

they are delivering meals, helping administratively at senior centers, or just playing chess with a lonely patient, the volunteers of the Macomb RSVP are helping return the luster to the golden years of so many of our senior citizens.

I would like to thank each and every one of the volunteers who give their time and energy through the RSVP. They take advantage of their good health, good natures, and good hearts to assist those not as blessed by circumstance. To those they visit and assist, they truly are one of life's blessings.

I urge my colleagues to not only recognize Macomb County's RSVP group on their 15 years of service, but also to seek out, and if necessary take an active role in creating a Retired and Senior Volunteer Organization in other communities, and support their efforts to care for our elder population.

THE GOOD SAMARITAN VOLUNTEER FIREFIGHTER ASSISTANCE ACT OF 2001

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2001

Mr. CASTLE. Mr. Speaker, I rise today to introduce the "Good Samaritan Volunteer Firefighter Assistance Act of 2001." This legislation removes a barrier which has prevented some organizations from donating surplus fire fighting equipment to needy volunteer fire departments. Under current law, the threat of civil liability has caused some organizations to destroy fire equipment, rather than donating it to volunteer, rural and other financially-strapped departments.

We know that every day, across the United States, firefighters respond to calls for help. We are grateful that these brave men and women work to save our lives and protect our homes and businesses. We presume that these firefighters work in departments which have the latest and best firefighting and protective equipment. What we must recognize is that there are an estimated 30,000 firefighters who risk their lives daily due to a lack of basic Personal Protective Equipment (PPE). In both rural and urban fire departments, limited budgets make it difficult to purchase more than fuel and minimum maintenance. There is not enough money to buy new equipment. At the same time, certain industries are constantly improving and updating the fire protection equipment to take advantage of new, state-of-the-art innovation. Sometimes, the surplus equipment may be almost new or has never been used to put out a single fire. Sadly, the threat of civil liability causes many organizations to destroy, rather than donate, millions of dollars of quality fire equipment.

Not only do volunteer fire departments provide an indispensable service, some estimates indicate that the nearly 800,000 volunteer firefighters nationwide save state and local governments \$36.8 billion a year. While volunteering to fight fires, these same, selfless individuals are asked to raise funds to pay for new equipment. Bake sales, pot luck dinners, and raffles consume valuable time that could be better spent training to respond to emergencies. All this, while surplus equipment is being destroyed.

In states that have removed liability barriers, such as Texas, volunteer fire companies have received millions of dollars in quality fire fighting equipment. The generosity and good will of private entities donating surplus fire equipment to volunteer fire companies are well received by the firefighters and the communities. The donated fire equipment will undergo a safety inspection by the fire company to make sure firefighters and the public are safe.

We can help solve this problem. Congress can respond to the needs of volunteer fire companies by removing civil liability barriers. I urge my colleagues to cosponsor this legislation and look forward to working with the Judiciary Committee to bring this bill to the House Floor.

This bill accomplishes this by raising the current liability standard from negligence to gross negligence.

CAN TESTERS PASS THE TEST?

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 21, 2001

Mr. FRANK. Mr. Speaker, the House is about to vote on a plan to make annual testing of students from grades 3–8 mandatory throughout the nation. I hope that no one will vote on that proposal before reading the following excellent report on the great difficulties involved in implementing a national program of annual testing.

[From The New York Times, May 20, 2001]

RIGHT ANSWER, WRONG SCORE: TEST FLAWS TAKE TOLL

(By Diana B. Henriques and Jacques Steinberg)

One day last May, a few weeks before commencement, Jake Plumley was pulled out of the classroom at Harding High School in St. Paul and told to report to his guidance counselor.

The counselor closed the door and asked him to sit down. The news was grim, Jake, a senior, had failed a standardized test required for graduation. To try to salvage his diploma, he had to give up a promising job and go to summer school. "It changed my whole life, that test," Jake recalled.

In fact, Jake should have been elated. He actually had passed the test. But the company that scored it had made an error, giving Jake and 47,000 other Minnesota students lower scores than they deserved.

An error like this—made by NCS Pearson, the nation's biggest test scorer—is every testing company's worst nightmare. One executive called it "the equivalent of a plane crash for us."

But it was not an isolated incident. The testing industry is coming off its three most problem-plagued years. Its missteps have affected millions of students who took standardized proficiency tests in at least 20 states.

An examination of recent mistakes and interviews with more than 120 people involved in the testing process suggest that the industry cannot guarantee the kind of error-free, high-speed testing that parents, educators and politicians seem to take for granted.

Now President Bush is proposing a 50 percent increase in the workload of this tiny industry—a handful of giants with a few small rivals. The House could vote on the Bush plan this week, and if Congress signs off, every child in grades 3 to 8 will be tested

each year in reading and math. Neither the Bush proposal nor the Congressional debate has addressed whether the industry can handle the daunting logistics of this additional business.

Already, a growing number of states use these so-called high-stakes exams—not to be confused with the SAT, the college entrance exam—to determine whether students in grades 3 to 12 can be promoted or granted a diploma. The tests are also used to evaluate teachers and principals and to decide how much tax money school districts receive. How well schools perform on these tests can even affect property values in surrounding neighborhoods.

Each recent flaw had its own tortured history. But all occurred as the testing industry was struggling to meet demands from states to test more students, with custom-tailored tests of greater complexity, designed and scored faster than ever.

In recent years, the four testing companies that dominate the market have experienced serious breakdowns in quality control. Problems at NCS, for example, extend beyond Minnesota. In the last three years, the company produced a flawed answer key that incorrectly lowered multiple-choice scores for 12,000 Arizona students, erred in adding up scores of essay tests for students in Michigan and was forced with another company to rescore 204,000 essay tests in Washington because the state found the scores too generous. NCS also missed important deadlines for delivering test results in Florida and California.

"I wanted to just throw them out and hire a new company," said Christine Jax, Minnesota's top education official. "But then my testing director warned me that there isn't a blemish-free testing company out there. That really shocked me."

One error by another big company resulted in nearly 9,000 students in New York City being mistakenly assigned to summer school in 1999. In Kentucky, a mistake in 1997 by a smaller company, Measured Progress of Dover, N.H., denied \$2 million in achievement awards to deserving schools. In California, test booklets have been delivered to schools too late for the scheduled test, were left out in the rain or arrived with missing pages.

Many industry executives attribute these errors to growing pains.

The boom in high-stakes tests "caught us somewhat by surprise," said Eugene T. Paslov, president of Harcourt Educational Measurement, one of the largest testing companies. "We're turned around, and responded to these issues, and made some dramatic improvements."

Despite the recent mistakes, the industry says, its error rate is infinitesimal on the millions of multiple-choice tests scored by machine annually. But that is only part of the picture. Today's tests rely more heavily on essay-style questions, which are more difficult to score. The number of multiple-choice answer sheets scored by NCS more than doubled from 1997 to 2000, but the number of essay-style questions more than quadrupled in that period, to 84.4 million from 20 million.

Even so, testing companies turn the scoring of these writing samples over to thousands of temporary workers earning as little as \$9 an hour.

Several scorers, speaking publicly for the first time about problems they saw, complained in interviews that they were pressed to score student essays without adequate training and that they saw tests scored in an arbitrary and inconsistent manner.

"Lots of people don't even read the whole test—the time pressure and scoring pressure are just too great," said Artur Golczewski, a