

percent of these projects, the EPA did not even determine the environmental outcomes. For example, EPA awarded a recipient \$200,000 to regulate costs charged by power companies. The work plan contained no environmental outcomes and stated that specific projects would be identified at a later date.

These are just a few examples of the waste, fraud and abuse, a problem which is decades old. Republicans, led by the gentleman from Iowa (Mr. NUSSLE), the Committee on the Budget chairman, and President Bush and those of us here tonight are working hard to eliminate the culture of waste that exists today, and I believe we have a chance. I urge my colleagues to join this effort because waste, fraud and abuse within the Federal Government not only steals from the taxpayers, but the beneficiaries so desperately in need of quality services.

This is not a debate about which programs should be funded. This is about bringing accountability to the money that is spent. As Members of Congress, we have a responsibility to do make sure that the American families do not get ripped off.

2004 ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this evening I wish to talk about the elections of 2004 and how we prepare for them across our country, and I wish to attach an article from the Cleveland Plain Dealer today entitled, "Computer Voting Is Not Fool-proof" and also a front-page story from the New York Times entitled "Replacement Near, Old Vote Machines Are New York Issue."

[From the Cleveland (OH) Plain Dealer, Oct. 2003]

COMPUTER VOTING ISN'T FOOL-PROOF

(By Lawrence M. Krauss)

Anyone who was not in a coma in November 2000 remembers the agony caused by the now infamous butterfly ballots and hanging chads. Concerns about the possible repeat of events almost caused the California recall election to be delayed.

Following the election debacle in Florida, Congress became determined that in the next elections the winners actually would be determined by all the votes casts. Last October, they passed the Help America Vote Act in order to help states prepare for the next election. Unfortunately, the solutions being proposed, involving an assortment of computer-voting systems, may be worse than the problems they were designated to fix.

We are used to depending on computers for almost every aspect of our lives, from governing our bank accounts to controlling our cars. So it doesn't seem highly radical to suggest computer-aided voting. That is, until you think of the possible problems.

How can you be assured after you vote that the machine actually recorded your vote? With a paper ballot, even a flawed ballot, at least there is a semi-permanent record that we can return to—and argue over, if necessary. Would you buy an airplane ticket by

computer if there was no way to obtain a printed receipt of your transaction?

There already have been problems. For example, in the 2002 election, the new computer voting systems in Florida lost more than 100,000 votes due to a software error.

Voting is not like a physics experiment. We learned in Florida that even if the first attempt is flawed, no large-scale election is likely to be repeated merely to verify the result—as one would do in any good scientific measurement. Thus, you have to get it right the first time and allow some method of secure verification.

It is not surprising, therefore, that one of two Ph.D. scientists in Congress, physicist Rush Holt of New Jersey, has proposed new legislation that would require a paper record of every vote and require that all software for use in elections be verified in advance.

In spite of this, various states have indicated a willingness to go ahead with systems that experts in the field find suspect. As reported in the New York Times last month, software flaws in a popular voting machine, the Diebold Accuvote-TS machine, make it vulnerable to manipulation. More than 33,000 of these machines are used in 38 states.

In the Science Applications International Corporation report, commissioned by Maryland (which nevertheless plans to use the Diebold machines in its next election), "several high risk vulnerabilities" were identified—even based on the assumption that the machines are isolated and not connected to the Internet. But in a March primary in California, the Diebold machines were connected to the Internet with election tallies posted on the Internet before polls closed.

It is interesting in this regard that Walden O'Dell, the CEO of Diebold, an Ohio company, was quoted in The Plain Dealer as telling Republicans in a recent fund-raising letter that he is "committed to helping Ohio deliver its electoral votes to the president next year."

As we rush to install computer voting systems, we should remember the admonition of a former chief scientist at Sun Microsystems Inc., who said in a television interview following the 2000 election: "If your life depended on the measurement of a single ballot, would you prefer it be read by a machine, or examined carefully by three different human beings?"

If we are to avoid a host of articles on this page explaining how the election of 2004 might have been stolen, state governments must step back from the current headlong rush to install computer-voting system until the necessary verification systems and security guarantees, certified by outside experts, are in place. Certainly no one wants to relieve the frustration that followed the 2000 election—without any possibility of rechecking the results.

[From the New York Times, Oct. 20, 2003]

REPLACEMENT NEAR, OLD VOTE MACHINES ARE NEW YORK ISSUE

(By Eric Lipton)

James Parks, on his knees, struggled to find the one screw amid the 20,000 parts that would unjam the scraped and dented New York City voting machine he was repairing. Ray Crews, another mechanic, had a handful of thin metal straps, which he carefully threaded, one at a time, into the back of the 800-pound behemoth he was servicing nearby. And Jamie Wilkins used a screwdriver to flip back tiny copper switches in the endlessly complex guts of another battleship-gray machine.

Almost three years have passed since the Election Day debacle in Florida that generated calls for a comprehensive nationwide modernization in voting equipment. But this

cavernous Brooklyn warehouse, filled with row after row of mechanical lever voting machines, purchased mostly when John F. Kennedy was in the Oval Office, shows just how far New York City has to go.

"It's sticking," Mr. Parks finally yelled out to Mr. Crews, a more experienced mechanic, as he tried to reset a vintage Shoup voting machine so it could be used in the Nov. 4 election. "I am trying to get to the screw. But I can't get to it."

New York State has a plan to buy new voting equipment, replacing New York City's 7,295 machines as well as the 12,000 similarly antiquated machines elsewhere in the state. The federal government has already delivered \$65 million in aid to New York to get this modernization project under way, and up to \$180 million more could ultimately come from Washington.

Though New York City's voting machines broke down 603 times in the 2002 primary and general elections, forcing thousands to vote by paper ballot, not a cent of the federal funds has been spent in New York State so far. And as each month passes, it is looking increasingly uncertain that the state will comply with a federal requirement that all the lever machines be retired by 2006.

"It is a very tight schedule, even without delay," said Lee Daghlian, a spokesman for the New York State Board of Elections. "It is going to be very difficult to do. And if we don't meet the deadlines, we are in violation of the law."

The federal government has the right to sue states that fail to comply, and to withhold aid.

Many other states are also struggling with voting modernization, with just a few, like Georgia and Maryland, already installing or selecting new machines statewide. Just why New York is off to a slow start comes back, at least in part, to that perennial source of roadblocks: partisan-charged squabbling among the Senate, the Assembly and Gov. George E. Pataki in Albany. But in this case, it is more complicated.

A long list of fundamental questions must be answered about how best to remake the voting experience across New York State: what the new ballot should look like, how a new statewide voter registration database should be set up, what kind of security should be incorporated into the new machines to prevent fraud, whether there should be one machine statewide or several models, and who should select the machines the state will buy.

Resolving each question will be hard enough. But the choices must come amid the charged atmosphere sure to form as lobbyists from the nation's biggest manufacturers of voting equipment descend on Albany, trying to grab a piece of what could be one of the largest voting machine contracts in the nation's history.

"This is going to be intense," said Brian O'Dwyer, a Democratic Party activist and a lobbyist for Sequoia Voting Systems. Sequoia, a California company, has also hired a Republican lobbying team, led by Jeff Buley, who was general counsel to Governor Pataki's re-election campaign last year.

"It is huge," added Dan McGinnis, senior vice president for domestic sales at Election System & Software, an Omaha, Neb., company that wants into the New York market.

Regardless of who wins the contract, voters will see the biggest changes in nearly a century. So a small army of government watchdog types is monitoring the debate, ready to intervene if politics intrudes on one of democracy's fundamental rights.

"How you run your election is a cornerstone of democracy," said Blair Horner, legislative director for the New York Public Interest Research Group. "We are very concerned that a voting system may be put into

place that is less voter-friendly than the one we have right now."

PARTISAN DISPUTES

President Bush signed the Help America Vote Act into law in October 2002. From the moment New York began to try to comply, politics intervened.

When Governor Pataki set up a task force to draft a plan detailing how New York would spend its cut of the expected \$3.7 billion in federal funds, he passed over Thomas R. Wilkey, the executive director of the State Board of Elections, a Democrat, and instead named the deputy director, Peter S. Kosinski, a Republican, as the task force's chairman. Mr. Kosinski then filled most of the task force's other 19 seats with members of the Pataki administration or other Republicans. Mr. Wilkey has since retired from the agency.

Groups like Common Cause/New York and New York Immigration Coalition had requested that the task force include disabled people, young voters and members of ethnic minorities. Unhappy with the result, critics accused the Pataki administration of trying to hijack the election modernization effort to benefit his party.

"From the start this process has been flawed, absolutely flawed," said Assemblyman Keith L. T. Wright of Manhattan, chairman of the Assembly's Election Law Committee and one of the Democrats on to the task force. "And I will blame the governor."

Mr. Daghljan, the Board of Elections spokesman, said it should come as no surprise that a Republican governor created a Republican-dominated task force. He said Gov. Mario M. Cuomo, a Democrat, did the same thing the last time there were federally mandated changes in state election law. Now the Democrats, he said, "do not control this process" and are "moaning about not being in the loop."

The quarreling has implications for voters. One of the first federal requirements is to create a unified database of registered voters, to eliminate duplication and possible fraud that result from each county keeping its own tally. A 2004 deadline was set; already, New York has asked for a waiver until 2006.

Mr. Pataki had put \$3 million in his budget plan for this year to start on the task, which is expected to cost \$20 million. But the Assembly struck that money when it adopted, with the Senate, its own budget this year.

"Until there is an understanding that this is a bipartisan operation, the money coming loose will not happen right away," said Assemblyman Herman D. Farrell Jr., a Manhattan Democrat who is chairman of the Ways and Means Committee and of the state Democratic Party.

Joseph E. Conway, a spokesman for Mr. Pataki, said the governor was committed to moving expeditiously and fairly toward modernizing the election system. "These criticisms are just the same old tired partisan politics. New Yorkers know that the governor has worked to bring bipartisan cooperation to our election process."

Before the state can even start to buy new election machines, a fundamental question must also be answered about their design. New York is one of only two states that require a so-called full-faced ballot, which means that all the races and candidates, as well as any ballot questions, can be seen at once by voters. Party loyalists can easily flip switches down the line from race to race.

The mechanical lever machines were designed to accommodate large ballots. But most of the modern touch-screen voting devices, which resemble automated teller machines, cannot. They are set up so that a voter can scroll through one contest at a

time. Advocates for disabled people prefer the scrolling machines, as they are smaller and easier for a person in a wheelchair to use.

New York State officials have not taken a final stand on the issue. But sides are forming. C. Virginia Fields, the Manhattan borough president, and State Senator Liz Krueger, both Democrats who have issued reports on the election modernization effort, each concluded that the state should abandon the full-face ballot requirement, citing the disadvantages it will create for disabled people. They also said it limited the options of manufacturers.

Some Republican leaders, meanwhile, say they want to keep the law as it is. "I think people ought to be able to see everything that is going on at one time instead of flipping menus," said State Senator Thomas P. Morahan, a Rockland County Republican and the chairman of the Senate Elections Committee. "I don't believe I would be able to get a bill out of the Senate on changing the full-face ballot."

That is only the start of the unresolved questions that may turn into partisan disputes. The Assembly, as well as the Election Commissioners' Association of the State of New York and the New York Public Interest Research Group, has pressed to have a single new machine statewide, arguing it would make maintenance and training easier and be better for voters who move within the state.

But Mr. Kosinski, whom Mr. Pataki has hinted he would like to see named permanent executive director of the Board of Elections, said he thought the state should simply certify the electronic machines that meet state and federal requirements and then leave it up to the local governments to pick the one they want. "New York has always had a decentralized system of elections" he said.

The list of politically charged issues goes on and on. The new federal law, for example, requires that certain voters who have registered by mail present identification when they show up at the polls for the first time. Democrats, who have almost twice as many registered voters in New York State as Republicans, want an expansive list of acceptable forms of identification, including college identification cards and public housing rent statements.

"If you have too strict adherence to identification procedures, it could lead to possible disenfranchisement and suppression of votes, especially in communities of color," Assemblyman Wright said. "In the history of the United States, this has happened many times before, and I have seen it happen in New York."

Working through these and other sensitive issues, such as ensuring that the machines are essentially fraud-proof and tamper-proof, will not be easy, some critics said. Though Mr. Pataki's task force produced a report that is supposed to be a framework for moving forward, it offers few solutions, they said. "The state plan succeeds only in putting off or pushing down to the staff or county level the critical decisions that must be made," said Jeremy Creelan, associate counsel at the Brennan Center for Justice at the New York University School of Law, a voting rights and election reform group. "The process, from the beginning, has been a sham."

A CENTURY OF CONTROVERSIES

In a way, it should come as no surprise to New Yorkers that a voting machine contract would generate controversy. Since the first mechanical voting machine was introduced in the United States—in 1892, when an upstate New York inventor named Jacob H.

Myers turned his fascination with bank vaults into the "automatic ballot cabinet"—acquiring the machines for New York has been a touchy process.

Buffalo and Rochester moved to adopt the machines early on, buying into promises that they would "protect mechanically the voter from rascaldom, and make the process of casting the ballot perfectly plain, simple and secret." But New York City fought an order by the state in 1925 that it abandon pencil-marked ballots for the supposedly more efficient machines.

"I can see the day when good Americans can sit motionless in their chairs and live without touching anything," complained John R. Voorhis, then president of the city Board of Elections, after the city backed down and finally purchased its first complete set of election machines.

When New York City moved to buy a second generation of machines in 1962, a lawsuit nearly blocked the purchase, this time with claims that the contracting process had been corrupted.

Pressure started to build on the city to replace its 1960's-era machines after the 1984 presidential primary, as supporters of the Rev. Jesse Jackson, the first major black presidential candidate, charged that there had been too many machine breakdowns in predominantly black neighborhoods.

But even before the city had awarded a contract for computerized voting machines, there was controversy, with one lobbyist claiming he had been asked for a bribe and a secret city report on the contest turning up in the hands of one of the bidders. Ultimately, the city spent at least \$4.5 million on consultants and other costs, but the machines never arrived, partly because a contractor could not deliver vote-counting software that satisfied the city.

Though neither a mechanism for awarding a contract nor specifications for an acceptable voting terminal have been agreed to yet, lobbyists for manufacturers have been gearing up.

The most aggressive campaign has come from Sequoia Voting Systems, which won the New York City contract in the 1990's but was never allowed to deliver on it.

To pitch to Republican lawmakers in Albany, Sequoia has hired Mr. Buley, a legal consultant to the New York State Republican Committee and a counsel to Governor Pataki's 2002 campaign, at \$7,500 a month. Mr. Buley said he has met with staff members from the offices of Joseph L. Bruno, the Senate majority leader, and Senator Morahan, the Elections Committee chairman, among others.

Sequoia also has a Democratic lobbying firm, the law firm O'Dwyer & Bernstien, which is earning \$10,000 a month. When that firm learned that Assemblyman Farrell had concerns about whether elderly voters would be able to adjust to computerized voting machines, a Sequoia machine was brought in and a demonstration was organized for Mr. Farrell's staff at a Washington Heights restaurant in northern Manhattan.

Elderly voters were recruited from local community centers, with an offer of a free lunch. A bus was chartered. And for about \$4,000, Sequoia's lobbyists delivered a litany of testimonials about how easy the Sequoia machine was to use.

"This won't be too hard," said Mary Frances Howard, 76, a regular at the Wilson Major Morris Community Center at 152nd Street and Amsterdam Avenue, which sent about a dozen volunteers to the demonstration and free lunch in June. "It is easy."

Mr. O'Dwyer said the event was a success. "He is very important," Mr. O'Dwyer said of Mr. Farrell, who sent his chief of staff to the event. "His concerns have to be our concerns."

Because of Sequoia's aggressive early lobbying, some call it the front-runner for the contract. "There is an undercurrent up here in Albany that says Sequoia is a lock," said Assemblyman Wright. "I think it is horrible."

But Sequoia is not the only firm going the lobbying route. Diebold Election Systems, based in McKinney, Tex., and known mostly for its A.T.M.'s, is spending \$12,500 a month to retain Greenberg Traurig, a Manhattan law firm. Greenberg's lobbyists are Robert Harding, former deputy mayor under Rudolph W. Giuliani, and John Mascialino, a lawyer and former first deputy commissioner of a city agency charged with buying equipment and supplies under Mr. Giuliani.

Election Systems & Software pays Davidoff & Malito, one of the state's biggest lobbying firms, \$10,000 a month. Its senior partners, Sid Davidoff and Robert Malito, are former aides to Mayor John V. Lindsay.

Liberty Election Systems, a new outfit owned by the executives of an Albany printing company that has produced election ballots for decades, is spending \$3,000 a month on lobbyists from Capitol Group.

Mr. Daghlian of the State Board of Elections said that regardless of any lobbying pitch, no preference would be shown in evaluating voting machines. "There will be no sweetheart contracts with anybody," he said.

PARTS BY THE THOUSANDS

John P. O'Grady, New York City's chief voting machine technician, was hired by the city Board of Elections to help oversee the addition of computerized voting machines when his daughter was 1 year old. Today, Megan, the daughter, is 12. The city still has not installed its first computerized machine.

"I can't wait to see them, I just can't wait to see them," he said. "I know it has to come, and the mechanical machines have served the city well, but the city and its voters deserve a more modern machine."

Until that happens, he spends his days leading a crew of 65 full-time mechanics who work out of warehouses like the one at 645 Clinton Street in the Red Hook section of Brooklyn. In just this one warehouse, 2,200 machines are stored, each with dents and other marks that attest to decades' worth of city service.

Keeping them running is not easy, as all the knobs, springs, straps, gears, cogs, rollers, screws, counters and green, cherry, yellow and white light bulbs must be constantly checked and rechecked. "Wear and tear will break you down," said Jamie Wilkins, 44, a machine technician from International Election Systems, a New Jersey contractor hired by the city to repair and prepare the machines for elections.

Yet even with weeks of effort by Mr. O'Grady's army of mechanics, the Shoup machines are breaking down too often, he concedes. In the November 2000 election, the last presidential contest, 412 machines broke down citywide for an average of 45 minutes to an hour each. As a result, 20,717 voters had to use emergency paper ballots, leading to lines so long that some voters gave up. Last November, when turnout was lighter, there were still 358 breakdowns among the 6,788 machines in use.

The city at least has a sufficient supply of backup parts, like the thousands of extra black metal levers at the Brooklyn warehouse. Far from the good of beginning a phase-in of new machines by 2004, it will have to do for now.

"Let's get this thing done," said John Ravitz, executive director of the New York City Board of Elections, a Republican who is also a former member of the State Assembly. "Let's settle the differences in Albany and

give us the opportunity to bring a modern system to the voters of New York."

Anyone who was not in a coma last November 2000 remembers the election debacle in Florida. Still today, thousands of votes remain uncounted. Congress, as a result, passed the Help America Vote Act in October of last year, and we provided at least language that directed the Bush administration to give funds to the States to buy new machines and also to help educate voters how to use this new equipment and to provide standards at the Federal level, so that local officials buying this equipment would know what they were doing and the machines that they were buying would be both secure and easily accessible to the voters. The problem is it is not happening, and we are facing the election of 2004.

The law HAVA, the Help America Vote Act, does not require any board of elections to purchase equipment by a year from next month, November. That can wait until 2006. I have been surprised at the confusion that exists across our country regarding the requirements of HAVA. States are afraid the Federal Government is going to fine them, but the Federal Government has not kept its word. It has not given the States the money that it needs because the Bush administration is not asking us for the proper amount of money, nor is the Congress appropriating the proper amount of money. Indeed, the Congress has appropriated less than half of what is needed to really provide machines and equipment that are trustworthy and the education that the voters need in order to use it.

That is the purpose of my remarks this evening. The Cleveland paper says, "Unfortunately, the solutions being proposed, involving an assortment of computer-voting systems, may be worse than the problems they were designed to fix."

"How can you be assured after you vote" in your home precinct "that the machine actually recorded your vote?" And "with a paper ballot, even a flawed ballot, at least there is a semi-permanent record that we can return to . . . Would you buy an airplane ticket by computer if there was no way to obtain a printed receipt of your transaction?"

That is one of the problems of what is happening across our country. There is no paper audit trail required in every precinct. That is why the gentleman from New Jersey's (Mr. HOLT) bill here in the House is an absolutely proper way to proceed, requiring a paper audit trail at every precinct in this country.

□ 2015

And if we do not have that, we should not ask these States and localities to purchase equipment that cannot provide a verifiable audit trail.

Because there is so much confusion around the country, in every single State, we should also provide for no-fault absentee voting. We should pass that as a Congress. It should be a no-brainer, because we should not leave

our communities in upheaval as we face the elections of 2004. We have already had experience with that.

The Cleveland Plain Dealer says, "In the 2002 election, new computer voting systems that were brought on in Florida lost more than 100,000 votes due to software error." The bill that the gentleman from New Jersey (Mr. HOLT) has offered would require a paper record of every vote and require that all software for use in elections be verified in advance.

I can tell my colleagues that in Ohio I sent five computer security specialists down to the Statehouse to look at the five systems that were being considered in Ohio. I was shocked at what they came back to me with. There was not a single system Ohio was considering that was both deemed very good or excellent in terms of computer security and in terms of ease of use. In other words, because the Federal standards do not exist, there is not a dependable system that a big State like Ohio can actually purchase. But our States and localities are under the impression that HAVA is forcing them to do all this by a year from this November. Absolutely untrue. Go back and read HAVA. It does not say that.

As reported in The New York Times last month, software flaws in a popular system called Diebold Accuvote made it vulnerable to manipulation. More than 33,000 of these machines are operating in 38 States and high-risk vulnerabilities were identified. In the March primary election in California of this year, for example, these Diebold machines were connected to the Internet with election tallies posted on the Internet before the polls closed, which is absolutely not supposed to happen. Those votes are supposed to be protected.

So if your life depended on the measurement of a single ballot, would you prefer it be read by a machine or examined by three different human beings at the precincts, as we have done it historically in this country?

Mr. Speaker, I will have more to say on this in the days ahead.

The Presidential elections of 2000 were a debacle. Deep concerns remain until today whether votes in Florida and in many other States were accurately recorded.

Therefore, Congress passed the Help America Vote Act, which authorized \$650 million to enable our States and localities to modernize their voting machines should they be needed, plus \$3 billion for a range of activities, including training poll workers and election officials, voter education projects, and other matters routinely involved with voting.

Importantly, the bill also authorized the establishment of an Election Assistance Commission to serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal elections. But that commission is not functional to this day!

Money for Title I—the voting machines—was fully funded at \$650 million.

The Election Assistance Commission was supposed to have been appointed by the

President within 120 days of enactment of the act. The act was signed on October 29, 2002. 120 days expired on February 26 of this year, and the Commission was not appointed. The White House sent the nominations to the Senate on October 3—219 days late. Hearings on the nominations are scheduled for October 28—244 days late. By the time confirmations are completed and officials are in place, it will be basically 1 year late.

So, while our local election officials are counting on \$3 billion to help them improve election systems, the administration has not requested nor has the Congress provided the amount authorized by the act.

We authorized \$1.4 billion for title II activities for fiscal year 2003, but appropriated only \$830 million—only 59.26 percent of the authorization.

We authorized \$1 billion for fiscal 2004. The administration requested only \$490 million. The FY'04 Treasury/Transportation appropriations bill provides a little more—\$495 million. But it is only 49.5 percent of the authorized amount.

Meanwhile, in the absence of sufficient guidance from the Federal level, States have put together election improvement plans and are looking to buy machines that will impact our elections for decades to come without sufficient guidance from the yet-to-be appointed Election Commission. Localities are scrambling to keep up with the requirements of these State plans.

What has it meant? Recent studies have come out that seriously question the security of these electronic voting machines, especially the Diebold machines which are being purchased in Ohio, and in other States. The manufacturers have dismissed these studies, but this dismissal cannot be accepted.

The integrity of our voting system was the reason we adopted HAVA, and is at the core of our election system.

Where is the Federal oversight that we are supposed to have?

What has the State of Ohio done to be sure that it is providing adequate guidance to localities regarding secure equipment?

Several stories in the Cleveland Plain Dealer, the Columbus Dispatch, and the Toledo Blade have highlighted ethical concerns regarding gifts and favors provided by vendors trying to sell \$100 million in high-tech voting machines to 88 county election offices;

Stories have also highlighted the disturbing fact that Waledn O'Dell, chief executive of Diebold, Inc., in the words of the Cleveland Plain Dealer, "The head of a company vying to sell voting machines in Ohio told Republicans in a recent fund-raising letter that he is "committed to helping Ohio deliver its electoral votes to the President next year."

Integrity—voters need to have voting devices that are beyond reproach;

Dependability—we need systems that will work time and time again;

Sufficiency—funds must be available to provide the technical assistance that our election systems need to achieve the goals that were set out by HAVA while recovering from the loss of credibility created by the 2000 election experience.

Integrity, Dependability, and Sufficiency are what we need. Instead we have gotten

Half measures—funding that barely meets 50 percent of the authorization requested by this administration and sanctioned by the Congress;

Empty promises—an Election Assistance Commission that exists in name only;

Confusion—our local officials do not know where to turn or exactly what is expected of them;

Ethical lapses and suspect activities—selling voting machines like we are at the Bazaar in Baghdad instead of the credible and demanding American marketplace.

America deserves better. If we can afford to spend \$3.9 billion a month to "secure democracy in Iraq," and can approve a supplemental which contains more funding than might be available for several Federal departments, can't we afford to spend \$3 billion over 3 years to help secure democracy here at home? Mr. HOYER has said that he hopes to see this amount of funding added to the final omnibus appropriations bill. I will support him on it, and our leadership should as well. In order to assure integrity in the election of 2004, we must pass legislation to require (1) audible paper trail of votes at every precinct that can be counted and verified, no fault absentee voting if a voter wishes to use that option. (2) no fault absentee voting if a voter wishes to use that option.

STATE OF MEDICINE IN AMERICA

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

Mr. BURGESS. Mr. Speaker, I rise tonight to speak once more about the state of medicine in America brought on by an overly-litigious environment that pits patients against doctors and lines the pockets of special interest lawyers.

This crisis reduces the access to care and ultimately increases the cost of health care for all Americans. This is a situation that must be resolved. And in fact, in March this House took a big step toward that resolution when we passed H.R. 5 that will take great strides to address this glowing national crisis.

At a time, Mr. Speaker, that we are debating costs in health care, in 1996 the Quarterly Journal of Economics published a study on the cost of the current medical liability system and the cost of that system on the overall cost of health care in our country. That report, written by Dr. Daniel Kessler and Dr. Mark McClellan, shows that States where liability reform had occurred and had placed a cap on damage awards, if they would abolish mandatory prejudgment interest and place limits on the amount of lawyers' contingency fees, hospitals' expenditures could be reduced by 5 to 9 percent within 3 to 5 years of adoption of those reforms.

The costs incurred by the current environment are borne by the entire system, from the family purchasing their own health insurance to the businessperson trying to provide coverage for his employees, to the American taxpayer who supports medical services through Medicare, Medicaid, and CHIPs.

And how does this 5 to 9 percent savings translate in terms of real dollars? McClellan and Kessler's model showed that in States with effective tort reform, Medicare costs were 5.3 percent less for a new diagnosis of acute myocardial infarction, that is heart attack, and 9 percent less for ischemic heart disease. If applied nationally, this would mean that the direct liability reforms would save \$600 million a year in the Medicare program. Extrapolating these costs across America's health care system, this amount would come to an average savings of \$50 billion a year.

Why are costs higher in States that have not enacted reforms such as those we passed in H.R. 5? Because doctors have become accustomed to practicing defensive medicine, ordering tests they know their patients do not need, but, gosh, it could save their practice should a lawyer file suit against them. This unnecessary type of health care spending drives up the cost of health care for everyone. In fact, Mr. Speaker, it even drives it up for trial lawyers. So average Americans are saddled with the additional cost to the system when they go to the doctor.

Now, some will argue additional medical services are a good thing. They may say a doctor performing more tests will save more lives. However, the study did show between reform States and nonreform States mortality rates remain constant, indicating that a litigious environment does not improve health outcomes. The current environment is not conducive to low-cost quality health care and must be changed. In fact, it is our duty to change this environment. The Congressional Budget Office has concluded that reform would lead to "an increase in the number of employers offering health insurance to their employees."

As we have already seen in California, health care costs in that State are an estimated 6 percent lower than in other States, saving California patients \$6 billion a year on health care, all because California had the foresight in 1975 to adopt meaningful medical liability reforms. Now the Congress has the same opportunity to positively impact the cost of health care in the United States by adopting much-needed medical liability reform.

Today, in an address to the American College of Surgeons, Senator FRIST, the Senate majority leader, spoke to this issue. He spoke and described the miracle of American medicine. And the miracle of American medicine is a gift. Not just to our Nation, but in fact to the world. And lest there be any doubt about this question, just look at the incredible story of the separation of the Egyptian twins in Dallas last weekend.

Truly, American medicine is an incredible gift; and we cannot, we should not, we must not allow that gift to be wasted. I urge my colleagues in the other body to make a commitment to