

INTRODUCTION OF INTERNET EQUITY AND EDUCATION ACT OF 2001

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. McKEON. Mr. Speaker, today I join Representative ISAKSON in introducing the Internet Equity and Education Act of 2001.

The proposed amendments to the Higher Education Act are modest, but will provide an immediate benefit to students and improve the ability of postsecondary institutions to offer instruction over the Internet.

I will focus my comments on the issue of incentive compensation. There has been widespread acknowledgment within the higher education community and at the Department of Education that this provision and the implementing regulation that mimics the statute are unclear and the cause of much confusion with respect to allowable activities. The language included in this legislation attempts to clarify the intent of Congress, while recognizing that this particular provision needs to be regulated in a clear and concise manner with input from all interested parties.

For example, the reference to "other incentive, non-salary payment" in this bill clarifies that the statutory prohibition on certain monetary compensations extends only to bonuses, commissions, and similar payments. It does not prohibit setting or prospectively adjusting salary from time to time, based on performance of legitimate job functions.

The reference to payments "based directly on success" in securing enrollments clarifies that institutions may compensate admissions personnel based on their performance of legitimate recruiting activities and are commonly undertaken by recruiters on behalf of institutions of higher education prior to enrollment and the start of classes. Such activities and practices include, but are not limited to, recruiting visits to high schools; telephone calls and similar communications (including written letters and e-mail) aimed at recruiting prospective students; personal interviews of prospective students; tours for prospective students; providing various academic and general, school-related information to prospective students; and obtaining certain information from prospective students, including but not limited to applications, transcripts, high school diplomas, and other documentation needed to complete an application to enroll at an institution of higher education.

In addition, the change in language is intended to clarify that employee and owner participation in the profits of an institution is permitted.

The reference to persons or entities "directly engaged" in recruiting or awarding financial aid clarifies that the statutory prohibition applies only to those whose primary function is to recruit students or award financial aid. It is not intended to apply to supervisors or higher-level executives who, although they may supervise such persons or be above them in the institution's organizational chart, do not recruit prospective students or award financial aid. In addition, this change clarifies that the statutory

prohibition is not intended to apply to contractual arrangements with third parties, such as web services providers marketing companies, or other service providers that have no control or authority over admissions or enrollments at the contracting institution.

Finally, this provision is being deleted from Section 487 and placed in a new Section 484C. It was never the intent of Congress that this provision should be deemed an element or condition of institutional, programmatic, or student eligibility. In changing the placement of the provision, it will give the Secretary the discretion to levy appropriate sanctions, in the event an institution is found to have violated the statutory ban.

I believe this clarification of the incentive compensation provision, along with the provisions addressing the 12-hour rule and correspondence education limitations, will provide postsecondary institutions with much needed relief from "outdated regulations that impede innovation," and will allow the institutions to provide students with approaches to education "that embrace anytime, anywhere, any pace learning." It will do so within the context of maintaining the integrity of our student financial aid programs. I urge my colleagues to support this legislation.

THE BUSH ADMINISTRATION HAS NOT KEPT FAITH WITH OUR NATION'S VETERANS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. EVANS. Mr. Speaker, on Monday we will commemorate Memorial Day. We will pause to humbly and gratefully remember the service and sacrifice of the men and women who have served in uniform and have defended and preserved our shared ideals.

Shamefully, on Memorial Day 2001, hundreds of thousands of disabled veterans and their families continue to wait for action on claims for veterans benefits now pending before the Department of Veterans Affairs (VA). To his credit, the Secretary of Veterans Affairs, Anthony Principi, has been candid with veterans and their advocates about the crisis that exists today in veterans' claims adjudication. Repeatedly, Secretary Principi has stated that addressing the backlog of 513,309 claims currently pending before regional offices of the Department of Veterans Affairs (VA) is his number one priority. In acknowledging the claims adjudication crisis, Secretary Principi recently stated in an interview with the Veterans of Foreign Wars, "In the short-term, we will train more specialists. The staff will be increased to assist in clearing the backlog."

Secretary Principi is to be commended for recognizing the size and scope of the problem. He has taken action to authorize the hiring of additional staff needed to begin addressing the claims crisis. He has made known the need for additional resources to resolve this crisis successfully.

However, President Bush and his Office of Management and Budget (OMB) have failed to promptly take actions needed to ameliorate

the burgeoning veterans claims adjudication crisis. For its part, OMB established a significant roadblock by refusing to submit to Congress a supplemental funding request for less than \$30 million needed to pay for the critically needed additional VA staff Secretary Principi is hiring.

Early this year, VA requested a supplemental appropriation of \$29.1 million for this fiscal year to pay for the additional staff needed to address the backlog of compensation, pension and education claims. Despite the evident need for this

Those who have taken the time to talk with and listen to veterans understand that the time veterans are forced to wait for medical care is long and excessive, especially for certain specialized care form many VA medical facilities. The Committee on Veterans' Affairs submitted a bipartisan request to the Budget Committee pointing to a more than \$1 billion shortfall in the Administration's 2002 budget.

Since the Bush Administration took office, the backlog of veterans' claims has increased by more than 100,000. The number of claims awaiting a decision for more than six months also continues to grow—from 95,680 on January 19, 2001, to 143,777 on May 16, 2001.

A number of factors have caused the increased backlog. The processing of VA claims is a complex and labor intensive job. Recent legislation requires VA to obtain records in the custody of the federal government, including military records and medical evidence, before deciding a claim for service-connected compensation. This assistance to veterans supported by President Bush is intended to assure that veterans' claims would be treated with fundamental fairness and result in an accurate and fair decision. I am under no illusion that by bringing in additional staff, the backlog will disappear overnight. Similarly, I understand the backlog of claims will not be reduced while quality decision-making is maintained and improved unless and until additional resources are made available—resources needed to hire additional personnel and train them appropriately.

Critically needed additional funding must be requested by the Administration. Alternatively, the backlog will continue to increase and the time taken to resolve it will likewise continue to increase. Surely this will not honor our veterans.

The question today is how soon will VA exhaust funds to pay for the costs of needed additional staff? What other programs are being cut to cover the costs of the additional employees desperately needed to adjudicate claims? How many

Mr. Reyes and I have today introduced H.R. 1980. This bill would authorize an emergency supplemental appropriation to provide the funding needed to address the crisis in VA claims adjudication that exists today. I call on President Bush to support this legislation or submit a similar request to the Congress now.

This Memorial Day, our Nation's veterans will be the subject of many finely crafted speeches delivered to honor them. Words, however, are not enough. Our deeds are a better measure of how well we truly honor our veterans. The need for additional resources is

real. Claims adjudication is, and will remain for some time, a labor-intensive work. Let our deeds match our words of commemoration and remembrance. Let us provide the critically needed funding to pay for the resources needed to address the backlog and let us do this now.

During the campaign for President, then candidate Bush said, "health care for veterans is a complicated, bureaucratic process involving too many delays and uncertainties in coverage. Disability compensation claims can be an even longer ordeal, taking an average of 165 days to complete. So chaotic is the process there is now a backlog of nearly one-half million claims. This is no way to treat any citizen, much less a veteran of our Armed Forces. The veterans health-care system and the claims process will be modernized, so that claims are handled in a fair and friendly way." Mr. President, I agree and now is the time for you to act.

Candidate Bush also said, "I have great faith in those who serve our nation—in the temper of their will and the quality of their spirit. Our men and women in uniform love their country more than their comfort. They have never failed us, and we must not fail them." Mr. President, we must not fail those who have served and sacrificed. Take action now to request the additional funding so desperately needed for our Nation to keep faith with our veterans. It is time for your words and deeds to be one.

TRIBUTE TO CAPTAIN DAVE WALKER

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. OTTER. Mr. Speaker, I rise today to pay tribute to a great American, Dave Walker, who today will be laid to rest in Arlington Cemetery. Captain Dave Walker served his country on the sea, in the sky, and among the stars.

Captain Walker graduated from the United States Naval academy in 1966, completed his flight training, and became an F-4 Phantom Pilot. He led many combat missions over Vietnam. After returning from Vietnam, Dave became a test pilot and helped the Navy transition from the F-4 to the F-14 Tomcat that is still flown today. During his naval career, he was awarded the Distinguished Flying Cross, six Air Medals, and the Vietnamese Cross of Gallantry, among others.

In 1978 Dave was selected by NASA for astronaut training and graduated in 1979. He served in many important support roles, including chase plane pilot for STS-1, and mission support leader for STS-5 and 6. Dave first went into space aboard the Space Shuttle discovery during Mission STS 51-A in 1984—the first salvage operation completed in space.

Dave Walker returned to space in 1989 as commander of STS-30 aboard the Space Shuttle *Atlantis*. Dave and his crew again contributed to scientific knowledge by launching the Magellan space probe to Venus. He also commanded the Space Shuttles *Discovery* and *Endeavour* on important missions in recent years.

After leaving NASA in 1996 Dave Walker entered the private sector, and he and his wife

purchased a home in McCall. Dave quickly advanced as President of the Idaho Aviation Association and the Idaho Aviation Foundation, and worked tirelessly to promote and protect the aviation community. He was particularly interested in working to reopen Cascade Reservoir Air Strip, one of the most beautiful fields in Idaho.

Sadly, Dave will never get the chance to fly into Cascade Reservoir airstrip again. He was diagnosed with cancer in March and passed away on April 23rd. He is survived by his wife Paige, his children Michael and Mathieson, and a grateful nation. Heroes are buried in Arlington Cemetery, but heroes like Dave Walker will live on in the lives of the people he fought to protect in Vietnam, the knowledge he contributed to space technology and aviation, and the friendships he made in Idaho.

RECOGNITION OF GLENN ROYAL BATTY

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. NETHERCUTT. Mr. Speaker, this coming weekend, the United States will observe Memorial Day and honor the service of America's soldiers, sailors, airmen and marines. As we take time this weekend to reflect on the sacrifices of members of our Armed Forces, I commend to the attention of my colleagues a poem written by a constituent, which I am entering into the CONGRESSIONAL RECORD. Glenn Royal Batty, of Spokane, Washington, has authored a moving poem entitled "The Soldier," which serves as a reminder of both the hardships of military life and the dedication of the American soldier. As Mr. Batty noted in a personal letter introducing his poem, "There can be no greater sacrifice than to give one's life for another but no greater shame than to spend life for less." I urge my colleagues to take a moment from their busy lives and reflect upon the message in this poem.

THE SOLDIER

(By Glenn Royal Batty)

I am one of a chosen few, a warrior of might.
And I will stand or I may fall, but I will join the fight.
I am he who fights for you, throughout history.
While vain men speak of glory, to hide hypocrisy.
The captain calls for volunteers, to mount a bold defense,
While shades are drawn and shutters closed with indifference.
And as the ranks are gathered, above the rolling plain.
The soldier takes his courage into battle once again.
Battle is begun, and with it fear's perfume.
When this day is done, we'll see a bloody moon!
As you sing of glory and righteousness of cause,
We march courage six abreast, into the devil's jaws.
There to face our destiny with honor or in shame.
But to face it not, is not a thing we know, or can explain.
You won't feel my deadly steel or taste this fearsome blade,
But it will haunt your dreams at night, until its price is paid.

And you might wish to turn away, before the bugle sounds.

For righteousness is hard to find within a battleground.

Battle is begun! May God be on our side.
We pray a kingdom come, where peace may yet abide.

For fame or notoriety, what is the value there?

For land or grudge, we cannot see. What purpose? I declare!

For names, twice whispered on men's lips or tails of great renown,

We will march to battle, for honor is our crown!

Battle is begun! The day is warm, the wind blows sweet.

It stirs the banners with each breath,
While valiant souls together meet to share ignoble death.

Battle is begun no matter where or when,
We will fight and die. That's how it's always been.

I am one of a chosen few You're not to blame, It's what I do.

And if God's mercy will decree, with hardened heart and strength of will,
Throughout the flow of history, I will be fighting still.

THE CONSERVATION SECURITY ACT

HON. JOHN R. THUNE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2001

Mr. THUNE. Mr. Speaker, I would like to thank all Members who joined as original co-sponsors of H.R. 1949. A special thank you goes to Ms. KAPUR of Ohio, the lead cosponsor and Ranking Member of the Agriculture Subcommittee of the House Committee on Appropriations. In this spirit of bipartisanship, we can move forward to address the conservation needs of the farmers in rural America.

The Conservation Security Act (CSA) would create a win-win situation for farmers and the environment. The bill would allow farmers, ranchers and other agricultural producers to participate in a voluntary, incentive-based conservation program. Under this legislation, the farmer or rancher would not have to set aside land. It would give them resources to carry out conservation practices on working lands as they work to make a living off the land.

CSA would allow landowners and operators to enter into contracts and receive payments based on the type of conservation practices they are willing to plan, implement and maintain. Conservation practices may include soil and residue management, contour farming, and cover cropping as well as comprehensive farm plans that take into account all the resource concerns of the agricultural operation.

CSA would establish three tiers of progressive conservation practices, plans and payment levels while allowing for continued participation in other agriculture conservation programs. Under the legislation, a participant may also receive payments based on established practices and for adopting innovative practices and systems, pilot testing, new technologies, and new conservation techniques. The program is voluntary.

I believe CSA is a balanced, responsible approach to encouraging conservation on our agricultural lands. As Congress moves forward