

budget authority and \$1,590,801,000,000 for outlays.

The rule providing for consideration of H.R. 2330 strikes the emergency designation from the appropriation. Upon adoption of the rule, Sec. 314 of the Congressional Budget Act provides that these adjusted levels are automatically reduced by the amount that had been designated an emergency. Should the rule (H. Res. 183) not be adopted, these adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Dan Kowalski at 67270.

#### MICROBICIDES DEVELOPMENT ACT OF 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I rise today to introduce the Microbicides Development Act of 2001. I am pleased that so many of my good friends and colleagues have signed on as original cosponsors of this legislation which I am dropping in this evening. My thanks go to them.

Mr. Speaker, this week the United Nations convened a special session of the U.N. General Assembly to address how to combat the spreading HIV and AIDS epidemic. We have entered the third decade in the battle against HIV and AIDS. June 5, 1981, marked the first reported case of AIDS by the Centers for Disease Control, and since that time 400,000 people have died in the United States, and globally 21.8 million people have died of AIDS.

Tragically, women now represent the fastest growing group of new HIV infections in the United States, and women of color are disproportionately at risk. In the developing world, women now account for more than half of the HIV infections, and there is growing evidence that the position of women in developing societies will be a critical factor in shaping the course of the AIDS pandemic.

So what can women do? Women need and deserve access to a prevention method that is within their personal control. Women are the only group of people at risk who are expected to protect themselves without any tools to do so. We must strengthen women's immediate ability to protect themselves, including providing new women-controlled technologies; and one such technology does exist, called microbicides.

The Microbicides Development Act, which I am introducing, will encourage Federal investment for this critical research with the establishment of programs at the National Institutes of Health and the Centers for Disease Control and Prevention. Through the work of NIH, nonprofit research institutions, and the private sector, a number of microbicide products are poised

for successful development. But this support is no longer enough for actually getting microbicides through the development pipeline and into the hands of millions who could benefit from them. Microbicides can only be brought to market if the Federal Government helps support critical safety and efficacy testing.

Health advocates around the world are convinced that microbicides could have a significant impact on HIV and AIDS and sexually transmitted diseases. Researchers have identified almost 60 microbicides, topical creams and gels that could be used to prevent the spread of HIV and other sexually transmitted diseases, such as chlamydia and herpes. But interest in the private sector in microbicides research has been lacking.

According to the Alliance for Microbicide Development, 38 biotech companies, 28 not-for-profit groups, and seven public agencies are investigating microbicides, and phase III clinical trials have begun on four of the most promising compounds. The studies will evaluate the compounds' efficacy and acceptability and will include consumer education as part of the compounds' development. However, it will be at least 2 years before any compound trials are completed.

Currently, the bulk of funds for microbicides research comes from NIH, nearly \$25 million per year, and the Global Microbicide Project, which was established with a \$35 million grant from the Bill and Melinda Gates Foundation. However, more money is needed to bring the microbicides to market. Health advocates have asked NIH to increase the current budget for research to \$75 million per year.

Mr. Speaker, today the United States has the highest incidence of STDs in the industrialized world. Annually, it is estimated that 15.4 million Americans acquired a new sexually transmitted disease. STDs cause serious, costly, even deadly conditions for women and their children, including infertility, pregnancy complications, cervical cancer, infant mortality, and higher risk of contracting HIV.

This legislation has the potential to save billions of dollars in health care costs. Direct cost to the U.S. economy of sexually transmitted diseases and HIV infection is approximately \$8.4 billion. When the indirect costs, such as lost productivity, are included, that figure will rise to an estimated \$20 billion. With sufficient investment, a microbicide could be available around the world within 5 years. Think of the difference that would make.

I urge my colleagues to lend their support to this vital legislation.

Mr. GANSKE. Mr. Speaker, will the gentleman yield?

Mrs. MORELLA. I yield to the gentleman from Iowa.

Mr. GANSKE. Mr. Speaker, I just want to commend the gentleman from Bethesda, Maryland, for her long-time concern on issues related to women's health.

I think this is a vitally important bill. It is something that this Congress should pass. It will affect millions and millions of women in a positive way. Sexually transmitted disease is a tremendous problem in this country. My hat is off to the gentlewoman, and I am happy to be a cosponsor of her bill.

Mrs. MORELLA. Mr. Speaker, I was just going to thank the gentleman from Iowa (Mr. GANSKE) for being a cosponsor and for his work in making sure that Americans have appropriate access to health care.

#### EDUCATION IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we are about to enter our July recess for the 4th of July holiday, and it must be noted that this Congress has completed two major legislative developments to date. One of those, of course, has been fully completed: the tax bill. That is fully completed, signed into law, and checks will begin to move soon.

Those checks will be going to the people at the very bottom of the rung as a result of legislation which was first proposed by the Progressive Caucus that every American should get some benefit from this tax cut. That did not exactly happen, but every taxpayer is getting a small benefit as a result of the action taken early in the session by the Progressive Caucus. The idea got out there and kept moving until finally it was incorporated in another form in the tax bill. So people at the bottom are going to get some small amount of money from the tax bill. That is real. It is completed.

The other piece of legislation that has almost been completed is the education bill, the leave-no-child-behind legislation of the President. The new President, of course, made this a high priority; and we have moved in both Houses, with both parties cooperating extensively, to pass the leave-no-child-behind legislation separately in the House and in the Senate. But there has been no conference, and the bill is now on hold.

I think it should be noted that there are rumors that the bill will be held deliberately until we have a chance to negotiate the major question of financing for the education bill. Education is on the legislative back burner right now; but in the hearts of the people who are polled out there, legislation is still a number one concern.

Education has to remain on the front burner. The fact it is being held here is a good development in that the critical question in the legislation that passed the House versus the legislation that passed the Senate is the amounts of money that are appropriated to carry out the features of the bill. The amounts of money are critical.

We do state in the legislation that passed the House that there will be an increase in title I funds of double the amount that exist now in 5 years. In 5 years, in other words, we will have twice as much funding for title I as we have today. It will move from the present amount to about \$17.2 billion in 5 years under the authorization. Authorization is there. That does not guarantee that the appropriation, of course, will keep pace.

The Senate bill has even more money earmarked for increases, but they do not have a commitment from the White House that the appropriation is going to follow the authorization. The big question is will the authorizations be honored. We had a great deal of effort to get bipartisan agreements.

I reluctantly voted for the education legislation because of the fact it did two things: one, it got rid of the consideration of vouchers for private schools as a Federal policy. And I think to clear the board and have vouchers off the discussion table was good for Federal legislative policy. However, the critical question of will we have more resources was also addressed. And the fact that the bill does promise to double title I funds, which are the funds that go most directly to the areas of greatest need, impressed me to the point where I voted for the bill, even though there were some other features, which I will discuss later, which I do not consider to be desirable.

The critical point is, are there more resources? The need to have resources to maintain what I call opportunity-to-learn standards is a critical point that I have been trying to make for all these years. Opportunity to learn is the most important factor if we really want to improve education and have more youngsters who are attending our public schools benefit from the process. What we are trying to do, however, is force a process of accountability, insist that schools measure progress by the tests that are taken by the students and the scores on the tests, and that that is the way we should measure accountability. A school system is held accountable for improved test scores.

On the other hand, the opportunity-to-learn standards are ignored completely. Opportunity to learn means that before the test is given we must guarantee that the student will have an adequate place to learn; classrooms that are not overcrowded, libraries that have books that are up to date, laboratories that have science equipment. The opportunity to learn means that we have the right equipment, the right facilities. It means that we have certified teachers in the classroom. It means that all the resources that are needed are there before we start the testing.

□ 1845

But the process that we have pushed here is a process which tries to ignore

the opportunity to learn as a major factor.

So we need to hold the education legislation because that vital component is missing. Let us hold it until we can negotiate an increase in the resources, an increase in the amount of money we use to purchase resources, and those resources will provide the opportunity to learn. It may be that it will be end-game negotiations all of the way to the end of the session. Education legislation has benefited greatly over the last few years through the end-game negotiation process, right down to the very last hours of the session. When the White House and the Congress came together and they had their priorities on the table, education has fared very well.

Mr. Speaker, I hope that by holding the legislation this time until we get to that end-game negotiation, we will get the kind of funding necessary to make the legislation that we have passed have some real significance. If we do not get some additional funding for the Leave No Child Behind funding, then it is a fraud. It has no substance if it is not going to provide additional resources.

There is a need to refresh ourselves and come back to an understanding of the fact that we have passed these two pieces of legislation in the House of Representatives and the Senate. There is no reason to rest on our laurels. We still have a basic problem of that bill that passed having great gaps in it, and those great gaps are not going to be closed in the end-game negotiation unless the people that we represent, our constituents, understand where we are and why there is a great need for more Federal involvement in the improvement of education.

I want to use as an example a series of articles that have appeared in the Daily News in New York City to talk about the New York City school system, and I want to use New York City as a negative model. It is not the way it should be, but it is the way that it is in most of our large cities. I would not bore my colleagues with a discussion of what is going on in New York City unless I did not think that it was applicable all over the country in other big cities, and it is also applicable in rural areas.

Yesterday we voted on a bill to establish a commission to plan for the anniversary, 50th anniversary, of the Brown v. Board of Education. That anniversary relates to the question of segregation in public schools and whether or not it was legal. The Supreme Court struck down the fact of segregation and clearly made it illegal. Our concerns with segregation have begun to fade as far as segregation by race is concerned. The phenomenon we face now is a more subtle phenomenon. We have segregation in another way; not by race, but segregation of the people who have no power away from those who do have power. It turns out in many cases that the people who do not

have power in the big cities are people who happen to be minorities also.

In the rural areas there are large numbers of whites in scattered pockets throughout the country; these are poor people who are in the same position because they have poor schools as a result of having no power. Folks who have money, who have power, always guarantee that their children get the best schooling possible. People with money in larger and larger numbers are sending their children to private schools; and, of course, there are not enough private schools even if everybody had money to afford them. There are not enough private schools to accommodate 53 million children. Others who have power and are in control of their schools and of the budget-making processes of their counties or cities or their school districts, they make certain that they have good schools. Where they have the power to do that, they have done it for their children.

We have a problem, however, because many of the people who have power, who have control about the decision-making over the budget are not involved to the point where their children or grandchildren are in the schools. The people who have the power, the people who have the most influence do not care about public schools enough to follow through on guaranteeing that you have the best schools possible.

We have a serious situation where we have schools that are stuck in a time bind. One of the greatest problems of our schools is that physically so many of them are so old. When one looks at the physical age of the structures, one gets a good visible manifestation of the way in which education and schooling are viewed in that area as a whole. New York is in that kind of bind.

I am going to make it simple by reading from an excellent editorial that appeared in the Daily News which accompanied their series on the New York City school system. I think it was a magnificent series. It pinpointed the problem and was forthright in dealing with the exposure of rampant waste and corruption and inadequacies. At the same time every day this series sought out uplifting models that could be replicated, and it sought out models which contradicted the general notion that the poor cannot learn, the notion that poor neighborhoods cannot have good schools. There were examples all over New York City which prove this not to be true.

But in the end the Daily News pinpoints the fact that the school system is in great trouble. In terms of service to the majority of the children attending the schools of New York City, we are failing at a faster and faster rate, and it is likely that school systems in Los Angeles, Philadelphia, a number of big cities, are failing in the same way, at the same rate, for the same reason, and that is why I want to bring to your attention what this Daily News series has pointed out, and how the implications reach across the Nation.

Reading from their own editorial page, "This week in a Daily News special report entitled Save Our Schools, you have been reading about the meltdown of the New York City educational system. As documented in chilling detail in more than 20 articles, the crisis has reached critical mass."

Now, Daily News is not a radical newspaper. They very seldom use extreme words like "meltdown." When they say "meltdown," you have to consider that they have been shocked, and this is truly a serious situation.

"This laboratory of failure, this culture of catastrophe, puts 1.1 million school children at risk. It must end. That is why the Daily News has launched a campaign, no, a crusade, to rescue what was once a world-class system that created opportunities for millions."

I think it is important to point out that the New York City school system was once considered a world-class system. It gave a lie to the notion that any big system, any bureaucratic system is automatically a wasteful system and a nonproductive system. The New York City school system produced the young people who went on to city colleges and who created a record of achievement and higher education in science and you name it; every scholarly endeavor that you can mention were the products of the New York City school system and of New York City publicly financed colleges. At one point City University had the highest percentage of Ph.D.s of any college in the Nation.

This was a system that was once a world-class system, and I submit it was a world-class system at a time when the people who were in charge of the system also had children who were attending the schools in the system; when the power, the power to make the system work was in the hands of the people whose children were attending the system. We have lost the kind of concerns and the kind of scrutiny and the kind of effective application of resources because of the fact that the people who are in charge and the people whose children are in the schools are not the same.

Continuing with the statement in the Daily News, "How abysmal is the situation? Sixty percent of the students in public elementary and middle schools cannot read at grade level. A third are functionally illiterate, and 70 percent lack proficiency in math. Nearly 50 percent finish high school in 4 years. In the original class of 2000, 19.5 percent dropped out before graduation, a 12 percent leap from the class of 1999." This percentage who dropped out before graduation represents a 12 percent change from the class of 1999.

A mere 35 percent of the kids take the Scholastic Assessment Test required for college. A mere 35 percent take the SAT, versus 73 percent of the rest of the children in New York State who take that same test. Only a broken system produces such a rock bottom number. It is appalling.

Just 44 percent of teachers hired last year for city schools had credentials, down from 1999. Meanwhile, 16 percent of all teachers are uncertified, the most in a decade.

Ten percent of parents did not bother to pick up their kids' report card. Fifteen percent do not know what grade their child is in, and the PTA at one school has only two members.

Oh, yes, they say in passing, "The buildings are falling down. Eighty-five percent of schools need major repairs." I am going to repeat that paragraph because herein lies the story of denial of opportunities to learn.

How can the children of the New York City school system score well on the series of tests that are being proposed? The Leave No Child Behind legislation pushed by the White House and now passed by both Houses has a testing regimen which starts in the third grade. From the third to the eighth grade, children will be tested. If you test children who are going to school under these conditions, I can tell you now without looking at the tests, most of them will fail.

Here are the conditions that the school, the children in the schools of New York will be facing as they take the tests. I am repeating this paragraph because herein is the story of the denial of opportunity to learn by the children in the schools of New York.

□ 1900

"Consider more numbers: Just 44 percent of teachers hired last year for city schools had State credentials, down from 59 percent in 1999."

If you talk about meltdown, you are in a terrible situation at 44 percent hired last year, or only 44 percent have State credentials, are certified. The fact that that is increasing at a rapid rate lets you know that you are in a much worse situation than just the fact that only 44 percent hired were certified. That is down from 59 percent the previous year. If you look at the year before that, I am sure that we had many more who were certified. We are rapidly losing all the qualified teachers needed in schools where the best teaching is needed.

"Meanwhile, 16 percent of all teachers are uncertified, the most in a decade. As for parents, 10 percent didn't bother to pick up their kids' report cards. And 85 percent of schools need major repairs."

What they do not tell you is that of this 85 percent, quite a number of these schools are 100 years old and should have been replaced a long time ago.

There are honeycomb success stories among the failures. They give examples of public schools that are doing a great job.

Continuing to read from the Daily News editorial statement of June 22:

"Unfortunately, such efforts are but seeds of real reform. To truly transform education, activist moms and dads must team up with better trained teachers and with principals who don't

double as building managers. Schools must no longer be fettered by the United Federation of Teachers' crippling work rules and its lifetime protection program for inept instructors. Finally, the Board of Education must be abolished so that accountability—and mayoral control—can reclaim the system.

"Those 1.1 million kids deserve a genuine chance to become beacons for the city's future, a chance they will have only if New Yorkers unite to save our schools."

I disagree with the remedies. The New York Daily News set of articles clearly states the problem and is to be applauded for that. It leaps to conclusions that have no basis in fact or experience as to remedies. To abolish the board of education is to throw away any opportunity for this generation of New York children to get an education. It would take more than a generation to rebuild anything that is half as good as what you have already. The board of education obviously has serious problems at present, but most of these problems are problems which are directly related to a lack of resources, the denial of the resources.

We have just gone through a situation where a clear statement was made by a judge after months of considering a case that was brought against the State of New York in terms of its allocation of resources to the City of New York. That case sums up the need for opportunity to learn in a way which is far simpler than I could state it elsewhere. But it is important that we understand that nothing would be more beneficial to the well being and progress of the Nation than the provision of the opportunity to learn that I am talking about.

Opportunity to learn for all would mean that we understand that brainpower is the greatest need of the Nation and the world. Education for all, including the least among us, is a vital investment in the future of the Nation. Economic power, technology power, the power of cultural influence and even military power is directly dependent on our reserve of brainpower. About 2 years ago, we launched the last super high-tech aircraft carrier that we launched and the Navy admitted at that time that it was about 300 crew members short because they did not have the necessary trained personnel. There was a lack of brainpower. There was a lack of young crewmen who had the aptitude to be trained to run the high-tech equipment on the aircraft carrier.

I am saying again that New York City schools are examples of what is happening all over the country. They are frozen in time in terms of providing a basic education. They do not even do as well as they were doing 50 years ago. But here is the challenge that faces us in terms of going into the future, where the challenges are much greater and the education system needs to be equipped to do a far better job. Brainpower is the key to where this Nation

is going. Unless we have a system that can educate all of the young people and guarantee that there are pools of trained personnel to draw from, then our entire society is in serious trouble. We do not just have a shortage of scientists, we do not just have a shortage of trained computer personnel, information technology personnel, we have shortages right across the board.

Half of the graduate students in our big universities are foreigners. More than half of the graduate students studying science at the highest levels are foreigners. Whether you focus on chemistry or physics or engineering, or all of the technical and scientific pursuits, more than half are foreigners, which means you have a problem in terms of theoretical and scientific know-how. When you come down to the next level of technicians, there is a great shortage. If you look at any area, whether you are talking about auto mechanics or sheet metal workers, even carpenters, there is a tremendous shortage of people who can do the ordinary jobs in our society because those jobs have become more and more complex. They need more and more skills.

I visited a sheet metal training facility in Queens more than a year ago, and I was surprised at the use of computers. They make extensive use of computers in the training of sheet metal workers. Obviously, sheet metal workers use computers a great deal. There is almost no area where the skills required, the knowledge required is not far greater now than it was 25, 50 years ago.

That is the other problem. The first problem is to have a basically sound school system that is functioning at minimum level. The bigger problem is to have a school system which is able to cope with the challenges of the 21st century. New York fails on the first rung and cannot continue to exist as a school system unless it moves rapidly to the second rung, because that is where the soul of the city lies, in the production of brainpower. To solve this brainpower crisis in the information technology industry, for example, corporations are using foreigners more and more. But we cannot use foreigners to run our aircraft carriers. We cannot use foreigners to run the armed services. We cannot use foreigners to vote intelligently for our elected leadership. The survival of our constitutional civilization is directly dependent on the pools of brainpower we develop and maintain inside the Nation.

Our complex society is doomed without adequate checks and balances. This goes far beyond the executive, judicial, and legislative units of government. The press and media, the nonprofit organizations, the private corporations, these are also vital parts of the system of checks and balances. Without constantly increasing brainpower reserves and replacements, these institutions will diminish and lose their potency in the collective decision-making process.

In other words, I pointed out the crisis in science. It is not only in the area

of science but in the area of writers, in the area of social workers. Wherever you examine the need for trained people, there is a shortage; and the shortage is increasing. The police are having difficulty recruiting qualified candidates. The fire department is having difficulty recruiting qualified candidates. A more complex world demands people who are slightly better trained, and as a result we do not find them in the pools of manpower and brainpower that we have now.

We presently have a growing shortage of teachers and educated supervisors and administrators. That is the most critical shortage. This will greatly hamper any meaningful education reform. But similar shortages, as I said before, are appearing among numerous other categories of professionals.

Right now there is a great negotiation taking place in New York City in respect to teachers' salaries. It is seen as a collective-bargaining problem, and really it is far beyond a collective-bargaining problem. The salaries of New York City teachers is a major public policy issue. The kingpin of the school system is the leadership, the quality of the teachers and the principals, the assistant principals and the other personnel. If we do not get higher salaries for the people who are running that system, considering the fact that we are competing with salaries in all the surrounding suburbs and cities and towns who draw off the best personnel from New York City, then the rapidity, the speed with which we are losing the best teachers and administrators, will greatly increase and it will be totally impossible to change the system. When you talk about meltdown, nothing will speed the meltdown of the system faster than the failure of the present negotiations to greatly increase the salaries of the teachers and the education personnel in New York City in order to allow it to keep pace with the personnel salaries in the surrounding areas.

We have pinpointed that one of the most important opportunity-to-learn standards, opportunity-to-learn factors, is the provision of qualified and trained teachers. That is number one. Without the leadership, without qualified trained teachers, without principals and administrators, the system does not go anywhere. No study and experimentation will be necessary to understand what maximum opportunity to learn means. To provide an adequate and basic elementary and secondary education, we already know what works. There is no need for a great deal of discussion and controversy. There is a need for more resources. We need the money to pay the teachers decent salaries, we need to raise the standards, raise the morale, stop the brain drain and improve in all the other opportunity-to-learn areas, like the physical facilities, the equipment, the books, et cetera.

Before we begin to search for the most suitable pedagogical approaches,

we must first put in place this set of opportunity-to-learn standards. The physical environment of the class, the building, the library, the cafeteria, laboratories, all of these must be safe and conducive to learning. The first negative by-product of overcrowded classrooms and hallways is usually an exacerbated discipline problem. Constantly we hear complaints about discipline problems. There are no silver bullet solutions for discipline problems; but one thing is certain, if you have overcrowded classrooms and overcrowded schools, the hallways, the cafeteria, the auditorium, then certainly you are going to have greater discipline problems. And, of course, you cannot honestly lower the pupil-teacher ratio unless you have more classrooms.

Right now we have a situation in New York City where we cannot honestly make use of the funds that were appropriated by the efforts of the last administration. We did get some movement in terms of funds to lower the pupil-teacher ratio in each class. We got a movement in the right direction, many teachers were employed; but the honest truth is that in New York City, instead of them having a lower pupil-to-teacher ratio in the classroom, they put another teacher in a crowded classroom because there were no classrooms.

If you do not build additional classrooms, then you cannot have a lower pupil-teacher ratio in the classroom. They added a teacher to a crowded classroom which is not what the legislation was all about in the first place. We have done some creative maneuvers to get the money and use the money; but actually the benefit sought, a classroom where you had fewer pupils per teacher in order to be able to maintain greater order and give more attention to the students at a younger age, that did not happen and it is not happening in many cases.

This is a self-evident requirement, that you have trained teachers and you have trained supporting personnel. We refuse to take our children to untrained, uncertified dentists or pediatricians, so why not pay and seek the best teachers? Why should any child be subjected to the fumbling, makeshift efforts of an untrained teacher? We do not normally expect successful outcomes when unqualified staff are in charge. It is an unfortunate factor in big-city school systems that the substitute teacher, the unqualified teacher who could not pass the test, who is not regularly on the rolls, who is not paid fully and who does not get full benefits, that substitute teacher becomes the teacher that children see the most often in the worst neighborhoods. In other words, in the poorest neighborhoods where other teachers do not want to teach, it is the substitute teacher, the unqualified teacher, that is usually brought in to fill the classrooms.

In one of my sections of my district, District 23, at one point they had more

than half of the teachers who were not certified, who were substitutes, teaching in the schools. This was an area where the reading scores were very low and they needed the very best teachers.

What I am attempting to explain is summarized with shocking simplicity at the end of the court order just handed down several months ago by Supreme Court Judge DeGrasse in New York State. The New York State civil judge heard the case that was brought which challenged the fact that the State of New York had been short-changing the City of New York in terms of education funds. The court case went on for almost a year, testimony was heard, and the judge finally made a decision.

□ 1915

I will read just a few excerpts from that decision. Quote, and this is Judge Leland DeGrasse, New York State Supreme Court, this court has held that a sound basic education, mandated by the education article, that is the education article of the constitution, consists of the foundational skills that students need to become productive citizens capable of civic engagement and sustaining competitive employment.

In order to ensure that public schools offer a sound basic education, the State must take steps to ensure at least the following resources which, as described in the body of this opinion, are, for the most part, currently not given to New York City public school students.

Number one, sufficient numbers of qualified teachers, principals and other personnel; two, appropriate class sizes; three, adequate and accessible school buildings with sufficient space to ensure appropriate class size and implementation of a sound curriculum; four, sufficient and up-to-date books, supplies, libraries, educational technology and laboratories; five, suitable curricula including an expanded platform of programs to help at-risk students by giving them more time on task; six, adequate resources for students with extraordinary needs; and seven, a safe, orderly environment.

Now, these items laid out by Judge Leland DeGrasse, in the opinion of the New York State Supreme Court against the State of New York, accusing the State of not supplying these items, there is an exact parallel to the opportunity-to-learn standards, which I have been discussing. These are statements in another way of what opportunity to learn means. You are not provided sufficient teachers, qualified teachers and principals. You do not have appropriate class sizes. You do not have adequate school buildings. You do not have sufficient supply of up-to-date books, libraries, educational technology and laboratories, and as a result, your curriculum is not suitable. You do not have a safe, orderly environment. All of these are stated in the court decision.

I might add that the judge gave the State of New York until the first of

June, I think, to come forward with some kind of plan to respond to his decision. That has not happened.

I might also add that the Governor of New York appealed the decision of the court, and the Governor in essence stated what the lawyers had been arguing for the Governor all along, and that is that in New York City the children are too poor to learn. The poverty is the reason they cannot learn.

There is a condemnation out of which there can be no solution; that is to say, children cannot learn because they are too poor, and, therefore, we should not put resources in to try to teach children who are too poor to learn dooms the children forever. It is like condemning slaves for being illiterate, nonfunctional when they came out of slavery after having a series of laws in every confederate State which made it a crime to teach a slave to read. It is a crime to teach you to read. At the same time, of course, there was a big contradiction there because slaves were considered inferior, not quite human, and, therefore, why did they have to worry about teaching them to read? Evidently they were human enough, smart enough to learn how to read, so much so that laws were made. In every Confederate State there was a law that said it is a crime to teach a slave to read.

Now we have a situation where a Governor of one of the most advanced States of the Union, the great Empire State of New York, is arguing that the problem of education in New York City is that the children are too poor to learn, and, therefore, do not expect the State to solve the problem by providing more resources because they are too poor to learn; more resources will not help the situation. It is a State where we spend \$25,000 per year for an inmate to be kept in prison. In New York City we spend only \$7,000 per year to educate each student. You can see the direction of the reasoning of the Governor. If you cannot educate them, and most of them end up in prison, they are going to cost far more later on, but I suppose there are some profits to be made in the prisons that we do not know about.

Anyway, I can think of no more confused and hopeless reasoning than for a Governor of a State to say we cannot solve the problem because the children are too poor to learn.

In the course of reforming the school finance system, a threshold task that must be performed by the State to the extent possible, the actual costs of providing a sound basic education in districts around the State has to be decided, but certainly you are going to have to ensure that every school district has resources necessary to provide opportunity for a sound, basic education. Taking into account variations in local costs and all the other things, the State should be in a position to provide what is necessary.

The New York Daily News article does not pinpoint the Governor's posi-

tion, the fact that the Governor is now spending State funds to appeal the decision of the court, which called upon the Governor to provide more funding for New York City. The New York Daily News article does not finger that as one of the great reasons why we have the problem.

We have a meltdown in New York City schools. A meltdown is taking place right now, and the meltdown is primarily due not to the fact that children are too poor to learn. If that was the case, then New York City would not have produced some of the greatest scholars in our Nation.

The City College, the city universities, would not have turned out so many Ph.Ds. They are spread all over the world. Poor youngsters who came out of the ghettos of New York in the past have learned and performed well. The poverty is not the problem. The problem is that the people in charge of the system have allowed the system to degenerate and not provide the opportunities to learn that should be provided.

One great controversy raging right now is around the opportunity-to-learn standard as reflected in school construction. School construction and the provision of adequate facilities is a major part of the problem. It is highly visible, and when you provide for adequate school facilities, you make a statement about the importance that you attach to education. If you refuse to provide for adequate facilities, you are also making a statement, and the continuing refusal to provide adequate schools is a statement that the people who are in power have made over the last 10 years. The Daily News recognizes the problem, but they do not pinpoint the fact that the mayor of the city of New York has been a major problem.

The decision-making process at city hall has been a major problem in the provision of adequate school facilities. We have a problem now where it is another Catch-22. They are saying that the high cost of construction in the year 2001 is so great that we cannot go ahead to begin to remedy the problem of overcrowded schools. We have to wait. We have run into a situation where the money projected to build schools would not go as far as anticipated because the cost has gone up. Some people are proposing that we call a halt and not build any more schools, not repair any more schools because the costs are too great.

Eight years ago there was a major confrontation between the present mayor and the chancellor of schools at that time because he proposed a \$7 billion capital funding program. He proposed \$7 billion, and the mayor said that was unreal, and there was such a clash until they drove that chancellor out of town.

A few years later a second chancellor proposed an \$11 billion capital expenditure program, and there was a clash with the mayor, who said that was

unreal, and the clash became so heated until that chancellor was forced to resign.

Now we are at a point where we are finding that because of all of these delays and all of the roadblocks that have been placed in the way of the decisionmakers at the board of education in terms of going forward with a meaningful capital expenditure program and building the schools at a time when it probably would have cost less, we now have a logjam, and the prices are going up.

The cost of construction has gone up. Well, is the cost of construction really up all over the Nation? Are we in a recession? Are we going toward a recession? Has the economy not slowed down? If they want to solve the problem of school construction in New York and keep the costs from rising, can we not appeal for some Davis-Bacon unionized contractors from all over the country to come in? We have no problem if they are willing to abide by Davis-Bacon. They can come into New York City and take the contracts and go ahead and build schools there.

There are a dozen ways to solve the problem, yet there seems to be a willingness to point the finger at the board of education, at the current chancellor, and to play the kind of game that city hall has played all along; in other words, poor decision-making, incompetent decision-making, decision-making by people whose motives are questionable. After all, this is a mayor who has said that the school system, the board of education, should be blown up. The best way to get better education in New York City is to destroy the board of education. If you want to take that attitude, then it would be a contradiction for you to provide money for the board of education to build schools.

The mayor has been consistent. The question is why have the leaders of New York allowed him to be so consistent? Why have the members of the city council not challenged the mayor? We at one point had \$3 billion; just 3 years ago we had \$3 billion in surplus. New York City had a \$3 billion surplus. Not a single penny of the surplus funds were used to repair schools or build schools or to do anything else for education, for that matter.

So we have a situation again which has clearly been delineated by the Daily News. If you live in New York City and you are interested in education, then I urge you to read the Daily News articles. If you do not live in New York City and you want to see what big cities all over America are facing, you might want to read the same series of articles. It is a magnificent series of articles that pinpoint all of the things that have gone wrong and can go wrong and what the consequences are.

Sixty percent of elementary and secondary middle school students cannot read at grade level. That is quite an indictment. Seventy percent are not proficient in math. Thirteen percent of

this year's high school seniors, that is about 4,100 students, failed the math Regents test. More than 13,000 students from the class of 2000 dropped out between the 9th and the 12th grades. That is 19.5 percent of the class. Between 1996 and 1999, 30 percent of New York City students took Scholastic Aptitude Tests, a standardized exam for admission to most colleges. Seventy-three percent passed statewide and scored 40 to 50 points higher than the New York City students.

Sixty percent of elementary schools and 67 percent of high schools are overcrowded. Sixty percent of elementary schools and 67 percent of high schools are overcrowded, and the board of education's master plan for the year 2003 concedes that 85 percent of the schools need major repairs. Deterioration is occurring at a rate faster than we can save the systems, the board documents revealed.

I think that that physical deterioration is the best visible manifestation of what is happening in general. When you talk about meltdown, look at the physical deterioration. I quote: Deterioration in the actual school buildings is occurring at a rate faster than we can save systems, the board documents reveal.

In recent years about half of public school students have completed high school in 4 years; 9 percent have graduated later, by the age of 21; and the rest have been lost completely. Is this an example, a model for where we dare go in terms of education in America?

I am using the New York City school system because it is an example of where our big cities are. Now, there was a lot of praise for Chicago, and Chicago was being used as some kind of magic model for the improvement of big-city school systems. Now, I understand the tests have shown that Chicago is again in serious trouble, that there has been a lot of hype and a lot of public relations, but underneath the improvements have been minimal, and the improvements have been minimal because, again, the opportunity-to-learn standards have not been addressed sufficiently.

They have not provided the kinds of quality facilities, trained teachers, adequate supplies and equipment, laboratories for science, library books and libraries. It is so simple, the opportunity-to-learn standards, but it is the area where nobody wants to engage in a discussion.

Yes, we have two new pieces of legislation, one in the Senate, one in the House, which are professing to be the last word on education reform. A lot of people are already applauding the legislation before it is finalized, and before the President signs it. It is not the final word, I hope. If that is the final word, we are in serious trouble.

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The final word has to be dictated by the insistence of the American people out there, who have made education

the number one priority for the last 5 or 6 years. When you ask the question, what should Federal dollars be used for, where is the most Federal assistance needed, education continues to score right up there with other concerns like crime and Medicare and Medicaid. Usually education is ahead of them all.

So the public is way ahead of the leadership. We must run to catch up with the leadership. What is happening right now gives us an opportunity to do that. As long as the bill is being held, as long as we do not go to conference, as long as we do not have a final signature by the President, then there is room for negotiation, as long as we are dealing with the appropriation process and it is understood that the glaring inadequacy of the present education legislation is in the area of resources, there is not enough money being guaranteed.

Oh, yes, the money is authorized. There is a reasonable amount authorized. If you are going to double the title I funding from the present amount to \$17.2 billion in 5 years, that is a great increase. That is an increase worth voting for. But at the same time the authorizing legislation says we can do that, the appropriation and budget process says there is no money.

I started by saying we have had two great legislative developments up to now in this session of Congress. One was the passage of the tax legislation, and the other was the passage of education legislation by both Houses, although the education legislation is not complete.

They do relate to each other. The passage of the tax legislation has put us in a situation where, despite the fact we have authorized more money for education, and the other body, the Senate bill authorizes even more than the House bill, we cannot actually get the money and the resources unless there is a change in the appropriation process.

Somehow between now and the end of this session, more money has to be found in that budget; some new device has to be developed to increase the revenue; some changes have to be made, decreases in expenditures and other areas that are less important. Somehow we have to continue to press forward and make the case that brain power is the number one need for this Nation at this time. Brain power and the pools of people produced to qualify to run a more and more complex society are at the heart of where we are going. Nothing else is going to move forward unless we have the appropriate brain power. Therefore, brain power should be number one.

If budget cuts have to be made somewhere else, we should make those budget cuts, or if we have to find some new source of revenue dedicated to education, then that has to be the case. We must save our schools, not only in New York City, from a growing meltdown; but we must understand that the same



process, the meltdown process, is occurring elsewhere, and only Federal funds can be utilized to stop it.

#### HMO REFORM

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 3, 2001, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I especially want to thank you for the time that you are spending in the Chair tonight, as you have many evenings with your spare time. The Members of this House of Representatives who come to the floor to give Special Orders are especially appreciative as, over the years, other Members have volunteered their time to sit in the Chair so that we could do our Special Orders.

This is the beginning of our July 4th recess, and I will try to be somewhat briefer than the hour time that I am allotted for this.

Well, we have had, Mr. Speaker, a great debate going on in the Senate this week on the Patients' Bill of Rights; and I have been watching this with great interest, because for the past 5 years I have been working on this issue, and I have been coming to the floor frequently, just about every week, in order to give a Special Order talk on the status of legislation to help protect patients from abuses by HMOs.

I am looking forward to the day when we pass a strong Patients' Bill of Rights piece of legislation on this floor to go along with what I think will be a strong Patients' Bill of Rights coming out of the Senate, that we marry those two bills together, that we add some important access provisions, such as an expansion of medical savings accounts, tax deductibility for the self-employed, and we move that down to the President's desk.

I strongly encourage the President to sign that, because there have been some significant compromises over the past few years on this legislation that I believe meet the President's principles, and yet retains principles that he enunciated during the Presidential campaign, such as allowing for important State laws on patient protection to continue to function, laws like those in Texas, which appear to be working pretty well.

Mr. Speaker, why are we continuing to talk about this? Well, we have had gridlock here in Washington for several years on this; and it has been a shame, because every day the HMOs make millions and millions of decisions that can significantly affect the well being of the patients they are supposed to be serving.

Remember a few years ago, there was a movie, "As Good as It Gets." It had Helen Hunt, who had a child with asthma, talking to a friend, Jack Nicholson, in the movie; and her little boy was being denied needed treatment for his asthma, which prompted Ms. Hunt

to run a string of expletives together about that HMO. And I saw something I never saw happen before in a movie theater or seen since: I saw people stand up and clap in agreement with Ms. Hunt on that.

Then we saw a few years ago a large number of jokes and cartoons about HMOs. You do not see it so much any more because, you know what? Everybody knows that this is a problem. In order for something to be humorous, there needs to be some element of surprise. But it is not surprising anymore that people have problems. You talk to your friends, family members, colleagues, and practically everyone can come up with a story about how an HMO has inappropriately denied treatment to a patient.

Remember the problem that we had a few years ago when one of the HMOs said, well, you know what? We do not think you need to stay in the hospital if you deliver a baby. Our plan guidelines say outpatient deliveries.

So you had this type of cartoon. The maternity hospital, drive-through window: "Now only 6-minute stays for new moms." The person at the window saying, "Congratulations. Would you like fries with that," as the mom holds a crying baby, and she looks more than a little frazzled.

Well, it was not so funny when you started to see headlines on major newspapers around the country, like this one from the New York Post which said "What his parents didn't know about HMOs may have killed this baby." Or this headline from the New York Post that says "HMO's cruel rules leave her dying for the doc she needs."

Some of these cartoons were pretty hard hitting, and I would say the humor was black humor at a minimum. Here was a cartoon about HMOs that appeared a couple of years ago: "Cuddly-care HMO. How can I help you?" This is an operator at the end of one of those 1-800 numbers. She is repeating what she is hearing on the telephone, and she says, "Oh, you are at the emergency room and your husband needs approval for treatment."

Then she repeats what the person is saying. "He is gasping, writhing, eyes rolled back in his head? That doesn't sound all that serious to me."

Over on there it says, "Clutching his throat, turning purple? Um-hum."

Then she says, "Well, do you have an inhaler?"

Then she says, "He is dead?"

And then she says, "Well, then he certainly doesn't need emergency treatment, does he?"

And finally the HMO reviewer says, "Gee, people are always trying to rip us off."

Well, that was not too funny to this young lady. She fell off a 40-foot cliff about 60 miles west of Washington, D.C. She broke her pelvis, her arm and had a concussion; nearly was dead. Fortunately, her boyfriend had a cellular phone. He phoned in the helicopter. They loaded her up, got her to the hos-

pital, she was admitted through the emergency room, in the ICU on intravenous narcotics, and she got better.

But then do you know what the HMO did? They would not pay her bill. They said that she had not phoned ahead for prior authorization.

Does that strike you as a little funny? How was she supposed to know she was going to fall off a cliff and break her leg and have a concussion? Was she supposed to be able to read the tea leaves?

Oh, and this was an issue. This was one of the first issues we talked about on HMOs. Back in 1995 I had a bill called the Patient Right to Know Act, because it became known that HMOs were requiring doctors to phone them in order to get permission to tell the patient about all of their medical treatments that might be possible. So you would have a situation, for instance, where a woman comes in to see a doctor; she has a lump in her breast. Before the doctor tells her her three options, he says, "Oh, excuse me," goes out in the hallway, gets on the phone and says, "HMO, can I tell this lady all about her treatment options?"

So here we have a doctor saying, "Your best option is cremation; \$359, fully covered." And the patient is saying, "This is one of those HMO gag rules, right?"

That HMO gag rule was not so funny to this woman. Her HMO tried to gag the doctors treating her. She needed treatment for breast cancer. She did not get it, and she died. And, do you know what? Under the current Federal law, if you receive your insurance from your employer and the HMO makes a decision like that, under Federal law, current Federal law, they are liable for nothing except the cost of care denied. And if the patient is dead, then they are not responsible for anything. Now this little girl and boy and the woman's husband, they do not have their mom, because of what that HMO did.

Here is another cartoon. The doctor is taking care of a patient on the operating table. The doctor says "scalpel." The HMO bean counter says "pocket knife." The doctor says "suture." The HMO bean counter says "band-aid." The doctor says "Let's get him to intensive care." The HMO bean counter says, "Call a cab."

Let me tell you about a real case that was sort of a call-a-cab response. Down in Texas, after they passed the patient protection bill down in Texas, there was a fellow named Mr. Palosika. He was suicidal. He was in the hospital. His doctor thought he needed to stay in the hospital because, if he left, he might commit suicide. But the HMO said, no, we do not think he needs to stay in the hospital, and we are not going to pay for it. If he wants to stay, fine. The family can pay for it themselves.

Well, when an HMO says that to most families, they do not have the money to pay for it up front themselves, so they just took him home.