

For these reasons, the Election Reform Commission, chaired by our distinguished former Presidents, President Carter and President Ford, the so-called Carter-Ford Commission, recommended unanimously that we focus not just on machine errors in improving our election system, but on these unintentional human errors as well.

The Commission members from both parties from all regions of the country did so because they knew that focusing only on mechanical errors was not good enough; that only by measuring residual votes will we be able to assess effectively whether the voting process as a whole is giving citizens an equal opportunity to have their votes counted.

The bottom line is that there is no dispute that residual votes are a major problem. The question is, What are we going to do about it?

The amendment I have offered provides a fair, reasonable, and effective answer. This amendment calls upon the Office of Election Administration to establish a national performance benchmark for residual votes, measured as the percentage of residual errors at the top of the ballot, excluding an estimate based upon the best available research of intentional undervotes.

Like the other benchmarks in the bill, voting systems used in Federal elections would have to meet it. This amendment mirrors the language already in the bill that calls upon the Office of Election Administration to set a benchmark with respect to mechanical error rates. The amendment, however, puts in the final piece of the puzzle for requiring this benchmark for residual votes as well.

For any who might be concerned that the benchmark is measured by subtracting an estimated number of intentional undervotes, that is not the case.

In considering this particular issue, the Carter-Ford Commission noted there has been considerable progress in determining how often intentional undervotes occur. We can take this data from the National Election Studies, from the Voter News Service, and we can then use it for the determination as to how we consider this remaining problem.

The Caltech/MIT study, for example, said exit polls suggested approximately 30 percent of residual votes, less than 1 percent of all votes, are intentional. Individually and collectively, therefore, we can estimate these intentional undervotes and knock them out and only focus on the unintentional where someone thought they were actually marking the ballot.

I hope when we establish these national standards, we recognize this is an important issue. Yes, we need to take care of those mechanical errors but we also have to take care of the unintentional human errors. We have learned in election after election, not just in 2000 but in many of our elections, that hundreds of thousands of

our fellow Americans have gone to the polls believing they were exercising the most fundamental of their constitutional rights. They cast their ballots and they never knew their ballots were not counted and their voices were never heard.

I hope the Senate will consider this problem and will favorably act upon my amendment so we can, at the end of this process, say clearly and unequivocally to all Americans we have put into place the best possible system we can to ensure every vote truly counts and that our election system matches our values.

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

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

#### AMENDMENTS NOS. 2908 TO 2910, EN BLOC

Mr. MCCONNELL. Mr. President, I have three amendments that have been cleared on both sides: one by Senator CHAFEE, one by Senator JUDD GREGG, one by Senator JOHN MCCAIN. I send the three amendments to the desk and ask that they be considered en bloc.

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

The clerk will report the amendments en bloc.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes amendments Nos. 2908 to 2910, en bloc.

Mr. MCCONNELL. I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments are as follows:

#### AMENDMENT NO. 2908

(Purpose: To clarify that States and localities with multi-year contracts are eligible to apply for grants under the Act)

At the end of section 206(b), added the following: "A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 203 for payments made on or after January 1, 2001, pursuant to that contract."

#### AMENDMENT NO. 2909

(Purpose: To ensure that States that are exempt from the National Voter Registration Act of 1993 continue to remain exempt from such Act)

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 13 through 15, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens

Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 6 and 7, insert the following:

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

On page 14, between lines 2 and 3, insert the following:

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law.

#### AMENDMENT NO. 2910

On page 10, line 22, strike "Commission" and insert "Commission, in consultation with the Architectural and Transportation Barriers Compliance Board."

On page 64, line 19, strike "316(a)(2)." and insert "316(a)(2)", except that—

"(1) the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 223 for the general policies and criteria for the approval of applications submitted under section 222(a); and

"(2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board."

Mr. DODD. I note the Chafee amendment is offered on behalf of Senator CHAFEE and Senator REED of Rhode Island. The amendment from Senator MCCAIN is offered on behalf of Senator MCCAIN and Senator HARKIN.

We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 2908 to 2910) were agreed to.

Mr. MCCONNELL. 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. REID. Mr. President, I ask consent I be allowed to speak as in morning business.

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

#### APPRECIATION OF FARM BILL STAFF

Mr. REID. Mr. President, yesterday we completed action on the farm bill. The bill is a victory for the American farmers and ranchers who will benefit from the improved commodity programs in the bill. It is a victory for families in need who will benefit from broad nutrition programs in the bill. It is a victory for rural communities

which will benefit in the economic revitalization provided in the bill. Finally, it is a victory for the environment which will benefit from the significant increase of funding new programs to help restore wildlife habitat, reduce water pollution, and resolve conflicts over water.

Together with Senator LEAHY, I spent a lot of time working on the conservation provisions of the bill. It was only part of this massive bill which was led by Senator HARKIN of Iowa. The bill is over 1,000 pages. It has separate titles dealing with commodity programs, conservation, trade, nutrition, credit, rural development, research, forestry, and energy. Countless amendments were drafted to the bill, and many were offered. Work on the bill began in earnest more than a year ago.

When we complete a bill of this size, we often thank our staff for the work they put into such an effort, and rightfully so. Chairman HARKIN, ranking member Senator LUGAR, Senator DASCHLE, and Senator LEAHY's staff, in particular, put in a tremendous amount of work on this bill.

Sometimes, though, we forget to thank people who are essential to the success of this legislation. That is the Senate legislative counsel. They do tremendous work. The bill we passed is a product of numerous drafts, revisions, alternates, and many amendments. Our legislative counsel were responsible for ensuring that all those many drafts and amendments captured our interest. They had to do so under constant time pressure. They were a great help to me and my staff on the conservation provisions and on the water provisions in particular.

It may surprise some to know that only 5 attorneys were responsible for all the work that went into the 1,000-page bill. I personally would like to thank them, not only on my behalf but on behalf of the majority leader, Senator DASCHLE, Senator LEAHY, and Chairman HARKIN, for the great work on the bill. Gary Endicott and Darcie Chan were extremely helpful to me and my staff in drafting the important new provisions of this bill, provisions that have never been in a farm bill before. Together with Tom Trushel, Janine Johnson, and Heather Flory, they put in countless hours on the bill and have worked nearly around the clock since September as the pace of deliberations quickened.

Many also handled drafting for energy, environment, and Indian affairs at the same time. They were assisted by David Grahn and Pia Ruttenberg, attorneys for the U.S. Department of Agriculture Office of General Counsel. Mr. Grahn and Ms. Ruttenberg helped ensure the provisions we drafted would be interpreted and implemented by the Department as we intended.

I have lawyers on my staff, and I am an attorney also. But I can say, without the help of the people I have just mentioned, we would have been in very

difficult shape to accomplish what we did.

I particularly spread across the record of this Senate the tireless, countless hours that Lisa Moore spent on this legislation. We are so dependent as Senators on our staff. I have had the good fortune of being able to serve in the House of Representatives. In the House of Representatives, one's jurisdiction is much more limited. One is much more in tune with one's jurisdiction. We in the Senate have wide-ranging jurisdiction. We do not represent one party of our State, we represent our whole State, from the southern tip of the State of Nevada to the northern frontiers of the State of Nevada, one representing famous Las Vegas, the other representing places such as Gerlach and other small places that have totally different interests than Las Vegas. But I represent them all. I become a jack of all trades; some say a master of none.

That is the way the Senate is. We have to depend on our staff. I am so grateful for the work Lisa Moore put in on this case. Not only does our staff work a lot of time doing the things that have to be done, but they believe in these things in their heart. They convey their emotions to us. That is one reason I worked so hard on this and why I am so fortunate I was able to pass it. I would not want to disappoint Lisa, who worked so hard on this legislation.

We, too often, blame our staff for the things that go wrong. We take credit for the things that go right. Most of the time, it should be just the opposite. On this occasion, I make sure I express my appreciation to Lisa Moore and the many other people I mentioned who were so important in passing this legislation.

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. DAYTON. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

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

AMENDMENT NO. 2898

Mr. DAYTON. Mr. President, I offer an amendment, No. 2898, to S. 565, the election reform legislation.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment No. 2898.

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

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

The amendment is as follows:

(Purpose: To establish a pilot program for free postage for absentee ballots cast in elections for Federal office)

On page 68, between lines 17 and 18, insert the following:

#### SEC. . . . REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term "pilot program" means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term "Postal Service" means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.

(2) REPORT.—

(A) IN GENERAL.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(ii) identify methods of targeting such individuals.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated \$1,000,000 for fiscal year 2004 to carry out this section.

(2) RESPONSIBILITIES CONTINGENT ON FUNDING.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

Mr. DAYTON. Mr. President, voting is an essential and indispensable right