

While many children will clearly need help, so will the testing industry if it is called upon to carry out Mr. Bush's plan, education specialists said.

Currently, only 13 states test for reading and math in all six grades required by the Bush plan. If Mr. Bush's plan is carried out—the industry's workload will grow by more than 50 percent.

Ms. Jax, Minnesota's top school official, says she is not close to being ready. "It's just impossible to find enough people," she said, "I will have to add at least four tests. I don't have the capacity for that, and I'm not convinced that the industry does either."

Certainly the industry has been generating revenues that could support some expansion. In 1999, its last full year as an independent company, NCS reported revenues of more than \$620 million, up 30 percent from the previous year. The other major players, all corporate units, do not disclose revenues.

Several of the largest testing companies have assured the administration that the industry can handle the additional work. "It's taken the testing industry a while to gear up for this," said Dr. Paslov of Harcourt. "But we are ready."

Other executives are far less optimistic. "I don't know how anyone can say that we can do this now," said Mr. Landgraf of the Educational Testing Service.

Russell Hagen, chief executive of the Data Recognition Corporation, a midsize testing company in Maple Grove, Minn., worries that the added workload from the Bush proposal would create even more quality control problems, with increasingly serious consequences for students. "Take the Minnesota experience and put it in 50 states," he said.

The Minnesota experience is still a fresh fact of life for students like Jake Plumley, who is working nights for Federal Express and hoping to find another union job like the one he gave up last summer.

But despite his difficult experience, he does not oppose the kind of testing that derailed his post-graduation plans. "The high-stakes test—it keeps kids motivated. So I understand the idea of the test," he said. "But they need to do it right."

LETTER TO THE NATIONAL ACADEMY OF SCIENCES REGARDING ARSENIC

**HON. DOUG BEREUTER**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2001

Mr. BEREUTER. Mr. Speaker, this Member submits this letter he sent on May 17, 2001, to Dr. Bruce Alberts, President of the National Academy of Sciences regarding a meeting of the National Research Council's arsenic review subcommittee. The letter expresses strong concerns about the agenda and participants.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 17, 2001.

DR. BRUCE ALBERTS,  
President, National Academy of Sciences,  
Washington, DC.

DEAR DR. ALBERTS: I am writing to express concerns about the meeting scheduled to be held on May 21st by the National Research Council's arsenic review subcommittee.

As you know, the Environmental Protection Agency (EPA) has asked the National

Academy of Sciences to review new studies regarding the health effects of arsenic in drinking water and to review the EPA's risk analysis of arsenic. Unfortunately, it has come to my attention that there are significant concerns about the upcoming review. There is a growing appearance that the process may not be as balanced as it needs to be and questions have been raised about the objectivity of the review.

Several specific and troubling concerns have been recently relayed to me. First, it is my understanding that a representative of the Natural Resources Defense Council is on the agenda for the May 21st meeting, but no one representing state or local interests has been invited. Second, I have been informed that certain scientists who expressed concerns about the proposed lower levels of arsenic in drinking water were not invited back to serve on the panel while those supporting a significant decrease were included on the subcommittee. Finally, it has been brought to my attention that the panel will only be hearing from those EPA representatives who favor advocating a lower standard for arsenic in drinking water.

Because of the seriousness of this issue, I believe it requires immediate attention and I would appreciate a prompt response addressing these concerns. I strongly support a scientific approach to addressing this issue which is of great interest to many Nebraskans. However, I believe it must be done in an objective manner which takes into account a wide variety of scientific viewpoints.

Thank you for your attention in this matter. Additionally, I want you to know I will place this letter in the CONGRESSIONAL RECORD.

Best wishes,

DOUG BEREUTER,  
Member of Congress.

INTRODUCTION OF THE SOLID WASTE INTERNATIONAL TRANSPORTATION ACT OF 2001

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2001

Mr. ROGERS of Michigan. Mr. Speaker, in 1999, more than 2 million cubic yards of foreign municipal waste was imported to the State of Michigan, with the citizens of the state having no say in the process. The citizens of Michigan have made it clear: they want the power to regulate incoming foreign waste. Through their elected officials, Michigan citizens have attempted to gain some control of the importation of municipal waste to Michigan. Each time though, these legislative actions have been deemed unconstitutional in court, as states have not been granted the necessary authority by Congress. The Solid Waste International Transportation Act of 2001 is designed to give every state the authority to prohibit or limit the influx of foreign municipal waste through state legislative action.

A Supreme Court decision in 1978, *City of Philadelphia v. New Jersey*, struck down a New Jersey statute which prohibited the importation of most out of state municipal waste, partially on the basis that the Federal Solid Waste Disposal Act, had no "clear and manifest purpose of Congress to preempt the entire field of interstate waste, either by express

statutory command, or by implicit legislative design." The Solid Waste International Transportation Act of 2001 would amend the Solid Waste Disposal Act to provide that express statutory command.

*Northeast Bancorp v. Board of Governors of the Federal Reserve System* 472 U.S. 159, 174 (1985) said "When Congress so chooses, state actions which it plainly authorizes are invulnerable to constitutional attack under the Commerce Clause." The Solid Waste International Transportation Act of 2001 would be a plain authorization of the state's authority to prohibit or limit incoming foreign municipal waste.

Every state in this nation should have the ability to regulate the influx of foreign municipal waste. If a state wants to prohibit the importation of foreign waste, they ought to have that power. If a state wants to import large amounts of foreign waste, they ought to have that power. Or if a state wants to restrict the importation of foreign municipal waste, they ought to have that power too. Through their elected representatives, let's give the citizens of their respective states a say in the importation of foreign municipal waste.

WOMEN'S BREAST CANCER RECOVERY ACT, H.R. 1485

**HON. FRANK A. LOBIONDO**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2001

Mr. LOBIONDO. Mr. Speaker, I rise today to speak on behalf of a bill I recently introduced, H.R. 1485, the Women's Breast Cancer Recovery Act of 2001, along with my colleague, Representative Sue Myrick. This important piece of legislation would provide a significant measure of relief for women across our nation who are confronted by breast cancer. We introduce this bill on behalf of women who are now fighting the battle against breast cancer, and for any friends and relatives who may have lost a loved one to this terrible disease.

Specifically, our legislation would require insurance plans that currently provide breast cancer medical and surgical benefits to guarantee medically appropriate and adequate inpatient care following a mastectomy, lumpectomy or lymph node dissection. In particular, our bill will stop the practice of "drive-through" mastectomies. This legislation will also protect doctors from any penalties or reductions in reimbursement from insurance plans when they follow their judgment on what is medically appropriate and necessary for the patient.

Most importantly, group health insurers will not be able to provide "bonuses" or any other financial incentives to a physician in order to keep in-patient stays below certain limits, or limit referrals to second opinions.

Our legislation also requires health care providers to pay for secondary consultations when test results come back either negative or positive. This provision will give all patients the benefit of a second opinion in relation to diagnosing all types of cancer, not just breast cancer.

I am proud to say that the Women's Cancer Recovery Act will empower women to determine the best course of care. Recovery time