

CHANGING THE WAYS AND MEANS
COMMITTEE ON BEHALF OF THE
DEMOCRATS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. STARK. Mr. Speaker, when the Ways and Means Committee held our organizational meeting earlier today, I offered an amendment to change the committee rules on behalf of the Democrats. My amendment would have allowed the minority party to conduct oversight hearings on the administration when the majority refused to do so. Such a change is vitally important because, with Republicans controlling both Congress and the White House, it is clear that they do not want to expose problems that exist in the Bush administration.

Below is my statement in support of the amendment I offered. It was defeated on party lines. I encourage my colleagues and the public to read this statement and take notice of the fact that Congress' duty to conduct oversight is being undermined in this Republican-run House of Representatives. The full statement follows:

As we consider changes to the Committee's rules, I have an amendment to offer on behalf of the Democrats.

The purpose of my amendment is to restore the duty of oversight to our committee. Since President Bush took office, House Republicans have decided that conducting oversight of the Administration is not a necessary function. We'd like to fix that.

My amendment is very straightforward. It would allow the Ranking Member to request in writing that the Chairman hold a hearing regarding alleged ethical misconduct or any violation of the law by an Administration employee. If the Chairman chose not to hold a hearing within 30 calendar days, then the minority would be allowed to move forward with an official Ways and Means Hearing. We would schedule it. We would invite the witnesses. We would have subpoena authority as well.

Why is this amendment needed?

This amendment is vitally necessary because the Committee on Ways and Means is no longer doing its job with regard to protecting the integrity of the programs under our jurisdiction.

The lack of oversight is a problem across our committees in Congress, but let me provide three prime examples of this problem with the Ways and Means Committee's jurisdiction:

Medicare: There are at least two incidents—that we know of—related to the Medicare debate from the 108th Congress.

First, the Committee failed to fulfill its duties investigating former CMS Administrator Tom Scully's actions to gag Chief Actuary Rick Foster from responding to our requests relating to the Medicare bill in 2003. Given that I had always assumed we had a mutual interest in protecting the prerogatives of the Committee and Congress, I was surprised and disappointed that the majority doesn't apparently share this view.

The Chairman may well try to make the case that we held two hearings on this last year. While we did hold one routine hearing on the Trustees Report, which happens each year, the other one came about only because Democrats forced it through the use of House Rule 11. However, because we had no subpoena authority, neither Tom Scully nor Domestic Policy Advisor Doug Badger were

willing to testify at the hearing. Since they were the key witnesses, our hearing was fairly meaningless. The Chairman had said he would support additional efforts if "laws had been broken." Later independent analysis from both CRS and GAO found that laws had indeed been broken, but the promised oversight never materialized.

Separate from the Scully incident was the discovery that CMS had paid consultants to produce news videos on the Medicare prescription drug bill. GAO found that these ads were covert propaganda and should not have been allowed. In their report, the GAO General Counsel stated, "In a modest but meaningful way, the publicity or propaganda restriction helps to mark the boundary between an agency making information available to the public and agencies creating news reports unbeknownst to the receiving audience."

Marriage Promotion: Now we're discovering that the use of propaganda was not limited to promoting last year's Medicare bill. Everyone has already heard about the Department of Education grant to conservative talk show host Armstrong Williams. But, that isn't in our committee's jurisdiction. Other examples are however.

Thanks to the work of reporters at the Washington Post, Salon and USA Today (thankfully those entities still do oversight), it has been discovered that HHS has provided grants to columnists to promote Bush's marriage promotion agenda.

Specifically, Maggie Gallagher, a syndicated columnist, was paid \$21,500 to promote the Bush marriage agenda in her columns. She is president of the Institute for Marriage and Public Policy, a frequent television guest, and has written on marriage for the New York Times, Wall Street Journal and Weekly Standard. She did not disclose that HHS had paid her to promote the marriage initiative when she was touting it in columns and on television.

Michael McManus, a conservative author and self-proclaimed marriage expert, who writes a syndicated column "Ethics & Religion" also received federal funds from HHS to train "marriage mentors" (\$4000) and \$49,000 to promote marriage among unwed couples. He did not disclose this relationship when writing in support of the marriage initiative in his columns during this same time.

Social Security: Last week, two Social Security Administration employees came forth to raise their concerns that government employees within SSA are being required to promote President Bush's Social Security privatization agenda. Aside from being improper, this is probably illegal as well. Our Senate Democratic Colleagues exposed this latest example of potential wrongdoing.

Mr. Chairman, these are three glaring examples of potential misuse of taxpayer funds in areas all under the jurisdiction of our committee. Yet, we've done nothing to investigate these allegations to discover if they are improper—or worse, to find out if the problems are even more widespread.

Many of us on the Democratic side of the aisle have stepped up to investigate these allegations. We've requested GAO reports as I've cited above. Unfortunately, there is no enforcement for GAO when they find violations of the law. It is up to us in Congress to pursue remedies or to change the law to prevent future violations.

I urge my colleagues to support my amendment. It seems very clear that Republicans don't intend to do this oversight on their own. At least give us the ability to conduct these hearings and do our best to protect the taxpayers from the misuse of government resources.

VOTING OPPORTUNITY AND TECH-
NOLOGY ENHANCEMENT
RIGHTS (VOTER) ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. CONYERS. Mr. Speaker, today I rise to introduce on behalf of myself and 25 colleagues the Voting Opportunity and Technology Enhancement Rights Act, or the VOTER Act of 2005, legislation that will help ensure that all voters who are eligible to vote are able to vote and have their vote properly counted in Federal elections.

We have just experienced the second consecutive presidential election where issues were raised concerning irregularities and improprieties. For example, in Ohio we learned of the misallocation of voting machines, which led to lines of 10 hours or more and disenfranchised scores, if not hundreds of thousands, of predominantly minority voters. We also learned of numerous incidents of voter intimidation, as well as the dissemination of misleading information. Members on both sides of the aisle acknowledge that further reforms are needed to ensure that all of our citizens' rights to vote are protected.

As a result, the VOTER Act will provide for a uniform Federal write-in/absentee ballot; require states to provide for a verifiable audit trail; ensure that provisional ballots cast anywhere in a state are counted; eliminate disparities in the allocation of voting machines and poll workers among a state's precincts; mandate early voting and election day registration procedures; protect against improper purging of registration lists in federal elections; provide for a study regarding making election day a public holiday; ease voter registration requirements; allow voter identification by written affidavit; study eliminating partisan election officials from administering federal elections; enhance training for election officials; require the use of publicly available open source software in voting machines; provide uniform standards for vote recounts; prohibit voting machine companies from engaging in political activities; and enhance legal protections against voter intimidation and threats.

The legislation is supported by the NAACP, the NAACP Voter Fund, the Progressive Democrats of America, the UAW, the Black Leadership Forum, Rainbow Push, and the National Voting Rights Institute. The legislation is the House counterpart to S. 17, legislation introduced in the Senate by Senator CHRIS DODD on behalf of the Senate Democratic Leadership.

It is imperative that we have elections that count every vote of every eligible voter. A provisional ballot cast anywhere in the State of Ohio should count just as it does in the State of Iowa. There is no reason that voters in inner city areas should be forced to wait in long lines, while their counterparts in the suburbs are able to vote immediately. If voters in Oregon can vote early, why can't voters in Michigan; if citizens of Idaho enjoy same day registration, why can't voters in Florida; and if voters in Wisconsin can have their elections administered by nonpartisan boards, why can't the rest of us?

If there is any issue that is central to our democracy, it is ensuring that eligible voters are

able to participate in our elections. Enacting the VOTER Act of 2005 will help ensure that we restore trust in our election system.

The following is a section-by-section of the VOTER Act:

Section 1—Short Title and Table of Contents

Section 2—Findings and Purposes

Details a number of concerns regarding fairness of federal elections that justify a federal legislative response.

Section 3—Enhanced Protections Against Voter Intimidation, Threats, Coercion, and Deception

Creates new requirement that unfair or deceptive acts or practices in or affecting voting in Federal elections are prohibited and the Attorney General is empowered and directed to prevent persons, partnerships, or corporations from using unfair or deceptive acts or practices in or affecting Federal elections via civil or criminal remedy.

Creates a corollary private right of action. Amends 42 USC 1971 and 18 USC 245 to specify that deceptive and coercive voter intimidation is unlawful.

Provides for an enhanced system for DOJ to track, document, and monitor election irregularities.

Section 4—National Federal Write-In Absentee Ballot

Requires the Election Assistance Commission (EAC) to prescribe a national Federal write-in absentee ballot and that any person qualified to vote in a Federal election be permitted to cast a vote using that ballot.

Provides that a federal write-in absentee ballot will be counted so long as the ballot is postmarked or signed before the close of the polls on election day and received by the appropriate State or election official on or before the date which is 10 days after the date of the election.

Section 5—Verified Ballots

Provides that voting systems shall have an independent means of voter verification which requires each voter to verify the ballot before it is cast and counted with a paper, audio, pictorial, or electronic record and that uniform and nondiscriminatory standards for such verified ballots be established by the EAC.

Requires that any means of verification shall be preserved and made available for use in any audit.

Requires that the EAC standards provide for partial audits of voting machines to ensure that the voting machines are properly functioning and accurate and in the event that voting machines are not properly functioning and accurate, the record of the verified ballot will be used for the official vote count.

Requires that the EAC and the states will produce reports on the implementation of the verified ballot.

Section 6—Requirements for Counting Provisional Ballots

Requires that each state shall count any provisional ballot which is cast at a polling place within the state if the individual who cast such a ballot is otherwise eligible under state law to vote.

Section 7—Minimum Required Voting Systems and Poll Workers in Precincts

Requires that each state shall provide for the minimum required number of functioning and accurate voting machines and poll workers for each precinct on the day of any Federal election or during early voting for any Federal election.

Requires the EAC to issue standards regarding the minimum number of voting machines and poll workers.

Section 8—Election Day Registration

Permits any individual on the day of a Federal election to register to vote and to cast a vote in such election.

Requires the EAC to develop an election day registration form for elections for Federal office.

Section 9—Integrity of Voter Registration List

Requires that not later than 45 days before any Federal election, each state shall provide public notice of all names that have been removed from the state voter registration list and that prior to the removal from such a list, a voter must receive proper notice that will be prescribed by the EAC.

Section 10—Early Voting

Requires that each state shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on election day.

Requires the EAC to issue standards for the administration of early voting.

Provides that same day voter registration will occur during early voting.

Section 11—Acceleration of Study on Election Day as Public Holiday

Requires the completion of a study on Election Day as a public holiday by the EAC no later than 6 months after the enactment of this bill.

Section 12—Improvements to Voting Systems

Requires punch card systems to provide a means of verification and audit ability.

Section 13—Voter Registration

Requires voter registration forms to include an affidavit to be signed by the registrant attesting to both citizenship and age rather than having the registrant check boxes on the voter registration form attesting to both citizenship and age.

Requires that any form developed or used by a State for voter registration in Federal elections must include an affidavit attesting citizenship and age instead of the questions and statements under HAVA sec. 303b4(A).

Requires states to establish voter registration through the Internet with the standard established by the EAC.

Section 14—Establishing Voter Identification

Permits voter identification to be established through a written affidavit when a voter is voting in person or through the mail and eliminates the need for any other form of identification, which has the effect of overruling the HAVA requirement that first time voters who register by mail must provide a photo ID when voting.

Requires the EAC to establish the standards for establishing voter identification.

Section 15—Impartial Administration of Elections

Requires that states issue a public notice concerning any changes to the administration of an election since the most recent prior election.

Requires that states must provide access to any polling place to voting and civil rights groups, and nonpartisan domestic and international observers and that such access may be denied only through a public notice that will be issued not later than 24 hours after such denial.

Requires that the EAC conduct a study on the administration of Federal elections in states by nonpartisan election boards, rather than Secretaries of State.

Section 16—Strengthening the Election Assistance Commission

Requires the EAC to submit any budget requests to the Congress and all relevant House and Senate Committees, in addition to the President or the Office of Budget and Management.

Requires that the Director of the National Institute of Standards and Technology provide the EAC with the assistance needed to perform the duties required of it under this Act if such assistance is requested.

Provides for the necessary appropriations to the EAC to perform its duties under this Act.

Section 17—Additional Protections to Ensure Fair Administration of Federal Elections

Provides that no individual may serve as an election official at any polling place used for Federal office unless the individual has been certified through the poll worker certification program established by the EAC.

Requires that each state shall ensure that all voting machines used by the state for elections for federal office use open source software which may be accessible for inspection by the public and that the standard for public viewing of the open source code be established by the EAC.

Requires that the EAC will establish a national standard for the conducting of a recount of the results of any election for Federal office.

Prohibits states from entering into any agreement with an entity regarding the manufacture, distribution, installation, servicing, or other activity with respect to a voting machine if that entity contributes to a campaign for public office and standards on such conflicts of interest will be established by the EAC.

Section 18—Authorization of Appropriations

Provides for the necessary appropriations to the states to perform their duties under this Act, \$2 billion in 2006 and thereafter, such sums as may be necessary.

Section 19—Effective Date

Requires operative provisions to take effect on January 1, 2007.

COMMENDING COUNTRIES AND ORGANIZATIONS FOR MARKING 60TH ANNIVERSARY OF LIBERATION OF AUSCHWITZ

SPEECH OF

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. HONDA. Madam Speaker, I rise today to recognize a tragic anniversary, one which we can never afford to forget. Last week, my colleagues and I voted unanimously in support of a resolution commending countries and organizations for marking the 60th anniversary of the liberation of Auschwitz-Birkenau and urging a strengthening of the fight against racism, intolerance, bigotry, prejudice, discrimination, and anti-Semitism.

January 27, 2005—marked the day 60 years ago that Soviet troops opened the gates of the Auschwitz-Birkenau concentration camp in Poland and liberated the Jewish prisoners who had managed to survive the atrocities committed within those walls.

I join with many others in remembering those who perished, in honoring their memory, and in promising survivors: "never again."

Countries around the world will commemorate this event as a reminder to us all of what can befall humanity when we turn away from injustice and fail to speak out when those in power single out innocents for persecution.

Together, we have made progress in battling anti-Semitism around the world. As part