

APPOINTMENT OF CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001 -- (House of Representatives - May 16, 2002)

[Page: H2596]

Mr. NEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes, with Senate amendments thereto, disagree to the amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to instruct conferees.

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

The Clerk read as follows:

Mr. **HOYER** moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to insist upon--

(1) the provisions contained in title I of the House bill (relating to a program to provide payments to States and units of local government for replacing and enhancing punch card voting systems); and

(2) the provisions contained in section 232 of the House bill (relating to the formula used to determine the amount of other payments made to States under the bill for carrying out activities to improve the administration of elections).

Mr. HOYER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the **RECORD**.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. *Hoyer*) and the gentleman from Ohio (Mr. *Ney*) each will control 30 minutes.

The Chair recognizes the gentleman from Maryland (Mr. *Hoyer*).

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

I want to continue to thank the gentleman from Ohio (Mr. *Ney*), the chairman of the Committee on House Administration, who has been so incredibly important in getting us to this point. We passed a very good bill through the House. The Senate has now passed a bill which also, in my opinion, has some very good aspects. It will now be necessary to put those two bills together so that we might in a timely fashion enact election reform.

The effort to correct the problems that surfaced in the 2000 election has been in some respects a long, lean one and often a difficult one; but then, of course, Mr. Speaker, most worthwhile efforts are.

Today, as this House prepares to go to the conference with the other body, I am pleased to say that we are closer than ever to enacting the most comprehensive voting reform legislation since the Voting Rights Act of 1965.

The motion that I am offering today is intended to ensure that as Congress enters this final critical stage of election reform we do not forget to correct the very problem that sparked us to recognize the need for reform in the first place. I am referring, of course, to the infamous punch card machines and their accompanying chads, which were used by approximately one-third of all voters in this country in 2000, more than any other voting system.

My motion would instruct House conferees to insist on title I of the House-passed version of H.R. 3295, which authorizes \$400 million for the buyout of punch card voting machines. Numerous authoritative studies issued in the past year, including one by MIT and CalTech have only confirmed what we all knew was the truth in November 2000, that punch card machines must be retired and replaced by a new generation of more accurate, more accessible and more user-friendly voting technology.

H.R. 3295, the Help America Vote Act, which this House passed last December by an overwhelming vote, recognizes that obsolete, poorly maintained punch card machines are a prime threat to our democratic process. Recognizing this threat, title I authorizes a \$400 million punch card buyout program that will be available to those States and political subdivisions that used punch card machines in 2000. For States like Florida and Georgia, they have already begun replacing their punch card machines. Title I authorizes assistance in that effort.

[Time: 16:30]

Under title I, States or their political subdivisions will receive conditional grants of up to \$6,000 for each voting precinct in which punch card machines were used in 2000. The motion also instructs the House conferees to insist on section 232 of the Help America Vote Act, which creates a simple, common sense formula for distribution of funds.

Mr. Speaker, I believe that this is a motion which has been agreed on by the chairman and myself. It does not obviously deal with all aspects on which there is some controversy. I expect us to discuss that in the conference, but I am expecting, as our relationship has been, where not only has the gentleman from Ohio (Mr. *Ney*) and I worked closely together, but our staffs have worked closely together, that we will reach an historic reform piece of legislation to ensure that every American not only has the right to vote, not only is facilitated in that vote, not only is encouraged and educated as to how to vote, but is assured that their vote will count.

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

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this motion to appoint and the motion to instruct conferees on H.R. 3295, the Help America Vote Act of 2001.

An American citizen's right to vote is our Nation's symbolic cornerstone providing us with the solid foundation on which we built this country. When a person casts his or her vote at the polls on election day, there must be no question that it is counted properly and accurately and that no one is left behind.

As chairman of the Committee on House Administration, I want to commend the working relationship that began from day one when our ranking member, the gentleman from Maryland (Mr. *Hoyer*), approached me about doing a bill. Of course, following a series of hearings, the ranking member and our chief deputy whip, the gentleman from Missouri (Mr. *Blunt*), and members of the committee set out on a path together to craft a common sense solution to reforming the way Americans vote.

From the very beginning of the process, the ranking member and I, and the members of the committee and the staff,

recognized that any legislative solutions must be bipartisan. The gentleman from Maryland set that tone, we agreed with it, and we all worked together, and that is what enabled what could have been an extremely horrific process to be something that had its give and take of debate but came out in a fair manner because the best interests of citizens in this country was the question that rose to the front of the table.

We worked with State and local officials, listened to experts, reviewed the work of commissions, including the National Commission on Election Reform, chaired by former Presidents Gerald Ford and Jimmy Carter. We then developed a legislative solution that included minimum Federal standards that each State must meet to ensure the integrity of our national election process. We also made certain that States be given time, flexibility and resources, which was a very important element in the discussion, so it did not become an unfunded mandate, to meet these standards. Last December, the House of Representatives passed H.R. 3295 by an overwhelming bipartisan vote of 362 to 63.

I would like to thank the National Association of Secretaries of State, the National Council of State Legislators, the National Association of Counties, the National Federation for the Blind, the Election Center, and the Ford-Carter Commission on Election Reform for their guidance support and endorsements during this process. The bill provides for \$2.65 billion to implement provisional voting, statewide registration lists, new technical standards, and assurances that our overseas military

[Page :
H2597]

personnel have access to the polls, which they so greatly deserve.

Let me say something about the money. Some people at the beginning of the process would come to us and talk about the cost. I really do not think that \$2.65 billion, or the \$3.2 billion in the Senate version, is too much to ask for confidence in our democracy. I think, in fact, it is a small price to pay. And as I have traveled around different parts of the country, a lot of American citizens want to feel that their vote counts, they want to feel that they are not left behind or disenfranchised.

We have also spent more money, frankly, overseas in promoting democracy in the election process, and that is fine, I do not quibble with that, but we can spend the money here.

Now, the bill goes beyond just a money expenditure. It is a well thought out and crafted bill, but the money is an important part of it, and I think it is an amount of money that the American people will feel very good about to have this process work.

The other body passed their version of election reform. Although there remains some differences between the two bills, I am totally optimistic that we will be able to resolve those differences. At the conclusion of this process, I can assure everyone that there will be provisions to guarantee every eligible citizen the right to vote and that only eligible citizens will be able to vote.

I look forward to the conference committee. I think that with the principals involved we are going to be able to work together in the best interests of the people of this country.

I want to again thank the gentleman from Maryland (Mr. *Hoyer*), the gentleman from Missouri (Mr. *Blunt*), members of the Committee on House Administration on both sides of the aisle, also the staff from both sides of the aisle, and the Speaker of the House, the gentleman from Illinois (Mr. *Hastert*), for his unwavering support of the issue. We also met with the minority leader, the gentleman from Missouri (Mr. *Gephardt*), concerning the economic side of the language and also appreciate that cooperation.

As this bill moves through the legislative process, and I hope it moves quickly through the process, I look forward to working with every member of the general assembly to receive their input.

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

Mr. HOYER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. *Conyers*), one of the very senior Members of this House, a Member who has risked literally life and limb on behalf of the right of Americans to vote. This is a Member who, long before I got to this House but throughout the years I have been in this House, for over 2 decades, has been one of the strongest voices for the civil rights of all Americans, the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the ranking member, the gentleman from Maryland (Mr. *Hoyer*), for yielding me this time, and I am delighted to join both the chairman and the ranking member in thanking both of them for this process.

My colleagues, we have come a long way. It has been a long road, many issues, many hearings, many ideas, lots of witnesses, and 17 months have gone by. But the Congress has worked its will in a very important and remarkable way, and I am honored to be named a conferee.

I wish to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. *Sensenbrenner*), who was working on this with me all the way, and the committee that did so much, under the leadership of the gentleman from Ohio (Mr. *Ney*) and the gentleman from Maryland (Mr. *Hoyer*), to not only deal with standards and equipment and technical issues, but to determine that we needed resources and standards as well to go into this.

So what we are doing now is adding to the confidence that the American people, I think, were lacking in terms of the electoral process. It is important that we realize that a lot of people were disappointed and disgruntled, and that what we are doing now is adding to the constitutional basis for this very most singular voting right that a citizen has.

We are also filling in the Voter Rights Act of 1965 and a number of statutes that all complement it. What we have done is taken a problem and improved the process, and to that extent I am in complete agreement with Chairman **NEY**, who observed that the tone and objectives of the conferees make us all confident that we will be able to work this out and get it back to both bodies as soon as possible.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman for his comments and to tell him that I look forward to working closely with him for the strongest possible bill we can report back to the House and the Senate in a very short period of time.

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

Mr. FOLEY. Mr. Speaker, let me give strong commendation to the chairman and the ranking member, but particularly to Chairman **NEY**, who came to Congress with me in 1994. I am proud of his leadership of this committee and particularly of this bill.

As a Floridian and a Palm Beach County resident, we were embarrassed during the election. We were embarrassed because people felt that their ballots did not count. Whatever side of the coin a person was on, whether an Al Gore supporter or a George Bush supporter, no one's vote should have been called into question. No one should ever feel that their vote has been manipulated or denied. This bill brings us light-years forward in hoping to never revisit that time and that place again.

We are very proud that one of our own Floridians, a member of the delegation, the gentleman from Florida (Mr. *Davis*), was a proud working member and a participant in this product. Florida is thankful for his leadership. We are also particularly delighted that the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. *Young*), provided the \$450 million provided under the supplemental bill.

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

Mr. FOLEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I am glad the gentleman brought that up, because I want to share that not only the gentleman from Florida (Mr. *Young*) but the gentleman from Illinois (Mr. *Hastert*), the Speaker, both committed to the gentleman from Ohio (Mr. *Ney*) and I over 6 months ago that they understood the importance of this issue and they committed to put \$650 million into the supplemental subject to the passage of this legislation.

There was only \$450 million in this bill, but that was because we were so late in passing this bill. And I think \$450 million is going to be sufficient certainly for certain portions of this bill. But I want to share the gentleman's view in thanking both Speaker *Hastert* and Chairman **YOUNG** for their leadership and their support of getting that money in the supplemental. I thank the gentleman for yielding.

Mr. FOLEY. Mr. Speaker, reclaiming my time, I appreciate the gentleman's underscoring that, because as all of us know, it is easy to come up with an idea, but it is tough to come up with the money. And the gentleman just mentioned who was able to deliver for us: The appropriations process.

This is an important bill. It is a milestone effort in trying to create the inequities that were caused in the election. Florida felt put upon, but we were not the only State. There were many other jurisdictions that had similar voting irregularities. But because of the closeness in our State, all eyes and all attention were upon us.

This bill has the support of a wide bipartisan array of Members; 362 to 63 this bill passed in December. That is phenomenal in this process. National Association of Secretaries of States, Conference of State Legislators, National Association of Counties, I do not think there is a group that is involved with the recordation of votes that did not weigh in affirmatively on this unique product.

We also want to stress that it improves the integrity of the election process. It ensures voter lists are kept accurate and up to date. It ensures voters can correct errors in privacy. It ensures voters are not pressured by election officials. It requires every State to

[Page: H2598]

improve its election procedures by providing provisional voting, fully accessible voting machines for the disabled, and this was a very important point to reconcile. That was a great effort on behalf of the gentleman from Maryland (Mr. *Hoyer*) and the gentleman from Ohio (Mr. *Ney*). I want to salute them for recognizing that different people have different needs when it comes to the ballot box.

The legislation also safeguards and protects the voting rights of military voters and overseas citizens. This was another point of contention. We all, Democrats and Republicans, respect and revere those serving in our military and we equally share in wanting to see that every one of their votes counts. No party has a greater fundamental responsibility to ensure that, both parties do, and we have accepted that responsibility together.

We also have uniform standards for what constitutes a vote. That is a tremendous step forward. No longer will we assume a dimple, a hanging chad, a three-hanger, a two-hanger. There will be a standard so no one can question the validity of the outcome.

So again my high praise to both gentlemen, the gentleman from Maryland (Mr. *Hoyer*) and the gentleman from Ohio (Mr. *Ney*), to all the members of the committee, particularly the Members of Congress who allowed us to pursue this dream of making voting rights and voting responsibility synonymous. This bill, the Help America Vote Act of 2002, will ensure integrity, responsibility and the utmost accuracy in the process.

Mr. HOYER. Mr. Speaker, I am pleased to yield 7 minutes to the distinguished gentlewoman from Texas (Ms. *Jackson-Lee*), who has done such an outstanding job in working on election reform, recognizing the problem and working to solve it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and let me offer the compliment to both the chairman and the ranking member on this very momentous occasion.

Truly, I have seen in the efforts of this committee on election reform, from the chairman and the ranking member, the finest work product of bipartisanship, recognizing that out of great pain we had to plunge forward.

[Time: 16:45]

Many of us watched the results that might have generated this emphasis. I listened to the gentleman from Florida (Mr. *Foley*), who indicated no matter what position a person took, there was a degree of embarrassment and also a degree of hurt.

That is because we believe in this country we believe one person, one vote. We saw things from a different perspective. We view things differently, from the people in Florida; but in our encounters with individuals, the greatest point they wanted to make was they wanted to be heard.

Mr. Speaker, this opportunity we have to go to conference is particularly important because it says to the American people, we have heard them; and this legislation offers an opportunity to improve the communication vehicle, the vote, that will then emphasize one person, one vote.

Let me also commend the gentleman from Maryland (Mr. *Hoyer*) for his motion to instruct, a very important motion to instruct that asks that we hold to the provision, the buy-out provision, the punch card buy-out provision of \$400 million, an extremely important aspect of what we are doing here today, to get rid of what made us ill, and to begin to move us into the 21st century in voting technology. This is an important instruction that I hope we will not step aside from.

This legislation, as we go to conference, creates standards, evenhanded standards, so there are some guidelines to be able to formulate the structures to reinforce or rebuild our voting system.

Also, participating on the Democratic Caucus Election Reform Task Force in hearings around the Nation, I actually heard people crying that they went to the polls with good faith and good intentions to vote. They had voted in years past. They had no intention to commit fraud or vote without documentation; but when they got there, their names were not written. Those of us who adhere to the Christian principles, we know there is something important to having your name on the roll. It was not there.

As we go to conference, I hope we will be concerned about the question of purging, and ask our Secretaries of State in those election offices of the States to find a way to notify individuals that their name may not be on the roll because they have missed a vote.

Mr. Speaker, I yield to the ranking member, who knows that I have raised this issue with him, and I have also mentioned it to the gentleman from Ohio (Mr. *Ney*). I would like to inquire regarding the interest of the committee on this question of purging of voters.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, of course the Voting Rights Act, obviously, and the Motor Voter Act provides for the removal of people who have died or are not otherwise eligible.

On the other hand, the gentlewoman raises an absolutely critical issue. The committee and the gentleman from Ohio (Mr. *Ney*) and I were very concerned about that. There are a number of provisions in this bill that deal with that issue. First of all, while we provide under Motor Voter removal of voters who are ineligible under State law, we have a provision that says that the States must take care not to remove persons who are in fact eligible.

Number two, there is a provision in the bill which provides for the adoption of a state-wide registration system so that we have a uniform system of keeping people on the roll and/or removing them. Obviously, some smaller jurisdictions have great difficulty having the technological capability to keep current, and they make mistakes. We hope to move them in that direction.

The third critical provision included in our bill and the Senate bill is the providing of an opportunity for a provisional balloting. That is a critical provision so when someone goes into the polling place, as happens in every voting jurisdiction in America, and their name does not appear, but they say to the election official, we should be registered, we are supposed to be registered, the election official will provide them with a provisional ballot that they will fill out. It will be kept separate and apart, and then in the succeeding days they will check to see whether that person is an eligible voter. If so, they will count that vote.

In all of those different ways we are trying to deal with that, but the gentlewoman raises an area of great concern to the gentleman from Ohio (Mr. *Ney*), to myself, and to the Senate conferees as well. I thank the gentlewoman for focusing on that point.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Maryland (Mr. *Hoyer*) and the gentleman from Ohio (Mr. *Ney*), the chairman, because he was certainly open to my concerns as I expressed them. I thank the gentleman from Maryland (Mr. *Hoyer*) for enunciating those three points.

In conclusion, as we move to conference, if there is an opportunity to additionally talk about some form of a media campaign or announcement by our election officers to put people on notice as elections move forward for them to check, whether we say check to see whether you have been purged or check to see whether or not you are still on the roll, we may not get individual notice, and notice is so important so that people will not be surprised even though they have the right to provisional voting, which I think is excellent.

I will conclude by saying if the conferees will look to this whole question of notice as we move to conference, I think that will enhance the whole concept of the Voter Rights Act of 1965; and I will say, life is being added to that legislation through the process which has been made today.

Mr. NEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, I thank the gentleman from Ohio (Mr. *Ney*). The gentleman is a delight to work with. He is open, fair, and wants to achieve the same objective that all of us do of having a system that works well, and as the gentleman from Florida (Mr. *Foley*) said, of every American's confidence that they have the right to vote, and their vote is counted accurately.

[Page: H2599]

Mr. Speaker, I think this is a good motion, and I am looking forward to going to conference as quickly as possible so we can pass this legislation, which I think will be one of the hallmarks of the 107th Congress.

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

The SPEAKER pro tempore (Mr. *Simpson*). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. *Hoyer*).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

Messrs. **NEY, EHLERS, DOOLITTLE, REYNOLDS, HOYER, FATTAH** and **DAVIS** of Florida.

From the Committee on Armed Services, for consideration of sections 601 and 606 of the House bill, and section 404 of the Senate amendments, and modifications committed to conference:

Messrs. **STUMP, MCHUGH AND SKELTON.**

From the Committee on the Judiciary, for consideration of sections 216, 221, title IV, sections 502, and 503 of the House bill, and sections 101, 102, 104, subtitles A, B and C of title II, sections 311, 501, and 502 of the Senate amendments, and modifications committed to conference:

Messrs. **SENSENBRENNER, CHABOT** and **CONYERS.**

From the Committee on Science for consideration of sections 221-5, 241-3, 251-3, and 261 of the House bill, and section 101 of the Senate amendments, and modifications committed to conference:

Mr. *Boehlert*, Mr. *Barcia*, and Mrs. *Morella*.

Provided that Ms. *Jackson-Lee* of Texas is appointed in lieu of Mr. *Barcia* for consideration of sections 251-3 of the House bill, and modifications committed to conference.

From the Committee on Ways and Means for consideration of sections 103 and 503 of the Senate amendments, and modifications committed to conference:

Messrs. **THOMAS, SHAW** and **RANGEL.**

For consideration of the House bill and Senate amendments, and modifications committed to conference:

Mr. *Blunt*.

There was no objection.

END