government forcibly takes from us on April 15 goes to philanthropy, a totally inappropriate function of the Federal Government, a constitutionally denied function of the Federal Government. And because they thought that we might not understand, 4 years after the Constitution was ratified, they ratified the first 10 amendments, the tenth of which, the most violated amendment in the Constitution, the tenth of which says it in everyday English, and we cannot find it in Article I, Section 8. The three things I mentioned I cannot find there. And I defy anybody to take out their Constitution and find it.

Mr. SMITH of Michigan. Mr. Speaker, the gentleman from Maryland (Mr. BARTLETT) carries the Constitution in his pocket.

Mr. BARTLETT of Maryland. I always have a Constitution next to my heart.

Mr. SMITH of Michigan. Mr. Speaker, I want to show this chart of what government has done historically every time Social Security has less money than what is needed to pay benefits, and it is a pay-as-you-go program. It is deducted from the paycheck at the end of the 1 week or the 2 weeks or the month, and within days it is sent out to beneficiaries. So there is no savings account with one's name on it. So we have run into problems of not having enough money in Social Security to pay benefits on several occasions, but what we have done historically, and I use this because I think it is a danger of what can happen in the future, is simply that we have increased taxes and reduced benefits. This is a chart that shows the increase in taxes.

In 1940, we had 2 percent of the first 3,000. By 1960, it went up to 6 percent of the first 4,800. By 1980, 10 percent-plus of the first 26,000. In 2000, 12.4 percent of the first 76,200. And currently it is not a rate increase, but it is a base increase; so it is the same 12.4 percent on the new base of $89,000 a year. So continually we have continued to increase taxes on working Americans to the extent that most working Americans now pay more in the Social Security tax than they do in the income tax.

Mr. BARTLETT of Maryland. Mr. Speaker, I object to calling this Social Security because it is clearly not Social Security. If that is all one has at their retirement, they are in a world of pain and hurt. If we look at those dollars over there, we see that on many pay stubs the FICA tax is the biggest tax that we pay. That worker has every right to believe that since it is called Social Security, because it is the biggest tax item on his pay stub, that it is Social Security. So he is not doing what he ought to be doing, saving providently for his retirement.

We need to change the name of that. It is not Social Security. It never was Social Security. It never was intended to be Social Security. But the tax has gotten so large, and it has gotten large because originally there were 42 people working for every 1 on Social Security. Today it is three people working for every one on Social Security. Shortly it will be two people. That is a pretty heavy burden to carry, two people supporting one. That is why the trust fund will be depleted.

□ 1715

We will be able to meet only 70 percent of the demands on Social Security.

Mr. SMITH of Michigan. So the challenge is Social Security has an unfunded liability of about $12 trillion now. But now we have made even more promises in Medicare and Medicaid. So not only deficit spending is how much we overspend in one year; the debt is adding up every year's overspending. It is now over $7 trillion of debt in this country, in addition to the promises that do not know how we are going to pay for.

But within the next 3 months, Congress probably again, as the gentleman from Maryland (Mr. BARTLETT) and I talked earlier, is going to have to face up to increasing the debt limited. My guess is we will do it again like we have done in the past, so that we do not have to talk about it, so we are not embarrassed in this Chamber. It will be some legislation that is hidden in the rule, so if you vote for the rule you vote for an increase in the debt limit, which I think should disturb us, because it does not make us stand up and deal with the huge challenges we are facing in this country in terms of overpromising and overspending.

Mr. BARTLETT of Maryland. $7 trillion is a very big debt, but I would like to talk for a moment about the debt.

If we kept our books like we force companies to keep their books, and some people say that we keep Enron-type of books, if we had to count as debt the contingent liabilities, our debt would not be the $7 trillion. It would be, I am told, between $25 trillion and $30 trillion, and some people think as much as $60 trillion.

I think that we need to keep the kind of books that we require businesses to keep. I think the American people have a right to know what the debt is that totally they owe. If you divide this by the number of working families, I think it is, what, about $10,000 for every man, woman and child in the country.

Mr. SMITH of Michigan. The debt is $7 trillion divided by about 290 million. It comes out to almost $25,000 for every man, woman and child in terms of their share of the debt.

Mr. BARTLETT of Maryland. That is about $10,000 per family. Just paying interest, by the way, the first thing that comes out of your paycheck is interest on the debt. Before you can do anything, before you can build roads or fund your schools or do anything, you have got to pay interest on the debt. So it comes right off the top. Every year we do not balance the budget makes it that much harder to balance the budget next year, because we have a larger interest debt to pay.

By the way, in our fondest dreams today, in 4 or 5 years we are going to cut the deficits in half? That will not get us there, will it?

Mr. SMITH of Michigan. No plans. I do not see it in terms of responsibility much different than what any family should do, what any business should do, and that is you cannot just keep going deeper and deeper into debt without any plan to ever pay that debt back.

I am a farmer from Michigan, the gentleman is a farmer from Maryland, and philosophically we felt that if we can pay down the mortgage on the farm so that we can leave our kids a little better chance of having a better life than we have, we should.

But in this body, in Congress, we are not doing that. We are not only not paying down the debt; we are increasing the debt load that they are going to have to be responsible for, and the tremendous amount that is going to have to come out of their pockets to pay the increased promises and even the interest on the debt, not even mentioning starting to pay that debt down.

Mr. BARTLETT of Maryland. The gentleman mentioned the family as an analogy of our country. In a 4-year period, we went from being the world's largest creditor Nation to being the world's largest debtor Nation. I saw a fascinating editorial that said, gee, is that not great? Look how credit-worthy we are.

I related that to my family. I said, gee, if last year I had $10,000 and this year I owe $10,000, I am having some trouble figuring out that I am better this year than I was last year.

That is what this editorial was saying: Is it not nice that we are so credit-worthy that we now are the world's largest debtor Nation? We in 4 years, we went from the world's largest creditor Nation to the world's largest debtor Nation.

Mr. SMITH of Michigan. It is a whole different 1-hour debate and discussion; but just, for example, one country, we have $100 billion deficit trade with China, and what does China do with that extra $100 billion? They probably invest it in our companies, or buy some of the property in the United States. So it makes this country more vulnerable.

But in terms of the total debt, both our Treasury bills, the debt of companies, we are becoming more and more dependent on other countries.

It is time we took ahold of ourselves, pulled ourselves up from our bootstraps, and started to be responsible, and not leave the kind of debts and responsibility to our kids and our grandkids simply because we think our problems today are great.

I thank the gentleman from Maryland for joining me.

SUPPORT THE VOTER CONFIDENCE AND INCREASED ACCESSIBILITY ACT

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the

gentleman from New Jersey (Mr. HOLT) is recognized for 60 minutes.

Mr. HOLT. Mr. Speaker, I would like to address the subject at the heart our democracy, voter confidence. What is the central act, Mr. Speaker, of our democracy? It is the vote. For that to work, we must have confidence. In fact, for our government to work, we must have the confidence of the citizens. This is a self-governed country, and it only works if we believe it does. It only works if we maintain faith in the system.

Now, obviously, that has a lot to do with how elected officials behave today, it has a lot to do with how the citizens feel that their money is spent, it has a lot to do with how much we elected officials stay in touch with the people.

But it also has to do with the process of voting, itself; and in recent efforts to strengthen our voting procedures, particularly following the problems that became apparent in the 2000 election, a number of changes have been made that might actually serve to reduce voter confidence.

In November of this year, it is expected that 50 million votes, almost one-third of the votes that are likely to be cast in this country, will be cast on machines, touch screen, electronic machines, what are known as direct recording electronic voting machines, or DREs; and these 50 million votes will be unauditable. If we do not pass legislation requiring a voter-verified audit for each vote at the time each voter votes, we may as well outlaw recounts.

Now, I ask my colleagues if they know any candidate for office who would want to run without the possibility of a recount if there were questions about the election. If we do not take legislative action, we might as well outlaw recounts in Federal elections. Somewhere along the way, we allowed the vote count to become privatized, and we should act now to undo that.

In July of last year, California Secretary of State Kevin Shelly released a report of a touch screen task force. It was comprised of computer scientists, election officials, representatives from the Secretary of State's office, election reform groups, and election officials. This task force said, ''There needs to be voter verification imposed by a date certain.''

By voter verification, what they meant was a procedure, a mechanism, so that each time a voter goes into the booth that that voter can verify that his or her intentions are correctly recorded, in other words, that the vote cast is the same as the vote recorded.

Now, at the same time that the Secretary of State of California was releasing this task force report, computer scientists reviewed the source code used by one of this country's major voting machines; and their analysis, which is commonly referred to as the ''Johns Hopkins Report,'' found that ''this voting system is far below even the most minimal security standards applicable in other contexts. We identified several problems, including unauthorized privilege escalation, incorrect use of cryptography, vulnerabilities to network threats and poor software development processes. We show that voters without any insider privileges can cast unlimited votes without being detected by any mechanism within the voting terminal software. Further, we show that even the most serious of our outsider attacks could have been discovered and executed without access to a source code. We conclude that this voting system,'' and now this is one of the most common voting systems in America, ''that this voting system is unsuitable for use in a general election.''

Well, there are a lot of technical computer science terms there, but what they mean is the software is unreliable, that the machines may not record the votes the way the voters intended them to be recorded, either through inadvertent error or through malicious software hacking.

The State of Maryland commissioned a third-party review of their electronic voting machines. This review was conducted by Science Applications International Corporation, SAIC, last summer. A version of that report was released and it said: ''This risk assessment has identified several high-risk vulnerabilities in the implementation of the managerial, operational, and technical controls for the voting system. If these risks are exploited, significant impact could occur on the accuracy, integrity, and availability of election results. The system is at high risk of compromise.''

Again, this is written in technical terms, but it says quite simply, your vote may not be counted.

Now, even if great pains have been taken to get rid of the bugs in the software and the systems are guarded so hackers do not get to them, we still cannot be certain, we still cannot be certain that the system works to record the voters' intentions accurately.

Now, some election officials say, well, we have been using these electronic machines for several years now and we have never had a problem, to which I say, Mr. Speaker, how do you know? If the system has an obvious breakdown, then you know it does not work. But if it appears to be recording votes, you cannot know, fundamentally cannot know whether it does work.

That is why it is necessary that there be a parallel audit trail, so that each voter owns the verification. Not some discount company that vouches for its machine, not even the election officials of the State, but the voter herself or himself can verify that the vote that is recorded is the vote that was intended.

Maryland commissioned yet another study, because there was continuing uncertainty following the really troubling results of that first study. This study, prepared by another organization, was released in January of this year. It was based on what they called a ''red team exercise,'' a deliberate attempt to compromise the system, to see how easily they could be compromised.

That reported said: ''The State of Maryland election system, comprising technical, operation and procedural components, as configured, contains considerable security risks that can cause moderate to severe disruption in an election.''

Mr. Speaker, we are talking about the central act, the centerpiece of our democracy, voting. What could be more important?

Well, there is a way to deal with this problem. It is technologically and practically feasible. In fact, it is easy to give each voter the control of the verification, to give each voter the assurance, the confidence, that his or her vote has been recorded the way she or he intended.

I have introduced the Voter Confidence and Increased Accessibility Act. I introduced this about a year ago, working with a number of computer scientists and election officials and others, seeking input from civil rights groups and public interest groups and groups of citizens with physical disabilities; and we crafted language that would solve this security problem.

Quite simply, my legislation would require that all voting systems produce a voter-verified paper record for use in manual audits. So you go into the booth, if there is an electronic machine, one of these DRE touch-screen machines, for example. You would vote. Before you submit the vote, after you have chosen the candidates and selected your position on the referenda and so forth, the machine would produce a parallel audited record, a paper account of your vote.

□ 1730

One can look at it and say, yep, that is my vote. Or if it is not, one can declare it a spoiled ballot and have the election officials reset the machine and vote again, or, vote once and the other ballot is disposed of.

The legislation would not only require a voter-verified paper record for each voter at the time of voting, it would ban the use of undisclosed software and wireless communication devices in voting systems. It would require that all voting systems meet these requirements in time for the general election of this year, November 2004. It would require that electronic voting systems be provided for persons with physical disabilities 1 year earlier than is provided under the current versions of the law.

My legislation would also require mandatory surprise recounts in one-half of 1 percent of all jurisdictions so that the voters, each voter, can have assurance that the system is working. This will go a long way toward removing one of the areas of uncertainty.

I think any of us, when we hold town meetings or just walking around the

streets of our towns, we encounter people who say, ''I do not vote. My vote does not count.'' I spend a lot of time arguing with people like that. As someone who won an election by a razor-thin margin once, I can assure them that every vote does count.

But more and more I hear people saying, my vote will not be counted. And that is a very troubling sign. If people do not go to the polls for whatever reason, it is a loss to democracy. It is a tragedy for our country. And we dare not let them have the excuse that their vote will not be counted because the machine will malfunction, because there are bugs in the software, or because the software has been tampered with.

The centerpiece of our democracy, that is what we are talking about.

And I am pleased to be joined in this discussion by two people who have given a great deal of thought to this issue. I am joined by my friend the gentleman from New Mexico (Mr. UDALL) who served as attorney general in New Mexico before coming here to the House of Representatives. And he understands how important it is that we maintain the confidence of citizens in their government and in the process of government. And he understands how we can do that.

I would be pleased to yield to my colleague from New Mexico.

Mr. UDALL of New Mexico. Mr. Speaker, I thank the gentleman from New Jersey (Mr. HOLT). And let me first of all say that it is a real pleasure to be here with him this evening and have the opportunity to carry on a debate with him about this important issue. I want to thank the gentleman for his leadership on this.

I had a series of town hall meetings in my district recently. And maybe my colleague could help me with some of the questions that people have. I thought I would just begin with a question and then with a statement, and maybe we can just carry a little bit of a discussion on about this one question.

I have talked to machine manufacturers. I have talked to elected officials that supervise these elections. They tell me we have a lot of touch machines in New Mexico, and they say things to me like, we do not have to worry because we have three levels of redundancy in the computers. We do not have to worry because there is backup in the computers.

And I think my colleague has explained it somewhat in his opening remarks, but I would like to kick that back to him at this point and have my colleague, because I know he has called many of these computer experts over the course of developing this legislation, when they say three levels of redundancy in the computer, is that a level of protection my colleague is satisfied with, and does it, in fact, in this piece of legislation give security to the ballot itself?

Mr. HOLT. Mr. Speaker, reclaiming my time, it does not provide enough security. This past Tuesday, a day ago, I voted in the school board elections in my home district. For the first time our county, Mercer County, New Jersey, used electronic touch screen machines, the so-called DRE, one brand of the DRE machines.

As I expected, they were clear, easy to use, accessible. I think they would be good for people with physical disabilities, better probably than the old lever machines. And they were, as I expected, totally unverifiable. Now, why do I say that? Because the manufacturers will say, oh, we have batteries in there so if the power fails, they will not crash. Of course, there are a lot of computer engineers who promise that their software will not crash. But the manufacturers say, well, we store the votes in two different memory locations so there is redundancy.

With the electronic machines there is no way after the polls close that you can go back and determine what was the intention of each voter because there is this fundamental principle of secrecy. One's ballot must be kept secret. They cannot go back and say, you, Mr. UDALL, voter number 23 today, voted for candidate A in this election and candidate C in that election.

So it is fundamentally different from your ATM machine, your cash machine at the bank or from other electronics that you work with because at the end of the month, with your bank, you have got either your checks or photocopies of your checks, and the bank tells you how much they think you have, and you tell them how much you think you have, and you get together on it.

With a secret ballot one cannot do that. They cannot tell someone how they voted. They cannot know how someone voted. So there is necessarily a gap between the casting of the vote and the recording of the vote. It is fundamental to these machines. One cannot get around it. We cannot build redundancy in there because there is a gap filled with software between the casting of the vote and the recording of the vote.

Mr. UDALL of New Mexico. Mr. Speaker, would the gentleman yield?

Mr. Speaker, I hope that that is very clear to everyone out there. It was very clear to me the way that was explained. And I want to say that the reason we are here today on the floor is because we believe in the improved use of technology. Computerized voting systems will soon become the primary method for voting across the country, and with this new technology comes a potentially serious problem: The fact that these systems will not have a verifiable paper trail of how a citizen actually voted.

Without this component, voters and election officials have no certainty that votes have been properly recorded, because computer voting machines are not currently required to produce a voter-verified paper trail. Any errors or irregularities they cause are difficult or even impossible to discover.

Voters would never know and election officials could never determine whether a faulty machine erroneously recorded the voter's intent. A growing host of nationally and internationally renowned computer scientists consider a voter-verified paper trail to be a critical safeguard for the accuracy, integrity, and security of computer assisted elections.

Thankfully my colleague the gentleman from New Jersey (Mr. HOLT) has introduced H.R. 2239 to address this problem. H.R. 2239 requires the electronic voting systems to provide a mechanism for voter verification of results. H.R. 2239 would require that voters be able to verify the actual paper record after it is printed.

Requiring a voter-verified paper trail is both easily solved and immediately necessary. Localities are making purchasing decisions right now. If Congress acts now, we can ensure that every election is voter-verified and auditable, and localities can move forward with confidence. The technology is there to make this happen.

I am proud to be a cosponsor of H.R. 2239 and hope that this Congress will take action on this legislation immediately. There is broad-based support for voter-verified paper trails. In fact, more than 70 organizations, including Common Cause, the National Organization For Women, the National Federation of Republican Women, as well as the editorial boards of more than 20 newspapers have endorsed voter-verified paper trails.

With a critical election looming, it makes it that much more important that we address this situation now.

Mr. Speaker, I would once again like to thank my colleague, the gentleman from New Jersey (Mr. HOLT), for his leadership on this issue. I look forward to working with him, with the gentleman from North Carolina (Mr. PRICE), with the gentlewoman from Ohio (Ms. KAPTUR) and all the other fine sponsors of this legislation to help ensure and improve the integrity of our electoral process.

Mr. Speaker, I yield back to the gentleman from New Jersey (Mr. HOLT) and thank my friend again.

Mr. HOLT. Mr. Speaker, I thank my colleague for those stirring words that speak to democracy. I cannot emphasize strongly enough what we are talking about here. This is not an exercise in computer science. It is not a game of political gotcha. It is not a partisan matter. It is not antitechnology. It is simply an effort to see that voters believe that they own their government, that they own their vote, that the sanctity of their vote is preserved.

Now, someone who has studied this both theoretically and practically is the gentleman from North Carolina (Mr. PRICE), who has looked at this with the eyes and the mind of a political scientist, but also as someone who has had his share of close elections and

knows what it would mean if we had elections all across the country without the possibility of a recount.

I am pleased to yield to my friend from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, I thank the gentleman for yielding, and I commend him for his good work on this critical issue.

Like our friend the gentleman from New Mexico (Mr. UDALL), I have been hearing a lot about this from constituents, from town meetings, from people who just understand that it is unthinkable that we should go through another national election with an outcome that is in doubt. And we have put some machinery in place to replace outmoded, inaccurate voting machines. So it would be ironic if some of that machinery turned out to have serious problems of its own.

So I want to commend my colleague for understanding the gravity of this issue and introducing the bill H.R. 2239, which offers a very promising remedy. I am proud to be a cosponsor and join in this Special Order today to talk about this issue.

The bill of the gentleman from New Jersey (Mr. HOLT) would require all electronic voting machines, also known as direct record electronic voting systems, or DREs, would require all the DREs that are used in the upcoming election to produce some kind of verifiable paper trail. This bill would thus create a way for American voters to ensure that their votes are counted accurately.

There are very few things that are more important, I think, to the workings of democracy. You have got to be able to assume the legitimacy of election outcomes. If we do not act quickly on this bill, I am afraid we may face the possibility of having two Presidential elections in a row where the outcomes are contested.

Often we get so caught up in the debate about electronic voting machines that we forget that there are other reliable and verifiable options to these direct record electronic voting systems.

□ 1745

Not all of them are particularly high-tech devices. This may be an area where at least for the present, high tech is not necessarily better. For example, in my district of North Carolina, we use what we call optical scanning systems. You take a piece of paper and take an magic marker and connect arrows on this ballot. You feed the ballot into the machine. The machine reads the vote instantly and produces an outcome at the end of the day instantly, but then there is this paper record if the outcome is contested. In case there is a malfunction, there is a paper record that could be consulted to back up the result.

We may well have these more sophisticated, more complicated direct record electronic voting systems in our future. But the current counting mechanisms on many of these machines are not foolproof, as several elections in this past year have shown.

I wonder if the gentleman from New Jersey (Mr. HOLT), I know he has studied this extensively, if he could elaborate on that a bit. What have been some of the problems that have been pointed out by the studies in terms of perhaps a potential for hacking, perhaps a potential for fraud, the potential for malfunctioning? Just what kinds of problems are we talking about?

Mr. HOLT. These electronic machines are now in fairly common use around the country, and so we are beginning to get a number of stories of questionable behavior or real horror stories. There are cases where it appears that the electronic machines have actually counted backwards as the evening has gone along. There are other cases where, well, in one election recently, ironically in the State of Florida, there was a special election for a State office, several candidates on the ballot in a couple of counties. Some thousands of voters turned out for this single election. There was only one election on the ballot, and 137 voters who showed up, signed in and went into the voting booth evidently did not vote. Their votes were not recorded.

In other elections there are suspicious results where all of the candidates, all of the winning candidates got exactly the same vote total numbering in the thousands. So there are a number of instances where there are questionable results, and the point is you will never know was there something wrong because you cannot go back and audit them. There is no audit. There is no recount possible.

So I am afraid that anytime there is a close election from now on, unless we have this parallel voter-verified audit trail, there will be a cloud hanging over every close election and the loser and the loser's supporters will wonders if they have been cheated out of the election by some sort or error or, at worse, by hacking, by theft, by fraud. And that cloud cannot be dispelled.

Mr. PRICE of North Carolina. No matter whether we are talking about a malfunction intended by no one or something much more mischievous or fraudulent, a system like there where you have no way of checking, no back-up system, simply leads people to suspect the worst. And so it would appear to me that we would want to offer maximum assurance. As I said earlier, to move from these punch card systems which were so inaccurate and so problematic to move to high-tech electronic systems with all these bells and whistles which nonetheless have no basic capability to offer a back-up check, that would not seem to be the way we ought to be moving in election reform. Some of these low-tech alternatives might be better for the present.

Mr. HOLT. Would it not be ironic.

Let me refer to what a couple of States are doing, partly because Congress has been slow to address this problem. My bill has been sitting in committee for a year now. Some States have acted on their own. I have mentioned the studies that were undertaken in California and the Secretary of State of California has decided to act and has declared that in the future the California machines must have a voter-verified paper trail.

In past months, the Secretary of State of Nevada, Dean Heller, announced his decision to buy touch screen voting machines for all of Nevada's counties, and he also announced a mandated paper ballot be created through the use of a voter-verifiable record in all new DRE machines purchased in the State of Nevada in time for the 2004 general election. Said the Secretary of State, ''I did so because the voters of this State overwhelmingly supported the inclusion of a paper trail to protect the integrity of our election.'' Maybe it is time for the voters to let their county officials know how important a voter-verifiable receipt printer is to them.

Now, it would make sense for Federal elections that this be handled on a national level and not count on each county and each State to try to protect the integrity of the system for the voters. As the Secretary of State of New Hampshire wrote, ''People in other States talk about the unbelievable burden of recounts. They do not realize the costs of restoring legitimacy is far greater than the costs of maintaining it.''

He gets it. He understands that we have to have an election system that is recognized as legitimate, that allows recounts, that gives voters confidence. New Hampshire uses paper ballots in 100 percent of its precincts; 55 percent of New Hampshire precincts use an optical scan system where you fill in a circle or a box next to the candidate, and then an optical scanner or machine will count those ballots. But you have the record that the voter has marked herself or himself so that provides a voter-verification paper trail. That is 55 percent of their precincts and 45 percent use paper and nothing else. And New Hampshire's system for a number of years now has been highly successful, in the words of the Secretary of State, and ''successful in promoting voter confidence and reliability.''

In fact, to make the pointed that this is not a partisan matter, should not or need not be a partisan matter, I have here a resolution passed by the New Hampshire State Republican convention in 1988 no less. So it is not only not partisan; it is not all that new. They said, ''Whereas, the State of New Hampshire has computerized voting equipment that does not have the ability to recount manually, does not have the ability to recount at all, uses secrecy of internal procedures as a primary security strategy, does not give the voter the ability to ensure the computer has voted as instructed, now therefore, it be resolved,'' etc., etc.,

''computerized voting equipment must either produce a manually recountable ballot for the voter's inspection prior to electronically casting the voter's ballot or use as its input a ballot which can be used in a manual recount.''

The Republican Party said, we must have a voter-verified paper trail.

I am pleased now that we are joined by our colleague, the gentlewoman from Ohio (Ms. KAPTUR), who has given a great deal of thought and energy to this question. I yield to my colleague.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from New Jersey (Mr. HOLT) for his outstanding national leadership for his question of the integrity of our vote and wish to join him in support of H.R. 2239, his measure to instill voter confidence and increased accessibility of 2003 by requiring a voter-verified permanent record or hard copy under title III of the Help America Vote Act that we passed back on October 29, 2002.

The bill does need perfection, and it is to the gentleman from New Jersey's (Mr. HOLT) great credit that over 132 Members of this House already signed on as co-sponsors of this measure.

It is a pleasure to join the gentleman from New Mexico (Mr. UDALL), the gentleman from North Carolina (Mr. PRICE) here this evening, and the gentlewoman from Florida (Ms. CORRINE BROWN) in supporting this measure.

Let me just say that the goals of the original act were to provide funds for new voting equipment and training and that the Election Assistance Commission that was established as a national clearing house for Federal elections was expected to do many things that they have not done to date, simply because they were appointed too late. In fact, a year late. They were not confirmed in their position until December 9 of last year. And the first public meeting of the commission was just about one month ago on March 23. Therefore, when counties in our congressional district looked to the Federal Government for information about secure voting systems, and which electronic voting devices can really be trusted, guess what? There is no advice, because the commission has not completed its work. And in fact as we meet here today, the public comment period on the various State election plans that have been submitted to the Federal Register for comment which will end on May 8 allow for the States to self-certify. Those comments are just given back to the Secretaries of the various States and then Federal money begins to kick in, $2.3 billion for election training, $650 million for equipment; but the point is that there are not Federal standards by which we can judge this equipment. This has never happened before across our Nation.

There are many delays associated with those appointments to the commission, and several deadlines in HAVA have already been missed in that act. I will submit those for the record tonight. It is important to say over two dozen States have requested and granted a waiver for compliance with the HAVA voting equipment requirements until the first election after January 1, 2006.

I would say to many elections officials across this country and across my own State of Ohio who have asked me, go to the act. We can provide this to you. You do not have to buy this equipment this year if you do not believe it is secure. If you do not believe the smart cards are trust worthy, you do not have to buy those machines under the act that we passed here. There are no Federal standards in place yet so you have no guidelines. So why make decisions prematurely?

We want to make sure that that equipment works once you bring it on line, and you have to think about the long-term costs of the maintenance of the electronic equipment. Right now the act does not provide for storage costs at a certain humidity, which many of those electronic systems do require. You have to also think about the training of the booth workers who will be working this year. The training money has not gone out yet. Who will do the training? What kind of training? Will we be sufficiently trained on this new equipment by November or should you use your traditional system that has been in place through this year and then move the HAVA legislation and then the equipment and so forth on board for elections after January 2006?

I just wanted to mention the gentleman from New Jersey's (Mr. HOLT) tremendous work in this area, specifically as regards the paper trails and how you recount from a device that sends its votes into cyberspace.

We currently have several places in the country where elections have been conducted on this equipment and the votes cannot be recounted because the votes are in space. There is no paper record. There is nothing in the machine you can go back to. It only repeats what it did before. There is no paper record. And I totally support your efforts to try to get an auditable, verifiable paper trail. With all of the money we are spending, well over a billion dollars in this country, why can we not get it right the first time and make sure that whatever is necessary to provide that machine with intelligence so we can audit that trail is available? In the State of Ohio, I will end and just say, we have a State requirement that if an election is within one half of 1 percent, we must recount. It is Ohio's statute. We must do this. If we have votes in cyberspace, there is no way that we can accomplish this state-mandated test.

So I want to thank the gentleman for taking on this major effort. And believe me, you have my support in the Committee on Appropriations and in any other way to try to get these machines to function the right way and to get our poll workers the proper training before the election in which any of this equipment is brought on line.

RUSH HOLT has introduced H.R. 2239, the Voter Confidence and Increased Accessibility Act of 2003, to require a voter-verified permanent record or hardcopy under title III of the Help America Vote Act. The bill now has 132 cosponsors. Congressman HOLT will speak more about his bill later.

HAVA was signed into law on October 29, 2002. Its goals were to provide new voting equipment in those communities where it is needed and wanted; to provide training programs for election workers and voter education programs for the public; and to establish an Election Assistance Commission to serve as a national clearinghouse and resource for the administration of Federal elections.

Under the Act, the four Commissioners were to be appointed by February 26, 2003. Their nominations were not even sent to the Senate until October 3, 2003, and they were not confirmed until December 9, 2003. The first public meeting of the Commission was just about 1 month ago, on March 23rd. As we meet here, the public comment period on State Election Plans is underway. At the conclusion of this period, State Election Plans can be self-certified by the States and they will begin to receive more than $2.3 billion for election training and assistance, in addition to the $650 million that has already been put out to the states.

Due to the delays in the appointment of the commission, several deadlines specified in HAVA have already been missed:

Recommendations and voluntary guidance on Section 302 provisional voting requirements (October 1, 2003);

Recommendations and voluntary guidance on Section 303 provisions on computerized statewide voter registration list requirements and mail registration requirements (October 1, 2003);

Human Factors Report to the President and Congress (October 29, 2003);

EAC adopts voluntary guidance recommendations relating to Section 301 Voting Systems Standards Requirements (January 1, 2004);

First Annual EAC report to Congress (January 31, 2004);

A report and recommendations to the President and Congress for facilitating military and overseas voting.

Additionally, 24 states have requested and been granted a waiver for compliance with HAVA voting equipment requirements until the first Federal election after January 1, 2006.

Testing by NIST on voting machines, and its obligation to help develop tough standards for this new equipment, was suspended for 2 months this year because of the lack of federal money. The Commission is thankful that NIST has been able to identify $375,000 to help the Technical Guidance Development Committee get underway. But no recommendations are expected for another 9 months, while the Commissioners themselves recognize that State and local election authorities are looking for federal guidelines to help them develop their own standards.

Over the course of the past year, there have been many concerns raised regarding the security of new voting equipment. Will there be a paper trail that can be used for recounts? Can the summary data stored on the memory components of equipment provide a source for a recount in which voters can have confidence? Expert opinion is divided, and several

states, including Ohio, California, Maryland and others, are looking into adopting state legislation that will build upon HAVA's minimum requirements.

The Commission itself is scheduled to hold a hearing regarding concerns about election equipment and other start-up issues on May 5th. The Technology Subcommittee of the House Government Reform Committee, which had planned to hold a hearing on similar concerns on April 28th, has now delayed their hearing until May 12th.

□ 1800

Mr. HOLT. Mr. Speaker, I thank the gentlewoman and since she speaks about appropriations, it is worth pointing out that the Help America Vote Act, which was passed to bring voting up-to-date and to remove uncertainties, dimpled chads, pregnant chads, hanging chads, butterfly ballots and all that and to provide greater access for people with physical disabilities, to provide greater voting rights for minorities, that bill is a very important step, but it is terribly underfunded. The appropriations have not come close to matching what the authors of that bill said was necessary.

But to the other point that my friend from Ohio raised where in Ohio if an election is very close there must be a recount, let me speak from personal experience.

A few years ago, I was involved in a close election. My opponent asked for a recount. In one of the five counties in my District, there were then in use electronic voting machines. No surprise, several weeks after the election, when the judge asked for a recount, those machines gave exactly the same numbers that they gave 5 minutes after the polls closed. They call that a recount but it is meaningless. If there was an error, if the voter's intention was not properly recorded, no one will ever know. Each time you interrogate the computer, it will give you the same answer. I do not call that a recount because you are not testing against the voters' intentions.

Let me quickly just read a few comments from the press around the country. The New York Times: ''Even a cursory look at the behavior of the major voting machine companies reveals systematic flouting of the rules. Software was modified without government oversight; machine components were replaced without being rechecked. And here's the crucial point: even if there are strong reasons to suspect that electronic machines miscounted votes, nothing can be done about it. There is no paper trail; there is nothing to recount.''

Anchorage, Alaska: ''Alaska law,'' and by extension the Federal law, ''should require electronic voting machines to produce a paper record of each vote.''

Bangor, Maine: ''Paperless voting machines and those that transmit results over the Internet are vulnerable to glitches and manipulation by hackers. Yet election officials in many States are tempted by a slick technology.''

Asbury Park Press: ''There's no good reason for Congress to delay mandating that electronic machines produce paper records.''

Los Angeles Times: They say, ''Machines, too, can lie.''

Boston Globe: ''It's the computers' turn to mess up elections.''

Newsday says, ''Elections flawed.''

Palm Beach Post, Orlando Sentinel: ''The electronic voting machines are better than dimpled chads but need back-up.''

Eugene, Oregon, The Register-Guard: ''Voters need a record.''

Sarasota Herald Tribune: ''A paper trail would increase faith in elections.''

I could go on. In newspaper after newspaper, in town meeting after town meeting, in letter after letter sent to probably every Member of this House of Representatives, the public is calling for a voter verified paper trail because, I am pleased to say, the American public cares about their votes. They believe their votes are sacred and we should preserve that sanctity.

Someone who can speak with authority about this, about the importance of the franchise, how important it is that we extend the vote to all eligible voters and we make it as easy as possible for them to vote thoughtfully and that we ensure the integrity of those votes is the gentlewoman from the great State of Florida (Ms. CORRINE BROWN), which, I am sorry to say, the State has become the poster child of voting irregularities, but that is just because the vote was close in Florida. If it had been close in other States, we would have found voting irregularities in other States, too.

We have to do everything we can in every State to restore the sanctity of the vote, the integrity of the vote, the reliability of the vote, and with that, I would be pleased to yield to my friend, the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, first of all, I want to thank the gentleman for holding this meeting today to discuss the elections and how we are going to ensure that we have a fair election in 2004 and how we are going to make sure that people in America get a chance to vote but also that their votes will count, but I do have to correct my colleague on just one thing because Florida is not just known in the country, it is known throughout the world, because of this last election.

I just returned from Eastern Europe and I tell you, anytime I mentioned that I am from Florida, there is a sympathy in the look that I receive because they wonder how in the world that South Africa could get it right and we could not get it right in the great State of Florida.

The correction I want to make is that the election in Florida was not close. It was not close at all. Statewide, over 150,000 votes were thrown out, but I want to talk to you about what was very up close and personal for me in that in my District, in the 3rd Congressional District of Florida, in Duval County alone, in precinct 7, 8, 9 and 10, over 27,000 votes were thrown out, 27,000.

I have here on my right the gentleman from North Carolina (Mr. PRICE) who came to Duval County at a hearing where all the problems that Florida experienced was discussed and the depth of the seriousness of throwing out 27,000 votes. Why were they thrown out? Because they had old machines, and the machines, when you vote, they just spit the ballot out, and we never counted them. To this day, 27,000 ballots were not counted.

The sad part about it is that the supervisor of elections did not inform us. By law, you can ask for a recount in 48 hours. They did not even tell us until at least four days after the election that they had thrown them out. By the way, I was watching television. The supervisor of elections came on television, and the reporters were asking him how many votes were thrown out in Duval County. He said, oh, 27,000. I mean, 27,000. So we have to make sure that that never happens again nowhere in the United States.

When I travel around the world and I go to places like Haiti, they did not have 27,000 votes thrown out. When I go to Africa and monitor their elections, I mean if we are going to be the voice of freedom, it starts with the election.

Let me just say that I supported the initiative on the Help America Vote Act that was passed back in 2002, and I thought it was particularly important that the law provides money to help States replace and update their old and outdated voting machines. Now we can see why this is so important because of what happened in Florida, just during the last primary.

During the primary even though voter turnout was light, serious problems occurred. For example, voters were incorrectly given computer cards that let them vote only on local issues and not on the issue that they came to vote for, the presidential primary. So the fact is that in many counties, the machines did not work, and even the experts, the computer scientists, warned that votes and entire elections, in fact, could be stolen by rigging the codes that run the machines, and the only defense against this is a paper trail, in every vote count, so that a paper ballot could be counted if the machines tallies are brought into question.

To me, after what happened in 2000, I think of all places, Florida definitely needs a paper trail. We need a paper trail. Nothing has changed in Florida. We still have the same governor. Jeb Bush is the governor of Florida, and we still have a system in place where the governor paid a firm out of Texas $4 million to verify felons. Well, it did not matter whether you were a felon or not. If your name was James Brown or

CORRINE BROWN, we just took all of the similar names out of the system, and you were not even notified so that you could correct it before the election.

So when you went to the supervisor of elections office, where you have been going for the past 30 years, you were told that you could not vote because you were a felon and you had no recourse. We had nothing in place that you could cast your ballot and later we could rectify it, and so all of those people, thousands, was turned away on election day.

About three weeks later, they got a letter from the supervisor of their elections saying, whoops, we made a mistake, and we in this Congress and we in this country are still suffering from that mistake, and we have to be committed that what happened in the 2000 election will never happen again in this country. We have to make sure that we put the credibility back for the American people and for the world because the world looks at us as a beacon of light, of hope, and yet they wonder why we cannot get it right in the United States. Maybe the reason why we cannot get it right is because we do not want to get it right.

I enjoy a good campaign, but the end result is we have got to make sure that when the American people go to the polls in November that they can vote, that their vote will count and there is verification of the vote.

I thank the gentleman very much for having this opportunity to talk to the American people about a system that is still broke, and if we do not put the money, the oversight and the security into the system, then shame on us.

Mr. HOLT. Mr. Speaker, I thank the gentlewoman for those remarks.

Let me again quote from Anthony Stevens, the Assistant Secretary of State of New Hampshire: The cost of restoring legitimacy is far greater than the cost of maintaining it. When there is an error in the election or when there is uncertainty that there might be an error in the election, it hurts democracy. The winner is compromised; the loser is compromised. Democracy is compromised.

So the fact that there is so much uncertainty about what happened in Florida three-and-a-half years ago is certainly no cause for celebration by the Republicans that they won because there is a cloud hanging over our democracy, and it cannot be resolved.

The HAVA Act, the Help America Vote Act, does take care of some of the problems that my colleague from Florida raised. A voter now can demand a provisional ballot. If when you show up at the polls you are told, well, we cannot find your name on the registration list, you can vote provisionally. You must be allowed to vote provisionally under the Help America Vote Act.

□ 1815

And then later they will determine whether that ballot is good. They will not turn you away.

It also increases accessibility, it increases compliance with the Americans With Disabilities Act, it strengthens the Voting Rights Act of 1965, it provides for a centralized database in each State of registered voters, and it helps replace the old machines.

Ms. CORRINE BROWN of Florida. Mr. Speaker, if the gentleman will yield for just one second, he is absolutely right, the provisional ballot is in place. But to this point you have no assurance that they are going to count it.

Mr. HOLT. That is right.

Ms. CORRINE BROWN of Florida. So that is a major problem.

Mr. HOLT. Mr. Speaker, there is one more point I want to make quickly before I yield to the gentleman from North Carolina.

Ms. CORRINE BROWN of Florida. If the gentleman will allow me one other quick comment.

Mr. HOLT. Certainly I will continue to yield to the gentlewoman.

Ms. CORRINE BROWN of Florida. The other thing is that the handicapped citizens sued Duvall County pertaining to access to the election, making sure that they have an opportunity to vote in private, and they won. So I want to submit this for the RECORD for the membership to review.

[From the New York Times, Mar. 14, 2004]

FLORIDA AS THE NEXT FLORIDA

As Floridians went to the polls last Tuesday, Glenda Hood, Katherine Harris's successor as secretary of state, assured the nation that Florida's voting system would not break down this year the way it did in 2000. Florida now has ''the very best'' technology available, she declared on CNN. ''And I do feel that it's a great disservice to create the feeling that there's a problem when there is not.'' Hours later, results in Bay County showed that with more than 60 percent of precincts reporting, Richard Gephardt, who long before had pulled out of the presidential race, was beating John Kerry by two to one. ''I'm devastated,'' the county's top election official said, promising a recount of his county's 19,000 votes.

Four years after Florida made a mockery of American elections, there is every reason to believe it could happen again. This time, the problems will most likely be with the electronic voting that has replaced chad-producing punch cards. Some counties, including Bay County, use paper ballots that are fed into an optical scanner, so a recount is possible if there are questions. But 15 Florida counties, including Palm Beach, home of the infamous ''butterfly ballot,'' have adopted touch-screen machines that do not produce a paper record. If anything goes wrong in these counties in November, we will be in bad shape.

Florida's official line is that its machines are so carefully tested, nothing can go wrong. But things already have gone wrong. In a January election in Palm Beach and Broward Counties, the victory margin was 12 votes, but the machines recorded more than 130 blank ballots. It is simply not believable that 130 people showed up to cast a nonvote, in an election with only one race on the ballot. The runner-up wanted a recount, but since the machines do not produce a paper record, there was nothing to recount.

In 2002, in the primary race for governor between Janet Reno and Bill McBride, electronic voting problems were so widespread they cast doubt on the outcome. Many Miami-Dade County votes were not counted on election night because machines were shut down improperly. One precinct with over 1,000 eligible voters recorded no votes, despite a 33 percent turnout statewide. Election workers spent days hunting for lost votes, while Floridians waited, in an uncomfortable replay of 2000, to see whether Mr. McBride's victory margin, which had dwindled to less than 10,000, would hold up.

This past Tuesday, even though turnout was minimal, there were problems. Voters were wrongly given computer cards that let them vote only on local issues, not in the presidential primary. Machines did not work. And there were, no doubt, other mishaps that did not come to light because of the stunning lack of transparency around voting in the state. When a Times editorial writer dropped in on one Palm Beach precinct where there were reports of malfunctioning machines, county officials called the police to remove him.

The biggest danger of electronic voting, however, cannot be seen from the outside. Computer scientists warn that votes, and whole elections, can be stolen by rigging the code that runs the machines. The only defense is a paper record of every vote cast, a ''voter-verified paper trail,'' which can be counted if the machines' tallies are suspect. Given its history, Florida should be a leader in requiring paper trails. But election officials, including Theresa LePore, the Palm Beach County elections supervisor who was responsible for the butterfly ballot, have refused to put them in place.

Last week, Representative Robert Wexler, a Florida Democrat, filed a federal lawsuit to require paper trails. He relies on the Supreme Court's holding in Bush v. Gore that equal protection requires states to use comparable recount methods from county to country. Florida law currently requires a hand recount in close races. That is possible in most counties, but the 15 that use electronic voting machines do not produce paper records that can be recounted. Under the logic of Bush v. Gore, Representative Wexler is right.

After the 2000 mess, Americans were assured they would not have to live through such a flawed election again. But Florida has put in place a system, electronic voting without a paper trail, that threatens once more to produce an outcome that cannot be trusted. There is still time before the November vote to put printers in place in the 15 Florida counties that use touch screens. As we learned four years ago, once the election has been held on bad equipment, it is too late to make it right.

[From the Florida Times-Union, Apr. 20, 2004]

JUDGE STAYS OWN ORDER ON VOTING MACHINES

(By Paul Pinkham)

Duval County may not have to buy handicap-accessible voting machines for the August primaries after a Federal judge's ''Reluctant'' stay of his own order so the county can appeal.

Lawyers for blind and manually disabled voters said they will ask the 11th U.S. Circuit Court of Appeals in Atlanta this week to expedite the appeal. But even if they are successful, City Hall attorneys said, little time will be left to implement Senior U.S. District Judge Wayne Alley's order that optical scan voting machines with audio ballots be placed in 57 of the county's 285 precincts for the Aug. 31 primary elections.

''It'd be virtually impossible,'' Assistant General Counsel Scott Makar said, ''Right now, we have four months to implement the judge's order. What could we do in two months?''

Last month, Alley found Duval County Supervisor of Elections John Stafford in violation of the Americans With Disabilities Act because visually and manually disabled people are unable to vote without assistance on the county's optical scan voting machines. But late Friday, he granted Stafford's request for a stay pending appeal, an unusual step for a trial judge.

The judge said he was doing so reluctantly because he doubts the county will prevail on appeal. But he said if the county did happen to win on appeal, without a stay money already would have been spent on new voting equipment. Estimates range from $275,000 into the millions.

''Clearly the citizens of Duval County would be greatly impacted to the potential expenditure of monies to purchase voting machines that might be rendered useless in the event . . . Stafford prevails on appeal,'' Alley wrote. ''Although the court feels there is a public interest in preserving the rights of all citizens, including plaintiffs, the more pointed public interest in this case is fiscal, blue-lighted bridges notwithstanding.''

The bridges comment referred to evidence presented at trial about money Jacksonville spent putting decorative blue lighting on the Acosta bridge.

Despite the stay, Alley said he was ''puzzled'' at the city's aggressive defense of the case.

''Plaintiffs are citizens whose rights are entitled to protection,'' he said. But he noted that, though the voting ''method in place is not the preferred one . . . their substantive right to vote will not be abrogated.''

Douglas Baldridge, attorney for the American Association of People with Disabilities in Washington, said he has asked city attorneys to join him in asking the 11th Circuit for an expedited appeal to resolve the case.

''My hope is that they just don't have a desire to run out the clock on disabled citizens,'' Baldridge said.

Makar said city attorneys are considering Baldridge's request but are looking more toward 2006, when the federal Help America Vote Act takes effect, requiring all U.S. counties to have the necessary equipment to allow disabled people to vote independently.

[From the Florida Times-Union, Mar. 30, 2004]

JUDGE SMUDGES DUVAL VOTING

(By Paul Pinkham)

Duval County election officials are violating the Americans With Disabilities Act and must buy 60 new voting machines accessible to blind voters in time for the August primaries, a federal judge has ordered.

The machines also must be usable by manually disabled voters and placed in 20 percent of the county's 295 voting precincts under a court-approved plan according to population density and the availability of transportation, Senior U.S. District Judge Wayne Alley wrote.

While Alley's ruling isn't binding on other jurisdictions, the case was the first of its kind in the nation to go to trial and will have far-reaching implications for the rights of disabled voters to cast their ballots independently.

''It is truly a landmark decision,'' said Doug Baldridge, attorney for the American Association of People With Disabilities in Washington. ''There is now a well-respected judge making a well-reasoned decision. . . . That's powerful.''

City Hall attorneys were caught off guard by the order, which they received Monday morning. Though they anticipated an adverse decision based on Alley's previous comments, they expected the judge to wait until the May 14 deadline he set for the state to certify handicap-accessible touchscreen machines made by the vendor the city does business with, Assistant General Counsel Scott Makar said.

They haven't decided whether to appeal.

''We really want to get a fuller reading of the judge's order and its impact,'' Makar said. ''The remedy is not going to be known until after May 14th.''

If the state certifies Diebold Election Systems' touchscreen machines with audio balloting, cost of installing them according to Alley's order would be about $180,000, not including training and software considerations, Makar said. Diebold and the Secretary of State's Office are working toward certifying the machines for use in Florida elections.

But if the state doesn't certify Diebold's machines, or if those machines don't allow a manually impaired voter to vote independently with a mouth stick, Alley said he will require the city to buy similar units elsewhere. The cost of integrating a new system could run in the millions, Makar said. Alley ordered Supervisor of Elections John Stafford to keep the court apprised of the status of Diebold's certification efforts.

The judge also gave Stafford until April 12 to submit a plan for distributing the machines in precincts around Duval County. The plaintiffs will have an opportunity to comment on the plan, Alley ordered.

Visually and manually disabled voters sued Stafford in 2001 after he bought optical scan balloting equipment from Diebold instead of touch screens with audio balloting. Alley, a visiting judge from Oklahoma, heard two weeks of testimony in September and indicated in January he planned to rule in favor the plaintiffs.

''At the time the city purchased the optical scan system, it was technologically and financially feasible to employ a voting system readily accessible to visually impaired voters,'' he said in his order.

Makar said Stafford ''has taken painstaking efforts'' to meet the rights of disabled voters and has been working toward mandatory compliance with the federal Help America Vote Act. That law requires all U.S. counties to have voting systems in place by 2006 that allow disabled people to vote without assistance.

''Buying the equipment now is basically like buying an 8-track when the DVDs are coming off the presses any time now,'' Makar said.

But Baldridge said Alley's decision is legally sound, and disabled voters shouldn't have to wait two more years.

''Obviously it'd be great to have [audio balloting in] every precinct, but we were there to make sure that the violation was proven and to get some relief for these disabled citizens,'' Baldridge said. ''It's an absolute victory.''

Mr. PRICE of North Carolina. Mr. Speaker, if the gentleman will yield, before our colleague from Florida leaves, I do want to make one note.

Mr. HOLT. Mr. Speaker, I yield to the gentleman from North Carolina.

Mr. PRICE of North Carolina. What the gentlewoman from Florida said about this purging of supposed felons, these purges were exempted from protection under the National Voter Registration Act. So many districts purged, as I understand, their voting roll before the election without notifying the people who were purged.

Ms. CORRINE BROWN of Florida. That is right.

Mr. PRICE of North Carolina. So the problem is that thousands of Floridians were purged who had no felony convictions. They were unjustly denied their right to vote. Just think about how frustrating and disillusioning it would be to show up at the polling station and be told you could not vote when you have nothing to compromise your eligibility.

So I want to inform my colleagues that I will be introducing a bill next week that will deal specifically with this problem. And I appreciate my colleague underscoring this unsolved problem from the Florida debacle.

My bill would ensure that no American is ever denied the right to vote in a future election because he or she is mistakenly labeled as having committed a felony. It would require States to send that notification that our colleague says was never sent, send that notification no later than 30 days prior to an election, informing people convicted of a felony that they have been removed from the voter list and explaining the reasons why. And then the person who is notified can respond. This would let them know about their rights to appeal the decision. It would require the State rule on the appeal. And if the appeal is still pending at the time of election, my bill would say they can cast a provisional ballot.

That is legislation that I believe would fill a remaining problem from the Florida experience.

Ms. CORRINE BROWN of Florida. And, Mr. Speaker, if the gentleman from New Jersey will continue to yield for just 30 seconds.

Mr. HOLT. I yield to the gentlewoman from Florida, Mr. Speaker.

Ms. CORRINE BROWN of Florida. Let me just mention that there are only five States now that will not allow ex-felons to vote. And that is a bigger issue. Because once someone pays their dues and serves their time, you want them to be productive citizens. And part of being a productive citizen is participating in the voting process. So that is something that we need to take a look at.

This is something that has been held over from the old Jim Crow days.

Mr. PRICE of North Carolina. That is a larger issue. My bill would simply deal with these purges and the fact that there often have been mistaken purges. It would give people who were purged the chance to respond.

I again want to commend the gentleman from New Jersey (Mr. HOLT) and all the others today for being part of this. We need to take these next steps in election reform. We have gotten rid of the unregulated soft money, and we have made certain that candidates are going to have to stand up and take responsibility for the content of their ads. We have made some headway. But this legislation that the gentleman from New Jersey (Mr. HOLT) has introduced in addition to the bill I have just described I believe would take us several steps further to restoring faith in our democracy, and I look forward to working with my colleagues on this.

Mr. HOLT. Mr. Speaker, I look forward to working with the gentleman from North Carolina also.

Each of these pieces of legislation deals with one aspect of the problem. One of the lessons of the election of 2000 was that many millions of Americans learned how complicated the voting question is. But we certainly can take care of these two matters in a straightforward way.

Again, my legislation would require that all voting systems produce a voter-verified paper record for use in manual audits. It would ban the use of undisclosed software. It would require that all voting systems meet these requirements, a voter verification, in time for their November 2004 election, this year. It requires that electronic voting systems be provided for persons with disabilities earlier than under the Help America Vote Act, and it would require mandatory surprise recounts in one-half of 1 percent of all jurisdictions.

I think that would go a long way. Now, some of my colleagues here on the floor say, oh, that is not necessary, let us let HAVA work. I tell you one way we can let HAVA work. Each State has submitted to the Election Assistance Commission a plan of how it will comply with HAVA. That has been published in the Federal Register. Public comments on those State plans are due by May 8, and members of the public are invited to comment to the Election Assistance Commission.

That is one way that the process will work. Because ultimately it is the public, not the 435 of us here, who own this democracy and who ultimately must ensure that it works as it should.

RECESS

The SPEAKER pro tempore (Mr. BURNS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 21 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1903

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 7 o'clock and 3 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2844, CONTINUITY IN REPRESENTATION ACT OF 2004

Mr. MARIO DIAZ-BALART of Florida from the Committee on Rules, submitted a privileged report (Rept. No. 108–466) on the resolution (H. Res. 602) providing for consideration of the bill (H.R. 2844) to require States to hold special elections to fill vacancies in the House of Representatives not later than 21 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KINGSTON (at the request of Mr. DELAY) for today on account of attending the funeral of a dear friend.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BROWN of Ohio) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

(The following Members (at the request of Mr. BURGESS) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1814. An act to transfer Federal lands between the Secretary of Agriculture and the Secretary of the Interior; to the Committee on Resources; in addition to the Committee on Agriculture and to the Committee on Education and the Workforce for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1274. An act to direct the Administrator of General Services to convey to Fresno County, California, the existing Federal courthouse in that county.

H.R. 2489. An act to provide for the distribution of judgment funds to the Cowlitz Indian Tribe.

H.R. 3118. An act to designate the Orville Wright Federal Building and the Wilbur Wright Federal Building in Washington, District of Columbia.

ADJOURNMENT

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, April 22, 2004, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7623. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Support the Tribal Pesticide Program Council (TPPC); Notice of Funds Availability [OPP–2003–0399; FRL–7349–1] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7624. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Boscalid; Pesticide Tolerance [OPP–2004–0075; FRL–7353–1] received April 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7625. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02–15, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7626. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 03–08, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

7627. A letter from the Assistant Secretary, Department of Defense, transmitting the National Guard Challenge Program Annual Report for Fiscal Year 2004, required under section 509(k) of title 32, United States Code; to the Committee on Armed Services.

7628. A letter from the Acting Under Secretary, Department of Defense, transmitting a report required by section 335 of the National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108–136) regarding the implementation of the revised Office of Management and Budget (OMB) Circular A–76, Performance of Commercial Activities; jointly to the Committees on Armed Services and Government Reform.

7629. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting the Department's report that covers two areas involving the Armed Services' aviation programs for FY 2003, pursuant to 37 U.S.C. 301a(f) and (b); to the Committee on Armed Services.