

INTRODUCTION OF THE CRIME  
VICTIMS ASSISTANCE ACT OF 2003

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, October 28, 2003*

Ms. NORTON. Mr. Speaker, I am pleased to introduce the Crime Victims Assistance Act of 2003 to benefit victims of crime here and throughout the country during a period when crime has increased as well as to help the police resolve more crimes. I commend the authors of the original bill introduced in the Senate by Judiciary Committee Ranking Member PATRICK LEAHY, Minority Leader TOM DASCHLE, and Senators JON CORZINE, DICK DURBIN, RUSS FEINGOLD, TIM JOHNSON, EDWARD KENNEDY, JOHN KERRY, PATTY MURRAY and CHARLES SCHUMER. The bill will provide enhanced rights and protections for victims of federal crimes and will assist victims of state crimes with grant programs designed to promote compliance with state victims rights laws. The bill requires that victims concerns be incorporated into decision-making throughout the proceedings. I have changed the Senate bill only to assure the safety of those who have a personal relationship (family or other) with the victim.

This bill is an alternative to the constitutional amendment approach proposed by some in the Congress. As a lawyer who specialized in constitutional matters early in my legal career, I am confident that the improved rights and benefits that victims justifiably seek are well within existing congressional authority to grant through the legislative process. The protracted constitutional process simply puts the most arduous, lengthy and, in this case, unnecessary process in the path toward the rights and funds crime victims need now.

The bill would be particularly valuable in the District and in other jurisdictions where many crimes, including state crimes are processed through the federal courts. Among the provisions that would benefit the District and many other jurisdictions is a section that protects victims from repeat offenders. The bill requires consultation with a victim prior to a detention hearing in order to obtain information that can be presented to the court on the issue of any threat that the suspected offender may pose to the safety of the victim. The bill also requires greater notification to the victim in case of the release, escape, parole or furlough of the offender.

There have been many reports of victim reluctance to testify out of fear of harm to a victim or her family. Understandable reluctance by a victim to expose herself to further victimization must be met with strong laws, concrete assistance and services, or crime will not be deterred.

I urge my colleagues to quickly bring relief and reassurance to victims of federal and state crimes by enacting the Crime Victims Assistance Act of 2003.

NO CHILD LEFT BEHIND ACT

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, October 28, 2003*

Mr. ANDREWS. Mr. Speaker I would like to include, for the RECORD, two written state-

ments on the No Child Left Behind Act. The first of these is an opinion piece detailing problems with the implementation of the NCLB, by Ms. Gail Cohen, a leader in the education community in southern New Jersey. The second piece is an opinion piece I wrote highlighting many of the same issues. The implementation of the NCLB Act has become a significant concern to our schools and our communities, and must be addressed immediately by the federal Department of Education.

ON THE NO CHILD LEFT BEHIND ACT  
(By Gail Cohen)

How did 75% of New Jersey's public high schools—including some of the highest performing schools in the state—find themselves on an early warning list for not making "adequate yearly progress" toward certain student achievement benchmarks? Welcome to public education in the era of the No Child Left Behind Act—the well-intended but poorly conceived federal legislation that actually has very little to do with individual student achievement.

NCLB requires that all students meet proficiency levels on state tests by 2014. To reach 100% proficiency, states have set incremental benchmarks to determine Adequate Yearly Progress (AYP). These targets establish the percentage of students in each school—and the percentage of students in each of several subgroups within that school—who must score "proficient" or higher on state assessments.

No educator could argue with the objective of raising achievement for all students. That's the focus of every decision made in good school districts. No educator could argue with a plan that says student progress should be assessed and schools should be held accountable for that progress. In good school districts, assessments are used to inform instruction and direct professional development. However, the NCLB pegs the success of a school to the performance of students in disaggregated subgroups on a single state-developed standardized test—a test itself which has been questioned.

The federal government would have us use the industrial model of stamping out kids on a conveyor and assessing each in exactly the same way. Even Mother Nature has never achieved creation of two identical objects in this universe. All children can learn and, when given the appropriate supports, will demonstrate growth from year to year. For some students, measuring that growth may require an assessment different from the HSPA or other state standardized test. For example, a state-developed standardized assessment does not measure the progress of the autistic student who comes to school in September speaking just a few words and ends the year speaking complete sentences and developing social relationships. Has the school failed this student? Ask the student. What message are we sending to this child? Ask the parent, or the doctor who predicted the student would never get this far.

Imagine being a teenager having moved to this country just over a year ago. Aside from all of the issues associated with adapting to a new country, culture, school and language, you are expected to pass the same test as the teenager who has grown up in the community his whole life. You may be proficient in mathematics—you may, in fact, excel at it. Should we expect the student to be fluent enough in the language after one year to pass the same test as his/her peers who were born in this country? Could our students pass these same requirements in another country?

Clearly, the one-size-fits-all approach to assessment, as mandated by the NCLB, is un-

fair. Also unfair is the fact that the law paints an inaccurate picture of public education in our country. The legislation leaves its implementation details up to each individual state. So, for example, each state establishes its own benchmarks for Adequate Yearly Progress. Each state determines the number of students that must be in a subgroup in order for that subgroup's results to be counted. These variations make state-to-state comparisons nearly impossible.

In New Jersey a sub-group's test results will only count toward adequate yearly progress if there are 20 or more students in that group. The schools that are not on the state's early warning list appear to be mostly smaller schools with fewer than 20 students in that group. In Pennsylvania, there have to be 40 students in a sub group to count.

The reporting requirements of NCLB may cause communities to point to subgroups of students—our special education children, our children of poverty, our children of color—and say, "You're the reason our schools are failing."

How lucky we are in Cherry Hill to attract kids from neighboring urban areas, kids whose families are thrilled with the educational opportunities that our district provides. We know that the longer students are in Cherry Hill, the better they achieve. Under NCLB, after just a year in our district, those kids are expected to achieve proficiency, without regard to their background or the growth they have demonstrated since they arrived.

The intent behind the "No Child Left Behind" legislation is good. However, if legislators and educators are truly interested in all students achieving, if we are truly interested in improving education, then we need to assess individual student progress over time using multiple measures.

OP-ED ON NO CHILD LEFT BEHIND  
(By Rep. Robert E. Andrews)

The federal Department of Education is seriously abusing New Jersey's schools. The Department just released an early warning list of New Jersey schools that are "failing" federal standards, according to the No Child Left Behind Act (NCLB). As anyone who lives in South Jersey knows, there is something seriously wrong with any such list when it includes top-notch middle schools, such as Haddonfield, Washington Township, Medford and Evesham.

The No Child Left Behind Act is a law with great potential to help children. But the Department of Education's implementation of the law fails to help anyone. There are two primary reasons for this failure. First, the Education Department has burdened school districts around the country with a "one size fits all approach." Local communities know best how to run their school districts, and they should be left alone, when successful, to do their jobs.

The second reason is a bias against public schools in some corners of the Bush Administration. By torturing the intent of the federal law, the Administration has been able to twist "objective" measures of progress into evidence of rapid decline. In so doing, the Administration has thrown public schools on the defensive. By making public schools appear unsuccessful, the Administration creates more rationale, and more momentum behind their anti-public school, pro-voucher agenda.

The Department of Education has badly misinterpreted the law. The Department has made a lot of very good schools look very bad by insisting that schools test and evaluate children in programs for special education and English as a Second Language using the same tests as those taken by mainstream students. These students' test scores

are included in the overall proficiency standards. We must help every child realize his or her potential, but these tests are not appropriate for these students. The law simply requires states to use appropriate standards for every child. The Department of Education can, and should, easily make this correction.

The No Child Left Behind Act was intended to ensure high standards for our teachers. However, the law was not intended to interfere with successful state standards, such as we have in New Jersey. The correct interpretation of the bill, as intended by Congress, is to allow teachers, in states with high standards, to continue to be certified by their state. Again, the Federal Department of Education has wrongly implementing the law by demanding that our very best teachers meet a different set of federal standards. At a time of severe teacher shortages, this policy seems driven by an anti-public school bias, designed to discourage advancement in the profession, and to encourage the retirement of our longest serving public school teachers.

The final problem with the No Child Left Behind Act is simply one of dollars and cents. When the law was passed, the Bush Administration agreed to provide adequate funding for education in exchange for strong accountability laws and tough standards. But in 2004, the Administration underfunds our schools by \$8 billion, and then plans to impose strict sanctions on schools that don't meet the strict federal standards. Without adequate federal resources, South Jersey will likely experience an upward pressure on local property taxes, or face a public school system in chaos.

In May, I met with educational leaders from around the State of New Jersey to discuss the problems of funding and federal implementation of the No Child Left Behind Act. Since then, these problems have become even more evident. I have called on the Bush Administration to correct these problems through the regulatory process. If no action is taken by the Department of Education to fix these problems, I am committed to correcting these faults through legislation. I have already spoken with the Chairman of the House Education and the Workforce Committee, and he has acknowledged the problem.

The No Child Left Behind Act has the potential to help students around the country. But unless the Department of Education infuses some badly-needed common sense into its rules, and unless the Bush Administration provides the money it has promised to our local schools, too many children will be left behind.

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#### NATIONAL BREAST CANCER AWARENESS

**HON. MARTIN OLAV SABO**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 28, 2003*

Mr. SABO. Mr. Speaker, in keeping with National Breast Cancer Awareness Month, I rise to honor Barbra Wiener, the founder of the Women's Cancer Resource Center (WCRC) in Minneapolis, Minnesota.

Barbra founded WCRC in 1993 with the vision of providing free support and advocacy to women affected by cancer and to promote cancer prevention through environmental awareness and activism. Ms. Wiener was inspired to launch WCRC after the loss of both her mother and sister to breast cancer and her own battle with thyroid cancer.

WCRC serves as an information, support, and advocacy center for women with cancer. Information services include treatment referrals, guest speakers, and a comprehensive health library. In addition, WCRC offers support groups, one-on-one support programs, therapeutic massages, and a mentoring service that matches volunteers to clients with a similar cancer diagnosis. WCRC also holds public health forums on environmental issues related to health and facilitates outreach programs that focus on cancer prevention. All of these services are provided free of charge to women with cancer.

Ms. Wiener has been acknowledged for her work with several awards including the Helen Caldecott Leadership Award, an international award recognizing leadership on behalf of women. Further, the Ford Foundation recognized her and her colleagues at WCRC as finalists for the Leadership for a Changing World Award. In addition, Barbra currently serves on the boards of the Headwaters Foundation for Justice, Women's Environmental Institute, and the Minnesota Interplay Community. She is also a member of Alliance for Accountability in Breast Cancer, a national coalition of cancer activists.

Mr. Speaker, it is a privilege and honor to represent a woman who has turned personal tragedy into an invaluable service that helps women affected by all types of cancer. It is during National Breast Cancer Awareness Month that I ask that my House colleagues pay tribute to the life work of Barbra Wiener.

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#### JOBS AND THE ECONOMY

**HON. NICK J. RAHALL, II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 28, 2003*

Mr. RAHALL. Mr. Speaker, the deafening silence we hear tonight is the silence of the Republican leadership and its lack of support for unemployment benefits to millions of Americans thrown out of work during the Republican reign of ruinous indifference to families and livelihoods.

Mr. Speaker, where oh where have the jobs gone? A crisis of epic economic proportions is upon us.

Since the Administration has taken control, this Nation has lost 3.2 million private sector jobs, and those are the ones we are able to count. Who knows how many more are out there uncounted? This fact alone is bad enough, but under this Administration it gets much, much worse.

According to a study in the August issue of Current Issues in Economics and Finance reviewed by Charlie Cook in this morning's Congress Daily AM, almost 80% of the jobs that have been lost since the President took office are permanent. A figure that is drastically worse than had been the case in previous economic downturns of the mid-1970's and early 1980's. I include in the record Mr. Cook's thoughtful comments on this important study.

This finding should shock every business and every worker in the Nation, Mr. Speaker.

A NEW KIND OF JOB LOSS

(By Charlie Cook)

When we get the first look Thursday at economic growth numbers for the third quarter of this year, those gross domestic prod-

uct figures may well show impressive economic growth: a sign that President Bush's tax cut-oriented, economic growth package did in fact stimulate the economy. History has shown that economic growth through the second quarter of the election year usually results in re-election for incumbent presidents. But the question today is whether that relationship will remain as strong in 2004 as it has been in the past.

Despite the fact that the economic downturn "officially" began in March 2001 and ended in November 2001, a net loss of 2.6 million jobs has occurred since Bush took office, giving weight to the term "jobless recovery." A recent paper by two economists with the Federal Reserve Board of New York shows quite clearly the most recent economic downturn and recovery are very different from past ones. Furthermore, it suggests economic growth figures in the near term might not be accompanied by the same kind of net job growth in the future.

Writing in the August issue of an FRBNY publication, "Current Issues in Economics and Finance," Erica Groshen and Simon Potter looked at the pattern of layoffs and job creation during and after the past six economic downturns. Observing that "recessions mix cyclical (temporary) and structural (permanent) adjustments," Groshen and Potter found, for example, in the economic downturns of both the mid-1970s and the early 1980s, 49 percent of the job losses were cyclical. These are temporary layoffs, whereby an employer "suspends" an employee's job because of reduced demand for goods or services, then recalls that employee when the economy turns around, fueling fast payroll growth.

In those two downturns, the other 51 percent of job losses were more structural or permanent, as when an employee's job is simply eliminated and the laid-off employee is forced to seek a new job. Given new job creation takes much longer than recalling former workers, structural losses are far more serious than cyclical ones.

That 49 percent-cyclical/51 percent-structural loss mix of the 1970s and 1980s changed to 43 percent-cyclical/57 percent-structural in the economic downturn of the early 1990s, as more jobs were completely eliminated or relocated to other countries. For the most part, this shift went unnoticed.

It became much more pronounced in the current economic downturn and recovery, with Groshen and Potter finding 79 percent of job losses were structural and only 21 percent temporary. During this most recent downturn and recovery, jobs in the fields of electronic equipment securities and commodities brokerage and communications were largely eliminated. Indeed, the only field that has truly prospered through this period is in the standard industrial code "nondepository institutions," a group that notably includes mortgage brokers, who have benefited greatly from historically low interest rates and strong home buying and refinancing.

Equally alarming, but more anecdotal than quantitative, are stories of more and more high-technology or other "knowledge-based" jobs shifting abroad, whether to call centers handling customer service and even technical support or in computer programming and other highly skilled fields I recently heard of some corporate legal departments shifting more rudimentary legal work—drafting contracts and the like—to India, an English-speaking country that uses the same English common-law system as the United States.

No doubt some of these structural job losses are the result of the impressive productivity gains that American corporations have enjoyed in recent years as a result of