

I inadvertently voted "yes" when my intention was to vote "no".

ANNOUNCEMENT REGARDING PROCEDURES AND DEADLINE FOR FILING AMENDMENTS TO H.R. 1542, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

(Mr. DREIER Asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, this is an announcement that I think Members might be interested in.

Mr. Speaker, today a Dear Colleague letter is going to be sent to all Members informing them that the Committee on Rules is planning to meet this week to grant a rule which may limit the amendment process for H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001.

Any Member who wishes to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment by 2 p.m. on Thursday. That is 24½ hours from now. That is December 13. It should be sent up to the Committee on Rules, H-312 in the Capitol.

Mr. Speaker, the bill, as our colleagues know, was reported favorably by the Committee on Energy and Commerce on May 24, and ordered reported, adversely, by the Committee on the Judiciary on June 18. Amendments should be drafted to the text of the bill as reported by the Committee on Energy and Commerce, which will be available on the Web sites of both the Committee on Energy and Commerce and the Committee on Rules.

Mr. Speaker, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

HELP AMERICA VOTE ACT OF 2001

Mr. NEY. Mr. Speaker, pursuant to House Resolution 311, I call up the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.

The Clerk read the title of the bill. The SPEAKER pro tempore (Mr. FOSSELLA). Pursuant to House Resolution 311, the bill is considered read for amendment.

The text of H.R. 3295 is as follows:

H.R. 3295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Help America Vote Act of 2001".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PUNCH CARD VOTING MACHINES

Subtitle A—Replacement of Machines

Sec. 101. Establishment of program.
Sec. 102. Eligibility.
Sec. 103. Amount of payment.
Sec. 104. Audit and repayment of funds.
Sec. 105. Punch card voting system defined.

Subtitle B—Enhancing Performance of Existing Systems

Sec. 111. Establishment of program.
Sec. 112. Eligibility.
Sec. 113. Amount of payment.
Sec. 114. Audit and repayment of funds.

Subtitle C—General Provisions

Sec. 121. Authorization of appropriations.
Sec. 122. Punch card voting system defined.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment.
Sec. 202. Duties.
Sec. 203. Membership and appointment.
Sec. 204. Staff.
Sec. 205. Powers.
Sec. 206. Limitation on rulemaking authority.
Sec. 207. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

Sec. 211. Establishment.
Sec. 212. Duties.
Sec. 213. Membership of Standards Board.
Sec. 214. Membership of Board of Advisors.
Sec. 215. Powers of boards; no compensation for service.
Sec. 216. Status of boards and members for purposes of claims against board.

Subtitle B—Voluntary Election Standards

Sec. 221. Development of voluntary election standards.
Sec. 222. Technical standards development committee.
Sec. 223. Process for adoption of voluntary standards.
Sec. 224. Certification and testing of voting systems.
Sec. 225. Dissemination of information.

Subtitle C—Election Assistance

PART 1—ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS
Sec. 231. Election fund payments to States for voting system improvements.
Sec. 232. Allocation of funds.
Sec. 233. Conditions for receipt of funds.
Sec. 234. Authorization of appropriations.

PART 2—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

Sec. 241. Grants for research on voting technology improvements.
Sec. 242. Report.
Sec. 243. Authorization of appropriations.

PART 3—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Sec. 251. Pilot program.
Sec. 252. Report.
Sec. 253. Authorization of appropriations.

PART 4—MISCELLANEOUS

Sec. 261. Role of National Institute of Standards and Technology.

Sec. 262. Reports.

Sec. 263. Audit.

TITLE III—HELP AMERICA VOTE COLLEGE PROGRAM

Sec. 301. Establishment of Program.
Sec. 302. Activities under Program.
Sec. 303. Authorization of appropriations.

TITLE IV—HELP AMERICA VOTE FOUNDATION

Sec. 401. Help America Vote Foundation.

TITLE V—MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS

Sec. 501. Minimum standards for State election systems.
Sec. 502. Standards described.
Sec. 503. Enforcement.
Sec. 504. Effective date.

TITLE VI—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 601. Voting assistance programs.
Sec. 602. Designation of single State office to provide information on registration and absentee ballots for all voters in State.

Sec. 603. Report on absentee ballots transmitted and received after general elections.

Sec. 604. Simplification of voter registration and absentee ballot application procedures for absent uniformed services and overseas voters.

Sec. 605. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.

TITLE VII—REDUCED POSTAGE RATES FOR OFFICIAL ELECTION MAIL

Sec. 701. Reduced postage rates for official election mail.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 801. Federal Election Campaign Act of 1971.
Sec. 802. National Voter Registration Act of 1993.
Sec. 803. Transfer of property, records, and personnel.
Sec. 804. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 811. Treatment of Commission personnel under certain civil service laws.
Sec. 812. Coverage under Inspector General Act of 1978.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. State defined.
Sec. 902. Miscellaneous provisions to protect integrity of election process.
Sec. 903. No effect on other laws.

TITLE I—PUNCH CARD VOTING MACHINES

Subtitle A—Replacement of Machines

SEC. 101. ESTABLISHMENT OF PROGRAM.

(a) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Services (hereafter in this title referred to as the "Administrator") shall establish a program under which the Administrator shall make a one-time payment to each eligible State or unit of local government which used a punch card voting system to administer the regularly scheduled general election for Federal office held in November 2000.

(b) **USE OF FUNDS.**—A State or unit of local government shall use the funds provided under a payment under this subtitle (either directly or as reimbursement) to replace its punch card voting system with a voting system which does not use punch cards (by purchase, lease, or such other arrangement as may be appropriate).

(c) DEADLINE.—

(1) IN GENERAL.—A State or unit of local government receiving a payment under the program under this subtitle shall—

(A) obligate the funds provided for the uses described in subsection (b) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002; and

(B) ensure that all of the punch card voting systems under its jurisdiction have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004.

(2) WAIVER.—If a State or unit of local government provides the Election Assistance Commission (established under section 201) (not later than the date of the regularly scheduled general election for Federal office to be held in November 2002) with a notice that the State or unit will not meet the deadlines described in paragraph (1) and includes in the notice the reasons for the failure to meet such deadlines, and the Commission finds that there is good cause for the failure to meet such deadlines, paragraph (1) shall apply to the State or unit as if—

(A) the reference in paragraph (1)(A) to “November 2002” were a reference to “November 2004”; and

(B) the reference in paragraph (1)(B) to “November 2004” were a reference to “November 2006”.

SEC. 102. ELIGIBILITY.

(a) STATES.—A State is eligible to receive a payment under the program under this subtitle if it submits to the Administrator an application not later than 120 days after the date of the enactment of this Act (in such form as the Administrator may require) which contains—

(1) assurances that the State will use the payment (either directly or as reimbursement) to replace punch card voting systems in jurisdictions within the State which used such systems to carry out the general Federal election held in November 2000;

(2) assurances that in replacing punch card voting systems the State will continue to meet its duties under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and the Americans With Disabilities Act;

(3) assurances that in replacing punch card voting systems the State will provide for alternative language accessibility for individuals with limited English proficiency, consistent with the requirements of the Voting Rights Act of 1965 and any other applicable provisions of law; and

(4) such other information and assurances as the Administrator may require which are necessary for the administration of the program.

(b) UNIT OF LOCAL GOVERNMENT.—A unit of local government is eligible to receive a payment under the program under this subtitle if it submits to the Administrator—

(1) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002, a statement of its intent to participate in the program, including assurances that the State in which the unit is located—

(A) failed to submit an application under subsection (a) within the deadline specified under such subsection,

(B) is otherwise not eligible to receive a payment under the program, or

(C) will not use the payment to replace punch card voting systems in the unit; and

(2) an application (at such time and in such form as the Administrator may require) which contains similar assurances to those required to be provided by a State in its application under subsection (a).

SEC. 103. AMOUNT OF PAYMENT.

(a) IN GENERAL.—The amount of payment made to a State or unit of local government under the program under this subtitle shall be equal to the applicable per precinct matching rate of the cost to the State or unit (as the case may be) of replacing the punch card voting systems used in each precinct in the State or unit (as the case may be), except that in no case may the amount of the payment exceed the product of—

(1) the number of voting precincts administered by the State or unit which used a punch card voting system to carry out the general Federal election held in November 2000; and

(2) \$6,000.

(b) APPLICABLE PER PRECINCT MATCHING RATE DEFINED.—In subsection (a), the “applicable per precinct matching rate” is—

(1) 90 percent; or

(2) 95 percent, in the case of a precinct whose average per capita income is within the lowest quartile of average per capita incomes for all precincts in the United States (as determined by the 2000 decennial census).

SEC. 104. AUDIT AND REPAYMENT OF FUNDS.

(a) AUDIT.—Funds provided under the program under this subtitle shall be subject to audit by the Administrator.

(b) REPAYMENT FOR FAILURE TO MEET DEADLINES.—If a State or unit of local government (as the case may be) receiving funds under the program under this subtitle fails to meet the deadlines applicable to the State or unit under section 101(c), the State or unit shall pay to the Administrator an amount equal to the amount of the funds provided to the State or unit under the program.

SEC. 105. PUNCH CARD VOTING SYSTEM DEFINED.

For purposes of this subtitle, a “punch card voting system” means any of the following voting systems:

- (1) C.E.S.
- (2) Datavote.
- (3) PBC Counter.
- (4) Pollstar.
- (5) Punch Card.
- (6) Vote Recorder.
- (7) Votomatic.

Subtitle B—Enhancing Performance of Existing Systems**SEC. 111. ESTABLISHMENT OF PROGRAM.**

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a one-time payment to each eligible State or unit of local government which used a punch card voting system to administer the regularly scheduled general election for Federal office held in November 2000.

(b) USE OF FUNDS.—A State or unit of local government shall use the funds provided under a payment under this subtitle (either directly or as reimbursement) to make technical enhancements to the performance of its punch card voting system (by any arrangement as may be appropriate).

(c) DEADLINE.—

(1) IN GENERAL.—A State or unit of local government receiving a payment under the program under this subtitle shall—

(A) obligate the funds provided for the uses described in subsection (b) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002; and

(B) ensure that technical enhancements have been made to the performance of all of the punch card voting systems under its jurisdiction in time for the regularly scheduled general election for Federal office to be held in November 2004.

(2) WAIVER.—If a State or unit of local government provides the Election Assistance

Commission (established under section 201) (not later than the date of the regularly scheduled general election for Federal office to be held in November 2002) with a notice that the State or unit will not meet the deadlines described in paragraph (1) and includes in the notice the reasons for the failure to meet such deadlines, and the Commission finds that there is good cause for the failure to meet such deadlines, paragraph (1) shall apply to the State or unit as if—

(A) the reference in paragraph (1)(A) to “November 2002” were a reference to “November 2004”; and

(B) the reference in paragraph (1)(B) to “November 2004” were a reference to “November 2006”.

SEC. 112. ELIGIBILITY.

(a) STATES.—Subject to subsection (c), a State is eligible to receive a payment under the program under this subtitle if it submits to the Administrator an application not later than 120 days after the date of the enactment of this Act (in such form as the Administrator may require) which contains—

(1) assurances that the State will use the payment (either directly or as reimbursement) to make technical enhancements to the performance of punch card voting systems in jurisdictions within the State which used such systems to carry out the general Federal election held in November 2000;

(2) assurances that in enhancing the performance of such voting systems the State will continue to meet its duties under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and the Americans With Disabilities Act; and

(3) such other information and assurances as the Administrator may require which are necessary for the administration of the program.

(b) UNITS OF LOCAL GOVERNMENT.—Subject to subsection (c), a unit of local government is eligible to receive a payment under the program under this subtitle if it submits to the Administrator—

(1) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002, a statement of its intent to participate in the program, including assurances that the State in which the unit is located—

(A) failed to submit an application under subsection (a) within the deadline specified under such subsection,

(B) is otherwise not eligible to receive a payment under the program, or

(C) will not use the payment to enhance the performance of punch card voting systems in the unit; and

(2) an application (at such time and in such form as the Administrator may require) which contains similar assurances to those required to be provided by a State in its application under subsection (a).

(c) PROHIBITING PARTICIPATION IN PUNCH CARD REPLACEMENT PROGRAM.—A State or unit of local government is not eligible to receive a payment under the program under this subtitle if the State or unit receives a payment under the program under subtitle A.

SEC. 113. AMOUNT OF PAYMENT.

(a) IN GENERAL.—The amount of payment made to a State or unit of local government under the program under this subtitle shall be equal to the applicable per precinct matching rate of the cost to the State or unit (as the case may be) of the activities to be funded with the payment under the program in each precinct in the State or unit (as the case may be), except that in no case may the amount of the payment exceed the product of—

(1) the number of voting precincts administered by the State or unit which used a

punch card voting system to carry out the general Federal election held in November 2000; and

(2) \$2,000.

(b) **APPLICABLE PER PRECINCT MATCHING RATE DEFINED.**—In subsection (a), the “applicable per precinct matching rate” is—

(1) 90 percent; or

(2) 95 percent, in the case of a precinct whose average per capita income is within the lowest quartile of average per capita incomes for all precincts in the United States (as determined by the 2000 decennial census).

SEC. 114. AUDIT AND REPAYMENT OF FUNDS.

(a) **AUDIT.**—Funds provided under the program under this subtitle shall be subject to audit by the Administrator.

(b) **REPAYMENT FOR FAILURE TO MEET REQUIREMENTS.**—If a State or unit of local government (as the case may be) receiving funds under the program under this subtitle fails to meet the deadlines applicable to the State or unit under section 111(c), the State or unit shall pay to the Administrator an amount equal to the amount of the funds provided to the State or unit under the program.

Subtitle C—General Provisions

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There are authorized to be appropriated for payments under this title \$400,000,000, to remain available until expended (subject to subsection (b)).

(b) **USE OF RETURNED FUNDS AND FUNDS REMAINING UNEXPENDED FOR ELECTION FUND PAYMENTS.**—

(1) **IN GENERAL.**—The amounts referred to in paragraph (2) shall be transferred to the Election Assistance Commission (established under title II) and used by the Commission to make Election Fund payments under part 1 of subtitle C of title II.

(2) **AMOUNTS DESCRIBED.**—The amounts referred to in this paragraph are as follows:

(A) Any amounts appropriated pursuant to the authorization under this section which remain unobligated as of the date of the regularly scheduled general election for Federal office held in November 2002.

(B) Any amounts paid to the Administrator by a State or unit of local government under section 104(b).

(C) Any amounts paid to the Administrator by a State or unit of local government under section 114(b).

SEC. 122. PUNCH CARD VOTING SYSTEM DEFINED.

For purposes of this title, a “punch card voting system” means any of the following voting systems:

- (1) C.E.S.
- (2) Datavote.
- (3) PBC Counter.
- (4) Pollstar.
- (5) Punch Card.
- (6) Vote Recorder.
- (7) Votomatic.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

SEC. 201. ESTABLISHMENT.

There is hereby established as an independent entity in the executive branch the Election Assistance Commission (hereafter in this title referred to as the “Commission”), consisting of—

(1) the members appointed under this part;

(2) the Election Assistance Commission Standards Board established under part 2 (including the Executive Board of such Board); and

(3) the Election Assistance Commission Board of Advisors established under part 2.

SEC. 202. DUTIES.

The Commission shall serve as a national clearinghouse and resource for the compila-

tion of information and review of procedures with respect to the administration of Federal elections by—

(1) carrying out the duties described in subtitle B (relating to voluntary election standards);

(2) carrying out the duties described in subtitle C (relating to election assistance); and

(3) developing and carrying out the Help America Vote College Program under title III.

SEC. 203. MEMBERSHIP AND APPOINTMENT.

(a) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Commission shall have 4 members appointed by the President, by and with the consent of the Senate, of whom—

(A) 1 shall be appointed from among a list of nominees submitted by the majority leader of the Senate;

(B) 1 shall be appointed from among a list of nominees submitted by the minority leader of the Senate;

(C) 1 shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives; and

(D) 1 shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(2) **QUALIFICATIONS.**—Each member of the Commission shall have experience with or expertise in election administration or the study of elections, except that no individual may serve as a member of the Commission if the individual is an officer or employee of the Federal Government at any time during the period of service on the Commission.

(3) **DATE OF APPOINTMENT.**—The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(b) **TERM OF SERVICE.**—

(1) **IN GENERAL.**—Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than one additional term.

(2) **TERMS OF INITIAL APPOINTEES.**—As designated by the President at the time of appointment, of the members first appointed—

(A) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.

(3) **VACANCIES.**—

(A) **IN GENERAL.**—A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(B) **EXPIRED TERMS.**—A member of the Commission may serve on the Commission after the expiration of the member’s term until the successor of such member has taken office as a member of the Commission.

(C) **UNEXPIRED TERMS.**—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(c) **CHAIR AND VICE CHAIR.**—The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.

(d) **COMPENSATION.**—

(1) **IN GENERAL.**—Members of the Commission shall each be paid at an annual rate equal to \$30,000.

(2) **TRAVEL EXPENSES.**—Members of the Commission shall each receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of

title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) **OUTSIDE EMPLOYMENT PERMITTED.**—A member of the Commission may hold any other office or employment not inconsistent or in conflict with the member’s duties, responsibilities, and powers as a member of the Commission.

SEC. 204. STAFF.

(a) **EXECUTIVE DIRECTOR AND OTHER STAFF.**—

(1) **IN GENERAL.**—The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(2) **TERM OF SERVICE FOR EXECUTIVE DIRECTOR.**—Except as provided in paragraph (3)(C), the Executive Director shall serve for a term of 4 years. An Executive Director may be reappointed for additional terms.

(3) **PROCEDURE FOR APPOINTMENT.**—

(A) **IN GENERAL.**—When a vacancy exists in the position of the Executive Director, the Election Assistance Commission Standards Board and the Election Assistance Commission Board of Advisors (described in part 2) shall each appoint a search committee to recommend not fewer than 3 nominees for the position.

(B) **REQUIRING CONSIDERATION OF NOMINEES.**—Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director.

(C) **SPECIAL RULES FOR FIRST EXECUTIVE DIRECTOR.**—

(i) **CONVENING OF SEARCH COMMITTEES.**—The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance with subparagraph (A) as soon as practicable after the appointment of their members.

(ii) **INTERIM INITIAL APPOINTMENT.**—Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as the first Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual’s term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the first Executive Director from serving any additional term.

(4) **OTHER STAFF.**—Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.

(5) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule.

(b) **EXPERTS AND CONSULTANTS.**—Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, with the approval of a majority of the members of the Commission.

(c) **STAFF OF FEDERAL AGENCIES.**—Upon request of the Chair, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that

department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) **ARRANGING FOR ASSISTANCE FOR BOARD OF ADVISORS AND STANDARDS BOARD.**—At the request of the Election Assistance Commission Board of Advisors or the Election Assistance Commission Standards Board established under part 2, the Executive Director shall enter into such arrangements as the Executive Director considers appropriate to make personnel available to assist the Boards with carrying out their duties under this title (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission).

(e) **CONSULTATION WITH BOARD OF ADVISORS AND STANDARDS BOARD ON CERTAIN MATTERS.**—In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board established under part 2.

SEC. 205. POWERS.

(a) **HEARINGS AND SESSIONS.**—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) **ADMINISTRATIVE SUPPORT SERVICES.**—Upon the request of the Chair of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(e) **CONTRACTS.**—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

SEC. 206. LIMITATION ON RULEMAKING AUTHORITY.

The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under the National Voter Registration Act of 1993.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

In addition to the amounts authorized for payments and grants under subtitle C and the amounts authorized to be appropriated for the program under section 303, there are authorized to be appropriated for each of the fiscal years 2002 through 2004 such sums as may be necessary (but not to exceed \$10,000,000 for each such year) for the Commission to carry out its duties under this title.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

SEC. 211. ESTABLISHMENT.

There are hereby established the Election Assistance Commission Standards Board

(hereafter in this title referred to as the “Standards Board”) and the Election Assistance Commission Board of Advisors (hereafter in this title referred to as the “Board of Advisors”).

SEC. 212. DUTIES.

The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in section 223, review any of the voluntary engineering and procedural performance standards described in section 221(a)(1), any of the voluntary standards described in section 221(a)(4), and any of the voluntary election management practice standards described in section 221(a)(6) (and any modifications to such standards) which are recommended by the Commission under subtitle B.

SEC. 213. MEMBERSHIP OF STANDARDS BOARD.

(a) COMPOSITION.—

(1) **IN GENERAL.**—Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) 55 shall be the chief State election officials of each State.

(B) 55 shall be local election officials selected in accordance with paragraph (2).

(2) **LIST OF LOCAL ELECTION OFFICIALS.**—Each State’s local election officials shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph, except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

(3) **REQUIRING MIX OF POLITICAL PARTIES REPRESENTED.**—The 2 members of the Standards Board who represent the same State may not be members of the same political party.

(b) **PROCEDURES FOR NOTICE AND CERTIFICATION OF APPOINTMENT.—**

(1) **NOTICE TO CHAIR OF FEDERAL ELECTION COMMISSION.**—Not later than 90 days after the date of the enactment of this Act, a State shall transmit a notice to chair of the Federal Election Commission containing—

(A) a statement that the chief election official of the State agrees to serve on the Standards Board under this title; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who will serve on the Standards Board under this title.

(2) **CERTIFICATION.**—Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the chief election official and the representative local election official are appointed as members of the Standards Board under this title.

(3) **EFFECT OF FAILURE TO PROVIDE NOTICE.**—If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the Executive Board under subsection (c).

(4) **ROLE OF COMMISSION.**—Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

(c) EXECUTIVE BOARD.—

(1) **IN GENERAL.**—Not later than 60 days after the last day on which the appointment of any of its members may be certified under

subsection (b), the Standards Board shall select 9 of its members to serve as the Executive Board of the Standards Board, of whom—

(A) not more than 5 may be chief State election officials;

(B) not more than 5 may be local election officials; and

(C) not more than 5 may be members of the same political party.

(2) **TERMS.**—Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

(3) **STAGGERING OF INITIAL TERMS.**—Of the members first selected to serve on the Executive Board of the Standards Board—

(A) 3 shall serve for one term;

(B) 3 shall serve for 2 consecutive terms; and

(C) 3 shall serve for 3 consecutive terms, as determined by lot at the time the members are first appointed.

(4) **DUTIES.**—In addition to any other duties assigned under this title, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.

SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.

(a) **IN GENERAL.**—The Board of Advisors shall be composed of 25 members appointed as follows:

(1) 2 members appointed by the United States Commission on Civil Rights.

(2) 2 members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(3) 2 members appointed by the National Governors Association.

(4) 2 members appointed by the National Conference of State Legislatures.

(5) 2 members appointed by the National Association of Secretaries of State.

(6) 2 members appointed by the National Association of State Election Directors.

(7) 2 members appointed by the National Association of Counties.

(8) 2 members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

(9) 2 members appointed by the United States Conference of Mayors.

(10) 2 members appointed by the Election Center.

(11) 2 members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

(12) 2 members representing professionals in the field of science and technology, of whom 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the majority leader of the Senate (or, if the majority leader is a member of the same political party as the Speaker, by the minority leader of the Senate).

(13) The chief of the Office of Public Integrity of the Department of Justice, or the chief’s designee.

(b) **DIVERSITY IN APPOINTMENTS.**—Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

(c) **TERM OF SERVICE; VACANCY.**—Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

(d) **CHAIR.**—The Board of Advisors shall elect a Chair from among its members.

SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR SERVICE.

(a) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this title, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

(2) MEETINGS.—The Standards Board and the Board of Advisors shall each hold a meeting of its members—

(A) not less frequently than once every year for purposes of voting on the standards referred to it under section 223;

(B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and

(C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board.

(c) POSTAL SERVICES.—The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

(e) NO COMPENSATION FOR SERVICE.—Members of the Standards Board and members of the Board of Advisors shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

SEC. 216. STATUS OF BOARDS AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.

(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.

Subtitle B—Voluntary Election Standards

SEC. 221. DEVELOPMENT OF VOLUNTARY ELECTION STANDARDS.

(a) IN GENERAL.—The Commission shall:

(1) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years thereafter) voluntary engineering and procedural performance standards for voting systems used in Federal elections which shall meet the following requirements:

(A) The scope of the standards should include security (including a documentary audit for non-ballot systems), the procedures for certification and decertification of software and hardware, the assessment of usability, and operational guidelines for the proper use and maintenance of equipment.

(B) The standards should provide that voters have the opportunity to correct errors at the precinct or other polling place, either within the voting equipment itself or in the operational guidelines to administrators for using the equipment, under conditions which assure privacy to the voter.

(C) Each voting tally system certified for use should include as part of the certification a proposed statement of what constitutes a proper vote in the design and operation of the system.

(D) New voting equipment systems certified either by the Federal government or by any State should provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

(2) Maintain a clearinghouse of information on the experiences of State and local governments in implementing the voluntary standards described in paragraph (1) and in operating voting systems in general.

(3) In accordance with section 224, provide for the voluntary testing, certification, decertification, and recertification of voting systems.

(4) Advise States and units of local government regarding compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and compliance with other Federal laws regarding accessibility of registration facilities and polling places. Additionally, in accordance with section 223, the Commission shall develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years thereafter) voluntary standards for maintaining and enhancing the accessibility and privacy of registration facilities, polling places, and voting methods with the goal of promoting for all individuals, including the elderly and individuals with disabilities, the accessibility of polling places and the effective use of voting systems and voting equipment which provide the opportunity for casting a secure and secret ballot, and shall include in such standards voluntary guidelines regarding accessibility and ease-of-use for States and units of local government to use when obtaining voting equipment and selecting polling places. In carrying out this paragraph, the Commission shall consult with the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) and other individuals and entities with expertise in the accessibility of facilities for individuals with disabilities.

(5) Make periodic studies available to the public regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which—

(A) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services, blind and disabled voters, and voters with limited English proficiency;

(B) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

(C) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote; and

(D) will be efficient and cost-effective for use.

(6) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years) voluntary election management practice standards for State and local election officials to maintain and enhance the administration of Federal elections, including standards developed in consultation with the Secretary of Defense to govern the treatment of absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) which will include provisions to address each of the following:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate pre-election deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uniformed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

(7) Carry out the provisions of section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7) regarding mail voter registration.

(8) Make information on the Federal election system available to the public and the media.

(9) At the request of State officials, assist such officials in the review of election or vote counting procedures in Federal elections, through bipartisan panels of election professionals assembled by the Commission for such purpose.

(10) Compile and make available to the public the official certified results of general elections for Federal office and reports comparing the rates of voter registration, voter turnout, voting system functions, and ballot errors among jurisdictions in the United States.

(11) Gather information and serve as a clearinghouse concerning issues relating to Federal, State, and local elections.

(b) ELECTION ADMINISTRATION ISSUES DESCRIBED.—The election administration issues described in this subsection are as follows:

(1) Current and alternate methods and mechanisms of voting and counting votes in elections for Federal office.

(2) Current and alternate ballot designs for elections for Federal office.

(3) Current and alternate methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that all registered voters appear on the polling list at the appropriate polling site.

(4) Current and alternate methods of conducting provisional voting.

(5) Current and alternate methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including disabled voters and voters with limited English proficiency.

(6) Current and alternate methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(7) Current and alternate methods of recruiting and improving the performance of poll workers.

(8) Federal and State laws governing the eligibility of persons to vote.

(9) Current and alternate methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) Matters particularly relevant to voting and administering elections in rural and urban areas.

(11) Conducting elections for Federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform poll closing time.

(12) The ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(c) CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS.—The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.

SEC. 222. TECHNICAL STANDARDS DEVELOPMENT COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Technical Standards Development Committee (hereafter in this subtitle referred to as the “Development Committee”).

(b) DUTIES.—

(1) IN GENERAL.—The Development Committee shall assist the Executive Director of the Commission in the development of voluntary standards under this subtitle by recommending standards (and modifications to standards) to ensure the usability, accuracy, security, accessibility, and integrity of voting systems and voting equipment.

(2) DEADLINE FOR INITIAL SET OF RECOMMENDATIONS.—The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Stand-

ards and Technology, consisting of the following:

(A) An equal number of each of the following:

- (i) Members of the Standards Board.
- (ii) Members of the Board of Advisors.
- (iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(B) A representative of the American National Standards Institute.

(C) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) QUORUM.—A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) NO COMPENSATION FOR SERVICE.—Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle.

(f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER.—At the time the Commission adopts any standard pursuant to section 223, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the standard adopted.

SEC. 223. PROCESS FOR ADOPTION OF VOLUNTARY STANDARDS.

(a) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE; SUBMISSION OF PROPOSED VOLUNTARY STANDARDS TO BOARD OF ADVISORS AND STANDARDS BOARD.—

(1) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE.—In developing standards and modifications for purposes of this section, the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Standards Development Committee under section 222.

(2) BOARD OF ADVISORS.—The Executive Director of the Commission shall submit each of the voluntary engineering and procedural performance standards (described in section 221(a)(1)), each of the voluntary standards described in section 221(a)(4), and each of the voluntary election management practice standards (described in section 221(a)(6)) developed by the Executive Director (or any modifications to such standards) to the Board of Advisors.

(3) STANDARDS BOARD.—The Executive Director of the Commission shall submit each of the voluntary engineering and procedural performance standards (described in section 221(a)(1)), each of the voluntary standards described in section 221(a)(4), and each of the voluntary election management practice standards (described in section 221(a)(6)) developed by the Executive Director (or any modifications to such standards) to the Executive Board of the Standards Board, who shall review the standard (or modification) and forward its recommendations to the Standards Board.

(b) REVIEW.—Upon receipt of a voluntary standard described in subsection (a) (or modification of such a standard) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the standard (or modification) to the Commission.

(c) FINAL APPROVAL.—

(1) IN GENERAL.—A voluntary standard described in subsection (a) (or modification of such a standard) shall not be considered to be finally adopted by the Commission unless the majority of the members of the Commission vote to approve the final adoption of the standard (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (b).

(2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS.—The Commission may not vote on the final adoption of a voluntary standard described in subsection (a) (or modification of such a standard) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the standard (or modification) to the Board of Advisors and the Standards Board under subsection (a).

SEC. 224. CERTIFICATION AND TESTING OF VOTING SYSTEMS.

(a) CERTIFICATION AND TESTING.—

(1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

(2) OPTIONAL USE BY STATES.—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) LABORATORY ACCREDITATION.—

(1) RECOMMENDATIONS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 6 months after the Commission first adopts voluntary engineering and procedural performance standards under this subtitle, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those laboratories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

(2) APPROVAL BY COMMISSION.—The Commission shall vote on the proposed accreditation of each laboratory on the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a majority vote of the members of the Commission.

(c) CONTINUING REVIEW BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) APPROVAL BY COMMISSION REQUIRED FOR REVOCATION.—The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a majority vote of the members of the Commission.

SEC. 225. DISSEMINATION OF INFORMATION.

On an ongoing basis, the Commission shall disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) information on the activities carried out under this subtitle, including—

- (1) the voluntary election standards adopted by the Commission, together with guidelines for applying the standards and other information to assist in their implementation;
- (2) the list of laboratories accredited to carry out testing, certification, decertification, and recertification of voting system hardware and software under section 224; and
- (3) a list of voting system hardware and software products which have been certified pursuant to section 224 as meeting the applicable voluntary standards adopted by the Commission under this subtitle.

Subtitle C—Election Assistance**PART 1—ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS****SEC. 231. ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS.**

(a) **IN GENERAL.**—The Commission shall make an Election Fund payment each year in an amount determined under section 232 to each State which meets the requirements described in section 233 for the year.

(b) **USE OF FUNDS.**—A State receiving an Election Fund payment shall use the payment for any or all of the following activities:

- (1) Establishing and maintaining accurate lists of eligible voters.
- (2) Encouraging eligible voters to vote.
- (3) Improving verification and identification of voters at the polling place.
- (4) Improving equipment and methods for casting and counting votes.
- (5) Recruiting and training election official and poll workers.
- (6) Improving the quantity and quality of available polling places.
- (7) Educating voters about their rights and responsibilities.
- (8) Assuring access for voters with physical disabilities.
- (9) Carrying out other activities to improve the administration of elections in the State.

(c) **ADOPTION OF COMMISSION STANDARDS NOT REQUIRED TO RECEIVE PAYMENT.**—Nothing in this part may be construed to require a State to implement any of the voluntary standards adopted by the Commission with respect to any matter as a condition for receiving an Election Fund payment.

(d) **SCHEDULE OF PAYMENTS.**—As soon as practicable after all members of the Commission are appointed (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make Election Fund payments to States under this part.

SEC. 232. ALLOCATION OF FUNDS.

(a) **IN GENERAL.**—Subject to subsection (c), the amount of an Election Fund payment made to a State for a year shall be equal to the product of—

- (1) the total amount appropriated for Election Fund payments for the year under section 234; and
 - (2) the State allocation percentage for the State (as determined under subsection (b)).
- (b) **STATE ALLOCATION PERCENTAGE DEFINED.**—The “State allocation percentage” for a State is the amount (expressed as a percentage) equal to the quotient of—

- (1) the voting age population of the State; and
- (2) the total voting age population of all States.

(c) **MINIMUM AMOUNT OF PAYMENT.**—The amount of an Election Fund payment made to a State for a year may not be less than—

(1) in the case of any of the several States or the District of Columbia, $\frac{1}{2}$ of 1 percent of the total amount appropriated for Election Fund payments for the year under section 234; or

(2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, 20 percent of the amount described in paragraph (1).

(d) **CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.**—An Election Fund payment made to a State under this part shall be available to the State without fiscal year limitation.

SEC. 233. CONDITIONS FOR RECEIPT OF FUNDS.

(a) **IN GENERAL.**—In order to receive an Election Fund payment for a fiscal year, the chief State election official of the State shall provide the Commission with the following certifications:

(1) A certification that the State has authorized and appropriated funds for carrying out the activities for which the Election Fund payment is made in an amount equal to 25 percent of the total amount to be spent for such activities (taking into account the Election Fund payment and the amount spent by the State).

(2) A certification that the State has set a uniform Statewide benchmark for voting system performance in each local jurisdiction administering elections, expressed as a percentage of residual vote in the contest at the top of the ballot, and requires local jurisdictions to report data relevant to this benchmark after each general election for Federal office.

(3) A certification that the State is in compliance with the voluntary voting system standards and certification processes adopted by the Commission or that the State has enacted legislation establishing its own State voting system standards and processes which (at a minimum) ensure that new voting mechanisms have the audit capacity to produce a record for each ballot cast.

(4) A certification that—

(A) in each precinct or polling place in the State, there is at least one voting system available which is fully accessible to individuals with physical disabilities; and

(B) if the State uses any portion of its Election Fund payment to obtain new voting machines, at least one voting machine in each polling place in the State will be fully accessible to individuals with physical disabilities.

(5) A certification that the State has established a fund described in subsection (b) for purposes of administering its activities under this part.

(6) A certification that, in administering election systems, the State is in compliance with the existing applicable requirements of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), and the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(7) A certification that the State provides for voter education and poll worker training programs to improve access to and participation in the electoral process, and provides relevant training in the requirements of the National Voter Registration Act of 1993 for personnel of State motor vehicle authority offices and other voter registration agencies designated by the State under such Act.

(8) A certification that the Election Fund payment has not and will not supplant funds provided under existing programs funded in the State for carrying out the activities for which the Election Fund payment is made.

(b) **REQUIREMENTS FOR ELECTION FUND.**—

(1) **ELECTION FUND DESCRIBED.**—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the Election Fund payment is made to the State under this part.

(B) The Election Fund payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

(2) **USE OF FUND.**—Amounts in the fund shall be used by the State exclusively to carry out the activities for which the Election Fund payment is made to the State under this part.

(c) **METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.**—The specific choices on the methods of complying with the requirements described in subsection (a) shall be left to the discretion of the State.

(d) **CHIEF STATE ELECTION OFFICIAL DEFINED.**—In this subtitle, the “chief State election official” of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-8) to be responsible for coordination of the State’s responsibilities under such Act.

SEC. 234. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for Election Fund payments under this part an aggregate amount of \$2,250,000,000 for fiscal years 2002 through 2004.

PART 2—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS**SEC. 241. GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS.**

(a) **IN GENERAL.**—The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology.

(b) **ELIGIBILITY.**—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) assurances that the research and development funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities (including blind individuals), the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

(2) such other information and assurances as the Commission may require.

(c) **APPLICABILITY OF REGULATIONS GOVERNING PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE.**—Any invention made by the recipient of a grant under this part using funds provided under this part shall be subject to chapter 18 of title 35, United States Code (relating to patent rights in inventions made with Federal assistance).

SEC. 242. REPORT.

(a) **IN GENERAL.**—Each entity which receives a grant under this part shall submit to the Commission, Congress, and the President a report describing the activities carried out with the funds provided under the grant.

(b) **DEADLINE.**—An entity shall submit a report required under subsection (a) not later

than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 243. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under this part \$20,000,000 for fiscal year 2002.

PART 3—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

SEC. 251. PILOT PROGRAM.

(a) IN GENERAL.—The Commission shall make grants to carry out pilot programs under which new technologies in voting systems and equipment are implemented on a trial basis.

(b) ELIGIBILITY.—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) assurances that the pilot programs funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities (including blind individuals), the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

(2) such other information and assurances as the Commission may require.

SEC. 252. REPORT.

(a) IN GENERAL.—Each entity which receives a grant under this part shall submit to the Commission, Congress, and the President a report describing the activities carried out with the funds provided under the grant.

(b) DEADLINE.—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 253. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under this part \$10,000,000 for fiscal year 2002.

PART 4—MISCELLANEOUS

SEC. 261. ROLE OF NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) RECOMMENDATION OF TOPICS FOR RESEARCH UNDER VOTING RESEARCH GRANTS AND PILOT PROGRAMS.—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the "Director") shall submit to the Commission an annual list of the Director's suggestions for issues which may be the subject of research funded with grants awarded under part 2 and part 3 during the year.

(b) REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.—The Commission shall submit each application it receives for a grant under part 2 or part 3 to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(c) MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES.—After the Commission has awarded a grant under part 2 or part 3, the Director shall monitor the grant and (to the extent permitted under the terms of the grant as awarded) may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(d) EVALUATION OF COMPLETED GRANTS.—

(1) IN GENERAL.—After the recipient of a grant awarded by the Commission has completed the terms of the grant, the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(2) INCLUSION IN REPORTS.—The Commission shall include the evaluations submitted

under paragraph (1) for a year in the report submitted for the year under section 262.

(e) INTRAMURAL RESEARCH AND DEVELOPMENT.—The Director shall establish a program for intramural research and development in areas to support the development of voluntary technical standards for voting products and systems, including—

(1) the security of computers, computer networks, and computer data storage used in voting products and systems, including the Statewide voter registration networks required under the minimum standard described in section 502(1);

(2) methods to detect and prevent fraud;

(3) the protection of voter privacy;

(4) the role of human factors in the design and application of voting products and systems, including assistive technologies for individuals with disabilities and varying levels of literacy; and

(5) remote access voting, including voting through the Internet.

SEC. 262. REPORTS.

(a) ANNUAL REPORTS ON ACTIVITIES.—Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate on the activities carried out by the Commission under this subtitle during the previous fiscal year, and shall include in the report a description of all applications for Election Fund payments and grants received by the Commission during the year under this subtitle and the disposition of such applications.

(b) REPORT ON HUMAN FACTOR RESEARCH.—Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems, including methods to improve access for individuals with disabilities and to reduce voter error and the number of spoiled ballots in elections.

SEC. 263. AUDIT.

(a) IN GENERAL.—As a condition of receiving funds under this subtitle, a State or entity described in part 2 or part 3 shall agree that such funds shall be subject to audit if 2 or more members of the Commission vote to require an audit.

(b) MANDATORY AUDIT.—In addition to audits conducted pursuant to subsection (a), all funds provided under this subtitle shall be subject to mandatory audit at least once during the lifetime of the programs under this subtitle.

TITLE III—HELP AMERICA VOTE COLLEGE PROGRAM

SEC. 301. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the "Help America Vote College Program" (hereafter in this title referred to as the "Program").

(b) PURPOSES OF PROGRAM.—The purpose of the Program shall be—

(1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(2) to encourage State and local governments to use the services of the students participating in the Program.

SEC. 302. ACTIVITIES UNDER PROGRAM.

(a) IN GENERAL.—In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in section 301(b).

(b) REQUIREMENTS FOR GRANT RECIPIENTS.—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(c) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

In addition to any funds authorized to be appropriated to the Commission under section 207, there are authorized to be appropriated to carry out this title—

(1) \$5,000,000 for fiscal year 2002; and

(2) such sums as may be necessary for each succeeding fiscal year.

TITLE IV—HELP AMERICA VOTE FOUNDATION

SEC. 401. HELP AMERICA VOTE FOUNDATION.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1525 the following:

"CHAPTER 1526—HELP AMERICA VOTE FOUNDATION

"Sec.

"152601. Organization.

"152602. Purposes.

"152603. Board of directors.

"152604. Officers and employees.

"152605. Powers.

"152606. Principal office.

"152607. Service of process.

"152608. Annual audit.

"152609. Civil action by Attorney General for equitable relief.

"152610. Immunity of United States Government.

"152611. Authorization of appropriations.

"152612. Annual report.

"§ 152601. Organization

"(a) FEDERAL CHARTER.—The Help America Vote Foundation (in this chapter, the 'foundation') is a federally chartered corporation.

"(b) NATURE OF FOUNDATION.—The foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

"(c) PERPETUAL EXISTENCE.—Except as otherwise provided, the foundation has perpetual existence.

"§ 152602. Purposes

"(a) IN GENERAL.—The purposes of the foundation are to—

"(1) mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants;

"(2) place secondary school students (including students educated in the home) as nonpartisan poll workers or assistants to local election officials in precinct polling places across the United States; and

"(3) establish cooperative efforts with State and local election officials, local educational agencies, superintendents and principals of public and private secondary

schools, and other appropriate nonprofit charitable and educational organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code to further the purposes of the foundation.

“(b) **REQUIRING ACTIVITIES TO BE CARRIED OUT ON NONPARTISAN BASIS.**—The foundation shall carry out its purposes without partisan bias or without promoting any particular point of view regarding any issue, and shall ensure that each participant in its activities is governed in a balanced manner which does not reflect any partisan bias.

“(c) **CONSULTATION WITH STATE ELECTION OFFICIALS.**—The foundation shall carry out its purposes under this section in consultation with the chief election officials of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

“§ 152603. **Board of directors**

“(a) **GENERAL.**—The board of directors is the governing body of the foundation.

“(b) **MEMBERS AND APPOINTMENT.**—(1) The board consists of 12 directors, who shall be appointed not later than 60 days after the date of the enactment of this chapter as follows:

“(A) 4 directors (of whom not more than 2 may be members of the same political party) shall be appointed by the President.

“(B) 2 directors shall be appointed by the Speaker of the House of Representatives.

“(C) 2 directors shall be appointed by the minority leader of the House of Representatives.

“(D) 2 directors shall be appointed by the majority leader of the Senate.

“(E) 2 directors shall be appointed by the minority leader of the Senate.

“(2) In addition to the directors described in paragraph (1), the chair and ranking minority member of the Committee on House Administration of the House of Representatives (or their designees) and the chair and ranking minority member of the Committee on Rules and Administration of the Senate (or their designees) shall each serve as an ex officio nonvoting member of the board.

“(3) A director is not an employee of the Federal government and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States (except as may otherwise be provided in this chapter).

“(4) The terms of office of the directors are 4 years.

“(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

“(c) **CHAIR.**—The directors shall select one of the directors as the chair of the board. The individual selected may not be a current or former holder of any partisan elected office or a current or former officer of any national committee of a political party.

“(d) **QUORUM.**—The number of directors constituting a quorum of the board shall be established under the bylaws of the foundation.

“(e) **MEETINGS.**—The board shall meet at the call of the chair of the board for regularly scheduled meetings, except that the board shall meet not less often than annually.

“(f) **REIMBURSEMENT OF EXPENSES.**—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

“(g) **LIABILITY OF DIRECTORS.**—Directors are not personally liable, except for gross negligence.

“§ 152604. **Officers and employees**

“(a) **APPOINTMENT OF OFFICERS AND EMPLOYEES.**—The board of directors appoints,

removes, and replaces officers and employees of the foundation.

“(b) **STATUS AND COMPENSATION OF EMPLOYEES.**—

“(1) **IN GENERAL.**—Officers and employees of the foundation—

“(A) are not employees of the Federal government (except as may otherwise be provided in this chapter);

“(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

“(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5.

“(2) **AVAILABILITY OF FEDERAL EMPLOYEE RATES FOR TRAVEL.**—For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal government who travel on official business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal government.

“§ 152605. **Powers**

“(a) **GENERAL.**—The foundation may—

“(1) adopt a constitution and bylaws;

“(2) adopt a seal which shall be judicially noticed; and

“(3) do any other act necessary to carry out this chapter.

“(b) **POWERS AS TRUSTEE.**—To carry out its purposes, the foundation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

“(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

“(2) to acquire property or an interest in property by purchase or exchange;

“(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

“(4) to borrow money and issue instruments of indebtedness;

“(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

“(6) to sue and be sued; and

“(7) to do any other act necessary and proper to carry out the purposes of the foundation.

“(c) **ENCUMBERED OR RESTRICTED GIFTS.**—A gift, devise, or bequest may be accepted by the foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the foundation.

“(d) **CONTRACTS.**—The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes.

“(e) **ANNUAL CONFERENCE IN WASHINGTON METROPOLITAN AREA.**—During each year (beginning with 2003), the foundation may sponsor a conference in the Washington, D.C., metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation.

“§ 152606. **Principal office**

“The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States.

“§ 152607. **Service of process**

“The foundation shall have a designated agent to receive service of process for the foundation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the foundation.

“§ 152608. **Annual audit**

“The foundation shall enter into a contract with an independent auditor to conduct an annual audit of the foundation.

“§ 152609. **Civil action by Attorney General for equitable relief**

“The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the foundation—

“(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152602 of this title; or

“(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

“§ 152610. **Immunity of United States Government**

“The United States Government is not liable for any debts, defaults, acts, or omissions of the foundation. The full faith and credit of the Government does not extend to any obligation of the foundation.

“§ 152611. **Authorization of appropriations**

“There are authorized to be appropriated to the foundation for carrying out the purposes of this chapter—

“(1) \$5,000,000 for fiscal year 2002; and

“(2) such sums as may be necessary for each succeeding fiscal year.

“§ 152612. **Annual report**

“As soon as practicable after the end of each fiscal year, the foundation shall submit a report to the Commission, the President, and Congress on the activities of the foundation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments. Such report shall contain information gathered from participating secondary school students describing the nature of the work they performed in assisting local election officials and the value they derived from the experience of educating participants about the electoral process.”

(b) **CLERICAL AMENDMENT.**—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1523 the following new item:

“1526. **Help America Vote**
Foundation152601”.

TITLE V—MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS

SEC. 501. MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS.

(a) **IN GENERAL.**—The chief State election official of each State shall certify in writing to the Election Assistance Commission that—

(1) in administering election systems, the State is in compliance with the existing applicable requirements of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans With Disabilities Act of 1990; and

(2) the State has enacted legislation to enable the State to meet each of the minimum standards for State election systems described in section 502.

(b) **METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.**—The specific choices on the methods of implementing the legislation enacted pursuant to subsection (a)(2) shall be left to the discretion of the State.

(c) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this title, the “chief State election official” of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-8) to be responsible for coordination of the State’s responsibilities under such Act.

SEC. 502. STANDARDS DESCRIBED.

The minimum standards for State election systems described in this section are as follows:

(1) The State will implement a Statewide voter registration system networked to every local jurisdiction in the State, with provisions for sharing data with other States, except that this paragraph shall not apply in the case of a State in which, under law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) The State election system includes provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

(A) A system of file maintenance which removes registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993, registrants who have not voted in 2 or more consecutive general elections for Federal office and who have not responded to a notice shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(3) The State permits, by the deadline required under section 504(b), in-precinct provisional voting by every voter who claims to be qualified to vote in the State, or has adopted an alternative which achieves the same objective, except that this paragraph shall not apply in the case of a State in which, under law in effect continuously on and after the date of the enactment of this Act, all votes in the State in general elections for Federal office are cast by mail.

(4) The State has adopted uniform standards that define what will constitute a vote on each category of voting equipment certified for use in the State.

(5) The State has implemented safeguards to ensure that absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) in the jurisdiction have the opportunity to vote and to have their votes counted.

(6) The State requires new voting systems to provide a practical and effective means for voters with physical disabilities to cast a secret ballot.

(7) If the State uses voting systems which give voters the opportunity to correct errors, the State shall ensure that voters are able to check for and correct errors under conditions which assure privacy. States, and units of local government within the States, replacing all voting machines within their jurisdiction shall ensure that the new voting system gives voters the opportunity to correct errors before the vote is cast.

SEC. 503. ENFORCEMENT.

(a) REPORT BY COMMISSION TO ATTORNEY GENERAL.—If a State does not provide a certification under section 501 to the Election Assistance Commission, or if the Commission has credible evidence that a State’s certification is false or that a State is carrying out activities in violation of the terms of the certification, the Commission shall notify the Attorney General.

(b) ACTION BY ATTORNEY GENERAL.—After receiving notice from the Commission under subsection (a), the Attorney General may bring a civil action against a State in an appropriate district court for such declaratory or injunctive relief as may be necessary to remedy a violation of this title.

SEC. 504. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the requirements of this title shall take effect upon the expiration of the 2-year period which begins on the date of the enactment of this Act, except that if the chief State election official of a State certifies that good cause exists to waive the requirements of this title with respect to the State until the date of the regularly scheduled general election for Federal office held in November 2004, the requirements shall apply with respect to the State beginning on the date of such election.

(b) DEADLINES FOR IMPLEMENTATION OF PROVISIONAL VOTING.—The minimum standard described in section 502(3) (relating to permitting in-precinct provisional voting) shall apply with respect to the regularly scheduled general election for Federal office held in November 2002 and each succeeding election for Federal office, except that if the chief State election official of a State certifies that good cause exists to delay the implementation of such standard in the State, the standard shall apply in the State with respect to the regularly scheduled general election for Federal office held in November 2004 and each succeeding election for Federal office held in the State.

TITLE VI—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

SEC. 601. VOTING ASSISTANCE PROGRAMS.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1566. Voting assistance: compliance assessments; assistance

“(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations to require that the Army, Navy, Air Force, and Marine Corps ensure their compliance with any directives issued by the Secretary of Defense in implementing any voting assistance program.

“(b) VOTING ASSISTANCE PROGRAMS DEFINED.—In this section, the term ‘voting assistance programs’ means—

“(1) the Federal Voting Assistance Program carried out under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.); and

“(2) any similar program.

“(c) ANNUAL EFFECTIVENESS AND COMPLIANCE REVIEWS.—(1) The Inspector General of each of the Army, Navy, Air Force, and Marine Corps shall conduct—

“(A) an annual review of the effectiveness of voting assistance programs; and

“(B) an annual review of the compliance with voting assistance programs of that armed force.

“(2) Upon the completion of each annual review under paragraph (1), each Inspector General specified in that paragraph shall submit to the Inspector General of the Department of Defense a report on the results of each such review. Such report shall be submitted in time each year to be reflected in the report of the Inspector General of the Department of Defense under paragraph (3).

“(3) Not later than March 31 each year, the Inspector General of the Department of Defense shall submit to Congress a report on—

“(A) the effectiveness during the preceding calendar year of voting assistance programs; and

“(B) the level of compliance during the preceding calendar year with voting assist-

ance programs of each of the Army, Navy, Air Force, and Marine Corps.

“(d) INSPECTOR GENERAL ASSESSMENTS.—(1) The Inspector General of the Department of Defense shall periodically conduct at Department of Defense installations unannounced assessments of the compliance at those installations with—

“(A) the requirements of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.);

“(B) Department of Defense regulations regarding that Act and the Federal Voting Assistance Program carried out under that Act; and

“(C) other requirements of law regarding voting by members of the armed forces.

“(2) The Inspector General shall conduct an assessment under paragraph (1) at not less than 10 Department of Defense installations each calendar year.

“(3) Each assessment under paragraph (1) shall include a review of such compliance—

“(A) within units to which are assigned, in the aggregate, not less than 20 percent of the personnel assigned to duty at that installation;

“(B) within a representative survey of members of the armed forces assigned to that installation and their dependents; and

“(C) within unit voting assistance officers to measure program effectiveness.

“(e) REGULAR MILITARY DEPARTMENT ASSESSMENTS.—The Secretary of each military department shall include in the set of issues and programs to be reviewed during any management effectiveness review or inspection at the installation level an assessment of compliance with the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and with Department of Defense regulations regarding the Federal Voting Assistance Program.

“(f) VOTING ASSISTANCE OFFICERS.—(1) Voting assistance officers shall be appointed or assigned under Department of Defense regulations. Commanders at all levels are responsible for ensuring that unit voting officers are trained and equipped to provide information and assistance to members of the armed forces on voting matters. Performance evaluation reports pertaining to a member who has been assigned to serve as a voting assistance officer shall comment on the performance of the member as a voting assistance officer. The Secretary of each military department shall certify to Congress that (at a minimum) a voting assistance officer has been appointed or assigned for each military installation and major command under the jurisdiction of the department and that a replacement will be appointed if the original officer is no longer able to serve.

“(2) Under regulations and procedures prescribed by the Secretary, a member of the armed forces appointed or assigned to duty as a voting assistance officer shall, to the maximum extent practicable, be given the time and resources needed to perform the member’s duties as a voting assistance officer during the period in advance of a general election when members and their dependents are preparing and submitting absentee ballots.

“(3) As part of each assessment prepared by the Secretary of a military department under subsection (e), the Secretary shall—

“(A) specify the number of members of the armed forces under the jurisdiction of the Secretary who are appointed or assigned to duty as voting assistance officers;

“(B) specify the ratio of voting assistance officers to active duty members of the armed forces under the jurisdiction of the Secretary;

“(C) indicate whether this number and ratio comply with the requirements of the Federal Voting Assistance Program; and

“(D) describe the training such members receive to perform their duties as voting assistance officers.

“(g) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—(1) The Secretary of each military department, using a variety of means including both print and electronic media, shall, to the maximum extent practicable, ensure that members of the armed forces and their dependents who are qualified to vote have ready access to information regarding voter registration requirements and deadlines (including voter registration), absentee ballot application requirements and deadlines, and the availability of voting assistance officers to assist members and dependents to understand and comply with these requirements.

“(2) The Secretary of each military department shall make the national voter registration form prepared for purposes of the Uniformed and Overseas Citizens Absentee Voting Act by the Federal Election Commission available so that each person who enlists, reenlists, or voluntarily extends an enlistment or who completes a permanent change of station in an active or reserve component of the Army, Navy, Air Force, or Marine Corps shall receive such form at the time of the enlistment, reenlistment, extension, or completion of the permanent change of station, or as soon thereafter as practicable.

“(3) Where practicable, a special day or days shall be designated at each military installation for the purpose of informing members of the armed forces and their dependents of election timing, registration requirements, and voting procedures.

“(h) DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.—(1) During the four months preceding a general Federal election month, the Secretary of Defense shall periodically conduct surveys of all overseas locations and vessels at sea with military units responsible for collecting mail for return shipment to the United States and all port facilities in the United States and overseas where military-related mail is collected for shipment to overseas locations or to the United States. The purpose of each survey shall be to determine if voting materials are awaiting shipment at any such location and, if so, the length of time that such materials have been held at that location. During the fourth and third months before a general Federal election month, such surveys shall be conducted biweekly. During the second and first months before a general Federal election month, such surveys shall be conducted weekly.

“(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times. The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall submit to Congress a report describing the measures to be implemented to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.

“(3) The Secretary of each military department, utilizing the voting assistance officer network established for each military installation, shall, to the maximum extent practicable, provide notice to members of the armed forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.

“(4) In this section, the term ‘general Federal election month’ means November in an even-numbered year.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1566. Voting assistance: compliance assessments; assistance.”

(b) INITIAL REPORT.—The first report under section 1566(c)(3) of title 10, United States Code, as added by subsection (a), shall be submitted not later than March 31, 2003.

SEC. 602. DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOTS FOR ALL VOTERS IN STATE.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by inserting “(a) IN GENERAL.—” before “Each State”; and

(2) by adding at the end the following new subsection:

“(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN STATE.—

“(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

“(2) RECOMMENDATION REGARDING USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS.—Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State’s duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.”

SEC. 603. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 602, is amended by adding at the end the following new subsection:

“(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2001) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.”

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Assistance Commission, working with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board, shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. 604. SIMPLIFICATION OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION PROCEDURES FOR ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.

(a) REQUIRING STATES TO ACCEPT OFFICIAL FORM FOR SIMULTANEOUS VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION; DEADLINE FOR PROCESSING APPLICATION.—

(1) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 602, is amended—

(A) by amending paragraph (2) to read as follows:

“(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;”

(B) by striking the period at the end of paragraph (3) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(4) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application.”

(2) CONFORMING AMENDMENTS.—Section 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2)) is amended by striking “as recommended in section 104” and inserting “as required under section 102(4)”.

(b) USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.—Section 104 of such Act (42 U.S.C. 1973ff-3) is amended to read as follows:

“SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

“(a) IN GENERAL.—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State during that year, the State shall provide an absentee ballot to the voter for each subsequent election for Federal office held in the State during that year.

“(b) EXCEPTION FOR VOTERS CHANGING REGISTRATION.—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State.

“(c) REVISION OF OFFICIAL POST CARD FORM.—The Presidential designee shall revise the official post card form (prescribed under section 101) to enable a voter using the form to—

“(1) request an absentee ballot for each election for Federal office held in a State during a year; or

“(2) request an absentee ballot for only the next scheduled election for Federal office held in a State.

“(d) NO EFFECT ON VOTER REMOVAL PROGRAMS.—Nothing in this section may be construed to prevent a State from removing any voter from the rolls of registered voters in the State under any program or method permitted under section 8 of the National Voter Registration Act of 1993.”

SEC. 605. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

(a) EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.—Section 101(b)(1)

of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: “, and ensuring that such officials are aware of the requirements of this Act;”.

(b) DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.—

(1) IN GENERAL.—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking “and” at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.”.

(2) REQUIRING STATES TO USE STANDARD OATH.—Section 102(a) of such Act (42 U.S.C. 1973ff-1(b)), as amended by sections 603 and 605(a), is amended—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).”.

(c) PROVIDING BREAKDOWN BETWEEN OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICES VOTERS IN STATISTICAL ANALYSIS OF VOTER PARTICIPATION.—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by inserting after “participation” the following: “(listed separately for overseas voters and absent uniformed services voters)”.

TITLE VII—REDUCED POSTAGE RATES FOR OFFICIAL ELECTION MAIL

SEC. 701. REDUCED POSTAGE RATES FOR OFFICIAL ELECTION MAIL.

(a) IN GENERAL.—Section 3629 of title 39, United States Code, is amended to read as follows:

“§ 3629. Reduced rates for official election mail

“(a) Notwithstanding any other provision of this title, the rate of postage for any first-class mail matter shall, in the case of official election mail, be equal to 50 percent of the regular first-class rate, subject to subsection (c).

“(b) For purposes of this section, the term ‘official election mail’ means any mailing by a State or local election official that—

“(1) is mailed in the course of official business;

“(2) consists of voter registration or election information or assistance prepared and mailed in a nonpartisan manner; and

“(3) bears such logo or other markings as the Postal Service may require.

Such term does not include any mailing that includes any mail matter intended to promote government action unrelated to the conduct of an election.

“(c) Nothing in this section shall, with respect to any official election mail, be considered to make unavailable—

“(1) any free mailing privilege under section 3406 or any other provision of law for which such mail otherwise qualifies; or

“(2) any reduced rate of postage under section 3626 or any other provision of law for which such mail otherwise qualifies, if lower than the rate that would otherwise apply under subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 36 of title 39, United States Code, is amended by striking the item

relating to section 3629 and inserting the following:

“3629. Reduced rates for official election mail.”.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

SEC. 801. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION OF FEDERAL ELECTION COMMISSION.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Office of the Election Administration, established within the Federal Election Commission, exercised before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting “and” at the end;

(2) in paragraph (9), by striking “; and” and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

SEC. 802. NATIONAL VOTER REGISTRATION ACT OF 1993.

(a) TRANSFER OF FUNCTIONS.—There are transferred to the Election Assistance Commission established under section 201 all functions which the Federal Election Commission exercised under the National Voter Registration Act of 1993 before the date of enactment of this Act.

(b) CONFORMING AMENDMENT.—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a)) is amended by striking “Federal Election Commission” and inserting “Election Assistance Commission”.

SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) PROPERTY AND RECORDS.—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission for appropriate allocation.

(b) PERSONNEL.—

(1) IN GENERAL.—The personnel employed in connection with the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission.

(2) EFFECT.—Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on the date of the enactment of this Act.

SEC. 804. EFFECTIVE DATE; TRANSITION.

(a) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Assistance Commission under section 203.

(b) TRANSITION.—With the consent of the entity involved, the Election Assistance Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.

(a) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting “or the Election Assistance Commission” after “Commission”.

(b) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting “or the Election Assistance Commission” after “Commission”.

SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting “, the Election Assistance Commission,” after “Federal Election Commission.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. STATE DEFINED.

In this Act, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

SEC. 902. MISCELLANEOUS PROVISIONS TO PROTECT INTEGRITY OF ELECTION PROCESS.

(a) CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.—Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(b)(2)) is amended by striking the period at the end and inserting the following: “, except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar’s jurisdiction.”.

(b) PROHIBITING EFFORTS BY POLL WORKERS TO COERCE VOTERS TO CAST VOTES FOR EVERY OFFICE ON BALLOT.—Section 594 of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting “(a) Whoever”; and

(2) by adding at the end the following new subsection:

“(b) For purposes of subsection (a), a poll worker who urges or encourages a voter who has not cast a vote for each office listed on the ballot to return to the voting booth to cast votes for every office, or who otherwise intimidates, harasses, or coerces the voter to vote for each such office (or who attempts to intimidate, harass, or coerce the voter to vote for each such office), shall be considered to have intimidated, threatened, or coerced (or to have attempted to intimidate, threaten, or coerce) the voter for the purpose of interfering with the voter’s right to vote as the voter may choose. Nothing in this subsection shall prohibit a poll worker from providing information to a voter who requests assistance.”.

SEC. 903. NO EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Nothing in this Act and no action taken pursuant to this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the

Voting Accessibility for the Elderly and Handicapped Act, or the Americans with Disabilities Act of 1990.

(b) NO CONDUCT AUTHORIZED WHICH IS PROHIBITED UNDER OTHER LAWS.—Nothing in this Act authorizes or requires any conduct which is prohibited by the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Americans with Disabilities Act of 1990.

(c) APPLICATION TO STATES, LOCAL GOVERNMENTS, AND COMMISSION.—Except as specifically provided in the case of the National Voter Registration Act of 1993, nothing in this Act may be construed to affect the application of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Americans with Disabilities Act of 1990 to any State, unit of local government, or other person, or to grant to the Election Assistance Commission the authority to carry out activities inconsistent with such Acts.

The SPEAKER pro tempore. The amendment printed in the bill, modified by the amendment printed in House Report 107-331, is adopted.

The text of H.R. 3295, as amended, as modified, is as follows:

H.R. 3295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Help America Vote Act of 2001”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PUNCH CARD VOTING MACHINES

Subtitle A—Replacement of Machines

Sec. 101. Establishment of program.

Sec. 102. Eligibility.

Sec. 103. Amount of payment.

Sec. 104. Audit and repayment of funds.

Sec. 105. Punch card voting system defined.

Subtitle B—Enhancing Performance of Existing Systems

Sec. 111. Establishment of program.

Sec. 112. Eligibility.

Sec. 113. Amount of payment.

Sec. 114. Audit and repayment of funds.

Subtitle C—General Provisions

Sec. 121. Authorization of appropriations.

Sec. 122. Punch card voting system defined.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

Sec. 201. Establishment.

Sec. 202. Duties.

Sec. 203. Membership and appointment.

Sec. 204. Staff.

Sec. 205. Powers.

Sec. 206. Limitation on rulemaking authority.

Sec. 207. Authorization of appropriations.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

Sec. 211. Establishment.

Sec. 212. Duties.

Sec. 213. Membership of Standards Board.

Sec. 214. Membership of Board of Advisors.

Sec. 215. Powers of boards; no compensation for service.

Sec. 216. Status of boards and members for purposes of claims against board.

Subtitle B—Voluntary Election Standards

Sec. 221. Development of voluntary election standards.

Sec. 222. Technical standards development committee.

Sec. 223. Process for adoption of voluntary standards.

Sec. 224. Certification and testing of voting systems.

Sec. 225. Dissemination of information.

Subtitle C—Election Assistance

PART 1—ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS

Sec. 231. Election fund payments to States for voting system improvements.

Sec. 232. Allocation of funds.

Sec. 233. Conditions for receipt of funds.

Sec. 234. Authorization of appropriations.

Sec. 235. Reports

PART 2—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

Sec. 241. Grants for research on voting technology improvements.

Sec. 242. Report.

Sec. 243. Authorization of appropriations.

PART 3—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

Sec. 251. Pilot program.

Sec. 252. Report.

Sec. 253. Authorization of appropriations.

PART 4—MISCELLANEOUS

Sec. 261. Role of National Institute of Standards and Technology.

Sec. 262. Reports.

Sec. 263. Audit.

TITLE III—HELP AMERICA VOTE COLLEGE PROGRAM

Sec. 301. Establishment of Program.

Sec. 302. Activities under Program.

Sec. 303. Authorization of appropriations.

TITLE IV—HELP AMERICA VOTE FOUNDATION

Sec. 401. Help America Vote Foundation.

TITLE V—MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS

Sec. 501. Minimum standards for State election systems.

Sec. 502. Standards described.

Sec. 503. Enforcement.

Sec. 504. Effective date.

TITLE VI—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

Sec. 601. Voting assistance programs.

Sec. 602. Designation of single State office to provide information on registration and absentee ballots for all voters in State.

Sec. 603. Report on absentee ballots transmitted and received after general elections.

Sec. 604. Simplification of voter registration and absentee ballot application procedures for absent uniformed services and overseas voters.

Sec. 605. Additional duties of Presidential designee under Uniformed and Overseas Citizens Absentee Voting Act.

Sec. 606. Use of buildings on military installations and reserve component facilities as polling places.

TITLE VII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

Sec. 701. Federal Election Campaign Act of 1971.

Sec. 702. National Voter Registration Act of 1993.

Sec. 703. Transfer of property, records, and personnel.

Sec. 704. Effective date; transition.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

Sec. 711. Treatment of Commission personnel under certain civil service laws.

Sec. 712. Coverage under Inspector General Act of 1978.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. State defined.

Sec. 802. Miscellaneous provisions to protect integrity of election process.

Sec. 803. No effect on other laws.

TITLE I—PUNCH CARD VOTING MACHINES

Subtitle A—Replacement of Machines

SEC. 101. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Services (hereafter in this title referred to as the “Administrator”) shall establish a program under which the Administrator shall make a one-time payment to each eligible State or unit of local government which used a punch card voting system to administer the regularly scheduled general election for Federal office held in November 2000.

(b) USE OF FUNDS.—A State or unit of local government shall use the funds provided under a payment under this subtitle (either directly or as reimbursement) to replace its punch card voting system with a voting system which does not use punch cards (by purchase, lease, or such other arrangement as may be appropriate).

(c) DEADLINE.—

(1) IN GENERAL.—A State or unit of local government receiving a payment under the program under this subtitle shall—

(A) obligate the funds provided for the uses described in subsection (b) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002; and

(B) ensure that all of the punch card voting systems under its jurisdiction have been replaced in time for the regularly scheduled general election for Federal office to be held in November 2004.

(2) WAIVER.—If a State or unit of local government provides the Election Assistance Commission (established under section 201) (not later than the date of the regularly scheduled general election for Federal office to be held in November 2002) with a notice that the State or unit will not meet the deadlines described in paragraph (1) and includes in the notice the reasons for the failure to meet such deadlines, and the Commission finds that there is good cause for the failure to meet such deadlines, paragraph (1) shall apply to the State or unit as if—

(A) the reference in paragraph (1)(A) to “November 2002” were a reference to “November 2004”; and

(B) the reference in paragraph (1)(B) to “November 2004” were a reference to “November 2006”.

SEC. 102. ELIGIBILITY.

(a) STATES.—A State is eligible to receive a payment under the program under this subtitle if it submits to the Administrator an application not later than 120 days after the date of the enactment of this Act (in such form as the Administrator may require) which contains—

(1) assurances that the State will use the payment (either directly or as reimbursement) to replace punch card voting systems in jurisdictions within the State which used such systems to carry out the general Federal election held in November 2000;

(2) assurances that in replacing punch card voting systems the State will continue to meet its duties under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and the Americans With Disabilities Act, and will consider the use of new technology by individuals with disabilities (including blindness)

(3) assurances that in replacing punch card voting systems the State will provide for alternative language accessibility for individuals with limited English proficiency, consistent with the requirements of the Voting Rights Act of 1965 and any other applicable provisions of law; and

(4) such other information and assurances as the Administrator may require which are necessary for the administration of the program.

(b) UNIT OF LOCAL GOVERNMENT.—A unit of local government is eligible to receive a payment under the program under this subtitle if it submits to the Administrator—

(1) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002, a statement of its intent to participate in the program, including assurances that the State in which the unit is located—

(A) failed to submit an application under subsection (a) within the deadline specified under such subsection,

(B) is otherwise not eligible to receive a payment under the program, or

(C) will not use the payment to replace punch card voting systems in the unit; and

(2) an application (at such time and in such form as the Administrator may require) which contains similar assurances to those required to be provided by a State in its application under subsection (a).

SEC. 103. AMOUNT OF PAYMENT.

(a) *IN GENERAL.*—The amount of payment made to a State or unit of local government under the program under this subtitle shall be equal to the applicable per precinct matching rate of the cost to the State or unit (as the case may be) of replacing the punch card voting systems used in each precinct in the State or unit (as the case may be), except that in no case may the amount of the payment exceed the product of—

(1) the number of voting precincts administered by the State or unit which used a punch card voting system to carry out the general Federal election held in November 2000; and

(2) \$6,000.

(b) *APPLICABLE PER PRECINCT MATCHING RATE DEFINED.*—In subsection (a), the “applicable per precinct matching rate” is—

(1) 90 percent; or

(2) 95 percent, in the case of a precinct whose average per capita income is within the lowest quartile of average per capita incomes for all precincts in the United States (as determined by the 2000 decennial census).

SEC. 104. AUDIT AND REPAYMENT OF FUNDS.

(a) *AUDIT.*—Funds provided under the program under this subtitle shall be subject to audit by the Administrator.

(b) *REPAYMENT FOR FAILURE TO MEET DEADLINES.*—If a State or unit of local government (as the case may be) receiving funds under the program under this subtitle fails to meet the deadlines applicable to the State or unit under section 101(c), the State or unit shall pay to the Administrator an amount equal to the amount of the funds provided to the State or unit under the program.

SEC. 105. PUNCH CARD VOTING SYSTEM DEFINED.

For purposes of this subtitle, a “punch card voting system” means any of the following voting systems:

- (1) C.E.S.
- (2) Datavote.
- (3) PBC Counter.
- (4) Pollstar.
- (5) Punch Card.
- (6) Vote Recorder.
- (7) Votomatic.

Subtitle B—Enhancing Performance of Existing Systems

SEC. 111. ESTABLISHMENT OF PROGRAM.

(a) *IN GENERAL.*—Not later than 30 days after the date of the enactment of this Act, the Administrator shall establish a program under which the Administrator shall make a one-time payment to each eligible State or unit of local government which used a punch card voting system to administer the regularly scheduled general election for Federal office held in November 2000.

(b) *USE OF FUNDS.*—A State or unit of local government shall use the funds provided under a payment under this subtitle (either directly or as reimbursement) to make technical enhancements to the performance of its punch card voting system (by any arrangement as may be appropriate).

(c) *DEADLINE.*—

(1) *IN GENERAL.*—A State or unit of local government receiving a payment under the program under this subtitle shall—

(A) obligate the funds provided for the uses described in subsection (b) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002; and

(B) ensure that technical enhancements have been made to the performance of all of the punch card voting systems under its jurisdiction in time for the regularly scheduled general election for Federal office to be held in November 2004.

(2) *WAIVER.*—If a State or unit of local government provides the Election Assistance Commission (established under section 201) (not later than the date of the regularly scheduled general election for Federal office to be held in November 2002) with a notice that the State or unit will not meet the deadlines described in paragraph (1) and includes in the notice the reasons for the failure to meet such deadlines, and the Commission finds that there is good cause for the failure to meet such deadlines, paragraph (1) shall apply to the State or unit as if—

(A) the reference in paragraph (1)(A) to “November 2002” were a reference to “November 2004”; and

(B) the reference in paragraph (1)(B) to “November 2004” were a reference to “November 2006”.

SEC. 112. ELIGIBILITY.

(a) *STATES.*—Subject to subsection (c), a State is eligible to receive a payment under the program under this subtitle if it submits to the Administrator an application not later than 120 days after the date of the enactment of this Act (in such form as the Administrator may require) which contains—

(1) assurances that the State will use the payment (either directly or as reimbursement) to make technical enhancements to the performance of punch card voting systems in jurisdictions within the State which used such systems to carry out the general Federal election held in November 2000;

(2) assurances that in enhancing the performance of such voting systems the State will continue to meet its duties under the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and the Americans With Disabilities Act; and

(3) such other information and assurances as the Administrator may require which are necessary for the administration of the program.

(b) *UNITS OF LOCAL GOVERNMENT.*—Subject to subsection (c), a unit of local government is eligible to receive a payment under the program under this subtitle if it submits to the Administrator—

(1) not later than the date of the regularly scheduled general election for Federal office to be held in November 2002, a statement of its intent to participate in the program, including assurances that the State in which the unit is located—

(A) failed to submit an application under subsection (a) within the deadline specified under such subsection,

(B) is otherwise not eligible to receive a payment under the program, or

(C) will not use the payment to enhance the performance of punch card voting systems in the unit; and

(2) an application (at such time and in such form as the Administrator may require) which contains similar assurances to those required to be provided by a State in its application under subsection (a).

(c) *PROHIBITING PARTICIPATION IN PUNCH CARD REPLACEMENT PROGRAM.*—A State or unit of local government is not eligible to receive a payment under the program under this subtitle if the State or unit receives a payment under the program under subtitle A.

SEC. 113. AMOUNT OF PAYMENT.

(a) *IN GENERAL.*—The amount of payment made to a State or unit of local government under the program under this subtitle shall be equal to the applicable per precinct matching rate of the cost to the State or unit (as the case may be) of the activities to be funded with the payment under the program in each precinct in the State or unit (as the case may be), except that in no case may the amount of the payment exceed the product of—

(1) the number of voting precincts administered by the State or unit which used a punch card voting system to carry out the general Federal election held in November 2000; and

(2) \$2,000.

(b) *APPLICABLE PER PRECINCT MATCHING RATE DEFINED.*—In subsection (a), the “applicable per precinct matching rate” is—

(1) 90 percent; or

(2) 95 percent, in the case of a precinct whose average per capita income is within the lowest quartile of average per capita incomes for all precincts in the United States (as determined by the 2000 decennial census).

SEC. 114. AUDIT AND REPAYMENT OF FUNDS.

(a) *AUDIT.*—Funds provided under the program under this subtitle shall be subject to audit by the Administrator.

(b) *REPAYMENT FOR FAILURE TO MEET REQUIREMENTS.*—If a State or unit of local government (as the case may be) receiving funds under the program under this subtitle fails to meet the deadlines applicable to the State or unit under section 111(c), the State or unit shall pay to the Administrator an amount equal to the amount of the funds provided to the State or unit under the program.

Subtitle C—General Provisions

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

(a) *IN GENERAL.*—There are authorized to be appropriated for payments under this title \$400,000,000, to remain available until expended (subject to subsection (b)).

(b) *USE OF RETURNED FUNDS AND FUNDS REMAINING UNEXPENDED FOR ELECTION FUND PAYMENTS.*—

(1) *IN GENERAL.*—The amounts referred to in paragraph (2) shall be transferred to the Election Assistance Commission (established under title II) and used by the Commission to make Election Fund payments under part 1 of subtitle C of title II.

(2) *AMOUNTS DESCRIBED.*—The amounts referred to in this paragraph are as follows:

(A) Any amounts appropriated pursuant to the authorization under this section which remain unobligated as of the date of the regularly scheduled general election for Federal office held in November 2002.

(B) Any amounts paid to the Administrator by a State or unit of local government under section 104(b).

(C) Any amounts paid to the Administrator by a State or unit of local government under section 114(b).

SEC. 122. PUNCH CARD VOTING SYSTEM DEFINED.

For purposes of this title, a “punch card voting system” means any of the following voting systems:

- (1) C.E.S.
- (2) Datavote.
- (3) PBC Counter.
- (4) Pollstar.
- (5) Punch Card.
- (6) Vote Recorder.
- (7) Votomatic.

TITLE II—COMMISSION

Subtitle A—Establishment and General Organization

PART 1—ELECTION ASSISTANCE COMMISSION

SEC. 201. ESTABLISHMENT.

There is hereby established as an independent entity in the executive branch the Election Assistance Commission (hereafter in this title referred to as the “Commission”), consisting of

the members appointed under this part. Additionally, there is established the Election Assistance Commission Standards Board (including the Executive Board of such Board) under part 2 and the Election Assistance Commission Board of Advisors under part 2.

SEC. 202. DUTIES.

The Commission shall serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections by—

(1) carrying out the duties described in subtitle B (relating to voluntary election standards);

(2) carrying out the duties described in subtitle C (relating to election assistance) “, and providing information and training on the management of the grants provided under such subtitle.”;

(3) developing and carrying out the Help America Vote College Program under title III.

SEC. 203. MEMBERSHIP AND APPOINTMENT.

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall have 4 members appointed by the President, by and with the consent of the Senate, of whom—

(A) 1 shall be appointed from among a list of nominees submitted by the majority leader of the Senate;

(B) 1 shall be appointed from among a list of nominees submitted by the minority leader of the Senate;

(C) 1 shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives; and

(D) 1 shall be appointed from among a list of nominees submitted by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—Each member of the Commission shall have experience with or expertise in election administration or the study of elections, except that no individual may serve as a member of the Commission if the individual is an officer or employee of the Federal Government at any time during the period of service on the Commission.

(3) DATE OF APPOINTMENT.—The appointments of the members of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(b) TERM OF SERVICE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), members shall serve for a term of 4 years and may be reappointed for not more than one additional term.

(2) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(A) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 2 years; and

(B) 2 of the members (not more than 1 of whom may be affiliated with the same political party) shall be appointed for a term of 4 years.

(3) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Commission shall be filled in the manner in which the original appointment was made and shall be subject to any conditions which applied with respect to the original appointment.

(B) EXPIRED TERMS.—A member of the Commission may serve on the Commission after the expiration of the member's term until the successor of such member has taken office as a member of the Commission.

(C) UNEXPIRED TERMS.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(c) CHAIR AND VICE CHAIR.—The Commission shall select a chair and vice chair from among its members for a term of 1 year, except that the chair and vice chair may not be affiliated with the same political party.

(d) COMPENSATION.—

(1) IN GENERAL.—Members of the Commission shall each be paid at an annual rate equal to \$30,000.

(2) TRAVEL EXPENSES.—Members of the Commission shall each receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter 1 of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) OUTSIDE EMPLOYMENT PERMITTED.—A member of the Commission may hold any other office or employment not inconsistent or in conflict with the member's duties, responsibilities, and powers as a member of the Commission.

SEC. 204. STAFF.

(a) EXECUTIVE DIRECTOR AND OTHER STAFF.—

(1) IN GENERAL.—The Commission shall have an Executive Director, who shall be paid at a rate not to exceed the rate of basic pay for level V of the Executive Schedule.

(2) TERM OF SERVICE FOR EXECUTIVE DIRECTOR.—Except as provided in paragraph (3)(C), the Executive Director shall serve for a term of 4 years. An Executive Director may be reappointed for additional terms.

(3) PROCEDURE FOR APPOINTMENT.—

(A) IN GENERAL.—When a vacancy exists in the position of the Executive Director, the Election Assistance Commission Standards Board and the Election Assistance Commission Board of Advisors (described in part 2) shall each appoint a search committee to recommend not fewer than 3 nominees for the position.

(B) REQUIRING CONSIDERATION OF NOMINEES.—Except as provided in subparagraph (C), the Commission shall consider the nominees recommended by the Standards Board and the Board of Advisors in appointing the Executive Director.

(C) SPECIAL RULES FOR FIRST EXECUTIVE DIRECTOR.—

(i) CONVENING OF SEARCH COMMITTEES.—The Standards Board and the Board of Advisors shall each appoint a search committee and recommend nominees for the position of Executive Director in accordance with subparagraph (A) as soon as practicable after the appointment of their members.

(ii) INTERIM INITIAL APPOINTMENT.—Notwithstanding subparagraph (B), the Commission may appoint an individual to serve as the first Executive Director prior to the recommendation of nominees for the position by the Standards Board or the Board of Advisors, except that such individual's term of service may not exceed 6 months. Nothing in the previous sentence may be construed to prohibit the individual serving as the first Executive Director from serving any additional term.

(4) OTHER STAFF.—Subject to rules prescribed by the Commission, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers appropriate.

(5) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for level V of the Executive Schedule.

(b) EXPERTS AND CONSULTANTS.—Subject to rules prescribed by the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, with the approval of a majority of the members of the Commission.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the Chair, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(d) ARRANGING FOR ASSISTANCE FOR BOARD OF ADVISORS AND STANDARDS BOARD.—At the request of the Election Assistance Commission Board of Advisors or the Election Assistance Commission Standards Board established under part 2, the Executive Director shall enter into such arrangements as the Executive Director considers appropriate to make personnel available to assist the Boards with carrying out their duties under this title (including contracts with private individuals for providing temporary personnel services or the temporary detailing of personnel of the Commission).

(e) CONSULTATION WITH BOARD OF ADVISORS AND STANDARDS BOARD ON CERTAIN MATTERS.—In preparing the program goals, long-term plans, mission statements, and related matters for the Commission, the Executive Director and staff of the Commission shall consult with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board established under part 2.

SEC. 205. POWERS.

(a) HEARINGS AND SESSIONS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Chair of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services that are necessary to enable the Commission to carry out its duties under this Act.

(e) CONTRACTS.—The Commission may contract with and compensate persons and Federal agencies for supplies and services without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5).

SEC. 206. LIMITATION ON RULEMAKING AUTHORITY.

The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under the National Voter Registration Act of 1993.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

In addition to the amounts authorized for payments and grants under subtitle C and the amounts authorized to be appropriated for the program under section 303, there are authorized to be appropriated for each of the fiscal years 2002 through 2004 such sums as may be necessary (but not to exceed \$10,000,000 for each such year) for the Commission to carry out its duties under this title.

PART 2—ELECTION ASSISTANCE COMMISSION STANDARDS BOARD AND BOARD OF ADVISORS

SEC. 211. ESTABLISHMENT.

There are hereby established the Election Assistance Commission Standards Board (hereafter in this title referred to as the “Standards Board”) and the Election Assistance Commission Board of Advisors (hereafter in this title referred to as the “Board of Advisors”).

SEC. 212. DUTIES.

The Standards Board and the Board of Advisors shall each, in accordance with the procedures described in section 223, review any of the

voluntary engineering and procedural performance standards described in section 221(a)(1), any of the voluntary standards described in section 221(a)(4), and any of the voluntary election management practice standards described in section 221(a)(6) (and any modifications to such standards) which are recommended by the Commission under subtitle B.

SEC. 213. MEMBERSHIP OF STANDARDS BOARD.

(a) COMPOSITION.—

(1) IN GENERAL.—Subject to certification by the chair of the Federal Election Commission under subsection (b), the Standards Board shall be composed of 110 members as follows:

(A) 55 shall be State election officials selected by the chief State election officials of each State.

(B) 55 shall be local election officials selected in accordance with paragraph (2).

(2) LIST OF LOCAL ELECTION OFFICIALS.—Each State's local election officials shall select (under a process supervised by the chief election official of the State) a representative local election official from the State for purposes of paragraph (1)(B). In the case of the District of Columbia, Guam, and American Samoa, the chief election official shall establish a procedure for selecting an individual to serve as a local election official for purposes of such paragraph, except that under such a procedure the individual selected may not be a member of the same political party as the chief election official.

(3) REQUIRING MIX OF POLITICAL PARTIES REPRESENTED.—The 2 members of the Standards Board who represent the same State may not be members of the same political party.

(b) PROCEDURES FOR NOTICE AND CERTIFICATION OF APPOINTMENT.—

(1) NOTICE TO CHAIR OF FEDERAL ELECTION COMMISSION.—Not later than 90 days after the date of the enactment of this Act, "the chief State election official of the State"; shall transmit a notice to chair of the Federal Election Commission containing—

(A) a statement that "the selected State election official" agrees to serve on the Standards Board under this title; and

(B) the name of the representative local election official from the State selected under subsection (a)(2) who will serve on the Standards Board under this title.

(2) CERTIFICATION.—Upon receiving a notice from a State under paragraph (1), the chair of the Federal Election Commission shall publish a certification that the "selected State election official" and the representative local election official are appointed as members of the Standards Board under this title.

(3) EFFECT OF FAILURE TO PROVIDE NOTICE.—If a State does not transmit a notice to the chair of the Federal Election Commission under paragraph (1) within the deadline described in such paragraph, no representative from the State may participate in the selection of the Executive Board under subsection (c).

(4) ROLE OF COMMISSION.—Upon the appointment of the members of the Election Assistance Commission, the Election Assistance Commission shall carry out the duties of the Federal Election Commission under this subsection.

(c) EXECUTIVE BOARD.—

(1) IN GENERAL.—Not later than 60 days after the last day on which the appointment of any of its members may be certified under subsection (b), the Standards Board shall select 9 of its members to serve as the Executive Board of the Standards Board, of whom—

(A) not more than 5 may be State election officials;

(B) not more than 5 may be local election officials; and

(C) not more than 5 may be members of the same political party.

(2) TERMS.—Except as provided in paragraph (3), members of the Executive Board of the Standards Board shall serve for a term of 2 years and may not serve for more than 3 consecutive terms.

(3) STAGGERING OF INITIAL TERMS.—Of the members first selected to serve on the Executive Board of the Standards Board—

(A) 3 shall serve for one term;

(B) 3 shall serve for 2 consecutive terms; and

(C) 3 shall serve for 3 consecutive terms,

as determined by lot at the time the members are first appointed.

(4) DUTIES.—In addition to any other duties assigned under this title, the Executive Board of the Standards Board may carry out such duties of the Standards Board as the Standards Board may delegate.

SEC. 214. MEMBERSHIP OF BOARD OF ADVISORS.

(a) IN GENERAL.—The Board of Advisors shall be composed of 25 members appointed as follows:

(1) 2 members appointed by the United States Commission on Civil Rights.

(2) 2 members appointed by the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(3) 2 members appointed by the National Governors Association.

(4) 2 members appointed by the National Conference of State Legislatures.

(5) 2 members appointed by the National Association of Secretaries of State.

(6) 2 members appointed by the National Association of State Election Directors.

(7) 2 members appointed by the National Association of Counties.

(8) 2 members appointed by the National Association of County Recorders, Election Administrators, and Clerks.

(9) 2 members appointed by the United States Conference of Mayors.

(10) 2 members appointed by the Election Center.

(11) 2 members appointed by the International Association of County Recorders, Election Officials, and Treasurers.

(12) 2 members representing professionals in the field of science and technology, of whom 1 shall be appointed by the Speaker of the House of Representatives and 1 shall be appointed by the majority leader of the Senate (or, if the majority leader is a member of the same political party as the Speaker, by the minority leader of the Senate).

(13) The chief of the Office of Public Integrity of the Department of Justice, or the chief's designee.

(b) DIVERSITY IN APPOINTMENTS.—Appointments shall be made to the Board of Advisors under subsection (a) in a manner which ensures that the Board of Advisors will be bipartisan in nature and will reflect the various geographic regions of the United States.

(c) TERM OF SERVICE; VACANCY.—Members of the Board of Advisors shall serve for a term of 2 years, and may be reappointed. Any vacancy in the Board of Advisors shall be filled in the manner in which the original appointment was made.

(d) CHAIR.—The Board of Advisors shall elect a Chair from among its members.

SEC. 215. POWERS OF BOARDS; NO COMPENSATION FOR SERVICE.

(a) HEARINGS AND SESSIONS.—

(1) IN GENERAL.—To the extent that funds are made available by the Commission, the Standards Board (acting through the Executive Board) and the Board of Advisors may each hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as each such Board considers advisable to carry out this title, except that the Boards may not issue subpoenas requiring the attendance and testimony of witnesses or the production of any evidence.

(2) MEETINGS.—The Standards Board and the Board of Advisors shall each hold a meeting of its members—

(A) not less frequently than once every year for purposes of voting on the standards referred to it under section 223;

(B) in the case of the Standards Board, not less frequently than once every 2 years for purposes of selecting the Executive Board; and

(C) at such other times as it considers appropriate for purposes of conducting such other business as it considers appropriate consistent with this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Standards Board and the Board of Advisors may each secure directly from any Federal department or agency such information as the Board considers necessary to carry out this Act. Upon request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the head of such department or agency shall furnish such information to the Board.

(c) POSTAL SERVICES.—The Standards Board and the Board of Advisors may use the United States mails in the same manner and under the same conditions as a department or agency of the Federal Government.

(d) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Executive Board (in the case of the Standards Board) or the Chair (in the case of the Board of Advisors), the Administrator of the General Services Administration shall provide to the Board, on a reimbursable basis, the administrative support services that are necessary to enable the Board to carry out its duties under this title.

(e) NO COMPENSATION FOR SERVICE.—Members of the Standards Board and members of the Board of Advisors shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

SEC. 216. STATUS OF BOARDS AND MEMBERS FOR PURPOSES OF CLAIMS AGAINST BOARD.

(a) IN GENERAL.—The provisions of chapters 161 and 171 of title 28, United States Code, shall apply with respect to the liability of the Standards Board, the Board of Advisors, and their members for acts or omissions performed pursuant to and in the course of the duties and responsibilities of the Board.

(b) EXCEPTION FOR CRIMINAL ACTS AND OTHER WILLFUL CONDUCT.—Subsection (a) may not be construed to limit personal liability for criminal acts or omissions, willful or malicious misconduct, acts or omissions for private gain, or any other act or omission outside the scope of the service of a member of the Standards Board or the Board of Advisors.

Subtitle B—Voluntary Election Standards
SEC. 221. DEVELOPMENT OF VOLUNTARY ELECTION STANDARDS.

(a) IN GENERAL.—The Commission shall:

(1) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years thereafter) voluntary engineering and procedural performance standards for voting systems used in Federal elections which shall meet the following requirements:

(A) The scope of the standards should include security (including a documentary audit for non-ballot systems), the procedures for certification and decertification of software and hardware, the assessment of usability, and operational guidelines for the proper use and maintenance of equipment.

(B) The standards should provide that voters have the opportunity to correct errors at the precinct or other polling place, either within the voting equipment itself or in the operational guidelines to administrators for using the equipment, under conditions which assure privacy to the voter.

(C) Each voting tally system certified for use should include as part of the certification a proposed statement of what constitutes a proper vote in the design and operation of the system.

(D) New voting equipment systems certified either by the Federal government or by any State should provide a practical and effective means for voters with physical disabilities including blindness to cast a secret ballot.

(2) Maintain a clearinghouse of information on the experiences of State and local governments in implementing the voluntary standards described in paragraph (1) and in operating voting systems in general.

(3) In accordance with section 224, provide for the voluntary testing, certification, decertification, and recertification of voting systems.

(4) Advise States and units of local government regarding compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) and compliance with other Federal laws regarding accessibility of registration facilities and polling places. Additionally, in accordance with section 223, the Commission shall develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years thereafter) voluntary standards for maintaining and enhancing the accessibility and privacy of registration facilities, polling places, and voting methods with the goal of promoting for all individuals, including the elderly and individuals with disabilities including blindness, the accessibility of polling places and the effective use of voting systems and voting equipment which provide the opportunity for casting a secure and secret ballot, and shall include in such standards voluntary guidelines regarding accessibility and ease-of-use for States and units of local government to use when obtaining voting equipment and selecting polling places. In carrying out this paragraph, the Commission shall consult with the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) and other individuals and entities with expertise in the accessibility of facilities for individuals with disabilities.

(5) Make periodic studies available to the public regarding the election administration issues described in subsection (b), with the goal of promoting methods of voting and administering elections which—

(A) will be the most convenient, accessible, and easy to use for voters, including members of the uniformed services, blind and disabled voters, and voters with limited English proficiency;

(B) will yield the most accurate, secure, and expeditious system for voting and tabulating election results;

(C) will be nondiscriminatory and afford each registered and eligible voter an equal opportunity to vote; and

(D) will be efficient and cost-effective for use.

(6) In accordance with section 223, develop (through the Executive Director of the Commission), adopt, and update (not less often than every 4 years) voluntary election management practice standards for State and local election officials to maintain and enhance the administration of Federal elections, including standards developed in consultation with the Secretary of Defense to govern the treatment of absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) which will include provisions to address each of the following:

(A) The rights of residence of uniformed services voters absent due to military orders.

(B) The rights of absent uniformed services voters and overseas voters to register to vote and cast absentee ballots.

(C) The rights of absent uniformed services voters and overseas voters to submit absentee ballot applications early during an election year.

(D) The appropriate pre-election deadline for mailing absentee ballots to absent uniformed services voters and overseas voters.

(E) The appropriate minimum period between the mailing of absentee ballots to absent uni-

formed services voters and overseas voters and the deadline for receipt of such ballots.

(F) The timely transmission of balloting materials to absent uniformed services voters and overseas voters.

(G) Security and privacy concerns in the transmission, receipt, and processing of ballots from absent uniformed services voters and overseas voters, including the need to protect against fraud.

(H) The use of a single application by absent uniformed services voters and overseas voters for absentee ballots for all Federal elections occurring during a year.

(I) The use of a single application for voter registration and absentee ballots by absent uniformed services voters and overseas voters.

(J) The use of facsimile machines and electronic means of transmission of absentee ballot applications and absentee ballots to absent uniformed services voters and overseas voters.

(K) Other issues related to the rights of absent uniformed services voters and overseas voters to participate in elections.

(7) Carry out the provisions of section 9 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7) regarding mail voter registration.

(8) Make information on the Federal election system available to the public and the media.

(9) At the request of State officials, assist such officials in the review of election or vote counting procedures in Federal elections, through bipartisan panels of election professionals assembled by the Commission for such purpose.

(10) Compile and make available to the public the official certified results of general elections for Federal office and reports comparing the rates of voter registration, voter turnout, voting system functions, and ballot errors among jurisdictions in the United States.

(11) Gather information and serve as a clearinghouse concerning issues relating to Federal, State, and local elections.

(b) ELECTION ADMINISTRATION ISSUES DESCRIBED.—The election administration issues described in this subsection are as follows:

(1) Current and alternate methods and mechanisms of voting and counting votes in elections for Federal office.

(2) Current and alternate ballot designs for elections for Federal office.

(3) Current and alternate methods of voter registration, maintaining secure and accurate lists of registered voters (including the establishment of a centralized, interactive, statewide voter registration list linked to relevant agencies and all polling sites), and ensuring that all registered voters appear on the polling list at the appropriate polling site.

(4) Current and alternate methods of conducting provisional voting.

(5) Current and alternate methods of ensuring the accessibility of voting, registration, polling places, and voting equipment to all voters, including disabled voters and voters with limited English proficiency.

(6) Current and alternate methods of voter registration for members of the uniformed services and overseas voters, and methods of ensuring that such voters receive timely ballots that will be properly and expeditiously handled and counted.

(7) Current and alternate methods of recruiting and improving the performance of poll workers.

(8) Federal and State laws governing the eligibility of persons to vote.

(9) Current and alternate methods of educating voters about the process of registering to vote and voting, the operation of voting mechanisms, the location of polling places, and all other aspects of participating in elections.

(10) Matters particularly relevant to voting and administering elections in rural and urban areas.

(11) Conducting elections for Federal office on different days, at different places, and during

different hours, including the advisability of establishing a uniform poll closing time.

(12) The ways that the Federal Government can best assist State and local authorities to improve the administration of elections for Federal office and what levels of funding would be necessary to provide such assistance.

(c) CONSULTATION WITH STANDARDS BOARD AND BOARD OF ADVISORS.—The Commission shall carry out its duties under this subtitle in consultation with the Standards Board and the Board of Advisors.

SEC. 222. TECHNICAL STANDARDS DEVELOPMENT COMMITTEE.

(a) ESTABLISHMENT.—There is hereby established the Technical Standards Development Committee (hereafter in this subtitle referred to as the "Development Committee").

(b) DUTIES.—

(1) IN GENERAL.—The Development Committee shall assist the Executive Director of the Commission in the development of voluntary standards under this subtitle by recommending standards (and modifications to standards) to ensure the usability, accuracy, security, accessibility, and integrity of voting systems and voting equipment.

(2) DEADLINE FOR INITIAL SET OF RECOMMENDATIONS.—The Development Committee shall provide its first set of recommendations under this section to the Executive Director of the Commission not later than 9 months after all of its members have been appointed.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Development Committee shall be composed of the Director of the National Institute of Standards and Technology (who shall serve as its chair), together with a group of 14 other individuals appointed jointly by the Commission and the Director of the National Institute of Standards and Technology, consisting of the following:

(A) An equal number of each of the following:

(i) Members of the Standards Board.

(ii) Members of the Board of Advisors.

(iii) Members of the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792).

(B) A representative of the American National Standards Institute.

(C) Other individuals with technical and scientific expertise relating to voting systems and voting equipment.

(2) QUORUM.—A majority of the members of the Development Committee shall constitute a quorum, except that the Development Committee may not conduct any business prior to the appointment of all of its members.

(d) NO COMPENSATION FOR SERVICE.—Members of the Development Committee shall not receive any compensation for their service, but shall be paid travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Development Committee.

(e) TECHNICAL SUPPORT FROM NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—At the request of the Development Committee, the Director of the National Institute of Standards and Technology shall provide the Development Committee with technical support necessary for the Development Committee to carry out its duties under this subtitle.

(f) PUBLICATION OF RECOMMENDATIONS IN FEDERAL REGISTER.—At the time the Commission adopts any standard pursuant to section 223, the Development Committee shall cause to have published in the Federal Register the recommendations it provided under this section to the Executive Director of the Commission concerning the standard adopted.

SEC. 223. PROCESS FOR ADOPTION OF VOLUNTARY STANDARDS.

(a) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE; SUBMISSION OF PROPOSED VOLUNTARY STANDARDS TO BOARD OF ADVISORS AND STANDARDS BOARD.—

(1) CONSIDERATION OF RECOMMENDATIONS OF DEVELOPMENT COMMITTEE.—In developing standards and modifications for purposes of this section, the Executive Director of the Commission shall take into consideration the recommendations provided by the Technical Standards Development Committee under section 222.

(2) BOARD OF ADVISORS.—The Executive Director of the Commission shall submit each of the voluntary engineering and procedural performance standards (described in section 221(a)(1)), each of the voluntary standards described in section 221(a)(4), and each of the voluntary election management practice standards (described in section 221(a)(6)) developed by the Executive Director (or any modifications to such standards) to the Board of Advisors.

(3) STANDARDS BOARD.—The Executive Director of the Commission shall submit each of the voluntary engineering and procedural performance standards (described in section 221(a)(1)), each of the voluntary standards described in section 221(a)(4), and each of the voluntary election management practice standards (described in section 221(a)(6)) developed by the Executive Director (or any modifications to such standards) to the Executive Board of the Standards Board, who shall review the standard (or modification) and forward its recommendations to the Standards Board.

(b) REVIEW.—Upon receipt of a voluntary standard described in subsection (a) (or modification of such a standard) from the Executive Director of the Commission, the Board of Advisors and the Standards Board shall each review and submit comments and recommendations regarding the standard (or modification) to the Commission.

(c) FINAL APPROVAL.—

(1) IN GENERAL.—A voluntary standard described in subsection (a) (or modification of such a standard) shall not be considered to be finally adopted by the Commission unless the majority of the members of the Commission vote to approve the final adoption of the standard (or modification), taking into consideration the comments and recommendations submitted by the Board of Advisors and the Standards Board under subsection (b).

(2) MINIMUM PERIOD FOR CONSIDERATION OF COMMENTS AND RECOMMENDATIONS.—The Commission may not vote on the final adoption of a voluntary standard described in subsection (a) (or modification of such a standard) until the expiration of the 90-day period which begins on the date the Executive Director of the Commission submits the standard (or modification) to the Board of Advisors and the Standards Board under subsection (a).

SEC. 224. CERTIFICATION AND TESTING OF VOTING SYSTEMS.

(a) CERTIFICATION AND TESTING.—

(1) IN GENERAL.—The Commission shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories.

(2) OPTIONAL USE BY STATES.—At the option of a State, the State may provide for the testing, certification, decertification, or recertification of its voting system hardware and software by the laboratories accredited by the Commission under this section.

(b) LABORATORY ACCREDITATION.—

(1) RECOMMENDATIONS BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—Not later than 6 months after the Commission first adopts voluntary engineering and procedural performance standards under this subtitle, the Director of the National Institute of Standards and Technology shall conduct an evaluation of independent, non-Federal laboratories and shall submit to the Commission a list of those labora-

tories the Director proposes to be accredited to carry out the testing, certification, decertification, and recertification provided for under this section.

(2) APPROVAL BY COMMISSION.—The Commission shall vote on the proposed accreditation of each laboratory on the list submitted under paragraph (1), and no laboratory may be accredited for purposes of this section unless its accreditation is approved by a majority vote of the members of the Commission.

(c) CONTINUING REVIEW BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—In cooperation with the Commission and in consultation with the Standards Board and the Board of Advisors, the Director of the National Institute of Standards and Technology shall monitor and review, on an ongoing basis, the performance of the laboratories accredited by the Commission under this section, and shall make such recommendations to the Commission as it considers appropriate with respect to the continuing accreditation of such laboratories, including recommendations to revoke the accreditation of any such laboratory.

(2) APPROVAL BY COMMISSION REQUIRED FOR REVOCATION.—The accreditation of a laboratory for purposes of this section may not be revoked unless the revocation is approved by a majority vote of the members of the Commission.

SEC. 225. DISSEMINATION OF INFORMATION.

On an ongoing basis, the Commission shall disseminate to the public (through the Internet, published reports, and such other methods as the Commission considers appropriate) information on the activities carried out under this subtitle, including—

(1) the voluntary election standards adopted by the Commission, together with guidelines for applying the standards and other information to assist in their implementation;

(2) the list of laboratories accredited to carry out testing, certification, decertification, and recertification of voting system hardware and software under section 224; and

(3) a list of voting system hardware and software products which have been certified pursuant to section 224 as meeting the applicable voluntary standards adopted by the Commission under this subtitle.

Subtitle C—Election Assistance**PART 1—ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS****SEC. 231. ELECTION FUND PAYMENTS TO STATES FOR VOTING SYSTEM IMPROVEMENTS.**

(a) IN GENERAL.—The Commission shall make an Election Fund payment each year in an amount determined under section 232 to each State which meets the requirements described in section 233 for the year.

(b) USE OF FUNDS.—A State receiving an Election Fund payment shall use the payment for any or all of the following activities:

(1) Establishing and maintaining accurate lists of eligible voters.

(2) Encouraging eligible voters to vote.

(3) Improving verification and identification of voters at the polling place.

(4) Improving equipment and methods for casting and counting votes.

(5) Recruiting and training election official and poll workers.

(6) Improving the quantity and quality of available polling places.

(7) Educating voters about their rights and responsibilities.

(8) Assuring access for voters with physical disabilities; including blindness.

(9) Carrying out other activities to improve the administration of elections in the State.

(c) ADOPTION OF COMMISSION STANDARDS NOT REQUIRED TO RECEIVE PAYMENT.—Nothing in this part may be construed to require a State to implement any of the voluntary standards adopted by the Commission with respect to any

matter as a condition for receiving an Election Fund payment.

(d) SCHEDULE OF PAYMENTS.—As soon as practicable after all members of the Commission are appointed (but in no event later than 6 months thereafter), and not less frequently than once each calendar year thereafter, the Commission shall make Election Fund payments to States under this part.

SEC. 232. ALLOCATION OF FUNDS.

(a) IN GENERAL.—Subject to subsection (c), the amount of an Election Fund payment made to a State for a year shall be equal to the product of—

(1) the total amount appropriated for Election Fund payments for the year under section 234; and

(2) the State allocation percentage for the State (as determined under subsection (b)).

(b) STATE ALLOCATION PERCENTAGE DEFINED.—The “State allocation percentage” for a State is the amount (expressed as a percentage) equal to the quotient of—

(1) the voting age population of the State; and

(2) the total voting age population of all States.

(c) MINIMUM AMOUNT OF PAYMENT.—The amount of an Election Fund payment made to a State for a year may not be less than—

(1) in the case of any of the several States or the District of Columbia, $\frac{1}{2}$ of 1 percent of the total amount appropriated for Election Fund payments for the year under section 234; or

(2) in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, or the United States Virgin Islands, 20 percent of the amount described in paragraph (1).

(d) CONTINUING AVAILABILITY OF FUNDS AFTER APPROPRIATION.—An Election Fund payment made to a State under this part shall be available to the State without fiscal year limitation.

SEC. 233. CONDITIONS FOR RECEIPT OF FUNDS.

(a) IN GENERAL.—In order to receive an Election Fund payment for a fiscal year, the chief State election official of the State shall provide the Commission with the following certifications:

(1) A certification that the State has authorized and appropriated funds for carrying out the activities for which the Election Fund payment is made in an amount equal to 25 percent of the total amount to be spent for such activities (taking into account the Election Fund payment and the amount spent by the State).

(2) A certification that the State has set a uniform Statewide benchmark for voting system performance in each local jurisdiction administering elections, expressed as a percentage of residual vote in the contest at the top of the ballot, and requires local jurisdictions to report data relevant to this benchmark after each general election for Federal office.

(3) A certification that the State is in compliance with the voluntary voting system standards and certification processes adopted by the Commission or that the State has enacted legislation establishing its own State voting system standards and processes which (at a minimum) ensure that new voting mechanisms have the audit capacity to produce a record for each ballot cast.

(4) A certification that—

(A) in each precinct or polling place in the State, there is at least one voting system available which is fully accessible to individuals with physical disabilities including blindness; and

(B) if the State uses any portion of its Election Fund payment to obtain new voting machines, at least one voting machine in each polling place in the State will be fully accessible to individuals with physical disabilities, including blindness.

(5) A certification that the State has established a fund described in subsection (b) for purposes of administering its activities under this part.

(6) A certification that, in administering election systems, the State is in compliance with the existing applicable requirements of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), and the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(7) A certification that the State provides for voter education and poll worker training programs to improve access to and participation in the electoral process, and provides relevant training in the requirements of the National Voter Registration Act of 1993 for personnel of State motor vehicle authority offices and other voter registration agencies designated by the State under such Act.

(8) A certification that the Election Fund payment has not and will not supplant funds provided under existing programs funded in the State for carrying out the activities for which the Election Fund payment is made.

(b) REQUIREMENTS FOR ELECTION FUND.—

(1) **ELECTION FUND DESCRIBED.**—For purposes of subsection (a)(5), a fund described in this subsection with respect to a State is a fund which is established in the treasury of the State government, which is used in accordance with paragraph (2), and which consists of the following amounts:

(A) Amounts appropriated or otherwise made available by the State for carrying out the activities for which the Election Fund payment is made to the State under this part.

(B) The Election Fund payment made to the State under this part.

(C) Such other amounts as may be appropriated under law.

(D) Interest earned on deposits of the fund.

(2) **USE OF FUND.**—Amounts in the fund shall be used by the State exclusively to carry out the activities for which the Election Fund payment is made to the State under this part.

(c) **METHODS OF COMPLIANCE LEFT TO DISCRETION OF STATE.**—The specific choices on the methods of complying with the requirements described in subsection (a) shall be left to the discretion of the State.

(d) **CHIEF STATE ELECTION OFFICIAL DEFINED.**—In this subtitle, the “chief State election official” of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State’s responsibilities under such Act.

SEC. 234. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for Election Fund payments under this part an aggregate amount of \$2,250,000,000 for fiscal years 2002 through 2004.

SEC. 235. REPORTS

Not later than the 6 months after the end of each fiscal year for which a State received an Election Fund payment under this part, the State shall submit a report to the Commission on the activities conducted with the funds provided during the year, and shall include in the report—

(1) a list of expenditures made with respect to each category of activities described in section 231(b); and

(2) the number and types of articles of voting equipment obtained with the funds.

PART 2—GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS

SEC. 241. GRANTS FOR RESEARCH ON VOTING TECHNOLOGY IMPROVEMENTS.

(a) **IN GENERAL.**—The Commission shall make grants to assist entities in carrying out research and development to improve the quality, reliability, accuracy, accessibility, affordability, and security of voting equipment, election systems, and voting technology.

(b) **ELIGIBILITY.**—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as

the Commission may require) an application containing—

(1) assurances that the research and development funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities (including blind individuals), the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

(2) such other information and assurances as the Commission may require.

(c) **APPLICABILITY OF REGULATIONS GOVERNING PATENT RIGHTS IN INVENTIONS MADE WITH FEDERAL ASSISTANCE.**—Any invention made by the recipient of a grant under this part using funds provided under this part shall be subject to chapter 18 of title 35, United States Code (relating to patent rights in inventions made with Federal assistance).

SEC. 242. REPORT.

(a) **IN GENERAL.**—Each entity which receives a grant under this part shall submit to the Commission, Congress, and the President a report describing the activities carried out with the funds provided under the grant.

(b) **DEADLINE.**—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 243. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under this part \$20,000,000 for fiscal year 2002.

PART 3—PILOT PROGRAM FOR TESTING OF EQUIPMENT AND TECHNOLOGY

SEC. 251. PILOT PROGRAM.

(a) **IN GENERAL.**—The Commission shall make grants to carry out pilot programs under which new technologies in voting systems and equipment are implemented on a trial basis.

(b) **ELIGIBILITY.**—An entity is eligible to receive a grant under this part if it submits to the Commission (at such time and in such form as the Commission may require) an application containing—

(1) assurances that the pilot programs funded with the grant will take into account the need to make voting equipment fully accessible for individuals with disabilities (including blind individuals), the need to ensure that such individuals can vote independently and with privacy, and the need to provide alternative language accessibility for individuals with limited proficiency in the English language (consistent with the requirements of the Voting Rights Act of 1965); and

(2) such other information and assurances as the Commission may require.

SEC. 252. REPORT.

(a) **IN GENERAL.**—Each entity which receives a grant under this part shall submit to the Commission, Congress, and the President a report describing the activities carried out with the funds provided under the grant.

(b) **DEADLINE.**—An entity shall submit a report required under subsection (a) not later than 60 days after the end of the fiscal year for which the entity received the grant which is the subject of the report.

SEC. 253. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for grants under this part \$10,000,000 for fiscal year 2002.

PART 4—MISCELLANEOUS

SEC. 261. ROLE OF NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) **RECOMMENDATION OF TOPICS FOR RESEARCH UNDER VOTING RESEARCH GRANTS AND PILOT PROGRAMS.**—The Director of the National Institute of Standards and Technology (hereafter in this section referred to as the “Direc-

tor”) shall submit to the Commission an annual list of the Director’s suggestions for issues which may be the subject of research funded with grants awarded under part 2 and part 3 during the year.

(b) **REVIEW OF GRANT APPLICATIONS RECEIVED BY COMMISSION.**—The Commission shall submit each application it receives for a grant under part 2 or part 3 to the Director, who shall review the application and provide the Commission with such comments as the Director considers appropriate.

(c) **MONITORING AND ADJUSTMENT OF GRANT ACTIVITIES.**—After the Commission has awarded a grant under part 2 or part 3, the Director shall monitor the grant and (to the extent permitted under the terms of the grant as awarded) may recommend to the Commission that the recipient of the grant modify and adjust the activities carried out under the grant.

(d) EVALUATION OF COMPLETED GRANTS.—

(1) **IN GENERAL.**—After the recipient of a grant awarded by the Commission has completed the terms of the grant, the Director shall prepare and submit to the Commission an evaluation of the grant and the activities carried out under the grant.

(2) **INCLUSION IN REPORTS.**—The Commission shall include the evaluations submitted under paragraph (1) for a year in the report submitted for the year under section 262.

(e) **INTRAMURAL RESEARCH AND DEVELOPMENT.**—The Director shall establish a program for intramural research and development in areas to support the development of voluntary technical standards for voting products and systems, including—

(1) the security of computers, computer networks, and computer data storage used in voting products and systems, including the State-wide voter registration networks required under the minimum standard described in section 502(1);

(2) methods to detect and prevent fraud;

(3) the protection of voter privacy;

(4) the role of human factors in the design and application of voting products and systems, including assistive technologies for individuals with disabilities including blindness and varying levels of literacy; and

(5) remote access voting, including voting through the Internet.

SEC. 262. REPORTS.

(a) **ANNUAL REPORTS ON ACTIVITIES.**—Not later than 90 days after the end of each fiscal year, the Commission shall submit a report to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate on the activities carried out by the Commission under this subtitle during the previous fiscal year, and shall include in the report a description of all applications for Election Fund payments and grants received by the Commission during the year under this subtitle and the disposition of such applications.

(b) **REPORT ON HUMAN FACTOR RESEARCH.**—Not later than 1 year after the date of the enactment of this Act, the Commission, in consultation with the Director of the National Institute of Standards and Technology, shall submit a report to Congress which assesses the areas of human factor research, including usability engineering and human-computer and human-machine interaction, which feasibly could be applied to voting products and systems design to ensure the usability and accuracy of voting products and systems, including methods to improve access for individuals with disabilities including blindness and to reduce voter error and the number of spoiled ballots in elections.

SEC. 263. AUDIT.

(a) **IN GENERAL.**—As a condition of receiving funds under this subtitle, a State or entity described in part 2 or part 3 shall agree that such funds shall be subject to audit if 2 or more members of the Commission vote to require an audit.

(b) **MANDATORY AUDIT.**—In addition to audits conducted pursuant to subsection (a), all funds provided under this subtitle shall be subject to mandatory audit at least once during the lifetime of the programs under this subtitle.

TITLE III—HELP AMERICA VOTE COLLEGE PROGRAM

SEC. 301. ESTABLISHMENT OF PROGRAM.

(a) **IN GENERAL.**—Not later than 1 year after the appointment of its members, the Election Assistance Commission shall develop a program to be known as the “Help America Vote College Program” (hereafter in this title referred to as the “Program”).

(b) **PURPOSES OF PROGRAM.**—The purpose of the Program shall be—

(1) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(2) to encourage State and local governments to use the services of the students participating in the Program.

SEC. 302. ACTIVITIES UNDER PROGRAM.

(a) **IN GENERAL.**—In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in section 301(b).

(b) **REQUIREMENTS FOR GRANT RECIPIENTS.**—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(c) **COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.**—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

In addition to any funds authorized to be appropriated to the Commission under section 207, there are authorized to be appropriated to carry out this title—

- (1) \$5,000,000 for fiscal year 2002; and
- (2) such sums as may be necessary for each succeeding fiscal year.

TITLE IV—HELP AMERICA VOTE FOUNDATION

SEC. 401. HELP AMERICA VOTE FOUNDATION.

(a) **IN GENERAL.**—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1525 the following:

“CHAPTER 1526—HELP AMERICA VOTE FOUNDATION

“Sec.

“152601. Organization.

“152602. Purposes.

“152603. Board of directors.

“152604. Officers and employees.

“152605. Powers.

“152606. Principal office.

“152607. Service of process.

“152608. Annual audit.

“152609. Civil action by Attorney General for equitable relief.

“152610. Immunity of United States Government.

“152611. Authorization of appropriations.

“152612. Annual report.

“§ 152601. Organization

“(a) **FEDERAL CHARTER.**—The Help America Vote Foundation (in this chapter, the ‘foundation’) is a federally chartered corporation.

“(b) **NATURE OF FOUNDATION.**—The foundation is a charitable and nonprofit corporation and is not an agency or establishment of the United States Government.

“(c) **PERPETUAL EXISTENCE.**—Except as otherwise provided, the foundation has perpetual existence.

“§ 152602. Purposes

“(a) **IN GENERAL.**—The purposes of the foundation are to—

“(1) mobilize secondary school students (including students educated in the home) in the United States to participate in the election process in a nonpartisan manner as poll workers or assistants;

“(2) place secondary school students (including students educated in the home) as nonpartisan poll workers or assistants to local election officials in precinct polling places across the United States; and

“(3) establish cooperative efforts with State and local election officials, local educational agencies, superintendents and principals of public and private secondary schools, and other appropriate nonprofit charitable and educational organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 as an organization described in section 501(c)(3) of such Code to further the purposes of the foundation.

“(b) **REQUIRING ACTIVITIES TO BE CARRIED OUT ON NONPARTISAN BASIS.**—The foundation shall carry out its purposes without partisan bias or without promoting any particular point of view regarding any issue, and shall ensure that each participant in its activities is governed in a balanced manner which does not reflect any partisan bias.

“(c) **CONSULTATION WITH STATE ELECTION OFFICIALS.**—The foundation shall carry out its purposes under this section in consultation with the chief election officials of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

“§ 152603. Board of directors

“(a) **GENERAL.**—The board of directors is the governing body of the foundation.

“(b) **MEMBERS AND APPOINTMENT.**—(1) The board consists of 12 directors, who shall be appointed not later than 60 days after the date of the enactment of this chapter as follows:

“(A) 4 directors (of whom not more than 2 may be members of the same political party) shall be appointed by the President.

“(B) 2 directors shall be appointed by the Speaker of the House of Representatives.

“(C) 2 directors shall be appointed by the minority leader of the House of Representatives.

“(D) 2 directors shall be appointed by the majority leader of the Senate.

“(E) 2 directors shall be appointed by the minority leader of the Senate.

“(2) In addition to the directors described in paragraph (1), the chair and ranking minority member of the Committee on House Administration of the House of Representatives (or their designees) and the chair and ranking minority member of the Committee on Rules and Administration of the Senate (or their designees) shall each serve as an *ex officio* nonvoting member of the board.

“(3) A director is not an employee of the Federal government and appointment to the board does not constitute appointment as an officer or employee of the United States Government for the purpose of any law of the United States (except as may otherwise be provided in this chapter).

“(4) The terms of office of the directors are 4 years.

“(5) A vacancy on the board shall be filled in the manner in which the original appointment was made.

“(c) **CHAIR.**—The directors shall select one of the directors as the chair of the board. The individual selected may not be a current or former

holder of any partisan elected office or a current or former officer of any national committee of a political party.

“(d) **QUORUM.**—The number of directors constituting a quorum of the board shall be established under the bylaws of the foundation.

“(e) **MEETINGS.**—The board shall meet at the call of the chair of the board for regularly scheduled meetings, except that the board shall meet not less often than annually.

“(f) **REIMBURSEMENT OF EXPENSES.**—Directors shall serve without compensation but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

“(g) **LIABILITY OF DIRECTORS.**—Directors are not personally liable, except for gross negligence.

“§ 152604. Officers and employees

“(a) **APPOINTMENT OF OFFICERS AND EMPLOYEES.**—The board of directors appoints, removes, and replaces officers and employees of the foundation.

“(b) **STATUS AND COMPENSATION OF EMPLOYEES.**—

“(1) **IN GENERAL.**—Officers and employees of the foundation—

“(A) are not employees of the Federal government (except as may otherwise be provided in this chapter);

“(B) shall be appointed and removed without regard to the provisions of title 5 governing appointments in the competitive service; and

“(C) may be paid without regard to chapter 51 and subchapter III of chapter 53 of title 5.

“(2) **AVAILABILITY OF FEDERAL EMPLOYEE RATES FOR TRAVEL.**—For purposes of any schedules of rates negotiated by the Administrator of General Services for the use of employees of the Federal government who travel on official business, officers and employees of the foundation who travel while engaged in the performance of their duties under this chapter shall be deemed to be employees of the Federal government.

“§ 152605. Powers

“(a) **GENERAL.**—The foundation may—

“(1) adopt a constitution and bylaws;

“(2) adopt a seal which shall be judicially noticed; and

“(3) do any other act necessary to carry out this chapter.

“(b) **POWERS AS TRUSTEE.**—To carry out its purposes, the foundation has the usual powers of a corporation acting as a trustee in the District of Columbia, including the power—

“(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, of property or any income from or other interest in property;

“(2) to acquire property or an interest in property by purchase or exchange;

“(3) unless otherwise required by an instrument of transfer, to sell, donate, lease, invest, or otherwise dispose of any property or income from property;

“(4) to borrow money and issue instruments of indebtedness;

“(5) to make contracts and other arrangements with public agencies and private organizations and persons and to make payments necessary to carry out its functions;

“(6) to sue and be sued; and

“(7) to do any other act necessary and proper to carry out the purposes of the foundation.

“(c) **ENCUMBERED OR RESTRICTED GIFTS.**—A gift, devise, or bequest may be accepted by the foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons, if any current or future interest is for the benefit of the foundation.

“(d) **CONTRACTS.**—The foundation may enter into such contracts with public and private entities as it considers appropriate to carry out its purposes.

“(e) **ANNUAL CONFERENCE IN WASHINGTON METROPOLITAN AREA.**—During each year (beginning with 2003), the foundation may sponsor

a conference in the Washington, D.C., metropolitan area to honor secondary school students and other individuals who have served (or plan to serve) as poll workers and assistants and who have otherwise participated in the programs and activities of the foundation.

“§ 152606. Principal office

“The principal office of the foundation shall be in the District of Columbia unless the board of directors determines otherwise. However, the foundation may conduct business throughout the States, territories, and possessions of the United States.

“§ 152607. Service of process

“The foundation shall have a designated agent to receive service of process for the foundation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the foundation.

“§ 152608. Annual audit

“The foundation shall enter into a contract with an independent auditor to conduct an annual audit of the foundation.

“§ 152609. Civil action by Attorney General for equitable relief

“The Attorney General may bring a civil action in the United States District Court for the District of Columbia for appropriate equitable relief if the foundation—

“(1) engages or threatens to engage in any act, practice, or policy that is inconsistent with the purposes in section 152602 of this title; or

“(2) refuses, fails, or neglects to carry out its obligations under this chapter or threatens to do so.

“§ 152610. Immunity of United States Government

“The United States Government is not liable for any debts, defaults, acts, or omissions of the foundation. The full faith and credit of the Government does not extend to any obligation of the foundation.

“§ 152611. Authorization of appropriations

“There are authorized to be appropriated to the foundation for carrying out the purposes of this chapter—

“(1) \$5,000,000 for fiscal year 2002; and

“(2) such sums as may be necessary for each succeeding fiscal year.

“§ 152612. Annual report

“As soon as practicable after the end of each fiscal year, the foundation shall submit a report to the Commission, the President, and Congress on the activities of the foundation during the prior fiscal year, including a complete statement of its receipts, expenditures, and investments. Such report shall contain information gathered from participating secondary school students describing the nature of the work they performed in assisting local election officials and the value they derived from the experience of educating participants about the electoral process.”.

(b) CLERICAL AMENDMENT.—The table of chapters for part B of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1525 the following new item:

“1526. Help America Vote
Foundation152601”.

TITLE V—MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS

SEC. 501. MINIMUM STANDARDS FOR STATE ELECTION SYSTEMS.

(a) IN GENERAL.—The chief State election official of each State shall certify in writing to the Election Assistance Commission that—

(1) in administering election systems, the State is in compliance with the existing applicable requirements of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the Uniformed and Overseas Citizens Absentee Voting Act, the Voting Accessibility for the Elderly and Handicapped Act, and the Americans With Disabilities Act of 1990; and

(2) the State has enacted legislation to enable the State to meet each of the minimum standards for State election systems described in section 502.

(b) METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.—The specific choices on the methods of implementing the legislation enacted pursuant to subsection (a)(2) shall be left to the discretion of the State.

(c) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this title, the “chief State election official” of a State is the individual designated by the State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State’s responsibilities under such Act.

SEC. 502. STANDARDS DESCRIBED.

The minimum standards for State election systems described in this section are as follows:

(1) The State will implement an official State-wide voter registration system networked to every local jurisdiction in the State, with provisions for sharing data with other States, except that this paragraph shall not apply in the case of a State in which, under law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) The State election system includes provisions to ensure that voter registration records in the State are accurate and are updated regularly, including the following:

(A) A system of file maintenance which removes registrants who are ineligible to vote from the official list of eligible voters. Under such system, consistent with the National Voter Registration Act of 1993, registrants who have not voted in 2 or more consecutive general elections for Federal office and who have not responded to a notice shall be removed from the official list of eligible voters, except that no registrant may be removed solely by reason of a failure to vote.

(B) Safeguards to ensure that eligible voters are not removed in error from the official list of eligible voters.

(3) The State permits, by the deadline required under section 504(b), in-precinct provisional voting by every voter who claims to be qualified to vote in the State, or has adopted an alternative which achieves the same objective, except that this paragraph shall not apply in the case of a State in which, under law in effect continuously on and after the date of the enactment of this Act, all votes in the State in general elections for Federal office are cast by mail.

(4) The State has adopted uniform standards that define what will constitute a vote on each category of voting equipment certified for use in the State.

(5) The State has implemented safeguards to ensure that absent uniformed services voters (as defined in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act) and overseas voters (as defined in section 107(5) of such Act) in the jurisdiction have the opportunity to vote and to have their votes counted.

(6) The State requires new voting systems to provide a practical and effective means for voters with physical disabilities including blindness to cast a secret ballot.

(7) If the State uses voting systems which give voters the opportunity to correct errors, the State shall ensure that voters are able to check for and correct errors under conditions which assure privacy. States, and units of local government within the States, “procuring new voting machines within their jurisdiction, except for States and units replacing or supplementing existing equipment (within the same voting system), shall ensure that the new voting system gives voters the opportunity to correct errors before the vote is cast.

SEC. 503. ENFORCEMENT.

(a) REPORT BY COMMISSION TO ATTORNEY GENERAL.—If a State does not provide a certification under section 501 to the Election Assist-

ance Commission, or if the Commission has credible evidence that a State’s certification is false or that a State is carrying out activities in violation of the terms of the certification, the Commission shall notify the Attorney General.

(b) ACTION BY ATTORNEY GENERAL.—After receiving notice from the Commission under subsection (a), the Attorney General may bring a civil action against a State in an appropriate district court for such declaratory or injunctive relief as may be necessary to remedy a violation of this title.

SEC. 504. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the requirements of this title shall take effect upon the expiration of the 2-year period which begins on the date of the enactment of this Act, except that if the chief State election official of a State certifies that good cause exists to waive the requirements of this title with respect to the State until the date of the regularly scheduled general election for Federal office held in November 2004, the requirements shall apply with respect to the State beginning on the date of such election.

(b) DEADLINES FOR IMPLEMENTATION OF PROVISIONAL VOTING.—The minimum standard described in section 502(3) (relating to permitting in-precinct provisional voting) shall apply with respect to the regularly scheduled general election for Federal office held in November 2002 and each succeeding election for Federal office, except that if the chief State election official of a State certifies that good cause exists to delay the implementation of such standard in the State, the standard shall apply in the State with respect to the regularly scheduled general election for Federal office held in November 2004 and each succeeding election for Federal office held in the State.

TITLE VI—VOTING RIGHTS OF MILITARY MEMBERS AND OVERSEAS CITIZENS

SEC. 601. VOTING ASSISTANCE PROGRAMS.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1566. Voting assistance: compliance assessments; assistance

“(a) REGULATIONS.—The Secretary of Defense shall prescribe regulations to require that the Army, Navy, Air Force, and Marine Corps ensure their compliance with any directives issued by the Secretary of Defense in implementing any voting assistance program.

“(b) VOTING ASSISTANCE PROGRAMS DEFINED.—In this section, the term ‘voting assistance programs’ means—

“(1) the Federal Voting Assistance Program carried out under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.); and

“(2) any similar program.

“(c) ANNUAL EFFECTIVENESS AND COMPLIANCE REVIEWS.—(1) The Inspector General of each of the Army, Navy, Air Force, and Marine Corps shall conduct—

“(A) an annual review of the effectiveness of voting assistance programs; and

“(B) an annual review of the compliance with voting assistance programs of that armed force.

“(2) Upon the completion of each annual review under paragraph (1), each Inspector General specified in that paragraph shall submit to the Inspector General of the Department of Defense a report on the results of each such review. Such report shall be submitted in time each year to be reflected in the report of the Inspector General of the Department of Defense under paragraph (3).

“(3) Not later than March 31 each year, the Inspector General of the Department of Defense shall submit to Congress a report on—

“(A) the effectiveness during the preceding calendar year of voting assistance programs; and

“(B) the level of compliance during the preceding calendar year with voting assistance programs of each of the Army, Navy, Air Force, and Marine Corps.

“(d) INSPECTOR GENERAL ASSESSMENTS.—(1) The Inspector General of the Department of Defense shall periodically conduct at Department of Defense installations unannounced assessments of the compliance at those installations with—

“(A) the requirements of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.);

“(B) Department of Defense regulations regarding that Act and the Federal Voting Assistance Program carried out under that Act; and

“(C) other requirements of law regarding voting by members of the armed forces.

“(2) The Inspector General shall conduct an assessment under paragraph (1) at not less than 10 Department of Defense installations each calendar year.

“(3) Each assessment under paragraph (1) shall include a review of such compliance—

“(A) within units to which are assigned, in the aggregate, not less than 20 percent of the personnel assigned to duty at that installation;

“(B) within a representative survey of members of the armed forces assigned to that installation and their dependents; and

“(C) within unit voting assistance officers to measure program effectiveness.

“(e) REGULAR MILITARY DEPARTMENT ASSESSMENTS.—The Secretary of each military department shall include in the set of issues and programs to be reviewed during any management effectiveness review or inspection at the installation level an assessment of compliance with the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) and with Department of Defense regulations regarding the Federal Voting Assistance Program.

“(f) VOTING ASSISTANCE OFFICERS.—(1) Voting assistance officers shall be appointed or assigned under Department of Defense regulations. Commanders at all levels are responsible for ensuring that unit voting officers are trained and equipped to provide information and assistance to members of the armed forces on voting matters. Performance evaluation reports pertaining to a member who has been assigned to serve as a voting assistance officer shall comment on the performance of the member as a voting assistance officer. The Secretary of each military department shall certify to Congress that (at a minimum) a voting assistance officer has been appointed or assigned for each military installation and major command under the jurisdiction of the department and that a replacement will be appointed if the original officer is no longer able to serve.

“(2) Under regulations and procedures prescribed by the Secretary, a member of the armed forces appointed or assigned to duty as a voting assistance officer shall, to the maximum extent practicable, be given the time and resources needed to perform the member's duties as a voting assistance officer during the period in advance of a general election when members and their dependents are preparing and submitting absentee ballots.

“(3) As part of each assessment prepared by the Secretary of a military department under subsection (e), the Secretary shall—

“(A) specify the number of members of the armed forces under the jurisdiction of the Secretary who are appointed or assigned to duty as voting assistance officers;

“(B) specify the ratio of voting assistance officers to active duty members of the armed forces under the jurisdiction of the Secretary;

“(C) indicate whether this number and ratio comply with the requirements of the Federal Voting Assistance Program; and

“(D) describe the training such members receive to perform their duties as voting assistance officers.

“(g) REGISTRATION AND VOTING INFORMATION FOR MEMBERS AND DEPENDENTS.—(1) The Sec-

retary of each military department, using a variety of means including both print and electronic media, shall, to the maximum extent practicable, ensure that members of the armed forces and their dependents who are qualified to vote have ready access to information regarding voter registration requirements and deadlines (including voter registration), absentee ballot application requirements and deadlines, and the availability of voting assistance officers to assist members and dependents to understand and comply with these requirements.

“(2) The Secretary of each military department shall make the national voter registration form prepared for purposes of the Uniformed and Overseas Citizens Absentee Voting Act by the Federal Election Commission available so that each person who enlists, reenlists, or voluntarily extends an enlistment or who completes a permanent change of station in an active or reserve component of the Army, Navy, Air Force, or Marine Corps shall receive such form at the time of the enlistment, reenlistment, extension, or completion of the permanent change of station, or as soon thereafter as practicable.

“(3) Where practicable, a special day or days shall be designated at each military installation for the purpose of informing members of the armed forces and their dependents of election timing, registration requirements, and voting procedures.

“(h) DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.—(1) During the four months preceding a general Federal election month, the Secretary of Defense shall periodically conduct surveys of all overseas locations and vessels at sea with military units responsible for collecting mail for return shipment to the United States and all port facilities in the United States and overseas where military-related mail is collected for shipment to overseas locations or to the United States. The purpose of each survey shall be to determine if voting materials are awaiting shipment at any such location and, if so, the length of time that such materials have been held at that location. During the fourth and third months before a general Federal election month, such surveys shall be conducted biweekly. During the second and first months before a general Federal election month, such surveys shall be conducted weekly.

“(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times. The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall submit to Congress a report describing the measures to be implemented to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.

“(3) The Secretary of each military department, utilizing the voting assistance officer network established for each military installation, shall, to the maximum extent practicable, provide notice to members of the armed forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.

“(4) In this section, the term ‘general Federal election month’ means November in an even-numbered year.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1566. Voting assistance: compliance assessments; assistance.”

(b) INITIAL REPORT.—The first report under section 1566(c)(3) of title 10, United States Code,

as added by subsection (a), shall be submitted not later than March 31, 2003.

SEC. 602. DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOTS FOR ALL VOTERS IN STATE.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1) is amended—

(1) by inserting “(a) IN GENERAL.—” before “Each State”; and

(2) by adding at the end the following new subsection:

“(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN STATE.—

“(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

“(2) RECOMMENDATION REGARDING USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS.—Congress recommends that the State office designated under paragraph (1) be responsible for carrying out the State's duties under this Act, including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.”

SEC. 603. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 602, is amended by adding at the end the following new subsection:

“(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2001) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.”

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Assistance Commission, working with the Election Assistance Commission Board of Advisors and the Election Assistance Commission Standards Board, shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. 604. SIMPLIFICATION OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION PROCEDURES FOR ABSENT UNIFORMED SERVICES AND OVERSEAS VOTERS.

(a) REQUIRING STATES TO ACCEPT OFFICIAL FORM FOR SIMULTANEOUS VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATION; DEADLINE FOR PROCESSING APPLICATION.—

(1) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 602, is amended—

(A) by amending paragraph (2) to read as follows:

“(2) accept and process, with respect to any election for Federal office, any otherwise valid voter registration application and absentee ballot application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election;”;

(B) by striking the period at the end of paragraph (3) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(4) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application.”.

(2) **CONFORMING AMENDMENTS.**—Section 101(b)(2) of such Act (42 U.S.C. 1973ff(b)(2)) is amended by striking “as recommended in section 104” and inserting “as required under section 102(4)”.

(b) **USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.**—Section 104 of such Act (42 U.S.C. 1973ff-3) is amended to read as follows:

“SEC. 104. USE OF SINGLE APPLICATION FOR ALL SUBSEQUENT ELECTIONS.

“(a) **IN GENERAL.**—If a State accepts and processes an official post card form (prescribed under section 101) submitted by an absent uniformed services voter or overseas voter for simultaneous voter registration and absentee ballot application (in accordance with section 102(a)(4)) and the voter requests that the application be considered “an application for an absentee ballot for each subsequent election for Federal office held in the State through the next 2 regularly scheduled general elections for Federal office (including any runoff elections which may occur as a result of the outcome of such general elections), the State shall provide an absentee ballot for each such election.”

“(b) **EXCEPTION FOR VOTERS CHANGING REGISTRATION.**—Subsection (a) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State.

“(c) **REVISION OF OFFICIAL POST CARD FORM.**—The Presidential designee shall revise the official post card form (prescribed under section 101) to enable a voter using the form to—

“(1) request an absentee ballot for each election for Federal office held in a State “for which the voter may be provided an absentee ballot under subsection (a)”, or

“(2) request an absentee ballot for only the next scheduled election for Federal office held in a State.

“(d) **NO EFFECT ON VOTER REMOVAL PROGRAMS.**—Nothing in this section may be construed to prevent a State from removing any voter from the rolls of registered voters in the State under any program or method permitted under section 8 of the National Voter Registration Act of 1993.”.

SEC. 605. ADDITIONAL DUTIES OF PRESIDENTIAL DESIGNEE UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.

(a) **EDUCATING ELECTION OFFICIALS ON RESPONSIBILITIES UNDER ACT.**—Section 101(b)(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff(b)(1)) is amended by striking the semicolon at the end and inserting the following: “, and ensuring that such officials are aware of the requirements of this Act;”.

(b) **DEVELOPMENT OF STANDARD OATH FOR USE WITH MATERIALS.**—

(1) **IN GENERAL.**—Section 101(b) of such Act (42 U.S.C. 1973ff(b)) is amended—

(A) by striking “and” at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(7) prescribe a standard oath for use with any document under this title affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury.”.

(2) **REQUIRING STATES TO USE STANDARD OATH.**—Section 102(a) of such Act (42 U.S.C. 1973ff-1(b)), as amended by sections 603 and 605(a), is amended—

(A) by striking “and” at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(5) if the State requires an oath or affirmation to accompany any document under this title, use the standard oath prescribed by the Presidential designee under section 101(b)(7).”.

(c) **PROVIDING STATISTICAL ANALYSIS OF VOTER PARTICIPATION FOR BOTH OVERSEAS VOTERS AND ABSENT UNIFORMED SERVICE VOTERS.**—Section 101(b)(6) of such Act (42 U.S.C. 1973ff(b)(6)) is amended by striking “a general assessment” and inserting “a separate statistical analysis”.

SEC. 606. USE OF BUILDINGS ON MILITARY INSTALLATIONS AND RESERVE COMPONENT FACILITIES AS POLLING PLACES.

(a) **LIMITED USE OF MILITARY INSTALLATIONS AUTHORIZED.**—Section 2670 of title 10, United States Code, is amended—

(1) by striking “Under” and inserting “(a) USE BY RED CROSS.—Under”; and

(2) by striking “this section” and inserting “this subsection”; and

(3) by adding at the end the following new subsection:

“(b) **USE AS POLLING PLACES.**—(1) Notwithstanding any other provision of law, the Secretary of a military department may make a building located on a military installation under the jurisdiction of the Secretary available for use as a polling place in any Federal, State, or local public election, but only if such use is limited to eligible voters who reside on that military installation.

“(2) If a building located on a military installation is made available under paragraph (1) as the site of a polling place, the Secretary shall continue to make the building available for subsequent elections unless the Secretary provides to the appropriate State or local election officials advance notice, in a reasonable and timely manner, of the reasons why the building will no longer be made available as a polling place.

“(3) In this section, the term “military installation” has the meaning given the term in section 2687(e) of this title.”.

(b) **USE OF RESERVE COMPONENT FACILITIES.**—(1) Section 18235 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) Pursuant to a lease or other agreement under subsection (a)(2), the Secretary may make a facility covered by subsection (a) available for use as a polling place in any Federal, State, or local public election notwithstanding any other provision of law. If a facility is made available as the site of a polling place with respect to an election, the Secretary shall continue to make the facility available for subsequent elections unless the Secretary provides to the appropriate State or local election officials advance notice, in a reasonable and timely manner, of the reasons why the facility will no longer be made available as a polling place.”.

(2) Section 18236 of such title is amended by adding at the end the following:

“(e) Pursuant to a lease or other agreement under subsection (c)(1), a State may make a facility covered by subsection (c) available for use as a polling place in any Federal, State, or local public election notwithstanding any other provision of law.”.

(c) **CONFORMING AMENDMENTS TO TITLE 18.**—(1) Section 592 of title 18, United States Code, is

amended by adding at the end the following new sentence:

“This section shall not apply to the actions of members of the Armed Forces at any polling place on a military installation where a general or special election is held in accordance with section 2670(b), 18235, or 18236 of title 10.”.

(2) Section 593 of such title is amended by adding at the end the following new sentence:

“This section shall not apply to the actions of members of the Armed Forces at any polling place on a military installation where a general or special election is held in accordance with section 2670(b), 18235, or 18236 of title 10.”.

(d) **CONFORMING AMENDMENT TO VOTING RIGHTS LAW.**—Section 2003 of the Revised Statutes of the United States (42 U.S.C. 1972) is amended by adding at the end the following new sentence: “Making a military installation or reserve component facility available as a polling place in a Federal, State, or local public election in accordance with section 2670(b), 18235, or 18236 of title 10, United States Code, is deemed to be consistent with this section.”.

(e) **CLERICAL AMENDMENTS.**—(1) The heading of section 2670 of title 10, United States Code, is amended to read as follows:

“§2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections”.

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

“2670. Buildings on military installations: use by American National Red Cross and as polling places in Federal, State, and local elections.”.

“3629. Reduced rates for official election mail.”.

TITLE VIII—TRANSITION PROVISIONS

Subtitle A—Transfer to Commission of Functions Under Certain Laws

SEC. 801. FEDERAL ELECTION CAMPAIGN ACT OF 1971.

(a) **TRANSFER OF FUNCTIONS OF OFFICE OF ELECTION ADMINISTRATION OF FEDERAL ELECTION COMMISSION.**—There are transferred to the Election Assistance Commission established under section 201 all functions which the Office of the Election Administration, established within the Federal Election Commission, exercised before the date of enactment of this Act.

(b) **CONFORMING AMENDMENT.**—Section 311(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438(a)) is amended—

(1) in paragraph (8), by inserting “and” at the end;

(2) in paragraph (9), by striking “; and” and inserting a period; and

(3) by striking paragraph (10) and the second and third sentences.

SEC. 802. NATIONAL VOTER REGISTRATION ACT OF 1993.

(a) **TRANSFER OF FUNCTIONS.**—There are transferred to the Election Assistance Commission established under section 201 all functions which the Federal Election Commission exercised under the National Voter Registration Act of 1993 before the date of enactment of this Act.

(b) **CONFORMING AMENDMENT.**—Section 9(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-7(a)) is amended by striking “Federal Election Commission” and inserting “Election Assistance Commission”.

SEC. 803. TRANSFER OF PROPERTY, RECORDS, AND PERSONNEL.

(a) **PROPERTY AND RECORDS.**—The contracts, liabilities, records, property, and other assets and interests of, or made available in connection with, the offices and functions of the Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission for appropriate allocation.

(b) **PERSONNEL.**—

(1) **IN GENERAL.**—The personnel employed in connection with the offices and functions of the

Federal Election Commission which are transferred by this subtitle are transferred to the Election Assistance Commission.

(2) EFFECT.—Any full-time or part-time personnel employed in permanent positions shall not be separated or reduced in grade or compensation because of the transfer under this subsection during the 1-year period beginning on the date of the enactment of this Act.

SEC. 804. EFFECTIVE DATE; TRANSITION.

(a) EFFECTIVE DATE.—This title and the amendments made by this title shall take effect upon the appointment of all members of the Election Assistance Commission under section 203.

(b) TRANSITION.—With the consent of the entity involved, the Election Assistance Commission is authorized to utilize the services of such officers, employees, and other personnel of the entities from which functions have been transferred to the Election Assistance Commission under this title or the amendments made by this title for such period of time as may reasonably be needed to facilitate the orderly transfer of such functions.

Subtitle B—Coverage of Commission Under Certain Laws and Programs

SEC. 811. TREATMENT OF COMMISSION PERSONNEL UNDER CERTAIN CIVIL SERVICE LAWS.

(a) COVERAGE UNDER HATCH ACT.—Section 7323(b)(2)(B)(i)(I) of title 5, United States Code, is amended by inserting “or the Election Assistance Commission” after “Commission”.

(b) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(C) of title 5, United States Code, is amended by inserting “or the Election Assistance Commission” after “Commission”.

SEC. 812. COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.

(a) IN GENERAL.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting “the Election Assistance Commission,” after “Federal Election Commission,”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the appointment of all members of the Election Assistance Commission under section 203.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. STATE DEFINED.

In this Act, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the United States Virgin Islands.

SEC. 902. MISCELLANEOUS PROVISIONS TO PROTECT INTEGRITY OF ELECTION PROCESS.

(a) CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.—Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(b)(2)) is amended by striking the period at the end and inserting the following: “, except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar’s jurisdiction.”.

(b) PROHIBITING EFFORTS BY POLL WORKERS TO COERCE VOTERS TO CAST VOTES FOR EVERY OFFICE ON BALLOT.—Section 594 of title 18, United States Code, is amended—

(1) by striking “Whoever” and inserting “(a) Whoever”; and

(2) by adding at the end the following new subsection:

“(b) For purposes of subsection (a), a poll worker who urges or encourages a voter who has not cast a vote for each office listed on the ballot to return to the voting booth to cast votes for every office, or who otherwise intimidates, harasses, or coerces the voter to vote for each such office (or who attempts to intimidate, harass, or coerce the voter to vote for each such office), shall be considered to have intimidated, threatened, or coerced (or to have attempted to intimidate, threaten, or coerce) the voter for the purpose of interfering with the voter’s right to vote as the voter may choose. Nothing in this subsection shall prohibit a poll worker from providing information to a voter who requests assistance.”.

SEC. 903. NO EFFECT ON OTHER LAWS.

(a) IN GENERAL.—Nothing in this Act and no action taken pursuant to this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, the Voting Accessibility for the Elderly and Handicapped Act, or the Americans with Disabilities Act of 1990.

(b) NO CONDUCT AUTHORIZED WHICH IS PROHIBITED UNDER OTHER LAWS.—Nothing in this Act authorizes or requires any conduct which is prohibited by the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Americans with Disabilities Act of 1990.

(c) APPLICATION TO STATES, LOCAL GOVERNMENTS, AND COMMISSION.—Except as specifically provided in the case of the National Voter Registration Act of 1993, nothing in this Act may be construed to affect the application of the Voting Rights Act of 1965, the National Voter Registration Act of 1993, or the Americans with Disabilities Act of 1990 to any State, unit of local government, or other person, or to grant to the Election Assistance Commission the authority to carry out activities inconsistent with such Acts.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3295, the Help America Vote Act of 2001. This legislation is a culmination of a long series of hearings, discussions, and negotiations.

In crafting this bipartisan election reform bill, we heard from and consulted with groups from across the United States that represent the interests of voters, election officials, State and local governments, and others who care about this issue.

From the outset of this process, my goal was to craft legislation that could be supported by Members from both sides of the aisle. That is critical in this process.

Mr. Speaker, I recognize the gentleman from Maryland (Mr. HOYER), our ranking member of the Committee on House Administration, and all of the Members on both sides of the aisle from that committee, because if it were not for the gentleman from Maryland (Mr. HOYER), his diligence, and the integrity, the will and desire to improve elections in one of the most important bills in the history of this country in the election process, besides the Voting Rights Act, we would not be standing here today.

The fact that we have 173 cosponsors on the bill, 63 Republicans and 110

Democrats, more cosponsors than any other election reform bill in the House, I think demonstrates that we achieved the goal that we wanted. That is the way it should be. Improving our country’s election system should not and cannot be a partisan issue. Everybody in the United States has the right to vote and has to feel secure that their vote counts.

Republicans and Democrats nationwide and here in this Congress agree on the necessity of ensuring that all citizens who wish to vote can, and that their votes will be counted accurately. This bill would advance us towards that goal.

The first title of the bill is the punch card replacement program. The title authorizes \$400 million to allow those jurisdictions that used punch card voting systems in the November 2000 election to get rid of them. It is obvious that we need to get rid of these antiquated technologies and replace them with machines voters have confidence in.

I hope, Mr. Speaker, that one day the way we will see punch card machines in the United States is to go to the Smithsonian in order to view them. Mr. Speaker, this bill authorizes funds to make that happen.

This bill creates a new Election Assistance Commission called the EAC. This new commission will assume the functions of the Office of Election Administration currently under the Federal Election Commission.

The new EAC will serve as a national clearinghouse for the compiling of information and review of procedures affecting the administration of Federal elections. The EAC will also be charged with developing new voluntary election management practice standards. It will distribute the election fund payments, research and development grants, and pilot programs authorized by this bill.

I will point out that the name we chose for this commission is not by accident. The purpose of this commission is to assist State and local governments with their election administration problems; its purpose is not to dictate solutions or hand down bureaucratic mandates.

In fact, one of the first premises that our ranking member, the gentleman from Maryland (Mr. HOYER) and I agreed on, and we received sympathy on this issue around the entire Congress, I believe, is that it will not be a rulemaking body. It will have teeth, it will have an advisory board that the gentleman from Maryland (Mr. HOYER) has suggested, and a standards board of local officials across the U.S. that we had suggested, but in fact, it will not be dictating through rules and regulations on a daily basis of how local elections will be carried out.

The commissioners serve part-time. Of the four commissioners, no more than two can be from the same party, so bipartisanship is assured. Additionally, it must consult with and consider recommendations of the advisory board

and the standards board that I mentioned previously. These boards, again, will consist of election officials and other interested groups who have interest in or expertise in election issues. These boards will have a voice on this commission, and that voice will be heard.

In addition to the funds authorized for punch card replacement, this bill authorizes \$2.25 billion for election fund payments to the States. The election fund payments will be used for a variety of things, from purchasing new equipment to updating registration systems, to assuring access for those with physical disabilities to the polls, to increasing poll worker education and training, sending sample ballots, and a wide variety of other uses that are, once again, good for the United States election system.

The fund is designed to allow a State to determine its greatest needs and to devote the resources to those needs. Along with these funds come funding conditions.

States that take fund payments must certify, for example, that they have provided \$1 to match every \$3 provided by the Federal Government, a 25 percent match. They also must demonstrate that they have established a statewide benchmark for voting system performance, and also that they have adopted the voluntary election standards developed by the new Election Assistance Commission, or they have developed their own standards that will do the job; and that they have in each precinct or polling place a voting system in place which is fully accessible to people who have a form of disability.

These funding conditions will ensure that the Federal dollars are spent appropriately, and that the EAC will monitor compliance with these conditions.

This bill also creates the Help America Vote program. This was an idea that the gentleman from Maryland (Mr. HOYER) brought forth that I think is tremendous. We have it at the high school level and at the college level. This program is designed to get the country's young people involved in the energetic give and take of public debate through our democratic process through volunteer service as non-partisan poll workers and assistants.

One common view that we heard from election officials across the Nation in both parties was that there is a critical shortage of poll workers. This program will have the two-fold benefit of helping with this shortage, while also getting our young people involved in their democracy.

All of us in this institution constantly talk about getting young people involved in the process, getting them to be registered to vote. This component on this bill, this part, maybe has not been talked about daily in the media, Mr. Speaker, but it is, I think, one of the most valuable things also that we are doing in this bill.

Title V is the minimum standards section of the bill. During negotiations,

some feared that having funding conditions was not adequate because voters who might live in States that did not take the funds would not be protected. Others opposed intrusive Federal mandates that could become burdensome and inefficient.

The minimum standards we included in this bill strike the appropriate middle ground. That is why I believe, Mr. Speaker, we see a wide variety of people from this House, Members from both parties, from all the political spectrums, who have cosponsored this, because we achieved that middle ground that we needed. The minimum standards guarantee certain protections for all voters in the United States without imposing an intrusive, federally-designed system.

There are seven minimum standards. Briefly, they are:

The State will implement a statewide registration system that is networked to every jurisdiction in the State;

The State has a system of file maintenance which ensures that the voting rolls are accurate and are updated regularly;

The State permits in-precinct provisional voting by any voter who claims to be qualified to vote;

The State has adopted uniform standards to define what constitutes a vote on the different types of voting equipment in use in the State;

The State has implemented safeguards to ensure that military service personnel and citizens living overseas have the opportunity to vote and have their vote counted;

The State requires that new voting systems provide a practical and effective means for voters with physical disabilities to cast a secret ballot;

And also, States that have technology that allows voters to check for errors must ensure that they are able to do so under conditions which assure privacy, and States replacing their voting systems must do so with machines that give voters the opportunity to correct errors before the ballot is cast.

The Commission will monitor compliance with these minimum standards, and can make a referral to the Justice Department in cases of noncompliance.

Mr. Speaker, this bill will also help assure the voting rights of our service personnel and overseas citizens. That was a huge issue, as we know, that has come to light, and we appreciate the work that many Members of the House did on this in giving input, people such as the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New York (Mr. REYNOLDS); the gentleman from Indiana (Mr. BUYER), and many others.

It includes a number of provisions that will make it easier for our service personnel to obtain ballots and transmit them in a timely fashion.

Additionally, we will require the Department of Defense to make sure that there are an adequate number of voting assistance officers assigned, and to

make sure that ballots are properly postmarked so they cannot be challenged.

Mr. Speaker, this bill, once again, is the culmination of a lot of hard work. It is carefully crafted and written in the spirit of bipartisan and compromise. I think it is a package that really deserves support.

I also want to thank the gentleman from Missouri (Mr. BLUNT), who is a former Secretary of State. He gave us, from the first day forward, some dynamic ideas and great support on this bill.

Again, I want to thank the gentleman from Maryland (Mr. HOYER). We could not be here if it was not for his spirit on this, and his resolve to make sure that we have good elections in this country.

Mr. Speaker, this bill evolved from a punch card issue into something way beyond that that has teeth, that makes changes, but does it in a responsible way. That is why we have the support of local governments. Speaker Marty Stevens of the National Council of State Legislators and all their staff are supporting this bill; also President Jimmy Carter and President Gerald Ford; Phillip Zellico, the executive director of the National Commission on Election Reform; Ron Thornberg, a Republican Secretary of State from Kansas and president of the National Association of Secretaries of State; Sharon Priest, a Democrat from Arkansas and past president of this association; and Ken Blackwell, a Republican from Ohio.

On a bipartisan basis, the Secretaries of State stepped up to the plate to once again help us to craft this bill; Ralph Taber of NACO, Doug Lewis, executive director of the Elections Center, and many, many others.

The staffs of the Committee on House Administration on both sides of the aisle all came together to make these ideas gel, but all with the same spirit.

As we look around at what has happened to this country, as we look around at those who have tried to attack our very foundation, we realize that the election of individuals from all levels is important, because we do have the greatest democracy in the world. We want the people to feel comfortable with our election process.

□ 1345

This bill does that. It helps America vote, and I urge its support.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself 5½ minutes.

Let me at the outset say that no one could have had a more positive partner in working on this legislation than I had in the gentleman from Ohio (Mr. NEY). The chairman of the Committee on House Administration is dedicated and committed to producing a positive product. He has done that. I have been pleased to work with him in this process, and I thank him for his leadership.

Mr. Speaker, 1 year ago tonight in *Bush v. Gore*, the United States Supreme Court effectively determined the outcome of our last Presidential election. But today this House has an historic opportunity to let this day be remembered not for one of the most controversial decisions in the court's history, but for congressional action to protect our most cherished democratic right: the right to vote and the right to have that vote counted.

One hundred million Americans went to the polls on November 7, 2000, but an estimated 6 million, according to the CalTech-MIT study, failed to have their votes counted.

Thus, today, on this 1-year anniversary of *Bush v. Gore*, I am pleased to join our colleague, the gentleman from Ohio (Mr. NEY), the chairman of our committee, and Members from both sides of the aisle in strongly supporting H.R. 3295, the Help America Vote Act of 2001.

This bipartisan election reform legislation, the most widely supported election reform bill in the House with 173 cosponsors, addresses virtually every major election system flaw that came to light after our last national election. The Help America Vote Act is an important mixture of Federal assistance to States and minimum election standards.

It will require, not ask, but require, all States to adopt a state-wide voter registration system linked to local jurisdiction; in-precinct provisional balloting; a system for maintaining the accuracy of voter registration records; uniform standards for defining what constitutes a vote on different types of voting equipment in different parts of the States; assurances that overseas military voters have their votes counted; assurances that voters have the right and opportunity to correct errors; and practical and effective means for disabled voters to cast secret ballots on new voting equipment.

These election standards are not discretionary, nor are they dependent on the States' receiving Federal assistance under the bill. States shall enact them, and they shall be enforced.

The Help America Vote Act also authorizes, as the chairman has said, \$2.65 billion for Federal election reform, which includes \$400 million for buyout of the infamous punch cards. The remaining \$2.25 million will help States establish and maintain accurate lists of eligible voters, improve equipment, educate voters, recruit and train poll workers, and assure access for disabled voters.

This bipartisan legislation is the product of numerous hearings, at least four in the Committee on House Administration, the most of any congressional committee this year, in which we received invaluable input from State and local officials.

Furthermore, this legislation has been endorsed by, among others, the National Commission on Federal Election Reform, known as the Ford-Carter

Commission; the National Association of Secretaries of State; the National Conference of State Legislatures; the National Association of Counties; the National Association of County Recorders, Election Officials and Clerks; the Election Center; the National Federation of the Blind; and the League of Women Voters of Los Angeles County.

Why is this important? Because it is those individuals who will have to run elections, and the fact that they are supportive of these requirements and these procedures is critically important to the next election.

In fact, in a recent op-ed column in the *Washington Post*, former Presidents Ford and Carter observed: "With the exception of the civil rights laws of the 1960s, this bill," that is on the floor today, "could provide the most important improvements in our democratic election system in our lifetimes."

This is an extraordinarily good bill. It is not a perfect bill, but it goes much further than anybody would have thought at the beginning of this session.

Finally, I want to specifically thank the gentleman from Michigan (Mr. CONYERS), the ranking Democrat of the Committee on the Judiciary, and the gentlewoman from California (Ms. WATERS), the chairman of the Democratic Caucus Special Committee on Election Reform. Their insight and tireless advocacy on this important issue has improved this bill. H.R. 3295, in fact, incorporates many of their recommendations.

This legislation is not a magic elixir. However, it will significantly improve the integrity of our election process, encourage voter participation and restore public confidence in our system. In short, it is a historic opportunity for this House to right the undemocratic wrongs in our election system.

Election reform is a down payment on the right that defines us as a people. That is an investment in democracy that I urge every one of my colleagues to make today. This is a good bill. Let us vote for it. Let us pass it to the Senate. Let us take action.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. Horn).

Mr. HORN. Mr. Speaker, today, the House has an opportunity to address the many problems that were uncovered in past years' Presidential elections. In Florida and many other States, the past election made clear that there are serious doubts about how we conduct some of our elections.

This bill sets minimum Federal standards that the States must meet, and it provides more than \$2.6 billion in Federal funds to help them meet those standards.

The bill specifically provides \$400 million to begin getting rid of all the other punch card voting machines that were such a problem in Florida and many other places. Former Presidents Carter and Ford headed a national commission to examine solutions for

all of the problems in our electoral system. They endorse this bill, so does the *Los Angeles Times* and dozens of other newspapers. It is a sensible step to protect the rights of voters, and we should pass it without further delay.

The legislation before us is well balanced, generally bipartisan. I congratulate the gentleman from Ohio (Chairman NEY) and the gentleman from Maryland (Mr. HOYER) for this wonderful bill that we have before us. They have produced excellent work in doing this; and the bill before us, H.R. 3295, the Help America Vote Act, offers a comprehensive and sensible response that will help to eliminate those doubts and restore the integrity and credibility of our elections.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. HORN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to thank the gentleman. The gentleman from California (Mr. HORN) has been involved since the very first day of this session and we introduced a bill that was not as comprehensive as this. The gentleman was a sponsor and has worked with us ever since. I thank him for his involvement.

Mr. HORN. Mr. Speaker, I thank the gentleman. The gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) have spent hours to do this. And when the 50 States say this is good, one can imagine that Members of this body think it is good.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Georgia (Mr. LEWIS). There is no one in this House, perhaps no one in this country, who has fought harder, risked more, shown more courage and commitment in assuring that every American has the right to vote.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for bringing this bill to the floor. I want to thank my friend and colleague, the gentleman from Maryland (Mr. HOYER), for yielding me time. I know this has not been easy for the two of you, but you brought us to where we are today.

Mr. Speaker, I rise today in support of moving the process of election reform forward. It has been over a year since the 2000 election and other elections have already been held. What happened in Florida last year and so many other places in our Nation must never ever happen again. Voters were denied the right to vote by incorrect voting lists, confusing ballots, and out-of-date voting machines.

The right to vote is precious. It is almost sacred. People died for the right to vote, and we must do whatever we can to protect that right. This is not a perfect bill. This bill is not a cure-all, but it is a step forward in correcting the problems with our election system and opening up the political process.

Many, many years ago I fought to give people a voice in the outcome of

elections, to get people included in the political process, to ensure their right to vote. And 40 years later I remain committed to that goal.

As I said before, this bill does not solve all of the problems, and it is not all that many of us wanted; but it does help to move this process forward this year, right here and now. It is past time that we address this important voting rights issue, and this bill is a necessary step in the right direction. I urge all of my colleagues to support this bill. It is the most important voting rights bill since the passing of the Voting Rights Act in 1965, 36 years ago. Vote for this bill.

Mr. NEY. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Michigan (Mr. EHLERS), who is also sort of the unofficial science advisor of the House Administration Committee and we appreciate his support.

(Mr. EHLERS asked and was given permission to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I am very pleased to rise in support of this bill. I rise on the premise that every registered citizen has the right to vote, can vote, and should vote. I also believe that every citizen who votes has the right to be assured that his or her vote is counted accurately and, furthermore, that that vote is protected against dilution by fraud of others who vote more than once or who vote illegally.

I have served in local, State and national office for over 25 years. During that time I have seen and participated in many elections. The problems we saw last year in Florida are not unique. These problems occur frequently, and I believe this bill will help to solve many of these election difficulties.

While we can debate the particulars of how to administer an election or which voting equipment to buy, we know that all voting equipment should be based on the strongest possible standards for usability, accuracy, security, accessibility, and integrity. In order to achieve all of that, I introduced a bill earlier this year, H.R. 2275, which would help to assist in establishing the technical standards for voting equipment, making use of the resources of the National Institute of Standards and Technology, which is uniquely qualified to do this. I am very pleased that those provisions of H.R. 2275 have been incorporated into the bill that is before us.

□ 1400

These provisions originally would have created a commission chaired by the Director of the National Institute of Standards and Technology and comprised of local election directors. This commission would have been responsible for developing voluntary technical standards to ensure the usability, accuracy, security, accessibility, and integrity of voting systems and voting equipment.

Those provisions have been carried over to this bill. It is a near perfect fit because it creates the process by which the Election Assistance Commission in this bill can develop and will develop technical standards, which currently are woefully inadequate under current guidelines. These provisions that have been inserted in this bill will help strengthen the bill, providing much-needed research into improving voting equipment.

This bill includes a grant program for developing better voting technology and making sure that our existing systems are secure. It also includes a research program inside the National Institute of Standards and Technology that will review, among other things, the role of human factors in the design and use of voting machines.

In summary, this legislation will ensure that the Election Administration Commission will have an effective, transparent, informed, and complete process for the development of voluntary technical standards for voting equipment and systems. I am very pleased to have participated in the creation of this bill, and I urge that we adopt it.

Mr. HOYER. Mr. Speaker, I am honored to yield 3 minutes to the gentleman from Philadelphia, Pennsylvania (Mr. FATTAH), my distinguished colleague on the Committee on House Administration who has worked very hard on this bill for the last 8 months.

Mr. FATTAH. Mr. Speaker, let me say first that I want to congratulate the principal sponsors of this, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER). Their work, along with the others on the committee, have really done a tremendous service for the country by moving this issue forward.

I join my colleague, the gentleman from Georgia (Mr. LEWIS), when he says that this is a necessary step towards election reform. It was just a year ago today that the Supreme Court ruled and stopped the vote counting in Florida. It was an international disgrace the way that the process unfolded, and with so many people's votes were discarded by machinery that did not work, or processes that did not comply with what was necessary to have every single person being able to cast a vote and to have that vote counted.

This bill moves us towards real election reform. It is imperfect, but it is part of a process in which I think that this is a bill that is much better than any of us could have hoped for leaving the House. We would hope that the other body will act and that then we would have a conference committee and a final product so that the people who we represent can be assured that in the next election, that some of the items that have been identified in this legislation, in terms of proxy voting and in terms of access and standards at the State level, and doing away with outdated machinery, along with the \$2.6 billion in Federal resources that

assist States in this effort, will be part of the final product.

So, again, I want to thank Chairman NEY, who I think has exhibited extraordinary leadership in moving this forward, and Ranking Member Hoyer, bringing together a bipartisan group of people. I am happy to be one of the principal cosponsors of this legislation.

I know there are some who are disappointed in the rule. I am disappointed in the rule. I would have preferred that we would have been able to have a more open process here on the floor in terms of the House fashioning its will. But I am mindful that as we go forward, we all have a responsibility and we are burdened with it to try to make real reform happen. And as we go forward and through this process today, I know that when we pass this out of the House, as has been mentioned before, that since the 1965 Voting Rights Act, this will be the most important voting rights legislation that the House has sent forward in many, many years.

So I want to urge the House to support it. I know that when we come to the final resolution on election reform, this bill will be the linchpin for the action that the entire Congress, along with a Presidential signature, will give to the American people; and that is a much better electoral system.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

(Mr. TERRY asked and was given permission to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, I believe in the empowerment of local, county, and State governments. I believe that they, being closer to the people, can provide services better and cheaper. The Federal Government does ask that those local governments perform tasks on behalf of the Federal Government. Running elections is such a request. In fact, it is not a request, it is a mandate in the United States Constitution. Yet we do not partner and we do not help in the running of those Federal elections.

The consequences are outdated machines, poor election personnel training, poor coordination, bad voter lists, all making the system vulnerable to fraud. The Federal Government, with H.R. 3295, establishes that partnership, helping States and counties more efficiently run Federal elections.

This act enhances the credibility of the election system by providing some financial help to States and counties to upgrade from a punch card system to a newer technology less fraught with danger. It, importantly, also helps those States who moved forward to upgrade while Congress here debated, discussed and compromised.

This act helps to set minimum standards for elections, to avoid confusion in the future. It helps train election officials. It helps ensure, and this is an important aspect, it helps ensure that the votes of our overseas men and women, and those in the service, will count. It

requests States clean up their voter lists, and it allows our youth more participation in the process.

These are all extremely positive movements in the right direction for the future of our democracy, and I encourage my colleagues to help secure future elections by voting "yes."

Mr. HOYER. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. BROWN), who has been as strong a voice on behalf of election reform as we have in this country.

Ms. BROWN of Florida. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to thank the chairman and the ranking member both for their leadership on this matter.

One year ago today, 10 p.m., I was standing in front of the Supreme Court. And I tell my colleagues that it was the coldest night I have ever experienced in my life. And I am not talking about the weather. I am talking about when the Supreme Court selected the President of the United States.

Nobody feels more about this bill than I do, because my constituents were disenfranchised. There is no one in Florida who looks like me that believes we had a fair election in Florida. There is no one who looks like me that does not feel that we had a coup d'etat here in the United States. Harsh words. But the television today, and others, talked about what happened at the Supreme Court. But they said, well, everything is okay. Well, the end does not justify the means. We have to make sure that what happened in Florida never happens again.

Now, this bill is not a perfect bill. I have been an elected official for 20 years. I have never seen a perfect bill. But this bill is a perfect beginning, and I support it and urge my colleagues to vote for it. It starts us on our way.

One provision that I want to talk about that is in this bill is the provisional balloting, wherein 17,000 people would have had an opportunity to have their vote counted if that had been enacted.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I rise today in strong support of H.R. 3295, the Help America Vote Act of 2001. I want to thank my colleagues, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for creating this bill that will strengthen our Nation's voting system and enhance America's democracy.

The 2000 election highlighted obviously the inaccuracies and inconsistencies in our voting systems. As the country waited to hear the final outcome of the Presidential election, many began to take a closer look at our voting systems. What we saw were outdated technologies and a lack of uniformity.

In my home State of West Virginia, 12 counties of the 55 counties still use

the punch ballot. It is easily manipulated and archaic, but these 12 counties lack the funds to replace these machines. With the \$3.6 million that West Virginia will receive in this bill, all those machines will be replaced.

But I think it is interesting to note that there are four other operating voting systems in our small State of West Virginia; optic scans, paper ballots, lever machines, and a highly innovative votronic technology. The lack of uniformity and compatibility creates confusion. This plan will help eliminate that. All States will be able to benefit from the flexible funds, which can be used to enable access to voters with disabilities, strengthen voter turnout, and to consolidate our statewide registration systems.

Voting for an elected official is the hallmark of American democracy. When citizens cast their votes, they are exercising a fundamental right that our forefathers worked to achieve for all generations. With our country at war, we must also be concerned now, more than ever, about ensuring the accuracy of the votes of our men and women overseas. This bill, H.R. 3295, addresses this concern.

Voting is an important and fundamental American right and should never be casually regarded. But our citizens need to have the confidence in their voting systems so they will eagerly and willingly cast their votes and feel confident that they are participating in a strong and efficient democracy.

Mr. Speaker, I urge my colleagues to support the bipartisan Help America Vote Act.

Mr. HOYER. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL), the distinguished former Mayor of Patterson, who has been involved in elections for a long time and worked very hard on election reform.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for yielding me this time, and thanks to the Chairman, the gentleman from Ohio (Mr. NEY), for all his work.

The great poet Langston Hughes asked, "What happens to a dream deferred?" Well, in the case of the dream of fair and equal treatment at the polls, a dream deferred is a dream denied. Let us defer these dreams no longer. Let us take this critical step to ensure that all Americans have their votes counted.

Last year's presidential election was a civics lesson for all of us. Not only did we learn that every vote counts, we learned that every vote is not counted. Although we all saw what happened in Florida, we realized the problems existed in every State and in every municipality.

In Atlanta's Fulton County, which uses punch card voting machines, one in every 16 ballots for president was invalidated. In many Chicago precincts that have high African American popu-

lations, one of every six ballots was thrown out. If we do not address this blatant irregularity and inequality, then we are letting down the thousands of Americans who take the time to vote each year.

This bill is the right approach. Buying out our punch card systems, improving equipment, recruiting and training poll workers, improving access for people with disabilities, and educating voters about their rights are the things we must be doing. And we should require States to adopt minimum election standards, whether it comes to voter registration or provisional voting.

When one voice is stifled because of outdated election procedures, it stifles our collective system, Mr. Speaker, as a Nation. And none of us should tolerate it any more.

Mr. NEY. Mr. Speaker, I would like to inquire as to how much time is remaining.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Ohio (Mr. NEY) has 10 minutes remaining and the gentleman from Maryland (Mr. HOYER) has 16½ minutes remaining.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GRUCCI).

Mr. GRUCCI. Mr. Speaker, I would like to thank the chairman for yielding me this time, and I rise today in support of H.R. 3295, the Help America Vote Act.

After experiencing the confusion and the uncertainty of the 2000 election, Congress must act to restore America's confidence in our voting system. H.R. 3295 does just that. This bill will strengthen our election system while ensuring lawful and impartial voting for every citizen.

□ 1415

Mr. Speaker, our government is based on participation by every citizen. The voice of the citizens in our government is heard through their vote. This legislation will ensure that every voice be heard. This bill not only allows citizens to vote with peace of mind, but also strengthens our democratic process.

The Help America Vote Act authorizes \$400 million to buy out the problematic and outdated punch card voting machines, as well as establishing minimum standards for State election systems. Some of the requirements include that States have a voter registration system linked to local jurisdictions, systems to maintain the accuracy of voter registration records, and the adoption of uniform standards defining what constitutes a vote.

At a time when we honor the service of our brave men and women overseas, this bill includes a system to ensure that both uniformed military men and women and overseas voters have their votes counted.

As a member of the Committee on Science, I am proud to see that some of our provisions that our committee

passed earlier this year are included in H.R. 3295. One of the key provisions of the bill is the creation of the Help America Vote College Program. This important program would encourage college students to assist State and local governments in the administration of local elections by working as nonpartisan poll workers. By energizing our college students, we encourage young people to speak out, using both their voice and vote, to become more active in their government.

Mr. Speaker, there is a great need to improve the way our election system operates in America. We need to ensure that all Americans have their voices heard at the polls and their votes recorded fairly. I encourage all of my colleagues to support H.R. 3295.

Mr. HOYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, first of all, let me commend the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for the development of this legislation. I also thank the gentlemen for working with me and my colleagues, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Maryland (Mr. EHRLICH), to ensure that individuals who are visually impaired and blind are able to vote independently. We appreciate the inclusion of much of our amendment in the manager's amendment.

Mr. Speaker, the question I would like to ask the gentleman from Ohio is what does the gentleman envision by the term "fully accessible" as it relates to the bill?

Mr. NEY. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I thank the gentleman for this very important question. It is my hope and expectation that "fully accessible" would mean that blind persons would have the ability to vote in private and have the ability to independently verify the vote cast.

Mr. DAVIS of Illinois. Mr. Speaker, I certainly appreciate that clarification and share the gentleman's expectation. I feel there is nothing more important than the right to the franchise and for the ability for all people to exercise that right independently and secretly. Again, I thank the gentleman for his accommodation and thank the gentleman for the development of this legislation.

Mr. NEY. Mr. Speaker, if the gentleman would continue to yield, I thank the gentleman for his very important work on this issue, and also for the work of the gentleman from Illinois (Mr. SHIMKUS).

Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, there is a broad consensus in this country that we need to make some commonsense changes to our election laws. I com-

mend the gentleman from Ohio (Chairman NEY) and the gentleman from Maryland (Mr. HOYER), the ranking member, for reflecting those wishes from around the country and bringing them here to this House today to pass what is a truly bipartisan, truly commonsense approach to making our elections work better.

There is a lot to like about this bill. It provides States that still use punch-card voting systems with necessary funding to replace those outdated systems. This is something that came up in the last Presidential election, and something that needs to be addressed. It is not only a bipartisan issue, it is a nonpartisan issue that people care about at the local level.

It also takes steps to see that States will set up state-wide voter registration systems and make sure that voter rolls are properly maintained, which is very important to the integrity of elections.

It also encourages high school and college students to become nonpartisan poll workers to get involved in the system. But doing all that, it also respects the fact that State and local government must continue to be the overseers of the process of elections. There is a lot to like in this bill, including the way in which these two gentlemen put it together. I commend them and urge support from both sides of the aisle.

Mr. HOYER. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I want to say to the gentleman from Ohio (Mr. PORTMAN), I thank the gentleman for his words. There are, frankly, not very many better legislators in this Congress than the gentleman from Ohio (Mr. PORTMAN). He has done some extraordinary work through the years, and I appreciate his comments. I want him to know what a positive partner, as I said at the beginning of this process, the gentleman from Ohio (Mr. NEY) is.

Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a former Secretary of State of Rhode Island.

Mr. LANGEVIN. Mr. Speaker, today I rise in support of H.R. 3295, the Help America Vote Act. Fixing the shortcomings in our election system is no easy task, and I commend the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for their tireless efforts to craft strong, bipartisan legislation, and for allowing me to assist in its development.

As Rhode Island's Secretary of State, I replaced our ancient lever voting machines with state-of-the-art voting equipment and created a system guaranteeing that every vote is counted and every person with a disability has 100 percent voting access; and that is exactly what we must demand in every State.

H.R. 3295 will let States like Rhode Island build on their successes. By counting State expenditures for ongoing election improvement programs toward the 25 percent State match re-

quirement, these model States may implement new and innovative accessible voting technologies and serve as even better models for other States to emulate.

The Help America Vote Act also sets minimum standards for election administration and voting accessibility. Because 84 percent of the Nation's polling places are inaccessible to the physically disabled, I strongly encourage State election officials to follow Rhode Island's cost-effective model and guarantee to all Americans the fundamental right to vote independently.

This bill offers many good improvements, but we must go further. We must ensure full voting access to all people with disabilities. I have advocated for the access board to develop national standards and deadlines for polling place accessibility, and I will continue to push for this mandate.

Today's legislation will lay the foundation of a great new era of public participation in the democratic process. While it is not a perfect bill, it is an important first step in addressing the inequities of our Nation's voting systems, and I encourage my colleagues to support it.

Mr. NEY. Mr. Speaker, I yield myself 10 seconds.

Mr. Speaker, I thank the gentleman from Rhode Island (Mr. LANGEVIN). He has brought his expertise as Secretary of State to the table here in the House and has been a tremendous resource working with us throughout the process.

Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I, too, rise in support of H.R. 3295; and I, too, congratulate the sponsors for the work that they have done.

My State happens to be very advanced. We have a fully electronic system; and while some States such as Delaware have such a modernized voting system, we will be able to use these funds for voter outreach and training poll workers and making polls more accessible to disabled voters. There are a lot of good things in this bill.

Mr. Speaker, these gentlemen deserve congratulations; but I would like to speak to a couple of things. One, since I have been involved in elected politics, and I have seen all kinds of problems in Wilmington, Delaware, and the State of Delaware, I have seen a lot of improvements. The sanctity of the vote to people is of extraordinary importance. Americans have the right across the United States of America to feel that their vote is going to be counted and their vote counts as much as the President of the United States. That is at the heart of democracy, and that is why it is so important that Congress speaks to this today.

The fairness of elections is important. We need to feel it is not the Supreme Court, but the people of the United States of America who are deciding who our elected officials are

going to be. It is also very significant that we are addressing those problems as well; and the issues of disabilities are important. I hope all Members support the legislation.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, I rise in support of the Help America Vote Act of 2001. I do this with some reservations. However, it is necessary that we pass this bill today. I thank the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) for their persistence in bringing this bill to the floor.

The election of 2000 disenfranchised millions of voters and illustrated the shambles in which we find our current voting system. The right to vote is sacred and guaranteed by the Constitution. This right was made a mockery during the election of 2000. Congress must act to guarantee that every single vote is counted, and that did not happen in 2000.

Many citizens have died trying to secure and protect the right to vote in this country. James Chaney, Michael Schwerner, and Andy Goodman died in Philadelphia, Mississippi, in 1964 because of their efforts to protect the right of others to vote. I will not let their deaths be in vain. I hope that other Members of this body share that sensitivity. The bill is not perfect, but it is a compromise and a work in progress. Let us keep the process alive and vote for this bill. Let us send it to the Senate and allow them to work their will on their side.

The SPEAKER pro tempore. Does the gentleman from Ohio, the manager of the bill, yield for a unanimous consent request?

Mr. NEY. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I appreciate the efforts of the gentleman from Ohio (Mr. NEY) and all Members who have been involved in this legislation. Many of us have a concern, however, that although this addresses with some special funding States who have not been as diligent about updating their electoral machinery, although States which have been more apathetic are rewarded under this, there is no reward, no incentive, for States which have been diligent.

My State of Oklahoma is one such diligent State. Oklahoma spent \$20 million to create optical scanning voting equipment in every precinct in every county in Oklahoma. I applaud the foresight of our former State election board secretaries, Lee Slater and Lance Ward, in doing so. The amendment, which was intended to be a part of a manager's amendment that ended up not being, is simply to say that States which have funded an optical scanner or electronic system on a state-wide basis would be reimbursed at the same per-precinct rate as States whose equipment we seek to replace under the bill.

REQUEST TO OFFER AMENDMENT

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent to offer the amendment at the desk.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Oklahoma?

Mr. PASCRELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN), the former Speaker of the House in Maryland.

(Mr. CARDIN asked and was given permission to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, first, I congratulate the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) for the manner in which they have brought forward this legislation. Along with the gentleman from Maryland (Mr. HOYER) and other Members of this body, I serve as a representative on the Commission on Security and Cooperation in Europe. That group monitors human rights and democratic issues in the European countries, the United States, and Canada. We have the responsibility at times to monitor elections in developing countries.

□ 1430

My point, Mr. Speaker, is that if our 2000 election was monitored by that body, it would not have passed international standards. I congratulate all that are responsible for bringing forward this legislation because it is an appropriate Federal response to start us down the road to guarantee to the American people that our State election process will, in fact, count every vote. It is the way that we should begin. It is good legislation, I urge my colleagues to support it, but let us not lose sight of the fact that we have a long way to go.

Mr. Speaker, I rise today in strong support of H.R. 3295, the Help America Vote Act. I want to commend the House Administration Committee for working in a bipartisan manner to bring this legislation to the floor. I am pleased to be an original co-sponsor of this very important legislation.

It has been a full year since the contested presidential election of 2000 which tested our democratic institutions. Last year the American people understood that our democratic process is more important than the victor, and the Americans accepted the outcome as final. That said, we must ensure that we as a nation never have to go through such an experience again. There must never be a question as to whether every vote was counted. We are the strongest democracy in the world and every American must be secure in knowing that his or her vote counts.

Mr. Speaker, this landmark legislation authorizes \$2.25 billion for fiscal years 2002 through 2004 for payments to states for specified activities related to administering elections. In order to receive federal funding under this program, states must provide at least a

25% match of the federal funds. The bill authorizes the use of funds for states to replace punch card voting systems with more reliable voting systems, or to upgrade their existing voting equipment. Specifically, the bill authorizes \$400 million for one-time payments to states or counties to replace current punch card voting machines with more reliable systems in time for the November 2002 elections.

The bill also establishes an Election Assistance Commission, with a \$10 million annual budget, that would serve as a clearinghouse for information on federal elections, oversee the development of voluntary election standards, and provide funds to states to improve election administration. The bill also includes provisions intended to facilitate absentee voting by military and other overseas voters.

The bill requires states to adopt minimum election standards, and to make several important changes in their voting systems, including: a statewide voter registration system linked to local jurisdictions; in-precinct provisional voting when questions arise about a voter's eligibility; a system for maintaining the accuracy of voter registration records; uniform standards defining what constitutes a vote on different types of voting equipment; assurances that military and overseas voters will have their votes counted; assurances that voters have the opportunity to correct errors; and practical and effective means for voters with disabilities to cast secret ballots.

Mr. Speaker, I am also aware that for some civil rights organizations that this legislation does not go far enough to ensure every American's right to vote and to have every vote counted. I sympathize with this view, and would like to note that I am a co-sponsor of H.R. 1170, the Equal Protection of Voting Rights Act, introduced by the ranking member of the Judiciary Committee, Mr. CONYERS. H.R. 1170 seeks to strengthen federal Voting Rights Act protections for citizens pursuant to the guidelines set down by the United States Supreme Court in *Bush v. Gore*. In some respects H.R. 1170 goes farther to strengthen voting rights protections than H.R. 3295, and I would therefore urge the Judiciary Committee to mark up and report this legislation to the full House during the second session of the 107th Congress.

However, Mr. Speaker, we cannot allow the perfect to be the enemy of the good. The Help America Vote Act provides unprecedented federal resources to the states to modernize and upgrade their voting systems. The bill also requires states to adopt minimum election standards that will ensure that every vote is counted.

There are other very important provisions in H.R. 3295 that I would like to address.

For example, the bill strengthens existing civil rights protections. The bill is the first legislation to be reported by a house Committee that specifically requires state compliance "with the existing applicable requirements" of the ADA in the administration of elections. By expressly linking the ADA to elections, H.R. 3295 will give courts solid legislative foundation to apply ADA protections to the voting process. Moreover, one of the eligibility requirements for election assistance funding under H.R. 3295 is that there be at least one voting system available in each precinct or polling place that is fully accessible to voters with disabilities. Furthermore, it must be noted that the Help America Vote Act requires states

to certify that they are in compliance with the ADA, the Voting Rights Act, the Voting Accessibility for the Elderly and Handicapped Act, and the National Voter Registration Act.

In addition, the legislation addresses the second-chance voting requirement. The bill clearly prescribes that states must adopt an election standards that assures that voters have the opportunity to correct errors. Furthermore, H.R. 3295 requires jurisdictions that currently have voting machines that can detect errors to use that error-detection capability, and that all new voting machines purchased must be capable of detecting errors so that voters may correct possible errors.

The legislation also provides for voter education. Part of the \$2.25 billion provided for states authorizes that states to "educate voters about their rights and responsibilities."

In conclusion, Mr. Speaker, Congress and the states have a lot of work to do before the next Presidential election in 2004. Voting is our most basic right, and Congress must take a role to ensure that all states have modern voting equipment that will count every vote accurately and fairly. Anything less than that weakens our democracy. I urge my colleagues to support H.R. 3295 as a critical first step in strengthening our democratic process.

Mr. HOYER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Speaker, first I would like to thank the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) and the committee for the terrific job they have done on a piece of legislation that we need to pass.

I rise today to engage in a colloquy with my colleague from Maryland.

Millions of Americans now enjoy the convenience and security of voting at home by absentee ballot or, in my State, through an all vote by mail system. Is there anything in this bill that would define the home as a polling place with the intention of stopping or curbing absentee and at-home voting or, as we know it, vote by mail?

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Ms. HOOLEY of Oregon. I yield to the gentleman from Maryland.

Mr. HOYER. I appreciate the gentlewoman's request for clarification. I want to say emphatically, nothing in this bill defines anyone's home, nor do we interpret in any way a home as being included as a polling place with the intention of stopping or curbing absentee and at-home voting.

In recognition of Oregon's all-mail voting law, the bill exempted Oregon and other States with all-mail voting from the provisional voting requirements applicable to polling places. So nothing in this bill should be of concern to your State's all-mail voting process.

Ms. HOOLEY of Oregon. I thank the gentleman.

Mr. Speaker, I include the following letter for the RECORD:

STATE OF OREGON,
STATE CAPITOL,
Salem, OR, December 3, 2001.

Hon. DARLENE HOOLEY,
House of Representatives, Longworth Building,
Washington, DC.

DEAR REPRESENTATIVE HOOLEY: It has come to my attention that H.R. 3295, the Ney-Hoyer elections reform bill, may come to a vote in the House as early as this week. I support this legislation but I request your assistance in seeking clarification on one section of the bill prior to a vote of the House. Clarification of this section could be very important in protecting Oregon's vote-by-mail system, which as you know is supported by an overwhelming majority of Oregonians.

Subtitle B—Voluntary Elections Standards, Section 221 (a)(1)(B), states that "The Standards should provide that voters have the opportunity to correct errors at the precinct or other polling place, either within the voting equipment itself or in the operational guidelines to administrators for using the equipment, under conditions which assure privacy to the voter."

I believe we need a clarification or assurance from the sponsors that they *do not* define the home as a polling place in a vote-by-mail or absentee voting environment. If the standard above were interpreted as applying to a home, it would have the effect of banning Oregon's vote-by-mail system for federal elections and absentee voting for federal elections in all states that allow it. It is hard to believe that the drafters intended to do such a thing, but a clarification could clear up any potential questions.

Thank you for your assistance in this matter. If you have any questions, contact Deputy Secretary of State Paddy McGuire or me at 503-986-1523.

My Best,

BILL BRADBURY,
Secretary of State.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. PRICE), one of our most distinguished members, a professor of political science, the author of many books on politics, who probably understands the election system as well as any of us.

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for his kind words, and I am proud to stand in support of this bill.

Mr. Speaker, last year's election revealed dangerous cracks in our voting system. This was most obvious in Florida where a month-long spectacle left Americans skeptical of the fairness and the legitimacy of our election system. But the problems were not limited to Florida. Studies have indicated that the votes of more than 6 million Americans went uncounted during last year's election cycle. The American people deserve better than that. They expect real election reform that ensures that every single vote counts and is counted.

H.R. 3295 takes a significant step toward improving the integrity of the election system and making certain that every vote will count. The bill grants \$2.25 billion to help States educate voters about their rights; to improve equipment, ballots, and voter in-

struction; to recruit and train poll workers, and to improve access for disabled voters. The States would be required to implement basic standards for fair and accurate voting. This would include a statewide voter registration system linked to every jurisdiction, in-precinct provisional voting for voters whose credentials are challenged, and means for voters with disabilities to cast secret ballots.

H.R. 3295 also incorporates and builds on legislation I helped author, the Voting Improvement Act, H.R. 775. In particular, it would provide \$400 million, up to \$6,000 per precinct, to buy out unreliable and outdated punch card machines, the type of equipment that has the highest error rate.

Punch card machine use is widespread. Thirty-four percent of the American people cast their votes on this kind of machinery, including eight counties in my State of North Carolina. But a 12-year study done by CalTech and MIT found the spoilage rate for punch cards was unacceptably high, almost 3 percent nationwide. That means a million votes have been lost since 1988 due to punch card machine error and malfunction.

Mr. Speaker, now more than ever, we need to make certain that every American can participate fully and with confidence in our democratic form of government. We must ensure that every vote is counted. I urge my colleagues to take a significant step toward achieving this goal by joining me in support of H.R. 3295.

Mr. HOYER. Mr. Speaker, I yield 30 seconds to the distinguished gentlewoman from New York (Mrs. MALONEY) who has done as much for counting every American as anybody in America and who has done as much for overseas voters as anybody in America working with our colleague, the gentleman from New York (Mr. REYNOLDS).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his kind words and his leadership and congratulate him and the gentleman from Ohio (Mr. NEY) for bringing this important bill to the floor which takes steps to correct the registration balloting and vote counting problems that disenfranchised so many Americans last year.

I also want to thank my good friend from the great State of New York (Mr. REYNOLDS) for being an important voice for the voting rights of Americans living abroad. We introduced a bill together, the Uniformed and Overseas Citizen Absentee Voting Reform Act and many of the elements of this bill are incorporated in the underlying important bill.

Though this legislation isn't perfect it's a positive step toward preventing another presidential election fiasco. The bill includes several improvements to the election process, including authorizing funds to help states and counties replace outdated punch card voting

systems. In addition, the bill establishes a minimum standard for state election systems to ensure that votes cast on all types of equipment are counted.

I would like to take a moment to discuss my concerns about the difficulty of Americans living abroad and participating in our election process. Congressman REYNOLDS and I introduced H.R. 1997, the Uniformed and Overseas Citizen Absentee Voting Reform Act of 2001. Though not all of the provisions of that legislation are included in this bill, this legislation does include many helpful provisions.

One would allow an absentee ballot application to apply to two consecutive general federal elections. These applications can be particularly difficult to obtain for overseas residents whose Board of Election in the U.S. do not keep regular business hours.

Another provision requiring the collection and publication of statistics on overseas voting by the states will fill a serious gap in our overseas voting monitoring system. The legislation also contains provisions to promote participation in voting assistance programs. They include providing voting assistance officers on military installations, and designating an office in each state, whose sole responsibility is to provide information on voter registration procedures and an absentee ballot application to any overseas citizen.

Passing the Help America Vote Act of 2001 would be a victory for the Democratic process. I urge a "yes" vote.

Mr. NEY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise today in support of the Help America Vote Act and would like to commend Chairman NEY and Ranking Member HOYER for their unyielding and bipartisan work on this important legislation.

I also want to commend my colleagues who have taken to the floor today to talk about an issue that many of us 12 months ago would have found much more contentious than we have heard today. Long before there were wars and long before threats of anthrax on this Hill, we found ourselves locked as a Nation in a battle over the very integrity of the electoral process in America. In a bipartisan way, Chairman NEY and Ranking Member HOYER and the members of the relevant committee have come together and said, here is how we can come together to improve the very integrity of the electoral system, leaving past controversies over elections in the past, where they belong.

The Help America Vote Act will allow us to strengthen voter list management, voting standards, overseas military votes and even encourage the Nation's youth to participate more in our elections. And without encroaching upon States' rights in elections, we will also provide much needed resources for new machines.

I urge all of my colleagues to support this important bipartisan measure and strengthen the American voting system.

Mr. HOYER. Mr. Speaker, it gives me a great deal of pleasure to yield 1½ minutes to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), chair of the Congressional Black Caucus.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me quickly express my appreciation for the leadership of the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER). It has not been an easy job for them, and I understand that because I have been in touch this entire year. They have reached out and attempted to address what we consider a very fundamental right in any democracy, and most especially this one.

Winning and losing is all a part of a democracy. All of us can accept that, as long as we know that we can look upon this board and count the numbers correctly and get the results. The least we ask is for when people vote, that their votes be counted. We must make sure that their votes can be counted with the machinery that is needed.

I can appreciate the positive points in this bill of assisting those States who need assistance to implement this bill. I am hoping that as this bill moves along that it will be corrected and improved with more collaboration with the Senate side in conference. I do feel, however, that this is a step in the right direction.

Mr. HOYER. Mr. Speaker, I am pleased to yield 30 seconds to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER). After the Florida election debacle, we deserve a response. I would only say that this is a step in the right direction. The gentleman from Maryland knows that I would have voted against the rule and I am supporting the motion to recommend to address the disabilities issues and a lot of the civil rights issues, not specifically addressed in the Election Reform bill. I believe that this Congress must have a bill that can be signed by the President that includes the Conyers and Dodd legislative provision on Election Reform. But I do believe we have made the right decision to address the need for Election Reform by debating this legislation today.

Let me close by saying no matter what we do in election reform, we have to make sure we have a national holiday. I hope we will address H.R. 934 that provides us a national holiday that is different from Veterans Day to ensure that we all can vote, but we must move forward so that we can answer the questions raised by of the American people by confirming that every single vote must count.

Mr. Speaker, last week the House Judiciary Committee held a hearing on H.R. 3295, the "Help America Vote Act of 2001" and addressed one of the most important issues in America today: electoral reform.

I was pleased that the Judiciary Committee continued to address this serious issue, so that we can finally remedy the systemic disenfranchisement of voters evinced most dramatically and tragically by the 2000 presidential election.

The need for comprehensive electoral reform legislation is great. According to a report issued by Caltech and MIT, as many as 6 million Americans were denied their fundamental right to vote and to have their votes counted. More recently, in last month's Houston Mayoral runoff in Harris County, Texas, which I represent, a computer problem cut off access to the county's voter registration data base. As a result, voters were either turned away from the polls or were told by election officials that they could only vote if they had voter registration cards. Many could not vote at all.

The legislation before us today, H.R. 3295, is one of numerous efforts to reform a system which clearly needs fixing. As the Chair of the Congressional Election Reform Caucus, I applaud such efforts and would like to thank Congressman NEY and HOYER for their efforts. However, I am concerned with several problematic provisions in the bill which have the potential for the bill to fall short of the kind of comprehensive legislation that would ensure that every American's vote is cast and counted, particularly the aspect of the legislation that makes these standards voluntary and not mandatory.

I am particularly offended by the decision of the Rules Committee to preclude amendments to this legislation which would remedy several provisions that need correcting. For example, under Congressman MENENDEZ's proposed amendment, provisional voting which would help eliminate voting disparity, would have been included in the bill. Similarly, an amendment by Congressman DANNY K. DAVIS would have addressed the very serious problems of voter intimidation and fraud. Unfortunately, because of the closed rule, productive provisions like these will not appear in this bill.

Opponents of this bill in its current state make a compelling argument that it may actually reverse voting protections as provided under current law. First and foremost, the bill lacks standards requiring accessibility to voting for language minorities, disabled voters, and the elderly. Additionally, the bill lacks standards for voting rights education and for educating voters as to where and how to vote. Moreover, the minimum standards included in the bill are generally unenforceable because actions can only be taken against a state for failing to meet "standards" if the newly created federal agency receives credible information that the state has submitted false information. As such, the new agency would have no authority to gather information from the states.

Other problematic provisions are numerous. For example, the bill fails to ensure that Americans are allowed to cast important provisional ballots where their eligibility is questioned at the polls. The bill fails to ensure, regardless of race or ethnicity, that the voters have access to voting machines that perform accurately. The bill also deviates from current federal law by allowing for voter names to be "purged" from the voting rolls, and fails to provide protections ensured by computerized statewide voter registration lists. Finally, the bill fails to ensure that voters with disabilities are adequately assured of their voting rights, and fails

to ensure that all voters have access to machines that are easily and universally operable.

Alternatively, I believe that we should strongly consider the recent bi-partisan efforts of Senators DODD and DASCHLE, and Representatives CONYERS and MORELLA in their recent introduction of S. 565/H.R. 1170, the "Equal Protection of Voting Rights Act". This bill would provide greatly needed grants to states and localities for federal election administration systems that are part of state plans developed by the Governors and approved by the U.S. Attorney General. The requirements in the above legislature, S. 565/H.R. 1170 are mandatory. I am an original co-sponsor of that legislation.

Under H.R. 1170, states would have to include uniform national standards for accessibility, nondiscriminatory standards addressing election technology, provisional voting and sample ballots, and would be mandated to provide funds for voter education and worker training programs. Additionally, a truly bipartisan Commission on Voting Rights and Procedures would be created, consisting of 12 members; 6 appointed by the President, 3 appointed by Senate Minority Leader, and 3 appointed by House Minority Leader. The Commission would examine issues, develop "best practices" and issue a report within one year.

The report would include consideration of the best ways for the federal government to permanently assist state and local governments. H.R. 1170 is an important effort on behalf of America's right to vote deserving of all of our support.

Additionally, I would like to raise several key issues not addressed in either bill which are deserving of our attention. First, beyond the egregious voting irregularities already noted, millions of Americans were denied their fundamental right to vote simply because they were unable to vote due to prior work commitments. This is the phenomenon of voting disparity present in most elections in America between those who can afford to take time off work to vote and those who cannot. In fact, this perpetual disparity threatens the very fabric of our representational democracy.

In August, 2001 the non-partisan National Commission on Federal Election Reform, also known as the "Ford-Carter Commission" attempted to remedy this problem when it issued its policy recommendations with respect to electoral reform. Its premature recommendation for an Election Day holiday was as follows: "in evenly numbered years the Veterans Day national holiday be held on the Tuesday next after the first Monday in November also serve as our Election Day."

I take exception with this recommendation because it is precisely because of the sacrifices made by our Nation's Veterans for our freedom, our flag, and the American people that we are today able to vote. Their sacrifice, particularly in light of the September 11 attacks and the ongoing war on terror, reminds us that we cannot take our freedoms and democracy for granted. As such, this important day should be preserved and honored at all costs. That's why, on March 7, 2001 I introduced H.R. 934 which ensures that the fundamental right to vote is guaranteed to every citizen of the United States without interference with Veterans Day. H.R. 934 establishes Presidential Election Day on the Tuesday next after the first Monday in November in 2004

and each fourth year thereafter, as a legal public holiday so that all Americans can vote irrespective of their economic status. Importantly, it also recognizes the sacrifices of Veterans and the sanctity of Veterans Day by ensuring that Election Day never falls on Veterans Day.

I feel strongly that these issues should be noted in any discussion related to electoral reform.

While I thank the sponsors of H.R. 3295 for their efforts to reform our badly corrupted election system, the bill is lacking in several key areas, where other bills do not. The many areas for improvement in this bill should be addressed.

Mr. HOYER. Mr. Speaker, it gives me a great deal of pleasure to yield 1 minute to one of my very good friends in this House, the gentlewoman from Florida (Mrs. MEEK), who represents so ably South Florida, a former member of the State Senate.

Mrs. MEEK of Florida. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) for giving me this opportunity. It took me a very long time to get here. My father and my mother could not have stood here and expressed themselves as I am going to do today. I am thankful for that opportunity. It could be better, but we are at the point now to make it as good as we can.

Some good writer said a long time ago that perfect should not be the enemy of the good. I repeat it. Perfect should not be the enemy of the good. This bill is not a perfect bill, but it is a very perfect step. Many of the things that we have wished for and as I stood with my poor colleagues and poor constituents in Florida on Election Day, had you been there with me, you would have been happy today to come here and say "yes" on this bill, because you will have told this country you have helped America understand that even though how lowly or where they come from or what their nationality is, that this Congress would one day address this, even if by minimal standards only.

I want to thank again the gentleman from Maryland and the gentleman from Ohio for this bill.

Mr. HOYER. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DAVIS), one of the members of the Committee on House Administration who, as a freshman, was the Democratic leader with the Republican leader that worked together on election reform. He has been one of the most tenacious and effective advocates of meaningful election reform.

Mr. DAVIS of Florida. Mr. Speaker, at stake on Election Day was not just the selection of Al Gore or George W. Bush as President of the United States. What was at stake was the legitimacy of the process by which we made that choice. The bitter truth is that in Florida, my home State, the margin of error exceeded the margin of victory. Our fragile and somewhat faulty election system collapsed under the weight

of the most closely contested presidential election in my lifetime.

The ultimate tragedy was that one year ago today when the Supreme Court effectively ended the recount, many Americans who voted on the losing side of that race had lost confidence in the legitimacy of the process. My State, Florida, as well as many other States, has been through as much soul searching on this problem and how to avoid repeating it than probably any State in the country. We came to some clear conclusions that were adopted in a State law that was enacted in Florida earlier this year. The crux of that solution, which is addressed in this bill today, is to replace the punch card machine with a technology that allows the voter the opportunity to verify that his or her vote is both complete and accurate.

This bill authorizes \$400 million to Florida and States across the country to make that change. At a time in which the economy is dipping and State and local revenue is at a shortage, it is more important than ever that we adopt this bill and appropriate the entire \$2.65 billion not just to replace the punch card machine but to educate voters, to train and recruit poll workers so that what happened in Florida will never happen again throughout the entire country. And when we have the next election for President or any election, regardless of how people vote, they will have confidence in the legitimacy of the process by which we as a democracy select our leaders.

Mr. HOYER. Mr. Speaker, I yield 30 seconds to the gentleman from Virginia (Mr. MORAN).

□ 1445

Mr. MORAN of Virginia. Mr. Speaker, the greatest democracy in the world deserves the best and most equitable electoral system. This bill will restore voter turnout and, most importantly, voter confidence. What happened a year ago was neither fair nor right. It was not fair to either of the candidates. This will ensure that we have fair, equitable elections; and I strongly urge unanimous support for this bill.

This legislation will ensure that all votes cast in elections count. It will assure that all states must meet minimum voting standards. It will also establish a new federal agency, the Elections Assistance Commission, to develop standards for voter registration, voter assistance programs for those citizens who serve in the military or live abroad, and vote counting.

The Ney-Hoyer bill also mandates that those jurisdictions that are receiving funds under the punch card replacement program, must consider the use of new technology by citizens with physical disabilities such as blindness.

Let us send a message to the American people, to our students and newly naturalized citizens eager to vote for the first time. Let that message be that we will build the best, most equitable electoral system possible.

This legislation is our best chance of increasing voter turnout and voter confidence in our electoral system.

I urge my colleagues today to vote for fair, democratic elections, by voting for the Help America Vote Act of 2001.

Mr. HOYER. Mr. Chairman, I yield myself 40 seconds to enter into a colloquy with the gentleman from Ohio (Mr. NEY).

Mr. Speaker, I have heard from some individuals who are concerned, as I am, that the section in this bill that clarifies the National Voter Registration Act, section 902(a), does not make reference to subsection (e) of 1973gg-6 of that act.

Is it the gentleman's understanding that this subsection (e) will remain in full force and effect with the passage of this bill?

Mr. NEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. NEY. To answer the question, Mr. Speaker, and to my distinguished colleague, yes. As the bill says in section 903, nothing in this bill shall supercede, restrict or limit the application of NVRA. Of course, subsection (e) remains in the law in full force and effect exactly as it is now, and this bill would not change that.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman. I would say to my colleagues that I am very concerned about provisional voting. It needs to be real. That is why I took such care to make sure that the National Voter Registration Act, known as motor voter, was not adversely affected in any way. I appreciate the chairman's assertion.

Mr. Speaker, I am pleased to yield 30 seconds to my friend, the gentleman from New York (Mr. BOEHLERT), I might say at the request of my distinguished chairman. I am pleased to accede to his request.

Mr. BOEHLERT. Mr. Speaker, the gentleman is getting much too conservative in his advanced years.

Mr. Speaker, I am especially pleased that the bill includes provisions of H.R. 2275, our Committee on Science's bill to reform voting technology standards. Standards are technical and arcane and obscure and sometimes even boring, but they can make the difference between having voting equipment that correctly tallies the public's votes and sowing confusion and chaos.

Our bill gives the lead role in developing standards to the National Institute of Standards and Technology, which is a premier Federal lab with unparalleled expertise in standards. We ensure that the best technical minds in the country will work with Federal, State and local officials on developing standards and on certifying the labs that will determine whether the standards are met.

The SPEAKER pro tempore (Mr. LAHOOD). Both sides have 2¼ minutes remaining. The gentleman from Ohio (Mr. NEY) has the right to close.

Mr. HOYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. JACKSON).

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Speaker, I rise in strong opposition to H.R. 3295. As it is currently drafted, the Help America Vote Act of 2001 plainly fails to address the grave problems so many Americans faced in the 2000 elections and continued to face this year.

In our democracy, we must apply a gold standard when it comes to creating a fair, effective, and efficient electoral system. Americans citizens have fought, bled and died to protect all citizens from discrimination in their ability to vote. Therefore, the bloodied nose of the Rev. C.T. Vivian, and the use of fire hoses and the jailing of children to prevent some Americans from voting, must not be forgotten. The deaths of Schwerner, Goodman and Cheney must not be in vain. The struggle and advances in the 1965 Voting Rights Act and its extension and expansions in 1970, 1975, and 1982 must not be undercut. The Motor Voter Act must not be made less effective.

Congress needs to ensure that when it passes election reform legislation it truly solves the problems that voters throughout our nation encounter as they cast their ballots. Comprehensive electoral reform must move us forward with minimum mandatory standards that ensure uniformity and nondiscrimination. Under these standards all voters must have effective machinery that allows them to cast the vote they intend and to correct their ballot if they make a mistake. Comprehensive electoral reform must guarantee that legally registered voters are not erroneously purged from registration rolls, that voters are notified of and given the opportunity to cast provisional ballots, and finally, it must require that voters are informed of their rights under state and federal law. The one bill that goes the distance and addresses these problems head on is the Equal Protection of Voting Rights Act of 2001, introduced by Senator CHRISTOPHER DODD and Congressman JOHN CONYERS.

A simple examination of the details of the Help America Vote Act makes clear that there are serious problems that prevent it from bringing about true election reform and which actually take steps backward.

H.R. 3295 has inadequate minimum standards for machinery. It does not ensure that voting systems, even those newly purchased with federal monies, will be accessible, give the voter notice of overvotes and undervotes and the opportunity to correct their ballot before it is cast, and will meet a national error rate standard. Comprehensive electoral reform must provide these minimum requirements for all voting machines if it is to correct the problems that voters all over our nation faced on election day 2000 and 2001.

H.R. 3295 creates a loophole that allows states to opt out of provisional balloting. Provisional balloting is critical to ensure that registered voters have the ability to cast provisional ballots when there is confusion over issues of registration, identification or voting rights at the polling place. H.R. 3295 allows states to adopt "an alternative" to provisional balloting which in practice will undermine the access to and uniformity of provisional ballots. Furthermore, H.R. 3295 does nothing to guarantee that voters are aware of their right to cast a provisional ballot. More often than not, election officials do not provide adequate notification to voters that they can cast a provi-

sional ballot. Therefore, for a provisional ballot measure to be meaningful and be a true safeguard, as it is intended to be, it must require that election officials notify voters that they can receive a provisional ballot and also notify the voter of the final result. Problems with registration cannot be remedied unless voters know whether their ballot is counted.

H.R. 3295 rolls back existing federal law that protects people from being purged if they have not voted. Two provisions in H.R. 3295 take a significant step backward to undermine the protections provided to voters against purging for erroneous information. These provisions turn the National Voter Registration Act of 1993 (the "NVRA") on its head by allowing state officials to remove individuals from registration lists because they have not voted in two successive federal elections and then don't respond to a notice. Current federal law does not allow voters to be purged from the rolls for not voting. However, the language of H.R. 3295 appears to allow such a practice and specifically amends a section of the National Voter Registration Act to change language which prevents voters from being purged for not voting. (See H.R. 3295, Section 502(2)(a) and Section 902(a)). Under these provisions, voters will be disenfranchised because the result of the purge is that they are not properly registered and, thus, cannot then have the safeguard of a provisional ballot to vote.

Additionally, H.R. 3295, as it is currently drafted, also eliminates the "fail safe" provision of the NVRA which allows voters to correct erroneous information that caused the purge and then confirm their address in writing so that they can cast their ballot at the polling place. (42 U.S.C. § 1973gg-6(g)). Without this provision voters can be removed from the polls with no opportunity to correct inaccurate information and will also not be able to cast an effective provisional ballot because the erroneous registration information drops them from the registration list so election officials will be unable to count the provisional ballot.

Finally, H.R. 3295 does not require full compliance with federal voting rights laws and offers no check on states to make sure they are in compliance. It is essential to election reform that as states contemplate how they will spend federal money there is a means to ensure that they are currently in compliance with existing federal voting rights laws. H.R. 3295 offers no such provision. This bill by simply allowing states to self certify their compliance, and only in area of "administering election systems" (which narrows where states need to be in compliance), offers no real protection for taxpayers as states spend millions of federal dollars without having to be in compliance with federal law. True election reform must have in place a mechanism that requires the Attorney General to check for compliance prior to releasing funds for electoral reform.

These provisions make clear, and other elements of the legislation confirm, that H.R. 3295, cannot meet the concerns and problems that voters continue to face at polling places around the country. Going part of the way, as H.R. 3295 would have us do, and turning back the clock on important current voting rights laws, is not an acceptable legislative compromise, but a compromise of principle of the right to vote. True election reform must safeguard existing law and then move to solve the problems

I urge members to vote "no."

Mr. HOYER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have come to a time after 11½ months of work on a bill which, although there is still controversy attached to it, has created, I think, great consensus. That consensus has been articulated on this floor, and that consensus is a conviction that every American ought to be assured the right to vote, full access to the polls and education so they know what they are voting for or against, and assistance in making sure that their vote is accurately cast.

In addition, we dedicate resources to ensure that the technology, once that citizen has voted, to make sure that that citizen's vote is correctly counted. As has been said on both sides of the aisle, it is central to democracy that that happen.

The former Governor of Delaware, one of our most respected colleagues, the gentleman from Delaware (Mr. CASTLE), said it best, that when on election day we vote and Americans go to the polls, both Presidents and paupers go to the polling place, and each will have his or her vote counted, and it will count equally.

That is the majesty of America; that is the general use of our democracy. That is central to our philosophy, and it must be our continuing commitment. For when one American's vote is not counted, when one American is prohibited by whatever means from coming to the polls, from casting their ballot, from participating in democracy, we lessen that democracy, and we lessen the promise of our Founding Fathers.

The gentlewoman from Florida (Ms. BROWN) said it best I think on this floor: "This bill perhaps is not perfect, but it is," as she said, "a perfect beginning."

Mr. Speaker, I urge all of my colleagues to vote for the Help America Vote Act.

Mr. NEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

(Mr. KIRK asked and was given permission to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, I would like to thank the gentleman from Ohio (Chairman NEY), the gentleman from California (Chairman THOMAS), the gentleman from Maryland (Mr. HOYER), the gentleman from Rhode Island (Mr. LANGEVIN), and the gentleman from New York (Mr. REYNOLDS) for their support for my language which will allow polling places near military families.

This language clarifies an arcane statute that outlaws "military presence at voting facilities." It allowed the Department of Defense to vastly overreach their legislative authority in 1999 to ban polling on military bases. Nothing damages the military franchise more than this action.

The U.S. Code that our language amends was enacted in 1865 in response

to irregularities during the 1863 elections. At that time it was an appropriate response. However, the 1999 DOD interpretation made voting for our men and women in uniform very difficult. When the DOD issued the directive to base commanders banning voting, it forced existing polling places to be closed; and according to CRS in an April 2000 survey, at least 20 States had to close polling places that were vulnerable. Some of these places had been voting for over 15 years.

It is time to return control of voting to local officials. I applaud the gentleman for putting this in and assuring that our military franchise is upheld.

Mr. NEY. Mr. Speaker, I yield 25 seconds to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, both sides had problems with the election. I think the number one thing that upset me was the dispatchment of hundreds of lawyers trying to disenfranchise our military from voting based on technicalities. I am also glad that this bill allows our military to vote on bases, because many of those young men and women cannot get off base for transportation. I want to thank both Members for this.

I would also like to thank the gentleman from Ohio (Mr. NEY) for during the anthrax scare on the Committee on House Administration, for his team working diligently with the gentleman from Maryland (Mr. HOYER) in correcting that.

Mr. NEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in conclusion, let me just say that our patriots who founded this country and the veterans have over the years sacrificed for the greatest democracy, which we are humble to be a part of.

Langston Hughes, the great American poet, said, "Dream your dreams; be willing to pay the sacrifice to make them come true."

Many people have sacrificed to have our democracy so we can have our debate. What we are doing today is coming together to keep that dream alive, to keep it moving, and to help America vote.

I urge support of the bill.

Mr. HOYER. Mr. Speaker, I submit for the RECORD a clarification concerning Section 502(7) on line 16 of H.R. 3295, Union Calendar 201, regarding the term "error." In using the term "error", the Committee on House Administration referred to the findings of the National Commission on Federal Election Reform, also known as the "Ford-Carter Commission."

The Commission's definition of "error" is set forth in the accompanying letter from Philip Zelikow, executive director of the National Commission on Federal Election Reform, to me and dated November 16, 2001. It responds to a letter sent by me dated November 14, 2001. In complying with the Minimum Standard, the Committee on House Administration expects states and jurisdictions to buy

voting machines that detect errors of the kind described in the letter, commonly referred to as "overvotes," "undervotes," and "residual votes."

The two letters follow:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, November 14, 2001.

Mr. PHILIP D. ZELIKOW,
Executive Director, *The National Commission on Election Reform*, Charlottesville, VA.

DEAR DIRECTOR ZELIKOW: In an effort to craft Federal policy addressing electoral reform recommendations contained in the Commission's report, the Commission's use of the word "error" has sparked much attention and debate. I would very much appreciate a response containing a definition of what the Commission contemplated in using the word "error" in the context of the Ford-Carter Commission report. I will use your letter to establish the legislative record regarding electoral reform legislation.

With kindest regards, I am

Sincerely yours,

STENY H. HOYER.

THE NATIONAL COMMISSION
ON FEDERAL ELECTION REFORM
November 16, 2001.

Congressman STENY HOYER,
House of Representatives, Longworth Office
Building, Washington, DC.

DEAR CONGRESSMAN HOYER: Thank you for your letter of November 14. You asked how the Commission defined voter error in the context of the Commission's report.

In its discussions the Commission viewed voter error as occurring when a voter casts a ballot for a candidate whom the voter had not meant to choose, or when a voter unknowingly invalidates a ballot, or when a voter inadvertently fails to register a choice while having wanted to make one. Voters being human, not all voter errors can reliably be detected or avoided. Voter error also presents itself in many ways, depending on the voting systems and administrative practices in different jurisdictions. But the Commission did find that there are ways to reduce the likelihood of error. These include voter education, better equipment, improved software and ballot design, and more uniform and objective definitions of that actions will and will not be counted as a vote for each category of machine. All of these subjects are addressed in your current bill, H.R. 3295.

Please contact me if I can be of any further assistance.

Sincerely,

PHILIP ZELIKOW,
Executive Director.

Mr. HOEFFEL. Mr. Speaker, I rise in support of H.R. 3295, the Help America Vote Act of 2001.

The 2000 presidential election demonstrated the need for reform of the nation's electoral system.

There is no doubt that tens of thousands of voters were disenfranchised in the election. It is quite probable that similar numbers have been disenfranchised in other elections, but the closeness of the 2000 presidential election highlighted the problem like no other.

A nation that can launch a craft to a space station hundreds of miles above the earth, should be able to count every ballot accurately.

I believe the federal government must take a leading role in this effort by establishing minimum voting standards and providing funding to modernize voting systems. When you introduce technology into an election, it leaves

room for error. My Congressional district is a clear example of this.

Prior to my election to Congress in 1998, I served for seven years as a County Commissioner in Montgomery County, Pennsylvania, a County of over 700,000 people. During my tenure, I supervised the replacement of the old, mechanical voting machines in Montgomery County with those using the more modern advanced touch screen technology that are widely recognized as the most reliable voting machines in terms of accuracy of vote tabulation.

A Congressional study of the rates of uncounted votes in 40 congressional districts nationwide found that voters in Montgomery County were less likely to have their votes discarded than voters in most of the other districts surveyed. These results are directly attributable to the modern voting machines used in Montgomery County.

This bipartisan legislation before us today is not perfect; no bill is. However, H.R. 3295 is a good starting point to ensure that every vote is counted.

This legislation authorizes a total of \$2.65 billion for federal election reform.

The Help America Vote Act provides states that use punch card voting systems with funding to replace these outdated and unreliable machines. Punch card machines produced the controversial "hanging chads" which illustrate how flawed our system of electing Presidents can be.

H.R. 3295 also requires states to adopt minimum election standards, including a statewide voter registration system, in-precinct provisional voting, assurances that voters who make errors will be able to correct them, and means for disabled voters to cast secret ballots on new voting equipment.

Mr. Speaker, I urge passage of the important legislation.

Ms. SCHAKOWSKY. Mr. Speaker, one year ago today the Supreme Court, by a vote of 5-4, determined the outcome of the 2000 Presidential election. Today, the U.S. House of Representatives, by considering the Help America Vote Act, is taking a measured step forward to ensure that future elections will be decided in the polling place instead of the courthouse.

During the 2000 election, six million votes were not counted and voters were turned away at the polls, harassed, or intimidated. The American people expected that, by now, Congress would have taken action on election reform so that history would not repeat itself. But until today, we have not.

I traveled the country with my colleagues, including Representative MAXINE WATERS, Chairperson of the Democratic Caucus Special Committee on Election Reform, and met with disenfranchised voters, who demanded that the federal government repair the deficiencies of the last election. And we should have delivered on that demand months ago by passing the Equal Protection of Voting Rights Act of 2001, a comprehensive reform bill introduced by Representative JOHN CONYERS. That legislation, which is endorsed by civil rights, labor, disability and voter rights organizations, is the benchmark for true reform. It thoughtfully addresses concerns raised during last year's election, including voter records, accessibility, and equal opportunity at the voting place.

Now, with less than a year before the next general election, Congress is running out of

time. The Equal Protection of Voting Rights Act is not scheduled for consideration by the House, and what is before us is the Help America Vote Act of 2001. By passing this bill, we are moving the legislative train out of the station. While the Help America Vote Act contains provisions I strongly support, including funds to help states improve some aspects of their election systems and to involve younger voters in the process, I believe this bill contains flaws that must be addressed.

I am concerned that the Help America Vote Act is broad and ambiguous and does not give clear direction to states, particularly in regards to provisional voting. I will work to strengthen that section of the bill. In addition, I strongly believe that Congress must set federal minimum standards to ensure that no eligible voter is denied the right to vote. However, the standards in the Help America Vote Act do not go far enough to ensure that all voters with disabilities have access to the polls and to guarantee that all machines notify voters of undervotes and overvotes. Furthermore, the legislation does not require states to provide adequate voting machinery to poor and minority districts.

This legislation is not the final answer to our election woes. As a matter of fact, far from it. However, this bill puts Congress squarely on record as supporting a measure of election reform. I commend the Democratic author of the bill, Representative STENY HOYER, for his dedication, and I pledge to work with him and my colleagues, including civil rights and election reform leaders MAXINE WATERS and JOHN CONYERS, to ensure that the final product truly addresses the serious flaws that resulted in last year's election fiasco. Every American is entitled the right to vote and the right to have his or her vote counted.

Mr. FORBES. Mr. Speaker, as a cosponsor of the Help America Vote Act, I rise in strong support of this landmark bipartisan legislation.

My home state of Virginia was one of the few states to hold an election this year. Thankfully, there appear to have been no major problems revealed in the administration of that election. But, the memories of the 2000 election are still fresh in the American mind and it is clear that we as a society must address the flaws that were revealed in that election cycle.

The Help America Vote Act is a fair and reasonable compromise on an issue that is still being hotly debated and considered in states across the nation. It provides \$400 million in federal funds for a buy-out of the infamous punch card ballot machines. Great and honest minds can disagree about whether these machines have a substantially higher rate of error than other systems. But, one thing is absolutely clear: The American people have no faith in punch card ballots. There are strong alternatives available, and this federal funding will enable communities large and small to afford those alternatives.

The bill also provides a mechanism for getting more people involved in the civics of elections. We all agree that voting is an important civic duty. But, our responsibility as citizens does not end there. Voting only works when good people step forward and participate as electoral officers at polling places. These are the non-partisan assistants who give up a full day of work or personal time to make the process work. Unfortunately, the number of people who are participating in this way is

waning. The Help America Vote Program and Help America Vote Foundation established by this legislation will go far to bring more people into this process.

I am also very pleased, Mr. Speaker, that this bill includes provisions of the voting standards legislation produced by the House Science Committee, of which I am a member, earlier this year. Debates about standards are arcane and technical, but they are vitally important to ensuring that the procedures we put in place work.

I am proud to be a cosponsor of this legislation, and I urge my colleagues to support it today on the floor.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 3295, the Help America Vote Act of 2001, which will effectively implement long-needed minimum election standards throughout our Nation. The flaws within our current system became widely evident during the 2000 Presidential election season. I had the opportunity in November of 2000 to serve along with some of my congressional colleagues as an observer during the Florida recounts. During that process, I observed first hand the problems of utilizing the antiquated punch card ballot.

Accordingly, following that election I joined my colleagues in calling for a broad and practical revision of the system. I commend my colleagues, the gentleman from Ohio Mr. NEY and the gentleman from Maryland Mr. HOYER in crafting a bi-partisan bill that addresses those concerns.

H.R. 3295 will provide individual States with the means to replace antiquated voting machines with newer, and more modern voting technology. Moreover, this legislation establishes a nonpartisan election assistant commission which will oversee the Nation's federal election process and ensure that minimum standards are being followed in federal elections. The commission will also implement a reporting procedure to ensure that individual States satisfactorily provide information to members of the armed services concerning absentee registration and voting in the state.

Also notable in H.R. 3295 is the "Help America Vote College Program" which encourages university students to take a more active role in our Nation's democratic election process by serving as nonpartisan poll workers or assistants. In promoting active and participatory public service by our Nation's young adults, our Nation's democratic tradition will be strengthened.

I thank my colleagues Mr. NEY and Mr. HOYER for introducing this timely and important legislation. It is high time we implement real reform in our Nation's election system. I am pleased to be an original co-sponsor of this bill and I urge my colleagues to support this measure.

Ms. HARMAN. Mr. Speaker, I rise in strong support of HR 3295, the "Help America Vote Act," introduced by my colleagues, BOB NEY and STENY HOYER. The bill before us is an important step in reforming our electoral process and rebuilding public confidence.

We are well aware that our administration of elections was tested by last year's presidential election contest. The American political system proved resilient, but not before putting many aspects of the election process under a microscope. That microscope revealed many problems, beginning with ballot design, voting machines, and the rules by which registration

lists are respected and ballots counted. Most importantly, those problems were not isolated in one or just a few states.

The election fiasco did have the benefit of returning to the legislative agenda the issue of election reform. Beginning with the National Commission on Federal Election Reform and culminating in this bill, the cause of reform has taken significant strides since last November. We must continue that momentum.

Like the main sponsors of the bill, I believe we need to enact a bill that improves the balloting process before the 2002 elections. If we stake out the perfect positions—however principled—we could well face the same kind of delays and difficulties that prevented for months enactment of a much-needed aviation security bill. Election reform is needed and we must use the sense of urgency to achieve results, and achieve them quickly.

Importantly, the bill before us starts with the premise echoed in the Article I, Section 4 of the Constitution that “the times, places and manner of holding elections . . . shall be prescribed in each State.”

This admonition is balanced against language in the same Section of the Constitution simultaneously giving Congress the discretion to alter such regulations. And, in fact, the exercise of that Congressional authority has been critical to protecting our citizens’ right to vote and ensuring the basic fairness and integrity of the election process. H.R. 3295 is part of that historic legacy.

For my own State of California and County of Los Angeles, passage of the bill is critically important. Several months ago, California Secretary of State Bill Jones decertified every one of Los Angeles County’s punch card machines. This means that Los Angeles County, the largest election jurisdiction in the United States with over 4 million registered voters, must purchase and install tens of thousands of new machines under an incredible time constraint. Conny McCormack, the County Registrar-Recorder, estimates that replacing the machines will cost more than \$100 million—an impossible financial burden without federal assistance.

H.R. 3295 provides that assistance—more than \$2.6 billion to improve election systems through poll worker training, access for disabled, and removal of punch card ballot machines. In doing so, the bill strikes the right balance in setting out the federal government’s role in this partnership by requiring every state to be in compliance with minimum standards.

These minimum standards will ensure that voter registration rolls be accurate and complete, making them less vulnerable to fraud and incorrect removal of eligible voters. The minimum standards will also allow for imprecinct provisional ballots, so that a voter who believes he or she has been wrongfully removed from the voter rolls will have the opportunity to immediately cast a ballot and have their eligibility determined later. The standards required by the Act will assist both military and overseas voters as well as voters with disabilities. Furthermore, the Act leaves every one of the existing, landmark voting rights laws intact and strengthens compliance.

Mr. Speaker, as a mother, I am well aware that perfection is not an option. The bill is endorsed by an impressive list of individuals, including California’s Secretary of State, Bill Jones, who said the “measure makes a critical

investment in the foundation of our Republic.” It is also supported by the co-chairs of the National Commission on Election Reform—Presidents Carter and Ford, Bob Michel and Lloyd Carter—who said in a recent Washington Post op-ed, that the commission’s “most important recommendations are fully adopted in (H.R. 3295).”

I urge prompt passage of H.R. 3295.

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 3295. The 2000 Presidential election was a source of great controversy and diminishing confidence in our electoral system. Voters have a broad range of concerns resulting from the 2000 election, including outdated voting machines and procedures, potentially confusing ballots, allegations of ballot tampering and biased reporting, disenfranchisement, and the use of unethical practices to garner votes. Above all, the 2000 election made clear to all Americans that the election process in many parts of this country must be reformed.

I believe this legislation is a good start at correcting the flaws in our electoral system. This legislation authorizes \$400 million to buyout the punch card voting machines that caused so many problems during the 2000 Presidential election. In addition, H.R. 3295 authorizes another \$2.25 billion over the next 3 years to aid states in acquiring new voting equipment and improving their electoral systems with help and monitoring from a new, bipartisan Federal Election Assistance Commission.

Furthermore, I support this bill because it establishes minimum standards for state election systems, enforced by the Department of Justice and the Federal Election Assistance Commission, that would require states to have a voter registration system linked to local jurisdictions in the state, adopt uniform standards defining what constitutes a vote on the different types of voting equipment, ensure that absent uniformed and overseas voters have their votes counted, and give voters the opportunities to correct errors before they leave the polling place.

Finally, H.R. 3295 creates a small grant program which trains college and high school students to work at the polls on election day, thereby filling a crucial shortage of election personnel and encouraging participation among young people in the electoral process.

Mr. Speaker, I acknowledge this legislation could do more to help minorities and disabled Americans, many of whom were disenfranchised during the 2000 election. I expect changes to be made to this legislation during consideration in the Senate, and will support stronger provisions as a final version is crafted. However, this legislation moves the process forward and that is critical at this time. For these reasons, I support this legislation and encourage my colleagues to do the same.

Mr. REYES. Mr. Speaker, I urge my colleagues today to vote against H.R. 3295, the Help America Vote Act. While this bill makes efforts to improve our electoral system, I oppose it because it fails to provide key safeguards that ensure every voter will be able to cast a ballot and have that ballot counted.

As the Chair of the Congressional Hispanic Caucus, I proudly support the election reform principles our Caucus adopted earlier this year. Thanks largely to the hard work of Congressman CHARLIE GONZALEZ, who chairs the Hispanic Caucus’ Civil Rights Task Force, we

developed a set of principles which state that election reform should include minimum standards, guarantee accessibility for language minorities and the disabled, provide for provisional ballots, and establish a voter bill of rights.

Unfortunately, H.R. 3295 fails to adequately address these principles, which are tremendously important to Hispanic voters and those who expect fairness at the polling place. This bill was brought to the floor on the back of an unfair rule that did not allow any debate on critical amendments that would have made the difference between complete election reform that takes into consideration the principles I just mentioned, and incomplete reform, which, unfortunately, ignores the necessity of improving the electoral system for all voters with full consideration of their rights as participants in a democratic process. I therefore urge Members to vote against the rule and vote in favor of the motion to recommit.

Election reform legislation should establish and enforce minimum standards for election technologies, voter education, and election worker training. We cannot let local jurisdictions opt out of ensuring that our elections are fair and accurate. States and localities must comply with all federal voter rights safeguards, including those established by new election reform legislation and those guaranteed by the Voting Rights Act and the National Voter Registration Act.

Election reform legislation must reinforce the existing minority language provisions of the Voting Rights Act, which ensure that voters in areas with a significantly large language minority population can receive a ballot and election information in a language other than English. While this bill does contain language that would ensure accessibility for voters with limited English proficiency for optional activities, there is no reinforcement of existing language access requirements. These laws have been poorly enforced, as the 2000 election demonstrated, and many jurisdictions fail to comply with them.

To combat voter disenfranchisement, election reform must include poll worker training and a voter bill of rights that empowers voters through pro-active steps, including the use of sample ballots, that educate them about their rights and voting process. Voters have a right to know that if they are standing in line to vote before polls close, they can’t be turned away; that they cannot be asked for more than one form of identification; and that they have the right to a provisional ballot.

Currently, H.R. 3295 does not significantly address these important issues. While it provides funds for new voting equipment, poll worker training and voter education, H.R. 3295 would allow jurisdictions to continue disenfranchising voters by using abysmally inaccurate voting machines and by poorly administering elections.

Based on these reasons, I hope my colleague will join me in voting against final passage of H.R. 3295.

Ms. KILPATRICK. Mr. Speaker, during the 2000 Presidential election, nearly 100 million Americans went to the polls to vote. Of those who went, nearly 6 million votes were discarded and thrown out due to faulty machines. In addition to these 6 million wasted votes, there were countless Americans who were not allowed to vote due to erroneous records and over zealous vote purging efforts. Many of

these people, unfortunately, were from poor and minority communities.

The election reform legislation we are considering today does not establish adequate voting rights protections to prevent many of the problems that we experienced in the 2000 presidential elections. According to Civil Rights Organizations like the ACLU, there are three goals that legislation must accomplish to achieve maximum election results. Voters should be able to count on uniformity of voting equipment and laws, adequate accessibility to the polls and accuracy in the accounting of votes.

A critical issue in any election reform measure is the enforcement of some minimum uniform standards for elections. After all, the Supreme Court rejected the Florida Presidential election recount because of the lack of uniformity in the standards used to recount the votes. I personally find it ironic that the Court chose to limit uniform standards to uniform state laws as opposed to uniform Federal laws, which would require all states to meet minimum uniform election standards.

The Ney-Hoyer bill does not adequately address the issue of uniform standards and in many ways continues wide and varied election practices from state to state. The Ney-Hoyer bill includes an opt-out provision that would allow any state to easily avoid complying with suggested federal standards.

The bill makes token suggestions to states to take greater efforts to address the serious problems facing non-English speaking minorities and the disabled in casting their ballots. Disabled and non-English speaking voters face hurdles to proper access due to physical and language barriers at the polling place. They, perhaps most of all, need a bill that provides voter education so that citizens know how to vote and are aware of the constitutional right to vote.

The bill simply encourages states to take steps to provide for provisional voting as opposed to mandating compliance with federal standards. This again allows states to choose whether or not to take steps that would make our voting system more uniform across the country. For example, provisional voting, which would allow voters to challenge erroneous records, is a highly recommended reform to our current voting system. Under this measure states are given the option to implement this recommendation.

The most disturbing provisions in the bill are provisions, I believe, that would push voters from the rolls. Under the legislation, voters would be disqualified from casting their ballots if they fail to vote in two elections and fail to respond to a mailed notice. This contradicts current law and subjects voters to continued vigilance to ensure that their names are not inadvertently removed from the voting rolls.

I am also disappointed that the rule only allows for an hour of debate on a bill that claims to be election reform. The rule only allows for one hour of general debate with no opportunity to amend the bill. How can we consider a bill affecting the most fundamental attribute of democracy—voting—and not have the opportunity to fully debate and amend the provisions of the bill? Furthermore the bill was not fully vetted by the appropriate committees in the House. Voting legislation is generally within the jurisdiction of the Judiciary Committee, which deals with issues of a constitutional or judicial nature. The Judiciary Committee never considered this bill.

I did not cosign this election reform bill. I cosponsored a bill offered by Mr. CONYERS, H.R. 1170, the Equal Protection of Voting Rights Act. I would add that Mr. CONYERS is the ranking member of the Judiciary Committee. That bill takes substantive steps to apply uniform voting standards across the country and provides enforcement mechanisms that ensure compliance with these standards. It was my hope that the Rules Committee would at least allow this bill to be considered as a substitute amendment to the bill. Once again, the leadership in the House has chosen politics over the people. Once again, the rights of the people, through their elected representatives, to consider all the relevant alternatives is being abridged. Once again, we are being forced to consider a limited measure that does not adequately address the concerns of the majority of the American people.

We are on the heels of the 2002 elections and we are just now considering an election reform measure. If the upcoming elections are anything like the 2000 presidential election, it is my fear that we are in for more of the same. Mr. Speaker, I urge my colleagues to vote against the rule and final passage of this token election reform legislation.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to H.R. 3295, the "Help America Vote Act of 2001."

I am particularly concerned about a problem my home state of Wisconsin will face under section five of the bill and its mandatory requirement that each state implement a statewide voter registration system. The state of Wisconsin does not require statewide voter registration in communities with populations of less than 5,000. This bill will require Wisconsin to comply by requiring registration at the expense of the local governments in communities where registration is not required by law. This legislative provision will place a substantial administrative and financial burden on the state and, perhaps result in an unfunded federal mandate.

Mr. Speaker, I also have a significant concern that my constituents in my home state of Wisconsin will be double taxed under Section One of H.R. 3295. That is the section which furnishes states with funds to buyout their punchcard voting machinery. However, Wisconsin has already phased out the use of punchcard voting systems on their own, at the expense of the local counties and municipalities, to the tune of over \$650,000. How can it be justified that my constituents will be double taxed to pay for replacing punch card machines? The first tax paid by Wisconsin residents was in the form of local tax revenues and the second tax will be in the form of federal tax dollars.

And, let me be very clear here, the local tax revenues spent on punchcard machines could easily have been spent on other important local needs, especially if they knew federal money was on the way. The elimination of these punchcard systems may be a laudable goal, however, it clearly unfair to double tax the residents of Wisconsin in order to pay for upgrades in another state when that state did not determine it was important enough to them to use their own resources to pay for the elimination of punchcard ballots.

The basic principle of "one person, one vote" is one that crosses party lines, for voting is not a partisan issue, it is an American issue. All Americans want to know that the vote they

cast, for the candidate of their choice, will be counted fairly and accurately.

Unfortunately, it is also the concern of a great many Americans that widespread voter fraud is diluting or cancelling out the value of their legally cast vote. For example, in Madison, Wisconsin, students from the University of Wisconsin bragged about voting two and three times in last year's presidential election. Coincidentally these students recanted their statements when pressed. Perhaps it was when they realized that voting two and three times violated state and federal election laws. However, this is just one minor example of what has been allowed to occur in jurisdictions all around this country without any tangible consequences. Another example of rampant voter fraud can be found when examining the events surrounding the 2000 election in St. Louis, Missouri. There were hundreds of felons, non-citizens, duplicate and dead voters who cast ballots for candidates illegally. And in the city of Philadelphia, there were over 5,000 voters registered at vacant city-owned lots.

I strongly believe we must seriously examine allegations of voter fraud and press for the prosecution of those who are found to have violated existing laws. We should also examine existing federal statutes and the Department of Justice prosecution guidelines to determine if stiffer federal penalties and fines and greater enforcement is necessary. It should become routine that when evidence of voter fraud is found, perpetrators can expect to be prosecuted to the fullest extent of the law. For vote fraud is not a victimless crime. It is crime which erodes the integrity of the very system our forefathers put into place to insure the continuance of the freedoms we hold dear. It is time we get serious about insuring the integrity of the election process, and protecting the public trust in the election system of the United States.

This legislation does not go far enough to address the issue of voter fraud and it will continue to flourish without significant legislative changes. I fear that once this legislation is passed, this Congress will not come back to examine measures aimed at eliminating voter fraud, proposals such as requiring photo identification at the polls, requiring proof of citizenship and requiring removal of dead voters from current voting rolls are just a few provisions which need to be considered.

The individual states across the country have been hard at work in 2001 reviewing their election laws with a fine-tooth comb, identifying the weak spots and potential causes for concern, and, most importantly . . . developing solutions. Reforming election laws is a complex job but it is one that is best left to the states. This hard work will certainly continue into 2002 but look at what has happened so far at the state level: more than 1,770 bills have been introduced, 249 have been passed and 487 bills are still pending.

One of the most profound examples of state reform is in Florida where they have passed the most sweeping election reforms of any state so far. These reforms include, among other things, the banning of punch card ballots by providing \$24 million to counties to purchase optical scan or electronic systems, \$6 million for voter education and poll worker recruitment and training, and \$2 million to create a statewide voter registration database. Their bill also provides for uniform ballot design, no-excuse absentee voting and provisional balloting. However, Florida made these changes

after consideration of their unique needs and goals without federal mandates from Congress, such as those required under H.R. 3295. And, many other states legislatures have followed suit by passing their own election reform bills without the direction from Congress. As was the case in Wisconsin a few years back, individual states are proving that they are the best able to determine what solutions will work effectively for their unique needs and the focus of election reform should be left to them.

Ensuring fair and honest elections by eliminating voter fraud, improving voting techniques, eliminating disenfranchisement, and respecting the constitutional role of the states and localities should not be partisan issues. Our fundamental system of elections is sound, and just as with all things, there is always room for improvement. However, we need to make certain that legislation does in fact provide improvement and not just rhetoric and that Congress is not simply throwing \$2.65 billion at this issue so we can claim we've solved all alleged problems.

Mr. STARK. Mr. Speaker, I rise today in support of H.R. 3295, the Help America Vote Act. The deeply troubled election of 2000 taught us many lessons. Chief among them was the need to improve our election system. When hanging chads and butterfly ballots kept the presidency in the balance, America's credibility as the oldest democracy in the world was compromised. The American people have overwhelmingly called on Congress to act, and this bill is at least a step in the right direction.

The Help America Vote Act does several things to improve our election system. First, it establishes minimum election standards that all states should meet. The bill requires each state to maintain a complete and accurate voter registration system and to maintain uniform standards on what constitutes a vote for different voting machines. It requires states to have safeguards ensuring that military and other overseas voters have their votes counted and ensures that voters who make errors in their ballots have the opportunity to correct them. The bill provides \$400 million to replace unreliable punch-card voting systems, whose problems were so dramatically displayed on our television screen a year ago. It also authorizes another \$2.25 billion to help states establish and maintain accurate lists of voters, improve equipment, recruit and train poll workers and educate voters about their rights.

Despite these good provisions, I have several serious concerns about the bill. First, the bill allows states to purge voters from the registration rolls if they don't vote in one election without giving them enough notice that their names are being purged. This weakens the very successful Motor Voter Law, which provides voters with these protections. In addition, the bill allows states to create alternatives to the provisional ballot, something that has allowed citizens who are not registered to vote to still have their voices heard. This bill provides no standard to ensure that all wishing to vote will be able to do so on election day. Finally, the bill is woefully inadequate in providing protection for people with disabilities and those with limited English ability. The bill should ensure that all Americans, regardless of color, creed, or handicap, have the ability to cast a vote and have it counted.

Nevertheless, I support H.R. 3295 because it moves the process of election reform for-

ward and I think is an improvement from the status quo. It is unfortunate, however, that the House Leadership refused to allow amendments to the bill that would have corrected its flawed provisions. I will work with my friends in the Civil Rights, disability and labor communities to make this bill better. I am hopeful that the Senate will also pass an election reform bill and that we can improve upon this bill in conference. The election of 2000 revealed gaping holes in our election system. To maintain our nation's standing around the world and, more importantly, to maintain government's credibility with our own citizens, the Congress must make reform a top priority.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 311, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR.

MENENDEZ

Mr. MENENDEZ. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MENENDEZ. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MENENDEZ moves to recommit the bill H.R. 3295 to the Committee on House Administration with instructions to report the same back to the House forthwith with the following amendments:

Amend section 502(2)(A) to read as follows:

(A) A system of file maintenance which removes registrants who are ineligible to vote from the official list of eligible voters consistent with the National Voter Registration Act of 1993.

Amend section 502(3) to read as follows:

(3) The State permits, by the deadline required under section 505(b), in-precinct provisional voting by every voter who claims to be qualified to vote in the State, except that this paragraph shall not apply in the case of a State in which, under law in effect continuously on and after the date of the enactment of this Act, all votes in the State in general elections for Federal office are cast by mail. Under the in-precinct provisional voting described in the previous sentence, if the name of an individual who claims to be a registrant eligible to vote at a polling place in an election for Federal office does not appear on the official list of registrants eligible to vote at the polling place, or it is otherwise asserted by an election official that the individual is not eligible to vote at the polling place—

(A) an election official at the polling place shall notify the individual that the individual may cast a provisional ballot in the election;

(B) the individual shall be permitted to cast a vote at that polling place upon written affirmation by the individual before an election official at that polling place that the individual is so eligible;

(C) an election official at the polling place shall transfer the ballot cast by the individual to an appropriate State or local election official for prompt verification of the claim made by the individual in the affirmation required under subparagraph (B);

(D) if the appropriate State or local election official verifies the claim made by the

individual in the affirmation, the individual's vote shall be tabulated; and

(E) the appropriate State or local election official shall notify the individual in writing of the disposition of the individual's claim and the treatment of the individual's vote.

Strike paragraphs (6) and (7) of section 502 and insert the following:

(6) Effective January 1, 2006, the State requires all voting systems—

(A) to be accessible for individuals with disabilities and other individuals with special needs, including providing nonvisual accessibility for the blind and visually impaired which provides the same opportunity for access and participation (including privacy and independence) as for other voters; and

(B) to provide alternative language accessibility for individuals with limited proficiency in the English language with respect to each political subdivision in the State for which, as determined by the Director of the Bureau of the Census—

(i) the number of voting-age citizens who have limited proficiency in the English language and who have a single language other than English as their first language is at least 5 percent of the total number of voting-age citizens,

(ii) in the case of a political subdivision which contains all or any part of an Indian reservation, the number of voting-age American Indian or Alaskan Native citizens within the reservation who have limited proficiency in the English language is at least 5 percent of the total number of voting-age citizens on the reservation, or

(iii) there are at least 10,000 voting-age citizens who have limited proficiency in the English language and who have a single language other than English as their first language.

(7) Effective January 1, 2006, the State requires all voting systems—

(A) to permit the voter to verify the votes selected by the voter on a ballot before the ballot is cast and tabulated;

(B) to notify the voter before the ballot is cast and tabulated of the effect of casting multiple votes for a single office or fewer votes than the number of candidates for which votes may be cast; and

(C) to provide the voter with the opportunity to correct the ballot before the ballot is cast and tabulated.

(8) Effective January 1, 2006, the State requires that the error rate in counting and tabulating ballots by all voting systems may not exceed the error rate provided under the voting system error rate standards developed pursuant to section 504(a)(2).

(9) Effective January 1, 2004, the States requires all polling places to be accessible to individuals with disabilities and other individuals with special needs.

Amend section 503 to read as follows:

SEC. 503. ENFORCEMENT.

(a) IN GENERAL.—The Attorney General shall be responsible for verifying that State certifications under section 501 are accurate and for enforcing the requirements of section 502 with respect to State election systems, in accordance with such regulations as the Attorney General may issue.

(b) RELIEF.—

(1) IN GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such relief (including declaratory or injunctive relief) as may be necessary to carry out this title.

(2) RELATION TO OTHER LAWS.—The remedies established by this subsection are in addition to all other rights and remedies provided by law.

(c) ACTION THROUGH ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS.—The Attorney

General shall issue regulations pursuant to this section, and shall otherwise carry out the Attorney General's responsibilities under this title, through the Assistant Attorney General for the Civil Rights Division.

Insert after section 503 the following new section (and redesignate the succeeding provision and conform the table of contents accordingly):

SEC. 504. TECHNICAL SPECIFICATIONS AND GUIDELINES.

(a) IN GENERAL.—

(1) ACCESSIBILITY REQUIREMENTS.—In consultation with the Election Assistance Commission and the Office of Civil Rights of the Department of Justice, the Architectural and Transportation Barrier Compliance Board under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) (hereafter in this section referred to as the "Compliance Board") shall develop technical specifications with respect to each of the following:

(A) The voting system accessibility requirements (relating to individuals with disabilities and other individuals with special needs) described in section 502(6)(A).

(B) The polling place accessibility requirements described in section 502(9).

(2) OTHER REQUIREMENTS.—In consultation with the Election Assistance Commission and the Compliance Board, the Office of Civil Rights shall develop technical specifications and guidelines with respect to each of the following:

(A) The provisional voting requirements described in section 502(3).

(B) The alternative language accessibility requirements described in section 502(6)(B).

(C) The requirements relating to the correction of errors in voting systems described in section 502(7).

(D) The voting system error rate standards described in section 502(8).

(b) DEADLINE FOR INITIAL SPECIFICATIONS AND GUIDELINES.—The Compliance Board and the Office of Civil Rights shall each develop the initial set of technical specifications and guidelines under subsection (a) not later than 1 year after the date of the enactment of this Act.

(c) PROVISION OF CONTINUING INFORMATION.—After preparing the initial set of technical specifications and guidelines under subsection (a), the Compliance Board and the Office of Civil Rights shall continue to provide information to assist the Attorney General in carrying out this title, including preparing revised technical specifications and guidelines at such times as the Attorney General considers appropriate.

In section 505 (as redesignated above)—

(1) in subsection (a), strike "subsection (b)" and insert "subsections (b) and (c)"; and

(2) add at the end the following new subsection:

(c) OTHER DEADLINES.—(1) The minimum standards described in paragraphs (6), (7), and (8) of section 502 shall apply not later than January 1, 2006.

(2) The minimum standard described in section 502(9) shall apply not later than January 1, 2004.

Amend section 902 to read as follows:

SEC. 902. PROHIBITING EFFORTS BY POLL WORKERS TO COERCE VOTERS TO CAST VOTES FOR EVERY OFFICE ON BALLOT.

Section 594 of title 18, United States Code, is amended—

(1) by striking "Whoever" and inserting "(a) Whoever"; and

(2) by adding at the end the following new subsection:

"(b) For purposes of subsection (a), a poll worker who urges or encourages a voter who

has not cast a vote for each office listed on the ballot to return to the voting booth to cast votes for every office, or who otherwise intimidates, harasses, or coerces the voter to vote for each such office (or who attempts to intimidate, harass, or coerce the voter to vote for each such office), shall be considered to have intimidated, threatened, or coerced (or to have attempted to intimidate, threaten, or coerce) the voter for the purpose of interfering with the voter's right to vote as the voter may choose. Nothing in this subsection shall prohibit a poll worker from providing information to a voter who requests assistance."

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 5 minutes in support of his motion to recommit.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, there is one principle alone that should be guiding our debate on this election reform, and that is every American has a full and equal opportunity to vote. It is a simple but extraordinarily important proposition, because it forms the justification of and expression for our democracy.

Any undermining of that principle, even the perception of undermining, can do great damage to us.

One person, one vote. We all know the questions about our system that the last Federal election left with our citizens. We must never allow a repeat of that. The Ney-Hoyer bill is a good step in that direction. Most importantly, their bill commits the resources we need to replace outdated voting systems. However, the bill turns a standard we passed in the Motor Voter Act on its head.

The Motor Voter Act says that before someone is removed from the voting rolls, they must be given written notice, and then have two elections to correct the removal at the ballot place before the removal is finalized. The Motor Voter Act stands for the principle that before you take away someone's right to vote, you give them a chance to prove they are still legally voting in the correct place.

The bill as written, however, says if you fail to vote in two elections, you can be purged from the rolls. In other words, if you do not vote, you can lose the right to vote. Our motion simply states that the rules of the Motor Voter Law should continue to govern.

Given the number of false purges we saw in the last election, it is critical that the right to provisional voting is guaranteed. There should be no need for alternatives. If an improperly

purged voter is turned away on election day, that error is irreversible.

For disabled voters, the bill requires that States provide a "practical and effective" means to vote. Keeping in mind the guiding principle of equal and full access, we believe "separate but equal" is not good enough for disabled voters. With our technology and ingenuity, there is no reason why we cannot create uniform systems that can accommodate almost all of our disabled and non-disabled voters, and our amendment allows 4 years to make the necessary changes.

The bottom line is that currently 14 million disabled voters cannot cast a secret ballot, and there is no excuse for this. The bill does not guarantee that this will change. Our motion does.

For voters with different native languages, the Ney-Hoyer bill relies on current law. We simply give that standard to any other group of Americans so situated.

These are Federal elections, and we have a responsibility to ensure that a voting procedure in Florida is subject to the same minimum standards as a voting procedure in New Jersey. That is why our amendment gives the Attorney General the direct responsibility for certifying that States are in compliance with the minimum standards in this bill, without an intermediary. It is that important.

How many of us would be satisfied with the counsel of patience and delay if it were our right to vote that was being compromised? Very few of us, I think. When it comes to the right to vote, there is no margin for error. Every vote must be ensured, counted and protected equally. But in all of these ways, our motion eliminates the margin for error and makes it better. So I certainly urge my colleagues to support the motion.

Mr. Speaker, I yield to the distinguished gentlewoman from Texas (Ms. Eddie Bernice Johnson), the Chair of the Congressional Black Caucus.

(Ms. Eddie Bernice Johnson of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, several universities and news organizations have conducted studies, and every study has found that votes cast are not being counted. The House Committee on Government Reform minority staff conducted a study in 40 congressional districts and found that the highest percentage of undervotes were in places which had poor and minority populations.

Mr. Speaker, there are volumes of evidence which clearly and convincingly prove that the election system in this country is broken and must be fixed.

□ 1500

We deeply believe in a need to safeguard the rights and liberties of the American people. I join the gentleman

from New Jersey (Mr. Menendez), the gentlewoman from Connecticut (Ms. DeLauro) and the gentleman from Connecticut (Mr. Shays) in offering this motion to recommit. I joined them in requesting that the Committee on Rules, once again, allow the amendment, which would only allow purged voters from the voting rolls through means consistent with national voter registration and for the handicap to have the ability to vote, and provisional voting.

Mr. Speaker, I will submit the rest of my statement. This is so basic and fundamental to our democracy. I just cannot imagine anyone not being in support of these recommendations that we made to make this democracy real.

Mr. MENENDEZ. Mr. Speaker, I yield the balance of the time to the gentlewoman from Connecticut (Ms. DeLauro).

Ms. DELAURO. Mr. Speaker, our entire system of government is based on the premise of one person, one vote. For our democracy to work, people must have confidence that their vote counts. We have a responsibility to do all that we can to make sure that every citizen is able to fully exercise their fundamental right to vote.

This motion to recommit ensures that polling places are accessible, voting equipment is updated, voters are not mistakenly taken off the rolls, and that these standards are endorsed.

In cities and towns across this country it remains more difficult to go to the polls and cast a vote than it is to make a simple withdrawal from an ATM machine. There is something wrong with that, I say to my colleagues.

The world looks to America as a shining example of democracy in action. We need to act today to ensure that every American has the right to participate in that democracy by casting a vote that will be counted. I urge my colleagues to vote "yes" on the motion to recommit.

Mr. NEY. Mr. Speaker, I rise to stand in opposition to the motion to recommit, and I claim the time in opposition.

Mr. Speaker, I yield 40 seconds to the gentleman from Maryland (Mr. Hoyer).

Mr. HOYER. Mr. Speaker, I rise simply to say that the objectives of this motion to recommit I think are worthwhile and good, but I want to make the record clear. The gentleman from Ohio (Mr. Ney) and I have had a colloquy on section 3 of the National Voter Registration Act. It is the committee's view that nothing in this bill changes or diminishes in any way any provision, including provisional voting, of the National Voter Registration Act. In fact, I made it a condition to my participation in the bipartisan bill that that be the case.

In addition to that understanding with the gentleman from Ohio (Mr. Ney) and all of us on the committee and the staff, we have contacted the Attorney General's Office and I would include at this point in time in the

RECORD a letter that was received by the gentleman from Ohio (Mr. Ney) and myself on December 10, 2001 from the Assistant Attorney General.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, December 10, 2001.

Hon. STENY HOYER,
Ranking Minority Member, Committee on House Administration, House of Representatives, Washington, DC.

DEAR CONGRESSMAN HOYER: This letter responds to your letter of November 29, 2001 regarding the effect of H.R. 3295, the "Help America Vote Act," upon the National Voter Registration Act of 1993 ("NVRA").

Although several provisions in the bill affect the list maintenance provisions in section 8 of the NVRA, it is evident that the bill is not designed to modify the NVRA and, in fact, it does not alter or undermine the NVRA's requirements. Section 903 of the bill itself specifically provides that nothing in H.R. 3295 "shall supercede, restrict or limit the application of . . . NVRA," that nothing in the bill "authorizes or requires any conduct which is prohibited by the NVRA," and that nothing in the bill "may be construed to affect the application of the . . . NVRA . . . to any State" (except as specifically provided in the bill). These provisions would guide the Department's enforcement efforts if the bill becomes law.

Various parts of the bill reference the NVRA and appear designed to clarify and strengthen enforcement of the NVRA's list maintenance provisions. Section 502(2) would require all 50 States and the District of Columbia, Puerto Rico, Guam, American Samoa, and the United States Virgin Islands to adopt a system of list maintenance ensuring that voter registration lists are accurate and updated regularly, and that removes registrants who are ineligible to vote. Under this system, "consistent with the [NVRA]," registrants who have not voted in 2 or more consecutive Federal general elections and who have not responded to a notice would be required to be removed from the list of eligible voters, except that no registrant could be removed solely by reason of failure to vote. This system also would have to have safeguards to ensure that eligible voters were not removed in error. Section 501(a)-(b) would require all States to enact legislation to adopt such a list maintenance system, but properly would leave States discretion as to the specific methods of implementing such a system.

Section 902(a) entitled "Clarification of ability of election officials to remove registrants . . . on grounds of change of residence," would amend the NVRA's existing requirement (at 42 U.S.C. 1973gg-6(b)(2)) that any general program not result in removal of voters' names due to their "failure to vote." However, the amendment in section 902(a) merely would clarify that nothing in section 1973gg-6(b)(2) was intended to prohibit a State from using the procedures already in sections 1973gg-6(c)-(d) to remove the names of voters who have not voted or have not appeared to vote in two or more consecutive Federal general elections and who have not notified the registrar, or responded to a notice sent by the registrar, that they intend to remain registered in the jurisdiction. As an amendment to the NVRA, this provision would apply only in the 45 jurisdictions covered by the NVRA (44 States and the District of Columbia).

In view of the bill's several affirmations that removal of names from voter rolls should be carried out in a manner consistent with the NVRA and in view of the general affirmations in section 903 that the bill will not restrict or limit the NVRA, the bill's list

maintenance provisions can and should be read consistently with the NVRA's existing list maintenance procedures, which basically are: section 1973gg-6(c) suggests the Postal Service National Change of Address program as one example of a means of identifying voters who have become ineligible because they have moved outside the jurisdiction. Section 1973gg-6(d) them provides a confirmation process that States must follow before removing voters identified as potentially ineligible due to having moved. As above, voters may be removed if: (1) they do not respond to the registrar's notice and do not vote or appear to vote in two Federal general elections; or (2) they confirm in writing that they have moved outside the jurisdiction.

Many States, following guidance from the Federal Election Commission, legislatively adopted or legislatively revised list maintenance provisions after passage of the NVRA. See, e.g., Ak. Stat. 15.07.130; Fl. Stat. 98.065, 98.075, 98.093; Ga. Stat. 21-2-231 to 21-2-235; Va. Stat. 24.2-427 to 24.2-428.2. To the extent that the 45 jurisdictions covered by the NVRA have adopted list maintenance programs consistent with 42 U.S.C. 1973gg-6, we conclude that the new clarifying provisions of section 902(a) of the bill would not require those States to amend their programs. Likewise, State legislation consistent with the NVRA probably would meet the new, less specific, minimum standards for list maintenance required in section 502(2) of H.R. 3295. If this interpretation differs with that of the drafters of the bill, some clarification may be warranted.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

Identical letter sent to the Honorable Bob Ney, Chairman.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I wanted to point out just a couple of items about this motion to recommit, and I do respect the gentleman from New Jersey and his intentions. But this does eliminate provisions to improve list maintenance, and this is something that we all have fought very hard for. Democrats and Republicans from across the country want to make sure that they have the best voter lists possible and that they are in the best condition possible. That was a bipartisan request. This would eliminate the provisions to improve list maintenance.

Also, unless I have read this wrong, this also would deal with the issue of accessibility at the polling places. We are talking about 200,000 polling places, and this theory that was brought forward in committee on the basis of what this motion to recommit is about was discussed in the committee. No one could even give us an estimate of the billions and billions of dollars. Also, I would raise this issue: are we going to use taxpayers' dollars, then, to fund something the private sector should do, if one votes at a mall or a church? There are a lot of significant issues to that provision itself.

As far as the issue of persons with disabilities, let me just quote from the bill, and this is an important issue that I care about and a lot of people in this country obviously do care about, and it has been stated many times through this process that this bill makes one of the first significant steps in trying to help persons who have some form of a disability to vote.

The Ney-Hoyer bill is an important breakthrough for the voting rights of persons with disabilities. All new voting systems must provide a practical and effective means for voters with physical disabilities to cast a secret ballot. That is language from the Ford-Carter Commission. All States receiving Federal funds under this bill must certify that in each precinct or polling place, there is at least one voting system available which is fully accessible to individuals with physical disabilities. It also states that it uses Federal funds to purchase new machines, and must ensure that at least one voting machine in each polling place in the State will be fully accessible to individuals with physical disabilities.

This bill has also been endorsed by the National Federation of the Blind.

Mr. Speaker, I just want to urge my colleagues to hold to the bill, the Ney-Hoyer bill, and defeat the motion to recommit. Also, Mr. Speaker, at this time I include for the RECORD the following letters of endorsement.

NATIONAL ASSOCIATION OF
COUNTIES,
Washington, DC, November 21, 2001.

Hon. BOB NEY,
Chairman, Committee on House Administration,
Longworth House Office Building, Wash-
ington, DC.

Hon. STENY HOYER,
Ranking Member, Committee on House Adminis-
tration, Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVES NEY AND HOYER: We want to commend you for your hard work and perseverance in introducing a bipartisan election reform bill. The legislation is a compromise and not everyone is going to agree with all of its provisions which includes some of our county officials.

The National Association of Counties (NACo) would like to go on record as supporting H.R. 3295 as it was reported by the House Administration Committee. We would have to review this position if extensive changes are made on the House floor or in the Senate.

NACo still has concerns about Congress providing adequate funding for carrying out the mandates in the bill. We believe the authorizations would be adequate but we also would like to see a commitment from the leadership on providing sufficient appropriations in FY2002 and FY2003. We will be urging President Bush to request the full authorization amounts in his budget for FY2003.

We will be sending letters to all Members urging them to vote for H.R. 3295. We also will be urging county officials to contact their state delegations to support the bill.

If you have any questions, please call me or Ralph Tabor on our staff (202-942-4254).

Sincerely,

LARRY E. NAAKE,
Executive Director.

ELECTION CENTER,
Houston, Texas, November 26, 2001.

Hon. ROBERT NEY,
Hon. STENY HOYER,
House Administration Committee, Longworth
House Office Building, Washington, DC.

CONGRESSMANS NEY and HOYER: On behalf of the elections community of America. I want to congratulate the two of you for accomplishing what grizzled veterans said could not be done: you have produced true bi-partisan legislation that will help America cure the worst of the problems discovered in Election 2000.

As you are aware, the rules and laws under which The Election Center was formed prevent us from lobbying for or against any legislation—our members nationwide will do that on their own—but we can speak to what we believe the impact of the legislation will do for American elections.

The two of you have shown what men of goodwill can do when a difficult issue arises. Obviously there were partisan considerations involved in this legislation and each of you was a noble champion for your party's particular view—but you also showed that you could find a way to reach consensus and still effect meaningful legislation.

I know this bill will not please all voter groups—even the elections community find items they dislike in this legislation. I know there are already claims that it does not go far enough for some—or too far for others. You and the House Administration Committee have fashioned legislation which does, however, address the serious problems discovered in Election 2000. You have found methods which reach and solve the real problems without doing it in heavy handed Federal edicts.

Finding the right balance of voter protections and yet not upsetting the rights of states and local governments to maintain responsibility for this process has not been an easy task but you have managed to reach consensus that protects the rights of minorities and even extends new services to the blind and disabled, to military and overseas voters, and provides new poll workers for elections. The months of delay waiting on bipartisan legislation have been well spent in developing a true compromise bill.

Congratulations on a job well done. This is responsible legislation.

Sincerely,

R. DOUG LEWIS,
Executive Director.

A NATIONAL ASSOCIATION OF COUNTY
RECORDERS, ELECTION OFFICIALS
AND CLERKS,
Durham, NC, November 26, 2001.

HONORABLE ROBERT W. NEY: The National Association of County Recorders, Election Officials and Clerks (NACRC) would like to go on record in support of H.R. 3295 sponsored by Bob Ney, Chairman of the House Administration Committee, and Steny Hoyer, Ranking Member of the House Administration Committee.

We support the bill in its current form. If there are extensive changes, we would have to review our support at that time.

Although we have studied all of the provisions and are not happy with each and every one, we do feel we can support the majority of the bill. We are particularly pleased that it is a bipartisan effort.

As election officials we truly strive to conduct all elections as fairly and accurately as possible and we feel this cannot be done when partisanship is present.

Please feel free to contact me if you have any questions at 253.798.3189.

Sincerely,

CATHY PEARSALL-STIPEK, CPO,
NACRC President, Pierce County
Auditor—Supervisor of Elections.

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
November 26, 2001.

Hon. BOB NEY,
Chair, Committee on House Administration,
House of Representatives, Longworth House
Office Building, Washington, DC.

Hon. STENY H. HOYER,
Ranking Member, Committee on House Adminis-
tration, House of Representatives, Long-
worth House Office Building, Washington,
DC.

DEAR REPRESENTATIVES NEY AND HOYER: We are writing to express the support of the National Conference of State Legislatures for H.R. 3295, the "Help America Vote Act of 2001." We commend you on your leadership in undertaking to draft sound election reform legislation and appreciate your steadfast willingness to work with states to craft a balanced bill for states and the American people. H.R. 3295 provides an effective means for states to update and change their election processes without an unduly burdensome federal presence, and with much-needed federal financial support.

State legislators are committed to a fair election process. The bipartisan NCSL Elections Reform Task Force adopted ten core principles that embody the fundamental views of elections in the states. The first principle is that "the right to vote is perhaps the most basic and fundamental of all the rights guaranteed by the U.S. democratic form of government. Implicit in that right is the right to have one's vote count and the right to have as nearly perfect an election proceeding as can be provided." NCSL believes that the core principles enumerated in H.R. 3295 are consistent with the findings of our own Election Reform Task Force and identify an appropriate role for the federal government in meeting the states shared commitments to modernizing the voting process and ensuring the integrity of the ballot.

Although H.R. 3295 contains minimum standards that will require states to certify that they have enacted legislation to provide for such things as a statewide voter registration database and provisional voting, these standards do not mandate how states should fulfill these requirements, thus allowing for necessary state flexibility in the implementation of the standards. It is only through a flexible approach to election reform that states can meaningfully improve elections processes for all voters. NCSL is satisfied that H.R. 3295 provides sufficient state flexibility.

We also wish to underscore the importance of receiving an appropriate amount of federal monies to assist states with the implementation of those standards that may otherwise be too costly. In these uncertain times and tight state budgets, federal financial assistance is critical to states' compliance with these new federal standards. We understand there is a commitment from Speaker Hastert and the Administration that sufficient federal funds will be appropriated to meet the needs of the states under this bill. We urge you to continue to strive for federal funding.

We again thank you for your excellent leadership on this issue and look forward to working with you for passage of this bill. Please have your staff contact Susan Parnis Frederick at (202) 624-3566 of Alysoun McLaughlin at (202) 624-8691 or by e-mail at susan.frederick@ncsl.org, alysoun.mclaughlin@ncsl.org. Thank you.

Sincerely,

Speaker MARTIN R.
STEPHENS,
Utah House of Rep-
resentatives.

Representative DANIEL T. BLUC,
North Carolina House
of Representatives.

INTERNATIONAL ASSOCIATION OF
CLERKS, RECORDERS, ELECTION
OFFICIALS AND TREASURERS,
Chicago, IL, November 29, 2001.

Hon. ROBERT NEY,
Hon. STENY HOYER,
House Administration Committee, Longworth
House Office Building, Washington, DC.

DEAR CONGRESSMEN NEY AND HOYER: As President of the International Association of Clerks, Recorders, Election Officials, and Treasurers (IACREOT), and Executive Director of the Chicago Board of Election Commissioners, one of the Nation's largest election jurisdictions, I have been asked for my opinion concerning H.R. 3295, known as the Ney-Hoyer Bill on election reform.

Obviously, you have undertaken a very difficult challenge in fashioning an election reform proposal to meet the needs of thousands of election jurisdictions throughout the nation. I want to congratulate you and your committee on a very thoughtful and thorough legislative package that will help ensure that every vote in this great nation is counted, and counted accurately. Although I have some specific reservations and suggestions on some of the bill's provisions, I think overall it is the best proposal among the many we have seen since the November 2000 Presidential Election.

At a later date, I would be honored to appear before your committee to present my specific recommendations to make this legislation even more palatable. I know you and your committee have worked very hard on this bill. Again, please accept my congratulations.

Sincerely,

LANCE GOUGH,
President.

NATIONAL FEDERATION
OF THE BLIND,
Baltimore, MD, December 11, 2001.

Hon. ROBERT NEY,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the support of the National Federation of the Blind for the Help America Vote Act of 2001 (H.R. 3295), including language we requested to address the needs of people who are blind. Thanks to your efforts and understanding, this legislation points the way for blind people to vote privately and independently.

While the 2000 election demonstrated significant problems with our electoral system, consensus regarding the solution has been much more difficult to find. Nonetheless, it is clear that installation of up-to-date technology will occur throughout the United States. This means that voting technology will change, and devices purchased now will set the pattern for decades to come. Therefore, requirements for nonvisual access must be an essential component of the new design.

With more than 50,000 members, representing every state, the District of Columbia, and Puerto Rico, the NFB is the largest organization of blind people in the United States. As such we know about blindness from our own experience. The right to vote and cast a truly secret ballot is one of our highest priorities, and modern technology can now support this goal. For that reason, we support any legislation that will accomplish this objective. Thank you for your assistance in addressing this concern as part of the Help America Vote Act of 2001.

Sincerely,

JAMES GASHEL,
Director of Governmental Affairs.

OHIO SECRETARY OF STATE,
Columbus, OH, November 20, 2001.

Hon. BOB NEY,
Chairman, Committee on House Administration,
Longworth House Office Building, Wash-
ington, DC.

DEAR BOB: For the last year, professional election officials across the nation have wrestled with the challenges brought to light as a result of the 2000 Presidential Election. At the heart of the issue is the suitability for ongoing use of punch card voting systems and the need for statewide uniform standards of election administration within each state.

It has been my pleasure to work with you and the House Administrative Committee as you have worked so hard to reach a bi-partisan compromise for election reform. I am very pleased to see that you have built a consensus for reform and offer you my whole-hearted endorsement of HR 3295, the Help America Vote Act of 2001.

This important legislation reflects the best balance of federal involvement and local control of elections that I have seen to date. You have reached a fine balance that reflects the serious need for election reform without federalizing the election process and minimizing local election administration, as some proposals do. By funding the buy-out of punch card ballot systems, your bill will help guarantee that we never again see the debacle that occurred in Florida because of punch card balloting inconsistencies. By requiring the adoption of reasonable ballot-counting standards, you also make sure that states are prepared to deal with ballot-counting questions before an election is contested and not after the fact. This will be a tremendous benefit to all Americans.

I realize there are some that wish the federal government to mandate a uniform voting system and standards for every jurisdiction. I believe this would be a terrible mistake. Election officials everywhere recognize the solutions for one precinct may not work the same in the next—particularly when separated by thousands of miles. Almost every election reform report I have seen confirms this important fact. While states can and should be held accountable for adopting uniform standards for their voting machines, each state should be left the option of choosing solutions that work the best. The cookie cutter approach will not work for elections and I encourage you to continue your efforts to fight this movement.

To assist you in the passage of this critical legislation, I will be sending a copy of this letter to every Secretary of State in the nation, every election official in Ohio and every county commissioner in Ohio. I will also be discussing your legislation in an upcoming article in our Spirit of Ohio publication, so even more Ohioans can learn of your good work and will know how to contact you to lend their support. If there is any further assistance I can provide you, please do not hesitate to let me know.

Again, thank you very much for all you are doing. I look forward to seeing Congress pass balanced and meaningful election reform legislation—HR 3295.

Sincerely,

J. KENNETH BLACKWELL,
Ohio Secretary of State.
STATE OF WISCONSIN
ELECTIONS BOARD,
Madison, WI, December 10, 2001.

To: Members, Wisconsin Congressional Delegation.

From: Kevin J. Kennedy, Executive Director,
Wisconsin State elections Board.

Subj: Ney/Hoyer Election Legislation (H.R. 3295).

H.R. 3295 sponsored by Congressmen Ney and Hoyer is scheduled for a vote in the House of Representatives this Wednesday,

December 12, 2001. The Ney/Hoyer proposal is one of several election reform proposals initiated at the federal level. In my opinion it contains the most comprehensive set of solutions to problems identified in the 2000 election. It most closely reflects the items of consensus identified in the numerous commissions that submitted reports this summer.

The State Elections Board has not taken a position on any recommended federal legislation. However, as Wisconsin's chief election officer for the past 19 years I would like to urge your serious consideration of H.R. 3295.

I had the privilege of serving on the Election Center Task Force that consisted entirely of state and local election administrators. Many of our recommendations are reflected in H.R. 3295. The bipartisan proposal strikes a very reasonable balance among the competing interests at stake. Most importantly, the legislation recognizes the role of state and local government in election administration.

Several stakeholders, including State Election Directors, would like to see more far reaching initiatives. However, given the highly partisan atmosphere in which election reform is discussed, I believe that this legislation provides the most realistic solution. The legislation provides a mechanism for developing realistic standards in conjunction with state and local election administrators and a reasonable funding mechanism.

None of the minimum standards described in the legislation adversely impact Wisconsin. With the exception of a statewide voter registration database, Wisconsin already meets or exceeds the minimum standards articulated in the legislation. Quite frankly the state legislature recognizes that a statewide voter registration database is inevitable. If funding accompanies the bill, it can be used to assist Wisconsin in getting the system in place.

H.R. 3295 provides an excellent opportunity to address the lack of confidence in the electoral process that has been fanned by the media. I encourage you to support the bill when it comes up for a vote this week. I would be happy to discuss the impact of this legislation on Wisconsin with you or a member of your staff. Our website, elections.state.wi.us, contains links to the major reports on election reform.

Please contact me with any questions. I can be reached at 608-266-8087.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, November 20, 2001.

Hon. BOB NEY,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR BOB: On November 14, 2001, you introduced H.R. 3295, the "Help America Vote Act of 2001." The bill was referred to the Committee on House Administration, and in addition to the Committee on Science (among others). The bill contains provisions that fall within the jurisdiction of the Committee on Science.

In deference to your desire to bring this legislation before the House in an expeditious manner, I will not exercise this Committee's right to mark-up H.R. 3295. Despite waiving its consideration of H.R. 3295, the Science Committee does not waive its jurisdiction over H.R. 3295. Additionally, the Science Committee expressly reserves its authority to seek conferees on any provision that are within its jurisdiction during any House-Senate conference that may be convened on this legislation or like provisions in H.R. 3295 or similar legislation which falls within the Science Committee's jurisdiction. I ask for your commitment to support any

request by the Science Committee for conferees on H.R. 3295 as well as any similar or related legislation.

I would also like to take this opportunity to thank you for including provision of H.R. 2275 within H.R. 3295. As a result of the negotiation between our Committees, the provisions of the Science Committee's bill to improve voting technology (H.R. 2275) have been incorporated into the Ney-Hoyer (H.R. 3295) bill. The thrust of the Science Committee bill was to set up a process to ensure that proper technical standards would be developed to improve voting technology and that a reliable system would be set up to test equipment against those standards. Virtually every provision of the Science Committee bill has been included in the House Administration Committee legislation. Because of the hard work and cooperation between our Committees, the new standards will ensure that voting machines tally voters' ballots accurately. They will help reduce voter error by ensuring that new voting equipment is user-friendly. Additionally, these standards will ensure that voting machines are accessible to the disabled.

I request that you include this exchange of letters as part of your report on H.R. 3295. I look forward to continuing to work with you on matters of mutual concern.

Thank you for your consideration and attention regarding these matters.

Sincerely,

SHERWOOD L. BOEHLERT,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, December 7, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In recognition of the desire to expedite floor consideration of H.R. 3295, the Help America Vote Act of 2001, the Committee on Armed Services agrees to waive its right to consider this legislation. H.R. 3295, as introduced on November 14, 2001, contains subject matter that falls within the legislative jurisdiction of the Committee on Armed Services pursuant to rule X of the Rules of the House of Representatives.

The Committee on Armed Services takes this action with the understanding that the Committee's jurisdiction over the provisions in question is in no way diminished or altered, and that the Committee's right to the appointment of conferees during any conference on the bill remains intact.

Sincerely,

BOB STUMP,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, December 11, 2001.

Hon. ROBERT W. NEY,
Chairman, Committee on House Administration,
Washington, DC.

DEAR MR. CHAIRMAN: As you know, under Rule X of the Rules of the House of Representatives, Establishment and Jurisdiction of Standing Committees, the Committee on Government Reform has exclusive jurisdiction over matters relating to transportation of the mail, and all matters involving the United States Postal Service. H.R. 3295, the "Help America Vote Act of 2001," includes language that falls within the jurisdiction of the Committee (Title VII—Reduced Postage Rates for Official Election Mail). In its present form Title VII would create an open-ended subsidy that would be difficult to administer, and would be financed by a "tax" on postal customers.

I appreciate both you and your staff consulting with my Committee on your legisla-

tion. In accordance with our discussions you have agreed to remove Section VII of the bill. The Government Reform Committee will no longer have any jurisdictional claim over the legislation, since no other provisions of the bill are under the purview of the Committee.

Under the National Voting Rights Act of 1993, Congress contemplated that election officials would have the ability to access the same reduced mailing rates available to non-profit organizations. As you mentioned there have been a number of problems associated with the implementation of this part of the law. I am strongly committed to working closely with State and local election officials, the United States Postal Service and you to solve this problem. If this effort proves to be problematic I stand ready to examine alternatives—including a possible legislative solution.

Thank you again for your consultation and I would ask that a copy of this letter be included in the Congressional Record during Floor consideration. I look forward to continuing cooperation on matters within the jurisdiction of both committees.

Sincerely,

DAN BURTON,
Chairman.

Mr. NEY. Mr. Speaker, I urge the motion to recommit be defeated, and I urge support of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MENENDEZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by a 5-minute vote, if ordered, on the question of passage.

Pursuant to clause 8 of rule XX, proceedings will then resume on the three motions to suspend the rules and the one corrections bill postponed from yesterday, on which the yeas and nays are ordered, each of which will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 197, nays 226, not voting 10, as follows:

[Roll No. 488]

YEAS—197

Abercrombie	Berry	Capuano
Ackerman	Bishop	Cardin
Allen	Blagojevich	Carson (IN)
Andrews	Blumenauer	Carson (OK)
Baca	Bonior	Clay
Baldacci	Borski	Clayton
Baldwin	Boswell	Clement
Barcia	Boucher	Clyburn
Barrett	Boyd	Condit
Becerra	Brady (PA)	Conyers
Bentsen	Brown (FL)	Costello
Berkley	Brown (OH)	Coyne
Berman	Capps	Crowley

Cummings	Klecza	Phelps
Davis (CA)	Kucinich	Pomeroy
Davis (FL)	LaFalce	Price (NC)
Davis (IL)	Lampson	Rahall
DeFazio	Langevin	Rangel
DeGette	Lantos	Reyes
DeLauro	Larsen (WA)	Rivers
Deutsch	Larson (CT)	Rodriguez
Dicks	Lee	Roemer
Dingell	Levin	Ross
Doggett	Lewis (GA)	Rothman
Doyle	Lipinski	Roybal-Allard
Edwards	Lofgren	Rush
Engel	Lowey	Sabo
Eshoo	Lynch	Sanchez
Etheridge	Maloney (CT)	Sanders
Farr	Maloney (NY)	Sandlin
Fattah	Markey	Sawyer
Filner	Mascara	Schakowsky
Ford	Matheson	Schiff
Frank	Matsui	Scott
Frost	McCarthy (MO)	Serrano
Gephardt	McCarthy (NY)	Shays
Gordon	McCollum	Sherman
Green (TX)	McDermott	Shows
Gutierrez	McGovern	Slaughter
Hall (OH)	McIntyre	Snyder
Harman	McKinney	Solis
Hastings (FL)	McNulty	Spratt
Hill	Meehan	Stark
Hilliard	Meek (FL)	Strickland
Hinchee	Meeks (NY)	Stupak
Hinojosa	Menendez	Tauscher
Hoeffel	Millender-	Thompson (CA)
Holden	McDonald	Thompson (MS)
Holt	Miller, George	Thurman
Honda	Mink	Tierney
Hooley	Moore	Towns
Hoyer	Moran (VA)	Turner
Inslee	Murtha	Udall (CO)
Israel	Nadler	Udall (NM)
Jackson (IL)	Napolitano	Velazquez
Jackson-Lee	Neal	Vislosky
(TX)	Oberstar	Waters
Jefferson	Obey	Watson (CA)
John	Olver	Watt (NC)
Johnson, E. B.	Ortiz	Waxman
Jones (OH)	Owens	Weiner
Kanjorski	Pallone	Wexler
Kaptur	Pascrell	Woolsey
Kennedy (RI)	Pastor	Wu
Kildee	Payne	Wynn
Kilpatrick	Pelosi	
Kind (WI)	Peterson (MN)	

NAYS—226

Aderholt	Cunningham	Hayes
Akin	Davis, Jo Ann	Hayworth
Armey	Davis, Tom	Hefley
Bachus	Deal	Heger
Baird	DeLay	Hilleary
Baker	DeMint	Hobson
Ballenger	Diaz-Balart	Hoekstra
Barr	Doolittle	Horn
Bartlett	Dreier	Houghton
Barton	Duncan	Hulshof
Bass	Dunn	Hunter
Bereuter	Ehlers	Hyde
Biggert	Ehrlich	Isakson
Bilirakis	Emerson	Issa
Blunt	English	Istook
Boehler	Everett	Jenkins
Boehner	Ferguson	Johnson (CT)
Bonilla	Flake	Johnson (IL)
Bono	Fletcher	Johnson, Sam
Boozman	Foley	Jones (NC)
Brady (TX)	Forbes	Keller
Brown (SC)	Fossella	Kelly
Bryant	Frelinghuysen	Kennedy (MN)
Burr	Gallegly	Kerns
Burton	Ganske	King (NY)
Callahan	Gekas	Kingston
Calvert	Gibbons	Kirk
Camp	Gilchrist	Knollenberg
Cannon	Gillmor	Kolbe
Cantor	Gilman	LaHood
Capito	Goode	Largent
Castle	Goodlatte	Latham
Chabot	Goss	LaTourrette
Chambliss	Graham	Leach
Coble	Graves	Lewis (CA)
Collins	Green (WI)	Lewis (KY)
Combest	Greenwood	Linder
Cooksey	Cooksey	LoBiondo
Cox	Cox	Lucas (KY)
Cramer	Cramer	Lucas (OK)
Crane	Crane	Manzullo
Crenshaw	Crenshaw	McCreery
Culberson	Culberson	McHugh

McInnis	Regula	Stump	Cannon	Hoeffel	Nussle	Vitter	Waxman	Wicker
McKeon	Rehberg	Sununu	Cantor	Hoekstra	Oberstar	Walden	Weiner	Wilson
Mica	Reynolds	Sweeney	Capito	Holden	Obey	Walsh	Weldon (FL)	Wolf
Miller, Dan	Riley	Tancredo	Capps	Holt	Ortiz	Wamp	Weldon (PA)	Woolsey
Miller, Gary	Rogers (KY)	Tanner	Cardin	Honda	Osborne	Watkins (OK)	Weller	Wu
Miller, Jeff	Rogers (MI)	Tauzin	Carson (IN)	Hooley	Ose	Watson (CA)	Wexler	Wynn
Mollohan	Rohrabacher	Taylor (MS)	Carson (OK)	Horn	Otter	Watts (OK)	Whitfield	Young (FL)
Moran (KS)	Ros-Lehtinen	Taylor (NC)	Castle	Houghton	Owens			
Morella	Roukema	Terry	Chabot	Hoyer	Oxley			
Myrick	Royce	Thomas	Hulshof	Isakson	Pallone	Baldwin	Jackson (IL)	Pombo
Nethercutt	Ryan (WI)	Thornberry	Clay	Hunter	Pascrell	Barr	Jackson-Lee	Putnam
Ney	Ryun (KS)	Thune	Clement	Hyde	Pence	Barton	(TX)	Rahall
Northup	Saxton	Tiahrt	Clyburn	Inslee	Peterson (MN)	Becerra	Jones (NC)	Reyes
Norwood	Schaffer	Tiberi	Collins	Isakson	Peterson (PA)	Blagojevich	Jones (OH)	Rodriguez
Nussle	Schrock	Toomey	Combest	Phelps	Peterson (PA)	Bonilla	Kilpatrick	Rohrabacher
Osborne	Sensenbrenner	Trafficant	Condit	Issa	Pickering	Bonior	Kingston	Royal-Allard
Ose	Sessions	Upton	Cooksey	Pitts	Pitts	Brown (OH)	Klecza	Rush
Otter	Shadegg	Vitter	Costello	Jefferson	Platts	Capuano	Kucinich	Sanchez
Oxley	Shaw	Walden	Cox	Jenkins	Pomeroy	Clayton	McDermott	Schaffer
Paul	Sherwood	Walsh	Coyne	John	Portman	Coble	McGovern	Scott
Pence	Shimkus	Wamp	Cramer	Johnson (CT)	Price (NC)	Conyers	McKinney	Sensenbrenner
Peterson (PA)	Shuster	Watkins (OK)	Crane	Johnson (IL)	Pryce (OH)	Culberson	Meehan	Sessions
Petri	Simmons	Watts (OK)	Crenshaw	Johnson, E. B.	Quinn	Davis (IL)	Mollohan	Shadegg
Pickering	Simpson	Weldon (FL)	Crowley	Johnson, Sam	Radanovich	Doggett	Murtha	Shows
Pitts	Skeen	Weldon (PA)	Cummings	Kanjorski	Ramstad	Flake	Napolitano	Smith (MI)
Platts	Skelton	Weller	Cunningham	Kaptur	Rangel	Frank	Olver	Solis
Pombo	Smith (MI)	Whitfield	Davis (CA)	Keller	Regula	Goode	Pastor	Toomey
Portman	Smith (NJ)	Wicker	Davis (FL)	Kelly	Rehberg	Gutierrez	Paul	Waters
Pryce (OH)	Smith (TX)	Wilson	Davis, Jo Ann	Kennedy (MN)	Reynolds	Hefley	Payne	Watt (NC)
Putnam	Smith (WA)	Wolf	Davis, Tom	Kennedy (RI)	Riley	Hilliard	Pelosi	
Quinn	Souder	Young (FL)	Deal	Kerns	Rivers	Hinchey	Petri	
Radanovich	Stearns		DeFazio	Kildee	Roemer			
Ramstad	Stenholm		DeGette	Kind (WI)	Rogers (KY)			

NOT VOTING—10

Buyer	Evans	Luther
Cubin	Gonzalez	Young (AK)
Delahunt	Granger	
Dooley	Hostettler	

□ 1529

Messrs. GALLEGLY, MCHUGH, SHERWOOD, BARTLETT of Maryland, SOUDER, FLETCHER, BONILLA, TERRY, WATTS of Oklahoma, PICKERING, and FOLEY changed their vote from "yea" to "nay."

Mr. BLUMENAUER, Ms. WATERS, and Ms. CARSON of Indiana changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

□ 1530

The SPEAKER pro tempore (Mr. LAHOOD). The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. HOYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 63, not voting 9, as follows:

[Roll No. 489]

YEAS—362

Abercrombie	Bartlett	Boozman	Graham	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Ackerman	Bass	Borski	Gibbons	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Aderholt	Bentsen	Boswell	Gilchrist	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Akin	Bereuter	Boucher	Gillmor	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Allen	Berkley	Boyd	Gilman	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Andrews	Berman	Brady (PA)	Goodlatte	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Armey	Berry	Brady (TX)	Gordon	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Baca	Biggert	Brown (FL)	Goss	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Bachus	Bilirakis	Brown (SC)	Graham	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Baird	Bishop	Bryant	Graves	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Baker	Blumenauer	Burr	Green (TX)	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Baldacci	Blunt	Burton	Green (TX)	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Ballenger	Boehlert	Callahan	Green (TX)	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Barcia	Boehner	Calvert	Green (TX)	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson
Barrett	Bono	Camp	Green (TX)	Green (TX)	Green (WI)	Greenwood	Grucci	Hastert	Hastings (FL)	Hastings (WA)	Hayes	Hayworth	Heger	Hill	Hilleary	Hinojosa	Hobson

NAYS—63

Baldwin	Jackson (IL)	Pombo
Barr	Jackson-Lee	Putnam
Barton	(TX)	Rahall
Becerra	Jones (NC)	Reyes
Blagojevich	Jones (OH)	Rodriguez
Bonilla	Kilpatrick	Rohrabacher
Bonior	Kingston	Royal-Allard
Brown (OH)	Klecza	Rush
Capuano	Kucinich	Sanchez
Clayton	McDermott	Schaffer
Coble	McGovern	Scott
Conyers	McKinney	Sensenbrenner
Culberson	Meehan	Sessions
Davis (IL)	Mollohan	Shadegg
Doggett	Murtha	Shows
Flake	Napolitano	Smith (MI)
Frank	Olver	Solis
Goode	Pastor	Toomey
Gutierrez	Paul	Waters
Hefley	Payne	Watt (NC)
Hilliard	Pelosi	
Hinchey	Petri	

NOT VOTING—9

Buyer	Dooley	Hostettler
Cubin	Gonzalez	Luther
Delahunt	Granger	Young (AK)

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Mr. SCHAFFER and Mr. RUSH changed their votes from "yea" to "nay."

Mr. NEAL of Massachusetts changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motions to suspend the rules and on H.R. 1022 considered on the Corrections Calendar on which further proceedings were postponed on Tuesday, December 11, 2001.

Votes will be taken in the following order:

H. Con. Res. 282, by the yeas and nays;

H.R. 3209, by the yeas and nays;

H.R. 1022, by the yeas and nays;

H.R. 3448, by the yeas and nays.

The Chair will continue to reduce to 5 minutes the time for which each electronic vote in this series will be taken.

KEEPING THE SOCIAL SECURITY PROMISE INITIATIVE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 282.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and agree to concurrent resolution, H. Con.