

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1701, the bill just passed.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Alabama? There was no objection.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question on agreeing to the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

MOTION TO INSTRUCT CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Ms. WATERS. Mr. Speaker, I offer a motion to instruct the conferees on the Help America Vote Act, H.R. 3295.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. WATERS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to take such actions as may be appropriate to ensure that a conference report is filed on the bill prior to October 1, 2002.

The SPEAKER pro tempore. The gentleman from California (Ms. WATERS) will be recognized for 30 minutes and the gentleman from Ohio (Mr. NEY) will be recognized for 30 minutes.

The Chair recognizes the gentleman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

This motion instructs the conferees on H.R. 3295, the election reform legislation, to complete their work and file a conference report prior to October 31, 2002. Mr. Speaker, it has been almost 2 years since the 2000 Presidential election, an election that created a crisis of confidence in our Nation's election system. It has been more than 9 months since the House of Representatives passed the Help America Vote Act, H.R. 3295. It has been more than 5 months since the Senate passed its version of election reform legislation, S. 565, the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002 by a vote of 99 to 1. Yet the conferees still have not completed their work.

The 2000 Presidential election lost between 500,000 and 1.2 million votes because of faulty machines, confusing ballot designations and designs, reported voter intimidation, and other human and mechanical impediments to the voting process. According to the United States census population survey, 2.8 percent of the 40 million voters who did not vote in 2000 stated they did not vote because of problems with poll-

ing place operations such as long lines and inconvenient hours or locations. Many of those who did vote in 2000 found themselves wondering whether their vote was counted and whether they actually voted for the candidate of their choice. We have already begun to observe similar problems in the 2002 primary election in several States, not to mention Florida one more time.

Mr. Speaker, in February of 2001, because of all of this, House Democratic leader Richard Gephardt asked me to lead the Democratic Caucus Special Committee on Election Reform. The committee was given the responsibility to travel throughout America and examine our Nation's voting practices and equipment. Over a 6-month period of time, this committee held six public-filled hearings in Philadelphia, San Antonio, Chicago, Jacksonville, Cleveland, and Los Angeles. We heard from election experts and hundreds of voters about what is wrong with our election system. I was overwhelmed by the outpouring of interest and support we received from our Nation's voters.

Our committee released a comprehensive report on November 7, 2001, the anniversary of the 2000 election debacle. The committee's report, entitled *Revitalizing our Nation's Election System*, set forth targeted minimal standards for Federal elections in order to guarantee that every vote will count. This report became part of the foundation for H.R. 3295, the Help America Vote Act of 2001.

Mr. Speaker, not only did Leader GEPHARDT appoint me to lead the Democratic Caucus Special Committee on Election Reform, many other committees around this country were working to try to find out what went wrong, what is wrong with our election system, what is it we have not paid attention to, what caused us to get to the point of such dysfunction in that election. The NAACP held hearings. The U.S. Commission on Civil Rights held hearings. There was a Carter-Ford Commission, and then, of course, this legislation was taken up that I am referring to by the Committee on House Administration led by the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY). And, of course, even though the gentleman from Michigan (Mr. CONYERS) is not here today, our ranking member on the Committee of the Judiciary has spent countless hours meeting with human rights groups and civil rights groups not only here in the Capitol but across the country, and I am told by the gentleman from Michigan (Mr. CONYERS) that wherever he travels, he is asked what is going to be done about election reform? What are you going to do to correct the problems in the election system?

In addition to that, the Leadership Conference on Civil Rights and many others that I am unable to notice today have already been holding hearings, gathering information and trying to bring us to a point of reform.

With that, let me just say that the Help America Vote Act would establish the election assistance commission, set up a program to buy out or improve antiquated punch card voting systems, authorize funds to improve the administration of elections, improve procedures for uniform and overseas voters, and set certain minimal standards for State and local election systems.

The Help America Vote Act was passed again by the House of Representatives on December 12, 2001, by an overwhelming vote of 362 to 63. You can see, Mr. Speaker, it is time for us to do something. It is time for the conferees to act. We need to get this conference report done and reported out.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the gentleman from California's (Ms. WATERS) motion to instruct, the one offered by the distinguished Member. I want to thank her for offering the motion.

I believe that the conferees, Mr. Speaker, on the election reform bill are within sight of an agreement that will bring critically needed aid and assistance to improve elections in the United States, and I believe this motion to instruct will have a positive effect of reminding the conferees on both sides of the aisle that reasonable negotiations are critical to getting this conference report done in the very near future. It is not that we need reminding, but I think this helps. We simply cannot afford to deadlock this conference because either side makes unrealistic demands at the last minute.

Let us talk for a minute about what both sides agree on, and I think it is important to note. We agree that we should authorize substantial sums of Federal dollars to modernize election systems in the next few years. We agree that obsolete voting systems like punch cards and lever machines should be replaced as rapidly as possible. We agree that voters in all States should have their rights protected by imposing basic requirements. We agree that those requirements should include guaranteed access to voting machines and ensure ballot access and secrecy for those who have a form of a disability. We agree that they should guarantee a voter's right to review his or her ballot to correct errors before that ballot is cast. We agree that they should guarantee a voter's right to provisional ballots so no voter is turned away from the polls in the United States. We agree that there should be an election assistance commission to help States comply with these requirements. We agree that there should be strong enforcement by the Department of Justice to ensure that these provisions are fully complied with as the law of the land. We agree there should be research and pilot programs to develop and to test new technologies to improve our voting systems.

We also agree, Mr. Speaker, there should be programs to encourage both

college and high school students across America to volunteer as poll workers or assistants where local election officials need them on a nonpartisan basis. We agree the rights of military and overseas voters should be protected and enhanced.

In addition to taking steps to make it easier to vote, we have agreed that steps must be taken to make it harder to cheat.

Leaders on both sides of the Capitol stand behind the antifraud provisions passed overwhelmingly by their respective Houses. I am confident that these provisions to improve the integrity of our political process, along with the many other requirements we all agree upon should be imposed, will be included in a final package.

There are some who doubt that agreement can be reached. They say judgments have been made by some and that a partisan issue for the 2002 elections may be more valuable than the improvements in the process that would be achieved by this bill, and shame on anybody on either side of the aisle or anybody across the country that would want to politicize this.

□ 1545

I believe the basic core of this institution on both sides of the aisle and the basic core of advocacy groups across the Nation want to produce a product, and I know the conferees also do.

I reject the analysis that has been made that this will be held up because of an issue versus a product that is good for people. I know that we can set aside partisanship and get this bill passed, and we must. I want to take this opportunity to praise the gentleman from Maryland (Mr. HOYER), the ranking member on the Committee on House Administration.

I want to also praise members of the conference committee, Senators DODD, MCCONNELL, BOND, SCHUMER, the input of the gentleman from Michigan (Mr. CONYERS), and on our side of the aisle, members of the Committee on House Administration that produced this product and other conferees, including the gentleman from Missouri (Mr. BLUNT) who has been extremely helpful.

I want to say something about the process for a little bit. There was debate on a select committee which I did not think was a bad idea, it was agreed to mutually on a bipartisan basis, and after the give-and-take and public debate over the issue, the bill and the idea came to our committee, frankly, from the gentleman from Maryland (Mr. HOYER) to have the Help America Vote Act.

We diligently worked on it. Despite campaign finance reform, despite anthrax in the buildings, we continued to work on it. Why does it take so long? It is a complicated bill that is going to have good ramifications down the road, and it needed to be intensely worked on. It is a bill that I believe we can be proud of.

Without the help and assistance of the gentleman from Maryland (Mr. HOYER), we would not be close to agreement; and I count on the gentleman's continued help and assistance to ensure that this bill is enacted before the end of the session.

Throughout the discussions, the gentleman from Maryland (Mr. HOYER) has insisted that we focus on the top priorities, such as getting this bill done as soon as possible so States can start to plan for the 2004 elections. Both sides of the aisle understand the importance of getting money out to local and State officials as rapidly as possible without a time-consuming and burdensome Federal bureaucracy getting in the way. We understand that there is no single issue that can be allowed to prevent this bill from passing. We are continuing to communicate and talk.

I also thank all of the groups who have encouraged and supported our efforts to get this bill passed, including the National Federation of the Blind, the National Association of Secretaries of State, the National Association of Counties, the National Association of Clerks and Recorders, the Election Center, and the advocacy groups that are out there with disabilities, civil rights and all of the other groups across this country that have had hearings and made input into the system.

There is much work left to be done, and I know we are running out of time, but I believe we can meet that challenge. I look forward to being on the floor in the near future and enacting a bill with broad bipartisan support, a bill that makes it easier to vote and harder to cheat, a bill that would demonstrate to all Americans that this Congress can put aside partisanship and improve the election process for all of our citizens.

There is a lot of talk across the country, and knowing the rules of the House, I will just say of things not going up and down the hallways and coming back here and there. Let me say on this particular issue, we want to make sure that all the bodies of the Congress work together and enact something that is going to be down the road for generations, something to be proud of and something which ensures integrity in our system.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for yielding me this time, and for her leadership. She has been extraordinary since November 2000 working on this issue. I also want to thank the gentleman from Florida (Mr. HASTINGS) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairwoman of the Congressional Black Caucus. I also want to thank the gentleman from Rhode Island (Mr. LANGEVIN) who has done such yeoman work on this bill, along with the gen-

tleman from Ohio (Mr. NEY), who has been very responsible for the disabilities provision in this bill.

Mr. Speaker, let me begin by recognizing the outstanding leadership of the gentlewoman from California (Ms. WATERS,) whom I mentioned, who has tirelessly championed the cause of election reform, as has the gentleman from Florida (Mr. HASTINGS), the gentleman from Rhode Island (Mr. LANGEVIN) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON). As chairwoman of the Democratic Caucus Special Committee on Election Reform, of which I was a member, the gentlewoman from California held hearings all over this country to learn what ails our election system. Many of the recommendations of her committee are included in the bill that was drafted.

As last week's primary in Florida confirms, the problems of the 2000 election will not go away until the Congress and the States enact meaningful national standards and offer States and local authorities the resources to improve their election infrastructure.

Mr. Speaker, I have said a lot of people worked hard on this legislation, and they have. But frankly, thanks in large measure to my indefatigable colleague from Ohio, we have made the progress that we have. We are closer than ever to enacting the most comprehensive package of voting reforms since the Voting Rights Act of 1965.

The gentleman from Ohio (Mr. NEY) has been an unwavering advocate of reform, a strong proponent of the provisions that he believes are important to be in this bill; and frankly, expressing concerns about those provisions he thinks ought not be in the bill, but always focused on passing legislation that will assist the States and assist our voters in making our democracy even more perfect.

He has been an advocate of reform that will require States to offer provisional ballots to all voters whose registration, for one reason or another, is not properly included on the rolls; reform that will require States to maintain statewide computerized registration lists to ensure the most accurate, up-to-date rolls and minimize the number of voters who are incorrectly removed from voters' rolls; reforms that will reward States for retiring obsolete voting machines, especially the notorious punch card machines and their dangling chads, that prompted this Congress to act in the first place. And I might add that the gentleman from Ohio (Mr. NEY) and others have brought to our attention as well the problems that the lever machines cause because of the unavailability of parts to repair those particular machines.

This bill includes reforms that require voting systems to be accessible for individuals with disabilities, a cause that the gentleman from Rhode Island (Mr. LANGEVIN) has been

untiring in advocating to ensure all Americans, irrespective of disabilities, have access to the polling place, have a technology that they can use, and can cast their vote in secret. We thank the gentleman from Rhode Island (Mr. LANGEVIN) for his outstanding leadership.

I want to say that the gentleman from Ohio (Mr. NEY) has been particularly focused on including nonvisual accessibility to the blind and visually impaired to allow them to vote privately and independently, and reforms that allow voters to review and correct their ballots before they are cast. I call that second chance voting. It is a critically important component of our bill because it will tell the voter that they voted for too many people, they did not vote for this position or that position, do you want to? So that the voter, when they leave the polling place, will have confidence that they have cast correctly a ballot which will reflect their views.

This bill includes reforms that do not weaken any existing voting rights laws and includes meaningful enforcement and ensures that every vote counts.

Mr. Speaker, this motion made by the gentlewoman from California (Ms. WATERS) is intended to ensure that we on the conference committee complete our work prior to October 1, 2002. Our chairman supports that motion, and given the progress the conference committee has made in the past 7 days, I am optimistic that we will meet that deadline.

All of us have one person in this House to thank for that process, the gentleman from Ohio (Mr. NEY). Frankly, without the gentleman's leadership and his chairmanship of this committee, we would not be as far along as we are.

At the urging of the chairman of the Committee on House Administration, as well as the distinguished gentleman from Connecticut, Senator DODD, Members will be happy to know that the principal conference members and their staffs have been meeting diligently long hours to resolve the outstanding issues that remain.

Frankly, Mr. Speaker, at the beginning everyone sort of circled everyone; but I can assure Members there was honest, open, positive discussion occurring.

Motions to instruct are often intended to urge conference members to head in directions they may not want. This motion directs us to move in a direction we want to move. I thank the gentlewoman from California (Ms. WATERS) for her leadership and for this motion. I thank the gentleman from Ohio (Mr. NEY) for his commitment to the passage of this legislation. America will be a better place for this legislation having been adopted.

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) for his comments and his integrity and sincerity on this issue.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 4 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Speaker, I first want to thank the gentlewoman from California (Ms. WATERS) for offering this motion to instruct today and for her leadership on this very important issue. I also want to echo the comments of the gentleman from Maryland and thank the gentleman from Ohio (Mr. NEY) and, of course, the gentleman from Maryland (Mr. HOYER) as well for his hard work on this bill.

Mr. Speaker, as we enter the closing days of the 107th Congress, the House faces a number of legislative initiatives that we would like to complete. While many of these are necessary to keep our government running and to protect the American people, we must not forget our responsibility to protect the fundamental right to vote. The election debacle of November 2000 was not an isolated incident. Last week's primary in Florida demonstrated we still have serious problems with the administration of our election systems.

I know that many States, including Rhode Island, are poised to initiate substantial election reforms but are merely waiting for the Federal Government to issue guidelines and provide funding. The gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) were instrumental in crafting H.R. 3295 which passed the House with strong bipartisan support. While our bill differs from the other Chamber in several respects, these differences are not insurmountable. I know that the conferees of H.R. 3295 have the American people's best interests at heart, and I encourage them to work expeditiously to resolve the remaining disagreement and develop a conference report that we can pass before the end of the year.

Mr. Speaker, I urge my colleagues to support the Waters motion to instruct.

Mr. NEY. Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the motion to instruct election reform conferees being offered today by the gentlewoman from California (Ms. WATERS), the chairman of the Democratic Task Force on Election Reform. I appreciate the gentlewoman's work that she has done in the past on election reform, and I applaud the work that she continues to do on this issue that continues to burn at the heart of every American.

In all candor, the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) are to be complimented by all of us, as well as the persons that have been mentioned heretofore, and all of the members of the task force that worked with them in developing our position.

I am a bit put out that in this same body where all of us stood with former Vice President Gore presiding, all of us that were here on that day to say that an election had been free and fair, are somewhere now scattered throughout Washington, and I recognize that Members have other agendas, but I am alarmed that this room is not full.

□ 1600

In Florida, my constituents are reaping the firsthand devastation of Federal inaction. During Florida's primary election last Tuesday, 14 counties in Florida faced similar problems to the ones that we faced on Election Day 2000. Ranging from malfunctioning voting equipment to uneducated poll workers, voters in my State never had a chance to benefit from the provisions that the House approved with the assistance of the gentleman from Ohio (Mr. NEY), the gentlewoman from California (Ms. WATERS), and the gentleman from Maryland (Mr. HOYER) in the Help America Vote Act. Instead, last Tuesday was, to quote an overworked phrase, *deja vu* all over again. While Florida voters were robbed once again, Congress remains silent.

After the election in 2000, Governor Bush and President Bush said that that would never happen again. The President has every right to do as he is doing, traveling around the Nation to put his case before us as we move toward November. But not one peep has come from this President. I have heard about Iraq. I have heard everything about a defense authorization bill. We are here doing this in an effort to not be doing appropriations. We have not done but five of 13 in the House and this President has not signed one single solitary appropriations measure. I doubt very seriously if we will.

When history judges the work that the 107th Congress has done, it will undoubtedly view the debate we are having right now as the landmark failure of this body. Who would have ever thought that after the sham and debacle of an election we had in 2000, that a Member, Republican or Democrat, would ever need to come to the floor of this body urging House and Senate conferees to reach a deal on an election reform package?

I hope that my colleagues realize, and I am sure they do, that the calendar records 606 days have passed since Election Day 2000, while this body has spent time cutting taxes as we did yesterday and in some resolution we are going to bring up tomorrow to remind the Senate that they are supposed to make permanent some tax cut while we go forward talking about a war and not finishing up the war on terrorism and having all sorts of things from prescription drugs to everything facing us in our body politic. No doubt what we are more about is rewarding the wealthy corporate persons and furthering corporate irresponsibility. This body has neglected to do anything to reinstate integrity in the American election process.

Elections are the foundation of our representation. Representation is the foundation of our democracy. Thus, we must never find ourselves again questioning the methods by which we choose our leaders. I say, if the House can create a Department of Homeland Security in one month, then the election reform conference committee can certainly reach an agreement in a year.

Mr. Speaker, as I was walking over to the Capitol this afternoon to speak in support of the gentlewoman from California's motion, I was trying to think of how many times I have spoken out for election reform. Quite frankly, I cannot remember; but I know it is too many times.

Too many times have the American people's cries for fairness and democracy in our election system gone unanswered. Too many days have passed by since our last Federal election left former President Jimmy Carter proclaiming, "If the Carter Center were to grade the American election system, it would fail." Too many opportunities have passed when Congress has gone home early for the week before assuring Americans that their votes will always count. Before long, we will be saying that too many elections have occurred while Americans continue to vote on an election system that we know is broken. That is a notion that I am not willing to even consider and neither are the American people. If we fail to act, it is an outrage.

Mr. NEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I join together on the floor today with my colleague from Florida (Mr. HASTINGS) because I too have spoken at each of our occasions here on the floor, with the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER) and others in urging passage of this important legislation.

What happened in Florida's primary election this year is an example of exactly why we need to complete this conference as soon as possible. The Florida legislature passed legislation that outlawed punch cards, included new technology, called for improved election management practices and policies and introduced a statewide computerized registration system. The State was not afraid to spend money to support this effort. They set aside \$32 million to improve the way elections were run. The counties responded with approximately an additional \$50 million of local money designed to complement this statewide initiative. It is very difficult for anyone to argue that Florida was not committed to changing the way elections were run in their State. In fact, the gentleman from Ohio (Mr. NEY) and his staff spent the last 2 years studying elections across the country, talking to election officials, voters, disability advocacy groups, election machine vendors and other experts in the field. Based on what they learned, Florida spent more

money on new voting equipment than any other State in the country during the last 2 years. They also made significant improvements in election management policy, including the introduction of provisional voting, second-chance voting, definitions of what constitutes a vote, and other improvements.

So what happened in Florida? Sixty-seven counties in Florida comprise our State. We heard about major problems in two counties, Dade and Broward. For those who tried to lay the blame at Governor Bush's feet, it is worth noting that the officials actually responsible for running those elections in these two counties are Democrats. The good news is that the overwhelming majority of Florida counties got it right. In addition to implementing new legislative districts, they changed the way they keep track of voter registration records, introduced new voting technology, they trained poll workers and educated voters on how this technology works.

Let me remind Members of my home county, Palm Beach County, where our supervisor of elections, Teresa LePore, who was much criticized during the 2000 election because of the butterfly ballot decided to take the new voting technology to virtually every group that would have her. She went to Kiwanis, she went to Rotary, she went to synagogues, she went to mosques, she went to shopping centers and displayed the new touch screen voting technology. She trained her workers. She educated her workers and her poll workers and her deputies. She actually had mock elections outside of public supermarkets in order for the community to be more comfortable with the voting machine. Thankfully, because of that effort and that time she took, we had very little problem in Palm Beach County. In fact, we had a 98.5 percent success in Florida. We are suffering the aftermath of two counties.

I regret that there were not a lot more people exercised about what happened in Dade and Broward. I was exercised that not every vote counted in the 2000 election, and I am convinced that some people should have been more vocal and vociferous because of what happened in Dade and Broward.

The gentleman from Ohio's staff of the Committee on House Administration observed primaries in Lee County, Florida. Lee County used the same new touch screen voting technology as 11 other counties in Florida did, including Broward; but they did things a little differently. They spent extra time recruiting and training poll workers. I want to underscore that. Extra time recruiting and training poll workers. Educating their voters, buying extra voting machines so voters could practice at the precinct. They even went to the trouble of making a video on how to use the new technology and had it play in each precinct in the county during election day. Lee County, Florida, home of our own PORTER GOSS. In

addition, they installed modems in all the precincts so that the election results could be electronically transmitted to the central office as soon as the polls closed. The local media and voters declared the election in that county a success. This is how election reform should work. Proven in several counties. A few problems in two counties. So let us not minimize the importance of the legislation before us.

My contention from the beginning has been if we are going to implement meaningful reform, we cannot do it in a partisan manner. Managing good, solid elections that count every vote cast is not about what party you belong to. It is about sound public policy. Election officials need time to implement the meaningful changes that election reform will bring. It is imperative that we move this bill out of conference as soon as possible so that they are not rushed into making bad decisions, sending ill-trained poll workers to the polls, introducing new technology without educating voters, or repeating any of the other mistakes we saw in those two counties in Florida.

I commend the gentleman from Florida (Mr. HASTINGS), as I do others in our delegation, the gentlewoman from Florida (Ms. BROWN) and others who have also been vociferous in wanting to improve the election system not only in our home State but in every State of the Union. This is critical, it is timely, it is urgent; and I urge the conference to report out the bill.

Ms. WATERS. Mr. Speaker, I simply want to thank the gentleman from Florida (Mr. HASTINGS) for all the work he did on the special committee on reform. He supported it 100 percent.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of this urgent motion to instruct conferees on election reform.

Mr. Speaker, the most fundamental issue facing all of us during this Congress is restoring the public's faith in democracy. To restore that faith in democracy, we must make sure that every vote cast is counted. Equal protection of voting rights laws requires an electoral system in which all Americans are able to register as voters, remain on the rolls once registered, and vote free from harassment. Ballots must not be misleading. And, again, every vote must count.

In the 2000 election, Florida was not the only State where American citizens were denied the full exercise of their constitutional franchise. It happened all over this Nation. Moreover, most of those excluded from democracy were Americans of color. That is why election reform has been the number one legislative priority of the Congressional Black Caucus. We will not be silenced until this Congress answers this call. This is not, however, a black issue or a white issue or a brown issue. It is an American issue. It is a red, white,

and blue issue. The survival of our democracy depends on the accuracy and integrity of our election system. Just last week, we received yet another wake-up call from the Sunshine State reminding us that the time for election reform is now and that we must do whatever it takes to pass this election reform bill immediately.

I would like to thank Senator DODD, the gentleman from Michigan (Mr. CONYERS), the gentleman from Maryland (Mr. HOYER), the gentleman from Ohio (Mr. NEY) whom I have worked very closely with, the gentlewoman from California (Ms. WATERS), and all the others, most especially the African American delegation from Florida, for bringing the information and offering to be available to answer any questions at any time. I know that this election reform conference committee has been working diligently and they have come close to a compromise on this issue. I hope, Mr. Speaker, that soon, before we recess, this conference report will come out for us to vote on in an acceptable manner.

Now that we have come so close to compromise and now that the next round of Federal elections is right upon us, even though it probably will not affect it, the price for not passing election reform during this Congress is far too high. It is imperative that the conference committee continue its hard work and come to an agreement before the end of this month. We cannot afford to let this opportunity slip away.

I know, Mr. Speaker, how many hours the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) and Senator DODD have spent working on this issue. I have talked to someone every day on it. It is time for us to finalize this conference report and bring it forth.

Mr. NEY. Mr. Speaker, I yield 6 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. I thank the gentleman for yielding me this time.

Mr. Speaker, as I understand it on both sides, I think there is great agreement with regard to the motion to instruct on this particular bill, so I am not here to debate that; but I am here, I think, to help set the record a little bit straight as to exactly what happened in Florida.

As we know, Florida was the middle of a hurricane during the last election, so it has received a great deal of attention. The Florida legislature spent a great deal of money in buying, purchasing and helping the counties put in place, as well as the county commissions, the state-of-the-art, or what we thought was the state-of-the-art voting machines, electronic machines. This was a new type of voting process for most of the counties in the State of Florida.

□ 1615

In my own home county of Broward County, the wheels sort of fell off the wagon.

Now, what exactly happened? According to the Registrar of Elections in Broward County, 150 of her workers did not show up, a lot of those that did were not properly trained, and there was great confusion within the voting places.

Many precincts opened late, as late as noon. In order to try to compensate for that, the Governor extended time for voting until 9 o'clock, but many of the precincts closed at 7 because they could not find the people that would stay over or because the word never got out to the poll workers that they were supposed to stay until 9.

Now, whose fault is this? I have heard too many people, and even Vice President Gore, former Vice President Gore was in the district today, trying to blame this on our Governor, Jeb Bush. Jeb Bush did not elect the Supervisor of Elections in Broward County; the people of Broward County did. Jeb Bush did not hire the poll workers that did not show up; the Supervisor of Elections did. Jeb Bush did not train the workers to operate the different voting machines. That is the responsibility of the Supervisor of Elections.

So, pray tell, what is the Governor's responsibility here, other than to support bringing state-of-the-art equipment into the State of Florida, which he did, which the state legislature did? There were just some colossal errors.

Unfortunately, with all the finger pointing, people wonder, what in the world? I even heard the President being blamed here on the floor a while ago. That makes absolutely zero sense. The President of the United States does not run the voting precincts in the State of Florida, the State of California, or any other State.

The Governor of the State of Florida, particularly in Broward County, his only responsibility is, perhaps you could argue, that if he does not remove the duly elected Registrar of Elections, that somebody could blame him for not removing this particular person. But it does not appear that is the way he is going. It appears he has sent down the Secretary of State, Jim Smith, who has come down and spent a great deal of time working with the people in Broward County to be sure this does not happen again. A citizen's committee has been set up.

The County Commission and our sheriff, Sheriff Jenne, has been working with the Registrar of Elections, doing everything they can to make this system work. The Governor has been totally cooperative. The Governor of the State of Florida is not the voter registrar in Broward County, and that is just the beginning and the end of it, and there is nothing further to really say with regard to that.

If people are going to blame the Governor, they should come here and say exactly what he did. If they are going to blame the President, they should come down and tell us what his responsibility is in getting people to the polls and getting the polls to work in Broward County.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Speaker, I would ask the gentleman to please repeat the number of people that failed to show up at the Broward County polls that were workers that were allegedly hired by the Broward County Supervisor of Elections. Was it 150?

Mr. SHAW. One hundred fifty people.

Mr. FOLEY. Mr. Speaker, if the gentleman will continue to yield, this is something I wanted to elaborate on. I think the gentleman has done a great job on it. The county elects their own supervisor who is charged and mandated with the task of carrying out the elections.

Mr. SHAW. The gentleman is correct. In Dade County, it is appointed by the Dade County Commission, so it is different. It is the way the charter is set up.

Mr. FOLEY. If the gentleman will yield further, one other thing I would like to elaborate on, is the Secretary of State, Jim Smith, who has recently been appointed, warned the Democratic Party officials about problems in Broward County, brought it to their attention. The State offered resources, the State tried to help, and the Broward County elected supervisor rejected all efforts to assist in the election.

This is different. Things were done, attempts were made to try to help during this critical and important election following 2000. All offers were rebuffed. I think that official bears sole, complete responsibility for the election outcome in Broward County, and Dade County has the same problem to address.

Mr. SHAW. Mr. Speaker, reclaiming my time, I would like to conclude by saying that the Governor and State officials in Florida are doing everything possible. Our County Commission in Broward County is doing everything possible to be sure they get a full count in Broward County.

Interestingly enough, all but one of our County Commissioners is a Democrat, the Voter Registrar is a Democrat, Broward County will deliver a big Democrat vote for the Democrat nominee for Governor, and the Republican Governor, Jeb Bush, is doing everything in his power to see to it that all the people, Democrats and Republicans in Broward County, get a fair count this time, that they do not go through the fiasco that we went through last Tuesday.

So I would like to just conclude with that, that I wish our Registrar all the best on November 5. It is going to be closely watched, but I think with all the assistance we are getting that the Registrar will have a great day and a great evening, and we will end up all

being very proud of what is going to happen in Broward County. Republicans and Democrats want to be sure every vote gets counted.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had not intended this to be a platform for the defense of Jeb Bush or any other Governor, but, since it has been made such, the buck stops at the top.

Mr. Speaker, I yield 3½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me time, and especially thank her for bringing this motion to instruct to the floor so we will not be put in the shameful position of perhaps going home again, we cannot go home again, without doing something about this bill.

Virtually every primary is over. We are 2 years past the worst election crisis in the United States of America. We have heard defense of Florida, we have heard partisan comments about the counties involved. The point of crisis has shifted from the States to the Congress of the United States.

We are sitting here with our thumbs in our mouths, knowing full well that Florida and every State of the Union cannot do it by themselves. That is really all Florida says to me. Florida is like a canary in the coal mine. Just as it was in the presidential election, we never would have learned without the fiasco of the 2000 election that we have broken election systems throughout the United States of America.

Florida redux is shameful, to be sure; to have the same crisis emerge in similar counties is shameful, to be sure. But we are going to have that over and over again unless we do our job.

Why name the President of the United States? Because he is the President of the United States, and it was his election, that is why. Because he has the bully pulpit, that is why. Because he ought to step up and say to the conference committee what the gentlewoman from California is saying: "Hey, shake it loose so we don't do it again." Yes, it is his responsibility, and it is especially our responsibility.

It is shameful that the NAACP has to go retail. It has had to go county by county to just settle a suit there on such basics as, I remember one of the provisions is that you have to provide an alternative way to vote in case you are challenged at the polls? Really? In 2002 we are just saying that?

In Virginia, I have read thousands of different things that have happened county by county as counties go by themselves retail trying to fix the system in Virginia. One county that had 600 overvotes was reduced to one last year. How many overvotes must there have been throughout the United States that nobody even knows about now because they have not been dealt with?

If you want to know what we have to do with Florida, it is known as con-

gressional leadership, Federal leadership, and it is known as the right to vote. And that buck, yes, I say to the gentlewoman, stops at the top, and we are the top of that pyramid.

We did not know until Florida. My friends, now we know. That means now we are responsible. Any disagreement, as I have heard there is on voter ID, I just want to say right here is the most shameful, the most shameful cause of disagreement. The notion about just how much ID you ought to have before you, with your American self, can cast your vote, exercise your right to vote? It is a chilling reminder of years past.

I want to say right up front; this is a civil rights issue, only this time everybody understands the civil rights is not for African Americans alone. In Florida we saw people of all races and backgrounds, all educational backgrounds, got caught in what African Americans have been caught in for decades.

Let us free the American people and let them all vote in November.

Ms. WATERS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. NEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 4 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman and gentleman for yielding me time.

Mr. Speaker, I just want to thank the gentlewoman from California for this motion to instruct and for her leadership in chairing the Election Reform Task Force, which I had the pleasure of joining her on in several cities throughout the Nation. This is an important motion to instruct, but it is also an important conference.

I would like to add my appreciation to the gentleman from Ohio (Chairman NEY) and the ranking member, the gentleman from Maryland (Mr. HOYER), for the work that they have done, along with the gentleman from Michigan (Mr. CONYERS), and I serve on the conference committee. Also the gentleman from Michigan (Mr. BARCIA), who is a leader on this issue, and many others.

I would like to speak to the importance of the conference and the work yet undone and the importance of this motion to instruct for October 1. I would like to emphasize that the Constitution and election reform is not partisan. The example that we saw in Florida is an issue that should be of concern to Republicans and Democrats, and I believe that this legislation will be a cornerstone to solving some of the problems when we have Federal requirements, even though we saw the legislature in Florida try to act upon it.

But let me move away from Florida and use Texas as an example of why this Federal bill is so very important. In the State of Texas we will be entering into one of the most historic elec-

tions come 2002, because, for the first time, we will have at the top of the ticket two individuals who are Americans, of course, but represent the great diversity of the State of Texas.

But in the State the election system is also diverse, but not to the positive, but to the negative. In the State of Texas our ballots are counted by hand. They are punch card ballots, they are write-in ballots, and, yes, in the largest county in Texas, they will be by E-Slate.

Texas has the ability to vote straight ticket, as many jurisdictions have. We are just discovering that the E-Slate that we have in the State of Texas, which I think will be in another county as well, does not function right for voters of either party that may choose to select their candidates by voting a straight ticket. That is a privilege of those who vote. That is a chilling effect where you cannot utilize certain equipment and vote the way you desire.

With Federal requirements, that will provide assistance to ensure that there is a consistency of vote throughout the state, but, more importantly, it will also provide training dollars which are so desperately needed.

I have to go home this weekend and test the machine. Others have tested it, as I have encouraged them to do, but I have to test it, because there is a problem. I believe this legislation has the ability to bring consistency and bring to people the privilege of voting that the Constitution and citizenship bestows upon them.

I hope that the leadership of this House and the gentleman from Ohio (Chairman NEY) and the ranking member, the gentleman from Maryland (Mr. HOYER), who work so well together, will look at the idea of a national ID, that we happen to have avoided in the immigration legislation and even to a certain extent in Homeland Security, that there is not a chilling effect, if you will, for people who come to the polls to vote, that we determine that you are able to vote, that we have standards, that we have uniform voting procedures, that we have requirements, that we have Federal oversight, but we do not chill people from voting, as did happen to all people in the last election.

Disabled people were prohibited from voting in particular areas, and Florida comes to mind. This legislation opens the doors to disabled persons.

I hope we can work through the question of purging, though I think there is a great response to the purging question. What that means is people being thrown off the rolls and not knowing they have been thrown off the rolls and legitimately wanting to cast their vote.

This is a civil rights question, but it is an American question, and I believe the members of the conference, including the chairman and ranking member and the leadership in the other body, if I might add, the chairman of the Committee on Rules in the other body, all

have considered this an important challenge, and I hope by October 1st we will finish our work and finish it together and have a bill, not for partisanship, but for all Americans, to protect the civil rights of all Americans.

□ 1630

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I thank my esteemed colleague, the gentlewoman from California (Ms. WATERS), for bringing this to our attention. I have a very short comment to make. Number one, it is time, regarding the instructions she has given to the conferees, it is time we had fair voting in Florida. It is time we not depend on the machine. We need leadership. The Governor of Florida, the Dade County Elections Commission, none of them have acted in good faith. We need this. We need the Federal Government to come in and say, look, we want a fair election. It is time for one. We cannot pass the buck. Even with the machines, if we do not have the proper leadership to direct this, it cannot run in the right way.

We know that Florida has been cheated, we know that this country has been cheated, so I will not stand here and make allowances for anyone. We need this instruction that the good Congresswoman has passed on to the conferees. It is time that they listen for once and pass this and make sense when they do it and not look for some bipartisan kind of thing that is going to please everybody. Please the American public. Please the people who work so hard for the vote. Please the people who died for the vote. So I make no amends for any of them.

Mr. Speaker, I rise in strong support of this Motion to Instruct the Election Reform Conferees to produce a Conference Report before October 1, 2002, and I commend my good friend Congresswoman MAXINE WATERS for offering it.

Mr. Speaker, election reform is long overdue. How many more election day catastrophes, like last week's voting in Florida, will be required for this Congress to get the message that our people need a real election reform bill and they need it now?! I don't have the time to detail all of the problems that occurred in last week's voting in South Florida, but the problems were extremely serious.

I have read the same newspaper and magazine accounts that all of you have read suggesting that the election reform conferees have not yet been able to work out their differences, and that election reform may be dead for this Session of Congress. Mr. Speaker, this outcome is absolutely unacceptable. This Congress will have failed the American people if it does not pass a strong election reform Conference Report, and send it to the President for his signature before this Session ends.

Mr. Speaker, last week's voting revealed that the many problems that plagued the 2000 Presidential election in South Florida are con-

tinuing. I didn't just hear about the problems from my constituents. I experienced some of the problems myself.

Miami-Dade County allowed early voting in advance of the September 10th primary. Yet when I stopped by a library branch in my precinct to cast an early vote, I was delayed from voting for more than 30 minutes because the only computer available was not working and the election officials on duty said that they couldn't verify that I was an eligible voter!

Even though I presented my driver's license, my new voter registration card and other photo identification, I still was not allowed to vote for over thirty minutes while poll workers attempted to check Election Department records to verify my eligibility.

While these poll workers tried to follow new Miami-Dade procedures to contact the main elections office in the case of a computer glitch, they were unable to contact the Elections Supervisor to verify my eligibility. During this thirty minute period, I saw at least two voters who wanted to vote early leave the polling place without voting.

As all of you know, I'm not easily deterred, especially when my rights are being threatened, so even though I was extremely unhappy with the Department's inability to verify my eligibility during this delay, I did not leave the polling place. Instead, I had my District Office contact the County Elections Supervisor and his staff. While I did not speak with the Election Supervisor himself, I understand that Elections Department staff advised that the Elections Supervisor checked the department's records personally to verify my eligibility, and then the poll workers were told which absentee ballot I should be given.

Mr. Speaker, if a Senior Member of Congress with a long history of voting in each election, and someone who knows how to assert herself, had this type of problem when trying to vote, all of us know the problems that new or infrequent voters, or those voters who speak a different language such as Haitians, are facing.

Mr. Speaker, we can and must do better than this. We need to fund the best election technology available and make it available on an equal basis to all of our communities. Yet, Mr. Speaker, we need more than just new and fancy machines. We need to ensure that our poll workers are properly trained in how to operate those machines, and in election law and procedure. Those workers also must share a commitment to seeing to it that all of our people have an equal chance to vote and to have their vote counted. In short, Mr. Speaker, our elections officials must do more to make real election reform a reality for all of our people.

Mr. Speaker, we must not forget the lessons of the 2000 election, and last week's Florida fiasco. None of us can rest until we ensure that every vote counts and is counted. I urge all of my Colleagues to support the Waters Motion to Instruct Conferees, commend Congresswoman WATERS for offering it, and yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself the remaining time.

Elections are the heart of our democracy. We cannot afford to allow another Federal election to come and go without addressing the myriad problems in our election system. We must complete action on election reform legislation. We must complete it before

we adjourn for the November election. It is time for Congress to assure the American people that every vote will count in the United States of America.

We do this for all of America, but African Americans are particularly sensitive on this subject, because we fought so hard for the right to vote. I can tell my colleagues in that election where we saw a database identifying so-called felons where people who had never been arrested in their lives found themselves on that list, where people could not cast their vote because they could not find their names on the polls, it was reflections of yesteryear by a different name. We have our forefathers and foremothers who were made to pay poll taxes, who were intimidated, who were forced to have to read the Constitution in order to prove their literacy. We cannot afford to have America not fix this election system that is obviously broken and has been demonstrated to be such.

Mr. Speaker, I urge my colleagues to support this motion and tell the conferees to complete their work before October 1.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. WATERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

(Mr. FRANK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

A POLITICAL MISTAKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I have for years advocated a moral and constitutional approach to our foreign policy.