriminatory practices;

(6) include recommendations on whether or not the pilot program should be continued or modified; and

(7) include such other information as the Attorney General or the Commissioner of Social Security may determine to be relevant.

SEC. 02. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of Justice, for the Immigration and Naturalization Service, for fiscal years beginning on or after October 1, 1998, such sums as are necessary to carry out the provisions of this title.

It was decided in the { Yeas 165
negative } Nays 260

¶78.30

[Roll No. 366]

AYES—165

Aderholt
Archer

Baker
Ballenger

Barr
Bartlett