

2000. This legislation provides an additional \$2 billion a year for ten years to reach full funding of IDEA by 2010.

In 1972, two landmark cases, *PARC v. State of Pennsylvania* and *Mills v. Board of Education* found that children with disabilities are guaranteed an equal opportunity to an education under the 14th amendment. In response to these cases, Congress enacted the Education for All Handicapped Children Act of 1975, the predecessor of today's Individuals with Disabilities Education Act (IDEA), to assist state and local governments in meeting their responsibility to these children by agreeing to pay up to 40 percent of the cost of educating children with disabilities. However, to date, the federal government has never contributed more than 12.6 percent. States and school districts make up the difference.

For instance, Los Angeles Unified School District (LAUSD) currently spends approximately \$891 million to educate 81,000 disabled students. While the district receives approximately \$500 million from the state and \$42 million from the federal government for that purpose, it must tap into funds intended for other education programs to make up the \$300 million shortfall. School districts all across the nation face similar dilemmas. Therefore, I am introducing this legislation to put us on a course for full funding by 2010.

As we move into the 21st Century, we must make critical decisions about the priorities of this nation. In countries like Japan and China, education is a top priority, above even defense. This year alone, the U.S. Department of Defense will ask for \$11 billion in new spending and according to OMBs most recent estimates, we can expect an \$80 billion budget surplus for FY 2000. Surely we can spare an additional \$2 billion a year to ensure a brighter future for all Americans.

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CONGRESSIONAL ACCOUNTABILITY  
FOR REGULATORY INFORMATION  
ACT OF 2000

**HON. DAVID M. McINTOSH**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 2000*

Mr. McINTOSH. Mr. Speaker, today, I rise to introduce the "Congressional Accountability for Regulatory Information Act of 2000," a bill to aid Congress in analyzing Federal regulations and to ensure the public's understanding of the legal effect of agency guidance documents. To accomplish the former, the bill requires an analytic report to Congress by the General Accounting Office (GAO) on selected important agency proposed and final rules. To accomplish the latter, the bill requires the agencies to include a notice of nonbinding effect on each agency guidance document without any general applicability or future effect.

On May 22, 1997, Representative SUE KELLY introduced H.R. 1704, the "Congressional Office of Regulatory Analysis Creation Act." On March 11, 1998, the House Government Reform Committee's Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, which I chair, held a hearing on this bill. Rep. KELLY testified

at the hearing that the analytic function will "help Congress deal with an increasingly complex and burdensome regulatory system. It will give Congress the resources it needs to oversee the regulations that the Executive Branch issues on a regular basis and facilitate use of the Congressional Review Act." She also stated that it "would provide a second opinion" of the agency's analysis of the impact of a rule. On March 13, 1998, the House Committee on the Judiciary reported an amended version of the bill and issued a report (H. Rept. 105-441, Part I). On June 3, 1998, the House Government Reform Committee reported a further amended version of the bill and issued a report (H. Rept. 105-441, Part II). There was no further action on the bill during 1998 and 1999.

The "Congressional Accountability for Regulatory Information Act of 2000" is introduced to respond to some criticisms of the earlier bill, especially about the creation of a new Congressional agency. Instead, the "Congressional Accountability for Regulatory Information Act of 2000" places the analytical function within GAO, which, since March 1996, has been charged with certain related functions under the Congressional Review Act (CRA).

Congress has delegated to the agencies the responsibility of writing regulations. However, regulations need to be carefully analyzed before they are issued. Under the CRA, Congress has the responsibility to review regulations and ensure that they achieve their goals in the most efficient and effective way. But, Congress has been unable to fully carry out its responsibility because it has neither all of the information it needs to carefully evaluate regulations nor sufficient staff for this function. Under my bill, GAO will be tasked with reviewing agency cost-benefit analyses and alternative approaches to the agencies' chosen regulatory alternatives.

The "Congressional Accountability for Regulatory Information Act of 2000" has a companion bill on the Senate side, S. 1198, the "Congressional Accountability for Regulatory Information Act of 1999." This bill was introduced by Senators SHELBY, BOND, and LOTT on June 9, 1999 and then renamed and reported by the Senate Governmental Affairs Committee as the "Truth in Regulating Act of 1999" on December 7, 1999. The House and Senate bills are both intended to promote effective Congressional oversight of important regulatory decisions.

In addition, the House version includes a provision to ensure the public's understanding of the effect of agency guidance documents (such as guidance, guidelines, manuals, and handbooks). It requires agencies to include a notice on the first page of each agency guidance document to make clear that, if the document has no general applicability or future effect, it is not legally binding. Under the CRA, "rules" subject to Congressional review are broadly defined to include not only regulatory actions subject to statutory notice and comment but also other agency actions that contain statements of general applicability and future effect designed to implement, interpret, or prescribe law or policy. Unfortunately, the Office of Management and Budget (OMB), despite a 1999 Treasury and General Government Appropriations Act directive to do so,

has still not issued adequate guidance to the agencies on the requirement to submit to Congress any noncodified guidance document with any general applicability or future effect.

As a consequence, on October 8, 1999, the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs began an investigation of the agencies' use of noncodified documents, including the specific explanations within each of these documents regarding their legal effect. I asked the General Counsels of the Departments of Labor (DOL) and Transportation (DOT) and the Environmental Protection Agency (EPA) to submit their noncodified documents issued since the March 1996 enactment of the CRA and to indicate which were submitted to Congress under the CRA. DOL and DOT asked that I narrow my request; as a consequence, I asked for only those documents issued by DOL's Occupational Safety and Health Administration (OSHA) and DOT's National Highway Traffic Safety Administration (NHTSA).

Both DOL and DOT admitted that none of their 1,641 and 1,225 guidance documents respectively, had any legal effect and none was submitted to Congress for review under the CRA. Now, nearly four months later, EPA has still not completely produced its guidance documents. The investigation also revealed that the absence of any legal effect was not clear to the public. In fact, only 11 percent of OSHA'S guidance documents included any discussion of legal effect and only 7 percent had this discussion at the beginning of the document. On February 15, 2000, I will be holding a hearing to examine DOL's use of guidance documents as a possible backdoor approach to regulating the public.

Let me conclude by thanking Representative SUE KELLY of New York, Chairwoman of the Small Business Committee's Subcommittee on Regulatory Reform and Paperwork Reduction, for her leadership in this area in 1997 and 1998.

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TRIBUTE TO ARCHBISHOP DANIEL  
E. PILARCZYK

**HON. ROB PORTMAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 2000*

Mr. PORTMAN. Mr. Speaker, I am pleased today to rise in tribute to Archbishop Daniel E. Pilarczyk, on the occasion of his 25th anniversary of his ordination as a bishop.

During his forty years in the priesthood, Archbishop Pilarczyk has compiled an impressive and distinguished history of service to the church and the community. After eight years of service as Auxiliary Bishop of Cincinnati, he became Archbishop in 1982. He is the spiritual leader of 550,000 Catholics in more than 200 parishes, and he manages close to 7,500 workers in Ohio. In addition, he has served as president of the National Conference of Catholic Bishops, as well as chairman of the International Commission on English in the Liturgy.

Archbishop Pilarczyk is a strong believer in education and has made it one of his top priorities during his time at the helm of the Archdiocese of Cincinnati, which is the ninth largest Catholic school system in the country. He

has served our community in so many other ways including serving on the boards of St. Rita's School for the Deaf, the Pontifical College Josephinum, Catholic University of America and the coalition for a Drug-Free Greater Cincinnati.

He holds a masters degree from Xavier University and a doctorate from the University of Cincinnati, as well as seven honorary degrees. In addition, he has authored 18 books as well as numerous articles.

Daniel Pilarczyk is a Southwest Ohio native and he has given so much back to our community. I've had the chance to work with him in his role as founding board member of the Coalition for a Drug-Free Greater Cincinnati where he made an important contribution as a thoughtful and dedicated board member and a person with a sincere interest in our youth and their future.

All of us in Southwest Ohio wish Archbishop Pilarczyk the very best on the 25th anniversary of his ordination as bishop. We are proud to count him as one of our true religious, spiritual, and community leaders.

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#### INTRODUCTION OF PRIVATE RELIEF BILL

### HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 2000*

Mr. MARTINEZ. Mr. Speaker, today I introduced a private relief bill for Gui Di Chen which will allow her to adjust status to permanent resident as an immediate relative of a U.S. citizen. Ms. Chen's husband, Robert Lem, died before the Immigration and Naturalization Service could approve his wife's petition to become a permanent resident.

Under our immigration law, the INS cannot adjudicate Gui Di Chen's petition because she was married less than two years to Robert Lem before he passed away. The fact that Ms. Chen lived with Mr. Lem for three years does not matter under the eyes of the law. Without the enactment of this private relief bill, Ms. Chen faces a dire and uncertain future in China, a country she hasn't been to in nearly ten years.

There is, moreover, ample precedent for such relief. For instance, the 105th Congress passed and the President signed into law at least two private relief bills, H.R. 1794 (Private Law 105-7) and H.R. 1834 (Private Law 105-8), that allowed the widowed alien spouses of Americans to adjust status to permanent resident. In both of these cases, the alien spouses were married less than two years to their U.S. citizen spouses.

Mr. Speaker, Gui Di Chen's case is compounded by a tale of woe and misfortune that rivals a Greek tragedy. In less than eight years, Ms. Chen has lost two husbands who died suddenly and before her immigrant petitions could be processed. In 1990, Ms. Chen and her son joined her husband, Zheng-Ming Wu, in the United States. Mr. Wu was completing a graduate degree at the time. Mr. Wu was fortunate enough to find an employer who filed an employer-based immigrant petition on his behalf. However, on September 6, 1991,

just five days before Gui Di Chen, her son and husband were scheduled for an INS immigrant interview, Mr. Wu was killed in a car accident.

According to the police report that was filed, Mr. Wu was driving on the San Bernardino Freeway and developed car trouble. His car was stopped in an H.O.V. lane when he was rear-ended by an 18-year-old who was driving on a suspended license and without insurance. Ms. Chen received no compensation for her husband's death. In addition, the INS told Ms. Chen and her son that their application for permanent resident status was denied due to the death of Mr. Wu.

After the tragic loss of her first husband, Gui Di Chen was fortunate enough to fall in love again. Mr. Lem and Ms. Chen were married on March 31, 1997. Tragedy would strike once again when Mr. Lem died of a heart attack on June 16, 1998. Not only did Ms. Chen lose her husband, she also lost the opportunity to become a permanent resident.

Mr. Speaker, I look forward to working with my colleagues to ensure that Gui Di Chen is not victimized once again by the vagaries of fate and is allowed to finally adjust to permanent resident status. She deserves nothing less.

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#### RECOGNIZING THE 100TH ANNIVERSARY OF THE CHURCH OF THE HOLY CROSS, SPANGLER, PENNSYLVANIA

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 2000*

Mr. MURTHA. Mr. Speaker, on December 17, 1999, the Holy Cross Parish celebrated the 100th anniversary of the Church of the Holy Cross, Spangler, Pennsylvania.

Throughout our area and our Nation, we find such churches as the centers of our community, the fabric of our community spirit, and the strength of families. The Church of the Holy Cross has celebrated 2,735 baptisms, 622 weddings. It has held 1,332 funerals to send its faithful home. These events chronicle the history of the families in the region.

Plans for the present church structure were drawn by architect William East and built by John S. Drumm at a cost of \$4,800 according to the contract signed on July 8, 1899. On December 17th of that year, the Rt. Reverend Leander Scherr, O.S.B., Archabbott, St. Vincent Archabbey of Latrobe, dedicated the church. It was served by the Benedictine Fathers of St. Vincent Archabbey until 1984 and since then by the Diocese of Altoona-Johnstown.

The strength of our great nation comes not from decisions made in Washington, but from the enduring community strength, family commitments and individual ideals to which our house of worship provided the central underpinnings. The Church of the Holy Cross has been a part of that national strength for one hundred years; an integral factor in the growth of our nation and our region of Pennsylvania.

It is an honor for me to recognize the continuing role of the Church of the Holy Cross,

of the church's twenty-fifth pastor, Father David J. Arseneault, and the individuals in the Parish that have made the Church of the Holy Cross endure for 100 years.

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#### TRIBUTE TO LIEUTENANT GENERAL (RETIRED) LAVERN E. WEBER

### HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 27, 2000*

Mr. ISTOOK. Mr. Speaker, I rise today to pay my respects to a great American, former Adjutant General of Oklahoma, previous Director of the Army National Guard, prior Chief of the National Guard Bureau and past Executive Director of the National Guard Association of the United States.

Lieutenant General Weber, a native of Lone Wolf, Oklahoma, was the first Three-Star General to head the National Guard Bureau. He held that post from August 1974 until August 1982. He continued his service at United States Forces Command until his retirement on June 30, 1984, which concluded 42 years of military service with the United States Marine Corps, the Marine Corps Reserve and the Army National Guard.

Lieutenant General Weber served in the U.S. Marine Corps during World War II. After the war, he joined the Oklahoma National Guard's 45th infantry division. His unit was called to active duty September 1950 and then Captain Weber was soon serving as a Company Commander, and later the Operations and Training Officer. During a combat tour in Korea, he was promoted to the rank of Major a month before his release from active duty in June 1952 when he returned to National Guard Status in the Oklahoma National Guard.

He graduated from the U.S. Army Command and General Staff College in December 1955 and was assigned as assistant intelligence officer, 45th Infantry Division. He was promoted to Lieutenant Colonel on May 15, 1959, and in April 1961 was assigned as Chief of Personnel, 45th Infantry Division, and served in that position until November 1964. He became Chief of Staff, 45th Infantry Division with his promotion to Colonel on November 18, 1964.

On March 8, 1965, he was promoted to Major General, concurrent with his appointment as the Adjutant General of Oklahoma. He served in that position until his appointment as Director of the Army National Guard, in October 1971.

On June 29, 1979, the Chief of Staff U.S. Army promoted him to Lieutenant General, the grade at which he would retire in 1984. He was appointed as the full-time Executive Director of NGAUS effective July 1, 1984. In the past few years, he had been a consultant on national defense matters.

Mr. Speaker, as we adjourn today, let us do so in honor of and respect for this great American—Lieutenant General Lavern Weber.