

INTRODUCTION OF A BILL TO PERMIT REASONABLE COST REIMBURSEMENTS FOR EMERGENCY ROOM SERVICES PROVIDED BY FEDERALLY QUALIFIED HEALTH CENTERS

**HON. ED CASE**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2003*

Mr. CASE. Mr. Speaker, I rise today to introduce a bill to permit reasonable cost reimbursements for emergency room services provided by Federally Qualified Health Centers (FQHCs).

We are all well aware of the important role FQHCs play in our medically underserved communities. FQHCs exist in areas where economic, geographic, or cultural barriers limit access to primary health care, and they tailor their services to community needs.

There are some FQHCs that go above and beyond the usual scope of services by not only providing primary and preventive care, but also meeting the emergency care needs in their communities. For these services, FQHCs are not currently eligible for reimbursement; they should be.

A great example is the Waianae Coast Comprehensive Health Center (WCCHC) in an underserved area of Oahu in Hawaii. The WCCHC is a community-owned and operated non-profit medical facility that serves an ever-growing population of approximately 50,000 residents. Around seventy percent of the WCCHC's patients live on incomes below the national poverty level. About seventy-five percent of all WCCHC patients do not have health insurance. Nearly fifty percent of the WCCHC's patients are of Native Hawaiian ancestry.

The WCCHC—which has been recognized for service excellence both locally and nationally—runs the only emergency medical facility on the Waianae Coast. The nearest alternative site for emergency medical care is twenty miles away. I am sure you will agree that this is quite a lengthy journey to make in a critical situation where every second matters. The WCCHC emergency room provides patients with the care they need close to home, in a facility with which they are familiar, and with a staff that both patients and families know and trust. In 1999 alone, the WCCHC emergency staff handled more than 12,000 cases.

FQHCs like the Waianae Coast Comprehensive Health Center that provide these vital services should be able to receive reasonable reimbursements for the emergency care of their patients. I urge my colleagues to support this legislation.

INTRODUCTION OF THE VOTER CONFIDENCE AND INCREASED ACCESSIBILITY ACT OF 2003

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2003*

Mr. HOLT. Mr. Speaker, today I am introducing The Voter Confidence and Increased Accessibility Act of 2003.

After the Florida voting debacle of the 2000 election, we in Congress recognized that we

had to act to restore the integrity and reliability of our electoral system by making dimpled chads and other voting irregularities a thing of the past. Last October, we enacted the Help America Vote Act (HAVA), groundbreaking election reform legislation that is currently helping states throughout the country replace antiquated and unreliable punch cards and butterfly ballots. Early this month, the newly-formed New Jersey HAVA Commission held its first meeting. From those Commissioners and others I know, there is a great deal of enthusiasm about the increased Federal involvement in oversight, funding and guidance with respect to the conduct of elections for Federal office.

But HAVA could have an adverse, unintended consequence. It is fueling a headlong rush by states and localities to purchase computer voting systems that suffer from a serious flaw. It generates suspicion about the voting. You, the voter, have no way of knowing if your vote is recorded as you intended.

Imagine it's Election Day 2004. You enter your local polling place and cast your vote on a brand new "touch screen" voting machine. The screen is large and well lit, and your choices are clearly spelled out before you. In fact, it looks as easy to use as the ATM at your bank. You breathe a sigh of relief that you no longer have to figure out a complicated butterfly ballot or pull a lever. So you make a choice and touch the corresponding button to cast your vote. The screen says your vote has been counted. As you exit the voting booth, however, you begin to wonder: how do I know if the machine actually recorded my vote correctly. The fact is, you don't. No one knows.

That is why hundreds of nationally-renowned computer scientists, including David Dill of Stanford University, consider a voter-verified paper trail to be a critical safeguard for the accuracy, integrity and security of computer-assisted elections.

Without a physical record of votes cast, how will election officials in 2004 be able to launch an effective, honest recount in a closely contested election? How will they be able to ensure that a computer hacker has not tampered with votes?

Dr. Rebecca Mercuri, also a nationally renowned expert on this subject and a constituent of mine, asks on her website: "Think the November 5, 2002 US General Election went smoothly? Use your favorite Web engine and search for the words 'election' and 'glitch'—a recent scan on Google News turned up hundreds of disturbing press reports." Not all of these reported troubles were in Florida. They were in Texas, Alabama, Nevada, Georgia, California, South Carolina, Nebraska, and New Jersey. Voter News Service (VNS), the agency that provides exit poll data that might have been used as a cross-check against computerized returns, was coincidentally knocked out of service by an unidentified 'massive computer glitch' on Election Day as well. Many of the election problems (including those at VNS) occurred in spite of hundreds of millions of dollars (soon to be billions) spent on new equipment.

In the 2002 election, brand new computer voting systems used in Florida lost over 100,000 votes due to a software error. In New Jersey, several voting irregularities have been reported and, in one instance, a mainframe computer deployed to rapidly tally election results broke down entirely and had to be re-

placed in the last minute by bookkeepers using adding machines. In fact, in the 2000 election, it was also reported that in an election in South Brunswick in my congressional district, one new touch-screen machine simply did not record any votes at all for one Republican candidate and one Democratic candidate. The manufacturer was quoted in the Washington Post as saying "no votes were lost—they were just never registered." The election officials in charge were quoted as saying "it didn't matter whether the fault was the voters' or the machine's, the expected votes were gone."

In Georgia, the entire state voted on 22,000 brand new touch-screen machines purchased in 2001 at a cost of \$54 million. The Washington Post reported that when used in the November 2002 general election, "some people touched one candidate's name on the screen and saw another candidate's name appear as their choice. Voters who were paying attention had a chance to correct the error before finalizing their vote, but those who weren't did not." It is also disturbing to note that immediately prior to the election, a "patch" (a modification to the voting machines' software program) was installed on the new machines. Although the patch reportedly "was checked before it was installed," it also reportedly was not checked by election or certification officials. Nonetheless, the official who oversaw the statewide upgrade in Georgia declared that the voters were happy with how the system operated.

Maryland also installed new touch screen machines in five counties that were first used in the November 2002 general election. Again, the election official who oversaw the purchase of the new equipment was reported in the Washington Post as saying "the system performed flawlessly in two statewide elections. The public has a lot of confidence in it, and they love it." But, as Professor David Dill observes, "I'm not concerned with elections that are a mess. I'm concerned about elections that appear to go smoothly, and no one knows that it was all messed up inside the machine." A Maryland reporter wrote an article on exactly that danger, immediately after the November 2002 election, using the incident in which the computer betting system used in the Breeder's Cup Race was tampered with as a cautionary and analogous example.

Not all election officials want to rely on voting technology that produces no voter-verified record. Warren Slocum, Chief Elections Officer & Assessor-County Clerk/Recorder for San Mateo County, California actively and enthusiastically endorses the use of voting equipment that produces a voter-verified paper trail. He says, "the most naive argument against a paper trail is that the machines are accurate and tested properly before the election. It is argued that we don't need to worry about hackers, Trojan Horses or programming mistakes.... Surprisingly, some elections professionals say that touchscreen voting systems can be trusted. But when voters are given the choice, most say 'absolutely not.' And the computer scientists who have studied this issue say no way."

Across the country, in growing numbers, people are studying and reading about electronic voting and saying—"wait a minute ...."

With the 2004 election around the corner and states lining up to buy new computerized voting machines, Congress needs to act immediately before it's too late. We need to

make sure that voters receive a physical, paper verification of their votes. After all, voting should not be an act of faith. It should be an act of record.

That is why I am introducing this bill— The Voter Confidence and Increased Accessibility Act of 2003 — to amend HAVA to require a voter-verified record for all votes cast in federal elections. Under my bill, funds expended under HAVA will be utilized in a manner that ensures that this minimum standard of voter protection will be built into computer voting systems before the next general election.

Key provisions of my bill include:

1) A requirement that all voting systems produce a voter-verified paper record for use in manual audits. A system using optical scanning of cards marked by the voters is one acceptable version. For those using the increasingly popular direct recording electronic (DRE) voting machines (such as 'touch-screen' machines), this requirement means those machines would print a receipt that each voter would verify as accurate and deposit into a lockbox at the polling station for later use in a recount. States would have until November 2003 to request additional funds to meet this requirement.

(2) A ban on the use of undisclosed software and wireless communications devices in voting systems.

(3) A requirement that all voting systems meet these increased standards of protection in time for the general election in November 2004. Jurisdictions anticipating that their new computer systems may not be able to meet this deadline will be able to use a paper system, as an interim measure and at federal expense, in the November 2004 election.

(4) A requirement that electronic voting systems be provided for persons with disabilities by January 1, 2006—one year earlier than currently required by HAVA. Like the voting systems used by persons without disabilities, those used by disabled voters must also provide a mechanism for voter-verification, though not necessarily a paper trail. Jurisdictions unable to meet this requirement by the deadline must give disabled voters the option to use the interim paper system with the assistance of an aide of their choosing.

(5) A requirement of mandatory surprise recounts in 0.5 percent of domestic jurisdictions and 0.5 percent of overseas jurisdictions.

Mr. Speaker, there is nothing more crucial to democracy than guaranteeing the integrity, fairness, and accuracy of elections. The election of 2000 was a fiasco, but unless this legislation is promptly enacted the election of 2004 could be a disaster.

#### VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2003

SPEECH OF

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 20, 2003*

Ms. SHEILA JACKSON-LEE. Mr. Speaker, I rise in support of H.R. 1683, the "Veterans Compensation Cost-of-Living Adjustment Act of 2003."

Texas is the home of 1.8 million veterans. Of those, 40,998 veterans live in the 18th

Congressional District of Texas. That means 8.6 percent of the district's adult population is veteran.

These brave men and women have fought valiantly in our wars. They risked their lives to protect the freedoms that every American citizen holds dear. Every American owes every veteran a debt of gratitude. I support H.R. 1683 because it is a means for this Chamber to show our appreciation for our veterans.

This legislation provides a financial boost to our deserving veterans. H.R. 1683 increases the disability compensation rates for veterans who have suffered injuries as a result of their service, and also increases the rates of compensation for dependency and indemnity compensation for the survivors of certain veterans. Furthermore, H.R. 1683 increases the compensation for veterans, their dependants, the clothing allowance, and dependency and indemnity for surviving spouses with minor children.

Our veterans have made immeasurable sacrifices for all Americans. H.R. 1683 ensures that veterans get the cost-of-living adjustment they need and deserve. This legislation will increase the compensation our veterans receive to offset the additional cost associated with inflation. This adjustment in compensation is very timely considering the present sluggishness of our economy.

More than 2 million veterans receive disability compensation each month as a result of injuries suffered in the course of military service. Nearly 600,000 spouses, children, and parents of veterans will also receive additional compensation and benefits as a result of H.R. 1683.

Mr. Speaker, H.R. 1683 is a bill that helps our heroic veterans live more comfortable lives. I support H.R. 1683 and I salute our veterans.

#### INTRODUCTION OF ENVIRONMENTAL JUSTICE ACT

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 22, 2003*

Mr. UDALL of Colorado. Mr. Speaker, today I am today again introducing the Environmental Justice Act. I am proud that my colleague Congresswoman HILDA SOLIS is once again joining me as an original cosponsor of this bill.

Representative SOLIS and I first introduced this bill last year, too late for consideration in the 107th Congress. Its reintroduction today reflects our continued concern about the way federal actions have had disproportionately adverse effects on the health, environment and quality of life of Americans in minority and lower-income communities.

Too often these communities—because of their low income or lack of political visibility—are exposed to greater risks from toxins and dangerous substances because it has been possible to locate waste dumps, industrial facilities, and chemical storage warehouses in these communities with less care than would be taken in other locations.

The sad fact is that in some eyes these communities have appeared as expendable—without full appreciation that human beings, who deserve to be treated with respect and

dignity, are living, working, and raising families there.

This needs to give way to policies focused on providing clean, healthy and quality environments within and around these communities. When that happens, we provide hope for the future and enhance the opportunities that these citizens have to improve their condition.

Our bill would help do just that. The bill essentially codifies an Executive Order that was issued by President Clinton in 1994. That order required all federal agencies to incorporate environmental justice considerations in their missions, develop strategies to address disproportionate impacts to minority and low-income people from their activities, and coordinate the development of data and research on these topics.

Although federal agencies have been working to implement this order and have developed strategies, there is clearly much more to do. We simply cannot solve these issues overnight or even over a couple of years. We need to "institutionalize" the consideration of these issues in a more long-term fashion—which this bill would do.

In addition, just as the current policy was established by an administrative order, it could be swept away with a stroke of an administrative pen. To avoid that, we need to make it more permanent—which is also what this bill would do.

It would do this by statutorily requiring all federal agencies to—make addressing environmental justice concerns part of their missions; develop environmental justice strategies; evaluate the effects of proposed actions on the health and environment of minority, low-income, and Native American communities; avoid creating disproportionate adverse impacts on the health or environment of minority, low-income, or Native American communities; and collect data and carry out research on the effects of facilities on health and environment of minority, low-income, and Native American communities.

It would also statutorily establish two committees: the Interagency Environmental Justice Working Group, set up by the Executive Order to develop strategies, provide guidance, coordinate research, convene public meetings, and conduct inquiries regarding environmental justice issues; and a Federal Environmental Justice Advisory Committee, appointed by the President, including members of community-based groups, business, academic, state agencies and environmental organizations. It will provide input and advice to the Interagency Working Group.

In a nutshell, what this bill would do is require federal agencies that control the siting and disposing of hazardous materials, store toxins or release pollutants at federal facilities, or issue permits for these kinds of activities to make sure they give fair treatment to low-income and minority populations—including Native Americans. The bill tells federal agencies, "In the past these communities have endured a disproportionate impact to their health and environment. Now we must find ways to make sure that won't be the case in the future."

For the information of our colleagues, here is a short analysis of the bill:

#### ENVIRONMENTAL JUSTICE ACT

Summary: This bill would essentially codify a Clinton Administration Executive Order which directed a number of federal agencies