

will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Kyle's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Kyle's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Kyle Childress in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Kyle's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Kyle.

JOHNNY CARSON

Mr. NELSON of Nebraska. Mr. President, thank you for the opportunity to speak today about a fellow Nebraskan who not only gave back to his State, but gave much more in ways of laughter to all of America. I am speaking of Johnny Carson, beloved by his family and friends, cherished by fans, and respected by his fellow comedians. Johnny Carson was a man whose comedic talent always looked effortless, yet set the highest of standards for his performances. Mr. Carson passed away at the age of 79.

Mr. Carson took over the "Tonight Show" in 1962, and preferring to retire at the top of his game, voluntarily stepped down in 1992. For 30 years, Johnny Carson tucked Americans into their beds all the while making them laugh before they shut their eyes to sleep. Between 10 to 15 million people watched Johnny deliver his hilarious monologue each night.

Mr. Carson should be honored not only for all the laughter he brought to so many American homes, but also all that he brought to his hometown, Norfolk, NE. Johnny Carson was and will remain Nebraska's favorite native son. He always remembered his roots, and often made visits home to "give back" to his humble, rural community which he loved. There is no question that all of Norfolk loved him back. He was a

philanthropist, a father, a son and to most, a cherished nightly friend.

Mr. Carson shielded his political views as carefully as he did his private life, insisting that the only message of his show was entertainment. Johnny Carson is a man that could bring people together, regardless of political or religious affiliation, regardless of race or gender; he was a man of character. He will be remembered and recognized today and always as a man who gave his all and never forgot the few.

THE EXONERATED

Mr. LEAHY. Mr. President, I normally do not do movie reviews, but for this Thursday's premiere of "The Exonerated" on CourtTV, I feel compelled to make an exception. "The Exonerated" tells the harrowing true stories of six innocent people who were convicted and sentenced to death.

Since February 2000, I have worked to prevent more innocents from meeting the same fate, and last year the Innocence Protection Act was finally passed and signed into law. The reforms it enacts will create a fairer system of justice, where the problems that have sent innocent people to death row are less likely to occur, where the American people can be more certain that violent criminals are caught and convicted instead of the innocent people who have been wrongly put behind bars for their crimes, and where victims and their families can be more certain of the accuracy, and finality, of the results.

The film of "The Exonerated" was adapted from a play of the same title by Jessica Blank and Erik Jensen, which was performed last year at the Kennedy Center. Those who were unable to see the play will have the chance to watch the movie on CourtTV this Thursday, January 27, at 9 p.m.

Since 1973, some 117 innocent people have been released from death row with evidence of their innocence. Six of these stories are told in "The Exonerated." While the Innocence Protection Act passed with overwhelming bipartisan support in both the House and Senate, the task before us remains getting the new law funded. Watching these true-life accounts will help explain why funding the Innocence Protection Act should be a high priority that Congress and the administration must not ignore.

VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT RIGHTS ACT OF 2005 (VOTER ACT)

Mr. DODD. Mr. President, as we approach the historic elections in Iraq this week, it is important that we pause and take stock of our own elections process here in the United States. There is already much we can learn from the Iraqi experiment in democracy that can broaden and strengthen the participation of our own citizens in their democracy here in America. And

in light of the continuing barriers that American citizens found at polling places across this Nation last November, we cannot rest on the laurels of past legislation. We must continue to strive to provide an equal opportunity for all citizens to participate in their democracy by voting and having their vote counted.

For that reason, on Monday, I was pleased to introduce S. 17, the Voting Opportunity and Technology Enhancement Rights Act of 2005—the VOTER Act. I am grateful to the Democratic Leader, HARRY REID, for including this comprehensive initiative in his leadership package of Democratic legislative priorities for the 109th Congress. There is nothing more fundamental to the vitality and endurance of a democracy of the people, by people, and for the people, than the people's right to vote. In the words of Thomas Paine:

The right of voting for representatives is the primary right by which other rights are protected.

With regard to the Iraqi elections, President Bush has made his goal for this initial act of democracy clear: he wants as full participation in the vote as possible. In his words, he wants "everybody to vote." While that is a laudable goal for a fledgling democracy, it should be the standard for a democracy that has existed for nearly two and one-quarter centuries. Regrettably, we have not yet reached that standard. In the 2000 presidential election, 51.2 percent of the eligible American electorate voted. And although in the 2004 presidential election voting participation reached its highest level since 1968, still, only 60.7 percent of the eligible Americans voted.

While there are many reasons why "everybody" does not vote in America, we learned from the 2000 presidential elections that many citizens cannot vote and have their vote counted because they are improperly removed from registration rolls, do not have access to accessible voting systems and ballots, and lack confidence in antiquated and error-prone machines and State administrative procedures. In response to those concerns, Congress enacted overwhelmingly bipartisan legislation—the Help America Vote Act of 2002, or HAVA. For the first time in our history, that landmark legislation established the role of the Federal Government in administering and funding Federal elections. The twin goals of this act are to make it easier to vote and harder to defraud the system.

On the day that the Senate adopted its version of HAVA, I noted that the Senate bill was a bipartisan compromise and the culmination of the hard work of a dedicated group of Senators, including my distinguished colleagues, Senator MCCONNELL and Senator BOND, and others. But I also noted that the compromise was just that—it was not everything that all of us wanted, but it was something that everyone wanted. That was equally true of the final HAVA compromise on election reform.

While many of the most important reforms in HAVA do not have to be implemented by the States until the 2006 Federal elections, the 2004 presidential election raised both continuing and new concerns. And the most important of these concerns are either not addressed by HAVA at all, or in some few instances, may actually be the result of HAVA. The fact that barely over one-half of the eligible voting age population voted in 2004 underscores the reality that not everybody votes in America. We must do better, and we can.

At a time when our Nation and its leaders are building a new democracy in Iraq, we must not forget that building democracy begins at home. Just as eligible Iraqis, in this first post-Saddam election, are able to fully participate in democracy by voting from across the globe, so should eligible American voters be able to fully participate in democracy by voting from across the globe. Just as Iraqi voters will be able to vote prior to election day at early voting sites, so should American voters be able to participate in early voting. If Iraqis can register to vote on election day, then American voters should be able to register to vote on election day.

Building democracy must begin at home. The legislation I introduced this week will provide American voters with many of the same rights and opportunities to participate in democracy that Iraqi voters have been given with the support of the blood, sweat and tears of American soldiers—and the resources of American taxpayers.

The Voting Opportunity and Technology Enhancement Rights Act of 2005, or the VOTER Act, provides every eligible American, regardless of where they live in the world or where they find themselves on election day, the right to cast a National Federal Write-In Absentee Ballot in Federal elections. This new national absentee ballot extends to all citizens the same right to a Federal absentee ballot that overseas and active military voters currently have. Beginning with Federal elections in 2007, every State shall provide early voting opportunities for a minimum of 15 days prior to election day, including Saturdays. Beginning in 2007, any otherwise eligible voter must be allowed to register to vote on election day and have that vote counted in Federal elections.

Additionally, the VOTER Act addresses many of the recurring, and new, barriers to voting that voters faced at the polls last November. It requires that a State count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast.

HAVA established a uniform national right for every voter in a Federal election to receive and cast a provisional ballot. This new right was intended to ensure that no otherwise eligible voter could be turned away from the polls be-

cause of an administrative error, or other challenge. But in 2004, we saw this right eroded by States and applied in non-uniform ways. Some States, such as Ohio, initially interpreted HAVA to require that a voter be in their correct precinct in order to cast a Federal provisional ballot. Other States, such as Iowa, interpreted the same HAVA language to allow challenged voters to cast a provisional ballot in their county of residence. Whether or not the provisional ballot was ultimately counted turned solely on State law. The VOTER Act ensures that eligible voters who cast a provisional ballot for Federal office will have that ballot counted in a uniform manner.

The VOTER Act requires that each State provide a minimum required number of voting systems and poll workers for each polling place on election day and during early voting, consistent with mandatory standards established by the Election Assistance Commission—EAC.

On election day there was a recurring problem across the country of long lines and disenfranchised voters because of too few voting systems or ballots at polling places and too few poll workers to assist voters. This requirement becomes effective for Federal elections on or after January 1, 2007.

To ensure that all voters have an equal opportunity to independently verify their ballot before it is cast and counted, the VOTER Act requires that by 2009, all States provide voters a voter-verified ballot with a choice of at least four formats for recording their verification: a paper record; an audio record; a pictorial record; and an electronic record or other means which is fully accessible to the disabled, including the blind and visually impaired.

HAVA already requires that all voting systems provide the voter an opportunity to verify their ballot before it is cast and counted. HAVA also requires that all voting systems produce a permanent paper record for audit purposes. However, HAVA does not spell out how that verification is to be achieved to ensure security and independence of the voter's choice.

Some have called on Congress to require a voter-verified paper ballot. Such is inherently discriminatory against the disabled, particularly the blind and visually-impaired. HAVA already requires that all voters, regardless of disability, be able to verify their ballots. With current and developing technology, it is simply unacceptable, and unnecessary, to discriminate against any voter by requiring that such verification be in paper form.

For good reason, many in the disabled community believe that additional election reform legislation will deter State and local administrators from complying with the existing deadlines under HAVA. While they oppose any such efforts, to the extent that legislation is proposed regarding the voter verified ballot, they support this ap-

proach which assures full accessibility for all voters.

While I had hoped that the EAC would have addressed this issue in the voluntary voting system standards required under HAVA to be issued last year, those standards have yet to be issued. I encourage the EAC to incorporate guidance for fully accessible voter verified ballots in the section 301 Voting System Standards to be issued this year.

The VOTER Act also addresses the continuing problem of minority disenfranchisement through last-minute purges of voter registration lists by requiring States to provide public notice of any such purges not later than 45 days before a Federal election.

To expedite the studies called for under HAVA for establishing election day as a Federal holiday, the VOTER Act requires the EAC to complete its study and issue recommendations within 6 months of enactment and earmarks funds within the EAC budget solely for this purpose.

The VOTER Act includes amendments to HAVA that build on the existing voting system requirements to ensure that all voting systems, including punch cards and central count optical scan machines, provide voters with actual notice of over-votes. Also, beginning in 2009, States must allow for voter registration through the Internet.

The VOTER Act also includes provisions to ensure both the security and uniform treatment of voter registration applications by requiring that all voters sign an affidavit attesting to both their citizenship and age, in lieu of the HAVA requirements for a check-off box alone, effective in 2007.

HAVA requires that voter registration forms include questions regarding citizenship and age with check-off boxes that applicants use to indicate whether or not they meet eligibility requirements. States are further required to contact any applicant who does not fill in the boxes in order to complete the form. However, in the 2004 elections, States implemented this requirement in widely varying ways, resulting in non-uniform treatment of voters in Federal elections.

In some cases, States refused to process the form and failed to contact the voter. In other States, voters who had submitted incomplete forms were asked to complete those forms at the polling place. While the twin purposes of HAVA were to make it easier to vote and harder to defraud the system, as implemented this requirement achieves neither purpose.

This requirement further resulted in disenfranchising voters who failed to check a box but nonetheless signed an affidavit, under penalty of perjury, attesting to both their citizenship and age. With the implementation of statewide voter registration lists, the check-off box requirement is unnecessary and burdensome to both voters and election administrators.

To ensure that the implementation of the voter identification requirements in HAVA do not make it harder to vote, the VOTER Act expands the forms of identification that can be used to establish identity for first-time voters who submit their voter registration by mail to include an affidavit executed by the voter attesting to his or her identity, generally subject to penalties for perjury under State law.

The VOTER Act also responds to concerns first raised in the 2000 Presidential election in Florida, and echoed again in the 2004 election, regarding the appearance of impartiality by State election officials who were otherwise active in Federal campaigns. The bill imposes new accountability and transparency requirements on States, beginning in 2007, including a public notice requirement of any changes in State law affecting the administration of elections, such as changes in polling places and actions denying access to polling place observers.

To ensure the independence of the Election Assistance Commission, and the timely issuance of guidance and standards, the bill provides the agency with independent budget authority and the authority to issue mandatory standards to implement the new requirements.

Finally, in recognition of the inherent role of the States in the administration of Federal elections, the VOTER Act provides additional Federal funds for the State requirement grants under HAVA to implement the new requirements.

While Congress accomplished much with the passage of the Help America Vote Act following the debacle of the 2000 Presidential election, 4 years later in the 2004 election, voters faced many of the same barriers to voting that HAVA promised to remove. As Iraqis go to the polls this week, let us assure our own citizens that we have done all we can to ensure that every eligible American voter has an equal opportunity to cast a vote and have that vote counted in Federal elections.

I ask unanimous consent that a brief section-by-section analysis be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 17, VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT ACT OF 2005

SECTION-BY-SECTION ANALYSIS

- Sec. 1.—Title; Table of Contents.
Sec. 2.—Findings and Purposes.

SEC. 3.—NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

Sec. 3 creates a National Federal Write-in Absentee Ballot (NFWAB) for Federal office to be used in a Federal election by any otherwise eligible voter.

Sec. 3 requires States to accept the NFWAB cast by any person eligible to vote in a Federal election, provided the ballot has been postmarked or signed by the voter before the close of the polls on election day.

Sec. 3 requires the Election Assistance Commission to prescribe a national Federal write-in absentee ballot and prescribe stand-

ards for distributing the ballot, including distribution through the Internet.

Sec. 4.—Voter Verified Ballots.

Sec. 4 requires that all voting systems purchased after January 1, 2009 and used in Federal elections provide an independent means for each voter to verify the ballot before it is cast and counted.

Sec. 4 allows each voter to choose one means of verification from among the following options—(1) paper; (2) audio; (3) pictorial; or (4) an electronic record accessible for voters with disabilities.

Sec. 5.—Requirements for Counting Provisional Ballots.

Sec. 5 requires that a State shall count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast.

Sec. 6.—Minimum Required Voting Systems and Poll Workers in Polling Places.

Sec. 6 requires that each state shall provide the minimum required number of voting systems and poll workers for each polling place on election day and during early voting, consistent with mandatory standards established by the Election Assistance Commission.

Sec. 7.—Election Day Registration.

Sec. 7 requires that each State shall provide for election day registration in a Federal election for any otherwise eligible individual, using a form established by the Election Assistance Commission, unless the State does not have a voter registration requirement.

Sec. 8.—Integrity of Voter Registration Lists.

Sec. 8 requires that each State provide public notice at least 45 days before a Federal election of all names removed from the voter registration list.

Sec. 9.—Early Voting.

Sec. 9 requires that each State shall establish an early voting program for a minimum of 15 calendar days before a Federal election that provides a uniform voting period each day, except Sunday, for at least 4 hours.

Sec. 10.—Acceleration of Study on Election Day as a Public Holiday.

Sec. 10 requires the Election Assistance Commission to submit within 6 months of enactment of this Act the report on establishing a public election day holiday and uniform poll closing time, and authorizes \$100,000 for fiscal year 2006 for that purpose.

Sec. 11.—Improvements to Voting Systems.

Sec. 11 requires that punch card and central count voting systems conform to the in-person notice of over-votes in Sec. 301 of the Help America Vote Act and to permit a voter to verify and change or correct any errors before the ballot is cast and counted.

Sec. 12.—Voter Registration.

Sec. 12 requires that, by January 1, 2009, the mail registration form be changed to include an affidavit to be signed by the voter attesting to citizenship and age eligibility and requires each State to establish a program to permit voter registration through the Internet.

Sec. 13.—Establishing Voter Identification.

Sec. 13 requires that an individual may meet the identification requirement for voters who register by mail as described in Sec. 303 of the Help America Vote Act by executing a written affidavit attesting to the individual's identity.

Sec. 13 requires the Election Assistance Commission to develop standards for verifying voter identification information required for registration (the driver's license number or last four digits of the social security number), as described in Sec. 303 of the Help America Vote Act.

Sec. 14.—Impartial Administration of Elections.

Sec. 14 requires that each State will issue a public notice of changes in State election law since the most recent election.

Sec. 14 requires that each State will allow uniform, nondiscriminatory access to observe a Federal election at any polling place to party challengers, voting and civil rights organizations, and nonpartisan domestic and international observers.

Sec. 15.—Strengthening the Election Assistance Commission.

Sec. 15 requires the Election Assistance Commission to provide budget estimates and requests to the Congress, the House Administration Committee, and the Senate Rules and Administration Committee when it submits such estimates and requests to the President or Office of Management and Budget; the section provides rule-making authority for the Election Assistance Commission with respect to subtitle C of this Act; the section requires that the Director of the National Institutes of Standards and Technology provide the Commission with technical support.

Sec. 15 authorizes \$23 million for the operational costs of the Election Assistance Commission for fiscal year 2006, with \$3 million earmarked for the National Institute of Standards and Technology for technical support, and such sums as necessary for the succeeding fiscal years.

Sec. 16.—Authorization of Appropriations.

Sec. 16 authorizes \$2 billion for fiscal year 2006 and such sums as necessary thereafter for requirements grants to States under title II of the Help America Vote Act to implement the additional requirements.

Sec. 17.—Effective Date.

Sec. 17 requires that the amendments made by this Act take effect on January 1, 2007, except as provided otherwise to take effect on January 1, 2009.

SERVICE OF THE SECRETARY OF VETERANS' AFFAIRS ANTHONY J. PRINCIPI

Mrs. HUTCHISON. Mr. President, I am pleased to honor Secretary Principi for his diligent and effective tenure as the Secretary of the Department of Veterans' Affairs. Secretary Principi has served our Nation during a historic time, and has done an impressive job with one of the most challenging positions in the government. I am proud to have worked with him.

When I travel around the State of Texas, I am reminded of the work Secretary Principi has done on behalf of veterans. He was always available to discuss the needs of Texas veterans and provided an open dialogue to our communities. I am particularly grateful for the time he spent with me touring VA facilities in Texas to learn what was important to our veterans. Over the years, the Department of Veterans Affairs and the veterans it serves have been severely challenged by the skyrocketing costs of healthcare and the surging demand for services from an aging veteran population. Throughout his time at the Department, Secretary Principi worked to ensure healthcare accessibility was a priority. Across the country, the VA has opened 194 community clinics and 87 percent of the veteran population now lives within 30 minutes of a VA medical facility. Additionally, under Secretary Principi's leadership, the Department reduced the number of veterans waiting more than 6 months for primary care and cut in