

some stability established in the region without Saddam Hussein in power.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I ask unanimous consent to be recognized for 5 minutes to speak as in morning business.

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

#### FARM POLICY

Mr. CARPER. Madam President, earlier this afternoon, an hour or so ago on this floor, we adopted a new farm policy for our country. In Delaware, in Michigan, even in Connecticut and Kansas, farmers are struggling to try to make a go of it.

Some of the woes that our agricultural communities face are laid at the foot of the agricultural policy which was adopted by the Congress, I believe, in 1996. I would just observe that some of the problems our farmers face may be fairly attributable to that national farm policy. But not all of the woes of agricultural communities can be traced back to the legislation adopted some 6 years ago.

In my own view, the bigger problem is overproduction. In my own view, the bigger problem is we have too much commodity and not enough demand for that commodity, whether the commodity is corn or soybeans, the commodity is milk or rice or cotton or beef—even chicken. We have too much commodity and not enough demand, too much commodity produced in this country and around the world.

The bill we have just passed provides subsidies to support those who are raising major crops, including corn, soybeans, rice, and cotton. Those supports—loan prices—are important. But the answer to what ails our farms and our agricultural communities is not merely more subsidies or greater subsidies. The answer, I believe, ultimately is better alignment of supply and demand.

Let me mention a few ways we can do that. One is through biomass. At a time when our country is importing about 60 percent of the oil we use, we also live in an age where you can take soybean oil and mix it with diesel fuel and provide a perfectly good fuel for diesel vehicles. We can do a similar thing with corn for ethanol vehicles.

We are learning how to transform plants into factories. We can now raise plants that will create an enzyme that is otherwise created in a chemical factory. The plants literally enable you to produce the same enzyme 40 percent cheaper than might be produced with a chemical factory, with fewer negative environmental consequences.

We learned how to infect or inject a virus into a product or crop such as soybeans or even tobacco, and the plant then creates a vaccine which can be used, among other things, to fight cancer.

The folks at DuPont have recently perfected a soybean seed that grows a soybean that produces soy milk that is almost impossible to distinguish from regular milk with respect to its taste.

Those are just some of the things we can do to create more demand, untraditional demand for the enormous amount of commodities, farm commodities we are producing in this country and in other places.

I add to those, we found out in Delaware, as we clean out our chicken houses, we can take some of the chicken litter and, instead of spreading it on our farm fields, we can burn it and derive a Btu value for electricity, and do so in an environmentally clean way. We can take the chicken litter out of chicken houses and treat it under high temperature and make a high nitrogen/high phosphorus fertilizer and ship it across the country and across the world and provide a source of cash revenue for farmers from what was previously a waste product of which we had too much.

One of the aspects I especially like about the bill we passed is it supplements and supports the efforts of States such as Delaware and perhaps others here to preserve agricultural land through conservation. In my State, we have invested tens of millions of dollars, State dollars in recent years, to purchase agricultural development rights, providing money for farmers for farm equipment, irrigation systems, and other ways to support their farming operation by agreeing to put their farms in perpetuity in farmland. It is going to continue to be a farm forever. This legislation we passed here today provides Federal support for what many of us have done at the State level.

The last thing is companies such as DuPont and Syngenta and others in our country have developed ways to create seeds and to grow plants that are more drought resistant than otherwise would be, plants and seeds that are resistant to a particular kind of insect, plants that need fewer fertilizers, less fertilizer, less insecticides, less pesticides. We have the ability, through that kind of research and the application of that research, to build a better mousetrap—if not a better mousetrap, a better soybean plant, and to enable us to have a leg up on the competition in other parts of the world. Those are some of the things, some of the factors that will enable us to help revive our agricultural industry in this country.

There are a lot of good things in that farm bill that we passed. Part of the solution, part of the way out of the duress in which farmers find themselves, is in that legislation. But a good deal is not. I wanted to share some of my thoughts today, and I thank the Chair for indulging me.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, before we move to the business which has

been agreed to, I ask unanimous consent to proceed for 1 minute as in morning business.

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

#### THANKING SENATOR ROBERT C. BYRD

Mr. DODD. Before I came to the floor, I had the opportunity to listen to the distinguished senior Senator from West Virginia give some remarks on terrorism. Watching him, listening to him, I am sure all of our colleagues—whether or not you agreed with everything Senator BYRD had to say—felt the deeper growing sense of appreciation in this Chamber that I have for his valued participation. His voice, his sense of warning about matters that this Nation needs to be cognizant of, are extremely helpful and worthwhile. There is no better person, in my view, to express those words of restraint and caution than someone who embodies, I think for all of us, this institution at its very best.

I wanted to take a moment to thank Senator BYRD once again for taking time out to express his views about the concerns of our budget and the priorities of the Nation in these difficult times. I hope those in positions of authority and responsibility will listen carefully to what he has to say.

There is no finer patriot, in my view, than Senator ROBERT C. BYRD. His words of caution about fiscal matters ought to be listened to very carefully. I thank him for his comments.

Madam President, I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 565 by title.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

AMENDMENT NO. 2688

Mr. DODD. Madam President, I call up amendment No. 2688.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Mr. McCONNELL, Mr. SCHUMER, Mr. BOND, Mr. TORRICELLI, Mr. McCAIN, Mr. DURBIN, Mr. BROWNBACK, Mrs. CLINTON, Mr. DAYTON, Mr. BAYH, Mr. NELSON of Florida, Mrs. CARNAHAN, Mr. KERRY, and Mr. BREAUX, proposes an amendment numbered 2688.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. DODD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. DODD. Madam President, some four decades ago, Dr. Martin Luther King said:

The history of our nation is the history of a long and tireless effort to broaden and to increase the franchise of American citizens.

This afternoon, we are gathered to consider the election reform bill which will live up, in my view, to the words Dr. Martin Luther King uttered 40 years ago; that is, to broaden the franchise of American citizens.

It is a great honor and privilege to bring this bill to the floor, the Equal Protection of Voting Rights Act, with a bipartisan compromise that will be substituted for the committee-reported text of the bill when we get to that point.

As Thomas Paine once said:

The right to vote is the primary right upon which all other rights are based.

Therefore, there is no greater challenge facing this body than restoring Americans' faith in our electoral process.

Fourteen months ago yesterday, the American public decided—the country decided—who would be the 43rd President of the United States. What we are engaged in today, and will be over the next day or so, is not any discussion or debate about the past. George W. Bush is the President of the United States and has been since January 20 of last year. This bill is about the future, what we can do to try to make our election systems more fair, bring them up to date, to make it possible for people to cast votes more easily, and to see to it that those who may want to corrupt the system somehow will find their job far more difficult.

I consider this to be landmark legislation. It will help to ensure that our voting procedures are uniform and non-discriminatory, and that Americans can have faith in the integrity of our election results.

While we should not underestimate the significance of this action, we should be cautious not to overstate the Federal role in the administration of Federal elections. This legislation does not replace, nor would I tolerate it re-

placing, the historic role of State and local election officials, nor does it create a one-size-fits-all approach to balloting in America.

We, by no means, intend to supplant the traditional role that State and local governments have played administering elections for Federal office. But, for the first time, with this legislation, the Congress—the Federal Government—will set basic minimum requirements and provide critical resources for Federal elections.

This bipartisan compromise ensures that the most fundamental right in any democracy—the right to vote and have that vote counted—will be secure. But it also allows States to meet the legislation's broad requirements in a way best suited for their voting jurisdictions.

Notwithstanding this flexible approach, the primary objectives of this compromise remain expanding the franchise, protecting our Federal elections system from corruption, and providing the ongoing leadership that is required of a Federal partner.

Let me be clear from the outset, this legislation is not about one State or one election. While the problems that took place in Florida a year ago last November brought the flaws in our election system to the Nation's attention, these are systemic problems that have existed in many States for many years.

In fact, the General Accounting Office found that 57 percent of voting jurisdictions nationwide experienced major problems conducting the November 2000 elections. Meanwhile, the Caltech/MIT Voting Technology Project found there have been approximately 2 million uncounted, unmarked, or spoiled ballots in each of the last four Presidential elections.

Luckily, unlike many other issues that are presented to the Congress, the vast majority of the flaws in our election system are eminently fixable.

As the National Commission on Federal Election Reform, led by former Presidents Jimmy Carter and Gerald Ford, found:

The weaknesses in election administration are, to a very great degree, problems that Government can actually solve.

We have the opportunity today to take an incremental step forward toward solving our election problems as we begin debate on the Equal Protection of Voting Rights Act.

This bill also represents a major step forward for the United States Congress. For the very first time, the Federal Government will become a real partner with State and local governments in the administration of Federal elections.

This legislation has been 15 months in the making. In the wake of the November 2000 elections, then-chairman of the Rules Committee, and my good friend, MITCH McCONNELL, first pledged that our committee would conduct a series of hearings on election reform. Under his leadership, the committee

held the initial hearing on March 14 of the year 2001.

When I assumed the committee chairmanship in June, I pledged to continue to make election reform the top legislative priority of the Senate Rules Committee. Toward that end, we held an additional 3 days of hearings on election reform last summer, including the committee's field hearing in Atlanta, GA.

Recognizing that comprehensive election reform legislation could not be a partisan endeavor, we brought together last fall a bipartisan team of Senators devoted to this issue.

Our election reform working group included, of course, Senator MITCH McCONNELL of Kentucky, who deserves tremendous accolades for initially focusing the Rules Committee on this important issue and for being a great partner in trying to resolve the many difficult issues we resolved in presenting this piece of legislation to our colleagues; our Republican colleague from Missouri, KIT BOND, who was a passionate advocate for including provisions to ensure the integrity of Federal elections; and my fellow Rules Committee members, New York Senator CHUCK SCHUMER and New Jersey Senator BOB TORRICELLI, who were among the very first Members of this body to forcefully push for bipartisan election reform legislation.

I am grateful to all of these Senators for their tireless work and that of their staffs who put in literally hundreds of hours to bring us to this point of considering a proposal on election reform.

All of us worked many months to develop legislation that would try to meet one central goal; that was to make it easier to vote in America and much harder to corrupt our Federal election system.

On December 19 of last year, we introduced the compromise legislation as a Senate substitute amendment No. 2688, an amendment to S. 565, the election reform bill reported out of the Rules Committee on August 2. Today, Majority Leader DASCHLE acted on his commitment to make this bill one of the first items on the Senate agenda during the 2nd session of the 107th Congress and I mark himself his considerable efforts.

Our legislation simply establishes three basic minimum Federal requirements that support our principle of making it easier to vote but harder to corrupt the system: One, voting system standards so that every eligible blind or disabled person and every language minority can cast a vote privately and independently; two, provisional voting so that an eligible voter in America will never be turned away from the voting booth and voting information posted at the polls so that voters are informed of their rights; and three, statewide voter registration lists and verification for first-time voters who register by mail so that all eligible voters who choose to vote will be able

to do so and those who are not eligible cannot.

Our bill offers not just goals but some guarantees as well. We ensure that these reforms will be implemented by authorizing the Attorney General to bring civil action against jurisdictions that fail to comply with these requirements. The compromise also establishes a new Federal agency with four bipartisan commissioners. They will be appointed by the President, confirmed by the Senate, and each will serve a single 6-year term. Our colleague, Senator MITCH MCCONNELL, deserves great credit for originating this idea which I think is going to bring great value in years later, as other Congresses meet to consider ways to achieve the goal of making it easier to vote and harder to corrupt the system. That commission, which we will establish with this bill, will serve a very valuable purpose, where election officials from across the country can get unbiased advice and counseling as to what is the best equipment and material to have in order to improve the election system.

The Election Administration Commission will eventually administer the minimum requirements and grant programs to fund them. It will also serve as a national clearinghouse and resource for information on election administration.

Finally, our legislation provides Federal funding to States and localities. For the very first time, again, the Congress and the Federal Government will start paying their fair share of the cost of administering elections for Federal office. I don't believe in having Federal minimum requirements, as logical and as sensible as they are, and not coming up with the resources to our States and localities to pay for them. We do that.

The Senate bill authorizes a total of \$3.5 billion towards this end: \$3 billion with no matching requirement over 4 years for the purpose of funding the requirements; \$400 million in this fiscal year for an incentive grant program to allow States and localities to immediately fund improvements to their voting systems and election administration procedures, including education programs and other such provisions that States may see as being in their interest.

We also authorize \$100 million for an accessibility grant program to help make polling places physically accessible to the blind and disabled in this country.

This generous commitment of Federal resources underscores the fact that nothing in this bill establishes an unfunded mandate on States or localities. We give States and localities the resources as well as the flexibility they need to get the job done. We recognize that State and local election officials are uniquely qualified to determine what voting systems and procedures are most appropriate for their individual States and communities.

Importantly, in passing this bill, Congress will also meet the first civil

rights challenge of the 21st century. During our hearings on election reform, our committee heard repeated testimony regarding the disproportionate treatment minorities received at the polls in the 2000 elections: African-American men asked about felony convictions; Arab Americans forced to produce citizenship papers or to take a loyalty oath; Hispanic Americans failing to receive language assistance required by the Voting Rights Act of 1965. The committee also received disturbing testimony regarding the disenfranchisement of Americans with disabilities.

There are 21 million Americans with disabilities who did not vote in the last election. This makes the disabled community, persons with disabilities, the single largest demographic group of nonvoters in the United States of America, 21 million. We hope that with the provisions I have already mentioned in this bill, we will see that number, if not disappear entirely, certainly be reduced considerably.

The General Accounting Office found that only 16 percent of all polling places in the contiguous United States are physically accessible from the parking area to the voting room. Not one of the 496 polling places visited by the General Accounting Office on election day 2000 had special ballots or voting equipment adapted for blind voters.

Certain voters and communities are disproportionately affected by the inadequacies in our voting systems and election administration policies and procedures. As evidenced by testimony received by the Rules Committee and numerous commission reports and studies, racial and ethnic minorities, language minorities, disabled voters, overseas and military voters, and poor communities all encountered unique and disproportionate problems with the November 2000 elections—and elections before then, I might add—even after accounting for the effects of income, education, and poor ballot design.

For example, the General Accounting Office found that both a jurisdiction's voting equipment and its demographic makeup had a statistically significant effect on the percentage of uncounted votes. The General Accounting Office found that counties with higher percentages of minority voters had higher rates of uncounted votes.

The GAO also reported that percentages of uncounted Presidential votes were higher in minority areas than others, regardless of voting equipment.

These findings underscore the importance of instituting minimum Federal requirements that will ensure that all voters have an equal opportunity to vote and have their vote counted.

By passing this bipartisan election reform bill, the Senate will help ensure that every single eligible American has the equal opportunity to both cast a vote and, of course, have their vote counted.

Let me be as clear as I can: Nothing in this bill or in this debate is intended

to call into question the results of the November 2000 Presidential election. This legislation is not about the past, it is about the future of our democracy. I hope my colleagues will agree that this bill, while not a perfect piece of legislation—it does not deal with every imaginable election reform proposal—is a solid bill. It is a good bill. It is a bill that took a lot of hours and a lot of compromise between people committed to seeing to it that we improve a system that is so fundamental to the workings of our democracy.

The House has already enacted comprehensive election reform. I commend Congressman STENY HOYER and Congressman NEY, who worked very hard to put together a bill that they could pass, and we will have to meet with them and resolve differences if we are able to ultimately pass the bill that Senator MCCONNELL and I present to the Senate today.

Certainly the President also deserves a great deal of credit. He could have sat back and not included anything in his budget and said: Let's wait and see what you do up there, if you can get something done, and then talk to me. But the President included \$1.2 billion in the budget he submitted several weeks ago for election reform. I thank him in this Chamber; I have done so elsewhere. It is not all the resources we will need, but it is a major commitment by the President of the United States to this issue. Our hope is that we can get our job done and get a bill passed and then take advantage of the offer made by the President in his budget proposal.

Finally, we believe this compromise is constitutionally sound. The compromise is squarely within the broad grant of congressional authority to legislate in the subject area of the administration of Federal elections. The GAO concluded that with regard to the administration of Federal elections, Congress has constitutional authority over both congressional and Presidential elections.

Again, I thank my colleagues who labored so hard. I thank TOM DASCHLE and TRENT LOTT, our respective leaders, for allowing this bill to come to the floor; our staffs, for their tireless work; and again, my colleagues, MITCH MCCONNELL, KIT BOND, CHUCK SCHUMER, BOB TORRICELLI, and many others who have expressed their views and thoughts on this legislation.

I thank the witnesses who testified before our committee.

Finally, a very special thanks is reserved for my friend, JOHN CONYERS, the ranking Democrat on the House Judiciary Committee and my coauthor in the House of the original election reform legislation. His commitment to this issue is unparalleled.

With that, I conclude with the words I opened with of Dr. Martin Luther King:

The history of our Nation is the history of a long and tireless effort to broaden and to increase the franchise of American citizens.

Today, when we gather to discuss this reform measure, we are fulfilling the commitment Martin Luther King suggested in his words 40 years ago—to broaden and increase that franchise.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, in the context of human history, it was not so long ago that the mere concept of having the right to vote was scarcely imaginable for most people. Even in America, the world's greatest democracy, half our citizenry was denied the right to vote until the 19th amendment was ratified early in the 20th century.

At the outset of the 21st century, we still have work to do to ensure that all Americans who are eligible to vote, who have the right to vote, do indeed have their votes counted on election day—counted, I hasten to add, within an election system in which the integrity of the process is not in question, so voters can know their right to vote is not diminished through fraud committed by others, nor diminished through error, poor procedures, or faulty equipment.

This is the mission that Senator DODD, Senator BOND, Senator SCHUMER, Senator TORRICELLI, and I tasked ourselves with in crafting the bipartisan legislation before the Senate today. We sought to make American election systems more accurate, more accessible, and more honest. And we worked to achieve these ambitious goals within the framework of legislation which both sides of the aisle could support and which would not financially crush the states who will be changed with its implementation.

None of us got everything we wanted in this bill, not even close. There are things in this bill that one or more of us are not big fans of. But that was the price for putting this bipartisan bill together.

The Dodd-McConnell bill is a comprehensive compromise. In other words, it is a target-rich environment for amendments—legitimate, germane, relevant, even laudable efforts to make the bill better, or worse, depending on one's perspective. I myself could easily come up with a couple dozen amendments. My staff already has, just in case. If the Senate passed them all we would, in my view, have crafted the perfect election reform bill.

Regrettably, we all have different notions of what comprises perfection in this realm. So in the interest of advancing a pretty darn good election reform bill, I will not be offering my two dozen meticulously-crafted, well-intentioned amendments to make the bill absolutely perfect.

Senator BOND, who has done tremendous work in making sure that the effort to make voting easier is balanced with provisions to make vote fraud harder, could certainly offer up some excellent amendments to go further in that direction. I think the Senate

should do more to reduce vote fraud but, realistically, we are not going to get everything we want in that regard through this Senate. The Dodd-McConnell bill does a lot which is worthwhile, overdue and, significantly, is doable.

This quest for election reform has its roots in the photofinish 2000 presidential election that culminated in the protracted battle over Florida's electoral votes. While that saga was playing out, some of us in the Senate began formulating reform legislation to make a recurrence less likely in the future and to make improvements in the system that election officials in the states have long known needed to be made but for a variety of reasons, primarily financial, were not done. Over a year ago, Senator TORRICELLI and I proposed a comprehensive election reform bill. Last May, Senator TORRICELLI and I joined with Senator SCHUMER to put together yet another bill. The McConnell-Schumer-Torricelli bill garnered even more bipartisan support with a remarkable cosponsorship list of 71 cosponsors, a solid roster fairly even between Republicans and Democrats. Senator DODD, meanwhile, headed up an effort that had much in common with the McConnell-Schumer-Torricelli approach, but was distinct in important ways, and gathered all the Democrats behind it. Between our bills and others introduced in the past year, we come into this floor debate with over 90 Senators having cosponsored some version of election reform. That is a ringing, approaching unanimous, endorsement for serious election reform.

All of my colleagues who have worked to advance election reform and get us to this point deserve thanks. Most especially, Senator DODD, the Chairman of the Rules Committee, whose dogged determination to put together a consensus these past few months has paid off. He was so focused in pursuit of a bill that as the weeks were going by in December without an agreement, it occurred to me that he would never let up and I might have to spend Christmas around his conference table. Fortunately, there is a Santa Claus and his present to me was a ticket home to Kentucky for Christmas, a bipartisan election reform bill in the can, and CHRIS DODD off my back. I say that, of course, with humor and only the greatest respect for the chairman's tireless effort.

The Dodd-McConnell bill is legislation that the entire Senate can be proud of supporting, and pass knowing that it would significantly improve America's election systems. Americans should also take note that the chairman is a champion in promoting accessibility in elections, a real hero to America's disabled community for whom the right to vote can be difficult to exercise. This bill reflects his commitment in this respect as well. The Dodd-McConnell bill before the Senate incorporates three key principles contained within the original McConnell-Torricelli bill put together over a year ago.

No. 1, Respect for the primary role of the States and localities in election administration. The Constitution's 10th amendment too often get short-shrift around here, but we tried mightily in this compromise to respect it. I will say this bill treads more than I would like on state prerogative but it does so a good deal less than with some of the interest groups out there would like and which some other bills have proposed.

No. 2, Establishment of an independent, bipartisan commission—comprised of two Democrats and two Republicans appointed by the President—to provide ongoing election assistance to the states, in the form of grants and as a clearinghouse for information on new technologies and effective election procedures.

The point to this, in my view, was to have one place in the country, a repository of objective advice, where State and local officials, who are constantly confronted by vendors trying to sell them one election system or another, could go for objective advice. Nobody is selling anything at this commission—just giving objective advice about what kind of upgrade, if any, is necessary to improve the election system in a particular State.

As Chairman DODD can attest, I fervently believe that for long-term reform of election systems, we need a permanent repository for the best, unbiased, objective information that states can tap into the future. At present, the typical county-level or State official is besieged by commercial vendors who want to sell their product, balloting machines and the other implements of election administration. The new commission in the Dodd-McConnell bill will provide objective, state-of-the-art information that can be weighed against whatever sales pitch is coming from vendors.

No. 3, Strong anti-fraud provisions to clean-up voter rolls and ensure integrity in American elections.

We want eligible people to vote. Dogs, cats and cadavers are making far too many appearances in American elections, even though a constitutional amendment giving them a right to vote has not been enacted.

As good as the Dodd-McConnell bill is, and as high as my hopes are that it will result in much better election systems in America, we should temper somewhat the expectations it may raise. We cannot legislate perfection in this arena. Voters are imperfect people whose ballots are counted by imperfect people and tabulated by machines created and maintained by imperfect people. If in the future another presidential election comes down to the wire, with an electorate comprised of hundreds of millions of people virtually evenly split in their candidate preference, then there could well be some controversy in arriving at a conclusion.

In the meantime, the Dodd-McConnell bill would go a long way in making

elections better, more accessible, more accurate and more honest. And it would prevent some of the chaos in close, competitive elections. If we can do that, I would call that a pretty good day's work in the Senate.

Again, I compliment Chairman DODD for his persistence in getting us to the point we are, and I thank particularly Senator BOND, Senator SCHUMER, and Senator TORRICELLI.

Mr. MCCAIN. Mr. President, I urge my colleagues to support the compromise amendment in the nature of a substitute to S. 565, the Equal Protection of Voting Rights Act of 2001. I am proud to join Senators DODD, McCONNELL, SCHUMER, BOND, and TORRICELLI in co-sponsoring this historic piece of legislation designed to improve our Nation's voting practices and procedures. I am glad that we are addressing this issue now, and hope that legislation is enacted soon. In many states, voters will go to the polls this year using much of the same equipment as was used in 2000, which will result in many of the same problems. Our purpose here today is to prevent the problems of the Year 2000 election from occurring in the future.

While we all remember the "butterfly ballots" and "hanging chads" of Florida, we must also consider the facts that show the problems of Election 2000 were nationwide. In Chicago and Cook County, Illinois, nearly 123,000 presidential votes went uncounted, and in Fulton County, Georgia, one of every 16 ballots for president was invalidated. The General Accounting Office found that 57 percent of jurisdictions nationwide had major problems in Election 2000. The MIT/Caltech Voting Project estimates that 4 to 6 million votes were lost. During two hearings by the Senate Commerce Committee, our witnesses testified that many of these problems were caused by outdated and inaccurate lever and punch card voting machines, distinct inadequacies in poll worker and voter education, and confusion over election administration and voting registration procedures. I believe that the mandatory standards and federal grant programs found in the compromise amendment I am cosponsoring will play an important role in resolving these problems in the future.

However, I am concerned that this bill will not address the concerns of disabled voters, who time and again confront physical barriers when they attempt to vote. Disabled voters should not be forced to bring their own ramps to polling places, go through alternative entrances, and put up with numerous other barriers and humiliations when they attempt to vote. According to a 2001 General Accounting Office report, 84 percent of all polling places in the contiguous United States have one or more potential impediments to disabled voters. While many of these polling places use curbside voting, many disabled voters complain that curbside voting infringes on their privacy, when

they cast a ballot. So instead of voting, many disabled Americans simply stay home. According to the National Organization on Disability, 21 million voting age citizens with disabilities did not vote. President Alan Reich of the National Organization on Disability summed it up best, when he stated that "there is great irony that a person in a wheelchair can't get into some polling places, whereas a person using a guide dog can get inside, only to find out there is no accessible voting machine." I intend to offer a minor technical amendment to this legislation that I hope will resolve many of these concerns. I urge my colleagues to join me in addressing this issue.

I look forward to working with my colleagues on this historic legislation. This legislation should be addressed in a timely manner by the Senate, and I hope that the conference with the House can also be resolved soon, so that we can send a bill to the President for his signature. I am afraid that it is already too late to do much to help voters for the 2002 election, but we can and must make sure that the problems of Election 2000 are not repeated in 2004.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2858 TO AMENDMENT NO. 2688

Mr. ALLARD. Mr. President, I have an amendment numbered 2858 at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. SMITH of New Hampshire, Mr. GRAMM, Mr. ALLEN, Mr. ROBERTS, Mr. COCHRAN, Ms. COLLINS, and Mr. LUGAR, proposes an amendment numbered 2858 to amendment No. 2688.

Mr. ALLARD. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the standard for invalidation of ballots cast by absent uniformed services voters in Federal elections, to maximize the access of recently separated uniformed services voters to the polls, to prohibit the refusal of voter registration and absentee ballot applications on grounds of early submission, and to distribute copies of the Federal military voter laws to the States)

On page 68, between lines 2 and 3, insert the following:

**TITLE IV—UNIFORMED SERVICES ELECTION REFORM**

**SEC. 401. STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL 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 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended—

(1) by striking "Each State" and inserting "(a) IN GENERAL.—Each State"; and

(2) by adding at the end the following: "(b) STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.—

"(1) IN GENERAL.—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter—

"(A) solely on the grounds that the ballot lacked—

"(i) a notarized witness signature;

"(ii) an address (other than on a Federal write-in absentee ballot, commonly known as 'SF186');

"(iii) a postmark if there are any other indicia that the vote was cast in a timely manner; or

"(iv) an overseas postmark; or

"(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

"(2) NO EFFECT ON FILING DEADLINES UNDER STATE LAW.—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(b) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

**SEC. 402. MAXIMIZATION OF ACCESS OF RECENTLY SEPARATED UNIFORMED SERVICES VOTERS TO THE POLLS.**

(a) IN GENERAL.—Section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 401(a) of this Act and section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(5) in addition to using the postcard form for the purpose described in paragraph (4), accept and process any otherwise valid voter registration application submitted by a uniformed service voter for the purpose of voting in an election for Federal office; and

"(6) permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under this section if that voter—

"(A) has registered to vote under this section; and

"(B) is eligible to vote in that election under State law."

(b) DEFINITIONS.—Section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

"(7) The term 'recently separated uniformed services voter' means any individual who was a uniformed services voter on the date that is 60 days before the date on which the individual seeks to vote and who—

"(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

“(B) is no longer such a voter; and  
“(C) is otherwise qualified to vote in that election.”;

(3) by redesignating paragraph (10) (as redesignated by paragraph (1)) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

“(10) The term ‘uniformed services voter’ means—

“(A) a member of a uniformed service in active service;

“(B) a member of the merchant marine; and

“(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

**SEC. 403. PROHIBITION OF REFUSAL OF VOTER REGISTRATION AND ABSENTEE BALLOT APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.**

(a) **IN GENERAL.**—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1279), is amended by adding at the end the following new subsection:

“(e) **PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.**—A State may not refuse to accept or process, with respect to any election for Federal office, any otherwise valid voter registration application or absentee ballot application (including the postcard form prescribed under section 101) submitted by an absent uniformed services voter during a year on the grounds that the voter submitted the application before the first date on which the State otherwise accepts or processes such applications for that year submitted by absentee voters who are not members of the uniformed services.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

**SEC. 404. DISTRIBUTION OF FEDERAL MILITARY VOTER LAWS TO THE STATES.**

Not later than the date that is 60 days after the date of enactment of this Act, the Secretary of Defense (in this section referred to as the “Secretary”), as part of any voting assistance program conducted by the Secretary, shall distribute to each State (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6) enough copies of the Federal military voting laws (as identified by the Secretary) so that the State is able to distribute a copy of such laws to each jurisdiction of the State.

The **PRESIDING OFFICER.** The Senator from New Hampshire.

AMENDMENT NO. 2861 TO AMENDMENT NO. 2858

Mr. SMITH of New Hampshire. Mr. President, I send a second-degree amendment to the Allard amendment to the desk.

The **PRESIDING OFFICER.** The clerk will report.

The legislative clerk read as follows: The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 2861 to amendment No. 2858.

Mr. SMITH of New Hampshire. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the standard for invalidation of ballots cast by absent uniformed services voters in Federal elections, to maximize the access of recently separated uniformed services voters to the polls, to prohibit the refusal of voter registration and absentee ballot applications on grounds of early submission, and to distribute copies of the Federal military voter laws to the States)

Strike “**SEC. 401.**” and all that follows and insert the following:

**STANDARD FOR INVALIDATION OF BALLOTS CAST BY ABSENT UNIFORMED SERVICES VOTERS IN FEDERAL 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 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278), is amended—

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

(2) by adding at the end the following:

“(b) **STANDARDS FOR INVALIDATION OF CERTAIN BALLOTS.**—

“(1) **IN GENERAL.**—A State may not refuse to count a ballot submitted in an election for Federal office by an absent uniformed services voter—

“(A) solely on the grounds that the ballot lacked—

“(i) a notarized witness signature;

“(ii) an address (other than on a Federal write-in absentee ballot, commonly known as ‘SF186’);

“(iii) a postmark if there are any other indicia that the vote was cast in a timely manner; or

“(iv) an overseas postmark; or

“(B) solely on the basis of a comparison of signatures on ballots, envelopes, or registration forms unless there is a lack of reasonable similarity between the signatures.

“(2) **NO EFFECT ON FILING DEADLINES UNDER STATE LAW.**—Nothing in this subsection may be construed to affect the application to ballots submitted by absent uniformed services voters of any ballot submission deadline applicable under State law.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to ballots described in section 102(b) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by such subsection) that are submitted with respect to elections that occur after the date of enactment of this Act.

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(3) by adding at the end the following new paragraphs:

“(5) in addition to using the postcard form for the purpose described in paragraph (4), accept and process any otherwise valid voter registration application submitted by a uniformed service voter for the purpose of voting in an election for Federal office; and

“(6) permit each recently separated uniformed services voter to vote in any election for which a voter registration application has been accepted and processed under this section if that voter—

“(A) has registered to vote under this section; and

“(B) is eligible to vote in that election under State law.”.

(b) **DEFINITIONS.**—Section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (10), respectively;

(2) by inserting after paragraph (6) the following new paragraph:

“(7) The term ‘recently separated uniformed services voter’ means any individual who was a uniformed services voter on the date that is 60 days before the date on which the individual seeks to vote and who—

“(A) presents to the election official Department of Defense form 214 evidencing their former status as such a voter, or any other official proof of such status;

“(B) is no longer such a voter; and

“(C) is otherwise qualified to vote in that election.”;

(3) by redesignating paragraph (10) (as redesignated by paragraph (1)) as paragraph (11); and

(4) by inserting after paragraph (9) the following new paragraph:

“(10) The term ‘uniformed services voter’ means—

“(A) a member of a uniformed service in active service;

“(B) a member of the merchant marine; and

“(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who is qualified to vote.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

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(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to elections for Federal office that occur after the date of enactment of this Act.

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Not later than the date that is 60 days after the date of enactment of this Act, the Secretary of Defense (in this section referred to as the “Secretary”), as part of any voting assistance program conducted by the Secretary, shall distribute to each State (as defined in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6) enough copies of the Federal military voting laws (as identified by the Secretary) so that the State is able to distribute a copy of such laws to each jurisdiction of the State.

**SEC. 405. EFFECTIVE DATES.**

Notwithstanding the preceding provisions of this title, each effective date otherwise provided under this title shall take effect 1 day after such effective date.

Mr. SMITH of New Hampshire. I am pleased to join with the Senator from Colorado in sponsoring this important amendment to reserve voting rights for our service men and women.

I yield the floor to the sponsor.

Mr. DODD. Is the amendment of the Senator from New Hampshire the same amendment as the amendment of the Senator from Colorado?

The PRESIDING OFFICER. Yes.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I am pleased that the Senate is addressing the matter of election reform. Like carpenters tending to their tools or fishermen working on their nets, this Nation's government must constantly maintain and improve the voting rights of American citizens, the very basis of our democracy.

I am pleased with the work of Senators MCCONNELL and DODD and others on the bill before us. Nobody who has ever participated in an election in any serious way, running, campaigning, judging, and so on, would believe that our system is perfect. It is based on a sound framework, but the devil in the details requires constant exorcism.

Today we are moving to address in this body various problems that have come to our attention, some of them alarmingly so in the November 2000 elections.

I have been in contact with the Colorado Secretary of State, and local election officials, and I know that there are problems on a federal level, on the state level, and the local level. Everybody from county clerks to Senate Rules Committee chairmen have recognized the faults that currently call for correction.

As a Member of the Senate Armed Services, I paid special attention to the complaints I heard from our uniformed services men and women. Without undue politicalization, I believe it is appropriate to at least allude to the spectacle of campaign lawyers hovering over election officials with preprinted military absentee ballot challenge forms. I understand that in an election every opportunity available will be utilized. I think, however, that this body should undertake efforts to ensure that military service men and women are given all due chances to exercise their right to vote.

Now, this body has tried to do so. Last year, during consideration of the Defense Authorization, the Senate passed a bipartisan amendment strongly supported by Chairman DODD and Senator MCCONNELL that significantly improved the voting rights of military service members. I was pleased at this passage, and so were the various military support groups, veterans organizations, and others who contacted me with their notes of encouragement and support.

Unfortunately, in conference the House refused to accept two of the provisions. I believe their position on this matter was not the correct one. I think they were seriously wrong. And so we must try again.

My current amendment, cosponsored by Senators BOB SMITH, PHIL GRAMM, ALLEN, ROBERTS, COCHRAN, COLLINS, and LUGAR, is another attempt to legislate protection for our military voter's franchise.

The first section prohibits a State from disqualifying a ballot based upon lack of notarization, postmark, address, witness signature, lack of proper postmark, or on the basis of comparison of envelope, ballot and registration signatures alone, these were the basis for most absentee ballot challenges.

There has been report after report of ballots mailed, for instance from deployed ships or other distant postings, without the benefit of postmarking facilities. Sometimes mail is bundled, and the whole group gets one postmark, which could invalidate them all under current law. Further, military "voting officers" are usually junior ranks, quickly trained, and facing numerous other responsibilities.

We can not punish our service personnel for the good faith mistakes of others.

The second section addresses a certain group of voters who can slip through the cracks. Military voters who are discharged and move before an election but after the residency deadline cannot vote through the military absentee ballot system, and sometimes are not able to fulfill deadlines to establish residency in a State.

This language allows them to register absentee and vote in person at their new polling place. This brings military voters into their new community quicker.

The third section contains language denying States the ability to deny a military ballot because it is mailed in too early. There are very good administrative reasons why early ballots are prohibited in some cases, but there are better reasons why we should offer uniform voters—who are subject to rapid deployments, temporary duties, and unexpected assignment changes, the option to secure their vote by mailing their ballot when they can, even if it is early.

Finally, given all the changes considered and passed by the Congress in various vehicles, I have included language directing the DoD to mail a copy of current military voter laws to every state to be distributed to each voting jurisdiction. I think it would be a good idea to assist State Secretaries of States in their duties and clarify Congressional intent by codifying all the modifications.

Given the current deployment schedule of our armed forces, I can conceive of no time more urgent than the present to let our men and women in uniform know that the government of the United States will not tolerate any

appearance of a challenge to their voting rights. I urge acceptance of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I rise in strong support of Senator ALLARD's efforts to protect the voting rights of our military men and women. It would be a pretty empty debate on election reform if the Senate ignored the discrimination that military voters suffered in the last Presidential election and, indeed, I would say probably have suffered in the past, in prior elections.

I visited Afghanistan just a month or so ago and saw the circumstances that those men and women were under out there. Had that been at election time, I can imagine how difficult it might have been to make all the arrangements to get ballots to these people, get these ballots out, get them back, and have them counted on time. I think it is important to understand it is the spirit and intent that matters. If a person is trying to get his or her ballot in and it gets in a day or so late but it is in time to be counted, then we ought to err on the side of caution for the military person who is out there putting his or her life on the line for us every day.

I can speak from firsthand experience. I was aboard a ship during the Vietnam war. Although that was not an election time at the time I was out at sea, there were periods of time when we were out at sea for 3 weeks, sometimes longer, with no access to any mail or the opportunity to get any mail off the ship. So had I been in a situation where the Presidential election or any other election was going on during that time, there may have been a time when I might not have been able to get a ballot off the ship. So I think we have to err on the side of caution and make absolutely certain we go out of our way to make sure these ballots are counted.

That is what the Allard-Smith amendment is. I am proud to support it and proud to have my second-degree amendment to be sure we get a vote on this very important measure.

The uniformed services election reform amendment is a comprehensive package for all of our military voters. Section 401 of the amendment provides, for example, that a State may not disqualify a military absentee ballot for some technical reason.

Stop to think about it. Maybe somebody didn't put his name on right or something—some technical reason. Think about the circumstances where, for a smudge, for example, or something might be a technical violation, that ballot could have come out of the mud of Afghanistan, making its way perhaps through rain or sleet or snow or some other way to get to a vehicle, perhaps to a helicopter and then out of there and over to some other location where it can eventually make its way back to Florida or Colorado or New

Hampshire or wherever the votes are supposed to be counted. That is a long trek through some very difficult conditions sometimes.

I think it is sad that this new provision of law is necessary. Really, reasonable people ought to make reasonable efforts to count the ballots of our military. We saw, unfortunately, that didn't happen. In Florida, military voters were systematically disenfranchised and there was an organized effort even to refuse to count these ballots. I find that outrageous. There is some irony that all this effort took place in Florida, to disenfranchise military voters, and now look what happened just 9 months later, 9-11. I wonder what some of those same people who refused to count military ballots and were looking for excuses not to count them might be saying right now.

There are no allegations of military voter fraud. That is not the issue. There is a difference between fraud and trying to disqualify ballots for every technical reason that comes down the pipe. Yet military votes were disqualified in the last Presidential election.

If, for example, someone was out at sea and the mail call was missed by an hour and because the mail call was missed by an hour a ballot may not get to the returning ship for another week or so, or perhaps even—whatever, a couple of days or weeks or whatever, and because they missed that one mail call, that means they can't get that ballot in. If it comes in a day late or an hour late or whatever, is it the intent, is it the right thing to do to count that person's ballot? Of course the answer is yes.

Section 402 provides new protections to recently separated uniformed service voters as well. It protects the rights of military voters to register to vote and request absentee ballots. It provides that the Secretary of Defense provide to the States new laws on military voting.

On April 6, I introduced a bill entitled the "Armed Forces Voting Rights Protection Act of 2001." This bill provides an amendment to the Voting Rights Act of 1965, to protect against a discriminated class of voter—the military voter. Isn't it somewhat tragic and ironic that the military voter is discriminated against?

Senator ALLARD'S amendment is more comprehensive than mine, and I am more than pleased to support his comprehensive effort to protect the voting rights of the military. The reason why the pending amendment is needed is because current law failed members of the Armed Forces in the last Federal election.

We are not making allegations against anybody about fraud. It needs to be tightened up so we can make it work so the military folks get the benefit of the doubt.

Federal law allowed military voters to be disenfranchised in the State of Florida. The pending amendment would stop discrimination against our military men and women.

Over time, the Federal Government has increased protection of the voting rights of military personnel who serve overseas. Several Federal laws have been enacted since 1942 to enable those in the military and U.S. citizens who live abroad to vote in Federal elections.

The Soldier Voting Act of 1942 was the first attempt to guarantee Federal voting rights for members of the armed services, and that law only applied during wartime. But members of the armed services were provided the use of a postage free, Federal postcard application to request that absentee ballot.

Again, when the request comes in, when you send that request out, are you in a position to get that ballot and mail it out promptly? Not if you are out on some bivouac for a week someplace or you are out in a combat zone somewhere for a month and you don't get back. It may not be convenient for you to get it back that quickly. So we need to get them out there promptly so they can get these ballots filled in and sent back. That expired at the end of World War II.

In 1986 President Reagan signed the Uniformed and Overseas Citizens Voting Act, which required the United States to permit uniformed services voters, their spouses and dependents, and overseas voters who no longer maintain a residence in the U.S., to register absentee and vote by absentee ballot for all elections for Federal office.

These Federal laws were insufficient to protect our men and women in the last election because many of these military voters were disenfranchised by canvassing boards throughout the State of Florida.

Anyway, the pending amendment fixes Federal law to prevent this discrimination. Whether it is accidental or intentional, it does discriminate against military voters stationed overseas. This law would fix that law.

Over 1,500 overseas ballots were challenged in the State of Florida during the election in 2000.

Think about that: 1,500 military ballots changed most of the time on technicalities, and many of those military men and women who served our country in some hostile environment were disenfranchised.

In Tallahassee in November of 2000, Robert Ingram, who was awarded a medal for heroism as a Navy corpsman serving in the Marines in Vietnam, said the following about Florida elections boards:

They need to count the votes for service people abroad.

It seems to me that to even allow one military ballot to be disqualified on a technical reason is really outrageous.

According to the Miami Herald of November 26, 2000:

Many canvassing boards have said, however, they followed State law to the letter in disqualifying overseas ballots with no signature, no witness, incorrect address, no postmark or date and a variety of other problems.

Let me focus on one from my own personal experience. When I was aboard ship, you would give a letter to the so-called mailperson on the ship. If he didn't take that down and postmark it that particular day, he might carry it around for a couple or 3 days. Why? Because the mail is not picked up from off the ship. It doesn't happen until you enter port. If you are not going to enter port for 3 days, why postmark it the day it was picked up from you as the person who is mailing the letter?

That is what could happen. That is one example of why the postmark should not be a criteria for why we take a person's right to vote. The pending amendment would fix that law.

The Miami Herald did not cite actual fraud to disqualify 1,500 votes, mere technicalities in the State law.

The pending amendment repairs this problem with Federal law and does not allow a ballot to be disqualified without "evidence of fraud."

If there is evidence of fraud, absolutely the ballots would be disqualified. I think if there is any suggestion, or any indication, or any evidence whatsoever that there was fraud committed, disqualify them. Fraud applies to everybody—military or nonmilitary. If you commit fraud, your ballot shouldn't be counted.

There is evidence that there was a coordinated effort to disenfranchise our military voters, I am sad to say.

Former Montana Governor Mark Racicot said last fall:

In an effort to win at any cost, the Vice President's lawyers launched a State-wide effort to throw out as many military ballots as they can.

Forty percent of the 3,500 overseas ballots in Florida were thrown out in November of 2000 for technical reasons.

You can go on and on. There is plenty of indication. We don't need to go through all of it.

Felon convictions ranged from murder to rape and drunk driving. What crime did our military personnel commit? I can understand why you wouldn't put a ballot in the hands of a rapist or a murderer or a drunk so he could vote. But no such crimes were committed by our military.

It is not a crime to volunteer to serve in the military. Every vote must count including our military votes.

Basically, the ballots in Florida were disqualified for two reasons: The requirement that ballots must be postmarked by election day, and failure to either have a proper signature or date on the actual ballot. Neither of these issues are currently addressed in the Federal law. So this changes that. Federal law leaves details to the State, such as postmark requirements and authentication of ballots.

In conclusion, I ask that voting rights be restored to our military voters.

This is not something that anybody should oppose. It is not controversial, in my view. I think the Senator from Colorado has a good amendment. It is



the least we can do. The statute did not cover it. People got a little bit excited in the heat of a political campaign and were trying to disqualify ballots, or qualify ballots, whatever the case may have been and on whichever side you were on, and the military was caught in the middle. That is not right. We owe it to our service men and women to at least allow them to participate in this great Republic that they sacrifice so much to defend.

I am pleased to support the Allard amendment.

If it is appropriate, I will ask for the yeas and nays on the amendment at this point.

Mr. LUGAR. Mr. President, I am proud to co-sponsor this amendment with my friend and colleague Senator ALLARD, who has been involved deeply in this issue from the first whispers of improprieties following the 2000 election.

Like him and many Americans, my conscience was struck by the failure of our voting system as a whole. The inadequacies exposed in Florida may well have been found in any election district in any county in any state in the Union. While my state of Indiana has been hard at work remedying its own shortfalls, it is essential that coupled with important changes we made as part of the FY 2002 Defense Authorization bill, we take the steps outlined in this amendment to improve the lot of the military voter.

We live in the 21st Century. We are used to instantaneous information and communication and data exchanges. We hold ourselves up as an example to the world in the area of free and fair elections. Everyone can vote, we say. Register, show up at the polls. Or, if you are not going to be in your home state, you can get a paper ballot through the mail and send it in. Simple.

Unfortunately, the reality has been much more complicated. In fact, as recent history has indicated and any military member deployed overseas can tell you, it's not simple. Depending on the election year, DoD goes to varying lengths to get the word out to the individual service members, however, there is no real oversight and many times the Sailor, Soldier, Airman or Marine in the weeks leading up to the election is far away from a polling place without the materials he or she needs to register or vote.

For the overseas military voter, registering and voting is a multi-step process that can take months: first, a member must register to vote; second, a member must request an absentee ballot for each election and its primary; third, the ballot must be received from the local voting jurisdiction; fourth, a member must complete that ballot and get it in to his or her election Board in the allotted time; and last, the ballot is subject to a myriad of state and local election board requirements.

With mail delays, remote deployments and other very real cir-

cumstances, it can take literally months to complete the multi-step process. And, in the end, a military voter has no idea whether that ballot was received and counted, or disqualified because of some obscure state standard for those ballots. Some jurisdictions, as we saw in Florida, execute a stringent checklist on each ballot to ensure that it meets exacting standards, unbeknownst to the servicemember.

To say the least, military voters need to plan ahead, especially when they are going to be deployed during an election. Certainly, the right to vote implies some level of responsibility for the member, but even such matters as the proximate scheduling of primary and general elections in some states renders obsolete even the most prudent planning. This is further complicated by run-offs and local ballot issues, making even a 45-day turnaround, the recommended standard, challenging.

This amendment, coupled with the changes we made in the fall, will help alleviate this situation for the 2.7 million military members and their families who may at some time in their careers be sent overseas.

The Government Accounting Office, the Reserve Officers Association, the Carter-Ford Commission and others discuss each of the shortfalls we seek to correct. And, as my colleague from Colorado has stated, we are looking for very modest changes.

Among the provisions we are advocating, Senator ALLARD's amendment clarifies the standards that states must follow when processing the ballots for our military personnel, and in maintaining their registrations following discharge or release from active duty. All states should use the same checklist when evaluating a ballot in a federal election, and it should not be promulgated only during recount proceedings.

Fairness and simplification is important. But even as we tout its merits and strive for simplification, we must maintain a cautious eye on ensuring an accurate list of qualified voters. Fraud happens. As we watch the trend toward more permissive absentee voting, the opportunities to commit fraud could very well expand. The Allard amendment is thoughtful about balancing procedural simplification and standardization with the imperative to prevent fraud.

I strongly encourage my colleagues, on behalf of the men and women in uniform who are serving overseas today and those who will be in the remote corners of the globe in future election seasons, to support this amendment.

Mr. DODD. Mr. President, I don't know of any reason why we can't accept the amendment. I commend both my colleagues. I know this was offered earlier in the Armed Services Committee, and for reasons that the Senator from Colorado may be more aware of as a member of the committee, getting rid of what they considered to be

extraneous amendments may have been the rationale.

But I think our colleagues pointed out good rationale as to why it is worthwhile. In fact, the basic thrust of this bill that Senator MCCONNELL and I are trying to address is why the two friends offered this amendment; that it ought to be easier to cast the ballots. Too often I think these places can be less than user friendly when it comes to exercising one's franchise. Rejection on minor technicalities and discarding someone's effort to express a choice in an election is something we need to minimize, to put it mildly.

I support the amendment. I am happy to accept it, if the Senator wants to do it that way.

The PRESIDING OFFICER. The yeas and nays were requested.

Is there a sufficient second?

Mr. SMITH of New Hampshire. I didn't formally request it. I said if it is appropriate, I would do it. I withdraw my request.

Mr. MCCONNELL. Mr. President, I am certainly pleased to hear the chairman of the committee, Senator DODD, indicate that he is willing to accept the amendment.

I congratulate the Senator from Colorado and the Senator from New Hampshire. When this amendment was offered last year, there was a significant effort to derail it. I think that as a result of the hard work of the Senator from Colorado—I see the Senator from Kansas who is deeply interested in this issue is in the Chamber. They were all chagrined, as I recall, that it was lost in conference on the DOD authorization bill. I think as a result of their perseverance and coming back here today and pressing forward, it seems as if we are on the verge of having it accepted.

I think it is a tribute to the Senators from Colorado, Kansas, and New Hampshire. I thank all three of them.

I see the Senator from Kansas. He might want to address this issue before we wrap it up.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I thank the Chair, and I thank my distinguished friend from Colorado. Addressing this issue is certainly long overdue. If we are going to have an election reform bill, the very definition of election reform begins with the intent of my friend's legislation.

As most marines know, there are no ex-marines. There are only former marines. As a veteran and as a member of the Armed Services Committee, I recalled what happened in our last election to military personnel.

We witnessed a travesty. Election officials in some areas of the country failed to count thousands of military absentee ballots. This is a slap in the face to the men and women who serve in the armed forces protecting American interests.

We must respect the constitutional rights of all citizens—especially those

in uniform defending our country. It seem to me that a very basic Constitutional right was abrogated. This amendment achieves the goal of giving military personnel the confidence that their vote matters.

It ensures that military personnel have the right to cast votes in local, state and federal elections, and makes certain those votes are counted. It extends voter registration, absentee ballot protections, and requires that states prove fraud before disqualifying votes in federal elections.

Until recently, we took for granted the sacrifices our military made on a daily basis. The supreme purpose of the federal government is defense of our homeland. Give those who defend our homeland the same rights and privileges ordinary citizens enjoy.

Consider a 1952 letter written by a former member of this body, which pertains to this issue:

Many of those in uniform are serving overseas, or in parts of the country distant from their homes. They are unable to return to their states either to register or to vote. Those risking their lives deserve to exercise the right to vote. The least we can do at home is make sure they can enjoy the rights they are preserving.

President Harry Truman penned those words. His support of the military vote was so strong that he signed the Federal Voting Assistance Act into law in 1955. That legislation laid the groundwork for the 1975 Overseas Citizens Voting Rights Act, and it is now being improved the Senator from Colorado and others who are cosponsoring this bill.

Voting is the cornerstone of democracy. Before passing any piece of this legislation, we must first show our appreciation to service men and women by letting them know that their vote is a right, not a privilege.

So again, I credit the distinguished Senator from Colorado, and all those involved—Senator SMITH, Senator MCCONNELL, and the distinguished chairman, who I know is also very supportive.

I am very proud to have my name as a cosponsor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Kansas for his gracious remarks and really appreciate him working with us on this particular issue. I also thank the Senator from New Hampshire for all his help. I particularly thank the chairman for his support, and the ranking Republican Senator, Mr. MCCONNELL, for his help in relation to the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. If I could have the indulgence of the leader, I would like to share a personal anecdote that does not relate to voting but relates to smudges and things that may occur from time to time.

For military personnel, as you know, some of the ballots were disqualified

because of a smudge mark or something not clearly readable.

In 1945, when my father was killed at the end of the Second World War in a plane crash in the Chesapeake Bay—serving in all of his combat missions, he was killed in a military aircraft that went down in the Chesapeake Bay—his body was recovered 2 days later. Of course, in the recovery of his body, they recovered his wallet.

My mother—who was then a young widow with two boys—had to follow the limousine from Virginia back to the funeral parlor in Trenton, NJ, where my father was buried. She had no money for gasoline because we could not use it then; you had to use stamps. The only stamps she had were the stamps from my father's wallet.

After filling up with gas, when she went into the gas station to present those stamps, the attendant would not take the stamps because he said he could not read them; they were smudged.

My mother never forgot that story. Until almost the day she died, she talked about it, about how much that hurt her, that no matter how much pressure was put on that attendant, he refused to accept those stamps.

So I think we have to err on the side of caution for our military. They go through a lot. There is a lot of sacrifice. That story was not about a ballot, but it was about a document, if you will.

So I really appreciate the support of Senator DODD and Senator MCCONNELL and Senator ALLARD and others for this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, if there is no further debate, I ask that we vote on the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 2861.

The amendment (No. 2861) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Allard amendment No. 2858, as modified.

The amendment (No. 2858), as modified, was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to talk about the measure that is before us. I have had the pleasure of coming to this Chamber on several occasions to talk about it as we prepared to move forward.

I think it is vitally important that we have taken up this extremely important measure so early in this session. It is not the first bill to be considered, but it is probably the first new one to be considered after the others that have carried over.

I offer my very special thanks to the distinguished Senator from Connecticut and the Senator from Kentucky for the great work and effort they have put in on this legislation. We have also worked with the Senator from New York, Mr. SCHUMER, and the Senator from New Jersey, Mr. TORRICELLI, because we are all concerned about assuring that we safeguard the most important right that a citizen in a democracy such as ours has; and that is the right to select the leadership, the right to select those who represent them.

Today, together, we are in the process of delivering on the promise that for all Americans we want to make it easier to vote and harder to cheat. I think that is what the American people want: Every American citizen—appropriate age, appropriate qualifications, properly registered—ought to be able to cast a ballot without difficulty. They also ought to be able to do that only once. That is the other part. We should, and we will in this bill, make it very hard for people to cheat. We know that every fraudulent vote cast dilutes the rights of those who cast lawful ballots.

The Missouri Court of Appeals, on election day in November 2000, was presented with a case where an order was entered in St. Louis City Circuit Court to keep the polls open. The court of appeals was very clear. They expressed what higher courts in this land have expressed previously; that is, if you permit people to vote more than once, to vote in the name of a dead person, a nonexistent person, or even a dog, as we have talked about previously in this Chamber, you are diluting and, thus, devaluing the vote of those who cast their vote legally, who have a right to vote, who have a right to have their voice counted, and counted once.

I think we have accomplished this goal. We have worked long and hard. As we know, there has already been one amendment offered that has been acceptable to both sides to improve this bill. So we are not saying that this has dealt with every area. I know there will be several other questions and concerns raised. But I think we have a very good foundation which will move the process forward.

I am not a member of the Rules Committee, nor prior to the year 2000 did I consider myself an expert on election reform.

I first saw the corrosive effects of potential fraud in the 1972 election, when I was running for Governor of Missouri. My opponent engineered an effort to keep the polls open late in St. Louis.

We thought we were doing well, but they kept voting in the city of St. Louis, which runs about 70 percent or

more Democratic. We were concerned. The polls stayed open until, as I recall, late in the evening. It finally appeared that there had been enough of a margin in the votes that rolled up out in the State that there were not, even laughably, enough votes in St. Louis to turn it around. So they finally shut it down.

I was elected. I went on to say we were going to clean up the State of Missouri. When I had the power to appoint the election board, as I did in the city of St. Louis, the county of St. Louis, Kansas City, Jackson County—I appointed good, solid Republicans for the Republican positions, and I took the nominations of Democratic members of the Missouri General Assembly to appoint good, solid Democrats.

One of the best protections we have in the voting process is to have good, solid Republicans and good, solid Democrats watching each other, making sure that neither side cheats. That is important.

I am pleased to say that during the 8 years I served as Governor, I thought Missouri ran elections pretty well.

Let's fast forward 28 years: Same State, same city, same play called from the same vote fraud playbook.

I saw firsthand an effort to influence an election illegally. On election day, we heard, in advance, there was going to be a lawsuit filed, as reports circulated throughout the day that they expected there would be voting "irregularities." And sure enough, they went into court.

It was the Gore-Lieberman team that went into court in St. Louis. Fourteen minutes later they filed an almost identical suit in the city of Kansas City, again an overwhelmingly Democratic area. The suit was thrown out in Kansas City.

In St. Louis, they entered an order keeping the polls open. Surprisingly enough, they had recorded messages from Rev. Jesse Jackson being played on the radio saying you can vote until 10 or you can vote down at the election board until midnight. It seems they planned this in advance. The contention they took to the judge was that the Democratically appointed election board in the city of St. Louis was conspiring to prevent the overwhelmingly Democratic voters of St. Louis from voting for the Democratic ticket and therefore they needed to keep the polls open so they could continue to vote.

If you are going to cheat in an election, you don't go into an area where you have an overwhelming number of your votes and have your people conspire to keep your voters from voting for your candidates. Nevertheless, they introduced the measure, and it was ultimately—very shortly, fortunately—overturned by the Missouri Court of Appeals.

This was truly extraordinary. But, frankly, it underscored for me the fact that vote fraud is not merely something to be studied in the history books. You have all heard that joke in various parts of the country—I have

used it in some areas in Missouri—I am so committed to politics, when I die I want to be buried in a certain county or even in a certain State because I want to be able to continue voting from the grave.

That is a joke that, unfortunately, was alive and well in St. Louis.

Here is what happened. The day before the 2000 election, there was a prediction that there would be so much confusion on election day that a lawsuit would be necessary to keep the polls open. This candidate for office said: If it requires keeping the polls open a little longer, we are going to get a court order to do it.

Sure enough, as predicted, on election day there was much confusion, some of it from people bussed in. A lawsuit was filed to keep the polls open late. This is where it really gets interesting.

The plaintiff in the case was a man named Robert D. Odom. His lawyer claimed that Robert D. Odom could not vote because of the long lines and feared his client would be unable to vote unless the polls were kept open late. But what we discovered was that Mr. Robert D. Odom's real problem was not that he faced long lines at the polling place. That was not his problem. The main reason that Robert D. Odom was unable to vote had to do with the fact that he had been dead for a year and a half.

Long after the court case was thrown out, when confronted with the uncomfortable fact of the death of Robert D. Odom, Mr. Odom's attorney admitted the mistake, one he never bothered to share with the presiding judge or the court to correct the record. The plaintiff seeking relief, according to that lawyer, wasn't Robert D. Odom. The attorney claimed it was actually Mr. Robert M. Odom, also known in local political circles as Mark Odum, a political operative for a candidate Lacy Clay, who was successful as Democratic candidate for Congress in that election. The plaintiff's identity only raised more troubling questions. The more we dug, the more we found.

In the case of Mark Odom, the Congressman today, we found, despite his plea to the courts for relief from the lines that were too long at the local polling places, the evidence showed that Mr. Odom had in fact already voted earlier that day. The evidence is his own signature on a signature card retrieved from his own polling place.

Certainly we hope he was not trying to vote a second time. What we witnessed in St. Louis was a premeditated effort to keep the polls open late in St. Louis, an overwhelmingly Democratically controlled city, because an aide to a Democratic candidate for Congress feared he would be unable to vote even though he had already voted that day. It sounds incredible, but that is the record. It is right there in the record, and we have the court transcript and the documents to prove it. The judge approved the scheme. The polls were

kept open late, until the effort was overturned in the evening.

The effort to keep the polls open late in St. Louis was not the only "irregularity" we saw on election day. Elsewhere in town, a panel of city judges was rubber-stamping court orders to allow unregistered people to vote. The Missouri Constitution says you have to be registered. So they went in, and the secretary of state's office reviewed the applications filed by 1,233 St. Louis city and county residents who were allowed to vote, even though they were not registered to do so.

Here are some of the reasons given to judges for people who failed to register before the deadline passed and were the bases for circuit judges in St. Louis ordering them to be allowed to vote:

I want a Dem President.

I did not know it was required.

I was a felon. I was released on November 1999, and I didn't know that I had to register again to vote.

Parenthetically, you are not permitted to vote if you are a convicted felon unless you have been pardoned.

I was late registering due to me were going through a mental disorder.

Do you know what the city judges did? They rubber-stamped these requests, even though they failed to meet the clear standards under State law for court orders to vote. Only 35 of the 1,268 court orders to vote met the legal standard set by Missouri law.

All of the evidence gathered by Missouri's Secretary of State indicates it was no accident that hundreds, if not thousands, of unregistered people showed up in front of judges willing to rubber-stamp these requests. No accident, indeed. The evidence indicates that there was a premeditated effort to organize the delivery of these illegal voters to the polls, where they would be welcomed by judges all too willing to disregard the law and grant them illegal court orders.

That wasn't the extent of it. The investigation of the secretary of state turned up some truly amazing things: 62 Federal felons voted in that election, along with 52 State felons, people who are not legally entitled to vote; 68 people voted twice; 14 dead people cast votes—I have heard of people with an undying commitment to politics, but that is carrying it a little too far—79 people registered to vacant lots in the city of St. Louis voted in the election; 45 of the city's election judges were not registered to vote as they are required to do in order lawfully to hold the position of election judge; the discovery of 250 addresses that are not identified as apartments from which 8 or more individuals are registered to vote. A random sampling of 54 of these locations indicates that 14 of them might have been used as drop sites for multiple false voter registrations.

All this is only what we know from the press and the public reports. There may be more. There is an ongoing Federal investigation. We don't know what the results of that will be. We can't

say. Frankly, we had a very active and alert press corps that began to dig out some of these things and helped bring to the attention of the secretary of state and others what was going on.

Sadly, this vote fraud was not a one-time occurrence in November of 2000. The specter of vote fraud returned to St. Louis as the flowers in the spring. Just before the daffodils were coming up, probably the crocuses, we saw suspect voter mail-in registrations to vote. On the very last day to register to vote before the mayoral primary, someone dropped off 3,000 voter registration cards, most for purported would-be voters in the third and fifth wards north of St. Louis, on 2 specific streets, most written with identical handwriting. And as it turns out, almost every single one of them was fraudulent.

The brazenness of that vote fraud is stunning. One of the fraudulent voter registration cards belonged to what was purported to be a reregistration of the late city alderman, Alberto "Red" Villa. It might have been about the 10th anniversary of his death—certainly, a theologically significant date, but not significant in terms of qualifying for registration. There was a registration card belonging to the deceased mother of another city alderman also found among the 3,000 dropped off on the last day of voter registration.

Yes, even in this day and age, just because you die is not grounds to disqualify you from voting in St. Louis, because everybody knows how you would have voted if you had been there.

Now, it seems that in some places nobody gets stirred up by vote fraud during general elections between Democrats and Republicans. But watch out if it happens during a Democratic primary for mayor because that is real jobs and patronage at stake.

After the shocking attempts to steal the mayoral primary race in St. Louis, the local press reported that the FBI had subpoenaed all of the records at the city election board for both the general election and the mayoral primary.

While we await the results of that Federal investigation, it has already provided quite an education. Some days, I feel as if my staff and I are in a graduate program at the St. Louis school of election fraud. The more we dug into the issue, the more we were able to see the size of the problem in St. Louis.

We found, for example, that the number of registered voters in the city of St. Louis threatens to outnumber the voting-age population. A total of 247,135 St. Louis residents, dead, alive, or even canine, are listed as registered voters, compared to the city's voting-age population of 258,532. That translates to a whopping 96 percent registration rate. Were that they were all legitimate registrations, that would be a tremendous mark of civic involvement and participation in St. Louis. But I

am from Missouri; you have to show me that those were all one person, one registration, one vote.

Lest you think I am only talking about St. Louis, according to the Associated Press, there are 18 municipalities in Allegheny County, PA, with more registered voters than voting-age adults. Upper St. Clair has 15,361 registered voters, but, unfortunately, they only have 14,369 residents of voting age.

Back to St. Louis. About one-quarter of registered voters in that city are on the inactive voter list, meaning that the U.S. Postal Service has failed to verify that 70,000 people are actually still living at the addresses from which they registered, or even whether they are still alive.

But it gets worse. More than 23,000 people registered to vote in the city of St. Louis are also registered somewhere else in the State. That means 1 out of 10 St. Louis City voters are double registered. We saw some who were triple registered. Some were even quadruple registered.

In a review of the voter registrations, we found five Missouri voters registered at four different places in the State—certainly among our most active civic volunteers, with four different voting locations. Of course, there is my favorite case of Ritzy Mekler, a loyal St. Louis registered voter, and loyal mixed-breed canine. Yes, a dog is registered to vote in St. Louis. I have respect for the dearly departed such as Red Villa, and I like dogs, but I really don't think either one of them ought to be able to vote.

About the only thing we have not seen in St. Louis is the actual election of a dog or a dead person to political office.

Voting canines is not only a St. Louis problem. There was also the case of Cocoa Fernandez in West Palm Beach, FL. Cocoa's owner registered the dog to shed light on the "failings in our voter registration system."

Some of these cases are humorous. Others are deadly serious. For example, a Saudi man detained by Federal authorities in Denver, CO, for questioning about the September 11 terrorist attacks was found to have registered to vote at the local department of motor vehicles even though he was not a citizen. Worse yet, the records show that he actually voted in last year's Presidential election.

In Greensboro, NC, a Pakistani citizen with links to two of the September 11 hijackers was indicted by a Federal grand jury for having illegally registered to vote.

It is really quite sad that in the 21st century, in the world's greatest democracy, we still tolerate woefully tangled and fouled up voter registration systems that all but invite vote fraud.

I have recounted in the last few minutes some of the stories that formed my education in vote fraud. So while many wanted to talk about Florida after the last election, I wanted to make sure we learned additional les-

sons from vote fraud in St. Louis and elsewhere. This is not merely a local story. The root cause of what is so terribly wrong with St. Louis elections lies in the Federal law.

More specifically, it lies within the loopholes in the Federal law. For example, Federal law actually makes it very difficult for cities such as St. Louis to maintain accurate voter registration lists. It blocks States from authenticating mail-in registration cards—the first line of defense in preventing vote fraud.

In order to prevent this kind of election scandal from occurring again in St. Louis or elsewhere, I knew we had to fight to close the election law loopholes. I had to share with my Senate colleagues what I had learned. So I testified before the Senate Committee on Governmental Affairs. That brought me to tell my story of the St. Louis problems to CHRIS DODD, chairman of the Rules Committee. I told him how important the topic of election reform was to me. I told him that election reform without protections against vote fraud could not earn my support. He listened, and we talked a great deal and agreed on a formula that we believed could attract bipartisan support. We agreed to write a bill, along with Senator MCCONNELL particularly, and others, to make it easier to vote and much harder to cheat.

I think we have done that. I thank Senator DODD and Senator MCCONNELL for listening to the concerns of Missourians who were outraged by what we saw in the November 2000 elections in St. Louis. We worked closely together for several months to close loopholes while taking every precaution to protect the rights of legal voters. That is what I think we have done.

One of the most important things we did was to agree to make it easier to vote and tougher to cheat. We ought to have statewide registration systems to eliminate the patchwork overlapping of county and city voter registration lists that have resulted in the kinds of multiple registrations and the kind of confusion that certainly bedevils some legitimate voters in St. Louis and elsewhere. No longer are we going to see people registered in four, five different places in any State. We need to find out where they are living and legally registered, and get the others off the rolls so those who are entitled to vote can vote and those who are not entitled to cannot.

Registration cards will now require prospective voters to declare under penalty of perjury that they are U.S. citizens—a very simple but very important affirmation. And individuals who register by mail will be required to provide identification when they vote the first time.

Mr. President, will this stop all vote fraud in St. Louis and all American cities? Of course not. But these changes in Federal law will put power back into State and local law enforcement officials so that they can clean up their rolls.

These are commonsense measures that will strengthen safeguards that protect the ballot box. To any of my colleagues who question the need to strengthen safeguards, just look at what happened in St. Louis. Why is it acceptable to require a photo ID to board an airplane, buy cigarettes, or alcohol, but to not require some kind of identification to carry out the most important of all of our civic responsibilities?

We have a responsibility to ensure that all legally cast votes are counted and an equal responsibility to ensure that legally cast votes are not diluted, downgraded, or nullified by illegal votes. We must strengthen confidence in our voting system. People must know that their votes are actually going to be counted and not discounted.

In the wake of the St. Louis vote fraud scandal, the Missouri Court of Appeals for the Eastern District issued its ruling on the lawsuit to keep the polls open late in St. Louis. As I mentioned earlier, the court's opinion accurately characterized the task now before the Senate, each of us. I quote:

(C)ommendable zeal to protect voting rights must be tempered by the corresponding duty to protect the integrity of the voting process . . . (E)qual vigilance is required to ensure that only those entitled to vote are allowed to cast a ballot. Otherwise, the rights of those lawfully entitled to vote are inevitably diluted.

That is what we are about today. We are here to see that everybody has an opportunity to vote. We need to clean up the underbrush.

The distinguished Senator from Connecticut has taken a very strong position to ensure that those with special needs are accommodated, and this is landmark legislation to ensure that those who need special assistance or equipment can vote and can participate fully in our system.

Clearly, the steps that we are taking to regularize the registration system are going to go a long way to empower local election officials and State election officials to ensure that everybody who is entitled to vote has a chance to vote but to vote only once.

I look forward to working with my colleagues on the other important measures that will be brought before this body. I thank my colleagues who have worked so long and hard on crafting the bill that is before us, and I trust that we will wind up presenting, not only from this body but from conference with the House, a measure that will go to the President that will be signed into law to ensure that it is easier to vote and tougher to cheat.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, in a moment, I am going to share with my colleagues some endorsements of the underlying substitute bill, the Dodd-McConnell bill, along with others who are cosponsors of the substitute. There are numerous cosponsors of this bill, and I will submit momentarily the list of all those among our colleagues who are cosponsoring this legislation.

Secondly, I will submit a list of various organizations such as the NAACP, the AFL-CIO, Public Citizen, and a lot of other groups that are endorsing the bill as well, and I will submit for the RECORD letters that these organizations have offered on behalf of this legislation. The National Civil Rights Coalition is listing this as their No. 1 legislative priority this session of Congress.

I will not read them all, but the following organizations have endorsed the Dodd-McConnell bipartisan compromise on election reform and urge the Senate to act on it: AFL-CIO, the NAACP, the Carter-Ford Commission, Public Citizen, American Association of People with Disabilities, National Federation of the Blind, the United States Cerebral Palsy Associations, People for the American Way, the League of Women Voters, the National Coalition of Black Civic Participation, the Mexican American Legal Defense and Education Fund, Laborers' International Union of North America, U.S. Public Interest Research Group, Common Cause, and a variety of Secretaries of State, both Democrats and Republicans, not all of them but some have specifically sent letters endorsing the legislation.

Mr. President, I ask unanimous consent that some letters expressing why they think this bill is worthy of their support be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WASHINGTON BUREAU, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,

Washington, DC, February 8, 2002.

Hon. CHRISTOPHER DODD,

Chair, Senate Rules and Administration Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD: The National Association for the Advancement of Colored People (NAACP), the nation's oldest, largest and most widely recognized grassroots civil rights organization, strongly supports the Dodd/McConnell/Schumer/Bond substitute to S. 565, the Equal Protection of Voting Rights Act.

The NAACP is well known for being a long and steadfast champion of the American promise of the right to vote. As such, I urge you, on behalf of the more than 500,000 NAACP members across the nation, to move as quickly as possible to pass this important legislation. The sooner comprehensive election reform legislation is enacted, the more assured we can be that every eligible American who wants to vote can, and that his or her vote will be counted.

The NAACP's support of the Dodd/McConnell substitute is based on the fact that it is a balanced, comprehensive response to the

problems that have plagued our national electoral system for too long. As we saw in the most recent Presidential election, states and municipalities throughout our nation need to reform their election procedures. The Dodd/McConnell substitute would require that by the year 2006 all voting machines across the nation allow the voter to verify their choices and correct errors before the ballot is cast. The legislation would further require that, by the beginning of the year 2004, all states and local jurisdictions have provisional balloting, which would allow an individual whose eligibility is in question to vote and have the vote set aside pending verification. The legislation would also require states, by January, 2004, to keep computerized voting rolls to help ensure that a state-wide list of eligible voters is readily available on election day and to help cut down on fraud or abuse.

Furthermore, the Dodd/McConnell substitute contains provisions which would dramatically increase access to the voting booths for language minority and disabled Americans. While we do have a few lingering concerns regarding specific provisions currently in the Dodd/McConnell substitute, most specifically the provision requiring that first time voters who registered by mail provide a photo identification, we are committed to working with the you and the bill's other sponsors, as well as the rest of the Senate, to improve them and build upon the bill's obvious merits as we move forward.

While the NAACP applauds and appreciates the fact that the House has already acted on election reform legislation, the final version of the bill (H.R. 3295, the Help America Vote Act), falls short of fixing our electoral problems and, in some instances, represents a step backwards for civil rights laws. Furthermore, H.R. 3295 does not contain any provisions to address election fraud. Due to the fundamental flaws in H.R. 3295, the NAACP was forced to join dozens of other national civil, voting, consumer and disability rights organizations, as well as major national labor and religious organizations in opposing the legislation.

I urge you again, on behalf of the NAACP and every American who is concerned about the protection of our basic democratic right to vote, to pass the strongest election reform legislation possible. The Dodd/McConnell substitute is an aggressive, comprehensive solution to many of the problems that continue to plague our nation, and I hope that you will do all you can to see that it is enacted quickly.

Thank you in advance for your attention to this matter. Please let me know if you have any questions or if there is anything more I can do for you on this or any other matter.

Sincerely,

HILARY O. SHELTON,  
Director.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,

Washington DC, January 18, 2002.

DEAR SENATOR: The AFL-CIO strongly urges you to cosponsor the Dodd-McConnell substitute to S. 565, the Equal Protection of Voting Rights Act, which was also sponsored by Senator Schumer, Bond, Torricelli, McCain, and Durbin.

The bipartisan substitute to S. 565 would help strengthen our democracy by requiring all states to meet three new minimum federal standards over the next few years. More specifically, this legislation would require states to create statewide voter registration lists and allow registered voters whose names do not appear on these lists to cast provisional ballots by 2004. It would also require States to use voting technology by 2006

that informs voters if they have voted for too many candidates, and allows all voters, including the disabled and language minorities, to verify their votes before casting them. In addition, this legislation would authorize federal funds to help states meet these new minimum standards and create a new commission to study various election reform issues, oversee federal elections, and disburse the new federal election reform funds.

Since the House recently passed an election reform bill (H.R. 3295) that does not include the minimum standards necessary to fundamentally improve our nation's election system, the 107th Congress will only be able to pass comprehensive election reform before the 2002 elections if the Senate acts quickly on the substitute to S. 565. While we have concerns with some of the language currently in this legislation, we are committed to working with the bill's sponsors to improve this proposal as if moves forward.

Last Election Day, countless citizens in Florida and throughout the country were denied their Constitutional right to vote by flawed voting equipment, erroneous voter registration records, and confusing ballots. While many lawfully registered voters were disenfranchised outright, others cast votes that ultimately were not counted. Now that the 2000 elections are over, we have a responsibility to use what we learned from this bitter experience to enact comprehensive election reform before the 2002 elections.

For all of these reasons, we strongly urge you to cosponsor the bipartisan Dodd-McConnell substitute to S. 565.

Sincerely,

WILLIAM SAMUEL,  
Director, Department of Legislation.

AMERICAN ASSOCIATION OF  
PEOPLE WITH DISABILITIES,  
Washington, DC, February 11, 2002.

MEMBERS OF THE U.S. SENATE,  
Washington, DC.

DEAR SENATOR: The American Association of People with Disabilities (AAPD), the largest national membership organization dedicated to promoting the economic and political empowerment of all people with disabilities, strongly supports the Dodd/McConnell/Schumer/Bond substitute to S.565, the Equal Protection of Voting Rights Act. On behalf of the nearly 30,000 nation-wide members of AAPD, I urge you to support this important legislation and see that it is brought before the full Senate and passed without any weakening amendments. Our support for moving this legislation to the Senate floor is conditional upon being certain that the photo i.d. requirement will have added to it an attestation allowing voters with disabilities and others who lack a photo i.d. or utility bill to confirm the validity of their registration. We feel that this important addition makes it easy to vote and hard to steal an election.

AAPD has worked to ensure that all members of the disability community cast their votes and have their votes counted. The 2000 presidential election exposed many problems in the nation's electoral system. Millions of votes were either unable to cast their votes or have their votes counted. The sooner comprehensive election reform is passed, the sooner more voters with disabilities will be able to cast their vote with the confidence that their vote was cast to their wishes and that their vote will indeed be counted.

To protect the millions of voters with disabilities and others, the substitute provides for minimum national standards in three essential, but limited areas. Including provisional ballots, statewide voter registration lists, and standards that require voting machines to inform the voter of an error and

give the voter the opportunity to correct it. Such standards would also protect against high voting machine error rates.

We are particularly pleased that the substitute's standards offer millions of voters with disabilities the opportunity to cast a secret and independent ballot for the first time and that the legislation provides the states and counties with the necessary funding to make this happen. We are also pleased that the definition of disability, in the substitute bill, includes people with physical, sensory, and mental disabilities.

While AAPD is pleased that election reform has already been addressed in the House, the final version of H.R. 3295, the Help America Vote Act, falls short in fixing electoral problems for voters with disabilities. Due to the fundamental flaws in H.R. 3295, AAPD was forced to join with other national disability, civil rights, and voting groups to oppose this legislation.

I urge you on behalf of the 56 million Americans with disabilities to pass the strongest election reform bill possible. The Dodd/McConnell substitute is that bill and I hope you will do all that you can to see that it is enacted quickly.

Thank you, in advance, for your attention to this matter. Please let me know if you have any questions, or if there is anything more I can do for you on this matter.

Sincerely,

ANDREW J. IMPARATO,  
President & CEO.

NATIONAL FEDERATION  
OF THE BLIND,  
Baltimore, MD, February 12, 2002.

Hon. CHRISTOPHER DODD,  
Chairman, Senate Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the strong support of the National Federation of the Blind (NFB) for the Equal Protection of Voting Rights Act of 2001 (S. 565), 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 at each polling place throughout the United States.

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. S. 565 will make this happen.

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 strongly support S. 565 now pending in the Senate.

Sincerely,

JAMES GASHEL,  
Director of Governmental Affairs.

PEOPLE FOR THE AMERICAN WAY,  
Washington, DC, February 12, 2002.  
Hon. CHRISTOPHER J. DODD,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR DODD: On behalf of the more than 500,000 members and supporters of People For the American Way (PFAW), we write to express our strong support for the Dodd/

McConnell/Schumer/Bond substitute to S. 565, the Equal Protection of Voting Rights Act.

PFAW is especially pleased with the strong provisions of this bill which would require each state to meet a set of minimum standards when it comes to voting equipment, the training of poll workers, language minority assistance, provisional ballots, and accessibility for the disabled. We are also pleased that S. 565 contains strong language providing for provisional voting, for the posting of critical election information at polling places on Election Day and for enforcement by the Department of Justice.

We are committed to working with you, and other members of the Senate, to strengthen the bill. Specifically, we want to ensure that first time voters who have registered by mail have the maximum numbers of options available to properly identify themselves to election officials. We would especially support efforts to allow these first time voters to attest to their identity should they not have any other form of identification.

We applaud you for your tireless work in moving election reform to the top of the Congressional agenda, and your leadership and vision of this bipartisan legislation that would facilitate a full democratic participation in elections. We especially want to thank you for your commitment to work with PFAW and our allies in the civil rights, voting rights, labor, and disability communities to make necessary improvements to achieve the full potential of this legislation. We look forward to working with you throughout the legislative process to ensure that comprehensive election reform legislation is enacted.

Sincerely,

RALPH G. NEAS,  
President.

STEPHANIE FOSTER,  
Director of Public Policy.

UNITED CEREBRAL  
PALSYS ASSOCIATION,  
Washington, DC, February 12, 2002.

Senator CHRISTOPHER J. DODD,  
Russell Senate Office Building,  
Washington, DC.

DEAR SENATOR DODD: On behalf of UCP, our more than 100 affiliates in over 40 States and millions of voters with disabilities, I want to congratulate you on your historic leadership in crafting the Senate bipartisan agreement on election reform.

We are deeply appreciative of your efforts to ensure that—by enacting this legislation—Americans with disabilities will have equal access to the polling place and the voting booth for the first time in history. We are proud and pleased, therefore, to lend our full support of the bipartisan substitute amendment to S. 565, which, it is our understanding, you will bring to the floor as soon as possible so that it can be debated and approved by the full Senate. We believe swift passage of this legislation is essential to strengthening the basic tools of our democracy at a time when the attacks of September 11th remind us all of how vigilant we must be in safeguarding our most basic freedoms.

The Senate bipartisan measure sets vitally needed national minimum voting rights standards. They will let every voter know that regardless of where they live neither their ethnicity nor disability will prevent them from entering their polling place and casting their ballot in privacy knowing it will be counted fairly and accurately. The provisions requiring that new voting systems be accessible and the \$100 million grant program to make polling places accessible will go far to realize the full promise of the ADA

to make Americans with disabilities first class citizens of our democracy. This is a critical civic lesson for America and the rest of the world as well.

We believe, however, some changes are needed in the substitute amendment to ensure that election reform goes forward in as fair and effective a manner as possible. The first of these relates to the role, which the Access Board will play in providing policy direction to the newly created federal election accessibility grant program. As drafted, the substitute amendment provides that the Attorney General will carry out the grant program consistent with policies and criteria for the approval of funding applications set forth by the Access Board. Responsibility for administering this grant program—as with the other election reform grants established by this bill—will transfer from the U.S. Justice Department to the new Election Administration Commission once it is fully functional. For clarity and continuity sake, we believe that language needs to be added to the bill to make clear that the policies and criteria set by the Access Board for the election grant program shall guide its implementation both at DOJ and the Election Administration Commission.

We also believe that changes need to be made to the provision in the substitute that would require first time voters who register by mail to produce a photo identification card when they show up at the polls or to send a copy of one or other verification of their identity by mail if they vote by secret ballot. While we recognize that this provision is meant to prevent voter fraud, we believe it would prove largely unworkable and therefore, ineffective in doing so. Moreover, we are extremely fearful that this provision would have a significant chilling effect on potential voters, including those with disabilities as well as language and ethnic minorities. Those with disabilities and others often lack formal identification cards through no fault of their own. They must not be denied their fundamental right to vote. Over half the States ensure the accuracy of the balloting process by having each voter sign a statement attesting—under penalty of law—to both their identity and eligibility to vote. This is a far more straightforward and fairer way to ensure the sanctity of elections. We urge you to support the inclusion of the same procedure in the substitute amendment.

As with any living document we believe that there may be changes that could be made to it that either significantly strengthen or undermine its basic intent. We want to urge you as its chief author and all others in the Senate to consider each amendment that may be offered very much in this light and we will keep you informed of our views on all such proposed changes as the Senate debate proceeds.

Thank you once again for your extraordinary leadership.

Sincerely,

KIRSTEN A. NYROP,  
*Executive Director.*

THE NATIONAL COMMISSION  
ON FEDERAL ELECTION REFORM,  
*February 12, 2002.*

Senator CHRIS DODD,  
*U.S. Senate, Russell Senate Office Building,  
Washington, DC.*

Senator MITCH MCCONNELL,  
*U.S. Senate, Russell Senate Office Building,  
Washington, DC.*

DEAR CHRIS AND MITCH: In 2000 the American electoral system was tested by a political ordeal unlike any in living memory. The American political system proved its resilience. But we must think about the future. We all saw that the ordinary institutions of

election administration in the United States just could not readily cope with an extremely close election and had many other weaknesses.

That is why we agreed to lead the foundation-funded National Commission on Federal Election Reform. We issued our report last year and the results have been gratifying. President Bush welcomed the report and endorsed our approach. He has allocated money for election reform in his FY 2003 budget proposal. State and local officials around the country, including many conscientious election administrators, have been galvanized to action. Two months ago the House of Representatives overwhelmingly passed a bipartisan bill on election reform sponsored by Bob Ney and Steny Hoyer.

The fate of federal election reform now rests with you and your colleagues in the Senate.

We were glad to learn that both of you have worked with some of your colleagues to fashion a truly bipartisan bill for the Senate. Your staffs have asked us to comment on the relation of this effort to the Commission's goals.

Naturally your bill was a compromise. Naturally interest groups on both sides of the political spectrum find some things in it they dislike. If we had been writing the bill, we might have made some different choices too, but on the whole it is a good bill and a real improvement over the status quo.

Your bill is clearly a reasonable bipartisan vehicle for moving the legislative process forward. Its core is sound. It addresses the right issues, such as statewide voter rolls and provisional balloting. If it passes the Senate it will go to conference with the Ney-Hoyer bill. There are some aspects of Ney-Hoyer we like better. But there are also some aspects of Dodd-McConnell that have improved on the House approach. So, starting from good foundations on both sides, a conference committee should be well positioned to bring a strong bill back to each House for final approval.

The critical issue now is to get this bipartisan bill to the floor of the Senate as soon as possible. All over the country, state legislatures and county administrators are aware that federal action may be imminent. The states should continue to have the primary responsibility for administering elections, but do so in a national framework. Many of these legislators and officials are now understandably frozen about what they should be doing.

If the 107th Congress passes a bill founded on the current House and Senate bipartisan approaches, you will have achieved a landmark accomplishment. Such a law will touch every county in America—and for the good. With the exception of the civil rights laws of the 1960s, such a law could provide the most important improvements in the democratic election system in our lifetimes.

Sincerely,

GERALD R. FORD,  
*Honorary Co-Chair.*

ROBERT H. MICHEL,  
*Co-Chair.*

SLADE GORTON,  
*Vice-Chair.*

JIMMY CARTER,  
*Honorary Co-Chair.*

LLOYD N. CUTLER,  
*Co-Chair.*

KATHLEEN M. SULLIVAN,  
*Vice-Chair.*

—  
PUBLIC CITIZEN,  
*Washington, DC, January 18, 2002.*

Senator CHRISTOPHER DODD,  
*Chairman, Senate Rules and Administration  
Committee, U.S. Senate, Washington DC.*

DEAR SENATOR DODD: On behalf of Public Citizen, I am writing to express our strong

support for taking up your election reform bill, S. 565 (substitute amendment) as quickly as possible after the Senate reconvenes next week. This bipartisan legislation, which you have done so much to forge, constitutes a major advance on the road to full democratic participation in elections. It is vastly superior to H.R. 3295, the House-passed bill because it establishes strong national voting standards, promotes coherent state and local planning for voting improvements, and includes necessary federal monitoring and enforcement.

As we work with you and the other sponsors of the bill, we are gratified by your commitment to us and other members of the Leadership Conference on Civil Rights coalition to work together on the Senate floor to pass a few needed improvements in the legislation. Such changes will remove unnecessary ambiguity, ensure that the bill's goals are fully achieved, and strengthen the political position of the bill as it heads for Conference.

Thank you Senator once again for your dedication to this fundamental legislation for our democracy.

Sincerely,

JOAN CLAYBROOK,

*President.*

FRANK CLEMENTE,

*Director, Congress Watch.*

STATEMENT OF REBEKAH HARRIMAN—EXECUTIVE DIRECTOR—COMMON CAUSE/CONNECTICUT

Common Cause in Connecticut is a non-partisan citizen's lobby dedicated to ensuring that government clean, open, and accountable. Central to this mission is our belief that our democracy is participatory and inclusive to all Americans. It is entirely fitting that we come together on this day, the day the country observes the remembrance of the great Reverend Martin Luther King Jr., to show our strong support for The Equal Protection of Voting Rights Act, sponsored by Senator Dodd.

Over forty years ago, thousands of Americans dedicated and gave their lives to a movement that fought to end discrimination and ensure that every American was afforded the opportunity to vote without prejudice. Just over one year ago, hundreds of thousands of Americans were unjustly turned away from the polls or were otherwise locked out of our democracy when their votes were not counted due to faulty voting procedures. We must make every effort to ensure that this injustice does not occur again in America. The Equal Protection Voting Rights Act is strong legislation that will help ensure that every American's vote counts.

Common Cause/CT supports The Equal Protection Voting Rights Act because it would require that each state meet a set of minimum standards when it comes to voting equipment, the training of poll workers, absentee and bilingual ballots, provisional ballots, overseas voters, and accessibility for the disabled.

This legislation would be essential in Connecticut, where our voting equipment must be evaluated. In the year 2000, thousands of votes were invalidated in the presidential election because many of our states' voting systems are outdated, inconsistent, and inaccurate. Common Cause/CT believes it is essential to replace our nearly extinct voting machines and that we strive to have a uniform mechanism for voting in every precinct in Connecticut.

Another important facet of the legislation is the mandate that states compile a statewide voter list. Without a statewide centralized voter registration system that allows

for the accurate and timely exchange and updating of information, too many eligible voters are turned away from the polls each election because their name was either failed to be placed on their precinct list by election day or was purged from the rolls in a careless attempt to clean up an inefficiently maintained list. The technology and the administrative know-how already exist in the state and mandating that all jurisdictions participate in the system would greatly reduce the number of Connecticut voters disenfranchised in this way.

The Equal Protection Voting Rights Act also sets an important standard by requiring states to implement provisional balloting. This would ensure that no registered voter in Connecticut is ever turned away from the voting booth.

We believe that every possible step must be taken to ensure that the election process is fair, accurate, and accessible to every voter in the country. We believe that every option must be looked at to afford the most citizens possible the ability to vote with ease and precision. The Equal Protection Voting Rights Act is the type of election reform that is essential to this process and we commend Senator Dodd for his leadership in this crucial fight for justice and equality.

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

#### Re Election Reform

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

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

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

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

The substitute provides funding through state grants programs that will be developed with public involvement. Funds are provided not only for meeting standards, but also for other vital areas of election administration, including poll worker training and providing access to the polls for persons with disabilities. The substitute sets up a new federal commission that can provide effective guid-

ance, while Justice Department enforcement of voter protection laws, such as the Voting Rights Act, is maintained.

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

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

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

CAROLYN JEFFERSON-JENKINS,  
President.

SECRETARY OF THE STATE,  
STATE CAPITOL,  
Hartford, CT, January 7, 2002.

Hon. CHRISTOPHER J. DODD,  
U.S. Senate, Russell Building, Washington, DC.

DEAR SENATOR DODD: Thank you for your leadership in the area of election reform and for all of your hard work in developing your bi-partisan compromise on election reform. I have reviewed the language in S. 565 and I am extremely pleased with its contents, particularly with the statewide voter registration system and voting machine requirements. The federal funding provided for those and other purposes will greatly benefit Connecticut and all the states.

At the close of the 2001 legislative session, the Connecticut Legislature established a Voting Technology Alternatives Commission to study and make recommendations regarding voting technology issues. The federal guidelines and assistance provided for in S. 565 will help shape both the Commission's final recommendations and any state legislative action in this area. As a member of this Commission, I have already provided all the members of the Commission a copy of S. 565 for their review.

In addition, I will be attending the National Association of Secretaries of the State winter meeting in Washington D.C. from February 7-10 and hope to have the opportunity to meet with you. My Office will contact your staff with more details. I look forward to working with you on the important issue of election reform and I wish you well in securing its passage.

Sincerely,  
SUSAN BYSIEWICZ.

SECRETARY OF STATE,  
STATE CAPITOL,  
Atlanta, GA, January 18, 2001.

Hon. CHRISTOPHER DODD,  
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD: I am pleased to write to express my support for S. 565 and for your efforts, and that of Senators McConnell, Schumer, Bond and Torricelli, to craft strong, effective and bipartisan election reform legislation.

As you are aware, Georgia has moved to the forefront among states in the drive to ac-

quire and deploy election systems that are more accurate, more convenient and more accessible and disabled voters. With the passage of our own SB 213 last year, Georgia became the first state in the nation to mandate a modern, uniform voting system for every county and every community. This year, Governor Roy Barnes has endorsed our ambitious plan to acquire and deploy new generation electronic voting equipment (DRE) in every Georgia county in time for the November 2002 general election.

While Georgia election officials and policymakers are strongly united behind our initiative to improve voting equipment, critical to our efforts is the expectation that the federal government will be a helpful partner in advancing this goal, and will make available substantial funding to help pay for these improvements. In that regard, we were heartened by House passage of the Ney-Hoyer election reform package, and were then extremely pleased to learn that you, ranking member McConnell and others had reached bipartisan agreement on S. 565.

I believe your legislation provides an excellent platform and roadmap for election reform which, as you know, must primarily be executed at the state and local level. The funding provisions of S. 565 are outstanding, and would enable states to make much needed investments in new voting and registration systems. I also strongly support your emphasis on assuring that blind and disabled voters have a full opportunity to cast their ballots independently and without assistance. The bill's emphasis on assuring that each state has procedures under which a provisional ballot can be cast is also welcome.

While there are areas of the bill where I would prefer some modifications, (as would be the case with nearly any legislation of such magnitude and scope) it is my belief that S. 565 represents a giant step forward towards reaching our goal of designing and deploying election systems that assure that the electoral choice of each and every voter will be accurately counted.

Thank you for your steadfast leadership in moving election reform legislation forward in the United States Senate and I look forward to continuing to work with you to achieve our common goals.

With best wishes,  
Sincerely,

CATHY COX.

OFFICE OF THE  
SECRETARY OF STATE,  
Carson City, NV, January 25, 2002.

Hon. CHRISTOPHER DODD,  
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR CHAIRMAN DODD: On behalf of the citizens of Nevada, I would like to express my support for Senate Bill 565, which I feel is an important step in the election reform process. I am especially impressed with the bipartisan support the bill has received, and believe wholeheartedly in many of the provisions called for in S. 565, particularly its focus on civil rights and accessibility issues. Moreover, S. 565 includes an impressive financial commitment from the federal government that will help meet the mandates outlined in the bill, thereby allowing Nevada counties to update antiquated equipment with the latest technology without bearing the enormous cost of undertaking such a project on their own.

I would like to personally thank you for asking for my opinion and thoughts on the legislation. I believe very strongly that as secretaries of state, it is important for us to work as closely as possible with members of Congress as they seek to enact real and meaningful federal voter protections and reform. I hope that as deliberations progress in



the House and Senate, secretaries of state will continue to be asked by Congress to add their important voices and experience to the discussions.

The bipartisan leadership demonstrated by you and Senators McConnell, Schumers, Bond and Torricelli and other members of the U.S. Senate in crafting a package that would be a positive step in the election reform process is very encouraging. The principles outlined in the "Equal Protection of Voting Rights Act" are certainly a step in the right direction, and I recognize S. 565 as important legislation that will better ensure the integrity of the election process.

I have long been an advocate of election reform. In each of the past three sessions of the Nevada State Legislature, I have promoted legislation that would create a statewide system of voter registration. This statewide system would allow the Secretary of State's office to act as a central repository for voter registration rolls, and ease the process of clearing those rolls of duplicate names, deceased persons and others who are ineligible to vote. Although this proposal would have dramatically reduced the potential for voter fraud, it has failed in every legislative session in which it was introduced. Likewise, my calls to improve the absentee balloting process, especially for our overseas military personnel, have faced strong resistance from state legislators. Senate Bill 565 parallels many of my efforts and may motivate Nevada lawmakers to pursue election reform for the Silver State.

Again, thank you for your leadership and efforts in bringing this important legislation to the forefront of deliberations in the U.S. Senate. I look forward to continuing to work closely with you and your colleagues to achieve our common goal of election reform measures that will truly enhance the voting process for all Americans

Respectfully,

DEAN HELLER,  
*Secretary of State.*

Mr. DODD. I know there are discussions going on regarding a couple of proposals to try and work out some things, but I invite my colleagues, who may be engaged in other activities in their respective offices, if nothing particularly important is happening, and if they have a proposal they would like to have heard on on this bill, to come on over. We are open for business on amendments. We will consider them on either side. I do not know of many we have, but there may be some. I have talked to some colleagues who have some questions about the bill. If they do have questions, I invite them to come to the Chamber, and I will try to address them in colloquies to either alleviate their concerns—or heighten them, I suppose, depending upon my answer to their question.

We would like to get this bill done. I know there are other matters. The leader, I know, wants to bring up the energy bill. I think that is the next item on the agenda. Given the amount of work we have put into election reform—and, again, I thank immensely my colleagues from Kentucky, Senator McConnell; Missouri, Senator Bond; New York, Senator Schumers; New Jersey, Senator Torricelli; Trent Lott, and Tom Daschle, the majority leader. A lot of work and a tremendous amount of effort has gone into this effort over many hours. Obviously, we

are not there yet. We still have to go to a conference with the House. Our fervent hope is to get this done as soon as we can.

With the \$3.5 billion that we provide in this bill and the \$1.2 billion the President has already put in his budget, there is every reason to believe we could actually get resources back to our States and our localities to improve the election systems for the elections this fall.

There are a lot of other provisions in this bill that do not become effective for several years down the road, but for our Secretaries of State and our registrars of voters across the country who are anxious to get some financial help on these matters, if we get this bill done, get the conference report done, and then get a Presidential signature, which I think we can get if we work out this legislation, then there is every good reason to believe those resources could begin flowing to our States even this year.

I do not need to remind anyone in this Chamber, or anyone in the other body, that the events of September 11 and ensuing events have overwhelmed, obviously, our attention, but it was only 14 months ago that this Nation was fixated on one of the worst election debacles in the history of the country. It is not in any way to question the outcome. We all support the outcome unconditionally. Certainly, watching day after day, week after week—and for the Presiding Officer, this was not just an intellectual exercise.

As the distinguished junior Senator from the State of Florida, he knows painfully how long and how difficult this process was for his own constituents, as not only the Nation but the world was fixated on his State. I have said in this Chamber on numerous occasions, it was an unfair fixation. There were plenty of other places around the country where the problems were identical to the problems that the people of Florida went through, but because of the nature of the electoral college, the attention was focused on Florida.

I think the American public—in fact, every survey I have seen—believes our election system is in desperate need of repair. We lecture a good part of the world about how to conduct elections, how important it is to vote, how important democratic institutions are. We realized what happened last year. According to nonpartisan analyses from Caltech, MIT, the General Accounting Office, the Carter-Ford Commission, along with many other groups around the country who analyzed the elections nationwide, our system is broken. It is in serious shape and it needs repair. That is not an adverse reflection on the thousands and thousands of people all across the country who worked very hard, under very difficult circumstances, to see to it that people had the right to vote and their votes counted. We also painfully know

that when it comes to allocating resources at the State level, this is a very difficult budget item; that there are always other items that seem to have more public support than the issue of better voting machines or better equipment or training for poll watchers and the like.

So painfully, despite all of the notoriety about the 2000 election last year, only three States have acted, the State that the Presiding Officer represents so ably, the State of Florida, and the State of Georgia—and a great tribute should go to Cathy Cox, by the way, the Secretary of the State of Georgia. And I want to thank our two colleagues from Georgia, MAX CLELAND and ZELL MILLER, who hosted the Rules Committee's field hearing in Atlanta, GA. Also, the Governor could not have been more gracious. To their great credit, they really stepped up to the plate. Georgia, Maryland and Florida are leading the country today in some of the most innovative ideas on election reform.

Unfortunately, other States did not. There is one other State that did, but after all the events of last year those are all the States that rose to the occasion.

So, again, I invite my colleagues to come on over. We would like to finish this bill. I am not suggesting we go to third reading in the next few minutes, but I invite Members who have amendments to come and give us a chance to consider them, accept what we can of various proposals, debate others, vote on them, if necessary, but move the process along.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. DASCHLE. Mr. President, I will use my leader time to make a statement at this time.

The PRESIDING OFFICER. The Senator has that right.

(The remarks of Mr. DASCHLE are printed in today's RECORD under "Morning Business.")

Mr. DASCHLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for up to 15 minutes as if in morning business.

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

(The remarks of Mr. SPECTER are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the majority leader has asked that I announce there will be no more rollcall votes today. Senator DODD and Senator MCCONNELL have, I will not say begged but they sure have asked people to come over and offer amendments. We need to finish this bill. We have so much more that needs to be done. This is an extremely important bill, one of the most important bills to have come through this body in a long time. These two men have spent not hours or days but weeks and weeks of their time trying to get the bill here. We need to get the bill finished tomorrow.

Those with amendments need to bring them over. We are going to start early in the morning. If they do not, I will join with the managers of the bill to go to third reading. It is not fair to everyone with so much to do to have to wait around for amendments.

There will be no more rollcall votes tonight.

The managers have indicated they will try to clear some amendments tonight that will require no more rollcall votes. These are two of the most experienced managers we could have in the Senate, but they need something to manage. Right now there is a lot of talk about offering amendments, but nothing is happening.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2688

Mr. DODD. Mr. President, I ask unanimous consent that Senate amendment No. 2688, the bipartisan substitute, be agreed to; that the motion to reconsider be laid upon the table; that the bill as thus amended be considered as original text for the purpose of further amendment, and provide further that no points of order are waived by this agreement.

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

The amendment (No. 2688) was agreed to.

AMENDMENT NO. 2874

Mr. DODD. Mr. President, on behalf of myself and the distinguished Senators from Washington, Ms. CANTWELL and Mrs. MURRAY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Ms. CANTWELL, for herself, Mrs. MURRAY, and Mr. DODD, proposes an amendment numbered 2874.

Mr. DODD. I ask unanimous consent that reading of the amendment be dispensed with.

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

The text of the amendment is as follows:

(Purpose: To treat absentee ballots and mail-in ballots in the same manner as other paper ballot voting systems under the voting systems standards and to ensure that voters are informed how to correct voting errors before a ballot is cast and counted)

On page 5, strike lines 4 through 14, and insert the following:

(B) A State or locality that uses a paper ballot voting system, a punchcard voting system, or a central count voting system (including mail-in absentee ballots or mail-in ballots), may meet the requirement of subparagraph (A) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

Mr. DODD. I will defer to my colleague from Washington to take a few minutes, if she would like, and describe what this amendment is and what it does. I am informed by my friend from Kentucky that this is an amendment to which we can agree. The staffs have worked on this amendment. But why doesn't the Senator from Washington take a few minutes. I am glad we could work this out with her and others in her State.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I appreciate Senator DODD's strong commitment to this legislation. Together with Senator MURRAY I also appreciate his efforts here today to work with us on language that preserves the ability of States like ours, that have high volumes of absentee and mail-in voters, to continue to use those mail in systems.

This amendment adds to the voting system standards section of the legislation to make sure that the ability of voters to vote by mail-in and absentee ballot is not limited by our efforts to improve the ability of other voters to cast accurate ballots in the polling place.

This system is very important. The voters of my State are proud of this system and extremely committed to seeing it continue. In addition, I believe the voting by mail adequately protects against the types of problems encountered in Florida because in these elections voters take their time in casting their votes and are able to consult instructions and other ballot information.

Voters in my State have made it clear that they are willing to work with the system but want to make sure mail-in ballots and absentee ballots are preserved. This amendment preserves the ability to vote by mail while also setting forth new safeguards that will better inform voters how to correctly fill out their ballot and ensure their votes are counted.

I thank the leaders of this legislation for their support for this amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. The amendment of the Senator from Washington is agreed to on this side of the aisle. I am aware of no opposition.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2874) is agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, the Senator from New York is about to be heard. As the majority whip pointed out, there will be no further rollcall votes tonight, but Senator SCHUMER has an opening statement he would like to make. There is an effort right now to reach agreement on two or three amendments by the Senator from New York. During his remarks on the bill, my hope is we might clear these other three amendments. I think that would be it for the evening, if we can do that.

Mr. MCCONNELL. I say to my friend, we are looking at the amendments now and hope we can achieve that goal shortly.

Mr. SCHUMER. Mr. President, I rise to speak on this legislation with which, as many of my colleagues know, I have been long involved. The legislation we consider today is one of the most important pieces of legislation we will consider all year. Congress has a responsibility to ensure that every eligible American who goes to vote gets to vote and that every vote cast counts.

What we have learned from the 2000 elections is that as strong as our democracy is, we have been lax in the upkeep of the actual mechanism that drives it, our voting systems. That is why we have come together across party lines to pass this election reform legislation.

I thank our chairman, Senator DODD, for his leadership in bringing this critical legislation to the floor. He has been tireless in his devotion to getting it done.

I also commend the ranking member of the committee, Senator MCCONNELL, for his commitment to improving our Nation's election systems as well. Senator MCCONNELL and I had introduced a bill that in many ways is part of this ultimate bill. I am proud to be part of the effort, along with Senators DODD and BOND and TORRICELLI and MCCAIN and DURBIN, to make this happen.

The right to vote, as we all know, is at the very heart of our democracy. It is a right that, throughout our history, brave men and women have risked their well-being, their very lives, to exercise. It was for the right to vote that American patriots fired the shots heard around the world at Lexington and Concord, thereby initiating the Revolutionary War in 1775. It was for the right

to vote that Susan B. Anthony bore arrest, trial, and conviction after she challenged laws barring women from the polls by casting a ballot in Rochester, NY, in 1872.

It was for the right to vote that Dr. Martin Luther King, Jr., and other civil rights activists—including my former colleague in the House, Congressman JOHN LEWIS—marched from Selma to Montgomery, AL, in 1965.

Blood continues to be spilled over our democratic ideals. The core reason for the September 11 attacks that so devastated this Nation, and particularly my home State and city, is that terrorists hate our democracy: a democracy where all Americans—regardless of religion, gender, race, economic status, physical ability—have a say in how our Government is run; a democracy where every person is equal, and because some people are in some high theoretical or political position, they don't have any more right to determine the outcome of an election than our average person.

We in the United States have a special obligation, a duty, to ensure the right to vote—not only to honor those who sacrificed so we have this right but to ensure that Americans today and in the future will be fully able to exercise it.

First and foremost, we must have voting machines and systems that are accessible to people, that are easy to use and that work. To my mind, the most important provisions in this bill are the grant provisions that will provide \$3.5 billion to states and localities to meet federal standards and to update and modernize their voting systems. Federal funds for the improvement of old voting machines is something that I have been talking about ever since the 2000 election, and was something that I included in my election reform bill last year that Senator MCCONNELL and I sponsored.

I first voted in 1969, and I sued the same type of machine when I voted in 2000 in spite of all the technological changes in the intervening years. Just because we are the world's oldest democracy does not mean we have to use the world's oldest technology that is simple.

The problem does not end with the machines, although in my State that is a big problem. Throughout this nation there are inadequately maintained registration lists, confusingly designed ballots, and phone lines that were so busy that voters could not get through to conform their registration status.

In my home state of New York, in November 2000, people waited in line for hours to vote. Many voters—those who could not afford to be late for work or that had to get home to their children—waited in line and ultimately left the polling place without being able to participate in one of the most critical and closest elections of our time.

You should have seen the look on the faces of these people, some of them

voting for the first time, doing good for the country, many of them in their work clothes, and the look of disappointment as they waited and waited and then could not vote.

Others waited and waited only to be confronted with the cruel reality that the voting machines in their precinct were broken or that the polling place had run out of emergency ballots. Again, the looks on their faces had a lasting impression on me.

Voting should be accessible, accurate and speedy—in all places, all the time. You cannot say, well, it is good most of the time because the right to vote is so precious. The grant programs included in this bill will allow states and localities to do just that.

This bill also includes standards for the states and localities—which I believe will be a great improvement in the ability of people to vote across this nation.

To Wit:

The bill sets voting system standards that will allow voters to check their ballots and correct errors, that will make voting more accessible for the disabled and non-English speakers, and that requires voting systems to meet the error rate set by the FEC;

The bill establishes provisional voting in every state, which will insure that every person who goes to the polls has the opportunity to cast a ballot;

The bill establishes important anti-fraud provisions, including a statewide computerized voter registration database that will allow poll workers to have the information that they need in front of them on election day.

I think that these provisions make a lot of sense. They will help people to have greater access to the polls while at the same time decreasing fraud in our voting systems.

The final critical piece of this legislation is the establishment of an independent election agency. This is something that I have supported, and that I included in the election reform bill that I introduced with my colleague from Kentucky, Senator MCCONNELL.

The bipartisan four-person Commission will oversee the grants programs and the implementation of the federal standards, will provide information to the states and to the public about federal elections, and will keep a watchful eye on our voting systems so that we are continuously updating them. With the Commission in place, hopefully we will never face the situation that we faced in the 2000 elections again.

Like most bipartisan legislation, this bill is a compromise—but I believe that it is a good compromise that is based on core principles that we all share. It will allow us to improve our voting systems and make our election process better.

The right to vote is a sacred trust—a covenant—between the government and the people. I urge all of my colleagues to vote for this bipartisan election reform legislation, so that we can give the American people the election

system that they and our grand democracy deserve.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 2871 AND 2873, EN BLOC

Mr. SCHUMER. Mr. President, I have two amendments which I would like to be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes amendments numbered 2871 and 2873, en bloc.

The amendments are as follows:

AMENDMENT NO. 2871

(Purpose: To specify how lever voting systems may meet the multilingual voting materials requirement)

On page 8, strike lines 5 through 18, and insert the following:

(B) EXCEPTIONS.—

(i) If a State meets the criteria of item (aa) of subparagraph (A)(i)(I) with respect to a language, a jurisdiction of that State shall not be required to provide alternative language accessibility under this paragraph with respect to that language if—

(I) less than 5 percent of the total number of voting-age citizens who reside in that jurisdiction speak that language as their first language and are limited-English proficient; and

(II) the jurisdiction does not meet the criteria of item (bb) of such subparagraph with respect to that language.

(ii) A State or locality that uses a lever voting system and that would be required to provide alternative language accessibility under the preceding provisions of this paragraph with respect to an additional language that was not included in the voting system of the State or locality before the date of enactment of this Act may meet the requirements of this paragraph with respect to such additional language by providing alternative language accessibility through the voting systems used to meet the requirement of paragraph (3)(B) if—

(I) it is not practicable to add the alternative language to the lever voting system or the addition of the language would cause the voting system to become more confusing or difficult to read for other voters;

(II) the State or locality has filed a request for a waiver with the Office of Election Administration of the Federal Election Commission or, after the transition date (as defined in section 316(a)(2)), with the Election Administration Commission, that describes the need for the waiver and how the voting system under paragraph (3)(B) would provide alternative language accessibility; and

(III) the Office of Election Administration or the Election Administration Commission (as appropriate) has approved the request filed under subclause (II).

## AMENDMENT NO. 2873

(Purpose: To require States and localities to mail a voter registration form to individuals who cast provisional ballots that were not counted)

On page 13, strike line 22, and insert the following: "is not counted (such notice shall include the State's voter registration form); and".

Mr. SCHUMER. Mr. President, these two amendments—both technical in nature, and I believe have been agreed to by the Senators from Connecticut and Kentucky, the majority and minority managers on this bill—deal with two issues. One deals with those States with lever issues, which my State of New York has, and what it allows a State or locality with lever machines to do is apply to DOJ for an exemption that will allow it to meet the linguistic accents requirement in title I. The exemption allows the State or locality to place any new languages that it is required to provide under this act under the DREs, instead of on the lever machines, to place them on the new machines if the State or locality shows that it would be impractical to add the new language to the lever machine or adding it would cause the voting system to become more confusing or difficult to read for other voters, and DOJ certifies this is the case.

The reason is simple. Unlike other machines, the lever machines have limited space. If too many languages were required to be on the machines, it would become confusing and you couldn't really put a ballot together. This gives anybody who speaks those languages an ability to vote on the new machines that will be placed in every voting place that is used for the disabled and others without bollixing up the lever machine.

The second amendment—since we are doing them en bloc, I would like to address both—requires that the notice sent to people whose provisional ballots were not counted includes a voter registration form, obvious for its purpose. If your ballot was not counted, there is probably something wrong with the way you registered or you were not registered, whatever.

By giving these folks a voter registration form, they can reregister quickly and easily. I thank the Senator from Connecticut and the Senator from Kentucky for helping me refine these amendments and, as I mentioned before while they were off the floor, for their fabulous leadership on this bill.

Mr. DODD. Mr. President, I commend the Senator from New York. He has been a great help on this bill, generally speaking. These amendments not only will be important for New York but, as he has talked about them, there are other States as well that will appreciate the contribution the Senator from New York has made in these two proposals.

I am in favor of both of these amendments. I just mention this to the Senator from New York. We are going to be looking at what the cost effect is of

slipping in that reregistration form. It may not be much at all. I know the Senator from New York would probably want to know the answer to that as well.

In the meantime, I will accept the amendment and take a look at that. I congratulate him on the amendments.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I, too, commend the Senator from New York, who has been a collaborator with several of us on this issue going back over the last year, for his extremely important contribution to this bill and thank him for his great work.

Mr. SCHUMER. I thank my leader collaborator, coconspirators from Kentucky and Connecticut, and urge adoption of the amendments.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendments Nos. 2871 and 2873, en bloc.

The amendments (Nos. 2871 and 2873), en bloc, were agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, that will be the business for this evening. Actually, we completed some work. We had about five amendments adopted in the last 4½ hours. I thank, again, the Senator from New York.

Tomorrow morning, we may get to the bill around 10:15. I have been told that if we can get some agreement, maybe tomorrow, on final passage at a decent hour late tomorrow afternoon, early tomorrow evening—I don't know if that is possible or not—it may be possible for us to complete the business of the Senate by tomorrow. That is obviously subject to the work of the two leaders. At least there is a good possibility. I know that will be warm news to those who would like to get back to their respective States earlier rather than later. I can't help but note the smile of the Presiding Officer with that news.

I thank my colleague from Kentucky for his help today in working through this. There will be a series of other amendments, people coming forward with ideas. We want to accommodate everybody we can, realizing that, as we said at the outset, this is new ground we are breaking in many areas. We are very sensitive and conscious of the State and local involvement in this process. We want to accommodate States and localities to the maximum extent possible as we try to become a better partner in the conduct of elections. We are trying to do work that is sometimes a little confusing, but I think we have done a pretty good job so far. I am hopeful tomorrow we can resolve these other amendments.

My final plea is to Members: Please, there are more and more amendments. Some of them, I am told, are just col-

loquies. Some Members just want to offer the amendment and withdraw it and discuss their idea. I urge Members, please, if you are interested in doing that, come over first thing in the morning so we can get to the amendments that may require votes because we can't resolve them. We will have to just leave them up to the Members to decide whether or not they want to include them in the bill or not. I urge Members to come over.

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

Mr. DODD. I am happy to yield.

Mr. SCHUMER. We have an amendment we would just like to file this evening as to the signature forms so that people could take a look at it, and signature attestation, I believe, on behalf of myself and perhaps the Senator from Washington, Ms. CANTWELL.

I ask unanimous consent that we be allowed to file that amendment tonight.

Mr. DODD. No problem.

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

Mr. DODD. I thank a lot of people for their work. I note the presence of the Presiding Officer. Cathy Cox, who is Secretary of State of Georgia, I want the Presiding Officer to know, has been incredibly helpful in this process. She is a remarkable person. I know the Senator from Georgia appreciates that extremely. I want to let him and others know how helpful she has been in helping us see through ideas that would be productive and constructive.

With that, I yield the floor.

Mr. MCCONNELL. Mr. President, let me add that I, too, would like to see this bill wrapped up early evening tomorrow. I am hopeful, I say to my friend from Connecticut, that we will get the cooperation on this side of the aisle to achieve that goal.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LUGAR. Mr. President, I rise today to support my amendment specifying that Election Reform Incentive Grant Program funds may go to States wishing to establish toll-free telephone hotlines to be used by voters reporting possible voting fraud and voting rights abuses.

The election of 2000 reminded us that elections can be close and that public confidence in the outcome of elections depends on the accuracy, fairness, and legality of election procedures. Obtaining accurate results requires ensuring that fraudulent votes not dilute the votes cast by eligible voters and that all eligible citizens have poll access.

Officials from a State's or locality's relevant investigating and enforcing

agencies may not have the resources to oversee every polling location. Citizens who witness voting fraud or voting rights abuses may not know where to report a possible violation of law. A toll-free hotline would give citizens a means to help prevent voting fraud and voting rights abuses and would give States the information they need to prosecute violations and implement procedures to prevent further violations.

The Indiana Bipartisan Task Force on Election Integrity recently issued a report developed through months of research and with the input of election officials, voter advocates, and citizens of the State. While the State of Indiana already has implemented many measures that will enhance the integrity of elections, the Task Force recommended additional reforms for that purpose, including the development of a toll-free telephone hotline to be used by voters who believe they have witnessed a voting irregularity or voting rights abuse.

I believe that other States may wish to establish such hotlines, and I believe the hotlines could be an important tool in improving election accuracy, fairness, and legality. For these reasons, I ask my colleagues to support this amendment.

#### MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business and that Senators be recognized to speak for a time not to exceed 10 minutes.

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

#### CELEBRATING BLACK HISTORY MONTH 2002 BY COMMEMORATING AND CONTINUING THE WORK OF GREAT AFRICAN-AMERICANS

Mr. DASCHLE. Mr. President, Willie Morris was one of the great under-recognized American writers of the 20th century. He grew up in Yazoo City, MS—population 12,000—where he learned to tell stories by listening to old Black men who sat in the shade and whittled. He said their eye for detail helped him to see things he otherwise would have missed. At 34, Willie Morris became the youngest-ever editor of America's oldest magazine, "Harper's Weekly." He wrote candidly about race long before most other white writers.

Three years ago, Willie Morris died at the age of 64, leaving behind 19 books, many of them best-sellers. Like all great writers, a part of Willie Morris continues to live on in his words. But there is another part of him that lives on as well. You see, before he died, Willie Morris decided to donate his eyes in order to give someone else a chance to see. As it turned out, his corneas went to two different men, neither of whom he had ever met. One was black, one was white. His friends say he would have loved the irony of his

gift: that a man who helped us see the world a little more clearly during his life is still helping people see after his death.

America has changed since Willie Morris was a boy listening to the stories of those old men. We no longer accept legal discrimination. We no longer permit poll taxes to bar African-Americans from voting. We no longer tolerate "separate but equal" schools or water fountains or lunch counters. We have made considerable progress—due, in large part, to courageous African-American leaders including Martin Luther King, Rosa Parks, Thurgood Marshall, and John Lewis. During Black History Month, we honor those leaders and all of the other extraordinary African-Americans who have contributed so greatly to our nation—heroes like Crispus Attucks, who died at the Boston Massacre; Salem Poor, who fought at Bunker Hill and survived that brutal winter at Valley Forge; Harriet Tubman, the Underground Railroad "conductor" who rescued hundreds of people from slavery, served during the Civil War as a Union cook, spy, scout and nurse and was buried with full military honors.

We honor the Tuskegee Airmen, the first African-Americans ever to fly combat aircraft and one of the most decorated fighter squadrons in our nation's history, who fought Nazism in Europe—and racism when they returned home; and Secretary of State Colin Powell, the first African-American to serve as Chairman of America's Joint Chiefs of Staff.

We honor great scientists, including George Washington Carver and Benjamin Banneker, the mathematician and astronomer and the first African-American to receive a Presidential appointment—from Thomas Jefferson. We also honor great orators and champions of human rights, including Frederick Douglass, Sojourner Truth and Barbara Jordan; great educators, such as Mary McLeod Bethune and Booker T. Washington; and great artists, including Marian Anderson, the first African-American soloist to sing with the Metropolitan Opera in New York, Zora Neale Hurston, the novelist and Langston Hughes, "the poet laureate of Harlem."

This month, as the world watches the Olympic Games in Salt Lake City, we also honor extraordinary earlier Olympians like Jesse Owens, who shattered the myth of Aryan supremacy by winning four gold medals at the 1936 Olympics in Berlin; and Wilma Rudolph, the first African-American woman to win three Olympic gold medals, in 1960. We also honor other great athletes including Jackie Robinson, the first African-American to play Major League baseball; and Arthur Ashe, champion of tennis and human rights.

We remember exceptional leaders such as W.E.B. DuBois, one of the founders of the NAACP; A. Philip Randolph, the former vice president of the AFL-CIO and founder of the first Afri-

can-American trade union; and Ralph Bunche, diplomat, Under Secretary General of the U.N., and the first Black person from any nation ever to win the Nobel Peace Prize. And we honor the countless other African-Americans who changed our nation for the better simply by having the courage to say no to indignity and injustice in their own lives.

The stories of African Americans are the missing chapter in America's history books. If we don't know them, we cannot truly know ourselves.

But it's not enough just to celebrate their work. Especially this year, we must continue their work.

To the terrorists who attacked us on September 11, the America Martin Luther King described—an America built on equality, justice, freedom and human dignity for every person—is not a dream. It is a nightmare. By attacking us, the terrorists thought they could destroy our dream. But they were wrong. Instead of turning on each other in the wake of the attacks, as the terrorists had expected, Americans turned to each other. We came together in ways that most of us had never seen in our lifetimes. We were truly one people, indivisible.

Those of us who work in this building, and people all over the world who look to this Capitol as a symbol of democracy, are incredibly fortunate that another chapter in African-American history was written last fall. Just five days before September 11, former Army Major General Al Lenhardt became this Senate's Sergeant at Arms, the first African-American ever to serve as an elected officer in either the House or the Senate. I know I speak for all of us when I say how grateful we are to him for seeing us safely through September 11 and the anthrax attack.

We are also proud of our men and women in uniform, who are now bringing justice to the killers of September 11. What they are doing is right and necessary. But it is not the only way we can honor the nearly 3,000 innocents who died in New York, at the Pentagon and in western Pennsylvania. We can defy the killers right here at home—by keeping Martin Luther King's dream alive, and strengthening the democracy the terrorists sought to destroy.

We can start this month by strengthening our election system so that we never again experience an election like we did in 2000, when millions of votes went uncounted, especially those of African-Americans. We have an extraordinary opportunity. Senators DODD, MCCONNELL and BOND have given us a good, truly bipartisan election reform bill that requires states to meet uniform, nondiscriminatory voting standards, and provides the resources they need to do so. That bill is on the Senate floor now. I hope we will pass it this week with overwhelming support. If we are a democracy in fact as well as in name, the right to vote and to have that vote count must not be compromised.