

establishing regulations with respect to private companies that are transporting violent prisoners.

The law is called Gina's bill. It is named for an 11-year-old girl in Fargo, ND, who was murdered brutally by a man named Kyle Bell. Kyle Bell was being sent to a prison in Oregon after being convicted of first-degree murder, being transported by a private company in a bus. They stopped for gas. One guard was asleep; the other apparently went in to get a cheeseburger. The other guard was filling the bus with gasoline. Kyle Bell slipped out the top vent of the bus, walked in street clothes into a parking lot of a shopping center and was gone for 3 months. They found him. He is now in prison.

This has happened all too often: Violent offenders, including convicted murderers, walking away from private companies that are transporting them. There should have been regulations in place in July of this year that establish how these private companies are transporting violent criminals. As for me, I don't believe any State or local government should ever contract with a private company to turn over a murderer to be transported somewhere. Law enforcement officials ought to transport convicted murderers.

As long as some State and local governments are using private companies for that transport, those private companies ought to be subject to regulation as is required by the law signed by the President in December, regulations such as what kind of restraints are used, what color clothing is required to be worn by the violent offender being transported, the training of the guards, and so forth.

Since July, when the regulation should have been in effect, in Wisconsin a private company was hauling a violent criminal and that violent criminal escaped and stabbed a law enforcement officer in the neck. Down South, a private company was transporting a violent offender. The violent offender escaped and went on a bank robbing spree.

When we passed the law, I told the story of a retired sheriff and his wife showing up at a prison to pick up five convicted murderers with a minivan. The warden said: You have to be kidding; you and your wife are here to pick up five convicted murderers to transport them?

He was not kidding. They put them in the minivan. Those five convicted murderers escaped, of course. That is why we wrote the law and why the President signed it. That is why in July the Justice Department had a responsibility to put the regulations in place. To date, nearly 5 months later, those regulations do not exist.

I have written to the Attorney General and the Office of Management and Budget to say lives are at stake. The public safety is at stake. Get this done and get it done now.

This law, called Gina's bill, named after this wonderful 11-year-old girl

who was brutally murdered by Kyle Bell, is a law designed to keep violent offenders behind bars, keep them in the arms of law enforcement officials, and make certain if they are transported by those other than law enforcement officials, they are transported safely.

I don't want any American family to drive to a gas pump somewhere and have a minivan drive up next to them with a retired law enforcement officer and his brother-in-law calling themselves a transport company hauling three murderers in the back seat and not having the basic safety standards in place to make sure that transportation is safe. I don't want any family to come up to a gas station and have that situation next to them and put them at risk. That is why we wrote this bill. That is why the President signed it into law.

I hope my letter to the Attorney General and the Office of Management and Budget will stimulate them to do what they should have done in the month of July. I know there are reasons that bureaucracies act in a slow way and drag their feet from time to time. There is no good reason for this to have happened. I ask the Attorney General for his cooperation. I ask the head of the Office of Management and Budget to cooperate. Get this done. The Congress required you to do it after 180 days. That was July. This is December. It should have been done 5 months ago.

I yield the floor and 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. DASCHLE. 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. DASCHLE. Mr. President, I ask unanimous consent that the recess be postponed for 10 minutes, and that the Senate stand in recess following my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ELECTION REFORM

Mr. DASCHLE. Mr. President, I wanted to come to the floor for a moment because I feel the need to talk about a lot of unfinished business, as we consider what remains for the balance of the time we have here. We will be going into our caucus shortly.

This morning, prior to the opening of our session, I held my daily news conference and made mention of the fact that among those issues that are of greatest importance to us is the issue of election reform. I don't know of another bill that is pending in this Congress that has the unanimous support of our caucus. It is rare that one ever sees all of the members of our Caucus—51 in this case—as cosponsors of a bill.

But election reform has that distinction. All 51 of our caucus members have endorsed the bill introduced by Senator DODD earlier this year.

The reason that they have endorsed that bill unanimously is because of the extraordinary degree of concern that exists within our caucus about the need for election reform as quickly as possible. Because of the tragedy of September 11, and the crisis of being at war, we haven't had the opportunity to focus on the many, many problems associated with the last presidential election—not just in Florida, but across the country.

The studies and the reports that have been issued have made the problems quite clear: outdated and unreliable technology, confusing ballots, language barriers, lack of voter education, lack of poll worker training, and inaccurate voting lists that prevented legitimately registered voters from casting ballots. All of those concerns were of such gravity and magnitude that 6 million voters across the country were disenfranchised.

So it probably should not surprise anybody that almost immediately following the beginning of this session of Congress, Senator DODD went to work as chairman of the Rules Committee. He worked with Members on both sides of the aisle in both the House and the Senate to try to respond to the growing awareness of how serious the situation really is: how problematic, how incredibly unfair, how undemocratic were the results reflected in the degree of difficulty with our election processes—while we should proclaim our democracy with each and every election. So as a result of just a tremendous amount of work, Senator DODD and members of the Rules Committee produced a bill that, as I said, generated 51 cosponsors.

I simply wanted to come to the floor this afternoon to say this: If between now and the end of this session, Senator DODD is able to reach an agreement with our Republican colleagues on a bill that we can bring to the floor to address all of these issues, these serious concerns, it is my intention to bring it to the floor. If somehow that is not possible and the negotiations continue, and we are able to reach an agreement prior to the next session of Congress, one of the very first pieces of legislation I expect to bring up will be election reform. If at any time during the coming year that agreement can be reached, my intention will be to bring the agreement to the Senate floor very quickly. But I will say this: Even absent an agreement, we will come to the floor and we will have a debate about election reform. We will make a comprehensive proposal to deal with this issue. We have no choice. It will be part of the agenda of the second session of the 107th Congress.

I simply wanted to come to the floor to emphasize that and relate my concern, and the concern of a lot of members of our caucus, about the importance of this issue, and reiterate our

determination to deal with it in this Congress. We cannot simply sit idly by and watch 6 million people—maybe more next time—as they are disenfranchised when they attempt to exercise their constitutional right to vote and participate in our political process.

I appreciate the attention of my colleagues on this issue, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, first of all, I appreciate the comments of the distinguished majority leader on this issue. From the very beginning, he has been a very strong and vocal advocate of this body and the Congress of the United States in fashioning a piece of legislation that would address not just the events of last year. As the majority leader properly points out, this was not a one-time event in one jurisdiction. In the consistent reports, whether by MIT, CalTech, or the General Accounting Office, and surveys done by the media, that analyzed the election last year in Florida, all of these organizations that analyzed it, including the Carter Commission, the story has ultimately been about who wins or loses. That has been the headline.

The real story is about the pathetic and tragic situation of our electoral system of this country. It didn't happen in one event and in one State. It is in all 50 States—some worse than others—and has been going on for years.

So those of us who have been involved in this issue over the last several months, my colleague from New York, Senator SCHUMER, my colleague from New Jersey, Senator TORRICELLI, members of the Rules Committee, have been stalwarts in this effort going back to the earliest days in January, cosponsoring legislation, reaching out, trying to fashion some proposals that would make the Federal Government a true partner with our States and localities in trying to correct a wrong that is in desperate need of being addressed.

Senator MCCONNELL of Kentucky is the ranking member of the Rules Committee, as the majority leader knows. He has a deep interest in this subject matter. I want the majority leader to know that Senator MCCONNELL and his staff—Senator KIT BOND of Missouri and his staff—brings a separate set of issues that he is particularly worried about, the issue of fraud. We have been working with Senator SCHUMER's staff, our staff. There have been serious negotiations, I say to the leader, over the last number of weeks, actually going back even further than that, but most intensely in the last few weeks. We have not yet arrived at a product we can present to this body that is a bipartisan proposal.

I will let Senator SCHUMER speak for himself, but it is my fervent desire, I say to the leader and to my friends on the other side—Senator MCCONNELL and Senator BOND, obviously, they do not need me to speak for them, but I

know it is their desire as well to fashion legislation of which all of us can be proud.

I know the events of September 11 have obviously taken over the agenda and debate. It is hard to imagine a year ago what we were in the middle of. We were in the middle of one of the worst debacles in terms of a national election in the history of the United States, and it was not just about Florida. It was in almost every jurisdiction. In my State alone, we have not bought a new voting machine in 26 years, and the company that made them no longer exists. We had an election in one of my communities in Connecticut a few weeks ago where the incumbent officeholder did not receive a single vote in his own hometown because the machines did not record them, which shows us we can go anywhere we want and we will find this system is in need of work.

I say to the leader I appreciate immensely his comments. We are pretty close to getting an agreement. I hope we can. I also take to heart what he has said, that we have been patient in trying to work this out. My hope is we can come to the Senate with a bill that involves ideas and thoughts that we can all live with that will address the problems. I also appreciate his comments that if that is not possible we will come to the Senate with a bill to debate this issue and bring people to the table. We cannot go on and not address this issue.

The majority leader has said it far more eloquently than I can. It would be a travesty of significant proportions if this Congress were to convene and adjourn in the wake of what happened in the election of 2000 in this country and not step up to the plate and offer the kind of assistance our jurisdictions so desperately need. For those reasons, I thank the leader for his comments, and I yield to my colleague from New York.

Mr. DASCHLE. Mr. President, we are out of time under the unanimous consent agreement. I ask unanimous consent that we not enter into recess until we have accommodated the remarks of the Senator from New York and the Senator from Idaho.

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

Mr. SCHUMER. Mr. President, I will be very brief because I know we have other business to do. I thank the majority leader, who I know has to get over to the Democratic caucus, for his wonderful leadership on so many issues. This is a man who believes strongly in so many things, including the right to vote. I say to the majority leader, Senator DODD has done a superb job. He has had the patience of Job and the persistence of whatever Biblical character was very persistent.

We are all proud of the job he has done. His leadership in bringing up this issue as soon as we can come up with a compromise, or next year if, God forbid, we cannot, is vital to America.

I wish to add one point, aside from my thanks to the Senator from Con-

necticut, our chairman of the Rules Committee, for doing such a great job on this. I have been proud to be working with him. My point is this: He made an excellent point, that we almost have forgotten about, the wrenching agony we all went through, whatever party, a year ago last November. There is one point that, if anything, September 11 should increase our ardor and our fervor to bring forward a good bill, hopefully a bipartisan bill. The terrorists hate our right to vote. They want a group of religious leaders controlling everything and not letting people make any determination.

The beauty of America is we can vote, and our job as Senators, our job as citizens, is to perfect that right so nothing stands in the way. Unfortunately, too much stands in the way. Usually not by design but, rather, because we have not paid attention. Malfeasance, we are going to correct that.

The Senator from Connecticut has taken on a great leadership role and brought together Senator MCCONNELL and Senator BOND and myself in hours and hours of painstaking meetings. We talked today. We are willing to move in the direction necessary to get a bill. It is heartening to know we will be voting and debating on this issue in this Congress, if not this year, no matter what happens. I just pledge myself to the Senator from Connecticut to follow his leadership to continue those efforts because the issue of the right to vote, the ability to vote, the enfranchisement of all Americans, no matter how rich, poor, or of whatever race, there is no higher duty.

Mr. DODD. Mr. President, I thank our colleague for his remarks. I note again our staffs are working. I want these remarks to be seen as constructive and positive. We appreciate immensely the work being conducted by my friend from Kentucky and my friend from Missouri and their staffs who have spent a lot of time on this issue. It has not gone smoothly. It has had its ups and downs. It has been a roller coaster ride. I hope when the process is over, sooner rather than later, we will present the Senate a bill for which they can be proud.

The PRESIDING OFFICER. The Senator from Idaho.

#### CHRISTMAS EVE IN THE SENATE

Mr. CRAIG. Senator BOND and Senator MCCONNELL are not in the Chamber. I know their work with the Senator from Connecticut is dedicated to the end we all want to see in reform because there is an obsolescence to the voting system that has to be addressed. I think that is without question. I guess my only frustration by the majority leader's comments was earlier this week he talked about bringing a farm bill to the Senate. We now have a railroad retirement bill. We still have appropriations to do, and several conference reports coming out of that, and we hope yet a stimulus package now