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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 4, 2002, at 2 p.m.

Senate

FRIDAY, MARCH 1, 2002

The Senate met at 9:15 a.m., and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Loving Father, You have shown us that the antidote to pride is praise. In this time of prayer, we intentionally praise You for all that we might be tempted to think we have achieved or acquired on our own. Pride stunts our spiritual growth, creates tension in our relationships, and makes us difficult for You to bless. Thank You for breaking the bubble of the illusion that we are where we are because of our own cleverness or cunning. Humbly we acknowledge that we could not think a thought without Your guidance and inspiration or accomplish anything of lasting value without Your strength and courage. We dedicate this day to praise You for the privilege of serving You here in the Senate, for supernatural gifts of wisdom, discernment, and vision to maximize the talents that You have given us, and for the power to press on with opportunities that You have opened for us. All glory, honor, and praise be to You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN 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, March 1, 2002.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, today the Senate is going to resume consideration of the election reform bill. There is scheduled at 9:45 a vote. Senators DODD and MCCONNELL control that time until then. We hope that, as Senator DODD has indicated, progress is being made on this bill. We should have announcements prior to 9:45 as to what the rest of the day will be.

RESERVATION OF LEADER TIME

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

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 565, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 565) to establish a 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:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dodd (for Schumer) modified amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Dodd (for Kennedy) amendment No. 2916, to clarify the application of the safe harbor provisions.

Hatch amendment No. 2935, to establish the Advisory Committee on Electronic Voting and the Electoral Process, and to instruct the Attorney General to study the adequacy of existing electoral fraud statutes and penalties.

Hatch amendment No. 2936, to make the provisions of the Voting Rights Act of 1965 permanent.

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

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Schumer/Wyden amendment No. 2937, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail. (By 46 yeas to 51 nays (Vote No. 38), Senate failed to table the amendment.)

Smith of New Hampshire amendment No. 2933, to prohibit the broadcast of certain false and untimely information on Federal elections.

Bond amendment No. 2940 (to amendment No. 2937), to permit the use of signature verification programs to verify the identity of individuals who register to vote by mail.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DODD. Madam President, I yield whatever time the Senator from Oregon may need.

Mr. WYDEN. Madam President, I commend the Senator from Connecticut, who has just done yeoman work on what I think is a critical question; that is, finding common ground and the bipartisanship that is needed to pass this election reform bill.

I think the Senate has a clear choice this morning. A vote for cloture strengthens this Nation's greatest freedom—the right to vote. A vote against cloture weakens that freedom and it weakens a freedom that is critical for this country and leaves that freedom unprotected.

I believe this morning's vote is a choice between affirming the pioneering spirit of this country—the spirit that led my State of Oregon to champion new voting reforms, such as vote by mail, motor voter laws—and stamping out that spirit with what could end up to be repressive antivoting rules.

So the choice is between election reform and gridlock. I want to be fair with the Senator from Connecticut and we are going to continue to work nonstop, relentlessly, to find a bipartisan approach to this issue. We want to blaze a real trail in meaningful election reform and get this bill on the President's desk.

So I urge my colleagues on both sides to continue to work on this critical effort, to join the Senator from Connecticut and the Senator from Kentucky in an effort to get a bipartisan solution.

I don't want to see this bill derailed. S. 565 is the vehicle that can enfranchise the thousands, perhaps millions of voters who will cast their ballots in every election. But we also need to make sure that there is a fix to S. 565. The photo identification requirement, in my view, would disenfranchise millions of first-time voters by requiring identifying documents to be presented along with their vote—not their registration, but their vote—before that vote could be counted. This would have applied to first-time voters even if they had cast ballots for 50 years in a jurisdiction and then moved down the street to another.

The amendment approved by the Senate allows the signature verification system used by 27 States and the District of Columbia as one option for identifying first-time voters. The amendment I drafted with the Senator from New York, Mr. SCHUMER, protected successful vote-by-mail systems such as the one in my home State and ensured that Americans who may not have access to driver's licenses, bank accounts, and utility bills would still have access to democracy.

There doesn't seem to be any point to rehashing the Schumer-Wyden amendment this morning. A majority of this body acknowledged that allowing signature verification would protect the voting rights of 24 million seniors in this country who disproportionately vote by absentee and mail-in ballot.

The majority of this body agreed with the eloquent assertion of the Leadership Conference on Civil Rights that ''requiring voters to present photo ID or other documentation when voting in person or by mail results in discrimination''—that it ''would undermine successful vote by mail programs—such as Oregon's . . . and . . . make voting more difficult for millions of elderly and disabled Americans.''

A majority of this body refused to overturn the will of Oregon voters and scores of others across this country. In my home State, 70 percent chose to institute a vote-by-mail system based on signature verification, a vote-by-mail system that has boosted turnout to record levels—without deterring voting.

A majority of this body refused to return to the bad old days when only Americans who were already enfranchised could be assured that their vote could be cast and counted.

Most importantly, a majority of this body recognized that being tough on fraud doesn't have to make it tougher to vote. Since approval of our amendment, I have worked with Senator Schumer, Senators DODD, BOND, and MCCONNELL to continue to find a way to meet our colleagues halfway. I have said that I think the framework for a compromise is to strengthen antifraud measures at the front end of the process, when people register and when you do the most good in terms of deterring fraud. I think tougher identification standards at that point in the registration—something the Senator from Missouri has felt strongly about—makes sense and I want to see that happen.

I believe compromise is possible, that we can, on a bipartisan basis, come together, put the voting rights of Americans first, whether they vote by mail or in person, and find ways to stop fraud without putting up roadblocks to democracy.

I ask unanimous consent to have a number of editorials and letters printed in the RECORD supporting the amendment that I and Senator SCHUMER authored.

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

[From the Wall Street Journal]

SENATE DEMOCRATS AIM FOR COMPROMISES TO SAVE BILL OVERHAULING VOTING SYSTEM

(By David Rogers)

WASHINGTON.—In a last ditch effort to save election-law overhaul legislation, Senate Democrats will seek to compromise on Republican demands for provisions to prevent voter fraud, despite protests from civil-rights and Hispanic groups.

At issue is a proposal to require people who register by mail to present photo identification or other documentation when they first vote in a jurisdiction. Democrats won a 51–46 roll call Wednesday to ease the proposed rules, but the outcome so angered some Republicans that the entire bill was put in jeopardy by a threatened filibuster.

After hours of sometimes tempestuous discussions with civil-rights groups, Senate Rules Committee Chairman Christopher Dodd (D., Conn.) said last night that he is prepared to give ground to the GOP in hope of completing debate and moving to the next step: negotiations with the House and the Bush Administration. Talks continued into the evening with Republican staff in hopes an agreement can be taken to the full Senate this morning.

As outlined by Mr. Dodd, tougher voter-ID requirements would be preserved under the compromise. But the effective date would be delayed until 2004, when the bill also requires states to take steps to better protect the rights of voters who may be challenged at the polls.

The most important of those so-called insurance provisions is the requirement that all states adopt provisional-voting systems for people who claim to be eligible, but aren't on the official registration list. Rather than be turned away outright, an individual in this case would be given a provisional ballot so that if his or her claim is later verified, the vote would be counted.

Minority lawmakers and civil-rights groups were themselves sometimes divided. At one juncture, Rep. Corrine Brown, an African-American Democrat, delivered an emotional appeal for the bill, given the balloting problems in her own state of Florida during the 2000 election.

Rep. Silvestre Reyes (D., Texas), chairman of the House Hispanic Caucus, lent crucial support to Mr. Dodd's decision, which ran in the face of opposition from groups such as the Mexican-American Legal Defense and Education Fund.

Mr. Reyes said the voter-ID provisions are the most difficult for Hispanics because many lack photo identification and don't have easy access to substitute documents. For example, the bill would allow a voter to use his or her utility bill as a form of identification. But Mr. Reyes said that since many Hispanics live together as extended families, not all household members would have a utility bill in their name.

Under the bill, the federal government would for the first time provide funding—$3.5 billion over five years under the Senate version—to help states and localities buy new voting equipment and address such problems as occurred in Florida.

AMERICAN ASSOCIATION
OF RETIRED PERSONS,
Washington, DC, February 12, 2002.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: We are writing to express our firm support for the bipartisan election reform legislation (S. 565 substitute) that you jointly cosponsored with Senators Dodd, McConnell, Durbin, Bond, Toricelli, McCain, Schumer and Brownback. AARP urges you to support passage of the bill. While the S. 565

substitute can be improved, it contains the critical building blocks to reform and enhance the nation's voting system. Enactment of S. 565 should minimize the likelihood of a recurrence of the problems that plagued the Presidential Election of 2000.

We support the Dodd/McConnell substitute because it addresses the following core AARP concerns: Enhancement of civil rights protections; improved registration & balloting technology; improved elections administrative procedures; and provision of Federal funds to encourage state & local reforms.

Equally important, Dodd/McConnell establishes minimum standards of accountability and enforcement.

The bill includes measures critical to older persons, people with disabilities, and minority populations, such as: The ability to verify that their ballots actually reflect their voting preferences; enhanced access to registration opportunities, polling places, and user-friendly equipment; fail-safe provisional ballots to avoid erroneous voter denials; centralized, statewide registration lists to assist in voter confirmation; and funds for better election administration, including voting equipment upgrades, poll site access enhancement and poll worker training.

At the same time, some of the antifraud provisions in Dodd/McConnell need modification in order to assure existing civil rights protections and reduce technical loopholes that might discourage or intimidate potential voters. The bill's photo ID requirements are particularly problematic. Alternative approaches such as signature match and verification, already successfully used by many states, could enhance the anti-fraud provisions without having a chilling effect on voter participation. We strongly urge you to support both the Manager's amendment and a floor amendment that would correct these shortcomings in an otherwise strong, balanced and comprehensive election reform bill.

We appreciate your support in making these reforms in our elections process a reality. AARP look forward to working with the Senate to further our most basic right as citizens—the vote. If you have any questions, please feel free to call me or have your staff contact Larry White of our Federal Affairs staff at (202) 434–3800.

Sincerely,

WILLIAM D. NOVELLI,
Executive Director and CEO.

NATIONAL HISPANIC LEADERSHIP AGENDA,
Washington, DC, February 11, 2002.

Re the Dodd-McConnell Substitute Amendment to S. 565—The Equal Protection of Voting Rights Act of 2001.

DEAR SENATOR: As members of the National Hispanic Leadership Agenda (NHLA), a non-partisan coalition of 39 national Hispanic organizations and distinguished individuals, we are writing to urge you to support provisions in the Dodd-McConnell bill which improve access to voting for Latino voters and oppose the photo identification requirement (Section 103(b)), which would have a discriminatory effect on Latino voters. Unless Section 103(b) is fixed, the NHLA will urge you to oppose the bill.

NHLA supports many of the bill's provisions, particularly those provisions which set national minimum standards regarding voting systems, provisional balloting, and statewide registration lists. While some states already have laws in these areas, too many states do not. It is time that Congress step in and set some basic standards that ensure that voting is more accessible to all eligible voters no matter in which state they live. Voting is the cornerstone of our democracy. By voting in favor of these provisions, you are voting in favor of an inclusive democracy.

NHLA vigorously opposes Section 103(b) of the bill, which would require voters who register and vote for the first time in a jurisdiction to produce either a photo ID or one of only five limited documents either in person or by including a copy with their ballot. Latino voters are likely to be subject to this provision frequently since we move often, have a significant number of youth turning 18, and have a high number of new citizens. Also, Latino voters are less likely to have the documents required. A Massachusetts federal court recently struck down a requirement similar to the provision in the bill because it would have a discriminatory impact on Hispanic voters under the Voting rights Act (VRA). The Justice Department has also opposed similar measures under the VRA.

We are truly befuddled as to why the Senate would want to take steps to disenfranchise Hispanic voters at this time. The 2000 Census showed the demographic power of the Latino community, and the 2000 and 2001 election cycles demonstrated that our demographic force is converting into a political force. Also, the trends and polls indicate that Hispanic voters are more open to voting for the best candidate to represent them, regardless of party affiliation. At at time when both parties are reaching out to this growing electorate, it is the wrong time to adopt a measure that would make it harder to vote.

We urge you to vote for an amendment to either strike Section 103(b) or fix it by adding in the alternatives of collecting signatures that can be verified or collecting an attestation. We will score the vote on the amendment in our NHLA congressional scorecard. If the provision is not fixed, we urge you to oppose the bill, and we will score the vote on the final passage of the bill.

Moises Perez, Exec. Director, Alianza Dominicana; Gumersindo Salas, Vice Pres., Hispanic Association of Colleges & Universities; Oscar Sanchez, Exec. Director, Labor Council for Latin American Advancement; Jack Ienna, Interamerican College of Physicians & Surgeons; Roger Rivera, Pres., National Hispanic Environmental Council; Manuel Oliverez, Pres. & CEO, National Association of Hispanic Federal Executives; Alma Morales-Riojas, Pres., MANA, A National Latina Organization; Zeke Montes, Pres., National Association of Hispanic Publications; Manuel Mirabal, Chair, National Hispanic Leadership Agenda & Pres. & CEO, National Puerto Rican Coalition, Inc.; Juan Figueroa, Pres. & General Counsel, Puerto Rican Legal Defense & Educational Fund; Elena Rios, M.D., Pres., National Hispanic Medical Association; Gilbert Moreno, Pres. & CEO Association for the Advancement of Mexican Americans; Delia Pompa, Exec. Director, National Association for Bilingual Education; Brent Wilkes, Exec. Director, League of United Latin American Citizens; Maria E. Mills-Torres, Pres., National Conference of Puerto Rican Women; Raul Yzaguirre, Pres., National Council of La Raza; Syddia Lee-Chee, Latino Civil Rights Center; and Antonia Hernandez, Press. & General Counsel, Mexican American Legal Defense and Educational Fund.

THE LEAGUE OF WOMEN VOTERS OF THE UNITED STATES,
Washington, DC, February 11, 2002.

To: Members of the U.S. Senate.

From: Carolyn Jefferson-Jenkins, Ph.D., President.

Re: Election Reform.

The League of Women Voters urges you to support the bipartisan election reform bill developed by Senators Dodd, McConnell, Bond and Schumer. The legislation will be offered as a substitute to S. 565. While the substitute is not perfect, it contains the key elements needed to improve our nation's election systems.

The 2000 election demonstrated that basic reforms are needed at the federal, state and local levels to protect voters and to improve election administration. It is also clear that it is time for the federal government to pay its fair share of the costs of administering federal elections.

The Dodd-McConnell substitute provides for basic national standards in vital, but limited, areas. It provides substantial federal funds for election reform efforts. And it provides a blueprint on which federal, state and local efforts can be built.

To protect voters and improve administration, the substitute provides for minimum national standards in three areas. First, voting systems standards will assure that voters can verify and correct their ballots, as well as be notified of overvotes. These standards also protect against high voting machine error rates and enhance access for persons with disabilities. Second, a national standard will assure that voters can receive provisional ballots. This fail-safe system means that if a voter's name is not found on the registration list at the polls, or if other problems occur, the voter can still cast a ballot that will be counted if the voter's eligibility is confirmed. Third, statewide computerized voter registration lists will be required. This facilitates removal of duplicate registration across jurisdictions, provides greater assurance that names will be on the rolls, and streamlines administration while combating possible fraud.

The substitute provides funding through state grants programs that will be developed with public involvement. Funds are provided not only for meeting standards, but also for other vital areas of election administration, including poll worker training and providing access to the polls for persons with disabilities. The substitute sets up a new federal commission that can provide effective guidance, while Justice Department enforcement of voter protection laws, such as the Voting Rights Act, is maintained.

While the substitute is a strong bill, it contains a photo ID requirement that will result in discrimination and create real administrative problems at polling places. Though the requirement is described as an anti-fraud device, effective alternatives exist to meet anti-fraud objectives that will not undermine voter participation through absentee balloting by persons with disabilities, seniors and others. We strongly urge you to correct this provision. We are also concerned that the so-called ''safe harbor'' provisions of the bill will have unintended, deleterious consequences.

The League of Women Voters believes that the Senate must act expeditiously on this important topic. We urge you to move ahead with the Dodd-McConnell substitute, which is clearly preferable to the House-passed bill in setting a workable structure for reform and creating an effective election commission.

America deserves an election system that will protect the most basic and precious right of all citizens in a democracy—the right to vote. Each citizen's right to vote, and to have that vote fairly counted, is at state.

[From the Washington Post, Mar. 1, 2002]

FIXING THE VOTE

Last December Sen. Charles Schumer (D–N.Y.) helped broker a bipartisan election reform bill in the Senate; ''this is a bill that

works, this is a bill that can pass,'' he said. Now Mr. Schumer has proposed an amendment to that bill, and Republicans say he is damaging the chances of a post-Florida fix for the nation's creaky voting system. But the truth is that the Schumer amendment would improve the bill. Republicans should contain their sense of betrayal and support the measure in the procedural vote scheduled for today. The electoral system will be the better for it.

The Schumer amendment fixes an anti-fraud provision in the election bill. The provision says that new voters, including those who have moved to a different county, must verify their identity by showing a photo ID, a utility bill or some other official document with their address on it. This provision may have the good effect of preventing some fraud. But it also may disqualify voters with no driver's license and no utility bills in their own name—and this group of potentially disqualified voters is much bigger than the likely number of fraudulent ballots.

Some 3 million disabled people are thought not to have driver's licenses or other qualifying picture IDs, and many of them may live in homes where the utility bills go to some other member of the household. Poor people without cars and settled homes may be disenfranchised too. The anti-fraud provision also threatens the vote-by-mail systems in Oregon, Washington and Colorado. It would require voters to photocopy proof of identity and send it in along with the ballot. But some voters live out of convenient range of photocopiers. Others may be put off by the sheer hassle.

The Schumer amendment would fix this danger by allowing states to accept other types of proof of identity—for example, a signature. It would also impose the identity requirement on fewer people—only new voters and those who have moved across state lines, and not those who have just changed counties. This is a good amendment that would significantly cut the risk of disqualifying eligible voters while only marginally increasing the risk of fraud. The Senate should adopt it, and then proceed quickly to pass the election reform bill. The 2000 contest demonstrated that hundreds of thousands of voters are deprived of their rights by a system that is broken. It is past time to fix it.

Mr. WYDEN. Madam President, I do believe that a vote for cloture strengthens this country's greatest freedom—the right to vote—and a vote against cloture leaves that freedom unprotected. A vote for cloture is a vote for the millions of seniors in American nursing homes who need to vote by mail and don't want new barriers to have their votes counted and assured. Their generation saved this democracy and they deserve to participate in it.

A vote for cloture is a vote for working families who use the vote-by-mail system in my State and others as a way to have their voices heard as they live the hectic lives that often present challenges to their getting to the polls. This morning, I urge my colleagues to affirm America's most precious right—the right of every citizen to vote and to have that vote count. I want to wrap up—particularly since my good friend from Pennsylvania is in the Chamber—by reemphasizing my desire to work with my colleagues on the other side of the aisle, Senator BOND and Senator MCCONNELL. I have strong views about this issue. We want to work with our colleagues and talk about whether those on the other side of the aisle want a bill. I have stuck up for my colleagues. I think they want a bill and I want to make it clear that I think Senators BOND and MCCONNELL are working very hard with us to try to find the common ground. I hope we can get there, and I believe cloture will help advance that.

Mr. SPECTER. Will the Senator yield for a question?

Mr. WYDEN. I yield to my friend for a question.

Mr. SPECTER. Madam President, I thank the distinguished Senator. My question relates to the provisions of the underlying bill, as I understand it, providing that a voter may establish identity by either photo identification, a bank statement, utility bill, paycheck, government check, or any other check, or any other government document which shows the name and address. Is that the Senator's understanding?

Mr. WYDEN. My colleague is right. It is the basic proposition that there are a number of systems by which we can address this concern. There is a reason that groups such as AARP still believe that, even with the measure the distinguished Senator from Pennsylvania has outlined, the legislation without the Schumer-Wyden amendment still creates barriers. We have people in vote-by-mail systems—seniors, the disabled—who find it awfully hard, physically, to get about and locate the kind of documents the Senator is talking about.

Mr. SPECTER. Will the Senator yield further?

Mr. WYDEN. Yes.

Mr. SPECTER. The further question is: The amendment offered by the Senator from Oregon and the Senator from New York would put in the disjunctive one other way of establishing identity and that is, by signature alone—is that correct?

Mr. WYDEN. Of course, in my home State of Oregon, what we have tried to do is to have a tough system at the front end. But, yes, when you sign your ballot and mail it in, and there is a statement about the tough criminal penalties that are involved in falsification there, we prosecute people in the State of Oregon. You can send your ballot in by signing it, and that is then checked against the original signature. That is how it takes place in my home State.

Mr. SPECTER. Madam President, a further question I have of the Senator from Oregon is: How do you prosecute someone where there is a registration by signature and then subsequent voting by signature?

By way of background, I have had considerable experience in prosecuting vote fraud cases, having been in the Philadelphia district attorney's office for 12 years, 4 as assistant and 8 as district attorney. Philadelphia is a rough town with political corruption, and I have prosecuted both Democrats and Republicans.

When you talk about a signature alone, having been registered with the signature and then a signature comes in, there is no way to find that person. The difficulty is that it may be a dead person. Graveyard voting is very popular in Philadelphia—voting people who have died. It is also very popular to have people registered by signature who were never in existence.

I ask my colleague from Oregon, how can you conduct a prosecution—I could never figure out how to—how can you conduct a prosecution, if you have a registration by signature and then you have a signature come in on the card? You cannot find the person. To have a prosecution, you have to have a defendant, you have to have a warrant of arrest identifying somebody, and you have to pick somebody up. How can there possibly be a prosecution for someone who sends in a signature of somebody who never existed?

Mr. WYDEN. Madam President, I say to my friend from Pennsylvania, there have been a number of prosecutions. They, obviously, as my colleague knows from his prosecutorial days, play out in a variety of ways.

For example, I know of an instance where the person was out bragging that they had skirted the law, they were evading the law, and when the prosecutors learned about it, they came down very hard.

The point is—and my colleague makes a good point with respect to how these systems may work in Pennsylvania—Senator SMITH, my friend and colleague, and I had a Senate special election. We generated three times the level of voter participation than we saw in the previous Senate special election. I won by a grand total of 18,220 votes after more than 1 million were cast.

Mr. SPECTER. Any braggarts among those?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. WYDEN. I ask for 1 additional minute.

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

Mr. WYDEN. Madam President, to my colleague's great credit, he did not assert there was any fraud. We prosecute aggressively in the State of Oregon.

I see my colleague from Missouri is in the Chamber, and I want him to be assured, however this vote turns out this morning, we are going to continue to work relentlessly for a bipartisan compromise.

I urge my colleagues to vote for cloture. I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPECTER. Madam President, I ask for 4 minutes.

Mr. BOND. Madam President, how many minutes remain on this side?

The ACTING PRESIDENT pro tempore. Twelve and a half minutes remain.

Mr. BOND. I will be happy to yield 3 minutes to my colleague from Pennsylvania.

Mr. SPECTER. I increase my request to 6 minutes.

Mr. BOND. We will offer 2½ minutes. I am pleased to yield 3 minutes to my colleague from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I engaged in a colloquy with the Senator from Oregon to show we really cannot prosecute anyone successfully on this signature arrangement. You register by signature, nobody ever sees the person, and you vote by the signature. The person could be dead or never in existence.

On the one case the Senator from Oregon cites of the braggart case, if somebody admits it, you can prosecute anybody if you are going to have confessions. But, that is not the way criminal law cases arise. In the 12 years I was in the district attorney's office, I never saw somebody who came in and confessed to having committed vote fraud. To prosecute those cases, you have to have evidence and there is no realistic way to obtain it.

I was listening to the majority leader, Senator DASCHLE, on the radio this morning on a playback of a news conference he had yesterday in which he said that the position staked out by Senator BOND requiring photo identification was just too difficult, referring to people in his own State.

But the fact of the matter is, the underlying bill which was worked out in the compromise does not require photo identification. Photo identification is one way. There could be a bank statement, a utility bill, a paycheck, a government check, or any other government document showing an address, showing a person is in existence. If the underlying bill required a photo identification, I would say that is too difficult. There are many other ways to establish that the person actually is in existence, but the signature simply does not accomplish that.

Nobody has a better record than I on voting rights. In my 22 years in the Senate, I have pushed that consistently. Against many in my party, I have supported motor voter. I want to see the ballot as widespread as possible, but people who want to make it easy to register with motor voter are going to lose it, if there is not some realistic way to prevent fraud.

Frankly, I do not like to see filibusters, but we are on a very basic proposition as to whether we can have widespread fraud without any way to identify whether the person is in existence or not. I think the Schumer-Wyden amendment simply cannot be accepted.

If there are overtones that the bill is going to be pulled if this amendment is not accepted, it seems to me that very frequently—I ask for an additional 25 seconds.

Mr. BOND. I will be happy to yield half a minute to my colleague from Pennsylvania.

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

Mr. SPECTER. Any suggestion that the whole bill is going to go down over this amendment—the Democrats control the Rules Committee; they have a majority. They have come out with a bill which they have controlled, and that bill ought to be enacted if this amendment cannot survive a cloture vote.

I thank my colleague from Missouri, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Madam President, I yield myself 5 minutes.

I thank the Senator from Pennsylvania for his excellent work on this bill. As a former prosecutor in a State that has not been a stranger to vote fraud, he knows how difficult it is, and he has made a very compelling case for our efforts to eliminate fraud in this bill.

We have had an interesting dueling set of editorials today that have come out in some of the papers on the east coast. We do not read a lot of them in Missouri, but the Washington Post is the one that did not get it. The Washington Post said:

> Republicans should contain their sense of betrayal and support the measure.

They go on to say that without the Schumer amendment, it would disqualify a number of voters.

No. 1, Madam President, sense of betrayal counts for something here and counts for something back home. It may not matter to editorial board writers within the beltway, but when we make a deal, as we made a deal, a bipartisan deal after accommodations on both sides, I expect that people will stay with that deal.

Somebody said: You made a deal, but now we want you to start negotiating again. I said: Wait a minute, we do not work that way.

We came in good faith to an agreement, and we agreed with the proposition that we ought to make sure everybody who is eligible to vote is registered and can vote.

The Washington Post just flat gets it wrong when it says there are going to be people who cannot qualify. Ninety percent of adult Americans have a driver's license. You have to show identification to get on a plane, to rent a video, to buy cigarettes.

Why can't you have some minimal identification to assure that you are a live human being entitled to vote, and entitled to vote only once in every important election?

Well, we have agreed that with the money we are providing to States, if somebody does not have a photo identification, a driver's license, a government check, a bank account, a utility bill, a pay stub, we are providing the money for the States to issue an election card.

We are worried about all the people in nursing homes. No. 1, everybody who is registered is going to stay registered. The Senator from New York pointed out the problems they had with crowded rolls. We do need to work on purging. I voted against the amendment by my colleague from Montana; he wanted to make it easier to purge no longer active voters from the rolls. I think it was a good idea, but because we had a deal, I voted against his amendment. We are, as the Senator from New York pointed out, going to have to clean it up.

Incidentally, speaking of the Senator from New York, he assured us yesterday—and I am glad to see he is in the Chamber —there was no fraud in New York. Well, I do not know anything about New York, but the Wall Street Journal this morning points out the doubledippers sign up to vote in New York and Florida, and they report that an investigation turned up 286 individuals who voted both in New York City and in Florida last November in the 2000 election. Since you can figure that New York City voters generally vote 3 to 1 Democratic, that means at least 140 fraudulent votes for the Gore-Lieberman ticket in Florida.

One other thing. Somebody gave me a copy of the New York Daily News: Double Take in Ballot Probe. Voters With Same Name and Birthday Expose New York System.

> Seventy-five voters with the same name and same date of birth registered to vote in Brooklyn and either Rockland or Orange Counties. Fourteen actually voted in more than one county, sometimes in the same election.

It describes how the double voting and the double registration occurs in some areas with heavy Democratic votes. So there are some problems, but frankly we do not have time to go into it.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BOND. Madam President, I ask unanimous consent that I be allowed 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Madam President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. Three minutes fourteen seconds.

Mr. BOND. Madam President, I ask unanimous consent that the Daily News article, the Wall Street Journal editorial, the Washington Post editorial, and a New York Times editorial which says Americans should be willing to verify their identity in order to exercise the right to vote, and the St. Louis Post-Dispatch article on the famous dog Ritzy Mekler, whose owner says she, Ritzy, does not want any other dogs voting, be printed in the RECORD.

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

From the Washington Post, Mar. 1, 2002

FIXING THE VOTE

Last December Sen. Charles Schumer (D-N.Y.) helped broker a bipartisan election reform bill in the Senate; ''this is a bill that

works, this is a bill that can pass,'' he said. Now Mr. Schumer has proposed an amendment to that bill, and Republicans say he is damaging the chances of a post-Florida fix for the nation's creaky voting system. But the truth is that the Schumer amendment would improve the bill. Republicans should contain their sense of betrayal and support the measure in the procedural vote scheduled for today. The electrical system will be the better for it.

The Schumer amendment fixes an anti-fraud provision in the election bill. The provisions says that new voters, including those who have moved to a different county, must verify their identity by showing a photo ID, a utility bill or some other official document with their address on it. This provision may have the good effect of preventing some fraud. But it also may disqualify voters with no driver's license and no utility bills in their own name—and this group of potentially disqualified voters is much bigger than the likely number of fraudulent ballots.

Some 3 million disabled people are thought not to have driver's licenses or other qualifying picture IDs, and many of them may live in homes where the utility bills go to some other member of the household. Poor people without cars and settled homes may be disenfranchised too. The anti-fraud provision also threatens the vote-by-mail systems in Oregon, Washington and Colorado. It would require voters to photocopy proof of identity and send it in along with the ballot. But some voters live out of convenient range of photocopiers. Others may be put off by the sheer hassle.

The Schumer amendment would fix this danger by allowing states to accept other types of proof of identity—for example, a signature. It would also impose the identity requirement on fewer people—only new voters and those who have moved across state lines, and not those who have just changed counties. This is a good amendment that would significantly cut the risk of disqualifying eligible voters while only marginally increasing the risk of fraud. The Senate should adopt it, and then proceed quickly to pass the election reform bill. The 2000 contest demonstrated that hundreds of thousands of voters are deprived of their rights by a system that is broken. It is past time to fix it.

[From the Daily News]

DOUBLE TAKE IN BALLOT PROBE—VOTERS WITH SAME NAME & BIRTHDAY EXPOSE N.Y. SYSTEM

(By Bob Port and Greg B. Smith)

Yitchok Levovits, whose birthday is Dec. 29, 1970, voted in Brooklyn's Hasidic neighborhood of Williamsburg on Election Day, November 1996.

Forty miles away in the Rockland County Hasidic community of Monsey, Yitchok Levovits, whose birthday is Dec. 29, 1970, voted in the same election.

The question of residence came up again in November when Yitchok Levovits voted in the general election in Monsey even though last week he was found living in Brooklyn.

Levovits is one of 75 voters with the same name and same date of birth registered to vote in Brooklyn and either Rockland or Orange counties, a Daily News investigation found.

Of that number 14 actually voted in more than one county sometimes in the same election according to a computer analysis of voter registration records.

Several registered in one county shortly before voting in another. Some registered to vote in one county then voted in another.

The Daily News reported yesterday that during the last election, there was evidence of similar voting irregularities in the Rockland County Hasidic community of New Square. That contributed to an overwhelming 1,400-to-12 New Square vote for Sen. Hillary Clinton that is now under investigation by federal prosecutors.

But the irregularities appear to extend beyond New Square into other Hasidic communities in Brooklyn's Williamsburg, Rockland County's Monsey and Orange County's Monroe.

The New found that in New York it's easy to pull off double voting because—unlike many other states—New York has no nationwide system for registering voters.

Each country has a separate registration system, and no one checks to see if a voter is registered and voting in two spots.

''There is no computer link. Some of the upstate counties aren't even on computer,'' said Steven Richman, general counsel to the New York City Board of Elections.

For instance, Jacob Fligman, whose birthday is July 29, 1953, voted in the general election of 1998 in both Brooklyn and Monsey. He also voted in November in Monsey, but this week he was found at his apartment in Brooklyn.

In all, seven men voted in elections in both Brooklyn and Rockland County throughout the 1990s, raising questions about whether they properly voted in November's election.

Israel Reich voted in Brooklyn in 1997 and 1998, and this week he was found at his apartment on Wythe Ave. in Williamsburg. He voted in Monsey in November.

Chaim Pinkasovits voted in November in Monsey, though his name was listed this week on a mailbox at his apartment on Hooper St. in Brooklyn's Williamsburg.

Jacob Weber voted in the November election in Monsey, but last week a neighbor said he lived in an apartment on Heyward St. in Williamsburg.

New York Attorney General Eliot Spitzer has called for a statewide voter registration system that would make it easier for voters to register, but also ''enable election officials to curb election fraud.''

Spitzer's report, issued in February, specifically noted state wide registration would ''curb multiple voting.''

[From the New York Times, Mar. 1, 2002]

VOTE FOR VOTING REFORMS

All week, partisan wrangling over the question of preventing electoral fraud threatened to kill the Senate's sensible election reform bill, though a compromise seemed within reach late yesterday. Differences over the fraud issue do not justify scuttling the overall bill, the product of year-long, painstaking negotiations. The resulting bipartisan legislation goes a long way toward curing the deficiencies in the nation's balloting process that became manifest in the 2000 presidential election. Senate leaders must ensure that the vote on electoral reform proceeds, and should encourage members to support it overwhelmingly.

The legislation establishes federal standards for voting procedures and technologies that state and local election officials would have to meet when administering national elections, and it provides $3.5 billion over five years to pay for the upgrade. The bill forces states to meet federally mandated error rates for their voting equipment, provide provisional ballots when someone's eligibility is questioned at the polls and allow people an opportunity to correct improperly marked ballots. The bill's anti-fraud provisions were necessary to gain key Republican support late last year for such a forceful federal intrusion into the states' traditional prerogative of running elections. When Senators Charles Schumer and Ron Wyden, both Democrats, offered a last-minute amendment to remove the bill's requirement for first-time voters who register by mail to identify themselves at the polls, the measure's Republican sponsors, Christopher Bond and Mitch McConnell, felt their Democratic colleagues were reneging on the deal, and they threatened to filibuster the legislation.

Both sides would be foolish to allow the fight over this amendment to kill the legislation. Republicans should know that forcing states to maintain computerized statewide voter lists, a key item in the bill, does more than the disputed provision itself to combat fraud, eliminating as it does duplicate registrations in several counties.

The Schumer-Wyden amendment was strongly supported by a coalition of civil rights groups that say the burden of having to produce a photo identification card or an alternative proof of identity, like a utility bill, disproportionately hurts minority voters, recent immigrants, students and people with disabilities. Their legitimate concerns must be balanced against the need to safeguard the integrity of the process.

Americans should be willing to verify their identity in order to exercise their right to vote. Senators Schumer and Wyden are wisely seeking an accommodation with Republicans, even if it means leaving much of the original provision intact. The Senate must move ahead now and pass this needed reform.

[From the Wall Street Journal, Mar. 1, 2002]

SHOULD DOGS VOTE?

Dogs and dead people don't have a constitutional right to vote, but more of them are going to start turning up at the polls if Senate Democrats, led by New York's Charles Schumer, have their way.

It wasn't supposed to come to this. Following the Florida 2000 debacle both parties were eager to fix the system. The House did its part by passing a bipartisan bill last year. And then in December, after months of negotiations, Senator Christopher Bond (R., Mo.) and Mr. Schumer announced that the Senate, too, had reached a compromise. Their bill, said Mr. Schumer, would allot $3.5 billion for states and localities to upgrade voting systems, improve registration procedures and educate voters about ballots.

It would also target voter fraud, which has been on the increase since the 1993 Motor Voter Law allowed people to register to vote while applying for a driver's license. Unfortunately, some 95% of Motor Voter registrants don't vote, but their names are available for political operatives and others to misuse. A St. Louis dog once registered. The Senate bill requires those who register by mail and are voting for the first time to prove their identity.

Acceptable proof of identity would include photo ID, a utility bill, a bank statement, a government check, a pay check, or any government document showing the name and address of the voter. This is not a requirement that every voter show up at the polls with a photo ID. The measures would apply only to first-time mail-in registrants.

These antifraud measures, which were acceptable to Democrats two months ago, are somehow now unacceptable; Mr. Schumer this week introduced an amendment that strips away the mail-in registrant requirements. And on the Senate floor yesterday he announced that his home state is practically fraud free.

''In New York,'' said Mr. Schumer, ''We have not had—I checked again yesterday, we called around the state. We called people, not just on one party or another . . . There's been almost no allegation of any kind of fraud with our system.'' Perhaps he thinks that all of the political cheats in the Northeast live in New Jersey.

Alas, the Senator failed to call one of his hometown newspaper, the New York Post, which reported two years ago in a story headlined ''Double-Dippers Sign Up to Vote in N.Y. and Florida'' that ''New York City [alone] has 11,642 voters with illegal dual registrations.'' An investigation of voting records in New York and Florida by the Republican National Committee, which the Senator also apparently failed to ring, has turned up 286 names of individuals who double-voted in November 2000.

Mr. Schumer would prefer that states verify voter identities through signature matching. Not only would this be a costly provision—34 states currently don't use signature verification and would have to purchase the technology—but it would also require that the nation's 1.4 million poll workers double as hand-writing experts.

The truth is that Senate Democrats are trying to torpedo a bill they helped write due to pressure from civil rights groups such as the NAACP and La Raza. The activists claim that requiring proof that a voter is a real person is an ''undue burden.'' They expect us to believe that the same ID requirements for, say, renting a video or buying a pack of cigarettes somehow disenfranchise the poor and elderly when it comes to casting a ballot.

Mr. Schumer's amendment passed in a largely partisan preliminary vote Wednesday, but Senate Republicans are planning to filibuster and we'd encourage them to do so. Someone has to make the case that the integrity of the ballot box is just as important to the credibility of elections as the access to it.

[From the St. Louis Post-Dispatch, Mar. 1, 2002]

SPANIEL MAKES SENATE APPEARANCE IN SUPPORT OF BOND'S REFORM EFFORTS

(By Deirdre Shesgreen)

WASHINGTON.—Ritzy Mekler has given new bite to Sen. Christopher ''Kit'' Bond's election-reform crusade.

Ritzy, a 13-year-old English springer spaniel, was Bond's Exhibit A on the floor of the Senate this week as the Missouri Republican pressed his case for anti-fraud provisions in legislation to overhaul the nation's voting system. The reason: When she was a younger pup, Ritzy was registered to vote in St. Louis.

The dog's 1994 registration is one reason, in Bond's view, that St. Louis has a reputation for vote fraud. Other reasons are recent efforts to register several dead St. Louisans, including a prominent former alderman.

What does Ritzy think about her sudden celebrity status?

''Ritzy would like for their to be reform,'' deadpanned her owner, Margaret Mekler, a retired teacher who lives in St. Louis. ''I don't think she wants any other dogs, including the ones in her own household, voting.''

Mekler seconded her pet's position. ''Our dog is very intelligent,'' she said, ''but I'm not sure I want her voting on who's going to be the president.''

Bond was pleased.

''I'm glad to have Ritzy's support,'' he said. ''I just don't want her votes.''

Bond hoped to eliminate the animal vote through a provision in the legislation that would require first-time voters who register by mail to show a photo ID or other verification of their identity, such as a utility bill, before they vote.

But Democrats said that requirement would disenfranchise many voters—such as the elderly or immigrants—who don't have the necessary identification cards. Sens. Charles Schumer, D–N.Y., and Ron Wyden, D–Ore., offered an amendment that would allow voters to prove their identity by providing a signature that could be matched with a signature on record with local election authorities.

Bond said the amendment would ''gut'' his anti-fraud provisions.

He promptly trotted out a blown-up copy of Ritzy's 1994 registration card to the Senate floor. With the card on prominent display, Bond said Schumer's amendment would do nothing to keep the pooch from casting a ballot.

''I have a feeling that whoever wrote Ritzy Mekler on that registration form probably could duplicate that 'Ritzy Mekler' signature each and every time they wanted to vote,'' said Bond as the debate opened earlier this week.

Schumer responded that there was no law Congress could pass to keep all dogs from voting.

''Ritzy, whom we have heard a lot about, is going to find a way to vote illegally, incorrectly, whether we have this amendment or not,'' Schumer said. ''All the owner of Ritzy has to do is put a photo ID in that envelope.''

Democrats won a preliminary vote on Schumer's amendment, prompting Bond and other Republicans to hold up the bill, which is now stalled.

Just how Ritzy got onto the St. Louis voter rolls is still a mystery.

Mekler suspects it started when she and her husband put their phone number under Ritzy's name because they didn't want their own names listed in the phone book.

Then they received a notice from the election board.

''. . . We got a voting notification that said that Ritzy . . . had been registered, unbeknownst to us,'' Mekler said. ''The registration said she had moved here from California, she was 21, and had a Social Security number.''

''We got the letter and we said 'Well, wait a minute, What is this?' '' Mekler recalled.

Mekler, 56, suspects someone must have seen Ritzy's name in the phone book and decided to register her, not knowing she was a dog.

As soon as they realized the mistake, the Meklers notified the election board.

St. Louis election officials said nobody by name of Ritzy Mekler ever voted. ''Ritzy was removed (from the voting rolls) as soon as we received a call from Mr. Mekler,'' said Jeanne Bergfeld, assistant director of the Election Board.

Bergfeld also said she knew of no second attempted dog registration last year, as previous elections officials had reported after 3,800 suspect cards were dropped off at the Election Board just before the mayoral primary last March.

The cards included the deceased, but no canines, she said.

Mekler said she'd like stricter rules for voter identification, though not all members of her household agree.

''I hope (we) get some reform,'' she said. ''If not, we have two other dogs and a cat who would like to register.''

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Madam President, the Wall Street Journal editorial this morning has accurately captured the essence of our vote this morning—''Dogs and dead people don't have the constitutional right to vote, but more of them are going to start turning up at the polls if Senate Democrats, led by New York's CHARLES SCHUMER, have their way.''

The cloture vote today is not about whether we support election reform; clearly everyone in this Chamber does. The cloture vote today is about ensuring the integrity of our elections—do we want to make it harder, or easier, to cheat.

Over 2 months ago Senators DODD, BOND, SCHUMER, TORRICELLI, and I introduced a bipartisan bill to make it easier to vote and harder to cheat. This compromise was the result of months and months of negotiations among the five of us.

Two weeks ago this bill was brought before the entire Senate for its consideration. But, on Tuesday night, after 5 days of debate on the bill, the Senator from New York, one of the principal negotiators and cosponsors of this compromise, offered an amendment which would eviscerate one of the key antifraud provisions of our deal.

The antifraud provisions in the compromise are due to the hard work of the Senator from Missouri, which I thought we all supported. He sought to ensure that when one talks about the *Spirit of St. Louis* they are referring to an airplane, not a dead voter.

This amendment was put to a vote on Wednesday morning and the three Democratic cosponsors of the bill voted in favor of gutting the antifraud provision. After months of negotiations, after more than 2 months between introduction and bringing it up on the floor, and after 5 days of debate, it appears our cosponsors did not really support the agreement after all.

The Senator from Missouri and I voted to support the compromise we had reached. That is what this vote today is all about.

This vote is as much about the sanctity of a compromise deal as it is about a person's right to vote, and do so only once.

A vote today against cloture is not a vote to kill election reform. To the contrary, it ensures effective and balanced reform.

Over the course of this 8-day debate we have addressed issues important to individuals Senators and their home States.

However, the Schumer amendment which brought this debate and this Chamber to a grinding halt, takes us all back to the first days of our negotiations over this compromise.

We already discussed, debated, and decided these issues once, and now my colleagues want to do it all over again but this time on the floor of the Senate.

My colleagues on this side of the aisle have serious concerns about some provisions of this bill, but we have been willing to work with the Senator from Connecticut to preserve the key provisions of the compromise.

This vote is all about the Schumer amendment, which would make it easier to cheat, impose the most expensive mandate on the states, and require 1.4 million poll workers to become handwriting experts.

Quoting again from the Wall Street Journal:

Someone has to make the case that the integrity of the ballot box is just as important to the credibility of elections as the access to it.

I commend the Senator from Missouri from doing exactly that.

The Schumer amendment unravels the core agreement we had reached on election reform and has turned what we had hoped was going to be a largely bipartisan exercise into a partisan split, which will be evident in a few moments on the cloture vote.

I urge my colleagues to vote no on cloture. A vote against cloture is not a vote against election reform. It gives us the opportunity to continue to discuss the matter and hopefully work out this problem.

The Senator from Connecticut has spent an enormous amount of time on this issue, and so have I and other Senators, and we still would like to see a bill passed, but this is a critical point. The whole crux of this bill is to make it easier to vote and harder to cheat. What the Senator from Missouri has offered and has discussed—and the provision that was in the underlying bill is quite simply understood—is this deals with first-time registrants by mail only, that they be required to provide some identification so we can eliminate dead people and dogs from the rolls all across America. I do not think that is asking too much.

The sanctity of the vote is important to everyone, and to the extent dead people and dogs can vote, it diminishes obviously the votes of all the rest of us. So that is really what this is about. A vote no on cloture will give us the opportunity to continue to discuss this matter and hopefully get back to the original core compromise that brought us all together in the first place. Consequently, I urge my colleagues to vote no on the cloture motion that will be before us momentarily.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Connecticut be given 1 minute.

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

The Senator from Connecticut.

Mr. DODD. Madam President, so my colleagues know, we had hoped as a result of hours of negotiation—and I am not exaggerating—over the last 48 hours, we would resolve the issue at hand. I mentioned the other day the efforts have gone on for several weeks. Unfortunately, not everybody has seen every dotted ''i'' and crossed ''t,'' and obviously if that is the case, then we cannot get the unanimous consent necessary to either vitiate cloture or to withdraw amendments and consider others.

So we are in a situation where the rules of the Senate make it very difficult, if there is not complete agreement on everything, to move forward.

Let me say to those who are interested in where this debate is going, we are very close to a resolution of this particular issue that has caused the stall on this bill. It is my fervent hope and belief that come the first of next week we will be able to complete action on this bill. When we get beyond this issue, there are several remaining issues that will need to be voted on. My view is none of them is of such a nature, whether adopted or defeated, that would go to in any way derail the process.

On the cloture vote, Members will vote for or against. At this point, it is a matter on which we are going to vote, but it does not go to the issue of whether we are voting for dead dogs or live people or dead people and live dogs. The issue is whether or not we are going to get to an agreement, and I believe we can.

I regret we did not have it done by this morning. I thought we had, but obviously we do not, and so I am disappointed by that fact. I am optimistic we can get there in the next couple of days.

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

Mr. SCHUMER. I ask unanimous consent to address the Senate for 30 seconds.

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

Mr. SCHUMER. Madam President, I add my remarks to those of the Senator from Connecticut. We are willing to compromise. We have worked fully. We have moved on the amendment that Senator WYDEN and I have to virtual agreement with what the Senator from Missouri wants. Let us not hold up this bill. We think that having the overall bill is more important than the amendment the Senator from Oregon and I offered. We want to try as best we can to protect voters, but we do not want the bill to go down. We do not want to use that as a pretext for killing this bill.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the motion to invoke cloture.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 565, the election reform bill:

Christopher Dodd, Harry Reid, Charles Schumer, Ron Wyden, Debbie Stabenow, Patty Murray, Tom Daschle, Jeff Bingaman, Daniel Inouye, Carl Levin, Max Baucus, Joe Biden, Pat Leahy, James M. Jeffords, Barbara Mikulski, Bob Graham, Edward M. Kennedy.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on S. 565 relative to election reform shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. Madam President, on this vote, I have a pair with the Senator from Nevada, Mr. ENSIGN. If he were present and voting, he would vote nay. If I were permitted to vote, I would vote yea. I, therefore, withhold my vote.

I further announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

Mr. LOTT. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAIG), the Senator from Nevada (Mr. ENSIGN), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES) and the Senator from Wyoming (Mr. ENZI) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote ''no.''

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

The result was announced—yeas 49, nays 39, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—49

Akaka	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Harkin	Reed
Byrd	Hollings	Rockefeller
Cantwell	Inouye	Sarbanes
Carnahan	Jeffords	Schumer
Carper	Johnson	Smith (OR)
Cleland	Kennedy	Stabenow
Clinton	Kerry	Torricelli
Conrad	Kohl	Wellstone
Corzine	Landrieu	Wyden
Dayton	Leahy	
Dodd	Levin	

NAYS—39

Allard	Fitzgerald	Roberts
Allen	Frist	Santorum
Bennett	Grassley	Sessions
Bond	Gregg	Shelby
Bunning	Hagel	Smith (NH)
Campbell	Hatch	Snowe
Chafee	Hutchinson	Specter
Cochran	Kyl	Stevens
Collins	Lott	Thomas
Crapo	Lugar	Thompson
Daschle	McCain	Thurmond
DeWine	McConnell	Voinovich
Domenici	Murkowski	Warner

PRESENT AND GIVING A LIVE PAIR—1

Reid, yea

NOT VOTING—11

Brownback	Enzi	Inhofe
Burns	Gramm	Miller
Craig	Helms	Nickles
Ensign	Hutchison	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. DASCHLE. Mr. President, I enter a motion to reconsider the vote by

which cloture was not invoked on S. 565.

The PRESIDING OFFICER. The motion is entered.

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

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

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

IDENTIFICATION BY DRIVER'S LICENSE

Mr. DURBIN. Mr. President, this afternoon many Members of Congress, many people across America will be headed to airports, and at the airport checkpoint they will be asked to show some form of a photo identification as well as a ticket. That is now the custom in America. It is something we have come to accept as part of our effort to make certain we have security on planes and in airports.

The most common form of identification which will be presented by passengers across America to prove their identity is their driver's license. More than any other documentation, that is what people use when they travel.

But, if we look to the question of the authenticity and integrity of a driver's license, I am afraid we find very troubling statistics and information. It seems that with very little effort and a minimum amount of money, virtually anyone in America can get a driver's license made with their picture on it. It may not be their real name. It may not have any accurate facts on it. But it will be a photo of some person with some name.

A driver's license, as the primary source of identification in America, is your ticket to enter our society. Once you have that driver's license and present it, you are in the system. You are recognized as part of the system.

You may want to get in the system for a variety of reasons. A person who is over 21 years old and wants to buy alcohol needs a driver's license to present so they can make that purchase. Someone who is in the business of stealing the identity of another person will want a driver's license with their photo on that other person's statistical information.

Of course, if your goal is even more sinister, a driver's license becomes critical. Timothy McVeigh knew that. That is why he used a phony driver's license when he rented the truck which he drove into Oklahoma City, blew up, and killed so many innocent people. Several of the 19 terrorists involved in the September 11th attack also knew how important a phony driver's license was. They either obtained fake driver's licenses or licenses issued to them under false pretenses, which gave them access to a system, which started opening doors once the driver's license was in their name—or at least in some name with their photo.

When we debate this, a lot of people in America get nervous. If we are talking about identification cards, are we talking about a national identification card system? I am not proposing that at all. Some Members of Congress have. I am not one of them. But I do think there are things we can do that can strengthen the process of issuing driver's licenses all across America, which can make them more uniform, more authentic, more credible.

I am working on legislation, and I will be holding a hearing in the Governmental Affairs Committee in the coming weeks that will address this issue. I have worked with the administrators of State agencies across America. Every State agency with the responsibility of issuing driver's licenses is part of an association which has worked with me in an effort to come up with some standards across the States. When I walk into a DMV, whether it is in Illinois, New York, Georgia, or California, what do they ask to prove my identity? Is it a birth certificate? Is it a passport? What will really prove my identity?

I think establishing minimum uniformity in the way driver's licenses are issued State to State makes sense. It is going to eliminate forum shopping by those who are looking for the easiest State to provide counterfeit and illegal documents in the process of obtaining a driver's license. That is why I worked with the association to come up with minimum uniform standards, so that State to State everybody knows that a person applying for a driver's license has established their identity through the most credible means. If somebody comes to Illinois to apply for a driver's license and they produce documentation that indicates they once lived in another State, I think the State of Illinois should have an opportunity to have access to that other State and find out if there is a chance that person either applied for a driver's license which was suspended or revoked or that State has some information that may be of value to Illinois before issuing the license. I think this is an excellent starting point.

We are also working with States in terms of applying standardized verification requirements, such as validating source documents, for example. This includes authenticating the information provided, perhaps by cross-checking with other government agencies. So if somebody came and said, ''Here is my birth certificate as part of the proof of who I am,'' there would be a way to establish how you would cross-check that to make certain the document was valid.

We are also working on ways to prevent tampering and counterfeiting of documents. This morning, on the CBS morning show, I was a guest of Bryant Gumbel. They featured a video segment where one of their reporters went to Los Angeles with $150 in hand and started walking the streets and saying, ''Where can I get a phony driver's license?'' It didn't take long to find one. Within a short period of time, that phony license was prepared with the reporter's photo for $150. Then he took that license and started buying airline tickets with that new name. He also got on several flights without anyone ever stopping him for using a phony document.

That tells you how easy it can be even with enhanced aviation security today. But there are ways to make these driver's licenses more secure so they can't be counterfeited and easily manipulated. There are also ways to authenticate the validity of the driver's license using very inexpensive equipment. I think that ought to be part of our goal as well.

We also need to establish tougher criminal penalties for those who would misuse driver's licenses, who would issue phonies, or those who, frankly, are part of a network that is trying to make a profit at the expense of identity. Senator BARBARA BOXER of California and I discussed this issue this morning. She has legislation that addresses some of these aspects and we are going to work together with her on that.

We also provide Federal whistleblower protection to those who uncover internal fraud or report suspicious activities involving State motor vehicle agencies. Why is this important? Look at what recently happened in Tennessee. There was a woman who—at least, it is alleged—was involved in an illegal scheme to sell driver's licenses, which is a very serious charge for somebody who had been a State employee in Tennessee. Then, under the most mysterious of circumstances, within a day of her expected court appearance, her car was set on fire, and she was killed. We have had instances in my State where people working at the driver's license stations have been bribed to issue commercial driver's licenses and other things. That does not give us confidence in the integrity of the system today.

We need enhanced criminal penalties in place for anyone involved in any aspect of the fake driver's license trade, and also we need to establish whistleblower protections to get people to come forward with information.

We should also require States to implement effective auditing programs in order to scrutinize every aspect of the issuing process for driver's licenses. One way to cut down on internal fraud and abuse is to protect the integrity of the agency's process. So a State should be able to find out for example, through routine audits, if some of their equipment used to manufacture driver's licenses are missing or inventory is